

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. PUBLIC HOUSING FLEXIBILITY IN THE CHAS.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by redesignating the second paragraph designated as paragraph (17) (as added by section 681(2) of the Housing and Community Development Act of 1992) as paragraph (20);

(2) by redesignating paragraph (17) (as added by section 220(b)(3) of the Housing and Community Development Act of 1992) as paragraph (19);

(3) by redesignating the second paragraph designated as paragraph (16) (as added by section 220(c)(1) of the Housing and Community Development Act of 1992) as paragraph (18);

(4) in paragraph (16)—

(A) by striking the period at the end and inserting a semicolon; and

(B) by striking “(16)” and inserting “(17)”;

(5) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(6) by inserting after paragraph (10) the following new paragraph:

“(11) describe the manner in which the plan of the jurisdiction will help address the needs of public housing and coordinate with the local public housing agency plan under section 5A of the United States Housing Act of 1937.”

SEC. 302. REPEAL OF CERTAIN PROVISIONS.

(a) MAXIMUM ANNUAL LIMITATION ON RENT INCREASES RESULTING FROM EMPLOYMENT.—

(1) REPEAL.—Section 957 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12714) is repealed.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be deemed to have the same effective date as section 957 of the Cranston-Gonzalez National Affordable Housing Act.

(b) ECONOMIC INDEPENDENCE.—

(1) REPEAL.—Section 923 of the Housing and Community Development Act of 1992 (42 U.S.C. 12714 note) is repealed.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be deemed to have the same effective date as section 923 of the Housing and Community Development Act of 1992.

SEC. 303. DETERMINATION OF INCOME LIMITS.

(a) IN GENERAL.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the fourth sentence—

(A) by striking “County,” and inserting “and Rockland Counties”; and

(B) by inserting “each” before “such county”; and

(2) in the fifth sentence, by striking “County” each place that term appears and inserting “and Rockland Counties”.

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments made by subsection (a).

SEC. 304. DEMOLITION OF PUBLIC HOUSING.

(a) REPEAL.—Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-213) is repealed.

(b) FUNDING AVAILABILITY.—Notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988, as that section existed on the day before the date of enactment of this Act, shall be eligible for demolition under—

(1) section 14 of the United States Housing Act of 1937, as that section existed on the

day before the date of enactment of this Act; and

(2) section 9 of the United States Housing Act of 1937, as amended by this Act.

SEC. 305. COORDINATION OF TAX CREDITS AND SECTION 8.

Notwithstanding any other provision of law, rehabilitation activities undertaken in projects using the Low-Income Housing Tax Credit allocated to developments in the City of New Brunswick, New Jersey, in 1991, are hereby deemed to have met the requirements for rehabilitation in accordance with clause (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937, as amended.

SEC. 306. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (b), by inserting before the period at the end the following: “and includes any other assistance provided under the United States Housing Act of 1937”; and

(2) by adding at the end the following new subsection:

“(h) VERIFICATION OF ELIGIBILITY.—

“(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

“(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

“(A) may elect not to comply with this section; and

“(B) in complying with this section—

“(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

“(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

“(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

“(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term ‘eligibility’ means the eligibility of each family member.”

MEASURE PLACED ON CALENDAR—S. 1518

Mr. DOLE. Mr. President, I understand there is a bill on the calendar that is due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1518) to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1897.

Mr. DOLE. Mr. President, I object to the further consideration of this matter at this time.

The PRESIDING OFFICER. Pursuant to rule XIV, paragraph 4, the bill will be placed on the Senate Calendar of General Orders.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting one nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on January 5, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 134) making further appropriations for the fiscal year 1996, and for other purposes with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1643. An act making further appropriations for certain activities for the fiscal year 1996, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the bill was signed by the President pro tempore [Mr. WARNER].

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on January 6, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1358. An act to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA.

H.J. Res. 134. Joint resolution making further appropriations for the fiscal year 1996, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the President pro tempore [Mr. WARNER] signed the following enrolled bill:

H.R. 1358. An act to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA.

Under the authority of the order of the Senate of January 4, 1995, the President of the Senate [Mr. GORE] signed the following enrolled joint resolution:

H.J. Res. 134. Joint resolution making further appropriations for the fiscal year 1996, and for other purposes.

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent resolution providing for an adjournment of the two Houses.

MEASURE PLACED ON THE CALENDAR

The following measure was read a second time by unanimous consent and placed on the calendar:

S. 1518. A bill to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1897.

AMENDMENTS SUBMITTED

THE PUBLIC HOUSING REFORM AND EMPOWERMENT ACT OF 1995

MACK AMENDMENT NO. 3117

Mr. DOLE (for Mr. MACK) proposed an amendment to the bill (S. 1260) to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; as follows:

On page 190, beginning on line 14, strike "CERTAIN PUBLIC AND ASSISTED HOUSING" and replace with "PUBLIC HOUSING".

On page 190, beginning on line 17, strike "dwelling units receiving tenant-based assistance under section 8 and"

On page 191, redesignate subsections (b) and (c) as (c) and (d), and insert on line 23:

(b) INCOME ELIGIBILITY FOR CERTAIN ASSISTED HOUSING.—

(1) IN GENERAL.—Of the dwelling units receiving tenant-based assistance under section 8 made available for occupancy in any fiscal year of the public housing agency—

(A) not less than 50 percent shall be occupied by families whose incomes do not exceed 80 percent of the area median income for those families; and

(B) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an occupancy standard other than the standard described in paragraph (1).

On page 255, after line 25, insert the following new section:

SEC. 209. DEFINITION.

For the purposes of this title, public housing agency has the same meaning as section 3 of the United States Housing Act of 1937, except that such term shall also include any other nonprofit entity serving more than one local government jurisdiction that was administering the Section 8 tenant-based assistance program pursuant to a contract with the Secretary or a public housing agency prior to the date of enactment of this Act.

On page 259, after line 7, insert the following new section:

SEC. 305. COORDINATION OF TAX CREDITS AND SECTION 8.

Notwithstanding any other provision of law, rehabilitation activities undertaken in projects using the Low-Income Housing Tax Credit allocated to developments in the City of New Brunswick, New Jersey, in 1991, are hereby deemed to have met the requirements for rehabilitation in accordance with clause (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937, as amended."

At the appropriate place, add the following:

SEC. . ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (b), by inserting before the period at the end the following: "and includes any other assistance provided under the United States Housing Act of 1937";

(2) by adding at the end the following new subsection:

"(h) VERIFICATION OF ELIGIBILITY.—

"(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

"(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

"(A) may elect not to comply with this section; and

"(B) in complying with this section—

"(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

"(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

"(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

"(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a

family, the term 'eligibility' means the eligibility of each family member."

Amend the table of contents accordingly.

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

MILTON FELDSTEIN

•Mrs. BOXER. Mr. President, I rise to pay tribute to a remarkable man who is retiring have after a career of leadership and public service spanning 38 years. Milton Feldstein has been a leader in air pollution control since the 1950's, well prior to national consciousness about this issue and passage of the Clean Air Act.

He began work at what is now the San Francisco Bay area air quality management district in the late 1950's and published several papers which led to the first industrial controls on smoke in the San Francisco Bay area in 1960. He became director of technical services in 1961, deputy air pollution control officer in 1973, and rose to the top position of air pollution control officer in 1979, in which he has served ever since. During the course of his tenure he has authored more than 80 papers on analytical methodology and air pollution control techniques.

Milton Feldstein has repeatedly developed innovative comprehensive and workable air pollution control strategies that have successfully reduced air pollution emissions in the bay area and which have served as models for improving air quality throughout the State of California, the Nation, and in other countries.

Throughout his career, he has always had as his primary focus the protection of the health of the 6 million-plus people of the San Francisco Bay area. In 1995 the bay area became the largest metropolitan area in the Nation to attain the national air quality standard for ground-level ozone, complying with all Federal standards. The air quality improvement resulting in attainment of such a standard is particularly significant considering the fact that population and motor vehicles have doubled as the air has become cleaner.

Milton Feldstein has made a truly national contribution to the cause of environmental protection during his almost 40-year career as an air pollution control pioneer. He represents the best in public service and deserves to be congratulated and recognized for his achievements which have provided a better environment for millions of people.●

ORDERS FOR MONDAY, JANUARY 22, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate reconvenes at 12 noon, Monday, January 22, 1996, immediately following the prayer, the Journal of proceedings be