

phenomena, which is changing the very chemistry of the world's oceans.

Ocean acidification, which is caused by increased atmospheric carbon dioxide, can negatively affect a range of organisms, from corals, to shellfish and plankton. These organisms and their habitats form the base of the food chain for many marine fish and mammal species. If not mitigated, ocean acidification could, therefore, have a cascading negative effect on important commercial fisheries, tourism and recreation, and other ocean-related industries.

The damage that ocean acidification could cause to our coastal economic and cultural livelihoods is alarming. Those who rely on oceanic resources for their food or their livelihood, as many of my constituents on Guam do, are already contending with the negative after-effects caused by coastal habitat degradation; overfishing; illegal, unregulated, and unreported fishing; and the worldwide decline of healthy coral reefs. We need to learn now everything we can about the dynamics, extent and implications of ocean acidification if we hope to be able to develop successful strategies to cope with this global threat.

I strongly support this legislation that would establish a comprehensive, interagency committee to coordinate and expand federal research on ocean acidification and marine ecosystems.

Mr. Speaker, I commend our colleague from Maine, Mr. ALLEN, for introducing this legislation and for his leadership on ocean issues. I also commend the gentleman from Texas, Mr. LAMPSON, the Chairman of the Subcommittee on Energy and Environment, and the Ranking Member, Mr. INGLIS, for advancing H.R. 4174 through the Committee on Science and Technology. I thank them and Chairman GORDON for working with Chairman RAHALL of the Committee on Natural Resources to address matters of mutual interest and shared jurisdiction with regard to the bill. I urge my colleagues to support passage of H.R. 4174.

Mr. BAIRD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 4174, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNITY BUILDING CODE ADMINISTRATION GRANT ACT OF 2008

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4461) to promote and enhance the operation of local building code enforcement administration across the country by establishing a

competitive Federal matching grant program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Building Code Administration Grant Act of 2008".

SEC. 2. GRANT PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Secretary of Housing and Urban Development shall provide grants to local building code enforcement departments.

(b) COMPETITIVE AWARDS.—The Secretary shall award grants under subsection (a) on a competitive basis pursuant to the criteria set forth in section 6, but also taking into consideration the following:

(1) The financial need of each building code enforcement department.

(2) The benefit to the local jurisdiction of having an adequately funded building code enforcement department.

(3) The demonstrated ability of each building code enforcement department to work cooperatively with other local code enforcement offices, health departments, and local prosecutorial agencies.

(c) MAXIMUM AMOUNT.—The maximum amount of any grant awarded under this section shall not exceed \$1,000,000.

SEC. 3. REQUIRED ELEMENTS IN GRANT PROPOSALS.

In order to be eligible for a grant under section 2, a local building code enforcement department shall submit to the Secretary the following:

(1) A demonstration of the jurisdiction's needs in executing building code enforcement administration.

(2) A plan for the use of any funds received under this Act that addresses the needs discussed in paragraph (1) and that is consistent with the authorized uses established in section 4.

(3) A plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

(4) A plan to create and maintain a program of public outreach that includes a regularly updated and readily accessible means of public communication, interaction, and reporting regarding the services and work of the local building code enforcement department to be supported by the grant.

(5) A plan for ensuring the timely and effective administrative enforcement of building safety and fire prevention violations.

SEC. 4. USE OF FUNDS; MATCHING FUNDS.

(a) AUTHORIZED USES.—Grants awarded under section 2 may be used by the grant recipient to supplement existing State or local funding for building code enforcement administration. Such funds may be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the local building code enforcement department.

(b) ADDITIONAL REQUIREMENT.—Each local building code enforcement department receiving a grant under section 2 shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer.

(c) MATCHING FUNDS REQUIRED.—

(1) IN GENERAL.—To be eligible to receive a grant under this Act, a local building code enforcement department serving an area with a population of—

(A) over 50,000 shall provide matching, non-Federal funds in an amount equal to not less than 50 percent of the total amount of any grant to be awarded under this Act;

(B) between 20,001 and 50,000 shall provide matching, non-Federal funds in an amount equal to not less than 25 percent of the total amount of any grant to be awarded under this Act; or

(C) under 20,000 shall provide matching, non-Federal funds in an amount equal to not less than 12.5 percent of the total amount of any grant to be awarded under this Act.

(2) ECONOMIC DISTRESS.—

(A) IN GENERAL.—The Secretary may waive the matching fund requirements under paragraph (1), and institute, by regulation, new matching fund requirements based upon the level of economic distress of the local jurisdiction in which the local building code enforcement department seeking such grant is located.

(B) CONTENT OF REGULATIONS.—Any regulations instituted under subparagraph (A) shall include—

(i) a method that allows for a comparison of the degree of economic distress among the local jurisdiction's of grant applicants, as measured by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing in such jurisdiction; and

(ii) any other factor determined to be relevant by the Secretary in assessing the comparative degree of economic distress among such local jurisdictions.

(d) IN-KIND CONTRIBUTIONS.—In determining the non-Federal share required to be provided under subsection (c), the Secretary shall consider in-kind contributions, not to exceed 50 percent of the amount that the department contributes in non-Federal funds.

(e) WAIVER OF MATCHING REQUIREMENT.—The Secretary shall waive the matching fund requirements under subsection (c) for any recipient jurisdiction that has legislatively dedicated all building code permitting fees to the conduct of local building code enforcement.

SEC. 5. RATING AND RANKING OF APPLICATIONS.

Eligible applications will be rated and ranked according to the criteria described in section 6. All complete applications will be compared to one another and points assigned on a continuum within each criteria with the maximum points awarded to the application that best meets the criteria.

SEC. 6. CRITERIA.

(a) NEED AND COMMUNITY BENEFIT FROM CODE ENFORCEMENT GRANT FUNDS.—The degree to which the application demonstrates the intent and means to ensure cooperative and effective working relationships between local building code enforcement officials and other local agencies, as well as a community-oriented approach to building code enforcement.

Description	Maximum Points
A detailed description of the capital expenditures to be acquired with grant funds and a demonstration that the items' costs are reasonable.	0-10
The jurisdiction's need for the capital expenditure and how the grant funds will fulfill this need.	0-10
The joint benefits provided by the proposed expenditure for the following groups or activities. Provide a brief explanation of the benefit. (1 point will be awarded for each response, 5 points maximum).	0-5
1. Code enforcement program.	
2. Community or jurisdiction.	
3. Interdisciplinary code enforcement team.	
4. Housing preservation, rehabilitation programs, or neighborhood improvement programs.	
5. Special needs groups (disabled, elderly or low or very-low income, etc.).	
Does the proposed capital expenditure provide a cost savings benefit to the jurisdiction? Provide a brief explanation of the cost savings.	0-5

(b) CURRENT CODE ENFORCEMENT AND HOUSING CONSERVATION PLAN.—Has the local legislative body in which the applicant resides adopted a “plan” which addresses residential structure conservation and building code enforcement? From the following list, select 1 description that best reflects such jurisdiction’s “plan” for building code enforcement activities. Points will be awarded as follows:

Description	Maximum Points
The plan provides for proactive code enforcement (not just responding to complaints), an interdisciplinary approach, and includes funding options for repairs and rehabilitation.	10
The plan only provides for proactive code enforcement (not just responding to complaints) and calls for an interdisciplinary approach and does not address funding options for repairs and rehabilitation.	8
The plan provides for some type of proactive code enforcement (other than just responding to complaints) but doesn't address coordinated interdisciplinary activities with other local public agencies or funding options.	6
The plan provides for only reactive code enforcement.	4
The plan only refers to a need to preserve and/or improve existing housing stock, without any code enforcement program.	2
No existing plan.	0

(c) COMMUNITY-ORIENTED OR INTERDISCIPLINARY CODE ENFORCEMENT.—The degree to which the application demonstrates the intent and means to ensure cooperative and effective working relationships between building code enforcement officials and other local agencies, as well as a community-oriented approach to code enforcement.

Description	Maximum Points
Identify current or proposed interdisciplinary code enforcement programs or activities and the team members (example: code enforcement, police, local prosecutors, health department, building and planning, fire, etc.). Provide a description of the team's code enforcement and coordination procedures, activities and services provided. If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0-10
Identify current or proposed community-oriented code enforcement programs, activities or services. (Examples: community clean-ups, Neighborhood Watch programs, community meetings, door-to-door code enforcement knock and talks, etc.). If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0-10

(d) PROACTIVE CODE ENFORCEMENT ACTIVITIES.—The effectiveness of the proposed or existing proactive activities and programs operated by any existing building code enforcement program. Describe such activities or programs, include any of the following:

Description	Maximum Points
Encourages repairs and preservation, rather than demolition or abandonment, of sub-standard residences.	0-5
Abatement of (a) lead hazards and lead-based paints, (b) toxic molds and dampness, and (c) displacement or relocation of residents.	0-5
Community clean-up campaigns. This may include recycling dates, free or reduced disposal rates at dumpsite, public clean-up days that encourage removal of unwanted or excess debris by making available extra trash pick-ups, dumpsites or trash/recycling containers on specific dates to dispose of household debris, inoperable vehicles, tires, toxic materials, etc.	0-5
Resource or referral programs for Federal, State, local, and private funds and other resources available in your jurisdiction that can assist with housing rehabilitation and repairs to rectify code violations.	0-5
Public education programs on housing issues. These could include community housing meetings dealing with homeownership, tenant/landlord issues, housing code enforcement, school age children's programs with coloring books or handouts, housing safety pamphlets, etc.	0-5

Description	Maximum Points
Programs that encourage community involvement with groups; such as schools, church non-profits, community service groups, utility companies, local stores, housing agency banks, etc.	0-5.

(e) CAPACITY TO FINANCIALLY AND TECHNICALLY SUPPORT PROPOSED CAPITAL EXPENDITURES.—The degree to which the application demonstrates the jurisdiction's financial and technical capacity to properly use and successfully support the proposed capital expenditure during the term of the grant.

Description	Maximum Points
The anticipated ongoing program funding for the duration of the grant program is adequate to financially support the use of the grant-financed equipment. Include details of funding and technical support sources for the capital expenditure (examples: insurance, paper, maintenance, training, supplies, personnel, monthly billing costs, etc.).	0-5
The jurisdiction has the technical capabilities to use and support equipment (examples: adequately trained staff or resources to provide training to operate technical equipment, local service provider for cell phones or 2-way radios, trained personnel to operate equipment, etc.).	0-5

SEC. 7. EVALUATION AND REPORT.

(a) IN GENERAL.—Grant recipients shall—
(1) be obligated to fully account and report for the use of all grants funds; and

(2) provide a report to the Secretary on the effectiveness of the program undertaken by the grantee and any other criteria requested by the Secretary for the purpose of indicating the effectiveness of, and ideas for, refinement of the grant program.

(b) REPORT.—The report required under subsection (a)(2) shall include a discussion of—

(1) the specific capabilities and functions in local building code enforcement administration that were addressed using funds received under this Act;

(2) the lessons learned in carrying out the plans supported by the grant; and

(3) the manner in which the programs supported by the grant are to be maintained by the grantee.

(c) CONTENT OF REPORTS.—The Secretary shall—

(1) require each recipient of a grant under this Act to file interim and final reports under subsection (b) to ensure that grant funds are being used as intended and to measure the effectiveness and benefits of the grant program; and

(2) develop and maintain a means whereby the public can access such reports, at no cost, via the Internet.

SEC. 8. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) BUILDING CODE ENFORCEMENT DEPARTMENT.—The term “building code enforcement department” means the building code inspection or enforcement agency of a local jurisdiction.

(2) JURISDICTION.—The term “jurisdiction” means a city, county, parish, city and county authority, or city and parish authority having local authority to enforce building codes and regulations and collect fees for building permits.

(3) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated \$20,000,000 for each of fiscal years 2009 through 2013 to the Secretary of Housing and Urban Development to carry out the provisions of this Act.

(b) RESERVATION.—From the amount made available under subsection (a), the Secretary may reserve not more than 5 percent for administrative costs.

(c) AVAILABILITY.—Any funds appropriated pursuant to subsection (a) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Kansas (Mr. MOORE) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Today I ask for the House support in passing H.R. 4461, the Community Building Codes and Administration Grant Act.

This legislation, which was approved by voice vote in the Financial Services Committee and enjoys bipartisan support in the House, will provide Federal assistance to the development of local building codes.

Responsible building is essential to reduce vulnerability to future hazards. According to a study conducted in 2005 by the National Institute of Building Sciences, for every dollar spent on mitigation at the Federal level, the American taxpayer saves approximately \$4 in disaster assistance.

State and local building codes assure that new homes comply with safety standards. Acquiring the skills and knowledge to become a code inspector is a time-consuming process, though. And paying for personnel to conduct inspections and enforce codes that are on the books consumes scarce financial resources at the local level. While there are no dedicated Federal funds for building code administration, Community Development Block Grant funds have been used for this purpose in the past along with administrative allowances from FEMA's three mitigation programs: Hazard Mitigation, Pre-Disaster Mitigation, and Flood Mitigation. But competition for these funds is intense, and infrastructure projects typically receive preference over building code enforcement.

For these reasons, Mr. Speaker, States must fund these activities without Federal assistance, relying often on building permit fees and sometimes general funding to operate offices that are overworked and understaffed. This means that codes on the books cannot be enforced, leaving communities more vulnerable and driving up insurance premiums in those areas.

To address this issue, H.R. 4461 establishes a competitive national program that provides awards to local governments for building code administration and enforcement. The Community Building Code Administration Grant Program will not infringe upon local and State authority to enact and enforce building codes. It simply provides sorely-needed funding for them to do so.

Specifically, the bill includes a 5-year sunset on the program, authorizes \$100 million over that period to execute it, caps awards at \$1 million per recipient, requires recipients to match a portion of funds received, and outlines eligible uses of funds and selection criteria with preference offered to governments in financial distress.

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Additionally, each grant proposal must contain a plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

This legislation will help ensure the safety of buildings across the country and ultimately will reduce the cost to the American taxpayers after a disaster. I look forward to passage of this legislation.

I reserve the balance of my time and I want to thank also my colleague from West Virginia.

Mrs. CAPITO. Mr. Speaker, today I rise in support of H.R. 4461, the Community Building Code Administration Act, authored by the gentleman from Kansas (Mr. MOORE). Under current law, there are no dedicated Federal funds for building code administration. Funds from development or hazard mitigation programs have been used

for this purpose in the past. The competition for these funds is intense, and infrastructure projects generally receive preference over building code enforcement. States and local jurisdictions fund local building code enforcement departments without Federal assistance.

The legislation offered by Mr. MOORE requires the Secretary of HUD to award grants on a competitive basis and with Federal matching funds to qualified local building code enforcement departments. The grants can be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to department administration.

Both State and local governments that have responsibilities for administering laws and regulations addressing building safety and fire prevention would be eligible for Community Building Code Administration Grants. The bill authorizes \$100 million over 5 years. Any grants awarded under this bill would be capped at \$1 million.

I would like to note that HUD has expressed some reservations regarding this legislation because currently CDBG funds can be used for this exact same purpose. The Department has concerns whether or not it is necessary to dedicate another \$100 million for this purpose when it is already an eligible activity under CDBG.

I would like to thank Mr. MOORE for offering this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 4461 to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program. I would first like to thank my distinguished colleague, Representative DENNIS MOORE of Kansas, for introducing this important legislation. This legislation will provide grants to qualified local building code enforcement departments to increase in the quality and availability of service provided by the departments. These grants will be provided by the Secretary of Housing and Urban Development on a competitive basis provided that the potential grantees can demonstrate need and develop plans for the use of the funds, local governmental actions, public outreach, and enforcement.

In disasters all around the country, studies have shown that a significant portion of the damages could have been prevented by rigorous enforcement of building codes. In studies of the damaged caused by Hurricane Andrew in 1992, researchers found that a quarter of the storm's damages could be attributed to a combination of shoddy workmanship and a lack of enforcement of the building code. The California Seismic Safety Commission's investigation into the damage caused during the 1995 Northridge earthquake in southern California found that much of the damage could have been avoided if building codes had been enforced. We cannot allow the same tragedies to occur time and again. About 2 million homes are at risk from coastal storms, 10 million from flooding, 25 million from wind haz-

ards, and 50 million from earthquakes. So much of the damage caused by these disasters is preventable; we just have to provide resources to local authorities to take the appropriate steps.

By passing this bill, we are sending a message that this is not right. It is not right that a home or a school full of children is destroyed because builders used inferior concrete to save money. We cannot afford to be lax when the safety of all American citizens is at stake. The injury or death of a single person in a preventable accident cannot be tolerated.

In this bill, the funds granted to local building code enforcement administrations would be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the local building code enforcement department. We can ensure through the screening process that the funds go to communities that both need them and have plans to use them. Departments that receive funds under this program will be required to match a certain percentage based on population unless the department can show significant economic distress in the area they serve. Furthermore, this bill increases the departments' accountability. Grant recipients are obligated to fully account and report for the use of all grants funds and provide a report to the Secretary of Housing and Urban Development on the effectiveness of the program.

This bill will serve to increase the safety of all Americans and the confidence they have in the structure of the buildings they use every day, from their place of employment to the schools where their children learn to the homes they sleep in at night. By spending now, we will reap the benefits for years to come.

Mrs. CAPITO. I have no further requests for time, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 4461, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ASSET MANAGEMENT IMPROVEMENT ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6216) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asset Management Improvement Act of 2008".

SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.

(a) **MANAGEMENT AND RELATED FEES.**—The Secretary of Housing and Urban Development shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—

(1) is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and

(2) is effective only on or after January 1, 2011.

The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

(b) **INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.**—

(1) **INCREASE.**—Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development.

(2) **DETERMINATION OF OPERATING FUND ALLOCATION.**—If a public housing agency elects pursuant to paragraph (1) to be exempt from asset management requirements, the agency may, at its option, retain the same number of separate public housing projects, for purposes of determining its operating fund allocation, as the agency had identified and the Secretary of Housing and Urban Development had approved before the agency's election to be so exempt.

SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.

The Secretary of Housing and Urban Development shall not impose any requirement, regulation, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.

SEC. 4. TENANT PARTICIPATION.

(a) **RULE OF CONSTRUCTION.**—Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.

(b) **PHAS IN RECEIVERSHIP.**—In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or