

live in retirement communities will not be forced to live with children.

Last, Mr. Chairman, let me reemphasize the necessity for this bill.

Housing affordable for middle- and low-income families is in short supply. New units not being built, and so the probability of discrimination is acute.

There are few experiences more humiliating, more cruel, than to be denied housing because of your race, handicap, or because you have children.

But the discrimination is out there, Mr. Chairman and my colleagues. It is pervasive in our country. It divides us into hostile camps. It encourages racial tensions, crime, and disillusionment.

The House is now called upon to approve another essential law, a statute that can bring hope and some comfort to men, women and children who need and deserve our help.

The House has a historic chance to again contribute to decency and fair play in American society. We now have the opportunity to add a bright star to the proud constellation that make up our galaxy of civil rights laws.

No other laws have been so good for American society than the civil rights laws written by this body. No other laws make America shine so bright in world society.

Today we have the opportunity and the duty to continue this remarkable progress.

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Mr. SENSENBRENNER. Mr. Chairman, I yield myself such times as I may consume.

Mr. Chairman, there is no question in my mind that the 1968 Fair Housing Act is in need of amendment. The enforcement provisions are cumbersome. The desired effect of conciliating disputes has not worked and as a result, most of the teeth in fair housing enforcement around the country has been under State and local laws rather than under the Federal Law. That is not the way it should be.

The Federal Government should be a leader in antidiscrimination legislation. In the case of the Fair Housing Act of 1968, sadly, the Federal Government has not been that leader. So, amendments are necessary to improve the enforcement mechanism of the Fair Housing Act, and to force conciliation as an alternative to settlement, rather as a means to stall justice being rendered. That is why I support H.R. 1158.

I am also delighted that H.R. 1158 extends its protections to handicapped persons. The right to be free from housing discrimination is essential to the goal of independent living. H.R. 1158 helps meet this goal by clearly prohibiting prejudice that denies criti-

cally needed housing the handicapped persons.

We are proceeding the way we should on civil rights bills—in a bipartisan fashion. I compliment the gentleman from California [Mr. EDWARDS], the chairman of the subcommittee and the interested parties for forging ahead in a constructive fashion to reach a compromise on the key issue of enforcement.

However, while many parties were involved in reaching this historic agreement, one individual was indispensable to this process, the gentleman from New York [Mr. FISH], the distinguished vice chairman of the Judiciary Committee. In my view, it was HAM's tireless efforts of shuttle diplomacy that will make strong fair housing enforcement and protection for the handicapped a reality. I have been closely involved with the knotty issue of fair housing enforcement for over 9 years and truly appreciate the achievement of the compromise. HAM should be saluted as well as Vice President BUSH for his support.

In 1980, as the gentleman from California [Mr. EDWARDS] related, the House of Representatives passed a fair housing bill on a split vote following a very bitterly contentious debate. The major amendment to the bill in 1980 was on the enforcement issue, and it was my amendment to strike the administrative law judges from the bill. My amendment failed by only one vote after a 32-minute rollcall, so I felt I was counted out.

This bill is stronger than the bill that was passed by the House but defeated in the other body in 1980. The constitutional and public policy arguments against administrative law judges have been resolved by the compromise that has been referred to by many of the preceding speakers, and as a result we are getting a stronger bill with better enforcement, and the reason that is happening is because there was a bipartisan effort to pass a fair housing bill.

I think we are getting back on the track of having civil rights progress being made on a bipartisan basis, and that is why we made so much progress in the 1960's when this Congress passed four major civil rights bills. I am hopeful that we will attack further civil rights problems in the same bipartisan way, because that is the way true progress is made in this area of civil rights, by taking it out of the realm of partisan politics and presenting a united congressional and governmental front against discrimination where it exists in our society.

So my hat is off to all, particularly the gentleman from New York [Mr. FISH]. I am glad that this bill will be sailing through this House, and I look forward to its speedy enactment.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 30 seconds. I thank the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER] for his remarks, and also thank him for all of his assistance in designing this bill and bringing it to the floor. I look forward to his assistance and support tomorrow when we face some rather difficult amendments which would do great harm to the bill. I think the subcommittee will be unanimous, and I hope that the amendments that are so crippling will be wholeheartedly defeated.

We had a most encouraging telegram yesterday from the President of the United States in Toronto which seemed to us to be an unequivocal endorsement of the bill. This bill is the product of much compromise and negotiation; it deserves this body's unqualified support.

Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. CONYERS], one of the senior members of the Committee on the Judiciary and also a chairman of a subcommittee on his own. As one of the senior members of the subcommittee I chair, he is always of immense help, and the gentleman is one of the great civil rights leaders of the United States.

Mr. CONYERS. Mr. Chairman, I join in seconding all of the accolades that have passed through the Chamber this evening as the chairman of the Judiciary Committee, the gentleman from New Jersey, Mr. PETER RODINO, plays his swan song to civil rights with the fair housing legislation that has now come to the floor.

I also commend the gentleman from New York, Mr. HAMILTON FISH, and also want to single out the gentleman from Wisconsin, Mr. SENSENBRENNER, with whom I have enjoyed many differences across the years in the Judiciary Committee. But I am pleased for once to note that we are working together, and this is not the first time he has done so. I can recall other critical civil rights measures where without his cooperation they would not have passed. So I think it is very important that we hark back to a period of time in 1968, which has been mentioned so much, and the date I am concerned with is April 4, 1968, which is the day of the assassination of Martin Luther King, Jr. It makes me think about Dr. King, who this Chamber decided to honor in a way that I think is the highest honor that any American citizen can have conferred upon him, and that is to have his birthday made a national public holiday. As one who offered that first proposal some 15 years later, we were able to see it accomplished with all of the Members who are now participating in this fair housing legislation who were in the Congress then.

In those days, even the first Fair Housing Act of 1968 was a hollow piece of legislation. Because of the threat of filibuster, we had to leave out the enforcement mechanism. We made a statement, a proclamation. We made a statement of good faith intention. We realized that we had to leave out the mechanism, the heart of the bill that would create the enforcement.

So I am very, very thrilled now, 20 years later, with 2 months added on that we now come to a point in time where I think Dr. King would be very pleased about this legislation, to see that we have brought realtors and Republicans and civil rights leaders all together to say enough of the one embarrassing scourge that has made this Nation's civil rights declarations empty for many, many millions of Americans, and that is the inability for them to live or rent in the places that they choose.

Seventy-two percent of the black families seeking rental housing stand a chance of encountering discrimination. This is an incredible figure. Literally what we are saying is the Congress has reached this point in time where they are not going to reverse the accepted de facto segregated housing practices of purchasing and rentals in America, and that we have come together with the mechanism, with the method that all have agreed to. It is indeed an important point in American history, and it shows that the one piece of advice that I received when I first came into the Congress was dead wrong.

Someone told me do not seek, Mr. Freshman, the Judiciary Committee to serve on because in 1965 we have passed just about all of the civil rights laws that we are going to pass. I remember someone suggested not to go on the Judiciary Committee.

But this day and tomorrow will be important, and I am urging that all of those who are now a participant in this matter, my prayer this evening is to urge all of the parties that have participated in the forming of this great mechanism to see that we get fair housing in America, stand together tomorrow against any amendments that are not supported by this bipartisan leadership that brought us this far, and that those who are in support of all of the congratulatory statements that have gone out to the soon departing chairman of the Judiciary Committee honor their support for him by sticking to the committee bill and that we make certain that under no circumstances any weakening amendments occur to this legislation. Unless we do that, then all of the great speeches that will be made about our progress, and all of the preliminary congratulations will come to naught.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the

gentleman from Maryland [Mr. HOYER], a Member who has always been a great champion of civil rights and one on whom we count when times get difficult and we must confront situations where fairness to the American people become our concern.

Mr. HOYER. Mr. Chairman, first I want to thank the gentleman from California, Mr. EDWARDS. I am privileged to join in this debate with giants of the civil rights movement: my good friend, the gentleman from Michigan, JOHN CONYERS, who has been at the right hand of Martin Luther King and has carried on so able after the death of Martin Luther King. Dr. King would indeed be proud of JOHN CONYERS; and my friend, the dean of the California delegation, Mr. EDWARDS, himself a giant in the civil rights movement in this House on behalf of the protection of the rights of all Americans. I also congratulate the gentleman from Wisconsin, Mr. SENSENBRENNER, the ranking member of the subcommittee for his leadership on this issue. I am pleased to join with him in support of this legislation.

I am reminded of the fact that I first ran for office in Maryland in 1966. Perhaps some of you will remember that election.

In the Democratic primary, the election was about "your home is your castle." That is a very important and valid premise of American constitutional law. The fourth amendment says that a man's home is indeed his castle and that the State cannot invade his home without probable cause.

But that very valid premise of constitutional law was abused and misused in Maryland in 1966 and that very valid premise was used to support the discrimination in housing against Americans; Americans who happened to be black or happened to have some other ethnic or racial origin than the majority.

I ran in a district that the proponent of the "your home is your castle" won.

Two years prior to that, George Wallace had won the district in which I ran.

I was pleased to run on a ticket with a gentleman named Carleton Sickles, a former Member of this House. He lost the election but he lost it contending for the rights of all Americans to have equal access, not only to public accommodations which had been almost resolved by that time, that is the fact that a black family could take their child into a Howard Johnson in South Carolina as well as they could in Maine or California was then becoming the law of this land; but they still could not come into Prince Georges County and buy a home where they wanted. It was legal then to say "I won't sell to a family that is black."

That was un-American. That was not allowing the pursuit of happiness as our Constitution promises.

Today we buried a woman named Gladys Noon Spellman. It is appropriate that I speak on this issue, because in 1967, Prince Georges County, under the leadership of Gladys Noon Spellman, was the first suburban county in the Nation to adopt open housing legislation. Gladys Spellman was the leader of that effort.

JOHN CONYERS, DON EDWARDS, JIM SENSENBRENNER, and Chairman RODINO before, have said that we stated a principle in which we believe. But stating a principle is not enough. A nation must live out the promise of its principles. This bill takes another step in showing that America believes in what it preaches.

Mr. Chairman, as chairman of the Helsinki Commission I have the opportunity to go abroad and say to our Soviet counterparts and others that they ought to guarantee certain basic human rights. And I tell them that perhaps we are not perfect but we are striving toward attaining the goals that our ideals speak of.

So I am very proud to stand with PETER RODINO, DON EDWARDS, JOHN CONYERS, JIM SENSENBRENNER, HAMILTON FISH—who is one of the key proponents of this legislation—in reaffirming what this Nation stands for, that every individual who lives within our borders, who is our citizen, will have equal access to all opportunities: public accommodations, employment, education, and, a basic need of every person, housing.

I thank the gentleman for yielding and I thank him for his sponsorship and rise in strong support of the legislation.

Mr. Chairman, I want to congratulate the chairman and the committee for bringing the Fair Housing Act Amendments of 1988 to the floor for consideration by the House. This bill is a significant achievement, and I appreciate the hard work of the committee in crafting legislation that strengthens our ability to enforce anti-discrimination laws and ensure equality of opportunity.

Discrimination is one of the most intractable and debilitating social ills afflicting this great Nation. The Fair Housing Act of 1968, and the 1974 amendments prohibiting housing discrimination on the basis of gender, mark a turning point in our determination that such discrimination must be eliminated.

We have known for some time that the Fair Housing Act of 1968 has not, in practice, provided adequate protection from housing discrimination.

There are many public laws that express this body's will take equality of opportunity is a central tenet of our public policy and our national identity.



We acknowledge, however, that even in those instances when we have spoken most clearly, problems remain.

Most of us agree the Fair Housing Act of 1968 does not provide an adequate response to a severe problem, and the responsibility for progress lies directly with us. HUD estimates that there are more than 2 million incidents of housing discrimination every year, and under current law HUD is virtually powerless to respond.

In our effort to ensure equality of opportunity, the Fair Housing Act of 1968 has clearly not been our most effective weapon.

Heretofore, the burden of action fell on individuals who were forced to pursue: legal counsel, a costly legal procedure, and a roof over their heads. Alternatively, the Justice Department was empowered to file cases where there is a pattern or practice of discrimination. Obviously, neither of these options is of value to an individual or family in immediate need of housing.

I am confident that most of my colleagues will agree that H.R. 1158, the Fair Housing Act Amendments of 1988, provides us an opportunity to fill this enforcement gap.

The compromise offered by the gentleman from New York (Mr. FISH) will strengthen the enforcement mechanism of the law. For the first time, an aggrieved party will have recourse to enforcement action by the Department of Housing and Urban Development. H.R. 1158 empowers HUD to file a charge against a party accused of discrimination for reasonable cause. The case may be adjudicated in Federal court or by an administrative law judge.

I also want to congratulate the committee for its wisdom in extending protection from discrimination to individuals on the basis of a handicap. I was not privileged to serve in this body in 1974 when housing discrimination based on gender was prohibited, but I knew then that provision was appropriate and long over due.

Similarly, establishing the principle of nondiscrimination in housing on the basis of a handicap is critically important. H.R. 1158 is a major achievement in this respect, and I congratulate the committee for extending protection to these individuals.

H.R. 1158, also incorporates a good faith attempt to provide access to quality housing for families with children. The bill's protections for children, families and the elderly are a genuine effort to balance the concerns of individuals and families whose preferences and needs at times conflict.

There is a deplorable lack of affordable housing in this country, both owner-occupied and rental. The Fair Housing Act Amendments of 1988 will not redress that problem, and is not intended as a solution to that problem.

However, the fact that HUD estimates that 75 percent of rental units restrict children in some way strongly supports the committee's decision to extend protection to families with children.

In closing, Mr. Chairman, I want to again thank the committee for bringing to the floor a measure that will make a real difference in the lives of many of my constituents and many other Americans who are denied equal opportunity and equal access to decent housing.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from Maryland for his eloquent statement.

Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 1158, the Fair Housing Act amendments. It is sad that 20 years after passage of the Fair Housing Act, we still find ourselves needing legislation in this area because discrimination still exists. It is heartening, however, that we do come today to act on a measure which will strengthen the enforcement of our fair housing laws.

I am particularly enthusiastic about this measure because for the first time, people with disabilities will be included as a covered class under the Fair Housing Act. This historic inclusion will greatly benefit over 36 million individuals with disabilities, and just as importantly, will require that qualified multifamily buildings be constructed in the future to provide access to people with mobility impairments. The protections offered by this bill will assure that persons with mobility impairments, including victims of physical disorders, accidents and veterans who fought for this country, will not have to continue to fight for their right to have adequate and accessible housing.

The Fair Housing Act as reported out of committee included features of adaptive design which equalizes the opportunities for people with disabilities. It will enable them to effectively utilize housing options and will eliminate the discriminatory practices of landlords who refuse to minimally accommodate needs of people with disabilities.

I understand that this bill has the support of the Paralyzed Veterans of America and other advocacy groups like it, who consistently report discrimination against their members who seek housing. Among the types of discrimination reported by mobility impaired persons include: landlords who refuse to allow the construction of a ramp to an entranceway of the landlord's building; often, in larger multi-unit buildings, the main entrance and living quarters are accessible but the common areas, such as laundry and meeting rooms, often are not; and, landlords who refuse to make, or give permission for, alterations to a bathroom or kitchen. These examples clearly illustrate why it is long past time that we begin to address the problem of the lack of accessible housing and the long waiting lists for those few accessible units which do exist.

The changes suggested by the Fair Housing Act will alleviate the existing discriminatory problems and future housing shortages while providing the minimal structural modifications necessary to assure people with disabilities

that they will not be discriminated against because of their inability to enter or use a building. It will also enable people who use wheelchairs to reasonably maneuver throughout the individual unit. Maneuverability is intended to include the ability for people who use wheelchairs to independently use the kitchen and bathroom facilities within the privacy and confines of the room. The door widths specified will provide wide enough passage for people who use wheelchairs to move throughout the unit and buildings. By voting for the Fair Housing Act, we will ensure that individuals with disabilities will be afforded every opportunity to conduct their lives independently.

The new construction provisions of the Fair Housing Act are supported by the National Home Builders Association, the American Institute of Architects, the Paralyzed Veterans of America, as well as over 50 organizations who represent people with disabilities. The wide range of support from various aspects of the community indicate an understanding of the need for accessible housing for people with disabilities.

I urge my colleagues to support this measure.

Mr. MILLER of California. Mr. Chairman, I rise in support of H.R. 1158, the Fair Housing Amendments Act of 1988, which, for the first time, would prohibit housing discrimination against families with children as well as the disabled. The Civil Rights Act of 1968 prohibits housing discrimination on the basis of race, color, religion, sex, and national origin. The bill we are considering today would simply extend these same protections to other vulnerable groups—families with children and the disabled population—while maintaining the rights of landlords as well as senior citizens. These amendments also create an enforcement mechanism which will allow families with children—and others who have experienced housing discrimination—a more effective and efficient procedure by which to redress their grievances.

I commend Chairman ROBINO and other members of the Judiciary Committee for their leadership in bringing this legislation to the floor today. The housing situation for families and the disabled has become critical; and we must move quickly on every front to protect family stability and prevent homelessness.

#### FAMILIES WITH CHILDREN NEED PROTECTION

As the Select Committee on Children, Youth, and Families has documented, the number of families who cannot afford or even find adequate housing is skyrocketing. Families have suffered income stagnation coupled with enormous household debt. The most vulnerable families—young families with children, single-parent families, and poor families—have suffered serious declines in family income over the last decade. At the same time, the high cost of housing and a shrinking supply of low-cost housing has made owning a home an impossibility for many.

The increasing demands in an already overwhelmed rental market have left millions of families stranded. A 1986 nationwide study found that 8 million low-income renters were competing for only 4 million affordable vacant units. As a result, more than one-third of the homeless are now families with children. In