

108TH CONGRESS
1ST SESSION

H. R. 2897

To end homelessness in the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Ms. CARSON of Indiana (for herself, Mr. CONYERS, Mr. KUCINICH, Ms. LEE, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. MILLENDER-McDONALD, Mr. McGOVERN, Mr. SANDERS, Mr. WEXLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. REYES, Ms. SCHAKOWSKY, Mr. RANGEL, Ms. MAJETTE, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. EVANS, Mr. PAYNE, Mr. McDERMOTT, Mr. CAPUANO, Mr. WEINER, Ms. MCCOLLUM, and Mr. EMANUEL) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, Education and the Workforce, Government Reform, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To end homelessness in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Bringing America Home Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title and table of contents.
 Sec. 2. Findings and purpose.

TITLE I—RECOGNITION OF HOUSING AS A BASIC HUMAN RIGHT

- Sec. 101. Recognition by societies, faiths, and organizations.
 Sec. 102. Establishment of goal to end homelessness.

TITLE II—HOUSING SECURITY

- Sec. 201. Congressional findings.

Subtitle A—Authorizations of Appropriations for Housing Programs

- Sec. 221. National Affordable Housing Trust Fund.
 Sec. 222. Incremental rental assistance for 1,500,000 families.
 Sec. 223. Funding for HUD housing programs.
 Sec. 224. HUD rural housing and economic development program.
 Sec. 225. Rural housing programs.
 Sec. 226. Department of Veterans Affairs homeless comprehensive services programs.
 Sec. 227. Sense of Congress regarding appropriations for transitional housing assistance under Violence Against Women Act of 2000.

Subtitle B—Federal Homelessness to Housing Mutual Mortgage Association

- Sec. 231. Short title and statement of purpose.
 Sec. 232. Establishment.
 Sec. 233. Powers and authorities.
 Sec. 234. Mutual housing operations.
 Sec. 235. Financing.
 Sec. 236. Relationship with other programs.
 Sec. 237. Oversight.
 Sec. 238. Protection of name.
 Sec. 239. Definitions.
 Sec. 240. Territorial applicability.

Subtitle C—Use of Federal Surplus Property to Assist the Homeless

- Sec. 271. Use of Federal surplus property to assist the homeless.

TITLE III—HOMELESS INTERVENTION AND PREVENTION

- Sec. 301. Preservation of public housing dwelling units under HOPE VI.
 Sec. 302. Right to new units of individuals and families displaced by HOPE VI projects.
 Sec. 303. Policies regarding homeless individuals and families in federally funded facilities.
 Sec. 304. Establishment of Emergency Rent Relief Fund.
 Sec. 305. Income exemptions.
 Sec. 306. Post office box and general delivery service for persons with no fixed address.
 Sec. 307. Grants to public housing police forces.
 Sec. 308. Temporary ex-offender low-income housing credit.

- Sec. 309. Escrow of tenant rent in cases of owner failure to maintain units assisted under section 8 rental assistance program.
- Sec. 310. Sense of Congress regarding local ordinances that disadvantage homeless persons.

TITLE IV—ASSISTANCE UNDER MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

- Sec. 401. Congressional purposes.
- Sec. 402. Definition of homeless individual.

Subtitle A—Housing Assistance General Provisions

- Sec. 411. Definitions.
- Sec. 412. Community homeless assistance planning boards.
- Sec. 413. Technical assistance and performance reports.
- Sec. 414. Authorization of appropriations.

Subtitle B—Emergency Shelter Grants Program

- Sec. 421. Grant assistance.
- Sec. 422. Amount and allocation of assistance.
- Sec. 423. Eligible activities.
- Sec. 424. Repeals.

Subtitle C—Continuum of Care Program

- Sec. 431. Continuum of care.
- Sec. 432. Eligible activities.
- Sec. 433. Program requirements.
- Sec. 434. Allocation amounts and funding.

Subtitle D—Repeals and Conforming Amendments

- Sec. 441. Repeals.
- Sec. 442. Conforming amendments.
- Sec. 443. Amendment to table of contents.

TITLE V—PRESERVATION OF RESOURCES

- Sec. 501. Governors, mayors, cities, and counties housing advisory committees.
- Sec. 502. Mortgage interest deduction limited to \$300,000 of debt on 1 home; repeal of deduction for home equity indebtedness; repeal of exclusion of gain on sale of principal residence.

TITLE VI—HEALTH SECURITY

Subtitle A—General Provisions

- Sec. 601. Findings; sense of Congress.
- Sec. 602. Sense of Congress regarding Medicaid expansion.
- Sec. 603. Authorizations of appropriations for certain programs.

Subtitle B—Substance Abuse and Mental Health Services Administration

PART 1—MAINSTREAM ADDICTION AND MENTAL HEALTH SERVICES PROGRAMS

SUBPART A—DISCHARGE PLANNING

Sec. 611. Averting patient discharge into homelessness.

SUBPART B—PROVISION OF APPROPRIATE SERVICES

Sec. 616. Application of knowledge development findings to service delivery.

SUBPART C—GRANTEE PLANNING, REPORTING, AND CAPACITY-BUILDING

Sec. 621. Expansion of participation in grantee planning.

Sec. 622. Documentation of needs of and establishing priorities for homeless population.

SUBPART D—DESIGNATION OF PERSONS EXPERIENCING HOMELESSNESS AS PRIORITY POPULATION

Sec. 626. Requiring grantees to direct funds to persons experiencing homelessness.

Sec. 627. Prioritization of services for runaway, homeless, and street youth.

Sec. 628. Definition of runaway, homeless, and street youth as high risk.

SUBPART E—FEDERAL PROGRAM MANAGEMENT

Sec. 631. Establishment of Federal plan on addiction, mental illness, and homelessness.

PART 2—TARGETED HOMELESS ADDICTION AND MENTAL HEALTH SERVICES PROGRAMS

SUBPART A—REAUTHORIZE, RENAME, AND STRENGTHEN THE GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS PROGRAM

Sec. 641. Treatment and recovery initiative for persons experiencing homelessness.

SUBPART B—REAUTHORIZE AND STRENGTHEN THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS (PATH) PROGRAM

Sec. 651. Expansion of required scope of services of PATH providers.

Sec. 652. Encouragement of States to utilize health care for the homeless projects as PATH providers.

Sec. 653. State descriptions of resource allocation process.

Sec. 654. Federal report on PATH and homeless grant programs.

Sec. 655. Clarification of target populations provision of PATH statute.

Subtitle C—Amendments Regarding Ryan White Comprehensive AIDS Resources Emergency Act of 1990

PART 1—DISCHARGE PLANNING

Sec. 661. Averting RWCA patient discharge into homelessness.

PART 2—PROVISION OF APPROPRIATE SERVICES

Sec. 666. Amplification of scope of RWCA services.

Sec. 667. Application of knowledge development findings to service delivery.

PART 3—GRANTEE PLANNING, REPORTING, AND CAPACITY BUILDING

Sec. 671. Expansion of participation in grantee and contractor planning.

Sec. 672. Development of knowledge to strengthen providers' capacity to offer homeless-competent services.

PART 4—DESIGNATION OF HOMELESS PERSONS AS PRIORITY POPULATION

Sec. 676. Priority for persons experiencing homelessness.

PART 5—FEDERAL PLAN ON HIV/AIDS AND HOMELESSNESS

Sec. 681. Federal plan on HIV/AIDS and homelessness.

TITLE VII—ECONOMIC SECURITY

Sec. 701. Sense of Congress regarding right to a living income.

Sec. 702. Authorization of appropriations for homeless veterans reintegration program.

Sec. 703. Availability of food stamp benefits to individuals who are homeless.

Sec. 704. Amendments to Workforce Investment Act.

Sec. 705. Homebuild program for affordable housing construction and apprenticeship.

Sec. 706. Department of Labor apprenticeship program for working people experiencing homelessness.

Sec. 707. Day laborer fairness and protection.

Sec. 708. Social Security Administration outreach to homeless persons.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) lack of affordable housing results in home-
4 lessness;

5 (2) lack of consumer protections result in home-
6 lessness;

7 (3) lack of access to health care results in
8 homelessness;

9 (4) lack of employment and wages commensu-
10 rate with those in the local market results in home-
11 lessness;

12 (5) lack of education results in homelessness;

13 (6) homelessness offends the conscience of our
14 Nation;

1 (7) according to the United States Department
2 of Housing and Urban Development, 4,900,000
3 households experience “worst-case” housing needs;

4 (8) as of the date of the introduction of this
5 bill, in no town, city, or State in our Nation can an
6 individual or family working full time at minimum
7 wage, or receiving assistance under the Supple-
8 mental Security Income program or under the pro-
9 gram for Temporary Assistance for Needy Families,
10 afford a one- or two-bedroom apartment at the fair
11 market rental rate established by the Department of
12 Housing and Urban Development;

13 (9) the Millennial Housing Commission re-
14 ported that 28,000,000 households in the United
15 States spent more than 30 percent their income on
16 housing, and one in eight low-income working fami-
17 lies earning minimum wage have to spend more than
18 half their income on housing;

19 (10) 42 percent of adults residing in homeless
20 shelters across the United States are working;

21 (11) 24 percent of clients of homeless shelters
22 report they have needed medical attention in the
23 past year but were unable to get it and 46 percent
24 of such clients could not get access to a dentist when
25 one was needed;

1 (12) 55 percent of people experiencing home-
2 lessness in the United States have neither public nor
3 private health insurance;

4 (13) of the homeless individuals who suffer
5 mental illness, it is estimated that only 5 to 7 per-
6 cent require some form of institutionalization and
7 the rest could live productively with proper assist-
8 ance;

9 (14) millions of Americans can not find work
10 that pays a livable wage or can not find work at all
11 and, therefore, cannot afford housing at market rent
12 levels;

13 (15) lack of affordable housing near job oppor-
14 tunities makes it difficult for poor parents to find
15 and retain employment;

16 (16) families without stable housing typically
17 have to move often, making job retention difficult
18 and forcing their children to change schools fre-
19 quently;

20 (17) at least 3,500,000 persons are likely to ex-
21 perience homelessness during a year in the United
22 States, 39 percent of which are children; and

23 (18) in its “Status Report on Hunger and
24 Homelessness in America’s Cities”, the United
25 States Conference of Mayors reports that requests

1 for shelter by families with children went unmet 38
2 percent of the time in 2002.

3 (b) PURPOSE.—The purpose of this Act is to end
4 homelessness in the United States.

5 **TITLE I—RECOGNITION OF**
6 **HOUSING AS A BASIC HUMAN**
7 **RIGHT**

8 **SEC. 101. RECOGNITION BY SOCIETIES, FAITHS, AND ORGA-**
9 **NIZATIONS.**

10 The Congress hereby acknowledges that the housing
11 has been recognized as a basic human right by many and
12 varied—

13 (1) religious and faith organizations;

14 (2) States, cities, and counties;

15 (3) national and local organizations;

16 (4) international organizations, including the
17 United Nations through its Declaration of Human
18 Rights.

19 **SEC. 102. ESTABLISHMENT OF GOAL TO END HOMELESS-**
20 **NESS.**

21 The Congress hereby declares that—

22 (1) the Constitution of the United States of
23 America guarantees every American the right to life,
24 liberty, and the pursuit of Happiness;

1 (2) the exercise of such rights is contingent
2 upon the fulfillment of basic needs crucial for the
3 proper development of human life: food, clothing,
4 shelter, medical care, work, and rest; and

5 (3) it is a National goal to act in concord with
6 the aforementioned rights and fulfill the basic
7 human need of shelter by ending homelessness in the
8 United States and to provide the security of a home
9 to people in cases of sickness, inability to work, old
10 age, unemployment, and in any other case in which
11 one is deprived of the means of subsistence.

12 **TITLE II—HOUSING SECURITY**

13 **SEC. 201. CONGRESSIONAL FINDINGS.**

14 The Congress finds that—

15 (1) a rapid decrease in the availability of af-
16 fordable housing has led to an increase in homeless-
17 ness in recent years, even for working families;

18 (2) high market-rate housing costs have left
19 many families with little, if any, income to pay addi-
20 tional employment-related expenses such as trans-
21 portation, child care, or clothing; and

22 (3) each year 90,000 affordable housing units
23 are lost due to demolition or sale of public housing
24 and housing assisted with project-based rental as-

1 sistance under section 8 of the United States Hous-
2 ing Act of 1937 (42 U.S.C. 1437f).

3 **Subtitle A—Authorizations of Ap-**
4 **propriations for Housing Pro-**
5 **grams**

6 **SEC. 221. NATIONAL AFFORDABLE HOUSING TRUST FUND.**

7 (a) IN GENERAL.—Title II of the Cranston-Gonzalez
8 National Affordable Housing Act (42 U.S.C. 12721 et
9 seq.) is amended by adding at the end the following new
10 subtitle:

11 **“Subtitle G—National Affordable**
12 **Housing Trust Fund**

13 **“SEC. 291. PURPOSES.**

14 “The purposes of this subtitle are—

15 “(1) to fill the growing gap in the national abil-
16 ity to build affordable housing by using profits gen-
17 erated by Federal housing programs to fund addi-
18 tional housing activities, without supplanting exist-
19 ing housing appropriations;

20 “(2) to enable rental housing to be built, for
21 families with the greatest economic need, in mixed-
22 income settings and in areas with the greatest eco-
23 nomic opportunities;

24 “(3) to promote homeownership for low-income
25 families; and

1 “(4) to produce, rehabilitate, and preserve at
2 least 1,500,000 affordable dwelling units over the
3 next decade.

4 **“SEC. 292. TRUST FUND.**

5 “(a) ESTABLISHMENT.—There is established in the
6 Treasury of the United States a trust fund to be known
7 as the National Affordable Housing Trust Fund, which
8 shall be available as provided in this subtitle for assisting
9 the development, rehabilitation, and preservation of af-
10 fordable housing.

11 “(b) DEPOSITS TO TRUST FUND.—For fiscal year
12 2004 and each fiscal year thereafter, there shall be appro-
13 priated to the Trust Fund an amount equal to the sum
14 of—

15 “(1) the amount by which the balance in the
16 Mutual Mortgage Insurance Fund established under
17 section 202(a) of the National Housing Act (12
18 U.S.C. 1708(a)), at the conclusion of the preceding
19 fiscal year, exceeds the amount necessary for such
20 Fund to maintain the capital ratio required under
21 section 205(f) of such Act (12 U.S.C. 1711(f)); and

22 “(2) the amount by which any amounts col-
23 lected or received by the Government National Mort-
24 gage Association during the preceding fiscal year ex-
25 ceeds the amount necessary to pay the administra-

1 tive costs and expenses necessary to ensure the safe-
2 ty and soundness of the Government National Mort-
3 gage Association, as determined by the Secretary.

4 “(c) EXPENDITURES FROM TRUST FUND.—For fis-
5 cal year 2004 and each fiscal year thereafter, amounts ap-
6 propriated to the Trust Fund for each such fiscal year
7 shall be available to the Secretary of Housing and Urban
8 Development for providing assistance under this subtitle.

9 **“SEC. 293. ALLOCATIONS FOR STATES AND PARTICIPATING**
10 **LOCAL JURISDICTIONS.**

11 “The Secretary shall use the total amount made
12 available under section 292(c) to the Secretary from the
13 Trust Fund for such fiscal year to provide assistance
14 under this subtitle for the States and participating local
15 jurisdictions. Of such total amount, the Secretary shall al-
16 locate 40 percent for States for use under section 294 and
17 60 percent for participating local jurisdictions for use
18 under section 294.

19 **“SEC. 294. ASSISTANCE FROM TRUST FUND.**

20 “(a) AFFORDABLE HOUSING NEEDS FORMULA.—
21 The Secretary shall establish a formula to allocate assist-
22 ance under this subtitle among eligible recipients based
23 on the relative need of the eligible recipient, among other
24 eligible recipients that are States or participating local ju-
25 risdictions, as appropriate, to increase the supply of decent

1 quality affordable housing. The formula shall be based
2 upon a comparison of the following factors for each eligible
3 recipient:

4 “(1) The percentage of families in the jurisdic-
5 tion of the eligible recipient that live in substandard
6 housing.

7 “(2) The percentage of families in the jurisdic-
8 tion of the eligible recipient that pay more than 50
9 percent of their annual income for housing costs.

10 “(3) The percentage of persons in the jurisdic-
11 tion of the eligible recipient having an income at or
12 below the poverty line.

13 “(4) The cost of developing or carrying out re-
14 habilitation of housing in the jurisdiction of the eli-
15 gible recipient.

16 “(5) In the case of an eligible recipient that is
17 a State, the percentage of the population of the eligi-
18 ble recipient that resides in counties having ex-
19 tremely low vacancy rates.

20 “(6) The percentage of housing stock in the ju-
21 risdiction of the eligible recipient that is extremely
22 old housing.

23 “(7) Any other factors that the Secretary deter-
24 mines to be appropriate.

25 “(b) FORMULA AMOUNT.—

1 “(1) IN GENERAL.—For fiscal year 2004 and
2 each fiscal year thereafter, the Secretary shall deter-
3 mine the formula amount under this subsection for
4 each eligible recipient.

5 “(2) STATES.—The formula amount for each
6 State shall be the amount determined for such State
7 by applying the formula under subsection (a) to the
8 total amount allocated under section 293 for all
9 States for the fiscal year.

10 “(3) PARTICIPATING LOCAL JURISDICTIONS.—
11 The formula amount for each participating local ju-
12 risdiction shall be the amount determined for such
13 participating local jurisdiction by applying the for-
14 mula under subsection (a) to the total amount allo-
15 cated under section 293 for all participating local ju-
16 rdictions for the fiscal year.

17 “(c) ALLOCATION AMOUNT.—The allocation under
18 this subsection for a State or local participating jurisdic-
19 tion for a fiscal year shall be determined as follows:

20 “(1) STATES.—In the case of a State:

21 “(A) MINIMUM AMOUNT.—If the formula
22 amount determined under subsection (b) for the
23 State for the fiscal year is less than 1 percent
24 of the total amount made available under sec-

1 tion 292(c) for such fiscal year, the allocation
2 for the State shall be 1 percent of such amount.

3 “(B) FORMULA AMOUNT.—If the formula
4 amount determined under subsection (b) for the
5 State for the fiscal year is 1 percent or more
6 of the total amount made available under sec-
7 tion 292(c) for such fiscal year, the allocation
8 for the State shall be the formula amount for
9 the State, except that the Secretary shall re-
10 duce such formula amounts for all States whose
11 allocations are determined under this paragraph
12 on a pro rata basis by the amount necessary to
13 account for any increases from the formula
14 amount for allocations made under paragraph
15 (1) of this subsection so that the total of the al-
16 locations for all States is equal to the amount
17 of the allocation under section 293 for States.

18 “(2) PARTICIPATING LOCAL JURISDICTIONS.—
19 The allocation for each eligible participating local ju-
20 risdiction shall be the formula amount for the eligi-
21 ble jurisdiction determined under subsection (b).

22 “(d) GRANT AWARDS.—For fiscal year 2004 and
23 each fiscal year thereafter, using the amounts made avail-
24 able to the Secretary from the Trust Fund for such fiscal
25 year under section 292(c), the Secretary shall make a

1 grant to each eligible recipient in the lesser of the fol-
2 lowing amounts:

3 “(1) FULL ALLOCATION.—The amount of the
4 allocation under subsection (c) for the eligible recipi-
5 ent.

6 “(2) 4 TIMES MATCHING CONTRIBUTION.—The
7 amount that is equal to 4 times the amount of funds
8 provided in cash, in-kind contributions, or other eli-
9 gible amounts by the eligible recipient from non-
10 Federal sources for use only as provided in sub-
11 section (e)(2).

12 “(e) MATCHING CONTRIBUTION.—

13 “(1) ELIGIBLE AMOUNTS.—For purposes of
14 subsection (d)(2), only the following amounts shall
15 be considered other eligible amounts from non-Fed-
16 eral sources:

17 “(A) LOW-INCOME HOUSING TAX CRED-
18 ITS.—50 percent of funds allocable to tax cred-
19 its allocated under section 42 of the Internal
20 Revenue Code of 1986.

21 “(B) MORTGAGE BOND REVENUE.—50
22 percent of revenue from mortgage revenue
23 bonds issued under section 143 of such Code.

1 “(C) TAX EXEMPT BONDS PROCEEDS.—50
2 percent of proceeds from the sale of tax exempt
3 bonds.

4 “(D) CDBG PROGRAM AMOUNTS.—50 per-
5 cent of grant amounts received under the com-
6 munity development block grant program under
7 title I of the Housing and Community Develop-
8 ment Act of 1974 (42 U.S.C. 5301 et seq.).

9 “(E) HOME PROGRAM AMOUNTS.—50
10 percent of funds received under the HOME in-
11 vestment partnerships program under subtitles
12 A through F of this title.

13 “(F) PROJECT-BASED VOUCHER ASSIST-
14 ANCE.—50 percent of funds used each year
15 pursuant to paragraph (13) of section 8(o) of
16 the United States Housing Act of 1937 (42
17 U.S.C. 1437f(o)(13)) for the duration of the
18 applicable housing assistance payments con-
19 tract.

20 “(G) TEMPORARY ASSISTANCE FOR NEEDY
21 FAMILIES.—Federal, State, and local funds pro-
22 vided under part A of title IV of the Social Se-
23 curity Act (42 U.S.C. 601 et seq.).

1 “(H) RURAL HOUSING ASSISTANCE.—50
2 percent of amounts received under title V of the
3 Housing Act of 1949 (42 U.S.C. 1471 et seq.).

4 “(I) VETERANS ADMINISTRATION HOME-
5 LESS PROVIDERS GRANT AND PER DIEM PRO-
6 GRAM.—50 percent of amounts received under
7 the comprehensive service programs for home-
8 less veterans under subchapter II of chapter 20
9 of title 38, United States Code (including pro-
10 viders grants under section 2011 of such sub-
11 chapter and per diem under section 2012 of
12 such subchapter).

13 “(J) GENERAL STATE REVENUE.—Any
14 other State or unit of general local government
15 revenue that is not derived from Federal
16 sources, including any State tax revenue.

17 “(2) USE OF MATCHING AMOUNTS.—Use of
18 amounts as provided in this paragraph shall be used
19 only for—

20 “(A) eligible activities relating to afford-
21 able housing; or

22 “(B) eligible activities relating to a project
23 not less than 50 percent of the dwelling units
24 of which qualify as affordable housing.

1 “(3) CERTIFICATION.—The Secretary shall re-
2 quire eligible recipients to certify to the Secretary
3 the amount of funds from non-Federal sources pro-
4 vided for purposes of subsection (d)(2).

5 “(f) GRANTS FOR INELIGIBLE RECIPIENTS AND RE-
6 CIPIENTS WITH INSUFFICIENT MATCHING CONTRIBU-
7 TIONS.—

8 “(1) AVAILABLE AMOUNTS.—For a fiscal year,
9 the following amounts shall be available for grants
10 under this subsection:

11 “(A) ALLOCATION FOR INELIGIBLE RE-
12 CIPIENT.—With respect to each ineligible recipi-
13 ent, the amount of the allocation for the State
14 or participating local jurisdiction for such fiscal
15 year determined under subsection (c).

16 “(B) UNMATCHED PORTION OF ALLOCA-
17 TION.—With respect to any eligible recipient for
18 which the amount of the grant assistance for
19 such fiscal year is determined under subsection
20 (d)(2), the amount by which the allocation de-
21 termined under subsection (c) for the eligible
22 recipient for the fiscal year exceeds the grant
23 assistance for the eligible recipient for the fiscal
24 year.

1 “(2) NOTICE.—For each fiscal year, not later
2 than 60 days after the date that the Secretary deter-
3 mines that the amounts described in paragraph (1)
4 shall be available for grants under this subsection,
5 the Secretary shall cause to be published in the Fed-
6 eral Register a notice that such amounts shall be so
7 available.

8 “(3) APPLICATIONS.—The Secretary shall pro-
9 vide for nonprofit and public entities (and consortia
10 thereof, which may include units of local government
11 working together on a regional basis) to submit ap-
12 plications, during the 9-month period beginning
13 upon publication of a notice of funding availability
14 under paragraph (2), for a grant of all or a portion
15 of the amounts referred to in paragraph (1). Such
16 an application shall include—

17 “(A) a certification that the applicant will
18 provide supplemental amounts in accordance
19 with paragraph (5)(B)(i); and

20 “(B) an allocation plan described in para-
21 graph (5)(B)(ii).

22 “(4) SELECTION CRITERIA.—The Secretary
23 shall, by regulation, establish criteria for selecting
24 applicants that meet the requirements of paragraph
25 (3) for funding under this subsection. Such criteria

1 shall give priority to applications that provide that
2 grant amounts under this subsection will be used for
3 eligible activities relating to affordable housing that
4 is located in the State for which such grant funds
5 were originally allocated under subsection (c).

6 “(5) AWARD AND USE OF GRANT ASSIST-
7 ANCE.—

8 “(A) AWARD OF GRANTS.—Subject only to
9 the absence of applications meeting the require-
10 ments of paragraph (3), upon the expiration of
11 the period referred to in such paragraph, the
12 Secretary shall select an applicant or applicants
13 under this subsection to receive the amounts
14 available under paragraph (1) and shall make a
15 grant or grants to such applicant or applicants.
16 The selection shall be based upon the criteria
17 established under paragraph (4).

18 “(B) GRANT REQUIREMENTS.—Grant as-
19 sistance under this subsection shall be subject
20 to the following requirements:

21 “(i) MATCHING AMOUNTS.—The
22 grantee shall supplement any grant
23 amounts received under this subsection
24 with an amount equal to 25 percent of
25 such grant amounts.

1 “(ii) USE.—Grant amounts received
2 under this subsection shall be used in ac-
3 cordance with an allocation plan that
4 meets the requirements of section 295(e)
5 and provides that any assistance provided
6 to the applicant under this subsection, and
7 any supplemental amounts provided by the
8 applicant pursuant to clause (i), shall be
9 used only to carry out eligible activities.

10 **“SEC. 295. USE OF ASSISTANCE BY RECIPIENTS.**

11 “(a) DISTRIBUTION TO ELIGIBLE ENTITIES.—Each
12 eligible recipient that receives a grant under this subtitle
13 shall distribute the grant amounts (excluding any amounts
14 used under subsection (b)) to eligible entities for use by
15 such entities only for eligible activities in the jurisdiction
16 of the eligible recipient, as follows:

17 “(1) USE FOR RENTAL HOUSING FOR EX-
18 TREMELY LOW-INCOME FAMILIES.—Not less than 45
19 percent of such amounts shall be distributed for use
20 only for eligible activities relating to affordable hous-
21 ing in the jurisdiction of the eligible recipient that
22 is available for rental by families (as such term is
23 defined in section 3(b) of the United States Housing
24 Act of 1937 (42 U.S.C. 1437a(b))) whose incomes
25 do not exceed 30 percent of the greater of—

1 “(A) the median family income for the
2 area in which the housing is located, as deter-
3 mined by the Secretary with adjustments for
4 smaller and larger families; and

5 “(B) the median family income for the
6 State in which the housing is located, as deter-
7 mined by the Secretary with adjustments for
8 smaller and larger families.

9 Such rental housing shall include limited equity co-
10 operative housing, as such term is defined in section
11 143(k) of the Internal Revenue Code of 1986 (26
12 U.S.C 143(k)).

13 “(2) USE FOR RENTAL HOUSING FOR MINIMUM
14 WAGE-INCOME FAMILIES.—Not less than 30 percent
15 of such amounts shall be distributed for use only for
16 eligible activities relating to affordable housing in
17 the jurisdiction of the eligible recipient that is avail-
18 able for rental by families (as such term is defined
19 in section 3(b) of the United States Housing Act of
20 1937 (42 U.S.C. 1437a(b))) whose incomes do not
21 exceed the amount earned by one individual who is
22 employed on a full-time basis in a position that pays
23 the greater of—

1 “(A) the Federal minimum wage under
2 section 6(a)(1) of the Fair Labor Standards
3 Act of 1938 (29 U.S.C. 206(a)(1)); and

4 “(B) the minimum wage under the laws of
5 the State in which the housing is located.

6 Such rental housing shall include limited equity co-
7 operative housing, as such term is defined in section
8 143(k) of the Internal Revenue Code of 1986 (26
9 U.S.C 143(k)).

10 “(3) USE FOR RENTAL HOUSING OR HOME-
11 OWNERSHIP ASSISTANCE FOR LOW-INCOME FAMI-
12 LIES.—Not more than 25 percent of such amounts
13 shall be distributed for use only for eligible activities
14 relating to affordable housing in the jurisdiction of
15 the eligible recipient that is available for rental by
16 families (as such term is defined in section 3(b) of
17 the United States Housing Act of 1937 (42 U.S.C.
18 1437a(b))) whose incomes do not exceed 80 percent
19 of the greater of—

20 “(A) the median family income for the
21 area in which the housing is located, as deter-
22 mined by the Secretary with adjustments for
23 smaller and larger families, and

24 “(B) the median family income for the
25 State in which the housing is located, as deter-

1 mined by the Secretary with adjustments for
2 smaller and larger families,
3 or for homeownership assistance for such families in
4 the jurisdiction of the eligible recipient. Such rental
5 housing and homes for homeownership shall include
6 housing of a cooperative housing corporation, as
7 such term is defined in section 216(b) of the Inter-
8 nal Revenue Code of 1986 (26 U.S.C 216(b)).

9 “(b) OPERATING ASSISTANCE FOR NONPROFIT
10 HOUSING DEVELOPMENT ORGANIZATIONS.—An eligible
11 entity that receives a grant under this subtitle may use
12 not more than 5 percent of such grant amounts to provide
13 assistance to nonprofit organizations involved in the devel-
14 opment, rehabilitation, or preservation of affordable rental
15 housing for payment of operating costs of such organiza-
16 tions. Such nonprofit organizations shall include commu-
17 nity housing development organizations (as such term is
18 defined in section 104 of the Cranston-Gonzalez National
19 Affordable Housing Act (42 U.S.C. 12704)), community
20 development financial institutions (as such term is defined
21 in section 103 of the Community Development Banking
22 and Financial Institutions Act of 1994 (12 U.S.C. 4702)),
23 community development corporations (as such term is de-
24 fined in section 31131 of the National Community Eco-

1 nomic Partnership Act of 1994 (42 U.S.C. 13851)), and
2 community-based development organizations.

3 “(c) COST LIMITS.—The Secretary shall establish
4 limitations on the amount of grant amounts that may be
5 used, on a per unit basis, for eligible activities. Such limi-
6 tations shall be the same as the per unit cost limits estab-
7 lished pursuant to section 212(e) of the Cranston-Gon-
8 zalez National Affordable Housing Act (42 U.S.C.
9 12742(e)), as adjusted annually, and established by num-
10 ber of bedrooms, market area, and eligible activity.

11 “(d) ELIGIBLE RECIPIENTS.—With respect to a fis-
12 cal year, a State or participating local jurisdiction shall
13 be an eligible recipient for purposes of this subtitle for
14 such fiscal year only if the State or participating local ju-
15 risdiction has established an allocation plan that has been
16 submitted to the Secretary and reviewed and approved by
17 the Secretary as in accordance with subsection (e). The
18 Secretary may disapprove an allocation plan only if the
19 plan fails to comply with requirements set forth in this
20 section.

21 “(e) ALLOCATION PLAN.—

22 “(1) IN GENERAL.—An allocation plan in ac-
23 cordance with this subsection is a plan, established
24 by a State or participating local jurisdiction, as ap-
25 propriate, for a fiscal year, for the distribution of

1 grant amounts provided to the State or participating
2 local jurisdiction under this subtitle for such fiscal
3 year that is based on priority housing needs, as de-
4 termined by the State or participating local jurisdic-
5 tion.

6 “(2) ESTABLISHMENT.—In establishing an allo-
7 cation plan, the State or participating local jurisdic-
8 tion shall notify the public of the establishment of
9 the plan, provide an opportunity for public com-
10 ments regarding the plan, consider any public com-
11 ments received, and make the completed plan avail-
12 able to the public.

13 “(3) CONTENTS.—An allocation plan of a State
14 or participating local jurisdiction shall include the
15 following information:

16 “(A) APPLICATION REQUIREMENTS FOR
17 ELIGIBLE ENTITIES AND SUBRECIPIENTS.—The
18 allocation plan shall set forth the requirements
19 for eligible entities and eligible subrecipients to
20 apply to receive assistance from grant amounts
21 under this subtitle, including a requirement
22 that each such application include—

23 “(i) a description of the eligible activi-
24 ties to be conducted using such assistance;
25 and

1 “(ii) a certification by the applicant
2 that any housing units assisted with such
3 assistance will comply with the require-
4 ments under—

5 “(I) section 296(1)(A) (relating
6 to rents charged);

7 “(II) section 296(1)(B) (relating
8 to tenant rent contribution);

9 “(III) section 296(1)(C) (relating
10 to availability of units for voucher
11 holders);

12 “(IV) section 296(1)(D) (relating
13 to use as affordable housing for 50
14 years);

15 “(V) section 296(1)(E) (relating
16 to mixed income); and

17 “(VI) section 808(d) of the Fair
18 Housing Act (relating to the obliga-
19 tion to affirmatively further fair hous-
20 ing).

21 “(B) SELECTION AND PREFERENCE CRI-
22 TERIA FOR ELIGIBLE ENTITIES AND SUBRECIPI-
23 ENTS.—The allocation plan shall set forth the
24 factors for consideration in selecting among ap-
25 plicants that meet the application requirements

1 set forth pursuant to subparagraph (A), which
2 shall give preference to applicants based on—

3 “(i) the amount of assistance lever-
4 aged by the applicant from private and
5 other non-Federal sources for carrying out
6 the eligible activities to be funded with as-
7 sistance from grant amounts under this
8 subtitle, including assistance made avail-
9 able under section 8 of the United States
10 Housing Act of 1937 (42 U.S.C. 1437f)
11 that is devoted to the project that contains
12 the affordable housing to be assisted with
13 such assistance;

14 “(ii) the extent of local assistance that
15 will be provided in carrying out the eligible
16 activities, including—

17 “(I) financial assistance;

18 “(II) the extent to which the ap-
19 plicant has worked to address issues
20 of siting and exclusionary zoning or
21 other policies that are barriers to af-
22 fordable housing with the unit of gen-
23 eral local government in which the
24 housing to be assisted with such as-
25 sistance will be located; and

1 “(III) the extent to which the ap-
2 plicant has worked with the unit of
3 general local government to reduce
4 the barriers to affordable housing;

5 “(iii) the degree to which the project
6 in which the affordable housing will be lo-
7 cated will have residents of various in-
8 comes;

9 “(iv) the extent of employment and
10 other economic opportunities for low-in-
11 come families in the area in which the
12 housing will be located;

13 “(v) the extent to which the applicant
14 demonstrates the ability to maintain dwell-
15 ing units as affordable housing through the
16 use of assistance made available under this
17 subtitle, assistance leveraged from non-
18 Federal sources, assistance made available
19 under section 8 of the United States Hous-
20 ing Act of 1937 (42 U.S.C. 1437f), State
21 or local assistance, programs to increase
22 tenant income, cross-subsidization, and any
23 other resources;

24 “(vi) the extent to which the applicant
25 demonstrates that the county in which the

1 housing is to be located is experiencing an
2 extremely low vacancy rate;

3 “(vii) the extent to which the percent-
4 age of the housing located in such county
5 that is extremely old housing exceeds 35
6 percent;

7 “(viii) the extent to which the housing
8 assisted with the grant amounts will be ac-
9 cessible to persons with disabilities;

10 “(ix) the extent to which the applicant
11 demonstrates that the affordable housing
12 assisted with the grant amounts will be lo-
13 cated in proximity to public transportation,
14 job opportunities, child care, and commu-
15 nity revitalization projects; and

16 “(x) the extent to which the applicant
17 has provided that assistance from grant
18 amounts made available under this subtitle
19 will be used for eligible activities relating
20 to housing located in census tracts in
21 which the number of families having in-
22 comes less than the poverty line is less
23 than 20 percent.

24 “(4) CONSOLIDATED PLAN.—The Secretary
25 shall provide that a State or local participating juris-

1 diction may comply with the requirements under this
2 subsection for submission of an allocation plan
3 through the inclusion of any appropriate information
4 in a single consolidated submission used for pur-
5 poses of applying for other community planning and
6 development and housing assistance programs ad-
7 ministered by the Secretary.

8 “(f) FORMS OF ASSISTANCE.—

9 “(1) IN GENERAL.—Assistance may be distrib-
10 uted pursuant to this section in the form of capital
11 grants, noninterest bearing or low-interest loans or
12 advances, deferred payment loans, guarantees, and
13 any other forms of assistance approved by the Sec-
14 retary.

15 “(2) REPAYMENTS.—If an eligible recipient
16 awards assistance under this section in the form of
17 a loan or other mechanism by which funds are later
18 repaid to the eligible recipient, any repayments re-
19 ceived by the eligible recipient shall be distributed by
20 the eligible recipient in accordance with the alloca-
21 tion plan under subsection (e) for the eligible recipi-
22 ent for the fiscal year in which such repayments are
23 made.

24 “(g) COORDINATION WITH OTHER ASSISTANCE.—In
25 distributing assistance pursuant to this section, each eligi-

1 ble recipient shall, to the maximum extent practicable, co-
2 ordinate such distribution with the provision of other Fed-
3 eral, State, and local housing assistance, including—

4 “(1) in the case of any State, housing credit
5 dollar amounts allocated by the State under section
6 42(h) of the Internal Revenue Code of 1986;

7 “(2) assistance made available under the
8 HOME Investment Partnerships Act (42 U.S.C.
9 12721 et seq.) or the community development block
10 grant program under title I of the Housing and
11 Community Development Act of 1974 (42 U.S.C.
12 5301 et seq.);

13 “(3) private activity bonds;

14 “(4) assistance made available under section 9
15 of the United States Housing Act of 1937 (42
16 U.S.C. 1437g);

17 “(5) assistance made available under section
18 8(o) of the United States Housing Act of 1937 (42
19 U.S.C. 1437f(o));

20 “(6) assistance made available under title V of
21 the Housing Act of 1949 (42 U.S.C. 1471 et seq.);
22 and

23 “(7) any other housing assistance programs.

24 “(h) EFFECT OF ASSISTANCE UNDER PROGRAM.—
25 Notwithstanding any other provision of law, the provision

1 of assistance under this subtitle for a project shall not re-
2 duce the amount of assistance for which such project is
3 otherwise eligible under section 42(h) of the Internal Rev-
4 enue Code of 1986 (26 U.S.C. 42(h)) or subtitles A
5 through F of this title, if the project does not exceed the
6 cost limits established pursuant to subsection (c) of this
7 section.

8 “(i) ADMINISTRATION OF PROGRAM BY SUB-
9 RECIPIENT.—At the discretion of the eligible recipient, an
10 eligible recipient may select an eligible subrecipient to
11 carry out all or a portion of the recipient’s responsibilities
12 under this subtitle, in accordance with this section.

13 “(j) LABOR STANDARDS.—Each eligible recipient re-
14 ceiving grant amounts under this subtitle shall ensure that
15 contracts for eligible activities assisted with such amounts
16 comply with the same requirements under section 286 of
17 the Cranston-Gonzalez National Affordable Housing Act
18 (42 U.S.C. 12836) that are applicable to contracts for
19 construction of affordable housing assisted under such
20 Act.

21 “(k) FAILURE TO COMPLY.—If the Secretary finds
22 after reasonable notice and opportunity for hearing that
23 a State or participating local jurisdiction has failed to
24 comply substantially with any provision of this subtitle
25 and until the Secretary is satisfied that there is no longer

1 any such failure to comply, the Secretary shall have the
2 authority to discontinue assistance under this subtitle to
3 the State or participating local jurisdiction.

4 **“SEC. 296. DEFINITIONS.**

5 “For purposes of this subtitle, the following defini-
6 tions shall apply:

7 “(1) AFFORDABLE HOUSING.—The term ‘af-
8 fordable housing’ means a rental dwelling unit that
9 is subject to legally binding commitments that en-
10 sure that the dwelling unit meets all of the following
11 requirements:

12 “(A) RENTS.—The dwelling unit bears a
13 rent not greater than the lesser of—

14 “(i) the existing fair market rental es-
15 tablished by the Secretary under section
16 8(c) of the United States Housing Act of
17 1937 (42 U.S.C. 1437f(e)) for a dwelling
18 unit of the same size in the same market
19 area, or the applicable payment standard
20 for assistance under section 8(o) of such
21 Act, if higher; and

22 “(ii) a rent that does not exceed 30
23 percent of the adjusted income of a family
24 whose income equals 65 percent of the me-
25 dian income for the area, as determined by

1 the Secretary, with adjustment for number
2 of bedrooms in the unit, except that the
3 Secretary may establish income ceilings
4 higher or lower than 65 percent of the me-
5 dian for the area on the basis of the find-
6 ings of the Secretary that such variations
7 are necessary because of prevailing levels
8 of construction costs or fair market rents,
9 or unusually high or low family incomes.

10 “(B) TENANT RENT CONTRIBUTION.—The
11 contribution toward rent by the family residing
12 in the dwelling unit will not exceed 30 percent
13 of the adjusted income of such family.

14 “(C) AVAILABILITY OF UNITS FOR VOUCH-
15 ER HOLDERS.—The dwelling unit—

16 “(i) is located in a project within
17 which a percentage of units are made
18 available only for occupancy by families as-
19 sisted under the voucher program under
20 section 8(o) of the United States Housing
21 Act of 1937 (42 U.S.C. 1437f(o)) (includ-
22 ing project-based assistance under section
23 8(o)(13)) on the same basis as other fami-
24 lies eligible for occupancy of the project
25 (except that only the voucher holder’s ex-

1 pected share of rent shall be considered),
2 which percentage shall not be less than the
3 percentage of the total cost of developing,
4 rehabilitating, or preserving the project
5 that is funded with assistance under this
6 subtitle; and

7 “(ii) is one of the units that is subject
8 to such occupancy requirements.

9 “(D) NON-DISCRIMINATION AGAINST
10 VOUCHER HOLDERS.—The dwelling unit is lo-
11 cated in a project in which all dwelling units
12 are subject to enforceable restrictions that pro-
13 vide that a unit may not be refused for leasing
14 to a holder of a voucher of eligibility under sec-
15 tion 8 of the United States Housing Act of
16 1937 (42 U.S.C. 1437f) because of the status
17 of the prospective tenant as a holder of such
18 voucher.

19 “(E) MIXED INCOME.—

20 “(i) IN GENERAL.—The dwelling unit
21 is located in a project in which not more
22 than 50 percent of the rental units in the
23 project that receive assistance under this
24 subtitle and are not previously occupied
25 may be rented initially to families with in-

1 comes described in section 295(a)(1), as
2 determined at a reasonable time before oc-
3 cupancy.

4 “(ii) EXCEPTIONS.—Clause (i) shall
5 not apply in the case of a project having
6 not more than 25 dwelling units that is—

7 “(I) located in a census tract in
8 which the number of families having
9 incomes less than the poverty line is
10 less than 20 percent;

11 “(II) located in a rural area, as
12 such term is defined in section 520 of
13 the Housing Act of 1949 (42 U.S.C.
14 1490); or

15 “(III) specifically made available
16 only for households comprised of el-
17 derly families or disabled families.

18 “(F) DURATION OF USE.—The dwelling
19 unit will continue to be subject to the require-
20 ments under this paragraph for not less than
21 50 years.

22 “(2) ELIGIBLE ACTIVITIES.—The term ‘eligible
23 activities’ means activities relating to providing af-
24 fordable housing, including—

25 “(A) the construction of new housing;

1 “(B) the acquisition of real property;

2 “(C) site preparation and improvement, in-
3 cluding demolition;

4 “(D) rehabilitation of existing housing;

5 “(E) the provision of project-based rental
6 assistance for not more than 12 months for a
7 dwelling unit assisted with grant amounts
8 under this subtitle; and

9 “(F) providing incentives to maintain ex-
10 isting housing as affordable housing and to es-
11 tablish or extend any low-income affordability
12 restrictions for such housing, including covering
13 capital expenditures and operating costs.

14 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
15 tity’ includes any public or private nonprofit or for-
16 profit entity, unit of general local government, re-
17 gional planning entity, and any other entity engaged
18 in the development, rehabilitation, or preservation of
19 affordable housing, as determined by the Secretary.

20 “(4) ELIGIBLE PARTICIPATING LOCAL JURIS-
21 DICTION.—The term ‘eligible participating local ju-
22 risdiction’ means a participating local jurisdiction
23 that complies with the requirements under section
24 295(d).

1 “(5) ELIGIBLE RECIPIENT.—The term ‘eligible
2 recipient’ means an eligible State or eligible partici-
3 pating local jurisdiction.

4 “(6) ELIGIBLE STATE.—The term ‘eligible
5 State’ means a State that complies with the require-
6 ments under section 295(d).

7 “(7) ELIGIBLE SUBRECIPIENT.—The term ‘eli-
8 gible subrecipient’ means a public agency or a non-
9 profit organization, including a community develop-
10 ment corporation, a community development finan-
11 cial institution, a State or local housing trust fund,
12 and any other intermediary selected by a State or
13 participating local jurisdiction to administer all or a
14 portion of the State’s or participating local jurisdic-
15 tion’s responsibilities under this subtitle. The term
16 does not include any public agency or nonprofit or-
17 ganization that receives money from the Trust Fund
18 solely as a developer or owner of housing.

19 “(8) EXTREMELY LOW VACANCY RATE.—The
20 term ‘extremely low vacancy rate’ means a housing
21 or rental vacancy rate of 2 percent or less.

22 “(9) EXTREMELY OLD HOUSING.—The term
23 ‘extremely old housing’ means housing that is 45
24 years old or older.

1 “(10) FISCAL DISTRESS; SEVERE FISCAL DIS-
2 TRESS.—The terms ‘fiscal distress’ and ‘severe fiscal
3 distress’ have the meanings given such terms in sec-
4 tion 220(d).

5 “(11) FULL-TIME BASIS.—The term ‘full-time
6 basis’ means, with respect to employment, on a 40-
7 hour per week, 52-week per year basis.

8 “(12) INELIGIBLE RECIPIENT.—The term ‘ineli-
9 gible recipient’ means, with respect to a fiscal year,
10 a State or participating local jurisdiction that has
11 not submitted to the Secretary an allocation plan
12 meeting the requirements of section 295(e).

13 “(13) PARTICIPATING LOCAL JURISDICTION.—
14 The term ‘participating local jurisdiction’ means,
15 with respect to a fiscal year, any unit of general
16 local government (as such term is defined in section
17 104 of the Cranston-Gonzalez National Affordable
18 Housing Act (42 U.S.C. 12704) that qualifies as a
19 participating jurisdiction under the HOME Invest-
20 ment Partnerships Act for such fiscal year.

21 “(14) POVERTY LINE.—The term ‘poverty line’
22 has the meaning given such term in section 673(2)
23 of the Omnibus Budget Reconciliation Act of 1981,
24 including any revision required by such section.

1 “(15) SECRETARY.—The term ‘Secretary’
2 means the Secretary of Housing and Urban Develop-
3 ment.

4 “(16) STATE.—The term ‘State’ has the mean-
5 ing given such term in section 3(b) of the United
6 States Housing Act of 1937 (42 U.S.C. 1437a(b)).

7 “(17) TRUST FUND.—The term ‘Trust Fund’
8 means the National Affordable Housing Trust Fund
9 established under section 292.

10 **“SEC. 297. AUTHORIZATION OF APPROPRIATIONS FOR SEC-**
11 **TION 8 PROJECT-BASED ASSISTANCE.**

12 “‘There are authorized to be appropriated, for project-
13 based rental assistance under section 8(o)(13) of the
14 United States Housing Act of 1937 (42 U.S.C.
15 1437f(o)(13)) provided in connection with dwelling units
16 assisted under this subtitle, such sums as may be nec-
17 essary for each fiscal year to provide such rental assist-
18 ance on behalf of each family who occupied a dwelling unit
19 assisted under this subtitle for which the rent that other-
20 wise may be charged exceeds 30 percent of the family’s
21 adjusted income, as such term is defined in section 3 of
22 the United States Housing Act of 1937 (42 U.S.C.
23 1437a).

1 **“SEC. 298. INAPPLICABILITY OF HOME PROVISIONS.**

2 “Except as specifically provided in this subtitle, no
3 requirement under, or provision of, title I or subtitles A
4 through F of this title shall apply to assistance provided
5 under this subtitle.

6 **“SEC. 299. REGULATIONS.**

7 “Not later than 6 months after the date of enactment
8 of the Bringing America Home Act, the Secretary of
9 Housing and Urban Development shall promulgate regula-
10 tions to carry out this subtitle.”.

11 (b) CONFORMING AMENDMENT.—Section 201 of the
12 Cranston-Gonzalez National Affordable Housing Act (42
13 U.S.C. 12701 note) is amended by striking “This title”
14 and inserting “Subtitles A through F of this title”.

15 **SEC. 222. INCREMENTAL RENTAL ASSISTANCE FOR 1,500,000**
16 **FAMILIES.**

17 There are authorized to be appropriated such sums
18 as may be necessary for the Secretary of Housing and
19 Urban Development to provide 1,500,000 incremental
20 housing vouchers for rental assistance under section 8(o)
21 of the United States Housing Act of 1937 (42 U.S.C.
22 1437f(o)) for the 10-year period following the date of en-
23 actment of this Act.

24 **SEC. 223. FUNDING FOR HUD HOUSING PROGRAMS.**

25 (a) SECTION 202 SUPPORTIVE HOUSING FOR THE
26 ELDERLY.—Subsection (h) of section 202 of the Housing

1 Act of 1959 (12 U.S.C. 1701q(h)) is amended to read as
2 follows:

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated for providing grants
5 under this section \$1,426,000,000 for fiscal year 2004
6 and such sums as may be necessary for each of fiscal years
7 2005, 2006, 2007, and 2008.”.

8 (b) SUPPORTIVE HOUSING FOR PERSONS WITH DIS-
9 ABILITIES.—Subsection (m) of section 811 of the Cran-
10 ston-Gonzalez National Affordable Housing Act (42
11 U.S.C. 8013(m)) is amended to read as follows:

12 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated for providing assistance
14 under this section \$502,000,000 for fiscal year 2004 and
15 such sums as may be necessary for each of fiscal years
16 2005, 2006, 2007, and 2008. Not less than 30 percent
17 of the amounts made available for each fiscal year for pro-
18 viding assistance under this section shall be used only for
19 providing permanent housing for individuals and families
20 who are homeless (as such term is defined in section 103
21 of the McKinney-Vento Homeless Assistance Act (42
22 U.S.C. 11302)).”.

23 (c) HOME INVESTMENT PARTNERSHIPS PRO-
24 GRAM.—

1 Section 205 of the Cranston-Gonzalez National Af-
2 fordable Housing Act (42 U.S.C. 12724) is amended to
3 read as follows:

4 **“SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

5 “There is authorized to be appropriated to carry out
6 this title \$4,000,000,000 for fiscal year 2004, and such
7 sums as may be necessary for each of fiscal years 2005,
8 2006, 2007, and 2008, of which—

9 “(1) not more than \$28,000,000 for fiscal year
10 2004 and such sums as may be necessary in each of
11 fiscal years 2005, 2006, 2007, and 2008, shall be
12 for community housing partnership activities author-
13 ized under section 233; and

14 “(2) not more than \$22,000,000 for fiscal year
15 2004 and such sums as may be necessary in each of
16 fiscal years 2005, 2006, 2007, and 2008, shall be
17 for activities in support of State and local housing
18 strategies authorized under subtitle C.”.

19 **SEC. 224. HUD RURAL HOUSING AND ECONOMIC DEVELOP-**
20 **MENT PROGRAM.**

21 There is authorized to be appropriated for grants,
22 through the Office of Rural Housing and Economic Devel-
23 opment of the Department of Housing and Urban Devel-
24 opment, to Indian tribes, State housing finance agencies,
25 local rural nonprofit organizations, and community devel-

1 opment organizations, for support of innovative housing
2 and economic development activities in rural areas,
3 \$25,000,000 for fiscal year 2004 and such sums as may
4 be necessary for each of fiscal years 2005, 2006, 2007,
5 and 2008.

6 **SEC. 225. RURAL HOUSING PROGRAMS.**

7 (a) RURAL RENTAL ASSISTANCE.—Subsection (c) of
8 section 513 of the Housing Act of 1949 (42 U.S.C.
9 1483(c)) is amended by striking the subsection designa-
10 tion and all that follows through the end of paragraph (1)
11 and inserting the following:

12 “(c) RENTAL ASSISTANCE.—(1) The Secretary may,
13 to the extent approved in appropriations Acts, enter into
14 rental assistance payments contracts under section
15 521(a)(2)(A) aggregating \$814,000,000 for fiscal year
16 2004 and such sums as may be necessary for each of fiscal
17 years 2005, 2006, 2007, and 2008.”.

18 (b) FARM LABOR HOUSING LOANS.—Section
19 513(a)(1) of the Housing Act of 1949 (42 U.S.C.
20 1483(a)(1)) is amended—

21 (1) in the matter preceding subparagraph (A),
22 by inserting “and during fiscal years 2004 through
23 2008,” after “respectively,”; and

24 (2) by striking subparagraph (D) and inserting
25 the following new subparagraph:

1 “(D) For insured loans under section 514,
2 \$50,000,000 for fiscal year 2004, and such sums as
3 may be necessary for each of fiscal years 2005,
4 2006, 2007, and 2008.”.

5 (c) FARM LABOR HOUSING GRANTS.—Section
6 513(b) of the Housing Act of 1949 (42 U.S.C. 1483(b))
7 is amended—

8 (1) in the matter preceding paragraph (1), by
9 inserting “, and for fiscal years 2004 through
10 2008,” after “1994,”; and

11 (2) in paragraph (7), by striking subparagraph
12 (A) and inserting the following new subparagraph:

13 “(A) for low-rent housing and related fa-
14 cilities for domestic farm labor under sub-
15 sections (a) through (J) of such section,
16 \$30,000,000 for fiscal year 2004, and such
17 sums as may be necessary for each of fiscal
18 years 2005, 2006, 2007, and 2008; and”.

19 **SEC. 226. DEPARTMENT OF VETERANS AFFAIRS HOMELESS**
20 **COMPREHENSIVE SERVICES PROGRAMS.**

21 Section 2013 of title 38, United States Code, is
22 amended by striking paragraphs (3) and (4) and inserting
23 the following new paragraphs:

24 “(3) \$120,000,000 for fiscal year 2004.

25 “(4) \$120,000,000 for fiscal year 2005.

1 “(5) Such sums as may be necessary for fiscal
2 years 2006 through 2008.”.

3 **SEC. 227. SENSE OF CONGRESS REGARDING APPROPRIA-**
4 **TIONS FOR TRANSITIONAL HOUSING ASSIST-**
5 **ANCE UNDER VIOLENCE AGAINST WOMEN**
6 **ACT OF 2000.**

7 (a) CONGRESSIONAL FINDINGS.—The Congress finds
8 that—

9 (1) victims of domestic violence often face sub-
10 stantial barriers that inhibit their ability to gain
11 independence from their abusive partners;

12 (2) domestic violence advocates report that vic-
13 tims often return to their batterers when a viable
14 option for permanent housing cannot be found; and

15 (3) transitional housing works to move beyond
16 the crisis-intervention approach of emergency shel-
17 ters to provide victims of domestic violence with
18 long-term solutions that allow them to rebuild their
19 lives and break the cycle of abuse.

20 (b) SENSE OF CONGRESS.—It is the sense of the
21 Congress that transitional housing assistance program
22 under section 319 of the Family Violence Prevention and
23 Services Act (42 U.S.C. 10419) should be fully funded at
24 \$25,000,000, which is the level authorized in subsection
25 (f) of such section, to provide transitional housing assist-

1 ance to individuals and their dependents who are homeless
2 or in need of transitional housing or other assistance, as
3 a result of fleeing domestic violence.

4 **Subtitle B—Federal Homelessness**
5 **to Housing Mutual Mortgage As-**
6 **sociation**

7 **SEC. 231. SHORT TITLE AND STATEMENT OF PURPOSE.**

8 (a) **SHORT TITLE.**—This subtitle may be cited as the
9 “Federal Homelessness to Housing Mutual Mortgage As-
10 sociation Act”.

11 (b) **STATEMENT OF PURPOSE.**—It is the purpose
12 of the Federal Homelessness to Housing Mutual Mort-
13 gage Association to provide housing and homeownership
14 opportunities, in a cooperative housing association, for
15 homeless families and individuals by—

16 (1) sponsoring single room occupancy and fam-
17 ily-oriented mutual housing cooperatives; and

18 (2) providing continuing management and sup-
19 port services to its self-governed member buildings.

20 **SEC. 232. ESTABLISHMENT.**

21 (a) **IN GENERAL.**—There is hereby established the
22 Federal Homelessness to Housing Mutual Mortgage Asso-
23 ciation, otherwise to be known as “Hollie Mae”, which
24 shall be a body corporate under the direction of a Board
25 of Directors. Within the limitations of law and regulation,

1 the Board of Directors shall determine the general policies
2 that govern the operations of the Association.

3 (b) TAX-EXEMPT STATUS.—The Association shall be
4 considered, for purposes of section 501(c)(3) of the Inter-
5 nal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), to be
6 a corporation organized and operated for charitable pur-
7 poses and shall be organized and operated at all times in
8 a manner such that the Association is an organization ex-
9 empt from taxation pursuant to such section 501.

10 (c) OFFICE.—The principal office of the Association
11 shall be in the District of Columbia or at any other place
12 determined by the Association.

13 (d) BOARD OF DIRECTORS.—

14 (1) MEMBERS.—Except as provided in para-
15 graph (5), the Board of Directors of the Association
16 shall consist of 20 persons, as follows:

17 (A) CLASS A TENANT-SHAREHOLDER MEM-
18 BERS.—9 members, who shall be individuals
19 who are tenant-shareholders of mutual housing
20 sponsored and managed by the Association, and
21 who shall be elected pursuant to an election in
22 which only tenant-shareholders of such housing
23 are eligible to vote.

24 (B) CLASS B BOARD-NOMINATED MEM-
25 BERS.—9 members, who shall meet such cri-

1 teria regarding experience as the Board shall
2 establish in the areas of low-income housing, fi-
3 nance, supportive services, real estate manage-
4 ment, cooperative business, local government,
5 and advocacy and services for homeless persons,
6 and who shall be elected pursuant to an election
7 in which only tenant-shareholders of mutual
8 housing sponsored and managed by the Associa-
9 tion may vote, from among qualified persons
10 nominated by existing members of the Board
11 under this subparagraph.

12 (C) CLASS C PRESIDENTIALLY APPOINTED
13 MEMBERS.—2 members, who shall be appointed
14 by the President of the United States.

15 (2) TERMS.—

16 (A) CLASS A MEMBERS.—Each member of
17 the Board of Directors pursuant to paragraph
18 (1)(A) shall be elected for a term of 3 years, ex-
19 cept that, as designated at the time of election,
20 of such members first elected pursuant to para-
21 graph (5)(C), 3 members shall be elected for
22 terms of 1 year and 3 members shall be elected
23 for terms of 2 years.

24 (B) CLASS B MEMBERS.—Each member of
25 the Board of Directors pursuant to paragraph

1 (1)(B) shall be elected for a term of 3 years,
2 except that, as designated at the time of elec-
3 tion, of such members first elected pursuant to
4 paragraph (5)(C), 3 members shall be elected
5 for terms of 1 year and 3 members shall be
6 elected for terms of 2 years.

7 (C) CLASS C MEMBERS.—Each member of
8 the Board of Directors pursuant to paragraph
9 (1)(C) shall be appointed for a term of 2 years.

10 (3) VACANCIES.—Any appointive seat on the
11 Board of Directors that becomes vacant shall be
12 filled by appointment by the President of the United
13 States, but only for the unexpired portion of the
14 term. Any elective seat on the Board of Directors
15 that becomes vacant shall be filled by the Board of
16 Directors, but only for the unexpired portion of the
17 term.

18 (4) PROHIBITION ON COMPENSATION.—Any
19 member of the Board of Directors who is a full-time
20 officer or employee of the Federal Government shall
21 not, as such member, receive compensation for serv-
22 ices as such a member.

23 (5) INITIAL BOARD.—Notwithstanding any
24 other provision of this subsection, the initial Board
25 of Directors shall be organized as follows:

1 (A) MEMBERS.—The initial Board shall
2 have 9 members—

3 (i) 6 of whom shall be appointed by
4 the Interagency Council on the Homeless
5 after a call for nominations, which shall be
6 made by public notice; and

7 (ii) 3 of whom shall be appointed by
8 the National Cooperative Bank.

9 (B) TERM OF OPERATIONS.—The initial
10 Board shall serve until the expiration of the
11 180-day period beginning upon the Association
12 having obtained occupancy certificates for three
13 mutual housing cooperatives sponsored by the
14 Association.

15 (C) TRANSITION.—During the period re-
16 ferred to in subparagraph (B), the initial Board
17 shall nominate qualified persons for election to
18 the Board pursuant to paragraph (1)(B), elec-
19 tions pursuant to paragraph (2) shall be held
20 for members of the Board pursuant to subpara-
21 graphs (A) and (B) of paragraph (1), and
22 members pursuant to paragraph (1)(C) shall be
23 appointed.

1 **SEC. 233. POWERS AND AUTHORITIES.**

2 (a) CORPORATE POWERS.—The Association shall
3 have power—

4 (1) to adopt, alter, and use a corporate seal;

5 (2) to have succession until dissolved by Act of
6 Congress;

7 (3) to make and enforce such bylaws, rules, and
8 regulations as may be necessary or appropriate to
9 carry out the purposes or provisions of this subtitle;

10 (4) to make and perform contracts, agreements,
11 and commitments;

12 (5) to prescribe and impose fees and charges
13 for services by the Association;

14 (6) to settle, adjust, and compromise, and with
15 or without consideration or benefit to the Associa-
16 tion to release or waive in whole or in part, in ad-
17 vance or otherwise, any claim, demand, or right of,
18 by, or against the Association;

19 (7) to sue and be sued, complain and defend, in
20 any State, Federal, or other court;

21 (8) to acquire, take, hold, and own, and to deal
22 with and dispose of any property; and

23 (9) to determine its necessary expenditures and
24 the manner in which the same shall be incurred, al-
25 lowed, and paid, and appoint, employ, and fix and
26 provide for the compensation and benefits of offi-

1 cers, employees, attorneys, and agents as the Board
2 of Directors determines reasonable and comparable
3 with compensation for employment in other similar
4 nonprofit businesses.

5 (b) EXEMPTION FROM STATE TAXATION.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the Association, including its franchise,
8 activities, capital, reserves, surplus, and income,
9 shall be exempt from all taxation now or hereafter
10 imposed by any territory, dependency, or possession
11 of the United States or by any State, county, mu-
12 nicipality, or local taxing authority.

13 (2) TREATMENT OF REAL PROPERTY TAXES.—

14 In the case of any real property of the Association
15 that is disposed of by the Association or the use of
16 which changes from mutual housing use to any other
17 use, the Association shall be liable for payment of
18 any taxes that would have been incurred during the
19 3-year period ending up such disposition or change
20 of use but for paragraph (1).

21 (c) ACTIONS.—Notwithstanding section 1349 of title
22 28, United States Code, or any other provision of law—

23 (1) the Association shall be deemed to be an
24 agency included in sections 1345 and 1442 of such
25 title 28;

1 (2) all civil actions to which the Association is
2 a party shall be deemed to arise under the laws of
3 the United States, and the district courts of the
4 United States shall have original jurisdiction of all
5 such actions, without regard to amount or value;
6 and

7 (3) any civil or other action, case or controversy
8 in a court of a State, or in any court other than a
9 district court of the United States, to which the As-
10 sociation is a party may at any time before the trial
11 thereof be removed by the Association, without the
12 giving of any bond or security, to the district court
13 of the United States for the district and division em-
14 bracing the place where the same is pending, or, if
15 there is no such district court, to the district court
16 of the United States for the district in which the
17 principal office of the Association is located, by fol-
18 lowing any procedure for removal of causes in effect
19 at the time of such removal.

20 (d) INVESTMENT OF FUNDS.—Funds of the Associa-
21 tion may be invested in such investments as the Board
22 of Directors may prescribe. Any Federal Reserve bank or
23 Federal home loan bank, or any bank as to which at the
24 time of its designation by the Association there is out-
25 standing a designation by the Secretary of the Treasury

1 as a general or other depository of public money, may be
2 designated by the Association as a depository or custodian
3 or as a fiscal or other agent of the Association, and is
4 hereby authorized to act as such depository, custodian, or
5 agent.

6 **SEC. 234. MUTUAL HOUSING OPERATIONS.**

7 (a) IN GENERAL.—The Association may develop,
8 support, finance, construct, acquire, reconstruct, rehabili-
9 tate, assist, own, operate, manage, hold, and otherwise
10 deal in mutual housing.

11 (b) MUTUAL HOUSING.—For purposes of this sub-
12 title, the term “mutual housing” means housing—

13 (1) that is held by the Association or another
14 nonprofit mutual housing association as a coopera-
15 tive ownership housing association, as the Board of
16 Directors shall provide;

17 (2) occupancy in the dwelling units of which is
18 restricted to members of the Association;

19 (3) in which a right to permanent occupancy of
20 a dwelling unit is granted to the member, contingent
21 upon payment of a housing charge and fulfillment of
22 such other obligations of membership in the Associa-
23 tion as may be established by the Board of Direc-
24 tors;

1 (4) the management and operation of which is
2 governed by the Board of Directors, with the advice
3 of a council of residents of the housing as the Board
4 shall establish; and

5 (5) within which such resident programs, sup-
6 port services, and assistance may be provided as the
7 Board of Directors, with the advice of the resident
8 council, considers appropriate.

9 (c) HOUSING AFFORDABILITY, TYPES, TARGETING,
10 AND OCCUPANCY PRIORITY.—Mutual housing supported,
11 developed, or held by the Association shall comply with
12 the following requirements:

13 (1) AFFORDABILITY.—The housing shall be
14 housing that is affordable, as determined by the
15 Board of Directors, for low-income families (as such
16 term is defined in section 3(b) of the United States
17 Housing Act of 1937 (42 U.S.C. 1437a(b)).

18 (2) TYPES.—The housing shall be designed—

19 (A) for occupancy by families; or

20 (B) as single room occupancy dwellings ap-
21 propriate for occupancy by individuals.

22 (3) INCOME TARGETING.—All dwelling units in
23 the housing may be reserved for occupancy by
24 low-, very low-, and extremely low-income families

1 with modest or intermittent needs for other sup-
2 portive services.

3 (4) OCCUPANCY PRIORITY.—

4 (A) FIRST PRIORITY.—Priority for occu-
5 pancy in all dwelling units in the housing shall
6 be provided to individuals and families who—

7 (i) during the 12-month period ending
8 upon initial occupancy, were homeless (as
9 such term is defined in section 103 of the
10 McKinney-Vento Homeless Assistance Act
11 (42 U.S.C. 11302); or

12 (ii) during the 24-month period end-
13 ing upon initial occupancy, received assist-
14 ance under a State program funded under
15 part A of title IV of the Social Security
16 Act.

17 (B) SECONDARY PRIORITY.—Priority, sec-
18 ondary to that provided pursuant to subpara-
19 graph (A), for occupancy in the housing shall
20 be provided to individuals and families holding
21 a voucher for rental assistance under section
22 8(o) of the United States Housing Act of 1937
23 (42 U.S.C. 1437f(o)) or other similar tenant-
24 based rental assistance.

1 (C) GENERAL AVAILABILITY OF UNITS.—If
2 there are insufficient individuals and families
3 that qualify for priorities under subparagraphs
4 (A) and (B) to fill all the dwelling units in the
5 housing, dwelling units may be made available
6 to other individuals and families that meet the
7 income requirements for occupancy in the hous-
8 ing.

9 (5) OTHER.—The housing shall comply with
10 such other policies regarding eligible residents as the
11 Board of Directors may establish.

12 **SEC. 235. FINANCING.**

13 (a) AUTHORIZATION OF APPROPRIATIONS FOR
14 START-UP.—There is authorized to be appropriated to the
15 Association for assistance for the supporting and devel-
16 oping mutual housing and costs of the Association in car-
17 rying out its functions—

- 18 (1) \$50,000,000 for fiscal year 2004;
19 (2) \$100,000,000 for fiscal year 2005; and
20 (3) \$150,000,000 for fiscal year 2006.

21 (b) OBLIGATIONS AND SECURITIES.—

22 (1) AUTHORITY TO ISSUE.—The Association
23 may, upon such terms and conditions as the Board
24 of Directors may prescribe, borrow, give security,

1 pay interest or other return, and issue notes, debentures,
2 tures, bonds, and other obligations and securities.

3 (2) TREASURY APPROVAL.—Any notes, debentures,
4 tures, or substantially identical types of unsecured
5 obligations of the Association evidencing money borrowed,
6 whether general or subordinated, shall be issued upon the
7 approval of the Secretary of the Treasury and shall have such
8 maturities and bear such rate or rates of interest as may be
9 determined by the Association with the approval of the Secretary
10 of the Treasury.

12 (c) TEMPORARY AUTHORITY TO BORROW FROM
13 TREASURY.—

14 (1) IN GENERAL.—The Secretary of the Treasury may purchase
15 any obligations issued under subsection (b). For such purpose,
16 the Secretary may use a public debt transaction the proceeds of
17 the sale of any securities issued under chapter 31 of title 31,
18 United States Code, and the purposes for which securities may
19 be issued under such chapter are extended to include such purpose.

22 (2) LIMITATIONS ON AMOUNT AND TIMING.—
23 The Secretary of the Treasury shall not at any time
24 purchase any obligations under this subsection—

1 (A) after the expiration of the 3-year pe-
2 riod beginning upon the date of the enactment
3 of the first appropriation Act that provides
4 amounts for the Association pursuant to sub-
5 section (a); or

6 (B) if the purchase would increase the ag-
7 gregate principal amount of the outstanding
8 holdings of obligations under this subsection by
9 the Secretary to an amount greater than
10 \$100,000,000.

11 (3) TERMS AND CONDITIONS.—Each purchase
12 of obligations by the Secretary of the Treasury
13 under this subsection shall be upon terms and condi-
14 tions established to yield a rate of return determined
15 by the Secretary of the Treasury to be appropriate,
16 taking into consideration the current average rate on
17 outstanding marketable obligations of the United
18 States as of the last day of the month preceding the
19 making of the purchase.

20 (4) SALE.—The Secretary of the Treasury may
21 at any time sell, upon terms and conditions and at
22 prices determined by the Secretary, any of the obli-
23 gations acquired by the Secretary under this sub-
24 section.

1 (5) TREATMENT AS PUBLIC DEBT TRANS-
2 ACTIONS.—All redemptions, purchases, and sales by
3 the Secretary of the Treasury of obligations under
4 this subsection shall be treated as public debt trans-
5 actions of the United States.

6 (d) SENSE OF CONGRESS REGARDING FINANCING.—

7 It is the sense of the Congress that—

8 (1) in order to facilitate the raising of capital
9 by the Association to carry out its functions, interest
10 on revenue bonds of the Association should be treat-
11 ed under Federal law as exempt from Federal tax-
12 ation;

13 (2) operating funds for housing provided by the
14 Association should be derived wholly from the
15 monthly payments made by, or on behalf of, resi-
16 dents of the cooperative housing of the Association;
17 and

18 (3) the Association should use its tax-exempt,
19 nonprofit status to obtain funding and resources for
20 its activities from foundations, State and local gov-
21 ernments, land trusts, and other sources of income
22 made available to such organizations.

23 **SEC. 236. RELATIONSHIP WITH OTHER PROGRAMS.**

24 (a) COMMUNITY REINVESTMENT ACT CREDIT.—In
25 assessing and taking into account, under section 804(a)

1 of the Community Reinvestment Act of 1977 (12 U.S.C.
2 2903(a)), the record of any regulation financial institu-
3 tion, the appropriate Federal financial supervisory agency
4 (as defined in section 803(1) of such Act) may consider
5 as a factor investments in mutual housing supported by
6 the Association in determining whether the institution is
7 meeting the credit needs of its community for purposes
8 of such section 804(a).

9 (b) HUD MORTGAGEE PROGRAMS.—The Secretary
10 of Housing and Urban Development shall treat the Asso-
11 ciation as an eligible mortgagee for purposes of participa-
12 tion in all single family and multifamily mortgage insur-
13 ance programs under the National Housing Act (12
14 U.S.C. 1701 et seq.), except that such participation shall
15 be subject to the authority of the Mortgagee Review Board
16 under section 202 of such Act (12 U.S.C. 1708).

17 (c) COMMUNITY DEVELOPMENT FINANCIAL INSTITU-
18 TIONS.—The Association shall, in providing mutual hous-
19 ing in accordance and carrying out its functions and re-
20 sponsibilities under this subtitle, utilize and work with
21 community development financial institutions (as such
22 term is defined in section 103 of the Community Develop-
23 ment Banking and Financial Institutions Act of 1994 (12
24 U.S.C. 4702)) to the maximum extent practicable.

1 (d) FANNIE MAE.—Section 302(b) of the Federal
2 National Mortgage Association Charter Act (12 U.S.C.
3 1717(b)) is amended by adding at the end the following
4 new paragraph:

5 “(7) The corporation may purchase, service, sell lend
6 on the security of, and otherwise deal in loans or advances
7 of credit secured by any first or subsequent mortgage or
8 other lien on mutual housing that is owned or leased by
9 the Federal Homeownership Mutual Mortgage Associa-
10 tion. Such mortgages shall meet any purchase standards
11 otherwise established by the corporation pursuant to sec-
12 tion 304(a).”

13 (e) FREDDIE MAC.—Section 305(a) of the Federal
14 Home Loan Mortgage Corporation Act (12 U.S.C.
15 1454(a)) is amended by adding at the end the following
16 new paragraph:

17 “(6) The Corporation may purchase, service, sell lend
18 on the security of, and otherwise deal in loans or advances
19 of credit secured by any first or subsequent mortgage or
20 other lien on mutual housing that is owned or leased by
21 the Federal Homeownership Mutual Mortgage Associa-
22 tion. Such mortgages shall meet any purchase standards
23 otherwise established by the Corporation pursuant to
24 paragraph (1).”.

1 (f) GINNIE MAE.—The first sentence of section
2 306(g)(1) of the National Housing Act (12 U.S.C.
3 1721(g)(1)) is amended by inserting before the period at
4 the end the following: “; or a trust or pool or composed
5 of mortgages on mutual housing that is owned or leased
6 by the Federal Homeownership Mutual Mortgage Associa-
7 tion”.

8 (g) REVENUE BONDS AND TAX CREDITS.—

9 (1) MUTUAL HOUSING BONDS TREATED AS
10 QUALIFIED MORTGAGE BONDS.—Any bond which is
11 issued as part of an issue by a State or political sub-
12 division thereof for the purpose of providing mutual
13 housing developed by the Association to members of
14 a limited equity cooperative shall be treated as a
15 qualified mortgage bond for purposes of section 143
16 of the Internal Revenue Code of 1986 (relating to
17 qualified mortgage bonds). For purposes of the pre-
18 ceding sentence, section 143(d) of such Code shall
19 be applied by substituting “80 percent” for “95 per-
20 cent”.

21 (2) REHABILITATION CREDIT.—For purposes of
22 section 47 of the Internal Revenue Code of 1986 (re-
23 lating to rehabilitation credit), mutual housing sup-
24 ported, developed, or held by the Association shall be
25 treated as residential rental property.

1 (3) CREDIT MAY BE TRANSFERRED.—Nothing
2 in any law or rule of law shall be construed to limit
3 the transferability of the credit allowed to the Asso-
4 ciation by sections 42 and 47 of the Internal Rev-
5 enue Code of 1986 (relating to low-income housing
6 credit and rehabilitation credit) through sale and re-
7 purchase agreements.

8 (h) CDBG AND HOME.—Notwithstanding any other
9 provision of law——

10 (1) mutual housing owned or leased by the As-
11 sociation or any affiliate of the Association that is
12 formed for the purpose of owning or leasing mutual
13 housing shall be considered affordable housing for
14 purposes of the HOME Investment Partnerships
15 Act; and

16 (2) the provision of assistance for the develop-
17 ment of such mutual housing shall be considered an
18 activity eligible for assistance under title I of the
19 Housing and Community Development Act of 1974
20 (42 U.S.C. 5301 et seq.).

21 (i) SECTION 8 HOMEOWNERSHIP PROGRAM.—Not-
22 withstanding any other provision of law, homeownership
23 assistance under section 8(y) of the United States Hous-
24 ing Act of 1937 (42 U.S.C. 1437f(y)) may be used in con-
25 nection with fulfilling the financial obligations for mem-

1 bership in a mutual housing association operating housing
2 owned or leased by the Association and for residence in
3 housing of such association, in the manner that such as-
4 sistance is made available under such section for owner-
5 ship in a housing cooperative. Such use shall include use
6 of assistance amounts to provide a deposit with the Asso-
7 ciation, on behalf of such a resident, in an amount not
8 exceeding three months carrying charges, which shall be
9 held by the Association and used at the request of the
10 resident and the approval of the Secretary upon financial
11 hardship to the resident, and if not so used shall be recov-
12 ered by the Secretary upon termination of the membership
13 of the resident in the Association.

14 (j) SUPPORTIVE HOUSING.—

15 (1) PARTNERING AUTHORITY.—Mutual housing
16 owned or leased by the Association may be developed
17 as—

18 (A) supportive housing for the elderly eligi-
19 ble for assistance under section 202 of the
20 Housing Act of 1959 (12 U.S.C. 1701q); or

21 (B) supportive housing for persons with
22 disabilities eligible for assistance under section
23 811 of the Cranston-Gonzalez National Afford-
24 able Housing Act (42 U.S.C. 8013).

1 The Association may enter into such agreements with
2 sponsors of such housing as may be necessary to develop
3 such mutual housing.

4 (2) MEMBERSHIP FEES.—Notwithstanding sec-
5 tion 202(i) of the Housing Act of 1959 (12 U.S.C.
6 1701q(i)), section 811 of the Cranston-Gonzalez Na-
7 tional Affordable Housing Act (42 U.S.C. 8013(i)),
8 and the regulations issued under subtitle C of title
9 VI of the Housing and Community Development Act
10 of 1992 (42 U.S.C. 13601 et seq.), the Association
11 may require residents of such supportive housing
12 owned or leased by the Association to pay a one-time
13 membership fee not to exceed \$500, as such fee may
14 be increased to account for inflation according to
15 such index as the Board of Directors may provide,
16 to become a member of the Association.

17 **SEC. 237. OVERSIGHT.**

18 (a) HUD.—The Association shall submit to the Sec-
19 retary of Housing and Urban Development and the Con-
20 gress—

21 (1) on an annual basis, a report describing—

22 (A) the mutual housing activities of the
23 Association; and

24 (B) the financial condition and operations
25 of the Association; and

1 (2) such other reports as the Secretary may re-
2 quire.

3 (b) TREASURY.—During the period set forth in sec-
4 tion 245(c)(2)(A), the Association shall submit to the Sec-
5 retary of the Treasury, on an annual basis, a report re-
6 garding the financial condition and operations of the Asso-
7 ciation, including any borrowing activities of the Associa-
8 tion, that contains such information as the Secretary may
9 require.

10 (c) AUDIT OF FINANCIAL STATEMENTS.—

11 (1) REQUIREMENT.—The Association shall have
12 an annual independent audit made of its financial
13 statements by an independent public accountant in
14 accordance with generally accepted auditing stand-
15 ards. The Association shall submit the audit to the
16 Secretary of Housing and Urban Development.

17 (2) CONTENTS.—In conducting an audit under
18 this subsection, the independent public accountant
19 shall determine and report on whether the financial
20 statements of the Association are presented fairly in
21 accordance with generally accepted accounting prin-
22 ciples.

23 (d) GAO AUDIT AUTHORITY.—

24 (1) IN GENERAL.—The programs, activities, re-
25 ceipts, expenditures, and financial transactions of

1 the Association shall be subject to audit by the
2 Comptroller General of the United States under
3 such rules and regulations as may be prescribed by
4 the Comptroller General. The representatives of the
5 General Accounting Office shall have access to all
6 books, accounts, financial records, reports, files and
7 all other papers, things, or property belonging to or
8 in use by the Association and necessary to facilitate
9 the audit, and they shall be afforded full facilities
10 for verifying transactions with the balances or secu-
11 rities held by depositaries, fiscal agents, and
12 custodians. A report on each such audit shall be
13 made by the Comptroller General to the Congress.
14 The Association shall reimburse the General Ac-
15 counting Office for the full cost of any such audit
16 as billed therefor by the Comptroller General.

17 (2) ACCESS TO AUDIT INFORMATION.—To carry
18 out this subsection, the representatives of the Gen-
19 eral Accounting Office shall have access, upon re-
20 quest to the Association or any auditor for an audit
21 of the Association under subsection (c), to any
22 books, accounts, financial records, reports, files, or
23 other papers, things, or property belonging to or in
24 use by the Association and used in any such audit

1 and to any papers, records, files, and reports of the
2 auditor used in such an audit.

3 **SEC. 238. PROTECTION OF NAME.**

4 (a) NAME.—Except as expressly authorized by stat-
5 ute of the United States, no individual or organization (ex-
6 cept the Association) may use the term “Federal Home-
7 lessness to Housing Mutual Mortgage Association”,
8 “Hollie Mae”, or any combination of words including
9 “Federal” and “Homelessness to Housing” and “Mutual”
10 and “Mortgage”, as a name or part thereof under which
11 any individual or organization does any business, but this
12 subsection shall not make unlawful the use of any name
13 under which business is being done on the date of the en-
14 actment of this Act.

15 (b) SIGNS AND INSIGNE.—No individual or organiza-
16 tion shall use or display—

17 (1) any sign, device, or insigne prescribed or
18 approved by the Association for use or display by the
19 Association,

20 (2) any copy, reproduction, or colorable imita-
21 tion of any such signs, device, or insigne, or

22 (3) any sign, device, or insigne reasonably cal-
23 culated to convey the impression that it is a sign,
24 device, or insigne used by the Association or pre-
25 scribed or approved by the Association,

1 contrary to regulations of the Association prohibiting, or
2 limiting or restricting, such use or display by such indi-
3 vidual or organization.

4 (c) PENALTIES.—An individual or organization vio-
5 lating this section shall for each violation be punished by
6 a fine of not more than \$10,000. An officer or member
7 of an organization participating or knowingly acquiescing
8 in any violation of this section shall be punished by a fine
9 of not more than \$5,000 or imprisonment for not more
10 than one year, or both

11 **SEC. 239. DEFINITIONS.**

12 For purposes of this subtitle, the following definitions
13 shall apply:

14 (1) ASSOCIATION.—The term “Association”
15 means the Federal Homelessness to Housing Mutual
16 Mortgage Association.

17 (2) BOARD OF DIRECTORS.—The term “Board
18 of Directors” means the Board of Directors of the
19 Association.

20 **SEC. 240. TERRITORIAL APPLICABILITY.**

21 Notwithstanding any other law, the Association may
22 carry out mutual housing activities within the several
23 States, the District of Columbia, the Commonwealth of
24 Puerto Rico, the Commonwealth of the Northern Mariana

1 Islands, Guam, the Virgin Islands, American Samoa, and
2 any other territory or possession of the United States.

3 **Subtitle C—Use of Federal Surplus**
4 **Property to Assist the Homeless**

5 **SEC. 271. USE OF FEDERAL SURPLUS PROPERTY TO ASSIST**
6 **THE HOMELESS.**

7 Section 501 of the McKinney-Vento Homeless Assist-
8 ance Act (42 U.S.C. 11411) is amended—

9 (1) in subsection (a), by inserting before the pe-
10 riod at the end of the first sentence the following:
11 “, properties in the single-family inventory of the
12 Department of Housing and Urban Development, or
13 real properties that are in the custody of the United
14 States as a result of civil or criminal forfeiture pro-
15 ceedings under the Federal Food, Drug, and Cos-
16 metic Act;

17 (2) in subsection (f), by inserting after para-
18 graph (4) the following new paragraph:

19 “(5) The uses to assist the homeless for which prop-
20 erty may be made available under this section shall include
21 permanent housing for the homeless.”;

22 (3) in subsection (i)—

23 (A) in paragraph (4), by striking “and” at
24 the end;

1 (B) in paragraph (5), by striking the pe-
 2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following new
 4 paragraph:

5 “(6) the term ‘permanent housing’ means
 6 housing that may be occupied for a period of unlim-
 7 ited duration.”; and

8 (4) by adding at the end the following new sub-
 9 section:

10 “(j) NOTIFICATION.—The Secretary of Housing and
 11 Urban Development, the Secretary of Health and Human
 12 Services, and the Director of the Interagency Council on
 13 the Homeless shall undertake activities necessary to en-
 14 sure that representatives of the homeless are notified of
 15 properties available in their localities pursuant to this title
 16 and of procedures for applying for such properties.”.

17 **TITLE III—HOMELESS INTER-**
 18 **VENTION AND PREVENTION**

19 **SEC. 301. PRESERVATION OF PUBLIC HOUSING DWELLING**
 20 **UNITS UNDER HOPE VI.**

21 (a) PURPOSES.—Section 24(a)(1) of the United
 22 States Housing Act of 1937 (42 U.S.C. 1437v(a)) is
 23 amended by inserting before the semicolon at the end the
 24 following: “, while retaining or increasing the overall num-
 25 ber of dwelling units available to low-income families”.

1 (b) PROHIBITION OF NET LOSS OF DWELLING
2 UNITS.—Section 24 of the United States Housing Act of
3 1937 (42 U.S.C. 1437v) is amended—

4 (1) by redesignating subsections (h) through
5 (n) as subsections (j) through (p), respectively; and

6 (2) by inserting after subsection (g) the fol-
7 lowing new subsection:

8 “(h) PROHIBITION OF NET LOSS OF DWELLING
9 UNITS.—The Secretary may not approve an application
10 for a grant under this section unless the application pro-
11 vides—

12 “(1) for the provision of at least one additional
13 decent, safe, and sanitary public housing dwelling
14 unit for each public housing dwelling unit demol-
15 ished or disposed of under the application, which ad-
16 ditional dwelling units shall be reserved for occu-
17 pancy by low-income families and located within the
18 jurisdiction of the applicant; and

19 “(2) that the total number of bedrooms in addi-
20 tional public housing dwelling units provided pursu-
21 ant to paragraph (1) is equal to or exceeds the total
22 number of bedrooms in dwelling units demolished or
23 disposed of under the application.”.

1 **SEC. 302. RIGHT TO NEW UNITS OF INDIVIDUALS AND FAMI-**
2 **LIES DISPLACED BY HOPE VI PROJECTS.**

3 (a) **PURPOSES.**—Section 24(a) of the United States
4 Housing Act of 1937 (42 U.S.C. 1437v(a)) is amended—

5 (1) in paragraph (3), by striking “and” at the
6 end;

7 (2) by redesignating paragraph (4) as para-
8 graph (5); and

9 (3) by inserting after paragraph (3) the fol-
10 lowing new paragraph:

11 “(4) providing individuals and families pre-
12 viously residing in public housing replaced pursuant
13 to this section with the right to occupancy in a new
14 replacement dwelling unit; and”.

15 (b) **RIGHT OF RESIDENTS TO OCCUPY NEW DWELL-**
16 **ING UNITS.**—Section 24 of the United States Housing Act
17 of 1937 (42 U.S.C. 1437v) is amended by inserting after
18 subsection (h) (as added section 301 of this Act) the fol-
19 lowing new subsection:

20 “(i) **RIGHT OF PREVIOUS RESIDENTS TO OCCUPY**
21 **NEW DWELLING UNITS.**—The Secretary may not approve
22 an application for a grant under this section unless the
23 application provides that each family displaced from a
24 public housing dwelling unit that is demolished or disposed
25 of under the application, or otherwise displaced by revital-
26 ization activities under the application, will be offered first

1 occupancy in a public housing or other subsidized dwelling
2 unit of appropriate size constructed, acquired, or rehabili-
3 tated under the application.”.

4 **SEC. 303. POLICIES REGARDING HOMELESS INDIVIDUALS**
5 **AND FAMILIES IN FEDERALLY FUNDED FA-**
6 **CILITIES.**

7 (a) **MAINTAINING FAMILY UNITS IN OVERNIGHT**
8 **SHELTERS.**—A federally funded facility that provides
9 shelter to homeless individuals on an emergency or tem-
10 porary basis may not establish or continue in effect any
11 policy regarding admission to the facility that has the ef-
12 fect of denying admission to a member of a family or
13 household unit that is seeking admission as a family or
14 unit, except that the prohibition under this subsection
15 shall not apply with respect to admissions policies for the
16 prevention of domestic violence.

17 (b) **DISCHARGE REQUIREMENTS BY RESIDENTIAL**
18 **CARE, TREATMENT, CUSTODY, AND FOSTER CARE FA-**
19 **CILITIES.**—A federally funded residential care facility
20 shall, in discharging each individual provided services at
21 the facility, ensure that upon such discharge—

22 (1) there is available to such individual a suit-
23 able residential setting such that the individual will
24 not be homeless upon such discharge, except that
25 this paragraph may not be construed to authorize a

1 facility to hold an individual in the facility without
2 the consent of the individual;

3 (2) such individual is provided assistance appro-
4 priate to ensure that the individual obtains all Fed-
5 eral, State, and local entitlements, services, and ben-
6 efits (including medical, income, food, and housing
7 benefits) for which such individual is eligible; and

8 (3) such individual has been issued a social se-
9 curity number and has in his or her possession a
10 State-issued driver's license or other identification
11 card.

12 (c) DEFINITIONS.—For purposes of this section, the
13 following definitions shall apply:

14 (1) FEDERALLY FUNDED.—The term ‘federally
15 funded’ means, with respect to a facility, that the fa-
16 cility receives financial assistance, directly or indi-
17 rectly, from any agency or office of the Federal Gov-
18 ernment, including any loan, grant, subsidy, guar-
19 antee, mortgage insurance, or other financial assist-
20 ance.

21 (2) RESIDENTIAL CARE FACILITY.—The term
22 ‘residential care facility’ means a facility that pro-
23 vides care or treatment (including medical, mental
24 health, and drug or alcohol abuse care or treatment)
25 or custody in a residential setting. Such term in-

1 includes a hospital (to the extent residential care is
2 provided therein), nursing home, intermediate care
3 facility, board and care home, assisted living facility,
4 congregate care facility, and foster care facility.

5 (d) REGULATIONS.—The Secretary of Housing and
6 Urban Development shall issue final regulations to carry
7 out this section not later than 12 months after the date
8 of the enactment of this Act.

9 **SEC. 304. ESTABLISHMENT OF EMERGENCY RENT RELIEF**
10 **FUND.**

11 (a) GRANT PROGRAM.—The Secretary of Housing
12 and Urban Development shall, to the extent approved in
13 appropriation Acts, contract to make, and make, grants
14 available to non-profit organizations or local or State gov-
15 ernmental units for the purpose of providing emergency
16 rent relief payments to landlords on behalf of tenants who
17 face eviction due to temporary financial difficulties.

18 (b) RENTAL ASSISTANCE PAYMENTS.—

19 (1) AUTHORITY OF NON-PROFITS OR LOCAL OR
20 STATE GOVERNMENTAL UNITS TO MAKE RENT PAY-
21 MENTS TO LANDLORDS ON BEHALF OF CERTAIN
22 TENANTS.—Any non-profit organization or local or
23 State governmental unit which receives any grant
24 under subsection (a) shall use such grant to make
25 emergency rent relief payments in accordance with

1 paragraph (2), to landlords on behalf of tenants who
2 meet the requirements of subsection (c) and who
3 apply for such assistance.

4 (2) AUTHORITY OF NON-PROFITS OR LOCAL OR
5 STATE GOVERNMENTAL UNITS TO DETERMINE PAY-
6 MENTS.—Non-profit organizations or local or state
7 governmental units may determine the amounts nec-
8 essary to be paid to any landlord under paragraph
9 (1) on behalf of any tenant, beyond the amounts, if
10 any, that the tenant is able to contribute toward
11 rent payments, subject to the following conditions
12 and limitations:

13 (A) MAXIMUM OF TOTAL RENT DUE.—The
14 total amount of any payment shall not exceed
15 the total amount of rent due the landlord from
16 the tenant.

17 (B) INITIAL PAYMENT NOT TO EXCEED 3
18 MONTHS RENT.—The initial payment may in-
19 clude an amount necessary to make the pay-
20 ments of such rent current, except that such
21 amount may not exceed an amount equal to 3
22 monthly rent payments of the tenant.

23 (C) MINIMUM AMOUNT TO BE PAID.—Pay-
24 ments are to be designed to ensure that the
25 total monthly housing expense of the tenant

1 does not exceed 30 percent of the monthly net
2 income of the tenant.

3 (D) MAXIMUM OF 18 CONSECUTIVE
4 MONTHLY PAYMENTS.—Payments are not to be
5 made for a continuous period of more than 18
6 months.

7 (E) MAXIMUM OF 36 MONTHLY PAYMENTS
8 OVERALL.—Payments are not to be made for
9 an aggregate of more than 36 months.

10 (F) TERMINATION OF PAYMENTS.—Pay-
11 ments are to be terminated when the non-profit
12 organization or local or State governmental unit
13 determines that changes in the financial cir-
14 cumstances of such tenant render such pay-
15 ments no longer necessary to prevent eviction of
16 the tenant.

17 (3) EXPEDITIOUS PROCESSING OF APPLICA-
18 TIONS.—Any non-profit organization or local or
19 State governmental unit which receives any grant
20 under subsection (a) shall, within 30 days after the
21 receipt of any application for rental assistance under
22 subsection (b), notify the tenant and landlord in-
23 volved of its determination to approve or disapprove
24 the application.

1 (4) ACCEPTANCE OF RENTAL ASSISTANCE PAY-
2 MENT BY LANDLORD IS A WAIVER OF CLAIMS
3 AGAINST TENANT FOR NONPAYMENT OF RENT.—
4 Any landlord who accepts any payment of assistance
5 under paragraph (1) waives the right to institute or
6 continue eviction proceedings that are based on a
7 claim of nonpayment of rent for any period before
8 the date of the payment.

9 (5) REPAYMENT OF ASSISTANCE BY TEN-
10 ANTS.—

11 (A) IN GENERAL.—Payments made under
12 paragraph (1) on behalf of any tenant shall be
13 repayable to the Secretary by the tenant on
14 terms and conditions prescribed by the Sec-
15 retary.

16 (B) MAXIMUM AMOUNT.—Any non-profit
17 organization or local or State governmental unit
18 which receives any grant under subsection (a)
19 shall ensure that the monthly repayment
20 amount for any tenant making repayments
21 under subparagraph (A) is calculated so that
22 the sum of the monthly repayment amount and
23 the total monthly housing expense of the tenant
24 is at most 50 percent of the monthly net income

1 of the tenant, except that the Secretary may
2 waive this limitation on a case-by-case basis.

3 (6) DEPOSIT IN EMERGENCY RENT RELIEF
4 FUND.—Amounts received by the Secretary from
5 any non-profit organization or local or State govern-
6 mental unit as repayments under paragraph (5) or
7 as interest on assistance payments made under para-
8 graph (1), shall be deposited in the account of the
9 non-profit or local or State governmental unit in the
10 Emergency Rent Relief Fund established in sub-
11 section (g).

12 (7) MONITORING OF TENANT'S ABILITY TO
13 PAY.—The Secretary shall establish procedures for
14 any tenant on whose behalf payments are made
15 under paragraph (1), and any tenant who is to make
16 repayments under paragraph (5), to inform the non-
17 profit organization or local or State governmental
18 unit making such payments, or receiving such repay-
19 ments, of any significant increase or decrease in the
20 income of the tenant.

21 (8) PERIODIC REVIEW OF TENANT'S FINANCIAL
22 CIRCUMSTANCES.—The Secretary shall establish pro-
23 cedures to be followed by non-profit organizations or
24 local or State governmental units for reviewing, not
25 less frequently than annually, the financial cir-

1 cumstances of any tenant on whose behalf payments
2 are to be made under paragraph (1), and any tenant
3 who is to make repayments under paragraph (5), to
4 determine whether such payments or repayments
5 should be adjusted or terminated.

6 (c) ELIGIBILITY FOR ASSISTANCE.—Any non-profit
7 organization or local or State governmental unit which re-
8 ceives any grant under subsection (a) may make rental
9 assistance payments under subsection (b) to any landlord
10 on behalf of any tenant if it has determined that all of
11 the following requirements have been met:

12 (1) LANDLORD HAS NOTIFIED TENANT OF IN-
13 TENT TO EVICT TENANT FOR NONPAYMENT OF
14 RENT.—The landlord has notified the tenant that
15 the landlord intends to evict the tenant for non-
16 payment of rent.

17 (2) PRINCIPAL RESIDENCE.—The rental prop-
18 erty involved is the principal residence of the tenant.

19 (3) RENT DOES NOT EXCEED MEDIAN RENT
20 FOR SIMILAR UNITS IN AREA RECENTLY RENTED.—
21 The monthly rent payable by the tenant does not ex-
22 ceed the amount equal to the median rent paid for
23 rental units of the same size by tenants who moved
24 into or within the area in which the non-profit or
25 local or State governmental unit is located during

1 the most recently completed period of at most 12
2 months for which such data is available.

3 (4) RENT IS DELINQUENT DUE TO EVENTS
4 OUTSIDE CONTROL OF TENANT.—Events outside the
5 control of the tenant have rendered the tenant un-
6 able to—

7 (A) correct a rent payment delinquency
8 within a reasonable time; and

9 (B) resume full rent payments.

10 (5) PAYMENT IS NECESSARY TO PREVENT EVIC-
11 TION.—The payment is necessary to prevent eviction
12 of the tenant.

13 (6) PAYMENTS WILL PROBABLY BE TEM-
14 PORARY.—There is a reasonable likelihood that the
15 tenant will resume full rent payments—

16 (A) within 18 months after the beginning
17 of the period for which payments under sub-
18 section (b) are to be provided; or

19 (B) on termination of assistance under
20 such subsection.

21 (7) TENANT IS LIKELY TO REPAY.—The tenant
22 is likely to repay the amounts paid on behalf of the
23 tenant by the non-profit or local or State govern-
24 mental unit.

1 (d) SUBMISSION OF APPLICATION STAYS EVICTION
2 PROCEEDINGS UNTIL DISAPPROVAL OF APPLICATION.—

3 The submission of an application for assistance under sub-
4 section (b) by any tenant who meets the requirements of
5 subsection (c)(2), after eviction proceedings have begun
6 shall automatically stay the proceedings until receipt of
7 notification of disapproval of such application.

8 (e) ALLOCATION OF GRANTS.—

9 (1) ALLOCATION FORMULA.—The Secretary
10 shall allocate the amounts to be made available
11 under subsection (a) so that the aggregate amount
12 allocated to non-profit organizations or local or
13 State governmental units in any State shall be equal
14 to the sum of—

15 (A)(i) the ratio of the number of unem-
16 ployed persons in the State to the number of
17 unemployed persons in the United States, mul-
18 tiplied by—

19 (ii) $\frac{1}{2}$ of the amount appropriated under
20 the authority established in this section; and

21 (B)(i) the ratio of the population of the
22 State to the population of the United States,
23 multiplied by—

24 (ii) $\frac{1}{2}$ of the amount so appropriated.

1 (2) APPLICATION FOR GRANTS.—Applications
2 for grants under subsection (a) shall be made by
3 non-profit organizations or local or State govern-
4 mental units in such form, and according to such
5 procedures, as the Secretary shall prescribe.

6 (3) RULES FOR CONSIDERATION OF APPLICA-
7 TIONS.—In considering applications for grants under
8 subsection (a), the Secretary shall take into ac-
9 count—

10 (A) the degree of demonstrated need in the
11 non-profit organization or local or State govern-
12 mental unit;

13 (B) the capacity of the non-profit organi-
14 zation or local or State governmental unit to
15 administer the program of assistance under this
16 section.

17 (4) PROCESSING OF APPLICATIONS.—The Sec-
18 retary shall process applications for grants under
19 subsection (a) as expeditiously as possible, and shall
20 make such grants within 90 days after the effective
21 date of the regulations issued by the Secretary under
22 subsection (f).

23 (f) REGULATIONS.—Within 90 days after the date of
24 the enactment of this Act, the Secretary shall issue such
25 regulations as may be necessary to carry out this section.

1 (g) EMERGENCY RENT RELIEF FUND.—

2 (1) ESTABLISHMENT.—There is hereby estab-
3 lished in the Treasury of the United States a revol-
4 ving fund, to be known as the Emergency Rent Relief
5 Fund.

6 (2) COMPOSITION OF FUND.—The Fund shall
7 consist of—

8 (A) any amount approved in appropriation
9 Acts for purposes of carrying out this section;

10 (B) any amount received by the Secretary
11 as repayment for payments made under sub-
12 section (b); and

13 (C) any amount received by the Secretary
14 from investments made under paragraph (4).

15 (3) AVAILABILITY OF FUNDS.—Amounts in the
16 Fund by reason of subsection (b)(6) or by reason of
17 investments made under paragraph (4), shall be
18 available, to the extent provided in appropriation
19 Acts, to the Secretary to make grants to non-profit
20 organizations or local or State governmental units—

21 (A) for the making of emergency rent re-
22 lief payments to landlords on behalf of tenants
23 under subsection (b); and

24 (B) for the administrative expenses associ-
25 ated with the making of such payments.

1 (4) INVESTMENT OF SURPLUS FUNDS.—Any
2 amount in any account of the Fund determined by
3 the Secretary to be more than the amount required
4 to be in such account to carry out this section shall
5 be invested by the Secretary in obligations of, or
6 guaranteed as to both principal and interest by, the
7 United States or any agency of the United States.

8 (h) REPORT TO CONGRESS.—Within 60 days after
9 the date of the enactment of this Act, and not less fre-
10 quently than every 90 days thereafter, the Secretary shall
11 submit to the Congress a report on—

12 (1) the then current rate of rent payment delin-
13 quencies and evictions in the rental housing market
14 areas of the United States of immediate concern if
15 the purposes of this section are to be achieved;

16 (2) the extent of, and prospect for continuance
17 of, voluntary forbearance from the eviction of ten-
18 ants by landlords in such housing market areas;

19 (3) actions taken by government agencies to en-
20 courage such forbearance; and

21 (4) actions taken and actions likely to be taken
22 with respect to making assistance under this section
23 available to alleviate hardships resulting from any
24 serious rates of delinquencies and evictions.

25 (i) DEFINITIONS.—As used in this section:

1 (1) FUND.—The term “Fund” means the
2 Emergency Rent Relief Fund established in sub-
3 section (g).

4 (2) LOCAL GOVERNMENTAL UNIT.—The term
5 local governmental unit means any borough, city,
6 county, parish, town, township, village, or other gen-
7 eral purpose political subdivision of a State.

8 (3) MONTHLY NET INCOME OF THE TENANT.—
9 The term “monthly net income of the tenant” means
10 the monthly gross income of the tenant, less any
11 Federal, State, or local income or employment taxes
12 due with respect to such income.

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

15 (5) STATE.—The term “State” means each of
16 the several States, the District of Columbia, the
17 Commonwealth of Puerto Rico, the Virgin Islands,
18 Guam, American Samoa, the Northern Mariana Is-
19 lands, the Trust Territory of the Pacific Islands, and
20 any other territory or possession of the United
21 States.

22 (6) TOTAL MONTHLY HOUSING EXPENSE OF
23 THE TENANT.—The term “total monthly housing ex-
24 pense of the tenant” means the sum of—

1 (A) the monthly rent payment due by the
2 tenant; and

3 (B) the monthly utility costs of the tenant
4 with respect to the tenant's dwelling unit.

5 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry
6 out this section, there is authorized to be appropriated
7 such sums as necessary for fiscal years 2004, 2005, 2006,
8 2007, and 2008. Any amount so appropriated shall be de-
9 posited in the Fund and shall remain available until ex-
10 pended.

11 (k) BORROWING AUTHORITY.—To carry out the pur-
12 poses of this section, the Secretary of Housing and Urban
13 Development may issue to the Secretary of the Treasury
14 notes or other obligations to the extent approved in appro-
15 priation Acts, in such forms and denominations, bearing
16 such maturities, and subject to such terms and conditions
17 as may be prescribed by the Secretary of the Treasury.
18 Such notes or other obligations shall bear interest at a
19 rate determined by the Secretary of the Treasury, taking
20 into consideration the average interest rate on all interest
21 bearing obligations of the United States then forming a
22 part of the public debt, computed at the end of the fiscal
23 year next preceding the date on which the loan is made.
24 The Secretary of the Treasury shall purchase any notes
25 and obligations issued hereunder and for that purpose the

1 Secretary of the Treasury may use as a public debt trans-
2 action the proceeds from the sale of any securities issued
3 under chapter 31 of title 31, United States Code; and the
4 purposes for which securities may be issued under such
5 chapter are extended to include any purchase of such
6 notes or other obligations. The Secretary of the Treasury
7 may at any time sell any of the notes or other obligations
8 acquired by the Secretary of the Treasury under this sec-
9 tion. All redemptions, purchases and sales by the Sec-
10 retary of the Treasury of such notes or other obligations
11 shall be treated as public debt transactions of the United
12 States. The Secretary of Housing and Urban Development
13 may not issue notes or other obligations to the Secretary
14 of the Treasury pursuant to this section except as ap-
15 proved in appropriation Acts.

16 **SEC. 305. INCOME EXEMPTIONS.**

17 (a) WORK PERFORMED IN PUBLIC HOUSING.—

18 (1) EXEMPTION FROM INCOME UNDER HUD
19 PROGRAMS.—Section 3(b)(5)(A) of the United
20 States Housing Act of 1937 (42 U.S.C.
21 1437a(b)(5)(A)) is amended by adding at the end
22 the following new clause:

23 “(viii) WORK PERFORMED IN PUBLIC
24 HOUSING.—The amount of any earned income
25 of any member of the family for work per-

1 formed for the public housing agency at a loca-
2 tion owned by the agency.”.

3 (2) EXEMPTION FROM INCOME UNDER OTHER
4 FEDERAL PROGRAMS.—Notwithstanding any other
5 provision of law, the amount of any earned income
6 of any member of the family residing in public hous-
7 ing (as such term is defined in section 3(b) of the
8 United States Housing Act of 1937 (42 U.S.C.
9 1437a(b)) for work performed for the public housing
10 agency that administers such housing at a location
11 owned by the agency may not be considered as in-
12 come or a resource for the purpose of determining
13 eligibility for, or the amount of the benefits or serv-
14 ices to be provided under, any Federal or federally
15 assisted program that provides benefits or services
16 based in whole or in part, on need.”.

17 (b) CHILD SUPPORT PAYMENTS.—Clause (v) of sec-
18 tion 3(b)(5)(A) of the United States Housing Act of 1937
19 (42 U.S.C. 1437a(b)(5)(A)(v)) is amended to read as fol-
20 lows:

21 “(v) CHILD SUPPORT PAYMENTS.—50 per-
22 cent of the amount of any payment made by a
23 member of the family for the support and main-
24 tenance of any child who does not reside in the
25 household.”.

1 **SEC. 306. POST OFFICE BOX AND GENERAL DELIVERY**
2 **SERVICE FOR PERSONS WITH NO FIXED AD-**
3 **DRESS.**

4 Section 404 of title 39, United States Code, is
5 amended by adding at the end the following:

6 “(c) In an effort to assist persons with no fixed ad-
7 dress—

8 “(1) a homeless person’s application for post of-
9 fice box service may be approved if the applicant—

10 “(A) is personally known to the postmaster
11 or clerk;

12 “(B) submits proper identification, such as
13 (i) a valid driver’s license or other credential
14 showing the applicant’s signature and a serial
15 number, or (ii) other indicia that can be traced
16 to the bearer; or

17 “(C) provides a verifiable point of contact,
18 such as a place of employment, shelter, chari-
19 table institution, or social service office; or

20 “(2) a homeless person may receive indefinite
21 general delivery service, as provided under regula-
22 tions or other standards of the United States Postal
23 Service, if such person—

24 “(A) is unable to meet the conditions
25 under paragraph (1);

1 “(B) meets the conditions under paragraph
2 (1), but opts for service under this paragraph
3 because the service described in paragraph (1)
4 is not available; or

5 “(C) otherwise opts for service under this
6 paragraph instead of the service described in
7 paragraph (1).”.

8 **SEC. 307. GRANTS TO PUBLIC HOUSING POLICE FORCES.**

9 (a) **IN GENERAL.**—The Secretary of Housing and
10 Urban Development may make grants under this section
11 to public housing agencies and public housing resident
12 management corporations that are principally managing,
13 as determined by the Secretary, public housing projects
14 owned by public housing agencies for use in establishing
15 and maintaining public housing police forces.

16 (b) **CONSORTIA.**—Subject to terms and conditions es-
17 tablished by the Secretary, public housing agencies may
18 form consortia for purposes of applying for grants under
19 this section.

20 (c) **ELIGIBLE ACTIVITIES.**—Grants under this sec-
21 tion may be used only for—

22 (1) the employment of law enforcement per-
23 sonnel by public housing police forces;

1 (2) reimbursement of local law enforcement
2 agencies for additional security and protective serv-
3 ices for public housing;

4 (3) physical improvements which are specifically
5 designed to enhance security in public housing;

6 (4) the provision of training, communications
7 equipment, surveillance equipment, and other related
8 equipment for use by law enforcement officers of
9 public housing police forces; and

10 (5) the provision of training for voluntary pub-
11 lic housing resident patrols acting in cooperation
12 with law enforcement officials of public housing po-
13 lice forces or other local law enforcement officials.

14 (d) IN GENERAL.—The Secretary shall provide for
15 public housing agencies and resident management cor-
16 porations to submit applications to receive grants under
17 this section. An application shall include a plan for use
18 of the grant amounts and shall identify the existing or
19 proposed law enforcement authority of the public housing
20 police force to be assisted with grant amounts. The plan
21 shall be coordinated with and may be included in the pub-
22 lic housing agency plan submitted to the Secretary pursu-
23 ant to section 5A of the United States Housing Act of
24 1937.

25 (e) DEFINITIONS.—For purposes of this section:

1 terminated under this section for any taxable year in the
2 credit period shall be an amount equal to—

3 “(1) the applicable percentage of

4 “(2) the qualified basis of each qualified ex-of-
5 fender residential building.

6 “(b) APPLICABLE PERCENTAGE.—In the case of any
7 qualified ex-offender residential building, the term ‘appli-
8 cable percentage’ has the meaning given such term in sec-
9 tion 42(b)(2) with respect to qualified low-income build-
10 ings, except that, for the purposes of this subsection, the
11 percentages prescribed by the Secretary under section
12 42(b)(2)(B) shall yield amounts of credit which have a
13 present value equal to 70 percent of the qualified basis
14 of any qualified ex-offender residential building.

15 “(c) QUALIFIED BASIS.—

16 “(1) IN GENERAL.—For purposes of subsection
17 (a) and except as otherwise provided in this sub-
18 section, the term ‘qualified basis’ means the ad-
19 justed basis of a qualified ex-offender residential
20 building as of the close of the 1st taxable year of the
21 credit period.

22 “(2) QUALIFIED BASIS TO INCLUDE PORTION
23 OF BUILDING USED TO PROVIDE EX-OFFENDER SUP-
24 PORT SERVICES.—The qualified basis of any quali-

1 fied ex-offender residential building for any taxable
2 year shall be increased by the lesser of—

3 “(A) so much of the qualified basis of such
4 building as is used throughout the year to pro-
5 vide ex-offender support services, or

6 “(B) 20 percent of the qualified basis of
7 such building (determined without regard to
8 this paragraph).

9 “(3) SPECIAL RULES.—Rules similar to the
10 rules of paragraphs (4), (5) (other than subpara-
11 graph (A) thereof), and (7) of section 42(d) shall
12 apply in determining the adjusted basis of any quali-
13 fied ex-offender residential building.

14 “(d) REHABILITATION EXPENDITURES.—Rules simi-
15 lar to the rules of section 42(e) shall apply in determining
16 the treatment of rehabilitation expenditures paid or in-
17 curred by the taxpayer with respect to a qualified ex-of-
18 fender residential building.

19 “(e) CREDIT PERIOD.—For purposes of this section,
20 rules similar to the rules of section 42(f) shall apply in
21 determining the credit period with respect to any qualified
22 ex-offender residential building.

23 “(f) QUALIFIED EX-OFFENDER RESIDENTIAL
24 BUILDING.—For purposes of this section, the term ‘quali-
25 fied ex-offender residential building’ means any building

1 which, at all times during the compliance period, meets
2 the following requirements:

3 “(1) SINGLE OCCUPANCY EX-OFFENDER RESI-
4 DENTIAL UNITS.—Each residential unit in such
5 building may be made available for occupancy to not
6 more than 1 individual. Such individual must be an
7 ex-offender who—

8 “(A) meets the residency requirements
9 under subsection (g);

10 “(B) has failed to meet such requirements
11 for fewer than 14 days; or

12 “(C) is in the process of being evicted from
13 such building for failing to meet such require-
14 ments.

15 “A building shall not be determined to fail to satisfy
16 the requirements of this paragraph solely because
17 some or all of the residential units in such building
18 are single room occupancy (as defined in section
19 (8)(n) of the United States Housing Act of 1937 (42
20 U.S.C. 1437f(n))).

21 “(2) SELF-SUFFICIENCY CENTERS FOR EX-OF-
22 FENDERS.—The building shall include a self-suffi-
23 ciency center for ex-offenders that—

24 “(A) is specifically designed to accommo-
25 date, and reserved for, the provision of ex-of-

1 fender support services to residents of the facil-
2 ity and other ex-offenders;

3 “(B) is made available for rental by pro-
4 viders of such services at a rate determined by
5 the owner of the facility; and

6 “(C) provides an array of such services
7 sufficient to meet a significant portion of the
8 needs of ex-offenders for ex-offender support
9 services.

10 “(3) RENT LIMITATIONS.—The portion of the
11 monthly rent payable by the occupant of each unit
12 in the building may not exceed 30 percent of the ad-
13 justed monthly income (as such term is defined in
14 section 3(b) of the United States Housing Act of
15 1937 (42 U.S.C. 1437a(b)) of the occupant.

16 “(g) RESIDENCY REQUIREMENTS.—

17 “(1) IN GENERAL.—An ex-offender meets the
18 residency requirements for a qualified ex-offender
19 residential building if such ex-offender—

20 “(A) has a low income;

21 “(B) is participating in an ex-offender sup-
22 port services program as described in paragraph
23 (3)(B);

24 “(C) has not been prohibited from resi-
25 dency under paragraph (4); and

1 “(D) commences occupancy of a unit in a
2 qualified ex-offender residential building on a
3 date that is not later than—

4 “(i) in the case of an ex-offender who
5 has been discharged from prison, jail, a
6 half-way house, or any other correctional
7 facility, 12 months after such discharge; or

8 “(ii) in the case of any ex-offender
9 whose sentence did not include confine-
10 ment to a correctional facility, 12 months
11 after the date of the ex-offender’s convic-
12 tion.

13 “(2) LOW-INCOME.—For purposes of this sec-
14 tion, an ex-offender is considered to have a low in-
15 come if, at the commencement of the ex-offender’s
16 occupancy of a residential unit, the income (if any)
17 of the ex-offender does not exceed 60 percent of area
18 median gross income (as determined consistent with
19 section 8 of the United States Housing Act of
20 1937).

21 “(3) PARTICIPATION IN EX-OFFENDER SUP-
22 PORT SERVICES PROGRAM.—

23 “(A) PROGRAM.—For purposes of this sec-
24 tion, an ex-offender support services program is
25 a program for the provision of specific ex-of-

1 fender support services for an ex-offender
2 that—

3 “(i) is created and managed by a co-
4 ordinating individual or entity having edu-
5 cation, training, and experience with ex-of-
6 fenders and their support services needs;

7 “(ii) is specifically designed to meet
8 the needs of the particular ex-offender for
9 ex-offender support services;

10 “(iii) sets forth a specific duration
11 over which the ex-offender support services
12 are to be provided and goals by which to
13 assess the progress of the ex-offender; and

14 “(iv) provides for continual oversight
15 to monitor the progress and needs of the
16 ex-offender and to ensure that the ex-of-
17 fender is being provided the appropriate
18 ex-offender support services and is com-
19 plying with the requirements of the pro-
20 gram.

21 “(B) PARTICIPATION.—For purposes of
22 this section, an ex-offender is considered to be
23 participating in an ex-offender support services
24 program if the ex-offender—

1 “(i) has entered into a written agree-
2 ment with the coordinator for the program
3 that—

4 “(I) sets forth the ex-offender
5 support services that are appropriate
6 for, and will be made available to, the
7 ex-offender and the duration of the
8 program for the ex-offender; and

9 “(II) provides that the ex-offend-
10 er’s continued attendance at scheduled
11 program meetings and events and ob-
12 taining of program services are a con-
13 dition of the ex-offender’s continued
14 residency in the facility; and

15 “(ii) is not in default with regard to
16 the ex-offender’s obligations under such
17 agreement.

18 “(C) EX-OFFENDER SUPPORT SERVICES.—

19 For purposes of this section, the term ‘ex-of-
20 fender support services’ means services that as-
21 sist ex-offenders to develop skills necessary for
22 life outside of the environment of a correctional
23 institution, and includes—

24 “(i) job training;

1 “(ii) employment counseling and
2 placement;

3 “(iii) entrepreneurial training;

4 “(iv) financial management training;

5 “(v) homeownership and rental coun-
6 seling;

7 “(vi) drug and alcohol abuse coun-
8 seling;

9 “(vii) self-esteem and peer develop-
10 ment assistance;

11 “(viii) anger management counseling;

12 “(ix) health care services, including
13 mental health services and behavioral
14 counseling;

15 “(x) probation services;

16 “(xi) family and crisis management
17 counseling; and

18 “(xii) general educational assistance
19 and counseling.

20 “(4) LIMITATION ON TERM OF RESIDENCY.—

21 An ex-offender may not reside in an ex-offender resi-
22 dential facility at any time after the expiration of
23 the 2-year period beginning upon the commencement
24 of the ex-offender’s occupancy in the ex-offender resi-
25 dential facility.

1 “(h) EX-OFFENDER.—For purposes of this section,
2 the term ‘ex-offender’ means any individual who has been
3 convicted of a felony under State or Federal law.

4 “(i) ALLOCATION AND DETERMINATION OF CRED-
5 IT.—

6 “(1) IN GENERAL.—Except as otherwise pro-
7 vided in this subsection, rules similar to the rules of
8 section 42(h) (other than subparagraphs (E) and
9 (F) of paragraph (1) thereof) shall apply with re-
10 spect to allocating and determining any credit under
11 this section.

12 “(2) STATE HOUSING CREDIT CEILING.—For
13 purposes of this section:

14 “(A) IN GENERAL.—The State housing
15 credit ceiling shall be calculated by substituting
16 the amount determined under section
17 42(h)(3)(C)(ii) with the greater of—

18 “(i) \$85,000,000 multiplied by the
19 State ratio, or

20 “(ii) \$500,000.

21 “(B) TERMINATION.—The State housing
22 credit ceiling applicable to any State for any
23 calendar year beginning after December 31,
24 2007, shall be zero.

1 “(C) STATE RATIO.—The State ratio for
2 any State is equal to—

3 “(i) the reported number of sentenced
4 prisoners released from State or Federal
5 jurisdiction in such State during the most
6 recent year for which information is avail-
7 able, divided by

8 “(ii) the reported number of sen-
9 tenced prisoners released from State or
10 Federal jurisdiction in the United States
11 during the most recent year for which in-
12 formation is available.

13 “(D) REPORTED NUMBER OF SENTENCED
14 PRISONERS.—The reported number of sen-
15 tenced prisoners is the number of such pris-
16 oners reported to the Attorney General by the
17 National Prison Statistics Program.

18 “(3) INVOLVEMENT OF QUALIFIED NON-PROFIT
19 ORGANIZATIONS.—For purposes of this section, sec-
20 tion 42(h)(5)(A) shall be applied by substituting ‘0’
21 for ‘90’.

22 “(j) RECAPTURE OF CREDIT.—Rules similar to the
23 rules of subsections (i)(1) and (j) of section 42 shall apply
24 for purposes of this section.

1 “(k) APPLICATION OF AT-RISK RULES.—Rules simi-
2 lar to the rules of section 42(k) shall apply for purposes
3 of this section.

4 “(l) CERTIFICATION AND OTHER REPORTS TO SEC-
5 RETARY.—Subject to such regulations as the Secretary
6 may prescribe, rules similar to the rules of section 42(l)
7 shall apply for purposes of this section.

8 “(m) RESPONSIBILITIES OF THE SECRETARY AND
9 HOUSING CREDIT AGENCIES.—Rules similar to the rules
10 of subsections (m) and (n) of section 42 shall apply for
11 purposes of this section.”.

12 (b) INCLUSION AS CURRENT YEAR BUSINESS CRED-
13 IT.—Section 38(b) of the Internal Revenue Code of 1986
14 is amended by adding at the end the following new para-
15 graph:

16 “(13) the ex-offender low-income housing credit
17 under section 45G(a).”.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for subpart D of part IV of subchapter A of chapter 1
20 of the Internal Revenue Code of 1986 is amended by add-
21 ing at the end the following new item:

 “Sec. 45G. Ex-offender low-income housing credit.”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to qualified ex-of-
24 fender residential buildings placed in service during tax-
25 able years beginning after December 31, 2002.

1 **SEC. 309. ESCROW OF TENANT RENT IN CASES OF OWNER**
2 **FAILURE TO MAINTAIN UNITS ASSISTED**
3 **UNDER SECTION 8 RENTAL ASSISTANCE PRO-**
4 **GRAM.**

5 Section 8(o)(8) of the United States Housing Act of
6 1937 (42 U.S.C. 1437f(o)(8)) is amended by adding at
7 the end the following new subparagraph:

8 “(F) ESCROW OF TENANT RENT IN CASES
9 OF OWNER FAILURE TO MAINTAIN UNIT.—Each
10 housing assistance payment contract under this
11 subsection shall provide as follows:

12 “(i) REQUIREMENT.—In any case in
13 which a public housing agency suspends
14 assistance payments under this subsection
15 with respect to a dwelling unit because of
16 a failure on the part of the owner of the
17 unit to maintain the unit in compliance
18 with the housing quality standards estab-
19 lished pursuant to this paragraph, the
20 agency shall—

21 “(I) require the tenant to sus-
22 pend payment to the owner of the ten-
23 ant’s monthly contribution toward
24 rent and require the tenant to pay
25 such amount into an escrow account
26 established by the agency; and

1 “(II) notify the tenant and the
2 owner of the failure to maintain the
3 unit in compliance with such housing
4 quality standards and of the actions
5 required under this subparagraph.

6 “(ii) CORRECTION OF NONCOMPLI-
7 ANCE.—If the owner corrects the non-
8 compliance within the period of time estab-
9 lished by the agency for such purpose, the
10 public housing agency shall release to the
11 owner any tenant payments toward rent
12 deposited in the escrow account.

13 “(iii) FAILURE TO CORRECT NON-
14 COMPLIANCE.—If the owner fails to correct
15 the noncompliance within the period of
16 time established by the agency and the ten-
17 ant moves from the dwelling unit because
18 of such noncompliance, the public housing
19 agency shall make the any tenant pay-
20 ments toward rent that are deposited in
21 the escrow account available on behalf of
22 the tenant upon such move for costs of the
23 move and for rental of a new dwelling
24 unit.”.

1 **SEC. 310. SENSE OF CONGRESS REGARDING LOCAL ORDI-**
2 **NANCES THAT DISADVANTAGE HOMELESS**
3 **PERSONS.**

4 It is the sense of the Congress that units of general
5 local government that receive grants under the community
6 development block grant program under title I of the
7 Housing and Community Development Act of 1974 (42
8 U.S.C. 5301 et seq.) or the HOME investments partner-
9 ships program under the Cranston-Gonzalez National Af-
10 fordable Housing Act (42 U.S.C. 12721 et seq.)—

11 (1) should not pass ordinances or fund
12 projects—

13 (A) that have a disparate impact on home-
14 less persons or that punish homeless persons
15 for carrying out life-sustaining practices in pub-
16 lic spaces when no alternative public spaces are
17 available; or

18 (B) relating to curfews or runaways and
19 that result in homeless youths being adju-
20 dicated as delinquent; and

21 (2) should not pass zoning ordinances or make
22 zoning decisions that have the effect of preventing
23 the siting of facilities designed to serve homeless
24 persons.

1 **TITLE IV—ASSISTANCE UNDER**
2 **MCKINNEY-VENTO HOMELESS**
3 **ASSISTANCE ACT**

4 **SEC. 401. CONGRESSIONAL PURPOSES.**

5 The purposes of this title are—

6 (1) to consolidate the separate homeless assist-
7 ance programs carried out under title IV of the
8 McKinney-Vento Homeless Assistance Act (con-
9 sisting of the supportive housing program and re-
10 lated innovative programs, the safe havens program,
11 the section 8 assistance program for single-room oc-
12 cupancy dwellings, the shelter plus care program,
13 and the rural homeless housing assistance program)
14 into a single program with specific eligible activities;
15 and

16 (2) codify in Federal law the continuum of care
17 planning process as a required and integral local
18 function necessary to generate the local strategies
19 for ending homelessness.

20 **SEC. 402. DEFINITION OF HOMELESS INDIVIDUAL.**

21 Section 103 of the McKinney-Vento Homeless Assist-
22 ance Act (42 U.S.C. 11302) is amended—

23 (1) by striking subsection (a) and inserting the
24 following new subsection:

1 “(a) IN GENERAL.—For purposes of this Act, the
2 terms ‘homeless’, ‘homeless individual’, and ‘homeless per-
3 son’—

4 “(1) mean an individual who lacks a fixed, reg-
5 ular, and adequate nighttime residence; and

6 “(2) include—

7 “(A) an individual who—

8 “(i) is sharing the housing of other
9 persons due to loss of housing, economic
10 hardship, or a similar reason;

11 “(ii) is living in a motel, hotel, trailer
12 park, or camping ground due to the lack of
13 alternative adequate accommodations;

14 “(iii) is living in an emergency or
15 transitional shelter;

16 “(iv) is abandoned in a hospital; or

17 “(v) is awaiting foster care placement;

18 “(B) an individual who has a primary
19 nighttime residence that is a public or private
20 place not designed for or ordinarily used as a
21 regular sleeping accommodation for human
22 beings;

23 “(C) an individual who is living in a car,
24 park, public space, abandoned building, sub-

1 standard housing, bus or train station, or simi-
2 lar setting; and

3 “(D) migratory children (as such term is
4 defined in section 1309 of the Elementary and
5 Secondary Education Act of 1965) who qualify
6 as homeless for the purposes of this Act be-
7 cause the children are living in circumstances
8 described in any of subparagraphs (A) through
9 (C).”; and
10 (2) in subsection (c)—

11 (A) by striking “or otherwise detained”;
12 and

13 (B) by inserting after the period at the end
14 the following: “Such term includes individuals
15 who have been released from prison on parole.”

16 **Subtitle A—Housing Assistance**
17 **General Provisions**

18 **SEC. 411. DEFINITIONS.**

19 Subtitle A of title IV of the McKinney-Vento Home-
20 less Assistance Act (42 U.S.C. 11361 et seq.) is amend-
21 ed—

22 (1) by striking the subtitle heading and insert-
23 ing the following:

1 **“Subtitle A—General Provisions”;**

2 (2) by redesignating sections 401 and 402 (42
3 U.S.C. 11361, 11362) as sections 403 and 406, re-
4 spectively; and

5 (3) by inserting before section 403 (as so redesi-
6 gnated by paragraph (2) of this section) the fol-
7 lowing new section:

8 **“SEC. 401. DEFINITIONS.**

9 “For purposes of this title:

10 “(1) **COLLABORATIVE APPLICANT.**—The term
11 ‘collaborative applicant’ means—

12 “(A) an entity, which may or may not be
13 a Board, that serves as the applicant for project
14 sponsors who jointly submit a single application
15 for a grant under subtitle C with the approval
16 of, and in accordance with the collaborative
17 process established by, a Board, and, if award-
18 ed such grant, receives such grant directly from
19 the Secretary; or

20 “(B) an individual project sponsor who is
21 an eligible entity under subtitle C and submits
22 an application for a grant under subtitle C,
23 with the approval of, and in accordance with
24 the collaborative process established by, a

1 Board, and, if awarded such grant, receives
2 such grant directly from the Secretary.

3 “(2) COLLABORATIVE APPLICATION.—The term
4 ‘collaborative application’ means an application for a
5 grant under subtitle C that—

6 “(A) satisfies the requirements of section
7 422 (including containing the information de-
8 scribed in subsections (a) and (c) of section
9 426); and

10 “(B) is submitted to a Board and then to
11 the Secretary by a collaborative applicant.

12 “(3) COMMUNITY BOARD.—The term ‘commu-
13 nity board’ means a community homeless assistance
14 planning board established in accordance with sec-
15 tion 402.

16 “(4) CONSOLIDATED PLAN.—The term ‘Con-
17 solidated Plan’ means a comprehensive housing af-
18 fordability strategy and community development
19 plan required in part 91 of title 24, Code of Federal
20 Regulations.

21 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means, with respect to a subtitle, a public or
23 private entity eligible to receive directly grant
24 amounts under that subtitle.

1 “(6) GEOGRAPHIC AREA.—The term ‘geo-
2 graphic area’ means a State, metropolitan city,
3 urban county, town, village, or other nonentitlement
4 area, or a combination or consortia of such, in the
5 United States, as described in section 106 of the
6 Housing and Community Development Act of 1974
7 (42 U.S.C. 5306).

8 “(7) HOMELESS INDIVIDUAL WITH A DIS-
9 ABILITY.—

10 “(A) IN GENERAL.—The term ‘homeless
11 individual with a disability’ means an individual
12 who is homeless, as defined in section 103, and
13 has a disability that—

14 “(i)(I) is expected to be long-con-
15 tinuing or of indefinite duration;

16 “(II) substantially impedes the indi-
17 vidual’s ability to live independently;

18 “(III) could be improved by the provi-
19 sion of more suitable housing conditions;
20 and

21 “(IV) is a physical, mental, or emo-
22 tional impairment, including an impair-
23 ment caused by alcohol or drug abuse;

24 “(ii) is a developmental disability, as
25 defined in section 102 of the Develop-

1 mental Disabilities Assistance and Bill of
2 Rights Act of 2000 (42 U.S.C. 15002); or

3 “(iii) is the disease of acquired im-
4 munodeficiency syndrome or any condition
5 arising from the etiologic agency for ac-
6 quired immunodeficiency syndrome.

7 “(B) RULE.—Nothing in clause (iii) of
8 subparagraph (A) shall be construed to limit
9 eligibility under clause (i) or (ii) of subpara-
10 graph (A).

11 “(8) HOMELESSNESS PREVENTION ACTIVI-
12 TIES.—The term ‘homelessness prevention activities’
13 means activities designed to help individuals and
14 families avoid becoming homeless, including—

15 “(A) providing financial assistance to indi-
16 viduals and families who have received eviction
17 notices, foreclosure notices, or notices of termi-
18 nation of utility services, if—

19 “(i) the inability of the individual or
20 family to make the required payments is
21 due to a sudden reduction in income;

22 “(ii) the assistance is necessary to
23 avoid eviction, foreclosure, or the termi-
24 nation of services; and

1 “(iii) there is a reasonable prospect
2 that the individual or family will be able to
3 resume payments within a reasonable pe-
4 riod of time; and

5 “(B) carrying out relocation activities (in-
6 cluding providing security or utility deposits,
7 rental assistance for a final month or residence
8 at a location, assistance with moving costs, or
9 rental assistance for not more than 6 months)
10 for moving into transitional or permanent hous-
11 ing individuals and families who—

12 “(i) lack housing;

13 “(ii) are being discharged from a pub-
14 licly funded acute care or long-term care
15 facility, program, or system of care, or are
16 being terminated from services provided by
17 such a facility, program, or system, includ-
18 ing discharge from a foster care program;
19 and

20 “(iii) have plans, developed collabo-
21 ratively by the public entities involved and
22 the individuals and families, for securing
23 or maintaining housing after any funding
24 provided under this title is used.

1 “(8) INDEPENDENTLY OWNED.—The term
2 ‘independently owned’, used with respect to rental
3 assistance, means assistance provided pursuant to a
4 contract that—

5 “(A) is between—

6 “(i) the recipient or a project sponsor;

7 and

8 “(ii) an independent entity that—

9 “(I) is a private organization;

10 and

11 “(II) owns or leases dwelling

12 units; and

13 “(B) provides that rental assistance pay-
14 ments shall be made to the independent entity
15 and that eligible persons shall occupy such as-
16 sisted units.

17 “(9) LOW-DEMAND PROGRAM.—The term ‘low-
18 demand program’ means a program that does not
19 require, but offers, in a non-coercive manner—

20 “(A)(i) health care services, mental health
21 services, and substance abuse treatment serv-
22 ices; and

23 “(ii) other supportive services, which may
24 include medication management, education,
25 counseling, job training, and assistance in ob-

1 taining entitlement benefits or in obtaining such
2 supportive services; and

3 “(B) referrals for services described in
4 subparagraph (A).

5 “(10) METROPOLITAN CITY; URBAN COUNTY;
6 NONENTITLEMENT AREA.—The terms ‘metropolitan
7 city’, ‘urban county’, and ‘nonentitlement area’ have
8 the meanings given such terms in section 102(a) of
9 the Housing and Community Development Act of
10 1974 (42 U.S.C. 5302(a)).

11 “(11) NEW.—The term ‘new’, used with respect
12 to housing, means housing for which no assistance
13 has been provided under this title.

14 “(12) OPERATING COSTS.—The term ‘operating
15 costs’ means expenses incurred by a recipient or
16 project sponsor operating—

17 “(A) transitional housing or permanent
18 housing under this title, with respect to—

19 “(i) the administration, maintenance,
20 repair, and security of such housing;

21 “(ii) utilities, fuel, furnishings, and
22 equipment for such housing; or

23 “(iii) conducting an assessment under
24 section 426(c)(2); and

1 “(B) supportive housing for homeless indi-
2 viduals or homeless families under this title,
3 with respect to—

4 “(i) the matters described in clauses
5 (i), (ii), and (iii) of subparagraph (A); and

6 “(ii) coordination of services as need-
7 ed to ensure long-term housing stability.

8 “(13) OUTPATIENT HEALTH SERVICES.—The
9 term ‘outpatient health services’ means outpatient
10 health care services, mental health services, and out-
11 patient substance abuse treatment services.

12 “(14) PERMANENT HOUSING.—The term ‘per-
13 manent housing’ includes permanent supportive
14 housing.

15 “(15) PERMANENT HOUSING DEVELOPMENT
16 ACTIVITIES.—The term ‘permanent housing develop-
17 ment activities’ means activities—

18 “(A) to construct, lease, rehabilitate, or ac-
19 quire structures to provide permanent housing;

20 “(B) involving tenant-based, independently
21 owned, and project-based flexible rental assist-
22 ance for permanent housing;

23 “(C) described in paragraphs (1) through
24 (4) of section 423(a); or

1 “(D) involving the capitalization of a dedi-
2 cated project account from which payments are
3 allocated for rental assistance and operating
4 costs of permanent housing.

5 “(16) PRIVATE NONPROFIT ORGANIZATION.—
6 The term ‘private nonprofit organization’ means an
7 organization—

8 “(A) no part of the net earnings of which
9 inures to the benefit of any member, founder,
10 contributor, or individual;

11 “(B) that has a voluntary board;

12 “(C) that has an accounting system, or has
13 designated a fiscal agent in accordance with re-
14 quirements established by the Secretary; and

15 “(D) that practices nondiscrimination in
16 the provision of assistance.

17 “(17) PROJECT.—The term ‘project’, used with
18 respect to activities carried out under subtitle C,
19 means eligible activities described in section 423(a),
20 undertaken pursuant to a specific endeavor, such as
21 serving a particular population or providing a par-
22 ticular resource.

23 “(18) PROJECT-BASED.—The term ‘project-
24 based’, used with respect to rental assistance, means
25 assistance provided pursuant to a contract that—

1 “(A) is between—

2 “(i) the recipient or a project sponsor;

3 and

4 “(ii) an owner of a structure that ex-
5 ists as of the date the contract is entered
6 into; and

7 “(B) provides that rental assistance pay-
8 ments shall be made to the owner and that the
9 units in the structure shall be occupied by eligi-
10 ble persons for not less than the term of the
11 contract.

12 “(19) PROJECT SPONSOR.—The term ‘project
13 sponsor’, used with respect to proposed eligible ac-
14 tivities, means the organization directly responsible
15 for carrying out the proposed eligible activities.

16 “(20) RECIPIENT.—Except as used in subtitle
17 B, the term ‘recipient’ means an eligible entity
18 who—

19 “(A) submits an application for a grant
20 under section 422 that is approved by the Sec-
21 retary;

22 “(B) receives the grant directly from the
23 Secretary to support approved projects de-
24 scribed in the application; and

1 “(C)(i) serves as a project sponsor for the
2 projects; or

3 “(ii) awards the funds to project sponsors
4 to carry out the projects.

5 “(21) SAFE HAVEN.—The term ‘safe haven’
6 means a facility—

7 “(A) that provides 24-hour residence for
8 an unspecified duration for persons who, on
9 entry to the facility, are unwilling or unable to
10 participate in mental health or substance abuse
11 treatment programs, or to receive other sup-
12 portive services;

13 “(B) that provides private or semi-private
14 accommodations;

15 “(C) that may provide for the common use
16 of kitchen facilities, dining rooms, and bath-
17 rooms;

18 “(D) that may provide supportive services,
19 on a drop-in basis, to eligible persons who are
20 not residents; and

21 “(E) in which overnight occupancy is lim-
22 ited to no more than 25 persons.

23 “(22) SECRETARY.—The term ‘Secretary’
24 means the Secretary of Housing and Urban Develop-
25 ment.

1 “(23) SERIOUSLY MENTALLY ILL.—The term
2 ‘seriously mentally ill’ means having a severe and
3 persistent mental illness or emotional impairment
4 that seriously limits a person’s ability to live inde-
5 pendently.

6 “(24) SOLO APPLICANT.—The term ‘solo appli-
7 cant’ means an entity that is an eligible entity, di-
8 rectly submits an application for a grant under sub-
9 title C to the Secretary, and, if awarded such grant,
10 receives such grant directly from the Secretary.

11 “(25) STATE.—Except as used in subtitle B,
12 the term ‘State’ means each of the several States,
13 the District of Columbia, the Commonwealth of
14 Puerto Rico, the United States Virgin Islands,
15 Guam, American Samoa, and the Commonwealth of
16 the Northern Mariana Islands.

17 “(26) SUPPORTIVE SERVICES.—The term ‘sup-
18 portive services’ means the services described in sec-
19 tion 425.

20 “(27) TENANT-BASED.—The term ‘tenant-
21 based’, used with respect to rental assistance, means
22 assistance that allows an eligible person to select a
23 housing unit in which such person will live using
24 rental assistance provided under subtitle C, except
25 that if necessary to assure that the provision of sup-

1 portive services to a person participating in a pro-
 2 gram is feasible, a recipient or project sponsor may
 3 require that the person live—

4 “(A) in a particular structure or unit for
 5 not more than the first year of the participa-
 6 tion; and

7 “(B) within a particular geographic area
 8 for the full period of the participation, or the
 9 period remaining after the period referred to in
 10 subparagraph (A).

11 “(28) TRANSITIONAL HOUSING.—The term
 12 ‘transitional housing’ has the meaning given the
 13 term in section 424(b), and includes transitional
 14 supportive housing.”

15 **SEC. 412. COMMUNITY HOMELESS ASSISTANCE PLANNING**
 16 **BOARDS.**

17 Subtitle A of title IV of the McKinney-Vento Home-
 18 less Assistance Act (42 U.S.C. 11361 et seq.) is amended
 19 by inserting after section 401 (as added by section 411(3)
 20 of this Act) the following new section:

21 **“SEC. 402. COMMUNITY HOMELESS ASSISTANCE PLANNING**
 22 **BOARDS.**

23 “(a) BOARDS.—A community homeless assistance
 24 planning board shall be established for a geographic area
 25 by the relevant parties in that geographic area, or des-

1 ignated for a geographic area by the Secretary in accord-
2 ance with subsection (c), to lead a collaborative planning
3 process to design, execute, and evaluate programs, poli-
4 cies, and practices to prevent and end homelessness.

5 “(b) MEMBERSHIP.—A community board established
6 under subsection (a) shall be composed of persons—

7 “(1) who are from a particular geographic area;

8 “(2) not less than 51 percent of whom are—

9 “(A) persons who are experiencing or have
10 experienced homelessness (with not fewer than
11 2 persons being individuals who are experi-
12 encing or have experienced homelessness);

13 “(B) persons who act as advocates for the
14 diverse subpopulations of persons experiencing
15 homelessness, including advocates for homeless
16 veterans, the mentally ill, the physically handi-
17 capped, and victims of domestic violence;

18 “(C) persons or representatives of organi-
19 zations who provide assistance to the variety of
20 individuals and families experiencing homeless-
21 ness; or

22 “(D) superintendents of local educational
23 agencies or their designees, such as liaisons for
24 homeless children and youths designated pursu-

1 ant to section 722(g)(1)(J)(ii) (42 U.S.C.
2 11432(g)(1)(J)(ii)); and

3 “(3) the remainder of whom are selected from
4 among—

5 “(A) government officials, particularly
6 those officials responsible for administering
7 funding under programs targeted for persons
8 experiencing homelessness and other programs
9 for which persons experiencing homelessness
10 are eligible, including law enforcement officials
11 responsible for persons on parole or probation;

12 “(B) members of the business community;

13 “(C) members of the religious community
14 or faith-based organizations; and

15 “(D) members of neighborhood advocacy
16 organizations.

17 “(c) EXISTING PLANNING BODIES.—The Secretary
18 may designate an entity to be a community board if such
19 entity has, prior to the date of enactment of the Bringing
20 America Home Act, engaged in coordinated, comprehen-
21 sive local homeless housing and services planning and ap-
22 plied for Federal funding to provide homeless assistance.

23 “(d) REMEDIAL ACTION.—If the Secretary finds that
24 a community board for a geographic area does not meet
25 the requirements of this section, the Secretary may take

1 remedial action to ensure fair distribution of grant
2 amounts under this title to eligible entities within that
3 area. Such measures may include designating another
4 body as a community board or permitting eligible entities
5 to apply directly for grants.

6 “(e) CONSTRUCTION.—Nothing in this section shall
7 be construed to displace conflict of interest or government
8 fair practices laws, or their equivalent, that govern appli-
9 cants for grant amounts under subtitles B and C.

10 “(f) DUTIES.—A community board established under
11 subsection (a) shall—

12 “(1)(A) design a collaborative process, estab-
13 lished jointly and complied with by its members, for
14 evaluating, reviewing, and prioritizing projects and
15 applications for grants under subtitles B and C sub-
16 mitted by eligible entities, in such a manner as to
17 ensure that the entities further the goal of pre-
18 venting and ending homelessness in the geographic
19 area involved;

20 “(B)(i)(I) review relevant policies and practices
21 (in place and planned) of public and private entities
22 in the geographic area served by the community
23 board to determine if the policies and practices fur-
24 ther or impede the goal described in subparagraph
25 (A);

1 “(II) in conducting the review, give priority to
2 the review of—

3 “(aa) the discharge planning and service
4 termination policies and practices of publicly
5 funded facilities or institutions (such as health
6 care or treatment facilities or institutions, fos-
7 ter care or youth facilities, or correctional insti-
8 tutions), and entities carrying out publicly
9 funded programs and systems of care (such as
10 health care or treatment programs, State pro-
11 grams funded under part A of title IV of the
12 Social Security Act (42 U.S.C. 601 et seq.) (re-
13 lating to Temporary Assistance for Needy Fam-
14 ilies), foster care or youth programs, or correc-
15 tional programs), to ensure that such a dis-
16 charge or termination does not result in imme-
17 diate homelessness for the persons involved;

18 “(bb) the access and utilization policies
19 and practices of the entities carrying out main-
20 stream programs, to ensure that persons at risk
21 of or experiencing homelessness are able to ac-
22 cess and utilize the programs; and

23 “(cc) local policies and practices relating to
24 zoning and enforcement of local statutes, to en-
25 sure that the policies and practices allow rea-

1 sonable inclusion and distribution in the geo-
2 graphic area of special needs populations and
3 families with children; and

4 “(III) in conducting the review, determine the
5 modifications and corrective actions that need to be
6 taken, and by whom, to ensure that the relevant
7 policies and practices do not stimulate, or prolong,
8 homelessness in the geographic area;

9 “(ii) inform the entities of the determinations
10 described in clause (i); and

11 “(iii) once every 3 years, prepare for inclusion
12 in any application reviewed by the community board
13 and submitted to the Secretary under section 422,
14 the determinations described in clause (i), in the
15 form of an exhibit entitled ‘Assessment of Relevant
16 Policies and Practices, and Needed Corrective Ac-
17 tions to End and Prevent Homelessness’; and

18 “(C) if the community board designs and car-
19 ries out the projects, design and carry out the
20 projects in such a manner as to further the goal de-
21 scribed in subparagraph (A);

22 “(2) require, consistent with the Government
23 Performance and Results Act of 1993 and amend-
24 ments made by that Act, that recipients and project
25 sponsors who are funded by grants received under

1 this title implement and maintain an outcome-based
2 evaluation of their projects that measures effective
3 and timely delivery of housing or services and wheth-
4 er provision of such housing or services results in
5 preventing or ending homelessness for the persons
6 that such recipients and project sponsors serve;

7 “(3) require, consistent with the Government
8 Performance and Results Act of 1993 and amend-
9 ments made by that Act, outcome-based evaluation
10 of the community board’s homeless assistance plan-
11 ning process to measure the community board’s per-
12 formance in preventing or ending the homelessness
13 of persons in the community board’s geographic
14 area; and

15 “(4) participate in the Consolidated Plan for
16 the geographic area served by the community
17 board.”

18 **SEC. 413. TECHNICAL ASSISTANCE AND PERFORMANCE RE-**

19 **PORTS.**

20 Subtitle A of the McKinney-Vento Homeless Assist-
21 ance Act (42 U.S.C. 11361 et seq.) is amended by insert-
22 ing after section 403 (as so redesignated by section 411(2))
23 of this Act) the following new sections:

1 **“SEC. 404. TECHNICAL ASSISTANCE.**

2 “(a) IN GENERAL.—The Secretary shall provide tech-
3 nical assistance to—

4 “(1) States, metropolitan cities, urban counties,
5 and counties that are not urban counties, that have
6 not applied for, or have failed to receive, funding
7 under this title, in order to implement effective plan-
8 ning processes for preventing and ending homeless-
9 ness and to improve their capacity to prepare col-
10 laborative applications; and

11 “(2) community boards or their predecessor
12 homeless planning bodies in States, metropolitan cit-
13 ies, urban counties, and counties that are not urban
14 counties, that have not applied for, or have failed to
15 receive, funding under this title, in order to improve
16 their capacity to prepare collaborative applications.

17 “(b) RESERVATION.—The Secretary shall reserve not
18 more than 1 percent of the funds made available for any
19 fiscal year for carrying out subtitles B and C, to provide
20 technical assistance under subsection (a).

21 **“SEC. 405. PERFORMANCE REPORTS.**

22 “(a) IN GENERAL.—Each community board shall
23 submit to the Secretary an annual performance report re-
24 garding the activities carried out with grant amounts re-
25 ceived under subtitles B and C in the geographic area

1 served by the community board, at such time and in such
2 manner as the Secretary determines to be reasonable.

3 “(b) CONTENT.—The performance report described
4 in subsection (a) shall—

5 “(1) describe the number of persons provided
6 homelessness prevention assistance, and the number
7 of individuals and families experiencing homelessness
8 who were provided shelter, housing, or supportive
9 services, with the grant amounts awarded in the fis-
10 cal year prior to the fiscal year in which the report
11 was submitted, including measurements of the num-
12 ber of persons experiencing homelessness who—

13 “(A) entered permanent housing, and the
14 length of time such persons resided in that
15 housing, if known;

16 “(B) entered transitional housing, and the
17 length of time such persons resided in that
18 housing, if known;

19 “(C) obtained or retained jobs;

20 “(D) increased their income, including in-
21 creasing income through the receipt of govern-
22 ment benefits;

23 “(E) received mental health or substance
24 abuse treatment in an institutional setting and

1 now receive that assistance in a less restrictive,
2 community-based setting;

3 “(F) received additional education, voca-
4 tional or job training, or employment assistance
5 services; and

6 “(G) received additional physical, mental,
7 or emotional health care;

8 “(2) estimate the number of persons experi-
9 encing homelessness in the geographic area served
10 by the community board who are eligible for, but did
11 not receive, services, housing, or other assistance
12 through the programs funded under subtitles B and
13 C in the prior fiscal year;

14 “(3) indicate the accomplishments achieved
15 within the geographic area to prevent the homeless-
16 ness of persons discharged from publicly funded in-
17 stitutions or systems of care (such as health care fa-
18 cilities, foster care or other youth facilities or sys-
19 tems of care, institutions or systems of care relating
20 to the temporary assistance to needy families pro-
21 gram established under part A of title IV of the So-
22 cial Security Act (42 U.S.C. 601 et seq.), and cor-
23 rections programs and institutions); and

1 “(4) assess the consistency and coordination be-
2 tween the programs funded under subtitles B and C
3 in the prior fiscal year and the Consolidated Plan.

4 “(c) WAIVER.—The Secretary may grant a waiver to
5 any community board that is unable to provide informa-
6 tion required by subsection (b). Such community board
7 shall submit a plan to provide such information within a
8 reasonable period of time.”.

9 **SEC. 414. AUTHORIZATION OF APPROPRIATIONS.**

10 Subtitle A of the McKinney-Vento Homeless Assist-
11 ance Act (42 U.S.C. 11361 et seq.) is amended by insert-
12 ing after section 406 (as so redesignated by section 411(2)
13 of this Act) the following new section:

14 **“SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

15 “‘There are authorized to be appropriated to carry out
16 title II and this title \$1,800,000,000 for fiscal year 2003
17 and such sums as may be necessary for each of fiscal years
18 2004, 2005, 2006, and 2007.’”.

19 **Subtitle B—Emergency Shelter**
20 **Grants Program**

21 **SEC. 421. GRANT ASSISTANCE.**

22 The McKinney-Vento Homeless Assistance Act is
23 amended by striking section 412 (42 U.S.C. 11372) and
24 inserting the following new sections:

1 **“SEC. 412. GRANT ASSISTANCE.**

2 “(a) IN GENERAL.—The Secretary shall make grants
3 to States and local governments (and to private nonprofit
4 organizations providing assistance to persons experiencing
5 homelessness, in the case of grants made with reallocated
6 amounts) for the purpose of carrying out activities de-
7 scribed in section 414.

8 “(b) COORDINATION WITH COMMUNITY BOARDS.—
9 An entity that receives a grant under this section and
10 serves an area that includes one or more geographic areas
11 (or portions of such areas) served by community boards
12 that submit applications under subtitle C, shall allocate
13 the funds made available through the grant to carry out
14 activities described in section 414, in consultation with
15 such community boards.”.

16 **SEC. 422. AMOUNT AND ALLOCATION OF ASSISTANCE.**

17 Section 413 of the McKinney-Vento Homeless Assist-
18 ance Act (42 U.S.C. 11373) is amended—

19 (1) in subsection (b)—

20 (A) by striking “amounts appropriated”
21 and all that follows through “for any” and in-
22 sserting “amounts appropriated under section
23 407 and made available to carry out this sub-
24 title for any”; and

25 (B) by striking “subsection (a)” and in-
26 sserting “subsection (b)”;

1 (2) in subsection (d)(1), by striking “subsection
2 (b)” and inserting “subsection (c)”;

3 (3) by redesignating subsections (a) through (e)
4 as subsections (b) through (f), respectively; and

5 (4) by inserting before subsection (b) (as so re-
6 designated by paragraph (3) of this section) the fol-
7 lowing new subsection:

8 “(a) LIMITATION ON AMOUNTS USED FOR EMER-
9 GENCY SHELTER.—Of the amount made available to carry
10 out this subtitle and subtitle C for a fiscal year, the Sec-
11 retary shall allocate nationally for use under this subtitle
12 an aggregate amount not exceeding 15 percent of such
13 total amount.”.

14 **SEC. 423. ELIGIBLE ACTIVITIES.**

15 The McKinney-Vento Homeless Assistance Act is
16 amended by striking section 414 (42 U.S.C. 11374) and
17 inserting the following new section:

18 **“SEC. 414. ELIGIBLE ACTIVITIES.**

19 “Assistance provided under section 412 may be used
20 for the following activities:

21 “(1) The renovation, major rehabilitation, or
22 conversion of buildings to be used as emergency
23 shelters.

24 “(2) The provision of essential services, includ-
25 ing services concerned with employment, health, or

1 education, family support services for homeless
2 youth, alcohol or drug abuse prevention or treat-
3 ment, or mental health treatment, if—

4 “(A) such essential services have not been
5 provided by the local government during any
6 part of the immediately preceding 12-month pe-
7 riod or the Secretary determines that the local
8 government is in a severe financial deficit; or

9 “(B) the use of assistance under this sub-
10 title would complement the provision of those
11 essential services.

12 “(3) Maintenance, operation, insurance, provi-
13 sion of utilities, and provision of furnishings.

14 “(4) For homelessness prevention activities.”.

15 **SEC. 424. REPEALS.**

16 Sections 417 and 418 of the McKinney-Vento Home-
17 less Assistance Act (42 U.S.C. 11377, 11378) are hereby
18 repealed.

19 **Subtitle C—Continuum of Care**
20 **Program**

21 **SEC. 431. CONTINUUM OF CARE.**

22 The McKinney-Vento Homeless Assistance Act is
23 amended

1 (1) by striking the subtitle heading for subtitle
2 C of title IV (42 U.S.C. 11381 et seq.) and inserting
3 the following:

4 **“Subtitle C—Continuum of Care**
5 **Program”;**

6 and

7 (2) by striking section 422 (42 U.S.C. 11382)
8 and inserting the following new section:

9 **“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND**
10 **GRANTS.**

11 “(a) ELIGIBLE APPLICANT.—In this section, the
12 term ‘eligible applicant’ means a collaborative applicant or
13 solo applicant.

14 “(b) PROJECTS.—The Secretary shall award grants
15 to eligible applicants to carry out homeless assistance and
16 prevention projects.

17 “(c) NOTIFICATION OF FUNDING AVAILABILITY.—
18 The Secretary shall release a notification of funding avail-
19 ability for grants awarded under this subtitle for a fiscal
20 year not later than 3 months after the date of enactment
21 of the appropriate Act making appropriations for the De-
22 partment of Housing and Urban Development for such fis-
23 cal year.

24 “(d) APPLICATIONS.—

1 “(1) IN GENERAL.—To receive a grant under
2 subsection (b), an eligible applicant shall submit an
3 application for the grant to a community board in
4 accordance with the collaborative process established
5 by the board, as described in section 402, and have
6 such application reviewed, approved, and prioritized
7 by such community board, except that a solo appli-
8 cant may submit such application to the Secretary
9 without participating in such process if the applicant
10 includes information in such application regarding
11 why the applicant has not participated.

12 “(2) CONTENTS.—To receive the grant, after
13 receiving approval from the community board for the
14 application, the eligible applicant shall submit an ap-
15 plication to the Secretary at such time and in such
16 manner as the Secretary may require, and con-
17 taining—

18 “(A) the application submitted to the com-
19 munity board; and

20 “(B) other information that, in addition to
21 including the information described in sub-
22 sections (a) and (c) of section 426, shall—

23 “(i) describe the establishment and
24 function of the community board, includ-
25 ing—

1 “(I) the nomination and selection
2 process for such board, including the
3 names and affiliations of all such
4 board members;

5 “(II) all meetings held by such
6 board in preparing the collaborative
7 application, including identification of
8 those meetings that were public; and

9 “(III) all meetings between board
10 representatives, and persons respon-
11 sible for administering the consoli-
12 dated plan;

13 “(ii) outline the range of housing and
14 service programs available to persons expe-
15 riencing homelessness or imminently at
16 risk of experiencing homelessness and de-
17 scribe the unmet needs that remain in the
18 geographic area for which the collaborative
19 applicant seeks funding regarding—

20 “(I) prevention activities, includ-
21 ing providing assistance in—

22 “(aa) making mortgage,
23 rent, or utility payments; or

24 “(bb) accessing permanent
25 housing and transitional housing

1 for individuals (and families that
2 include the individuals) who are
3 being discharged from a publicly
4 funded facility, program, or sys-
5 tem of care, or whose services
6 (from such a facility, program, or
7 system of care) are being termi-
8 nated, including discharge from a
9 foster care program;

10 “(II) outreach activities to assess
11 the needs and conditions of persons
12 experiencing homelessness;

13 “(III) emergency shelters, includ-
14 ing the supportive and referral serv-
15 ices the shelters provide;

16 “(IV) transitional housing with,
17 as needed, appropriate supportive
18 services to help persons experiencing
19 homelessness who are not yet able or
20 prepared to make the transition to
21 permanent housing and independent
22 living;

23 “(V) permanent housing to help
24 meet the long-term needs of individ-

1 uals and families experiencing home-
2 lessness; and

3 “(VI) needed supportive services;

4 “(iii) prioritize the projects for which
5 the collaborative applicant seeks funding
6 according to the unmet needs in the fiscal
7 year in which the applicant submits the ap-
8 plication as described in clause (ii);

9 “(iv) identify funds from private and
10 public sources, other than funds received
11 under subtitle B and this subtitle, that the
12 State, units of general local government,
13 recipients, project sponsors, and others will
14 use for homelessness prevention, emer-
15 gency shelter, supportive services, transi-
16 tional housing, permanent housing, and
17 permanent supportive housing that will be
18 integrated with the assistance provided
19 under subtitle B and this subtitle;

20 “(v) identify funds provided by the
21 State and units of general local govern-
22 ment under programs targeted for persons
23 experiencing homelessness, and other pro-
24 grams for which persons experiencing
25 homelessness are eligible, including pro-

1 grams identified by the General Account-
2 ing Office in the February 1999 report en-
3 titled ‘Homelessness: Coordination and
4 Evaluation of Programs Are Essential’;

5 “(vi) explain—

6 “(I) how the collaborative appli-
7 cant will meet the housing and service
8 needs of individuals and families expe-
9 riencing homelessness in the appli-
10 cant’s community; and

11 “(II) the strategy of the State,
12 units of general local government, and
13 private entities in the geographic area
14 over the next 5 years to prevent and
15 end homelessness, including, as part
16 of that strategy, a work plan for the
17 applicable fiscal years;

18 “(vii) report on the outcome-based
19 performance of the homeless programs
20 within the geographic area served by the
21 collaborative applicant that were funded
22 under this title in the fiscal year prior to
23 the fiscal year in which the application is
24 submitted;

1 “(viii) include any relevant required
2 agreements under this subtitle;

3 “(ix) contain a certification of consist-
4 ency with the consolidated plan pursuant
5 to section 403;

6 “(x) contain a certification that the
7 applicable States and units of general local
8 government are not penalizing homeless in-
9 dividuals and families—

10 “(I) through laws, ordinances, or
11 policies based upon their status as
12 homeless; or

13 “(II) by using zoning laws, ordi-
14 nances, or policies to prevent the
15 siting of facilities designed to serve
16 the homeless;

17 “(xi) contain such certifications and
18 assurances as the Secretary, in consulta-
19 tion with the Secretary of Education, con-
20 siders appropriate to ensure that—

21 “(I) the applicable States and
22 State and local educational agencies
23 agree to comply with the requirements
24 applicable to such States and agencies
25 that receive grants under subtitle B of

1 title VII of the McKinney-Vento
2 Homeless Assistance Act (42 U.S.C.
3 11431 et seq.); and

4 “(II) the strategy referred to in
5 clause (vi)(II) will take the edu-
6 cational needs of children into account
7 when families are placed in emergency
8 or transitional shelter and will, to the
9 maximum extent practicable, place
10 families with children as close to pos-
11 sible to their school of origin so as not
12 to disrupt such children’s education;
13 and

14 “(xii)(I) in the case of a collaborative
15 applicant, include an exhibit described in
16 section 402(f)(1)(B)(iii) and prepared by
17 the community board in accordance with
18 that section; or

19 “(II) in the case of a solo applicant,
20 include an exhibit described in section
21 402(f)(1)(B)(iii) and prepared by the ap-
22 plicant.

23 “(3) ANNOUNCEMENT OF AWARDS.—The Sec-
24 retary shall announce, not later than 5 months after
25 the last date for the submission of applications de-

1 scribed in this subsection for a fiscal year, the
2 grants awarded under subsection (b) for that fiscal
3 year.

4 “(4) OBLIGATION, DISTRIBUTION, AND UTILIZA-
5 TION OF FUNDS.—

6 “(A) REQUIREMENTS FOR OBLIGATION.—

7 “(i) IN GENERAL.—Not later than 9
8 months after the announcement referred to
9 in paragraph (3), each recipient or project
10 sponsor seeking the obligation of funds for
11 a grant announced under paragraph (3)
12 shall meet all requirements for the obliga-
13 tion of those funds, including site control,
14 matching funds, and environmental review
15 requirements, except as provided in clause
16 (ii).

17 “(ii) ACQUISITION, REHABILITATION,
18 OR CONSTRUCTION.—Not later than 15
19 months after the announcement referred to
20 in paragraph (3), each recipient or project
21 sponsor seeking the obligation of funds for
22 acquisition of housing, rehabilitation of
23 housing, or construction of new housing
24 for a grant announced under paragraph
25 (3) shall meet all requirements for the obli-

1 gation of those funds, including site con-
2 trol, matching funds, and environmental
3 review requirements.

4 “(iii) EXTENSIONS.—At the discretion
5 of the Secretary, and in compelling cir-
6 cumstances, the Secretary may extend the
7 date by which a recipient or project spon-
8 sor shall meet the requirements described
9 in clause (i) if the Secretary determines
10 that compliance with the requirements was
11 delayed due to factors beyond the reason-
12 able control of the recipient or project
13 sponsor. Such factors may include difficul-
14 ties in obtaining site control for a proposed
15 project, completing the process of obtain-
16 ing secure financing for the project, or
17 completing the technical submission re-
18 quirements for the project.

19 “(B) OBLIGATION.—Not later than 45
20 days after a recipient or project sponsor meets
21 the requirements described in subparagraph
22 (A)(i), the Secretary shall obligate the funds for
23 the grant involved.

24 “(C) DISTRIBUTION.—A recipient that re-
25 ceives funds through such a grant—

1 “(i) shall distribute the funds to
2 project sponsors (in advance of expendi-
3 tures by the project sponsors); and

4 “(ii) shall distribute the appropriate
5 portion of the funds to a project sponsor
6 not later than 21 days after receiving a re-
7 quest for such distribution from the project
8 sponsor.

9 “(e) SELECTION CRITERIA.—In determining whether
10 to award a grant to an applicant under subsection (b),
11 the Secretary shall consider, in addition to criteria de-
12 scribed in section 426(b)—

13 “(1) the inclusiveness of the community board
14 involved and the process the board administered, if
15 applicable;

16 “(2) the comprehensiveness and coordination of
17 the homelessness prevention, housing, and services
18 programs (including discharge planning and service
19 termination protocols) within the geographic area
20 served by the community board;

21 “(3) the extent to which prioritized programs
22 meet unmet needs;

23 “(4) the capacity of the geographic area to le-
24 verage funding from other public and private
25 sources;

1 “(5) the long-term strategy of the applicable
2 States and units of general local government to com-
3 bat, prevent, and end homelessness;

4 “(6) the performance of the homelessness pre-
5 vention, housing, and services programs funded in
6 the fiscal year prior to the date of submission of the
7 application;

8 “(7) the need for services in the geographic
9 area;

10 “(8) the plan by which—

11 “(A) access to appropriate permanent
12 housing will be secured if the proposed project
13 does not include permanent housing; and

14 “(B) access to outcome-effective supportive
15 services will be secured for residents or con-
16 sumers involved in the project who are willing
17 to use the services;

18 “(9) the evaluation plan for evaluations of the
19 project, which—

20 “(A) will use periodically collected informa-
21 tion and analysis to determine whether the
22 project has resulted in enhanced stability and
23 well-being of the residents or consumers served
24 by the project;

1 “(B) will include evaluations obtained di-
2 rectly from the individuals or families served by
3 the project; and

4 “(C) will be submitted by the recipient for
5 the grant to the community board for review
6 and use in assessments, conducted by the board
7 consistent with the board’s duty to ensure effec-
8 tive outcomes that contribute to the goal of pre-
9 venting and ending homelessness in the geo-
10 graphic area served by the board;

11 “(10) the extent to which the applicable States
12 and units of general local government have made
13 commitments to and are taking actions to uphold
14 the civil rights of homeless families and individuals,
15 including removing or repealing any policies or laws
16 criminalizing homelessness, and have established
17 procedures to document abuses of such civil rights;
18 and

19 “(11) any other criteria the Secretary deter-
20 mines to be reasonably appropriate.

21 “(f) NOTIFICATION OF PRO RATA ESTIMATED
22 GRANT AMOUNTS.—

23 “(1) NOTICE.—The Secretary shall inform each
24 community board, at a time concurrent with the re-
25 lease of the notice of funding availability for the

1 grants, of the pro rata estimated grant amount
2 under this subtitle for the geographic area rep-
3 resented by the board.

4 “(2) AMOUNT.—

5 “(A) BASIS.—Such estimated grant
6 amount shall be based on a percentage of the
7 total funds available, or estimated to be avail-
8 able, to carry out this subtitle for any fiscal
9 year that is equal to the percentage of the total
10 amount available for section 106 of the Hous-
11 ing and Community Development Act of 1974
12 (42 U.S.C. 5306) for the prior fiscal year
13 that—

14 “(i) was allocated to all metropolitan
15 cities and urban counties within the geo-
16 graphic area represented by the Board; or

17 “(ii) would have been distributed to
18 all counties within such geographic area
19 that are not urban counties, if the 30 per-
20 cent portion of the allocation to the State
21 involved (as described in subsection (d)(1)
22 of that section 106) for that year had been
23 distributed among the counties that are
24 not urban counties in the State in accord-
25 ance with the formula specified in that

1 subsection (with references in that sub-
2 section to nonentitlement areas considered
3 to be references to those counties).

4 “(B) ADJUSTMENT.—In computing the es-
5 timated grant amount, the Secretary shall ad-
6 just the estimated grant amount determined
7 pursuant to subparagraph (A) to ensure that—

8 “(i) 75 percent of the total funds
9 available, or estimated to be available, to
10 carry out this subtitle for any fiscal year
11 are allocated to the metropolitan cities and
12 urban counties that received a direct allo-
13 cation of funds under section 413 for the
14 prior fiscal year; and

15 “(ii) 25 percent of the total funds
16 available, or estimated to be available, to
17 carry out this subtitle for any fiscal year
18 are allocated—

19 “(I) to the metropolitan cities
20 and urban counties that did not re-
21 ceive a direct allocation of funds
22 under section 413 for the prior fiscal
23 year; and

24 “(II) to counties that are not
25 urban counties.

1 “(C) COMBINATIONS OR CONSORTIA.—For
2 any community board that represents a com-
3 bination or consortium of cities or counties, the
4 estimated grant amount shall be the sum of the
5 estimated grant amounts for the cities or coun-
6 ties represented by the board.

7 “(g) APPEALS.—

8 “(1) IN GENERAL.—Not later than 3 months
9 after the date of enactment of the Bringing America
10 Home Act, the Secretary shall establish a timely ap-
11 peal procedure for grant amounts awarded or denied
12 under this subtitle pursuant to a collaborative appli-
13 cation or solo application for funding.

14 “(2) PROCESS.—The Secretary shall ensure
15 that the procedure permits appeals submitted by
16 community boards, entities carrying out homeless
17 housing and services projects (including emergency
18 shelters and homelessness prevention programs),
19 homeless planning bodies not designated by the Sec-
20 retary as community boards, and all other applicants
21 under this subtitle.

22 “(h) SOLO APPLICANTS.—A solo applicant may sub-
23 mit an application to the Secretary for a grant under sub-
24 section (b) and be awarded such grant on the same basis
25 as such grants are awarded to other applicants based on

1 the criteria described in subsection (e). The Secretary may
2 award such grants directly to such applicants in a manner
3 determined to be appropriate by the Secretary.”

4 **SEC. 432. ELIGIBLE ACTIVITIES.**

5 The McKinney-Vento Homeless Assistance Act is
6 amended by striking section 423 (42 U.S.C. 11383) and
7 inserting the following new section:

8 **“SEC. 423. ELIGIBLE ACTIVITIES.**

9 “(a) IN GENERAL.—Grants awarded under section
10 422 to qualified applicants shall be used only to carry out
11 homeless assistance and prevention projects that consist
12 of one or more of the following eligible activities:

13 “(1) Construction of new housing units to pro-
14 vide transitional or permanent housing.

15 “(2) Acquisition or rehabilitation of a structure
16 to provide transitional or permanent housing, other
17 than emergency shelter, or to provide supportive
18 services.

19 “(3) Leasing of property, or portions of prop-
20 erty, not owned by the recipient or project sponsor
21 involved, for use in providing transitional or perma-
22 nent housing, or providing supportive services.

23 “(4) Provision of rental assistance to provide
24 transitional or permanent housing to eligible per-
25 sons. The rental assistance may include tenant-

1 based, project-based, or independently owned rental
2 assistance.

3 “(5) Payment of operating costs for housing
4 units assisted under this subtitle.

5 “(6) Supportive services.

6 “(7) Homelessness prevention activities, subject
7 to subsection (b).

8 “(b) ELIGIBILITY FOR FUNDS FOR HOMELESSNESS
9 PREVENTION ACTIVITIES.—

10 “(1) APPLICATION REQUIREMENT.—To be eligi-
11 ble to receive grant funds under section 422 to carry
12 out homelessness prevention activities, an applicant
13 shall submit an application to the Secretary under
14 section 422 that shall include a certification in
15 which—

16 “(A) the relevant public entities in the geo-
17 graphic area involved certify compliance with
18 paragraph (2); and

19 “(B) the publicly funded institutions, fa-
20 cilities, and systems of care in the geographic
21 area certify that the institutions, facilities, and
22 systems of care will take, and fund directly, all
23 reasonable measures to ensure that the institu-
24 tions, facilities, and systems of care do not dis-
25 charge individuals into homelessness.

1 “(2) SUPPLEMENTATION REQUIREMENT.—
2 Funds appropriated under section 407 and made
3 available for homelessness prevention activities shall
4 be used to supplement, and not supplant, other Fed-
5 eral, State, and local public funds used for homeles-
6 ness prevention.

7 “(c) USE RESTRICTIONS.—

8 “(1) ACQUISITION, REHABILITATION, AND NEW
9 CONSTRUCTION.—A project that consists of activities
10 described in paragraph (1) or (2) of subsection (a)
11 shall be operated for the purpose specified in the ap-
12 plication submitted for the project under section 422
13 for not less than 20 years.

14 “(2) OTHER ACTIVITIES.—A project that con-
15 sists of activities described in any of paragraphs (3)
16 through (7) of subsection (a) shall be operated for
17 the purpose specified in the application submitted
18 for the project under section 422 for the duration of
19 the grant period involved.

20 “(3) CONVERSION.—If the recipient or project
21 sponsor carrying out a project that provides transi-
22 tional or permanent housing submits a request to
23 the Secretary to carry out instead a project for the
24 direct benefit of low-income persons, and the Sec-
25 retary determines that the initial project is no longer

1 needed to provide transitional or permanent housing,
2 the Secretary may approve the project described in
3 the request and authorize the recipient or project
4 sponsor to carry out that project.

5 “(d) REPAYMENT OF ASSISTANCE AND PREVENTION
6 OF UNDUE BENEFITS.—

7 “(1) REPAYMENT.—If a recipient or project
8 sponsor receives assistance under section 422 to
9 carry out a project that consists of activities de-
10 scribed in paragraph (1) or (2) of subsection (a) and
11 the project ceases to provide transitional or perma-
12 nent housing—

13 “(A) earlier than 10 years after operation
14 of the project begins, the Secretary shall re-
15 quire the recipient or project sponsor to repay
16 100 percent of the assistance; or

17 “(B) not earlier than 10 years, but earlier
18 than 20 years, after operation of the project be-
19 gins, the Secretary shall require the recipient or
20 project sponsor to repay 10 percent of the as-
21 sistance for each of the years in the 20-year pe-
22 riod for which the project fails to provide that
23 housing.

24 “(2) PREVENTION OF UNDUE BENEFITS.—Ex-
25 cept as provided in paragraph (3), if any property

1 is used for a project that receives assistance under
2 subsection (a) and consists of activities described in
3 paragraph (1) or (2) of subsection (a), and the sale
4 or other disposition of the property occurs before the
5 expiration of the 20-year period beginning on the
6 date that operation of the project begins, the recipi-
7 ent or project sponsor who received the assistance
8 shall comply with such terms and conditions as the
9 Secretary may prescribe to prevent the recipient or
10 project sponsor from unduly benefiting from such
11 sale or disposition.

12 “(3) EXCEPTION.—A recipient or project spon-
13 sor shall not be required to make the repayments,
14 and comply with the terms and conditions, required
15 under paragraph (1) or (2) if—

16 “(A) the sale or disposition of the property
17 used for the project results in the use of the
18 property for the direct benefit of very low-in-
19 come persons; or

20 “(B) all of the proceeds of the sale or dis-
21 position are used to provide transitional or per-
22 manent housing meeting the requirements of
23 this subtitle.”.

1 **SEC. 433. PROGRAM REQUIREMENTS.**

2 Section 426 of the McKinney-Vento Homeless Assist-
3 ance Act (42 U.S.C. 11386) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “Applica-
6 tions” and all that follows through “shall” and
7 inserting “Applications for assistance under
8 section 422 shall”;

9 (B) in paragraph (2)—

10 (i) by striking subparagraph (B) and
11 inserting the following new subparagraph:

12 “(B) a description of the size and charac-
13 teristics of the population that would occupy
14 housing units or receive supportive services as-
15 sisted under this subtitle;” and

16 (ii) in subparagraph (E), by striking
17 “in the case of projects assisted under this
18 title that do not receive assistance under
19 such sections;” and

20 (C) in paragraph (3), in the last sentence,
21 by striking “recipient” and inserting “recipient
22 or project sponsor”;

23 (2) in subsection (d), in the first sentence, by
24 striking “recipient” and inserting “recipient or
25 project sponsor”;

26 (3) by striking subsection (e);

1 (4) by redesignating subsections (f), (g), and
2 (h), as subsections (e), (f), and (g), respectively;

3 (5) in subsection (f) (as so redesignated by
4 paragraph (4) of this section), in the first sentence,
5 by striking “recipient” each place it appears and in-
6 serting “recipient or project sponsor”;

7 (6) by striking subsection (i); and

8 (7) by redesignating subsection (j) as sub-
9 section (h).

10 **SEC. 434. ALLOCATION AMOUNTS AND FUNDING.**

11 The McKinney-Vento Homeless Assistance Act is
12 amended—

13 (1) by repealing section 429 (42 U.S.C. 11389);

14 and

15 (2) by redesignating sections 427 and 428 (42
16 U.S.C. 11387, 11388) as sections 432 and 433, re-
17 spectively; and

18 (3) by inserting after section 426 the following
19 new sections:

20 **“SEC. 427. ALLOCATION OF AMOUNTS FOR SPECIFIC ELIGI-
21 BLE ACTIVITIES.**

22 “(a) PREVENTION ACTIVITIES.—From the amount
23 made available to carry out this subtitle for each fiscal
24 year (not including any amounts made available under sec-
25 tion 407 and allocated for use under subtitle B), an

1 amount equal to not more than 3 percent shall be used
2 for prevention activities described in section 423(a)(9).

3 “(b) TREATMENT OF AMOUNTS FOR PERMANENT OR
4 TRANSITIONAL HOUSING.—Nothing in this Act may be
5 construed to establish a limit on the amount of funding
6 that an applicant may request under this subtitle for ac-
7 quisition, construction, or rehabilitation activities for the
8 development of permanent housing or transitional hous-
9 ing.

10 **“SEC. 428. RENEWAL FUNDING AND TERMS OF ASSISTANCE**
11 **FOR GRANT AMOUNTS FOR PERMANENT**
12 **HOUSING.**

13 “(a) IN GENERAL.—Of the total amount available for
14 use in connection with expiring or terminating section 8
15 subsidy contracts awarded under section 8 of the United
16 States Housing Act of 1937 (42 U.S.C. 1437f), such sums
17 as may be necessary shall be transferred and merged into
18 the Homeless Assistance Grants account of the Depart-
19 ment of Housing and Urban Development.

20 “(b) RENEWALS.—Amounts transferred and merged
21 pursuant to subsection (a) shall be available for the re-
22 newal of contracts for a 1-year term for rental assistance
23 and housing operation costs associated with permanent
24 housing projects funded under this subtitle, or under sub-
25 title C or F (as in effect immediately before the enactment

1 of the Bringing America Home Act), for homeless individ-
2 uals and homeless families. The Secretary shall determine
3 whether to renew a contract for such a permanent housing
4 project on the basis of demonstrated need for the project
5 and the compliance of the entity carrying out the project
6 with appropriate standards of housing quality and habit-
7 ability as determined by the Secretary.

8 **“SEC. 429. ADMINISTRATIVE EXPENSES.**

9 “(a) ADMINISTRATIVE EXPENSES.—Grant amounts
10 awarded under this subtitle may be used for administra-
11 tive expenses, including expenses for—

12 “(1) carrying out routine grant administration
13 and monitoring activities;

14 “(2) receipt and disbursement of program
15 funds;

16 “(3) preparation of financial and performance
17 reports, including carrying out management infor-
18 mation system functions; and

19 “(4) compliance with grant conditions and audit
20 requirements.

21 “(b) LIMITATIONS ON ADMINISTRATIVE EX-
22 PENSES.—A portion, of not more than 6 percent, of grant
23 amounts awarded under this subtitle may be used for ad-
24 ministrative expenses described in subsection (a), and not
25 less than 1/2 of such portion shall be allocated to nonprofit

1 organizations and other project sponsors to fund manage-
2 ment information system functions, application prepara-
3 tion, and preparation of annual performance and other
4 evaluation reports.

5 **“SEC. 430. MATCHING FUNDING.**

6 “An entity who submits an application and receives
7 a grant under this subtitle shall make available contribu-
8 tions, in cash or in donated services, in an amount equal
9 to not less than 25 percent of the Federal funds provided
10 under the grant.

11 **“SEC. 431. APPEAL PROCEDURE.**

12 “(a) IN GENERAL.—With respect to funding under
13 this subtitle, if certification of consistency with the consoli-
14 dated plan pursuant to section 403 is withheld from an
15 applicant who has submitted an application for that cer-
16 tification, such applicant may appeal such decision to the
17 Secretary.

18 “(b) PROCEDURE.—The Secretary shall establish a
19 procedure to process the appeals described in subsection
20 (a).

21 “(c) DETERMINATION.—Not later than 45 days after
22 the date of receipt of an appeal described in subsection
23 (a), the Secretary shall determine if certification was un-
24 reasonably withheld. If such certification was unreason-
25 ably withheld, the Secretary shall review such application

1 and determine if such applicant shall receive funding
2 under this subtitle.”.

3 **Subtitle D—Repeals and**
4 **Conforming Amendments**

5 **SEC. 441. REPEALS.**

6 Subtitles D, E, F, and G of title IV of the McKinney-
7 Vento Homeless Assistance Act (42 U.S.C. 11391 et seq.,
8 11401 et seq., 11403 et seq., and 11408 et seq.) are here-
9 by repealed.

10 **SEC. 442. CONFORMING AMENDMENTS.**

11 (a) CONSOLIDATED PLAN.—Section 403(1) of the
12 McKinney-Vento Homeless Assistance Act (as so redesign-
13 nated by section 411(2) of this Act), is amended—

14 (1) by striking “current housing affordability
15 strategy” and inserting “consolidated plan”; and

16 (2) by inserting before the comma the following:
17 “(referred to in such section as a ‘comprehensive
18 housing affordability strategy’)”.

19 (b) PERSONS EXPERIENCING HOMELESSNESS.—Sec-
20 tion 103 of the McKinney-Vento Homeless Assistance Act
21 (42 U.S.C. 11302) is amended by adding at the end the
22 following new subsection:

23 “(d) PERSONS EXPERIENCING HOMELESSNESS.—
24 Any references in this Act to homeless individuals (includ-
25 ing homeless persons) or homeless groups (including the

1 homeless) shall be considered to include, and to refer to,
 2 individuals experiencing homelessness or groups experi-
 3 encing homelessness, respectively.”.

4 **SEC. 443. AMENDMENT TO TABLE OF CONTENTS.**

5 The table of contents in section 101(b) of the McKin-
 6 ney-Vento Homeless Assistance Act (42 U.S.C. 11301
 7 note) is amended by striking the items relating to the
 8 heading for title IV and all that follows through the item
 9 relating to section 492 and inserting the following new
 10 items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—Comprehensive Homeless Assistance Plan

- “Sec. 401. Definitions.
- “Sec. 402. Community homeless assistance planning boards.
- “Sec. 403. Housing affordability strategy.
- “Sec. 404. Technical assistance.
- “Sec. 405. Performance reports.
- “Sec. 406. Discharge coordination policy.
- “Sec. 407. Authorization of appropriations.

“Subtitle B—Emergency Shelter Grants Program

- “Sec. 411. Definitions.
- “Sec. 412. Grant assistance.
- “Sec. 413. Allocation and distribution of assistance.
- “Sec. 414. Eligible activities.
- “Sec. 415. Responsibilities of recipients.
- “Sec. 416. Administrative provisions.

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purpose.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Supportive housing.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Allocation of amounts for specific eligible activities.
- “Sec. 428. Renewal funding and terms of assistance for grant amounts for per-
 manent housing.
- “Sec. 429. Administrative expenses.
- “Sec. 430. Matching funding.
- “Sec. 431. Appeal procedure.

“Sec. 432. Regulations.

“Sec. 433. Reports to Congress.”.

1 **TITLE V—PRESERVATION OF**
 2 **RESOURCES**

3 **SEC. 501. GOVERNORS, MAYORS, CITIES, AND COUNTIES**
 4 **HOUSING ADVISORY COMMITTEES.**

5 It is the sense of the Congress that the National Gov-
 6 ernors Association, the U.S. Conference of Mayors, the
 7 National League of Cities, and the National Association
 8 of Counties should—

9 (1) each establish an advisory committee to un-
 10 dertake an assessment of housing needs in the
 11 United States on an annual basis; and

12 (2) submit each such annual housing needs as-
 13 sessment to the Committee on Financial Services of
 14 the House of Representatives and the Committee on
 15 Banking, Housing, and Urban Affairs of the Senate,
 16 and the Committees on Appropriations of the House
 17 and Senate.

18 **SEC. 502. MORTGAGE INTEREST DEDUCTION LIMITED TO**
 19 **\$300,000 OF DEBT ON 1 HOME; REPEAL OF DE-**
 20 **DUCTION FOR HOME EQUITY INDEBTEDNESS;**
 21 **REPEAL OF EXCLUSION OF GAIN ON SALE OF**
 22 **PRINCIPAL RESIDENCE.**

23 (a) LIMITATIONS ON MORTGAGE INTEREST DEDUC-
 24 TION.—

1 (1) IN GENERAL.—Paragraph (3) of section
2 163(h) of the Internal Revenue Code of 1986 is
3 amended to read as follows:

4 “(3) QUALIFIED RESIDENCE INTEREST.—For
5 purposes of this subsection—

6 “(A) IN GENERAL.—The term ‘qualified
7 residence interest’ means any interest which is
8 paid or accrued during the taxable year on ac-
9 quisition indebtedness with respect to the prin-
10 cipal residence of the taxpayer. For purposes of
11 the preceding sentence, the determination of
12 whether any property is the principal residence
13 of the taxpayer shall be made as of the time the
14 interest is accrued.

15 “(B) ACQUISITION INDEBTEDNESS.—

16 “(i) IN GENERAL.—The term ‘acqui-
17 sition indebtedness’ means any indebtedness
18 which—

19 “(I) is incurred in acquiring, con-
20 structing, or substantially improving
21 the principal residence of the tax-
22 payer, and

23 “(II) is secured by such resi-
24 dence.

1 Such term also includes any indebtedness
2 secured by such residence resulting from
3 the refinancing of indebtedness meeting
4 the requirements of the preceding sentence
5 (or this sentence); but only to the extent
6 the amount of the indebtedness resulting
7 from such refinancing does not exceed the
8 amount of the refinanced indebtedness.

9 “(ii) \$500,000 LIMITATION.—The ag-
10 gregate amount treated as acquisition in-
11 debtedness for any period shall not exceed
12 \$300,000 (\$150,000 in the case of a mar-
13 ried individual filing a separate return).

14 “(C) TREATMENT OF INDEBTEDNESS IN-
15 CURRED ON OR BEFORE JULY 18, 2003.—

16 “(i) IN GENERAL.—In the case of any
17 pre-July 18, 2003, indebtedness—

18 “(I) such indebtedness shall be
19 treated as acquisition indebtedness,
20 and

21 “(II) the limitation of subpara-
22 graph (B)(ii) shall not apply.

23 “(ii) REDUCTION IN \$300,000 LIMITA-
24 TION.—The limitation of subparagraph
25 (B)(ii) shall be reduced (but not below

1 zero) by the aggregate amount of out-
2 standing pre-July 18, 2003, indebtedness.

3 “(iii) PRE-JULY 18, 2003, INDEBTED-
4 NESS.—The term ‘pre-July 18, 2003, in-
5 debtedness’ means—

6 “(I) any indebtedness which was
7 incurred on or before July 18, 2003,
8 and which was secured by a qualified
9 residence on such date and at all
10 times thereafter before the interest is
11 paid or accrued, or

12 “(II) any indebtedness which is
13 secured by the qualified residence and
14 was incurred after July 18, 2003, to
15 refinance indebtedness described in
16 subclause (I) (or refinanced indebted-
17 ness meeting the requirements of this
18 subclause) to the extent (immediately
19 after the refinancing) the principal
20 amount of the indebtedness resulting
21 from the refinancing does not exceed
22 the principal amount of the refinanced
23 indebtedness (immediately before the
24 refinancing).

1 “(iv) LIMITATION ON PERIOD OF RE-
2 FINANCING.—Subclause (II) of clause (iii)
3 shall not apply to any indebtedness after—

4 “(I) the expiration of the term of
5 the indebtedness described in clause
6 (iii)(I), or

7 “(II) if the principal of the in-
8 debtedness described in clause (iii)(I)
9 is not amortized over its term, the ex-
10 piration of the term of the 1st refi-
11 nancing of such indebtedness (or if
12 earlier, the date which is 30 years
13 after the date of such 1st refi-
14 nancing).”.

15 (2) CONFORMING AMENDMENT.—Subparagraph
16 (A) of section 163(h)(4) of such Code is amended to
17 read as follows:

18 “(a) PRINCIPAL RESIDENCE.—The term
19 ‘principal residence’ has the meaning given to
20 such term by section 121.”.

21 (b) REPEAL OF EXCLUSION OF GAIN ON SALE OF
22 PRINCIPAL RESIDENCE.—Section 121 of such Code is
23 hereby repealed.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

4 **TITLE VI—HEALTH SECURITY**
5 **Subtitle A—General Provisions**

6 **SEC. 601. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—The Congress finds as follows:

8 (1) The United States has the most expensive
9 health care system in the world in terms of absolute
10 costs, per capita costs, and percentage of gross do-
11 mestic product (GDP).

12 (2) Despite being first in spending, the World
13 Health Organization has ranked the United States
14 37th among all nations in terms of meeting the
15 needs of its people.

16 (3) 43,000,000 Americans, including 9,000,000
17 children, are uninsured.

18 (4) Tens of millions more Americans are inad-
19 equately insured, including medicare beneficiaries
20 who lack access to prescription drug coverage and
21 long term care coverage.

22 (5) Racial, income, and ethnic disparities in ac-
23 cess to care threaten communities across the coun-
24 try, particularly communities of color.

1 (6) Health care costs continue to increase, jeopardizing the health security of working families and
2 small businesses.

3 (7) Any health care reform must ensure that
4 health care providers and practitioners are able to
5 provide patients with the quality care they need.

6 (b) SENSE OF CONGRESS.—It is the sense of the
7 Congress that legislation should be enacted to guarantee
8 that every person in the United States, regardless of in-
9 come, age, or employment or health status, has access to
10 health care that—

11 (1) is affordable to individuals and families,
12 businesses and taxpayers and that removes financial
13 barriers to needed care;

14 (2) is as cost efficient as possible, spending the
15 maximum amount of dollars on direct patient care;

16 (3) provides comprehensive benefits, including
17 benefits for mental health, co-occurring disorders,
18 and long term care services;

19 (4) promotes prevention and early intervention;

20 (5) includes parity for mental health, co-occur-
21 ring disorders and other services;

22 (6) eliminates disparities in access to quality
23 health care;

1 (7) addresses the needs of people with special
2 health care needs and underserved populations in
3 rural and urban areas;

4 (8) promotes quality and better health out-
5 comes;

6 (9) addresses the need to have adequate num-
7 bers of qualified health care caregivers, practi-
8 tioners, and providers to guarantee timely access to
9 quality care;

10 (10) provides adequate and timely payments in
11 order to guarantee access to providers;

12 (11) fosters a strong network of health care fa-
13 cilities, including safety net providers;

14 (12) ensures continuity of coverage and con-
15 tinuity of care;

16 (13) maximizes consumer choice of health care
17 providers and practitioners; and

18 (14) is easy for patients, providers and practi-
19 tioners to use and reduces paperwork.

20 **SEC. 602. SENSE OF CONGRESS REGARDING MEDICAID EX-**
21 **PANSION.**

22 (a) FINDINGS.—The Congress finds that—

23 (1) impoverished people are unable to purchase
24 insurance in the private market because of soaring
25 costs;

1 (2) over one-half of poor and homeless Ameri-
2 cans and two-thirds of homeless adults unaccom-
3 panied by children have no health insurance at all,
4 primarily because they do not qualify for public
5 health insurance and because they cannot afford pri-
6 vate health insurance;

7 (3) only 30 percent of surveyed homeless per-
8 sons nationwide and 20 percent of clients receiving
9 services through the Health Care for the Homeless
10 Program are beneficiaries of the Medicaid program
11 or the State Children’s Health Insurance Program
12 under title XXI of the Social Security Act (SCHIP);

13 (4) in all but nine states the Medicaid and
14 SCHIP programs currently exclude single non-dis-
15 abled adults;

16 (5) safety-net health care providers are often
17 unable to obtain access to specialty care and medica-
18 tions for patients who are uninsured;

19 (6) research has shown that people with health
20 insurance have better access to health care than do
21 those receiving safety net services alone; and

22 (7) Medicaid helps prevent and end homeless-
23 ness by increasing the access of impoverished people
24 to comprehensive health care.

1 (b) SENSE OF CONGRESS.—It is the sense of the
2 Congress that legislation should be enacted—

3 (1) to expand Medicaid to all individuals with
4 incomes below 200 percent of the Federal poverty
5 line;

6 (2) to ensure that Medicaid services remain af-
7 fordable for beneficiaries by eliminating cost sharing
8 for beneficiaries with incomes below the Federal pov-
9 erty line; and

10 (3) to mandate expedited enrollment for Med-
11 icaid applicants experiencing homelessness.

12 **SEC. 603. AUTHORIZATIONS OF APPROPRIATIONS FOR CER-**
13 **TAIN PROGRAMS.**

14 (a) COMMUNITY MENTAL HEALTH SERVICES BLOCK
15 GRANT.—Section 1920(a) of the Public Health Service
16 Act (42 U.S.C. 300x–9(a)) is amended by striking “there
17 are authorized” and all that follows and inserting the fol-
18 lowing: “there are authorized to be appropriated
19 \$500,000,000 for fiscal year 2003, and such sums as may
20 be necessary for each of the fiscal years 2004 through
21 2007.”.

22 (b) SUBSTANCE ABUSE PREVENTION AND TREAT-
23 MENT BLOCK GRANT.—Section 1935(a) of the Public
24 Health Service Act (42 U.S.C. 300x–35(a)) is amended
25 by striking “there are authorized” and all that follows and

1 inserting the following: “there are authorized to be appro-
2 priated \$2,500,000,000 for fiscal year 2003, and such
3 sums as may be necessary for each of the fiscal years 2004
4 through 2007.”.

5 (c) PROJECTS FOR ASSISTANCE IN TRANSITION
6 FROM HOMELESSNESS (PATH).—Section 535(a) of the
7 Public Health Service Act (42 U.S.C. 290cc–35(a)) is
8 amended by striking “there is authorized” and all that fol-
9 lows and inserting the following: “there are authorized to
10 be appropriated \$100,000,000 for fiscal year 2003, and
11 such sums as may be necessary for each of the fiscal years
12 2004 through 2007.”.

13 (d) GRANTS FOR THE BENEFIT OF HOMELESS INDI-
14 VIDUALS (GBHI).—Section 506(e) of the Public Health
15 Service Act (42 U.S.C. 290aa–5(e)) is amended by strik-
16 ing “There is authorized” and all that follows and insert-
17 ing the following: “For the purpose of carrying out this
18 section, there are authorized to be appropriated
19 \$100,000,000 for fiscal year 2003, and such sums as may
20 be necessary for each of the fiscal years 2004 through
21 2007.”.

1 **Subtitle B—Substance Abuse and**
2 **Mental Health Services Admin-**
3 **istration**

4 **PART 1—MAINSTREAM ADDICTION AND MENTAL**
5 **HEALTH SERVICES PROGRAMS**

6 **Subpart A—Discharge Planning**

7 **SEC. 611. AVERTING PATIENT DISCHARGE INTO HOMELESS-**
8 **NESS.**

9 Part D of title V of the Public Health Service Act
10 (42 U.S.C. 290dd et seq.) is amended by adding at the
11 end the following section:

12 **“SEC. 544. DISCHARGE PLANNING IN PRIVATE AND PUBLIC**
13 **HOSPITALS AND INPATIENT FACILITIES.**

14 “Any private or public hospital, nursing home,
15 subacute and transitional care, hospice, residential treat-
16 ment, rehabilitation, or other inpatient facility which re-
17 ceives support in any form from any State or program
18 supported in whole or in part by funds appropriated to
19 any Federal department or agency pursuant to this title
20 XIX shall have established a system designed to ensure
21 that individuals in such facilities are referred to the most
22 medically appropriate level of care and discharged from
23 such facilities in such a manner that ensures that such
24 individuals are placed in stable and appropriate housing,
25 as soon as such referral is medically indicated.”.

1 **Subpart B—Provision of Appropriate Services**

2 **SEC. 616. APPLICATION OF KNOWLEDGE DEVELOPMENT**

3 **FINDINGS TO SERVICE DELIVERY.**

4 (a) STATE PLAN FOR COMPREHENSIVE COMMUNITY
5 HEALTH SERVICES FOR CERTAIN INDIVIDUALS.—Section
6 1912(b) of the Public Health Service Act is amended by
7 inserting after paragraph (5) the following:

8 “(7) REPLICATION OF SUCCESSFUL MODELS.—

9 The plan describes the manner in which resources
10 will be allocated to entities that agree to replicate
11 successful models of prevention, early intervention,
12 and treatment, and rehabilitation as identified by
13 the Administrator.”.

14 (b) APPLICATION FOR GRANT; APPROVAL OF STATE
15 PLAN.—Section 1932(b) of the Public Health Service Act
16 (42 U.S.C. 300x–32(b)), as amended by section 632(2)
17 of this Act, is amended by adding at the end the following
18 paragraph:

19 “(5) REPLICATION OF SUCCESSFUL MODELS.—

20 The plan submitted under subsection (a)(6) shall de-
21 scribe the manner in which resources will be allo-
22 cated to entities that agree to replicate successful
23 models of prevention, early intervention, and treat-
24 ment, and rehabilitation as identified by the Admin-
25 istrator.”.

1 **Subpart C—Grantee Planning, Reporting, and**
2 **Capacity-Building**

3 **SEC. 621. EXPANSION OF PARTICIPATION IN GRANTEE**
4 **PLANNING.**

5 Subpart II of part B of title XIX of the Public Health
6 Service Act (42 U.S.C. 300x–21 et seq.) is amended by
7 inserting after section 1927 the following section:

8 **“SEC. 1927B. STATE SUBSTANCE ABUSE PLANNING COUN-**
9 **CIL.**

10 “(a) **IN GENERAL.**—A funding agreement for a grant
11 under section 1921 is that the State involved will establish
12 and maintain a State substance abuse planning council in
13 accordance with the conditions described in this section.

14 “(b) **DUTIES.**—A condition under subsection (a) for
15 a Council is that the duties of the Council are—

16 “(1) to review plans submitted under section
17 1932 and to submit to the State any recommenda-
18 tions of the Council for modifications to the plans;

19 “(2) to serve as an advocate for individuals
20 with substance abuse disorders;

21 “(3) to monitor, review, and evaluate, not less
22 than once each year, the allocation of funds for, and
23 adequacy of, substance abuse service within the
24 State.

25 “(c) **MEMBERSHIP.**—

1 “(1) IN GENERAL.—A condition under sub-
2 section (a) for a Council is that the Council be com-
3 posed of residents of the State, including representa-
4 tives of—

5 “(A) the principal State agencies with re-
6 spect to—

7 “(i) substance abuse, mental health,
8 primary health, HIV/AIDS, education, vo-
9 cational rehabilitation, criminal justice,
10 housing, youth services, and social services;
11 and

12 “(ii) the development of the plan sub-
13 mitted pursuant to title XIX of the Social
14 Security Act;

15 “(B) public, private, and nonprofit entities
16 concerned with the need, planning, operation,
17 funding, and use of substance abuse services
18 and related support service, including those
19 concerned with homeless individuals;

20 “(C) individuals who are receiving sub-
21 stance abuse services; and

22 “(D) the families of such individuals.

23 “(2) CERTAIN REQUIREMENTS.—A condition
24 under subsection (a) for a Council is that not less
25 than 40 percent of the members of the Council are

1 individuals who are not State employees or providers
2 of substance abuse services.

3 “(d) DEFINITION.—For purposes of this section, the
4 term ‘Council’ means a State substance abuse planning
5 council.

6 “(e) ADDITIONAL PROVISION.—The Secretary may
7 make a grant under Section 1921 to a State only if—

8 “(1) the plan submitted under section 1932
9 with respect to the grant and the report of the State
10 under section 1942(a) concerning the preceding fis-
11 cal year has been reviewed by the State substance
12 abuse planning council established under this sec-
13 tion; and

14 “(2) the State submits to the Secretary any
15 recommendations received by the State from such
16 council for modifications to the plan (without regard
17 to whether the State has made the recommended
18 modifications) and any comments concerning the an-
19 nual report.”.

20 **SEC. 622. DOCUMENTATION OF NEEDS OF AND ESTAB-**
21 **LISHING PRIORITIES FOR HOMELESS POPU-**
22 **LATION.**

23 Section 1932(b) of the Public Health Service Act (42
24 U.S.C. 300x-32(b)) is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

3 “(1) IN GENERAL.—A plan submitted by a
4 State under subsection (a)(6) is in accordance with
5 this subsection if—

6 “(A) the plan contains detailed provisions
7 for complying with each funding agreement for
8 a grant under section 1921 that is applicable to
9 the State, including a description of the manner
10 in which the State intends to expend the grant;
11 and

12 “(B) the plan meets the criteria specified
13 in subsection (b)(4).”; and

14 (2) by adding at the end the following para-
15 graph:

16 “(4) CRITERIA FOR PLAN.—With respect to the
17 provision of services under Section 1921, the criteria
18 referred to in subsection (b)(1) are as follows:

19 “(A) COMPREHENSIVE COMMUNITY-BASED
20 SUBSTANCE ABUSE PREVENTION AND TREAT-
21 MENT SYSTEMS.—The plan provides for a co-
22 ordinated community-based system of care for
23 individuals with substance abuse or at-risk of
24 substance abuse and describes available services
25 and resources in a comprehensive system of

1 care, including services for dually-diagnosed in-
2 dividuals. The description of the system of care
3 shall include substance abuse prevention serv-
4 ices, substance abuse treatment services, pri-
5 mary health services, mental health services, re-
6 habilitation services, employment services, hous-
7 ing services, educational services, medical and
8 dental care, and other support services to be
9 provided to individuals with Federal, State, and
10 local public and private resources. The plan
11 shall include a separate description of case
12 management services and provide for activities
13 leading to reduction in need for hospitalization.

14 “(B) SUBSTANCE ABUSE PREVENTION AND
15 TREATMENT SYSTEM DATA AND EPIDEMI-
16 OLOGY.—The plan contains an estimate of the
17 incidence and prevalence in the State of sub-
18 stance abuse among adults and children, includ-
19 ing individuals who are homeless, and presents
20 quantitative targets to be achieved in the imple-
21 mentation of the system described in subpara-
22 graph (B).

23 “(C) TARGETED SERVICES TO RURAL AND
24 HOMELESS POPULATIONS.—The plan describes
25 the State’s outreach to and services for individ-

1 uals who are homeless and how community-
2 based services will be provided to individuals re-
3 siding in rural areas, including individuals who
4 are homeless.

5 “(D) MANAGEMENT SYSTEMS.—The plan
6 describes the financial resources, staffing, and
7 training for substance abuse prevention and
8 treatment providers that is necessary to imple-
9 ment the plan, and provides for the training of
10 providers of emergency health services regard-
11 ing substance abuse. The plan further describes
12 the manner in which the State intends to ex-
13 pend the grant under Section 1921 for the fis-
14 cal year involved.”.

15 **Subpart D—Designation of Persons Experiencing**
16 **Homelessness as Priority Population**

17 **SEC. 626. REQUIRING GRANTEES TO DIRECT FUNDS TO**
18 **PERSONS EXPERIENCING HOMELESSNESS.**

19 (a) TREATMENT SERVICES REGARDING SUBSTANCE
20 ABUSE.—Subpart II of part B of title XIX of the Public
21 Health Service Act (42 U.S.C. 300x–21 et seq.), as
22 amended by section 621 of this Act, is further amended
23 by inserting before section 1927B the following section:

1 **“SEC. 1927A. TREATMENT SERVICES FOR PERSONS EXPERI-**
2 **ENCING HOMELESSNESS.**

3 “(a) IN GENERAL.—A funding agreement for a grant
4 under section 1921 is that the State involved—

5 “(1) will ensure that each person experiencing
6 homelessness in the State who seeks or is referred
7 for and would benefit from such services is given
8 preference in admission to treatment facilities receiv-
9 ing funds pursuant to the grant; and

10 “(2) will, in carrying out paragraph (1), pub-
11 licize to persons experiencing homelessness the avail-
12 ability of services from the facilities and the fact
13 that the persons receive such preferences.

14 “(b) REFERRALS REGARDING STATES.—A funding
15 agreement for a grant under section 1921 is that, in car-
16 rying out subsection (a)(1)—

17 “(1) the State involved will require, that in the
18 event that a treatment facility has insufficient ca-
19 pacity to provide treatment services to any person
20 experiencing homelessness described in such sub-
21 section who seeks the services from the facility, the
22 facility refer the person to the State; and

23 “(2) the State, in the case of each person experi-
24 encing homelessness for whom a referral under
25 paragraph (1) is made to the State—

1 “(A) will refer the person to a treatment
2 facility that has the capacity to provide treat-
3 ment services to the person; or

4 “(B) will, if no treatment facility has the
5 capacity to admit the person, make interim
6 services available to the person at the time the
7 person seeks the treatment services.”.

8 (b) PREFERENCE REGARDING MENTAL HEALTH
9 SERVICES.—Section 1912(b) of the Public Health Service
10 Act (42 U.S.C. 300x–2(b)), as amended by section 616(a)
11 of this Act, is further amended by inserting after para-
12 graph (5) the following:

13 “(6) HOMELESS INDIVIDUALS.—The plan pro-
14 vides that homeless individuals are to receive pref-
15 erence in the provision of services provided under
16 grants under section 1911.”.

17 **SEC. 627. PRIORITIZATION OF SERVICES FOR RUNAWAY,**
18 **HOMELESS, AND STREET YOUTH.**

19 Section 517(b) of the Public Health Service Act (42
20 U.S.C. 290bb–23(b)) is amended—

21 (1) in paragraph (1), by inserting “runaway,
22 homeless, and street children and youth,” after “ad-
23 olescent parents,”; and

24 (2) in paragraph (2), by inserting “homeless-
25 ness,” after “suicide,”.

1 **SEC. 628. DEFINITION OF RUNAWAY, HOMELESS, AND**
2 **STREET YOUTH AS HIGH RISK.**

3 Section 517(g) of the Public Health Service Act (42
4 U.S.C. 290bb–23(g)) is amended—

5 (1) in paragraph (9), by striking “or” after the
6 semicolon;

7 (2) in paragraph (10), by striking the period
8 and inserting “; or”; and

9 (3) by adding at the end the following para-
10 graph:

11 “(11) “is a runaway, homeless, or street
12 youth.”.

13 **Subpart E—Federal Program Management**

14 **SEC. 631. ESTABLISHMENT OF FEDERAL PLAN ON ADDIC-**
15 **TION, MENTAL ILLNESS, AND HOMELESS-**
16 **NESS.**

17 Part D of title V of the Public Health Service Act
18 (42 U.S.C. 290dd et seq.), as amended by section 611 of
19 this Act, is further amended by adding at the end the fol-
20 lowing section:

21 **“SEC. 545. FEDERAL PLAN ON ADDICTION, MENTAL ILL-**
22 **NESS, AND HOMELESSNESS.**

23 “(a) **PLAN ELEMENTS.**—Within one year after the
24 date of the enactment of this section, the Secretary shall
25 prepare and submit to the Committee on Energy and
26 Commerce of the House of Representatives and the Com-

1 mittee on Health, Education, Labor, and Pensions of the
2 Senate a plan that describes—

3 “(1) current federal, state, and local public poli-
4 cies and practices regarding homelessness and addic-
5 tion and mental illness prevention, early interven-
6 tion, treatment, and rehabilitation;

7 “(2) identifies administrative and statutory ac-
8 cess and care barriers and opportunities for persons
9 experiencing homelessness with addictive and mental
10 disorders; and

11 “(3) recommends administrative and legislative
12 actions that would increase homeless persons’ access
13 to addiction and mental health services and improves
14 the appropriateness and quality of care they receive
15 through such systems and programs.

16 “(b) PLAN SUB-ELEMENTS.—The plan should de-
17 scribe the elements as provided in subsection (a) for the
18 following topics:

19 “(1) Grantee planning, reporting, and capacity-
20 building.

21 “(2) Consumer involvement.

22 “(3) Designation of priority populations.

23 “(4) Outreach and enrollment.

24 “(5) Participant tracking.

1 “(6) Elimination of regulatory and administra-
2 tive impediments.

3 “(7) Provision of appropriate services.

4 “(8) Discharge planning.

5 “(9) Outcome measurement.

6 “(c) CONSULTATION.—In establishing the plan re-
7 quired under subsection (a), the Secretary shall consult
8 with homeless children, youth, families, and individuals
9 with addictive and mental disorders, nonprofit organiza-
10 tions advocating for persons experiencing homelessness,
11 homeless health, housing, and support service providers,
12 and public agency representatives.

13 “(d) PLAN IMPLEMENTATION.—Within one year
14 after the date of enactment of this section, the Secretary
15 shall implement administrative recommendations identi-
16 fied in subsection (a)(3).”.

17 **PART 2—TARGETED HOMELESS ADDICTION AND**
18 **MENTAL HEALTH SERVICES PROGRAMS**

19 **Subpart A—Reauthorize, Rename, and Strengthen**
20 **the Grants for the Benefit of Homeless Individ-**
21 **uals Program**

22 **SEC. 641. TREATMENT AND RECOVERY INITIATIVE FOR**
23 **PERSONS EXPERIENCING HOMELESSNESS.**

24 Section 506 of the Public Health Service Act (42
25 U.S.C. 290aa–5) is amended by striking the section des-

1 ignition and heading and all that follows through sub-
2 section (c) and inserting the following:

3 **“SEC. 506. GRANTS FOR TREATMENT AND RECOVERY INI-**
4 **TIATIVE FOR PERSONS EXPERIENCING**
5 **HOMELESSNESS.**

6 “(a) IN GENERAL.—The Secretary, acting through
7 the Administrator and the Administrator of the Health
8 Resources and Services Administration, shall make grants
9 to, and enter into contracts and cooperative agreements
10 with, community based public and private nonprofit enti-
11 ties for the purpose of developing and expanding the serv-
12 ices specified in section 552(b) for homeless individuals
13 and families who (1)(A) are suffering from substance
14 abuse; (B) are suffering from mental illness; or (C) are
15 suffering from substance abuse and from mental illness;
16 and (2) are homeless or at imminent risk of becoming
17 homeless. In carrying out this subsection, the adminis-
18 trator shall consult with the Directors of the national re-
19 search institutes of the National Institutes of Health, the
20 Assistant Secretary of the Administration, the Adminis-
21 trator of the Social Security Administration, the Secretary
22 of Agriculture, the Secretary of Education, the Secretary
23 of Housing and Urban Development, the Secretary of
24 Labor, the Secretary of Transportation, and the Secretary
25 of Veterans Affairs.

1 “(b) PREFERENCE.—In awarding grants under sub-
2 section (a), the Secretary shall give preference to—

3 “(1) entities that provide integrated primary
4 health care, substance abuse and mental health serv-
5 ices to homeless individuals, including health centers
6 receiving grants under section 330(h);

7 “(2) entities that demonstrate experience in
8 providing substance abuse and mental health service
9 to homeless persons; and

10 “(3) entities that demonstrate experience in
11 providing supportive housing or permanent housing
12 to persons experiencing homelessness in treatment
13 for or in recovery from substance abuse or mental
14 illness.

15 “(c) SERVICES FOR INDIVIDUALS.—In making
16 awards under subsection (a), the Secretary may not—

17 “(1) prohibit the provision of services under
18 such subsection to individuals experiencing homeless-
19 ness who are suffering from substance abuse and are
20 not suffering from mental illness;

21 “(2) make payments under subsection (a) to
22 any entity that has a policy of (A) excluding individ-
23 uals from mental health services due to the existence
24 of suspicion of substance abuse; or (B) has a policy
25 of excluding individuals from substance abuse serv-

1 ices due to the existence or suspicion of mental ill-
2 ness.”.

3 **Subpart B—Reauthorize and Strengthen the Projects**
4 **for Assistance in Transition from Homelessness**
5 **(PATH) Program**

6 **SEC. 651. EXPANSION OF REQUIRED SCOPE OF SERVICES**
7 **OF PATH PROVIDERS.**

8 Section 522(b) of the Public Health Service Act (42
9 U.S.C. 290cc–22(b)) is amended—

10 (1) by striking paragraphs (4) and (5) and in-
11 serting the following:

12 “(4) community mental health treatment and
13 support services;

14 “(5) alcohol or drug treatment and support
15 services;”;

16 (2) in paragraph (7), by striking subparagraphs
17 (A) through (D) and inserting the following:

18 “(A) preparing a plan for the provision of
19 community mental health services or substance
20 abuse services to the eligible homeless individual
21 involved, and reviewing such plan not less than
22 once every three months to evaluate its effec-
23 tiveness in assuring long-term stability;

24 “(B) providing assistance in obtaining and
25 coordinating social and maintenance services for

1 the eligible homeless individuals, including serv-
2 ices relating to daily living activities, personal
3 financial planning, transportation services, ha-
4 bilitation and rehabilitation services,
5 prevocational and vocational services, and hous-
6 ing services;

7 “(C) providing assistance to the eligible
8 homeless individual in obtaining income and
9 medical support services, including housing as-
10 sistance, food stamps, supplemental security in-
11 come, Medicaid, Medicare, and veterans affairs
12 assistance, and employment and training pro-
13 grams;

14 “(D) referring the eligible homeless indi-
15 vidual for such other services as may be appro-
16 priate and assuring that the service is delivered
17 in a timely manner for as long as needed to as-
18 sure long-term stability; and”;

19 (3) in paragraph (10), by striking subpara-
20 graph (B) and inserting the following:

21 “(B) planning of housing needs at different
22 stages of recovery and stability;”.

1 **SEC. 652. ENCOURAGEMENT OF STATES TO UTILIZE**
2 **HEALTH CARE FOR THE HOMELESS**
3 **PROJECTS AS PATH PROVIDERS.**

4 Section 522(a) of the Public Health Service Act (42
5 U.S.C. 290cc–22(a)) is amended in the matter preceding
6 paragraph (1) by inserting after “veterans organizations”
7 the following: “, health centers with active grants under
8 section 330(h),”.

9 **SEC. 653. STATE DESCRIPTIONS OF RESOURCE ALLOCA-**
10 **TION PROCESS.**

11 Section 527(a) of the Public Health Service Act (42
12 U.S.C. 290cc–27(a)) is amended—

13 (1) by redesignating paragraphs (3) and (4) as
14 paragraphs (4) and (5), respectively; and

15 (2) by inserting after paragraph (2) the fol-
16 lowing paragraph:

17 “(3) such description identifies the process the
18 State intends to use to allocate funds to political
19 subdivisions of the State and to nonprofit private en-
20 tities pursuant to section 522;”.

21 **SEC. 654. FEDERAL REPORT ON PATH AND HOMELESS**
22 **GRANT PROGRAMS.**

23 Part C of title V of the Public Health Service Act
24 (42 U.S.C. 290cc–21 et seq.) is amended by inserting
25 after section 533 the following section:

1 **“SEC. 533A. ANNUAL REPORT.**

2 “Not later than October 1 of each year, the Secretary
3 shall prepare and deliver a report to the Committee on
4 Health, Education, Labor and Pensions of the Senate and
5 the Committee on Energy and Commerce of the House
6 of Representatives regarding the programs under this
7 part, including—

8 “(1) a comprehensive description of the pro-
9 grams;

10 “(2) a record and a description of the services
11 for which amounts received under section 521 and
12 section 506 were expended during the preceding fis-
13 cal year;

14 “(3) a record and description of the recipients
15 of amounts received under section 521 and section
16 506 were expended during the preceding fiscal year;

17 “(4) a record and description of the consistency
18 and coordination of programs and services for which
19 amounts received under section 521 and section 506
20 were expended during the preceding fiscal year with
21 applications submitted to the Department of Hous-
22 ing and Urban Development pursuant to subtitle C
23 of title IV of the Stewart B. McKinney Homeless
24 Assistance Act;

25 “(5) a record and description of the coordina-
26 tion of programs and services for which amounts re-

1 ceived under section 521 and section 506 were ex-
2 pended during the preceding fiscal year with mental
3 health, substance abuse, housing, health, and other
4 social service programs funded through federal block
5 grant, formula grant, competitive grant, and other
6 mechanisms; and

7 “(6) such other information as the Secretary
8 deems useful.”.

9 **SEC. 655. CLARIFICATION OF TARGET POPULATIONS PRO-**
10 **VISION OF PATH STATUTE.**

11 The Congress encourages the Secretary of Health
12 and Human Services to provide guidance to the States re-
13 garding an appropriate definition of populations eligible
14 for services provided with grants under part C of title V
15 of the Public Health Service Act. In doing so, the Sec-
16 retary should suggest that the States make such services
17 available to homeless persons or persons at imminent risk
18 of homelessness with serious and persistent mental impair-
19 ments as evidenced by a chronicity of symptoms and in-
20 ability to function in the community independently.

1 **Subtitle C—Amendments Regarding**
2 **ing Ryan White Comprehensive**
3 **AIDS Resources Emergency Act**
4 **of 1990**

5 **PART 1—DISCHARGE PLANNING**

6 **SEC. 661. AVERTING RWCA PATIENT DISCHARGE INTO**
7 **HOMELESSNESS.**

8 Section 2604 of the Public Health Service Act (42
9 U.S.C. 300ff–14) is amended—

10 (1) in subsection (b)(1)(C), by inserting “and in
11 such a manner as ensures patient placement in sta-
12 ble and appropriate housing,” after “as medically
13 appropriate,”; and

14 (2) in subsection (d)(1)(D), by inserting “, and
15 discharged from inpatient facilities in such a manner
16 as ensures that such individuals and families are
17 placed in stable and appropriate housing,” after
18 “appropriate level of care”.

19 **PART 2—PROVISION OF APPROPRIATE SERVICES**

20 **SEC. 666. AMPLIFICATION OF SCOPE OF RWCA SERVICES.**

21 (a) **EMERGENCY RELIEF GRANTS.**—Subparagraph
22 (A) of section 2604(b)(1) of the Public Health Services
23 Act (42 U.S.C. 300ff–14(b)(1)) is amended to read as fol-
24 lows:

1 “(A) Outpatient and ambulatory health
2 services, including outreach, diagnosis, moni-
3 toring, medical services, nursing, substance
4 abuse treatment, mental health treatment, spe-
5 cialty services, dental services, nutrition serv-
6 ices, medical follow-up, attendant care, home
7 health services, respite care, recuperative serv-
8 ices, hospice services, developmental services,
9 rehabilitation services, social services, mainte-
10 nance services, public benefit assistance, hous-
11 ing assistance, educational assistance, employ-
12 ment assistance, vocational assistance, trans-
13 portation assistance, supportive and supervisory
14 services in a residential setting, and comprehen-
15 sive treatment services, which shall include
16 treatment education and prophylactic treatment
17 for opportunistic infections, for individuals and
18 families with HIV disease.”.

19 (b) GRANTS TO ESTABLISH HIV CARE CON-
20 SORTIA.—Paragraph (2) of section 2613(a) of the Public
21 Health Service Act (42 U.S.C. 300ff–23) is amended—

22 (1) by amending subparagraph (A) to read as
23 follows:

24 “(A) essential health services such as case
25 management, outreach, medical services, nurs-

1 ing, substance abuse treatment, mental health
2 treatment, specialty services, dental services,
3 nutrition services, diagnostic services, moni-
4 toring, prophylactic treatment for opportunistic
5 infections, treatment education to take place in
6 the context of health care delivery, medical fol-
7 low-up, developmental, rehabilitation, home
8 health, recuperative, and hospice care; and”;
9 and

10 (2) by amending subparagraph (B) to read as
11 follows:

12 “(B) essential support services such as
13 case management, transportation, attendant
14 care, homemaker, day or respite care, public
15 benefits assistance, advocacy services provided
16 through public and nonprofit private entities,
17 and services that are complementary to the pro-
18 vision of health care services for individuals
19 with HIV disease including social, maintenance,
20 educational, employment, vocational, supportive,
21 and supervisory services in a residential setting,
22 nutrition, housing, and child welfare and family
23 services (including foster care and adoption
24 services).”.

1 **SEC. 667. APPLICATION OF KNOWLEDGE DEVELOPMENT**
2 **FINDINGS TO SERVICE DELIVERY.**

3 (a) EMERGENCY RELIEF GRANTS.—Paragraph (1) of
4 section 2603(b) of the Public Health Service Act (42
5 U.S.C. 300ff–13) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (F);

8 (2) by striking the period at the end of sub-
9 paragraph (G) and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(H) demonstrates that resources will be
12 allocated to entities that agree to replicate suc-
13 cessful models of care identified by the Sec-
14 retary under Section 2691(g).”.

15 (b) CARE GRANTS.—Section 2611 of the Public
16 Health Service Act (42 U.S.C. 300ff–14) is amended by
17 adding at the end the following:

18 “(c) PRIORITY.—In providing assistance under para-
19 graphs (1), (2), and (3) of section 2612, a State shall give
20 priority to entities that agree to replicate successful mod-
21 els of care identified by the Secretary under Section
22 2691(g).”.

1 **PART 3—GRANTEE PLANNING, REPORTING, AND**
2 **CAPACITY BUILDING**

3 **SEC. 671. EXPANSION OF PARTICIPATION IN GRANTEE AND**
4 **CONTRACTOR PLANNING.**

5 (a) REPRESENTATION ON HIV HEALTH SERVICES
6 PLANNING COUNCILS.—Paragraph (2) of section 2602(b)
7 of the Public Health Service Act (42 U.S.C. 300ff–12(b))
8 is amended—

9 (1) in subparagraph (E), by inserting “, hous-
10 ing, education, employment, rehabilitation, human
11 services, and corrections” after “local public health”;

12 (2) in subparagraph (G), by inserting “dis-
13 proportionately affected and” before “historically
14 underserved”;

15 (3) in subparagraph (I), by inserting “, the
16 State housing agency, the State mental health agen-
17 cy, the State substance abuse agency, the State edu-
18 cational agency, the State employment agency, the
19 State rehabilitation agency, the State human serv-
20 ices agency, the State corrections agency,” before
21 “and the agency administering the program under
22 part B”;

23 (4) in subparagraph (L), by striking “and” at
24 the end;

25 (5) in subparagraph (M), by striking the period
26 at the end and inserting “; and”; and

1 (6) by adding at the end the following:

2 “(N) grantees under Federal housing,
3 homeless assistance, mental health, substance
4 abuse, education, employment, rehabilitation,
5 social services, youth services, and corrections
6 programs; and

7 “(O) pharmaceutical manufacturers and
8 retailers.”.

9 (b) MEETINGS CONVENED BY STATE.—Paragraph
10 (5) of section 2617(b) of the Public Health Service Act
11 (42 U.S.C. 200ff–27) is amended—

12 (1) by striking “a meeting of individuals with
13 HIV disease, representatives of grantees under each
14 part under this title, providers, and public agency
15 representatives”; and

16 (2) by striking “; and” and inserting “a meet-
17 ing of representatives of—

18 “(A) health care providers, including feder-
19 ally qualified health centers;

20 “(B) community-based organizations serv-
21 ing affecting populations and AIDS service or-
22 ganizations;

23 “(C) social service and housing providers;

24 “(D) mental health and substance abuse
25 providers;

1 “(E) local public health, mental health,
2 substance abuse, housing, education, employ-
3 ment, rehabilitation, human services, and cor-
4 rections agencies;

5 “(F) hospital planning agencies or health
6 care planning agencies;

7 “(G) affected communities, including peo-
8 ple with HIV disease or AIDS and dispropor-
9 tionately affected and historically underserved
10 groups and subpopulations;

11 “(H) non-elected community leaders;

12 “(I) State government (including the State
13 Medicaid agency, State housing agency, State
14 mental health agency, State substance abuse
15 agency, State education agency, State employ-
16 ment agency, State rehabilitation agency, State
17 human services agency, and State corrections
18 agency);

19 “(J) grantees under each part of this title;

20 “(K) grantees under other Federal HIV
21 programs; and

22 “(L) grantees under Federal housing,
23 homeless assistance mental health, substance
24 abuse, education employment, rehabilitation, so-

1 cial services, youth services, and corrections
2 programs; and

3 “(M) pharmaceutical manufacturers and
4 retailers; and”.

5 **SEC. 672. DEVELOPMENT OF KNOWLEDGE TO STRENGTHEN**
6 **PROVIDERS’ CAPACITY TO OFFER HOMELESS-**
7 **COMPETENT SERVICES.**

8 Subsection (e) of section 2691 of the Public Health
9 Service Act (42 U.S.C. 300ff–101) is amended—

10 (1) in paragraph (2), by striking “and” at the
11 end;

12 (2) in paragraph (3), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(4) programs designed to integrate the deliv-
16 ery of HIV services with other health, housing, edu-
17 cational, employment, social, and maintenance serv-
18 ices in residential settings.”.

19 **PART 4—DESIGNATION OF HOMELESS PERSONS**
20 **AS PRIORITY POPULATION**

21 **SEC. 676. PRIORITY FOR PERSONS EXPERIENCING HOME-**
22 **LESSNESS.**

23 (a) EMERGENCY RELIEF GRANTS.—Subsection (b) of
24 section 2604 of the Public Health Service Act (42 U.S.C.
25 300ff–14) is amended by adding at the end the following:

1 “(5) PRIORITY FOR PERSONS EXPERIENCING
2 HOMELESSNESS.—For the purpose of providing
3 health and support services to homeless individuals
4 with HIV disease (including children, youth, and
5 families), the chief elected official of the eligible
6 area, in accordance with the established priorities of
7 the planning council, shall use, from amounts made
8 available for the area through grants under section
9 2601(a) for a fiscal year, not less than 8.6 percent
10 of such amounts.”.

11 (b) CARE GRANTS.—Section 2611 of the Public
12 Health Service Act (42 U.S.C. 300ff–21) is amended by
13 adding at the end the following:

14 “(c) PRIORITY FOR PERSONS EXPERIENCING HOME-
15 LESSNESS.—For the purpose of providing health and sup-
16 port services to individuals experiencing homelessness with
17 HIV disease (including children, youth, and families), a
18 State shall use, of the funds allocated under this part to
19 the State for a fiscal year, not less than 8.6 percent of
20 such funds.”.

1 **PART 5—FEDERAL PLAN ON HIV/AIDS AND**
2 **HOMELESSNESS**

3 **SEC. 681. FEDERAL PLAN ON HIV/AIDS AND HOMELESS-**
4 **NESS.**

5 (a) PLAN.—Not later than 1 year after the date of
6 the enactment of this Act, the Secretary of Health and
7 Human Services (in this section referred to as the “Sec-
8 retary”) shall prepare and submit to the Committee on
9 Energy and Commerce of the House of Representatives
10 and the Committee on Health, Education, Labor, and
11 Pensions of the Senate a plan that with respect to each
12 of the factors described in subsection (b)—

13 (1) describes current Federal, State, and local
14 public policies and practices regarding homelessness
15 and HIV prevention, treatment, and care;

16 (2) identifies administrative and statutory ac-
17 cess and care barriers and opportunities for home-
18 less persons with HIV disease; and

19 (3) recommends administrative and legislative
20 actions that would increase the access of homeless
21 persons to HIV health and support services and im-
22 prove the appropriateness and quality of care home-
23 less persons receive through such services.

24 (b) FACTORS.—The factors described in this sub-
25 section are as follows:

1 (1) more than 25 percent of persons in working
2 families in the United States have incomes too low
3 to meet their basic needs;

4 (2) the average income of a homeless family in
5 the United States is 46 percent of the Federal pov-
6 erty line;

7 (3) 42 percent of adults living in shelters are
8 employed;

9 (4) children in families with incomes above the
10 Federal poverty line are healthier;

11 (5) children in families with incomes above the
12 Federal poverty line are more likely to graduate
13 from high school and to have higher incomes as
14 adults;

15 (6) higher rates of good health and education in
16 children will reduce long-term costs for the United
17 States;

18 (7) approximately 30,000,000 people in the
19 United States suffer from food insecurity due to a
20 lack of income;

21 (8) low-wage employment often leads to housing
22 that is unsafe, indecent, and unaffordable;

23 (9) any person who works 40 hours a week or
24 more should be able to afford the basic necessities
25 of life, including housing that is decent and safe;

1 (10) the levels of government benefits are not
2 substantial enough to provide for the basic neces-
3 sities, such as housing, health care, or childcare;

4 (11) low-wage workers are at risk of becoming
5 homeless;

6 (12) supplementary Social Security income
7 (SSI) benefits are equal to only 18.5 percent of the
8 average median income for a single-person house-
9 hold;

10 (13) the average SSI recipient has a monthly
11 income of \$551; and

12 (14) on average, a person receiving SSI benefits
13 needs to spend 98.2 percent of their benefit to af-
14 ford a one-bedroom apartment.

15 (b) SENSE OF CONGRESS.—It is the sense of the
16 Congress that—

17 (1) every person who works 40 hours or more
18 per week should receive a wage sufficient to provide
19 for safe, decent, and affordable housing, which
20 should be ensured through a living wage that is in-
21 dexed to the local cost of housing; and

22 (2) every person who is unable to work or un-
23 able to obtain work, and therefore receives public
24 benefits, should be afforded the same opportunity

1 for safe, decent, and affordable housing through a
2 level of benefits that provides a livable income.

3 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **HOMELESS VETERANS REINTEGRATION PRO-**
5 **GRAM.**

6 Section 2021(e)(1) of title 38, United States Code,
7 is amended in subparagraphs (C), (D), and (E) by striking
8 “\$50,000,000” each place it appears and inserting
9 “\$100,000,000”.

10 **SEC. 703. AVAILABILITY OF FOOD STAMP BENEFITS TO IN-**
11 **DIVIDUALS WHO ARE HOMELESS.**

12 (a) **EXPEDITED PROCESSING.**—Section 11(e)(9) of
13 the Food Stamp Act of 1977 (7 U.S.C. 2020(3)(9)) is
14 amended—

15 (1) in subparagraph (B) by striking “and” at
16 the end;

17 (2) in subparagraph (C) by adding “and” at
18 the end; and

19 (3) by adding at the end the following:

20 “(D) provide coupons no later than 7 days
21 after the date of application to any household
22 in which all members are homeless individ-
23 uals;”.

1 (b) EXCEPTION TO WORK REQUIREMENT DISQUALI-
2 FICATION.—Section 6(o)(3) of the Food Stamp Act of
3 1977 (7 U.S.C. 2015(o)(3)) is amended—

4 (1) in subparagraph (D) by striking “or” at the
5 end;

6 (2) in subparagraph (E) by striking the period
7 at the end and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(F) experiencing homelessness.”.

10 (c) DEFINITION.—Section 3(c) of the Food Stamp
11 Act of 1977 (7 U.S.C. 2012(c)) is amended in the 2d sen-
12 tence by inserting before the period at the end the fol-
13 lowing: “, and the certification period shall be at least 12
14 months if all adult household members are receiving bene-
15 fits under title II or XVI of the Social Security Act and
16 the household as no other income”.

17 (d) COLLECTION OF DATA ON HOMELESS APPLI-
18 CANTS.—The Food Stamp Act of 1977 (7 U.S.C. 2011
19 et seq.) is amended by adding at the end the following:

20 **“SEC. 28. COLLECTION OF DATA ON HOMELESS HOUSE-**
21 **HOLDS.**

22 “With respect to all applications made after January
23 1, 2004, by households to participate in the food stamp
24 program and all households that receive food stamp bene-
25 fits after such date, the Secretary shall collect data,

1 through the application form and by other means, to de-
2 termine whether the members of such households are
3 homeless.”.

4 **SEC. 704. AMENDMENTS TO WORKFORCE INVESTMENT ACT.**

5 (a) STATE WORKFORCE INVESTMENT BOARDS.—
6 Section 111(b)(1) of the Workforce Investment Act of
7 1998 (29 U.S.C. 2821(b)(1)) is amended—

8 (1) in subparagraph (B), by striking “and”;

9 (2) in subparagraph (C)(vii) by striking the pe-
10 riod and inserting “; and”; and

11 (3) by adding after subparagraph (C) the fol-
12 lowing:

13 “(D) a representative from the State agen-
14 cy distributing funding under part A of title IV
15 of the Social Security Act (42 U.S.C. 601 et
16 seq.);

17 “(E) a representative from the community
18 board as defined in section 401(3) of this Act;

19 “(F) representatives of organizations who
20 act as advocates for persons experiencing home-
21 lessness or organizations who provide assistance
22 to persons experiencing homelessness; and

23 “(G) a person experiencing homelessness
24 or has experienced homelessness within 3 years

1 before the date of their appointment to the
2 board.”.

3 (b) LOCAL WORKFORCE INVESTMENT BOARDS.—

4 Section 117(b)(2)(A) of the Workforce Investment Act
5 (29 U.S.C. 2832(b)(2)(A)) is amended—

6 (1) in clause (v) by striking “and”;

7 (2) in clause (vi) by striking the period and in-
8 serting “; and”; and

9 (3) by adding after clause (vi) the following:

10 “(vii) a representative from the local
11 agency distributing funding under part A
12 of title IV of the Social Security Act (42
13 U.S.C. 601 et seq.);

14 “(viii) a representative from the com-
15 munity board as defined in section 401(3)
16 of this Act;

17 “(ix) representatives of organizations
18 who act as advocates for persons experi-
19 encing homelessness or organizations who
20 provide assistance to persons experiencing
21 homelessness; and

22 “(x) a person experiencing homeless-
23 ness or has experienced homelessness with-
24 in 3 years before the date of their appoint-
25 ment to the board;”.

1 **SEC. 705. HOMEBUILD PROGRAM FOR AFFORDABLE HOUS-**
2 **ING CONSTRUCTION AND APPRENTICESHIP.**

3 (a) IN GENERAL.—Title IV of the Cranston-Gonzalez
4 National Affordable Housing Act (42 U.S.C. 12871 et
5 seq.) is amended by adding at the end the following new
6 subtitle:

7 **“Subtitle E—Homebuild Program**
8 **for Affordable Housing Con-**
9 **struction and Apprenticeship**

10 **“SEC. 471. PURPOSE.**

11 “It is the purpose of this subtitle to assist people who
12 are experiencing homelessness and have experienced sig-
13 nificant barriers to employment to obtain training nec-
14 essary to obtain gainful employment as skilled or semi-
15 skilled residential construction workers.

16 **“SEC. 472. GRANT AUTHORITY.**

17 “The Secretary may make grants in accordance with
18 this subtitle to applicants selected under section 476 to
19 carry out homebuild programs under section 473.

20 **“SEC. 473. HOMEBUILD PROGRAMS.**

21 “(a) IN GENERAL.—For purposes of this subtitle, a
22 homebuild program is a program that meets the following
23 requirements:

24 “(1) AFFORDABLE HOUSING.—The primary
25 purpose of the program is to develop, through con-
26 struction, reconstruction, or rehabilitation, afford-

1 able housing for low- and extremely low-income
2 households.

3 “(2) EDUCATIONAL AND COUNSELING SERV-
4 ICES.—The program shall be subject to the same re-
5 quirements regarding educational services and activi-
6 ties that a Youthbuild program is subject to under
7 section 456(c).

8 “(3) TRAINING AND APPRENTICESHIP.—The
9 program shall provide participants with training or
10 apprenticeship in residential construction skills in-
11 volved in the development of the affordable housing.

12 “(4) WAGES AND BENEFITS, LABOR STAND-
13 ARDS, AND NONDISCRIMINATION.—Sections 142,
14 143 and 167 of the Job Training Partnership Act
15 (as in effect on the day before the date of enactment
16 of the Workforce Investment Act of 1998), relating
17 to wages and benefits, labor standards, and non-
18 discrimination, shall apply to the program as if such
19 program was conducted under the Job Training
20 Partnership Act (as in effect on the day before the
21 date of enactment of the Workforce Investment Act
22 of 1998). This paragraph may not be construed to
23 prevent a recipient of a grant under this subtitle
24 from using funds from non-Federal sources to in-

1 crease wages and benefits under such program, if
2 appropriate.

3 “(5) PARTICIPANTS.—Participation in the pro-
4 gram shall be limited only to individuals who—

5 “(A)(i) are homeless (as such term is de-
6 fined in section 103 of the McKinney-Vento
7 Homeless Assistance Act (42 U.S.C. 11302);

8 “(ii) are residing in a homeless shelter,
9 transitional shelter, transitional housing facility,
10 or permanent supportive housing;

11 “(iii) are eligible for and have placed their
12 name on the waiting list for public housing or
13 rental assistance under section 8 of the United
14 States Housing Act of 1937 (42 U.S.C. 1437f)
15 and have not received such housing or assist-
16 ance; or

17 “(iv) have been referred for participation
18 in the program by a social services program of
19 a unit of general local government;

20 “(B) are 65 years of age or younger; and

21 “(C) have completed, and have evidence of
22 such completion of, a job readiness or workforce
23 training program of a least 2 weeks duration
24 that—

1 “(i) is provided through the one-stop
2 delivery system under the Workforce In-
3 vestment Act of 1998; or

4 “(ii) if a program described in clause
5 (i) is not available to the individual—

6 “(I) is certified or provided
7 through a public housing authority; or

8 “(II) is administered by a non-
9 profit organization providing housing
10 for the homeless and is certified by a
11 unit of general local government.

12 “(6) LIMITATION ON PARTICIPATION.—

13 “(A) IN GENERAL.—The program shall
14 limit participation by any individual to the
15 longer of—

16 “(i) 2 years; and

17 “(ii) such time as the participant has
18 obtained the residential construction skills
19 necessary to obtain employment in the pri-
20 vate residential construction field.

21 “(B) EXCEPTION.—The program may pro-
22 vide that a participant may continue or return
23 to work under the program after completion of
24 the program pursuant to the limit under sub-
25 paragraph (A), but only—

1 “(i) pursuant to application by such
2 participant for such continuance or return;
3 and

4 “(ii) if the program provides the full
5 amount of such participant’s wages, which
6 shall be not less than the wages prevailing
7 in the locality, as predetermined by the
8 Secretary of Labor pursuant to subchapter
9 IV of chapter 13 of title 40, United States
10 Code.

11 “(7) ADMINISTRATION.—The program shall be
12 jointly administered by—

13 “(A) a labor organization, or an affiliate
14 thereof; and

15 “(B) a public housing agency or nonprofit
16 organization involved in the development of af-
17 fordable housing.

18 **“SEC. 474. USE OF GRANT AMOUNTS.**

19 “(a) ELIGIBLE USES.—Amounts received from a
20 grant under this Act may be used for any costs involved
21 in carrying out a Homebuild program, including any ac-
22 tivities specified under subsection (b) of section 454 (relat-
23 ing to Youthbuild program eligible activities), except
24 that—

1 “(1) the limitations under paragraph (2) of
2 such subsection on the types of housing developed
3 with grant amounts shall not apply to grant
4 amounts under this subtitle;

5 “(2) the limitation under paragraph (3) of such
6 subsection on administrative costs shall apply to
7 grant amounts under this subtitle; and

8 “(3) the limitation under paragraph (4)(E) of
9 such subsection on the duration of support services
10 and stipends shall not apply to grant amounts under
11 this subtitle.

12 “(b) AFFORDABLE HOUSING REQUIREMENT.—Of
13 any amounts received from a grant under this subtitle—

14 “(1) not less than 75 percent shall be used for
15 costs related to the development of housing that is
16 affordable for extremely low-income households; and

17 “(2) the remainder shall be used for costs re-
18 lated to the development of housing that is afford-
19 able to low-income households.

20 **“SEC. 475. HOMEBUILD ADVISORY BOARD.**

21 “(a) ELIGIBILITY REQUIREMENT.—For an eligible
22 entity to be eligible for selection to receive a grant under
23 this subtitle, the unit of general local government within
24 which the eligible entity will carry out the homebuild pro-
25 gram shall establish a homebuild advisory board to advise

1 and report regarding activities and progress under
2 homebuild programs carried out within the jurisdiction of
3 such unit.

4 “(b) MEETINGS AND REPORTS.—Each homebuild ad-
5 visory board shall—

6 “(1) meet not less than 4 times annually; and

7 “(2) submit an annual report to the unit of
8 general local government, the applicable eligible enti-
9 ty, and the Secretary regarding activities and
10 progress under homebuild programs carried out
11 within the jurisdiction of such unit.

12 “(c) MEMBERSHIP.—Each homebuild advisory board
13 for a unit of general local government shall consist of 15
14 members, who shall include individuals who are—

15 “(1) officials of the unit of general local govern-
16 ment;

17 “(2) representatives of the faith community;

18 “(3) representatives of private entities engaged
19 in residential development;

20 “(4) representatives of private entities engaged
21 in residential construction;

22 “(5) officials or members of labor unions;

23 “(6) representatives of local social services
24 agencies;

25 “(7) homeless individuals;

1 “(8) representatives of organizations involved in
2 providing affordable housing and assistance for
3 homeless individuals; and

4 “(9) representatives of academic institutions.

5 **“SEC. 476. APPLICATIONS AND SELECTION FOR GRANTS.**

6 “(a) IN GENERAL.—To be eligible for selection to re-
7 ceive a grant under this subtitle, an eligible entity shall
8 submit to the Secretary an application containing—

9 “(1) a description of the educational and job
10 training activities, work opportunities, and other
11 services that will be provided to participants in the
12 homebuild program;

13 “(2) a description of the proposed construction
14 or rehabilitation activities to be undertaken and the
15 anticipated schedule for carrying out such activities;

16 “(3) a description of the manner in which eligi-
17 ble participants will be recruited and selected;

18 “(4) a description of how the proposed project
19 will be coordinated with other Federal, State, and
20 local activities, including vocational and job training
21 programs;

22 “(5) assurances that there will be a sufficient
23 number of adequately trained supervisory personnel
24 on the project;

1 “(6) a detailed budget and description of the
2 system of fiscal controls and auditing and account-
3 ability procedures that will be used to ensure fiscal
4 soundness;

5 “(7) a description of the membership of the ad-
6 visory board; and

7 “(8) a description of the capacity of the com-
8 munity to leverage funding from other private and
9 public sources.

10 “(b) SELECTION CRITERIA.—The Secretary shall se-
11 lect applicants to receive grants under this subtitle based
12 upon selection criteria, which the Secretary shall establish
13 and which shall include the following criteria:

14 “(1) POTENTIAL FOR SUCCESS.—The extent to
15 which the application is likely to succeed, as indi-
16 cated by such factors as the past experience of an
17 applicant with housing rehabilitation or construction,
18 education and employment training programs, man-
19 agement capacity, fiscal reliability, and community
20 support.

21 “(2) NEED.—To extent to which the applicant
22 has need for assistance, as determined by factors
23 such as—

1 “(A) the degree of economic distress of the
2 community from which participants would be
3 recruited, including—

4 “(i) the extent of poverty;

5 “(ii) the extent of unemployment; and

6 “(B) the degree of economic distress of the
7 locality in which the housing would be rehabili-
8 tated or constructed, including—

9 “(i) objective measures of the inci-
10 dence of homelessness;

11 “(ii) the relationship between the sup-
12 ply of affordable housing for low-income
13 persons and the number of such persons in
14 the locality;

15 “(iii) the extent of housing over-
16 crowding; and

17 “(iv) the extent of poverty.

18 “(3) OTHER.—Any other criteria the Secretary
19 determines to be reasonably appropriate.

20 **“SEC. 477. DEFINITIONS.**

21 “For purposes of this subtitle, the following defini-
22 tions shall apply:

23 “(1) APPLICANT.—The term ‘applicant’ means
24 an eligible entity that has submitted an application

1 under section 476 that the Secretary determines
2 complies with the requirements under this subtitle.

3 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
4 tity’ means—

5 “(A) a public housing agency;

6 “(B) a labor union; or

7 “(C) a nonprofit organization that is in-
8 volved in the development of affordable housing

9 “(3) EXTREMELY LOW-INCOME HOUSEHOLD.—

10 The term ‘extremely low-income household’ means a
11 household, including an individual or family, that
12 has an income that does not exceed 30 percent of
13 the median family income for the area, as deter-
14 mined by the Secretary with adjustments for smaller
15 and larger families, except that the Secretary may
16 establish income ceilings higher or lower than 30
17 percent of the median for the area on the basis of
18 the Secretary’s findings that such variations are nec-
19 essary because of prevailing levels of construction
20 costs or fair market rents, or unusually high or low
21 household incomes.

22 “(4) LABOR UNION.—The term ‘labor union’
23 has the meaning given the term ‘labor organization’
24 in section 2 of the National Labor Relations Act (29
25 U.S.C. 152).

1 “(5) **LOW-INCOME HOUSEHOLD.**—The term
2 ‘low-income household’ means a household, including
3 an individual or family, that has an income that
4 does not exceed 80 percent of the median family in-
5 come for the area, as determined by the Secretary
6 with adjustments for smaller and larger families, ex-
7 cept that the Secretary may establish income ceilings
8 higher or lower than 80 percent of the median for
9 the area on the basis of the Secretary’s findings that
10 such variations are necessary because of prevailing
11 levels of construction costs or fair market rents, or
12 unusually high or low household incomes.

13 “(6) **SECRETARY.**—The term ‘Secretary’ means
14 the Secretary of Housing and Urban Development.

15 **“SEC. 478. AUTHORIZATION OF APPROPRIATIONS.**

16 “‘There is authorized to be appropriated for grants
17 under this subtitle \$65,000,000 for fiscal year 2004 and
18 such sums as may be necessary for each of fiscal years
19 2005, 2006, 2007, and 2008.

20 **“SEC. 479. REGULATIONS.**

21 “‘The Secretary shall issue any regulations necessary
22 to carry out this subtitle.’”.

1 **SEC. 706. DEPARTMENT OF LABOR APPRENTICESHIP PRO-**
2 **GRAM FOR WORKING PEOPLE EXPERIENCING**
3 **HOMELESSNESS.**

4 (a) GRANT AUTHORITY.—The Secretary of Labor
5 may make grants in accordance with this section to appli-
6 cants selected pursuant to subsection (g) to carry out ap-
7 prenticeship programs that meet the requirements of this
8 section.

9 (b) APPRENTICESHIP PROGRAM DEFINED.—For pur-
10 poses of this section, an apprenticeship program is a pro-
11 gram—

12 (1) whose primary purpose is to assist people
13 who are experiencing homelessness by providing in-
14 struction in a skilled trade in a job apprenticeship
15 program; and

16 (2) that provides a stipend to any person who
17 are working and without housing until the such per-
18 son is employed by the private sector.

19 (c) PARTICIPATION.—

20 (1) IN GENERAL.—Participation in the program
21 shall be limited to individuals who—

22 (A) are homeless (as such term is defined
23 in section 103 of the McKinney-Vento Homeless
24 Assistance Act (42 U.S.C. 11302));

25 (B) are eligible for or have placed their
26 name on a waiting list for public housing or

1 rental assistance under section 8 of the United
2 States Housing Act of 1937 (42 U.S.C. 1437f)
3 and have not received such housing or assist-
4 ance; or

5 (C) have been referred for participation in
6 the program by a social services program of a
7 unit of local government;

8 (2) LIMITATION ON PARTICIPATION.—

9 (A) IN GENERAL.—The program shall
10 limit participation by any individual to the
11 longer of—

12 (i) 12 months; or

13 (ii) such time as the participant has
14 obtained the necessary skills to obtain em-
15 ployment in the relevant field.

16 (B) EXCEPTION.—The program may pro-
17 vide that a participant may continue or return
18 to work under the program after completion of
19 the program pursuant to 12 month limit, but
20 only—

21 (i) pursuant to an application by such
22 participant for such continuance or return;
23 and

24 (ii) if the program provides the full
25 amount of such participant's wages, which

1 shall not be less than the wages prevailing
2 in the locality, as predetermined by the
3 Secretary of Labor pursuant to subchapter
4 IV of chapter 13 of title 40, United States
5 Code.

6 (d) ADMINISTRATION.—The program shall be jointly
7 administered by—

8 (1) the Secretary of Labor, through State and
9 local workforce investment systems (established
10 under the Workforce Investment Act (29 U.S.C.
11 2801 et seq.);

12 (2) a labor organization, or an affiliate thereof;

13 (3) a public housing agency; and

14 (4) a non-profit organization.

15 (e) USE OF GRANT AMOUNT.—

16 (1) ELIGIBILITY REQUIREMENTS.—A unit of
17 local government will pay 50 percent of the salary of
18 all program participants who are apprenticing in the
19 private or public sector for at least 6 months, but
20 no longer than 1 year, in apprenticeship programs.

21 (2) ELIGIBLE USES.—Amounts received from a
22 grant under this section may be used for any costs
23 involved in carrying out an apprenticeship program,
24 including the following activities:

25 (A) Apprenticeship and job training in—

- 1 (i) construction of housing and com-
2 mercial real estate;
3 (ii) technical trades;
4 (ii) plumbing;
5 (iii) automotive;
6 (iv) painting;
7 (v) electrical; and
8 (vi) transportation infrastructure.

9 (B) Funding for job training and job
10 placement counselors for homeless shelters,
11 transitional housing, and permanent supportive
12 housing facilities for the purposes of placing
13 homeless individuals in permanent jobs.

14 (C) Transportation grants to provide bus
15 tickets, subway fare, or other transportation
16 vouchers to help to cover the costs of transpor-
17 tation to and from job interviews, the job site,
18 and social service visits until the individual is
19 employed, and is able to cover the costs of such
20 transportation. Where necessary due to lack of
21 other means of transportation these grants may
22 also cover the cost of needed automobile re-
23 pairs.

24 (f) APPRENTICESHIP PROGRAM ADVISORY BOARD.—

1 (1) ELIGIBILITY REQUIREMENT.—For an entity
2 to be eligible for selection to receive a grant under
3 this section, the unit of local government within
4 which the eligible entity will carry out the appren-
5 ticeship program shall establish a apprenticeship ad-
6 visory board to advise and report regarding activities
7 and progress under apprenticeship programs carried
8 out within the jurisdiction of such unit.

9 (2) MEETING AND REPORTS.—Each apprentice-
10 ship advisory board shall—

11 (A) meet not less than 4 times annually;
12 and

13 (B) submit an annual report to the unit of
14 local government, the applicable entity, and the
15 Secretary regarding activities and progress
16 under apprenticeship programs carried out
17 within jurisdiction of such unit.

18 (3) MEMBERSHIP.—Each apprenticeship advi-
19 sory board for a unit of general local government
20 shall consist of 15 members, who shall include indi-
21 viduals who are—

22 (1) officials of the unit of general local govern-
23 ment;

24 (2) representatives of the faith community;

1 (3) representatives of private entities engaged
2 in residential development;

3 (4) representatives of private entities engaged
4 in residential construction;

5 (5) officials or members of labor unions;

6 (6) representatives of local social services agen-
7 cies;

8 (7) homeless individuals;

9 (8) representatives of organizations involved in
10 providing affordable housing and assistance for
11 homeless individuals; and

12 (9) representatives of academic institutions.

13 (g) APPLICATIONS AND SELECTION OF GRANTS.—

14 (1) IN GENERAL.—To be eligible for selection to
15 receive a grant under this section, an entity shall
16 submit to the Secretary an application containing—

17 (A) a description of the job training activi-
18 ties, work opportunities, and other services that
19 will be provided to participants in the appren-
20 ticeship program;

21 (B) a description of the manner in which
22 eligible participants will be recruited and se-
23 lected;

24 (C) a description of how the proposed
25 project will be coordinated with other Federal,

1 State, and local activities, including vocational
2 and job training programs;

3 (D) a detailed budget and description of
4 the system of fiscal controls and auditing and
5 accounting procedures that will be used;

6 (E) a description of the membership of ad-
7 visory board; and

8 (F) a description of the capacity of the
9 community to leverage funding from other pri-
10 vate and public sources.

11 (2) SELECTION CRITERIA.—The Secretary shall
12 select applicants to receive grants under this section
13 based upon a selection criteria which shall include
14 the following:

15 (A) POTENTIAL FOR SUCCESS.—The ex-
16 tent to which the application is likely to suc-
17 ceed, as indicated by such factors as the past
18 experience of an applicant with housing reha-
19 bilitation or construction, education and em-
20 ployment training programs, management ca-
21 pacity, fiscal reliability, and community sup-
22 port.

23 (B) NEED.—To extent to which the appli-
24 cant has need for assistance, as determined by
25 factors such as—

1 (i) the degree of economic distress of
2 the community from which participants
3 would be recruited, including—

4 (I) the extent of poverty;

5 (II) the extent of unemployment;

6 and

7 (ii) the degree of economic distress of
8 the locality in which the housing would be
9 rehabilitated or constructed, including—

10 (I) objective measures of the inci-
11 dence of homelessness;

12 (II) the relationship between the
13 supply of affordable housing for low-
14 income persons and the number of
15 such persons in the locality;

16 (III) the extent of housing over-
17 crowding; and

18 (IV) the extent of poverty.

19 (C) OTHER.—Any other criteria the Sec-
20 retary determines to be reasonably appropriate.

21 (h) DEFINITIONS.—For purposes of this section, the
22 following definitions apply:

23 (1) APPLICANT.—The term “applicant” means
24 an eligible entity that has submitted an application

1 under section 476 that the Secretary determines
2 complies with the requirements under this section.

3 (2) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means—

5 (A) a public housing agency;

6 (B) a labor union; or

7 (C) a nonprofit organization that is in-
8 volved in the development of affordable housing

9 (3) EXTREMELY LOW-INCOME HOUSEHOLD.—

10 The term “extremely low-income household” means
11 a household, including an individual or family, that
12 has an income that does not exceed 30 percent of
13 the median family income for the area, as deter-
14 mined by the Secretary with adjustments for smaller
15 and larger families, except that the Secretary may
16 establish income ceilings higher or lower than 30
17 percent of the median for the area on the basis of
18 the Secretary’s findings that such variations are nec-
19 essary because of prevailing levels of construction
20 costs or fair market rents, or unusually high or low
21 household incomes.

22 (4) LABOR UNION.—The term “labor union”
23 has the meaning given the term ‘labor organization’
24 in section 2 of the National Labor Relations Act (29
25 U.S.C. 152).

1 (5) **LOW-INCOME HOUSEHOLD.**—The term
2 “low-income household” means a household, includ-
3 ing an individual or family, that has an income that
4 does not exceed 80 percent of the median family in-
5 come for the area, as determined by the Secretary
6 with adjustments for smaller and larger families, ex-
7 cept that the Secretary may establish income ceilings
8 higher or lower than 80 percent of the median for
9 the area on the basis of the Secretary’s findings that
10 such variations are necessary because of prevailing
11 levels of construction costs or fair market rents, or
12 unusually high or low household incomes.

13 (6) **SECRETARY.**—The term “Secretary” means
14 the Secretary of Housing and Urban Development.

15 (i) **AUTHORIZATION OF APPROPRIATIONS.**—There
16 are authorized to be appropriated to the Secretary to carry
17 out this section, \$50,000,000 for fiscal year 2004, and
18 such sums as may be necessary for each of fiscal years
19 2005 through 2008.

20 **SEC. 707. DAY LABORER FAIRNESS AND PROTECTION.**

21 (a) **FINDINGS.**—Congress finds the following:

22 (1) According to the General Accounting Office,
23 contingent workers comprise approximately 30 per-
24 cent of the workforce and research indicates that the

1 size of the day labor workforce may be greater than
2 nationally available data suggests.

3 (2) Employers increasingly rely on contingent
4 workers rather than permanent workers. Employers
5 benefit from the reduced costs and increased flexi-
6 bility of utilizing a contingent workforce. This reli-
7 ance has resulted in a significant decrease in the
8 number of workers with health insurance coverage,
9 included in retirement and pension plans, and receiv-
10 ing other employment benefits such as long-term dis-
11 ability coverage. Contingent workers have lower fam-
12 ily incomes than those in full-time permanent em-
13 ployment. Many contingent workers live below the
14 Federal poverty line.

15 (3) The General Accounting Office has found
16 that the day labor workforce is particularly vulner-
17 able to workplace abuses. Day laborers are subject
18 to a wide range of abuses of their civil rights, em-
19 ployment and labor rights, and health and safety
20 rights. Although day laborers and contingent work-
21 ers face higher incidences of workplace abuse, the
22 General Accounting Office has found current prac-
23 tices and laws make it difficult to detect violations
24 affecting contingent workers and day laborers.

1 (4) Wage and hour abuses are of particular
2 concern to day laborers. Despite current legal wage
3 and hour protections afforded to day laborers, such
4 laborers are subject to pervasive wage and hour vio-
5 lations committed by day labor employers and tem-
6 porary labor agencies. The short nature of the em-
7 ployment relationship, multiple barriers to enforce-
8 ment resources and the lack of strong protective
9 wage and hour laws render day laborers particularly
10 vulnerable to nonpayment of wages. Wage and hour
11 problems confronting day laborers take many forms
12 and include: complete nonpayment of wages; pay-
13 ment of less than the agreed upon rate; payment by
14 checks with insufficient funds and late payment of
15 wages. Day labor employers often delay payments of
16 promised wages until the completion of a job. Upon
17 completion, day laborers are commonly left with less
18 than promised or a void check. Lack of access to so-
19 cial and legal services that could assist them in en-
20 forcing their workplace rights leave few options for
21 day laborers seeking to recover unpaid wages.

22 (5) Occupational injury and fatality rates for
23 day laborers are disproportionately higher than such
24 rates for other workers. Desperate for work and
25 fearing retaliation, day laborers often risk life and

1 limb without ever reporting work hazards. Day la-
2 borers are often assigned to the dangerous tasks
3 shunned by workers with more options. Employers
4 often neglect their duties to provide safe employment
5 that is free from hazards to a day laborers' health.
6 Employers regularly fail to provide necessary health
7 and safety equipment and training to day laborers.
8 Due to the lack of notice requirements, most day la-
9 borers have no advance warning about possible expo-
10 sure to hazardous materials or dangerous tasks.

11 (6) Day laborers and contingent workers seek-
12 ing to enforce the employment and labor laws are
13 frequently subject to intimidating retaliatory acts by
14 the employer. Absent stronger antiretaliation protec-
15 tions, day laborers will continue to endure dangerous
16 and unjust working conditions without recourse.

17 (7) Day laborers and contingent workers pro-
18 vide employers with a flexible workforce and con-
19 tribute significantly to interstate commerce. Despite
20 these contributions, day laborers are routinely sub-
21 jected to workplace abuse with little or no recourse.
22 The growing numbers of day laborers and other con-
23 tingent workers in the workforce calls for legislative
24 reforms that expand and protect the rights of day
25 laborers.

1 (b) PURPOSE.—The purpose of this section is to en-
2 sure that individuals working as day laborers, or tem-
3 porary workers, are afforded full protection of and access
4 to employment and labor laws that ensure workplace dig-
5 nity and to reduce unfair competitive advantage for firms
6 that abuse day laborers.

7 (c) DEFINITIONS.—In this section the following defi-
8 nitions apply:

9 (1) DAY LABORER.—The term “day laborer”
10 means an individual who is engaged in or waiting to
11 be engaged in day labor.

12 (2) DAY LABOR.—The term “day labor” means
13 labor or employment that is occasional or irregular
14 for which an individual is employed for not longer
15 than the time period required to complete the as-
16 signment for which the individual was hired and in
17 which wage payments are made directly to the day
18 laborer or indirectly by the day labor service agency
19 or the third party employer for work undertaken by
20 a day laborer. Day labor does not include labor or
21 employment of a professional or clerical nature.

22 (3) DAY LABOR EMPLOYER.—The term “day la-
23 borer employer” refers to any person or entity that
24 directly or indirectly, through an agent, day labor
25 service agency or any other entity acting in the em-

1 ployer’s interest, engages, suffers or permits a day
2 laborer to work or otherwise has the right to exercise
3 control over the wages, hours or working conditions
4 of a day laborer. The term includes day labor service
5 agencies and third party employers as defined in this
6 section.

7 (4) DAY LABORER SHAPE-UP SITE.—The term
8 “day laborer shape-up site” means any public area
9 or street corner, residential or commercial, where
10 day laborers assemble to seek employment.

11 (5) DAY LABORER HIRING SITE.—The term
12 “day laborer hiring site” refers to any program
13 sponsored by a public entity or nonprofit organiza-
14 tion that provides a space for day laborers to assem-
15 ble for work and participate in skills development
16 workshops and classes. For the purposes of this sec-
17 tion, day laborer hiring sites are not day labor em-
18 ployers.

19 (6) DEPARTMENT.—The term “Department”
20 means the Department of Labor.

21 (7) SECRETARY.—The term “Secretary” means
22 the Secretary of Labor.

23 (8) REGULAR RATE OF PAY.—The term “reg-
24 ular rate of pay” means an hourly wage rate agreed
25 to by the day labor employer and day laborer. If a

1 daily rate is negotiated, the regular rate of pay shall
2 be calculated by dividing the total remuneration
3 agreed upon for 1 week by 40. On jobs that require
4 prevailing wage rates, the regular rate of pay shall
5 be the prevailing wage or wage agreed to by the day
6 laborer employer and day laborer, whichever is high-
7 er. In no circumstances shall the regular rate of pay
8 be less than that required by law.

9 (9) DAY LABOR SERVICE AGENCY.—The term
10 “day labor service agency” means any person or en-
11 tity that recruits, dispatches, or otherwise facilitates
12 the employment of day laborers by a third party em-
13 ployer. A day labor service agency is a day labor em-
14 ployer and shares all legal obligations placed on a
15 day labor employer by this section. A not-for-profit
16 organization is not a day labor service agency.

17 (10) WORKDAY AND DAY.—The terms “work-
18 day” and “day” mean any consecutive 24 hours pe-
19 riod beginning at the same time each calendar day.

20 (11) THIRD PARTY EMPLOYER.—The term
21 “third party employer” refers to a person or entity
22 that suffers or permits a day laborer to work by con-
23 tracting with a day labor service agency. Third party
24 employers are day labor employers and share all
25 legal obligations placed on day labor employers.

1 (d) SUSTAINABLE WAGES.—

2 (1) SUSTAINABLE WAGE.—A day laborer shall
3 be paid not less than the equivalent of the prevailing
4 wage rate paid to permanent employees who are per-
5 forming substantially equivalent work, with due con-
6 sideration given to seniority, experience, and skills.

7 (2) NOTICE OF WAGE RATE.—Day labor em-
8 ployers shall provide notice of the wage rate ex-
9 pected to be paid to each day laborer. A day labor
10 service agency shall provide notice of the wage rate
11 expected to be paid by each third party employer
12 using the services of the agency. A day laborer shall
13 be paid by a third party employer not less than the
14 wage rate stated in the notice of the agency for all
15 work performed for the third party employer, includ-
16 ing work contained in the description issued under
17 subsection (g).

18 (3) WAGE REDUCTION.—Day labor employers
19 are prohibited from reducing the wage rate of any
20 permanent full time employee in order to comply
21 with paragraph (1) or (2).

22 (4) OVERTIME.—A day laborer shall be com-
23 pensated at a rate of 1 and one-half times the reg-
24 ular rate of pay for each hour worked beyond 8
25 hours up to and including 12 hours in a workday,

1 and for the first 8 hours worked on the seventh con-
2 secutive day of work in a work week.

3 (5) DAILY OVERTIME.—Day laborers are enti-
4 tled to double the regular rate of pay for all hours
5 worked in excess of 12 hours in any workday and for
6 all hours worked in excess of 8 hours on the seventh
7 consecutive day of work in a work week.

8 (6) MINIMUM DAILY RATE.—A day laborer per-
9 forming day labor shall be compensated for not less
10 than 4 hours of work for each day worked.

11 (7) CALL IN PAY.—If the day labor employer
12 fails to appear after requesting a day laborer's serv-
13 ices at a designated time and location, the day la-
14 borer shall be compensated for not less than 4 hours
15 at the regular rate of pay.

16 (8) WAIT TIME.—If a day laborer arrives for
17 employment at the request of a day labor employer,
18 time spent waiting for the employer is wait time
19 compensable at the regular rate of pay.

20 (9) REDUCTION OF SALARY.—If a day labor
21 employer has offered and a day laborer has accepted
22 a wage rate, the day labor employer cannot reduce
23 that negotiated salary during that day of employ-
24 ment.

1 (10) TRAVEL TIME.—Day laborers are to be
2 compensated for travel time if such activity is an in-
3 tegral and indispensable part of the principal activi-
4 ties that the workers are employed to perform. For
5 the purposes of this section, time spent traveling
6 from a day labor shape-up site, day labor hiring site,
7 or day labor service agency to the worksite shall be
8 compensable at the regular rate of pay.

9 (11) AGENCY PROCESSING DELAY.—

10 (A) IN GENERAL.—If a day labor service
11 agency expends more than 30 minutes in proc-
12 essing a day laborer’s work assignment, the day
13 labor service agency shall pay the day laborer
14 for any additional waiting time at the regular
15 rate of pay.

16 (B) LIMITATION.—The time spent in tran-
17 sit to or from the designated worksite or to or
18 from the day labor service agency shall not be
19 included in computing processing time.

20 (e) OTHER RIGHTS OF DAY LABORERS.—

21 (1) PUBLIC ACCESS AREA.—Each day labor
22 service agency shall provide adequate seating in the
23 public access area of the offices of the agency. Em-
24 ployment and wage notices required by this section
25 shall be posted in the public access area. The public

1 access area shall allow for access to restrooms and
2 water.

3 (2) WORK RESTRICTION.—No day labor service
4 agency shall restrict the right of a day laborer to ac-
5 cept a permanent position with a third party em-
6 ployer to whom the day laborer has been referred for
7 temporary work or restrict the right of such third
8 party employer to offer such employment to a day
9 laborer. This paragraph shall be understood to out-
10 law the charging of fines or additional amounts for
11 making or accepting an offer of employment.

12 (3) BREAKS AND MEALS.—For each 4-hour pe-
13 riod of uninterrupted day labor, a 15-minute com-
14 pensated break shall be provided. For periods of un-
15 interrupted day labor lasting longer than 6 hours, a
16 30-minute compensated lunch period shall be pro-
17 vided.

18 (4) DISCLOSURE OF EMPLOYER INFORMA-
19 TION.—At the time of hire, a day labor employer
20 must provide a day laborer with the day labor em-
21 ployers' phone number and business address.

22 (5) TRANSPORTATION BACK TO POINT OF
23 HIRE.—Unless the day laborer requests otherwise,
24 the day labor employer shall provide transportation

1 back to the point of hire at the end of each work
2 day.

3 (6) TRANSPORTATION FEES.—Day labor service
4 agencies, third party employers and day laborer em-
5 ployers shall not charge a day laborer for the costs
6 of transportation to and from the premises of the
7 day labor agency, day laborer shape-up site, or day
8 laborer hiring site to the worksite.

9 (7) PAYMENTS.—

10 (A) IN GENERAL.—At the time of the pay-
11 ment of wages, a day labor service agency shall
12 provide each day laborer with an itemized state-
13 ment showing in detail each deduction made
14 from the wages.

15 (B) ANNUAL STATEMENT.—A day labor
16 service agency shall provide each worker an an-
17 nual earnings summary within a reasonable
18 time after the preceding calendar year, but in
19 no case later than February 1. A day labor
20 service agency shall, at the time of each wage
21 payment, give notice to day laborers of the
22 availability of the annual earnings summary or
23 post such a notice in a conspicuous place in the
24 public reception area.

1 (C) PAYMENT SCHEDULES.— At the re-
2 quest of a day laborer, a day labor service agen-
3 cy or day labor employer shall hold the daily
4 wages of the day laborer and make either week-
5 ly or semimonthly payments. The wages shall
6 be paid in a single check representing the wages
7 earned during the period for which wage pay-
8 ments are to be made, as designated by the day
9 laborer. A day labor service agency or day labor
10 employer that makes daily wage payments shall
11 provide written notification to all day laborers
12 of the right to request weekly or semimonthly
13 checks. The day laborer service agency may
14 provide such notice by conspicuously posting
15 the notice at the location where the wages are
16 received by the day laborers.

17 (D) DAILY WAGES.—If day labor employ-
18 ment lasts less than 1 week wages shall be paid
19 at the end of each workday.

20 (E) CHECK CASHING.—A day labor service
21 agency, day labor employer, or third party em-
22 ployer may not directly or indirectly charge any
23 day laborer for cashing a check issued by the
24 day labor service agency, day labor employer, or
25 third party employer for wages earned by a day

1 laborer who performed work through that day
2 labor service agency, day labor employer or
3 third party employer.

4 (F) OVERPAYMENT.—A day laborer shall
5 not be charged fees for overpayment by the day
6 labor agency.

7 (G) NEGOTIABLE TENDER.—All noncash
8 wage payments shall be in the form of imme-
9 diately negotiable tender payable in cash, on de-
10 mand at a financial institution, and without dis-
11 count.

12 (H) PAYMENT BY CHECK.—If a day labor
13 service agency or day labor employer pays by
14 check, that check shall be immediately redeem-
15 able.

16 (I) PAYMENT ON TERMINATION.—All
17 wages must be paid within 72 hours of termi-
18 nation.

19 (J) PLACE OF PAYMENT ON TERMI-
20 NATION.—Upon termination, a day laborer may
21 choose to be paid either at the worksite, the day
22 labor site, or the day labor service agency. A
23 day laborer may also request that the check be
24 sent by first class mail. Unless the day laborer

1 requests otherwise, a day labor employer shall
2 pay a discharged day laborer at the worksite.

3 (8) OTHER RIGHTS GUARANTEED BY LAW.—

4 Day laborers shall be afforded all other rights guar-
5 anteed workers under the law.

6 (9) SPECIFIC RIGHTS.—Day laborers shall be
7 free of any restriction on their ability to solicit day
8 labor or to express their availability for lawful day
9 labor employment in any public area unless such re-
10 striction is applied to all speech or expression of any
11 content, including political, artistic, religious, or
12 commercial speech and to speech regardless of
13 whether the speaker is physically present or speaks
14 through unattended signs or banners—

15 (a) this right shall be enforceable by day
16 laborers through a private action under section
17 1979 of the Revised Statutes (17 Stat. 13; 42
18 U.S.C. 1983); and

19 (b) any local or State ordinance or law
20 that violates this provision shall be enjoined as
21 invalid.

22 (f) HEALTH AND SAFETY.—

23 (1) IN GENERAL.—Every day labor service
24 agency and day labor employer shall furnish employ-
25 ment and a place of employment that is safe and

1 healthful for day laborers. Such employment shall be
2 free of recognized hazards that are likely to cause
3 death or serious physical harm to day laborers.

4 (2) LIFE, SAFETY, AND HEALTH REQUIRE-
5 MENTS.—No day labor service agency or day laborer
6 employer shall fail or neglect to do any of the fol-
7 lowing:

8 (A) To provide and use safety devices and
9 safeguards reasonably adequate to render the
10 employment and place of employment safe at no
11 cost to the day laborer.

12 (B) To adopt and use methods and proc-
13 esses reasonably adequate to render the employ-
14 ment and place of employment safe.

15 (C) To do every other thing reasonably
16 necessary to protect the life, safety, and health
17 of day laborers.

18 (3) CITATIONS FOR FAILURE TO COMPLY.—On
19 multi-employer worksites, both construction and
20 nonconstruction, citations may be issued to the fol-
21 lowing categories of employers when the Occupa-
22 tional Safety and Health Administration, referred to
23 in this section as “OSHA”, has evidence that a day
24 laborer was exposed to a hazard in violation of any
25 requirement enforceable by OSHA:

1 (A) The employer whose day laborers were
2 exposed to the hazard (the exposing employer).

3 (B) The employer who actually created the
4 hazard (the creating employer).

5 (C) The employer who was responsible, by
6 contract or through actual practice, for safety
7 and health conditions on the worksite, which is
8 the employer who had the authority for ensur-
9 ing that the hazardous condition is corrected
10 (the controlling employer).

11 (D) The employer who had the responsi-
12 bility for actually correcting the hazard (the
13 correcting employer).

14 The employers listed in subparagraphs (B) through
15 (D), inclusive, of this paragraph may be cited re-
16 gardless of whether their own day laborers were ex-
17 posed to a hazard.

18 (4) APPLICATION OF FEDERAL LAW.—

19 (A) IN GENERAL.—Employers and day la-
20 borers as defined by this section shall be cov-
21 ered under the Occupational Health and Safety
22 Act (OSHA). In addition to coverage under
23 OSHA, employers and day laborers shall adhere
24 to the following requirements:

1 (B) HEALTH CARE EXPENSES.—If a day
2 laborer is injured while working, the day labor
3 employer shall be responsible to pay for the
4 health care costs associated with the injury and
5 all compensable damages flowing from that in-
6 jury unless coverage for the accident is avail-
7 able under the applicable State worker’s com-
8 pensation law. The statute of limitations shall
9 be otherwise tolled during the period in which
10 the day laborer seeks coverage under the appli-
11 cable State workers’ compensation law.

12 (C) HEALTH AND SAFETY EQUIPMENT.—
13 The day labor service agency or day laborer em-
14 ployer shall provide at no cost to each day la-
15 borer any special attire, accessories, tools, safe-
16 ty equipment or other items required by law or
17 custom to perform the work assignment.

18 (D) WORKERS’ COMPENSATION.—All day
19 labor service agencies and day laborer employ-
20 ers are required to provide workers’ compensa-
21 tion benefits to their day labor day laborers, re-
22 gardless of immigration status, for injuries aris-
23 ing out of and in the course of employment.

24 (E) NOTIFICATION OF WORKERS’ COM-
25 PENSATION BENEFITS.—Day labor service

1 agencies and day laborer employers shall pro-
2 vide all day laborers written notice on the first
3 day of employment that contains a statement of
4 the day laborer's right to workers' compensa-
5 tion benefits and the day labor service agency
6 and day laborer employer's workers' compensa-
7 tion insurance carrier name and number. This
8 notice shall be provided in English and any
9 other language that is generally used by the
10 workforce serviced by the day labor service
11 agency or employed by the employer.

12 (F) NOTIFICATION, CONSENT, AND DIS-
13 CLOSURE.—

14 (i) IN GENERAL.—The day labor serv-
15 ice agency or any employer or agent of the
16 employer must disclose the risk of exposure
17 to hazardous chemicals or any other unsafe
18 materials or working condition that require
19 the use of safety and protective equipment.

20 (ii) WRITTEN CONSENT.—Day labor
21 service agencies and day laborer employers
22 are required to obtain the informed written
23 consent of any day laborer who will be ex-
24 posed to hazardous materials. Written con-
25 sent shall include: a description of the haz-

1 ardous materials the day laborer will be ex-
2 posed to, the possible health and safety
3 consequences of exposure to the hazardous
4 materials and any specialized certification
5 or training required to safely handle the
6 hazardous materials.

7 (iii) NO RETALIATION.—A day labor
8 service agency or day laborer employer
9 shall not take any retaliatory action
10 against a day laborer who refuses to per-
11 form hazardous work due to health or safe-
12 ty concerns.

13 (G) TRANSPORTATION LIABILITY.—A day
14 labor service agency, day labor employer or any
15 other employer or agent of the employer that
16 transports a day laborer to or from a des-
17 ignated worksite is liable for any injury to a
18 day laborer arising from any accident that oc-
19 curs while the day laborer is being transported
20 to or from the worksite.

21 (H) MOTOR VEHICLE SAFETY.—

22 (i) IN GENERAL.—Any motor vehicle
23 that is owned or operated by the day labor
24 service agency or any other employer, or a

1 contractor of either, which is used for the
2 transportation of day laborers shall—

3 (I) have proof of financial re-
4 sponsibility as provided for in applica-
5 ble State insurance laws of the area;

6 (II) be equipped with seats se-
7 curely fastened to the vehicle;

8 (III) be equipped, if a
9 motortruck, with a railing or other
10 suitable enclosure on the sides and
11 end of the vehicle not less than 46
12 inches above the floor of the vehicle;
13 and

14 (IV) equipped with steps, stir-
15 rups, or other equivalent devices so
16 placed and arranged that the vehicle
17 may be safely mounted and dis-
18 mounted.

19 (ii) UNSAFE VEHICLE.—A day labor
20 service agency or day labor employer who
21 knows or should know that a motor vehicle
22 used primarily or regularly for the trans-
23 portation of day laborers is unsafe, or not
24 equipped as required by this section, or
25 any regulations adopted pursuant to this

1 section, shall not use the motor vehicle for
2 transporting day laborers.

3 (iii) INSPECTION.—The Secretary or
4 an appointed designee shall inspect motor
5 vehicles used primarily or regularly for the
6 transport of day laborers at least once an-
7 nually to determine whether its construc-
8 tion, design, and equipment comply with
9 all provisions of Federal and State law. No
10 person shall drive any motor vehicle used
11 primarily or regularly for the transport of
12 day laborers without displaying a certifi-
13 cate issued from the Secretary or an ap-
14 pointed designee confirming timely inspec-
15 tion and compliance with all laws and reg-
16 ulations relating to construction, design,
17 and equipment.

18 (iv) RENTER REQUIREMENTS.—An
19 owner or person who rents any motor vehi-
20 cle used primarily or regularly for the
21 transport of day laborers is responsible for
22 compliance with the motor vehicle require-
23 ments of this section.

24 (g) NOTIFICATION REQUIREMENTS.—

25 (1) IN GENERAL.—

1 (A) NOTICE.—A day labor service agency
2 shall, in the public reception area, post a list of
3 all employers that are seeking day laborers
4 which includes the following:

5 (i) The name and address of the em-
6 ployer and the address of the worksite if
7 different from that of the employer.

8 (ii) The type of job opportunities for
9 day laborers.

10 (iii) The amount of wages to be paid
11 per hour for the work.

12 (iv) If transportation is available,
13 whether the worksite is accessible by public
14 or personal transportation, and the approx-
15 imate commute time to the worksite.

16 (B) DESCRIPTION.—A day labor service
17 agency shall, for each job opportunity posted,
18 provide a detailed description of the work which
19 shall include the following:

20 (i) A detailed description of the work
21 to be performed by the day laborer, includ-
22 ing any requirements for special attire, ac-
23 cessories, or safety equipment.

24 (ii) The exact address of the worksite
25 and a telephone number at which a day la-

1 borer can be reached for emergency pur-
2 poses. If the location is in a rural area, the
3 notice must also contain directions to the
4 worksite.

5 (iii) The time of day the work will
6 begin, the time of day the work will end,
7 and the overtime rate of pay.

8 (iv) Whether a meal is provided, ei-
9 ther by the day labor service agency, day
10 labor employer, or the third party em-
11 ployer, and the cost of the meal, if any.

12 (v) A phone number and business ad-
13 dress for the third party employer request-
14 ing the day laborer through the day labor
15 service agency.

16 (2) POSTING.—The notices required to be post-
17 ed under this subsection shall be written in English
18 and any other language that is generally used in the
19 locale of the day labor service agency.

20 (3) OFFER AND ACCEPTANCE.—Upon offer and
21 acceptance of a job, the information referred to in
22 this subsection shall be provided to each day laborer
23 in writing in English and any other language that
24 is generally used in the locale of the day labor serv-

1 ice agency, day labor site, or by the day laborer or
2 at the time of acceptance.

3 (h) DEDUCTIONS.—

4 (1) MEALS.—A day labor service agency or any
5 other employer shall not charge a day laborer more
6 than the actual cost of providing a meal. In no case
7 shall a deduction for a meal be permitted against
8 the wage requirements of this section if—

9 (A) the day laborer does not consume the
10 meal;

11 (B) the day laborer has no realistic oppor-
12 tunity to obtain meals by other means due to
13 the location of the job site and the time per-
14 mitted for the meal; or

15 (C) the purchase of a meal is a condition
16 of employment.

17 (2) TRANSPORTATION.—A day labor service
18 agency or any other employer shall not charge to
19 transport a day laborer to or from the designated
20 worksite.

21 (3) SAFETY AND PROTECTIVE EQUIPMENT.—

22 (A) GENERAL RULE.—The day labor serv-
23 ice agency or day laborer employer shall provide
24 at no cost to each day laborer any special at-
25 tire, accessories, tools, safety equipment, or

1 other items required by law or custom to per-
2 form the work assignment. For any other
3 equipment, clothing, accessories, or any other
4 items the day labor service agency or day la-
5 borer employer makes available for purchase,
6 the day laborer shall not be charged more than
7 the actual market value for the item.

8 (B) EXCEPTION.—A day labor service
9 agency or day laborer employer is not precluded
10 from charging the day laborer the market value
11 of items temporarily provided to the day la-
12 borer, in the event that the day laborer willfully
13 fails to return such items.

14 (4) HOUSING.—

15 (A) IN GENERAL.—An employer shall com-
16 ply with applicable State requirements and Fed-
17 eral law requirements when crediting lodging
18 towards an employer's wage obligation under
19 this section only if—

20 (i) lodging is received and used;

21 (ii) lodging is furnished as part of the
22 day laborer's compensation; and

23 (iii) the day laborer enters a voluntary
24 written agreement to credit lodging toward
25 the employer's wage obligation.

1 (B) LODGING REQUIREMENTS.—The
2 amount credited for lodging shall not exceed an
3 amount that would result in the day laborer
4 earning less than the wage required by this sec-
5 tion. In order for lodging to be creditable to-
6 wards the wage obligation, it shall be available
7 to the day laborer for full-time occupancy and
8 be adequate, decent, and sanitary according to
9 usual and customary standards.

10 (i) RETALIATION.—

11 (1) PROHIBITION.—Any employer, or any agent
12 of an employer, who knowingly retaliates through
13 discharge or in any other manner against any day
14 laborer shall be fined under title 18, United States
15 Code or subject to a private cause of action.

16 (2) PROTECTED ACTS FROM RETALIATION IN-
17 CLUDE.—The Secretary shall ensure that a day la-
18 borer is protected from retaliation for—

19 (A) making a complaint to the day labor-
20 er’s employer, or a State agency, or federal
21 agency, or community organization that rights
22 guaranteed a day laborer under this section
23 have been violated;

24 (B) making a complaint to an employer, a
25 coworker, or before a public hearing or the

1 press that rights guaranteed a day laborer
2 under this section have been violated;

3 (C) causing to be instituted any proceeding
4 under or related to this section, or;

5 (D) testifying or preparing to testify in an
6 investigation or proceeding under this section.

7 (j) DAY LABOR SERVICE AGENCY AND DAY LABOR
8 EMPLOYER REGISTRATION.—

9 (1) IN GENERAL.—A day labor service agency
10 and day labor employer shall register with the Sec-
11 retary in accordance with rules adopted by the Sec-
12 retary for day labor service agencies and with State
13 departments of labor which require such registra-
14 tion.

15 (2) FEES.—The Secretary may assess each day
16 labor agency and day labor employer a registration
17 fee not to exceed \$250.

18 (k) DEPARTMENT REQUIREMENTS AND RESPON-
19 SIBILITIES.—

20 (1) IN GENERAL.—the Secretary shall adopt
21 rules and regulations necessary to implement the
22 provisions of this section, including provisions for
23 hearings and imposition of penalties for violations of
24 this section.

1 (2) POSTING REQUIREMENT.—The Secretary
2 shall cause to be posted in each day labor service
3 agency a notice in English and any other language
4 generally spoken in the locale of the day labor serv-
5 ice agency which informs the public of a toll-free
6 telephone number for day laborers and the public to
7 file wage dispute complaints and other alleged viola-
8 tions by day labor service agencies and other day
9 labor employers.

10 (3) FINES.—The Secretary shall have the au-
11 thority to fine a day labor service agency or day
12 labor employer that fails to register with the Depart-
13 ment of Labor in accordance with this section
14 \$1,000 for the first offense and \$5,000 for each sub-
15 sequent offense.

16 (4) SUSPENSIONS AND REVOCATIONS.—The
17 Secretary shall have the authority to suspend or re-
18 voke the registration of a day labor service agency
19 or day labor employer if warranted by public health
20 and safety concerns or violations of this section.

21 (5) INVESTIGATIONS.—The Secretary shall
22 promptly investigate complaints concerning alleged
23 violations of this section.

24 (1) CRIMINAL SANCTIONS.—

25 (1) CRIMINAL PROVISION.—

1 (A) IN GENERAL.—Any employer or any
2 agent of an employer, who, willfully and know-
3 ingly violates this section, shall be fined under
4 title 18, United States Code.

5 (B) CONTINUED VIOLATION.—Each day
6 during which any violation of this section con-
7 tinues shall constitute a separate and distinct
8 offense.

9 (m) JUDICIAL ENFORCEMENT.—

10 (1) INJUNCTIVE RELIEF.—The Secretary may
11 petition any appropriate district court of the United
12 States for temporary or permanent injunctive relief
13 if the Secretary determines that this section, or any
14 regulation under this section, has been violated.

15 (2) CONTROL OF CIVIL LITIGATION.—The Solic-
16 itor of Labor may appear for and represent the Sec-
17 retary in any civil litigation brought under this sec-
18 tion, but all such litigation shall be subject to the di-
19 rection and control of the Attorney General.

20 (n) ADMINISTRATIVE SANCTIONS.—

21 (1) CIVIL MONEY PENALTIES FOR VIOLA-
22 TIONS.—Any person who commits a violation of this
23 section or any regulation under this section shall be
24 assessed a penalty of \$1000 for each violation.

1 (2) COLLECTION OF AMOUNTS ON BEHALF OF
2 INJURED DAY LABORERS.—

3 (A) If an employer willfully violates sub-
4 section (d) or (h) of this section, the Secretary
5 shall collect, on behalf of each injured day la-
6 borer, the amount of wages not paid in violation
7 of the section and an equal amount for each
8 day for which the wages are not paid.

9 (B) An employer that willfully violates sub-
10 section (e), (f), or (g) of this section shall be as-
11 sessed by the Secretary an amount up to \$500
12 per violation of each subsection, which the Sec-
13 retary shall collect on behalf of each injured day
14 laborer.

15 (o) PRIVATE CAUSE OF ACTION.—

16 (1) MAINTENANCE OF CIVIL ACTION IN DIS-
17 TRICT COURT BY AGGRIEVED PERSON.—Any person
18 aggrieved by a violation of this section or any regu-
19 lation under this section by an employer may file
20 suit in any district court of the United States or
21 State court of competent jurisdiction without regard
22 to the citizenship of the parties and without regard
23 to exhaustion of any alternative administrative rem-
24 edies provided herein. Actions may be brought by
25 one or more day laborers for and on behalf of him-

1 self or themselves and other day laborers similarly
2 situated.

3 (2) AWARD OF DAMAGES OR OTHER EQUITABLE
4 RELIEF.—Any day laborer whose rights have been
5 violated under this section by his or her employer
6 shall be entitled to collect—

7 (A) in the case of a violation under sub-
8 section (d) or (h) of this section, the amount of
9 any wages, salary, employment benefits, or
10 other compensation denied or lost to such day
11 laborer by reason of the violation, plus an equal
12 amount for each day for which wages are not
13 paid;

14 (B) in the case of a violation under sub-
15 section (e), (f), or (g) of this section, compen-
16 satory damages and an amount up to \$500 for
17 the violation of each subpart of each subsection;

18 (C) in the case of a violation under sub-
19 section (i) of this section, all legal or equitable
20 relief as may be appropriate to effectuate the
21 purposes of subsection (i);

22 (D) attorney's fees and costs; or

23 (E) punitive damages in a case in which
24 any employer, or agent of an employer, threat-
25 ens to call the Immigration and Naturalization

1 Service or the police in retaliation for protected
2 acts described in subsection (i) of this section.

3 (3) STATUTE OF LIMITATIONS.—The right of
4 an aggrieved person to bring a cause of action under
5 this subsection terminates upon the passing of 3
6 years from the final date of employment by the em-
7 ployer. This limitations period is tolled if a day labor
8 employer has deterred a day laborer’s exercise of
9 rights under this section by contacting or threat-
10 ening to contact the Immigration and Naturalization
11 Service or other law enforcement agencies.

12 (4) WAIVER THROUGH CONTRACT.—Any agree-
13 ment between a day laborer and a day labor em-
14 ployer to waive rights and responsibilities under this
15 section are void and unenforceable as violative of
16 public policy.

17 (5) EVIDENTIARY BURDEN.—If an employer
18 has not met the notifications requirements under
19 this section or required recordkeeping pursuant to
20 title II of the Labor-Management Reporting and
21 Disclosure Act of 1959 (29 U.S.C. 201 et seq.),
22 there is a presumption that any reasonable factual
23 presentation by the day laborer is accurate. The em-
24 ployer is then required to disprove the day laborer’s
25 representation by clear and convincing evidence.

1 (p) PREVENTION OF DISCRIMINATION DURING AND
2 AT THE CONCLUSION OF LABOR DISPUTES.—Section 8(a)
3 of the National Labor Relations Act (29 U.S.C. 158(a))
4 is amended—

5 (1) by striking the period at the end of para-
6 graph (5) and inserting ‘; or’; and

7 (2) by adding at the end thereof the following
8 new paragraph:

9 “(6)(A) to offer, or to grant, the status of a
10 permanent replacement day laborer to an individual
11 for performing bargaining unit work for the em-
12 ployer during a labor dispute, or

13 “(B) to otherwise offer, or grant, an individual
14 any employment preference based on the fact that
15 such individual was employed, or indicated a willing-
16 ness to be employed, during a labor dispute over an
17 individual who—

18 “(i) was an day laborer of the employer at
19 the commencement of the dispute;

20 “(ii) has exercised the right to join, to as-
21 sist, or to engage in other concerted activities
22 for the purpose of collective bargaining or other
23 mutual aid or protection through the labor or-
24 ganization involved in the dispute; and

1 “(iii) is working for, or has unconditionally
2 offered to return to work for, the employer.”.

3 (q) LABOR DISPUTES.—No day labor service agency
4 may send any day laborer to a workplace where a strike,
5 lockout, or other labor trouble exists.

6 (r) COMPLIANCE WITH STATE AND LOCAL LAWS.—
7 This section is intended to supplement State and local
8 laws, and compliance with this section shall not excuse any
9 person from compliance with appropriate State and local
10 laws.

11 **SEC. 708. SOCIAL SECURITY ADMINISTRATION OUTREACH**
12 **TO HOMELESS PERSONS.**

13 (a) OUTREACH AND APPLICATION ASSISTANCE TO
14 HOMELESS APPLICANTS FOR BENEFITS AND BENE-
15 FICIARIES UNDER TITLE II AND TITLE XVI OF THE SO-
16 CIAL SECURITY ACT.—Part A of title XI of the Social Se-
17 curity Act is amended by adding after section 1150 the
18 following new section:

19 “OUTREACH AND APPLICATION ASSISTANCE TO HOME-
20 LESS APPLICANTS FOR BENEFITS AND BENE-
21 FICIARIES UNDER TITLE II AND TITLE XVI

22 “SEC. 1150A. (a) OUTREACH.—The Commissioner of
23 Social Security shall conduct outreach efforts to—

24 “(1) locate and identify homeless individuals
25 who may be eligible for benefits under title II or
26 XVI,

1 “(2) make readily available to such individuals
2 information regarding the availability of such bene-
3 fits, and

4 “(3) offer assistance to such individuals in fil-
5 ing applications for such benefits.

6 “(b) MODIFICATION OF APPLICATION PROCEDURES
7 TO ACCOMMODATE OUTREACH.—The Commissioner shall
8 include on application forms made available for use in ap-
9 plying for benefits under titles II and XVI, in the proce-
10 dures for filing such applications, and in the procedures
11 for determining continuing eligibility for or entitlement to
12 such benefits, mechanisms for collecting data determined
13 useful in furthering the efforts required to be undertaken
14 under subsection (a).

15 “(c) EXPEDITED PROCESSING OF APPLICATIONS.—
16 In furtherance of the efforts required to be undertaken
17 under subsection (a), the Commissioner shall ensure that
18 diligent efforts are maintained to expedite the processing
19 of applications for benefits under titles II and XVI.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
21 carry out the provisions of this section, there are author-
22 ized to be appropriated to the Social Security Administra-
23 tion, from amounts otherwise available in the general fund
24 of the Treasury—

25 “(1) \$20,000,000 for fiscal year 2004, and

1 “(2) such sums as are necessary for each of fis-
2 cal years 2005, 2006, 2007, and 2008.”.

3 (b) REPEAL OF LIMITATION ON RECEIPT OF SSI.—
4 Section 1611(e)(1)(D) of the Social Security Act (42
5 U.S.C. 1382(e)(1)(D)) is amended by striking the semi-
6 colon and all that follows and inserting a period.

7 (c) MEMBERSHIP ON INTERAGENCY COUNCIL ON
8 THE HOMELESS.—Section 2022(a) of the McKinney-
9 Vento Homeless Assistance Act (42 U.S.C. 11312(a)) is
10 amended—

11 (1) by redesignating paragraph (16) as para-
12 graph (17); and

13 (2) by inserting after paragraph (15) the fol-
14 lowing new paragraph:

15 “(16) The Commissioner of Social Security, or
16 the designee of the Commissioner.”.

17 (d) INCREASE IN SSI ASSET LIMITS.—

18 (1) ELIGIBLE COUPLES.—Section
19 1611(a)(3)(A) of the Social Security Act (42 U.S.C.
20 1382(a)(3)(A)) is amended by inserting “, and to
21 \$4,500 on January 1, 2004, and shall be increased
22 by \$150 on January 1 of each succeeding year” be-
23 fore the period.

24 (2) ELIGIBLE INDIVIDUALS.—Section
25 1611(a)(3)(B) of the Social Security Act (42 U.S.C.

1 1382(a)(3)(B)) is amended by inserting “, and to
2 \$3,000 on January 1, 2004, and shall be increased
3 by \$100 on January 1 of each succeeding year” be-
4 fore the period.

5 (e) PRESUMPTIVE ELIGIBILITY FOR SSI FOR PEO-
6 PLE EXPERIENCING, OR AT RISK OF, HOMELESSNESS.—
7 Section 1614(a)(3) of the Social Security Act (42 U.S.C.
8 1382c(a)(3)) is amended by adding at the end the fol-
9 lowing:

10 “(K) The Secretary shall presume that a claimant for
11 benefits under this title on the basis of disability is dis-
12 abled if the claimant submits to the Secretary—

13 “(i) a statement, signed by a physician, which
14 attests that the claimant is disabled and describes
15 the nature of the disability; and

16 “(ii) evidence verifying that the claimant is
17 homeless (as defined in section 103 of the McKin-
18 ney-Vento Homeless Assistance Act) or at risk of
19 imminent homelessness.”.

○