

# Union Calendar No. 858

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1511

**[Report No. 115–1026, Part I]**

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2017

Mr. STIVERS (for himself and Mr. LOEBACK) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, 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

NOVEMBER 14, 2018

Reported from the Committee on Financial Services with amendments

[Omit the part struck through and insert the part printed in *italic*]

NOVEMBER 14, 2018

Referral to the Committee on Education and the Workforce extended for a period ending not later than December 28, 2018

DECEMBER 28, 2018

Additional sponsors: Mrs. BEATTY, Mr. WALZ, Mr. DEFazio, Ms. JAYAPAL, Mr. LIPINSKI, Mrs. MCMORRIS RODGERS, Mr. POCAN, Ms. MOORE, Ms. BONAMICI, Mr. FITZPATRICK, Mr. YOUNG of Iowa, Ms. HANABUSA, Mr. CARBAJAL, Mr. BACON, Mr. POSEY, Ms. SINEMA, Mr. DANNY K. DAVIS of Illinois, Mr. CLAY, Mr. HILL, and Mr. BERA

DECEMBER 28, 2018

Committee on Education and the Workforce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

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.**

4       This Act may be cited as the “Homeless Children and  
5 Youth Act of 2017”.

6 **SEC. 2. AMENDMENTS TO THE MCKINNEY-VENTO HOME-**  
7 **LESS ASSISTANCE ACT.**

8       (a) IN GENERAL.—The McKinney-Vento Homeless  
9 Assistance Act is amended—

10               (1) in section 103 (42 U.S.C. 11302)—

11                       (A) in subsection (a)—

12                               (i) in paragraph (5)(A)—

13                                       (I) by striking “are sharing” and  
14                                       all that follows through “charitable  
15                                       organizations,”;

16                                       (II) by striking “14 days” each  
17                                       place that term appears and inserting  
18                                       “30 days”;

19                                       (III) in clause (i), by inserting  
20                                       “or” after the semicolon;

21                                       (IV) by striking clause (ii); and

22                                       (V) by redesignating clause (iii)  
23                                       as clause (ii); and

24                               (ii) by amending paragraph (6) to  
25                               read as follows:

1           “(6) a child or youth defined as homeless under  
2 another Federal program who, without further ac-  
3 tion by the Department of Housing and Urban De-  
4 velopment, has been verified as homeless under an-  
5 other Federal program by the director, designee of  
6 the director, or other person responsible for the im-  
7 plementation of a program established under this  
8 Act or any other Federal statute.”; and

9           (B) by adding at the end the following:

10          “(f) OTHER DEFINITIONS.—In this section—

11           “(1) the term ‘child or youth defined as home-  
12 less under another Federal program’ has the mean-  
13 ing given the term in section 401; and

14           “(2) the term ‘other Federal statute’ has the  
15 meaning given the term in section 401.

16          “(g) PROHIBITION.—The Secretary of Housing and  
17 Urban Development may not—

18           “(1) promulgate any rule with respect to the  
19 definition of the terms ‘homeless’, ‘homeless indi-  
20 vidual’, and ‘homeless person’ in subsection (a); or

21           “(2) issue non-regulatory guidance or set forth  
22 in an application, a notice of funding availability, or  
23 other publication or advisory any statement or provi-  
24 sion that—

1           “(A) has the effect of restricting eligibility  
2 for assistance for any individual defined as  
3 ‘homeless’ under subsection (a) for any pro-  
4 gram or program component under this Act; or

5           “(B) purports to be legally binding.”;

6           (2) in section 401 (42 U.S.C. 11360)—

7           (A) in paragraph (1)(C)—

8                   (i) by striking clauses (ii) and (iv);

9                   (ii) by redesignating clauses (iii), (v),  
10                   (vi), and (vii) as clauses (ii), (iii), (iv), and  
11                   (v), respectively; and

12                   (iii) by striking the flush text fol-  
13                   lowing clause (v), as so redesignated;

14           (B) by striking paragraph (7);

15           (C) by redesignating paragraphs (2)  
16 through (6) as paragraphs (3) through (7), re-  
17 spectively;

18           (D) by inserting after paragraph (1) the  
19 following:

20           “(2) CHILD OR YOUTH DEFINED AS HOMELESS  
21 UNDER ANOTHER FEDERAL PROGRAM.—The term  
22 ‘child or youth defined as homeless under another  
23 Federal program’ means—

1           “(A) a homeless child or youth, as defined  
2           in section 725, including any parent or guard-  
3           ian with whom the child or youth is living; and

4           “(B) a youth who—

5                   “(i) is not more than 22 years of age;

6                   “(ii) cannot live safely with a parent,  
7           legal guardian, or relative; and

8                   “(iii) has no other safe alternative liv-  
9           ing arrangement.”;

10          (E) in paragraph (3)(A), as so redesign-  
11          nated—

12                   (i) in clause (i), by striking “and  
13           lives” and all that follows through “shel-  
14           ter” and inserting “under any provision of  
15           section 103”; and

16                   (ii) in clause (iii), by striking “(or a  
17           minor head of household if no adult is  
18           present in the household)” and inserting “,  
19           a minor head of household (if no adult is  
20           present in the household), or a child”;

21          (F) in paragraph (9)(A), by inserting “any  
22          provision of” before “section 103”;

23          (G) by redesignating paragraphs (14)  
24          through (33) as paragraphs (15) through (34),  
25          respectively;

1 (H) by inserting after paragraph (13) the  
2 following:

3 “(14) OTHER FEDERAL STATUTE.—The term  
4 ‘other Federal statute’ includes—

5 “(A) the Runaway and Homeless Youth  
6 Act (42 U.S.C. 5701 et seq.);

7 “(B) the Head Start Act (42 U.S.C. 9831  
8 et seq.);

9 “(C) the Child Care and Development  
10 Block Grant of 1990 (42 U.S.C. 9858 et seq.);

11 “(D) subtitle N of the Violence Against  
12 Women Act of 1994 (42 U.S.C. 14043e et  
13 seq.);

14 “(E) section 330(h) of the Public Health  
15 Service Act (42 U.S.C. 254b(h));

16 “(F) section 17 of the Child Nutrition Act  
17 of 1966 (42 U.S.C. 1786);

18 “(G) the Higher Education Act of 1965  
19 (20 U.S.C. 1001 et seq.); and

20 “(H) the United States Housing Act of  
21 1937 (42 U.S.C. 1437 et seq.).”;

22 (I) in paragraph (32), as so redesignated,  
23 by inserting “children under 5 years of age,  
24 youth and young adults between 14 and 25  
25 years of age,” after “status, or age);”;

1 (J) in paragraph (33), as so redesignated,  
2 by inserting “trafficking,” after “victims of”;  
3 and

4 (K) in paragraph (34), as so redesignated—  
5

6 (i) by inserting “victims of traf-  
7 ficking,” after “assist”;

8 (ii) by striking “stalking victims” and  
9 inserting “stalking”; and

10 (iii) by inserting “trafficking,” after  
11 “concerning”;

12 (3) in section 402(f) (42 U.S.C. 11360a(f))—

13 (A) in paragraph (1)(B), by inserting  
14 “considering the prevalence and needs of home-  
15 less individuals, as defined under any provision  
16 of section 103” after “involved”; and

17 (B) in paragraph (3)(D)—

18 (i) in clause (v), by striking “and” at  
19 the end;

20 (ii) by redesignating clause (vi) as  
21 clause (vii); and

22 (iii) by inserting after clause (v) the  
23 following:



1 “(vi) the submission of HMIS data to  
2 the Secretary on at least an annual basis;  
3 and”;

4 (4) by inserting after section 408 the following:

5 **“SEC. 409. AVAILABILITY OF HMIS DATA.**

6 “(a) IN GENERAL.—The community-wide homeless  
7 management information system (in this section referred  
8 to as ‘HMIS’) data provided to the Secretary under sec-  
9 tion 402(f)(3)(D)(vi) shall be made publically available on  
10 the Internet website of the Department of Housing and  
11 Urban Development.

12 “(b) REQUIRED DATA.—The data publically available  
13 under subsection (a) shall be updated on at least an an-  
14 nual basis and shall include—

15 “(1) a cumulative count of the number of home-  
16 less individuals and families, as defined under any  
17 provision of section 103;

18 “(2) a cumulative assessment of the patterns of  
19 assistance provided under subtitles B and C for the  
20 each geographic area involved;

21 “(3) a count of the number of homeless individ-  
22 uals and families, as defined under any provision of  
23 section 103, that are documented through the HMIS  
24 by each collaborative applicant; and

1           “(4) a count of the number of homeless women,  
2           as defined under any provision of section 103 and  
3           both unaccompanied and accompanied, including a  
4           breakout of the count by—

5                   “(A) age range;

6                   “(B) disability; *and*

7                   ~~“(C) trauma experience, such as child~~  
8                   ~~abuse, sexual assault, or interpersonal violence~~  
9                   ~~experienced during the lifetime of the woman~~  
10                  ~~and during the preceding year, and if the~~  
11                  ~~woman is a veteran (as defined in section 101~~  
12                  ~~of title 38, United States Code), during the pe-~~  
13                  ~~riod of service; and~~

14                  ~~“(D) (C) length of time experiencing home-~~  
15                  ~~lessness.”;~~

16           (5) in section 422 (42 U.S.C. 11382)—

17                   (A) in subsection (a)—

18                           (i) by striking “The Secretary” and  
19                           inserting the following:

20                   “(1) IN GENERAL.—The Secretary”; and

21                           (ii) by adding at the end the fol-  
22                           lowing:

23                   “(2) RESTRICTIONS.—In awarding grants  
24           under paragraph (1), the Secretary—

1           “(A) may not award greater priority,  
2 points, or weight in scoring based solely on the  
3 specific homeless populations proposed to be  
4 served by the applicant, or the proposed pro-  
5 gram component or housing or service model;  
6 and

7           “(B) shall ensure that scoring is based pri-  
8 marily on the extent to which the applicant  
9 demonstrates that the project and program  
10 components—

11                 “(i) would meet the priorities identi-  
12 fied in the plan submitted under section  
13 427(b)(1)(B); and

14                 “(ii) are cost-effective in meeting the  
15 overall goals and objectives identified in  
16 that plan.”;

17           (B) in subsection (b)—

18                 (i) by striking “The Secretary” and  
19 inserting the following:

20                 “(1) IN GENERAL.—The Secretary”; and

21                 (ii) by adding at the end the fol-  
22 lowing:

23                 “(2) RESTRICTIONS.—Each notification of  
24 funding availability described in paragraph (1) shall

1 comply with the restrictions described in subsection  
2 (a)(2).”;

3 (C) in subsection (c)(1)(B), by striking  
4 “establish” and inserting “demonstrate local,  
5 needs-based”; and

6 (D) by striking subsection (j);

7 (6) in section 424(d) (42 U.S.C. 11384(d)), by  
8 striking paragraph (5);

9 (7) in section 425(c) (42 U.S.C. 11385(c)), by  
10 striking “and (G) providing” and inserting “(G) pro-  
11 viding transportation to employment, early care and  
12 education programs, career and technical education  
13 programs, and health and mental health care serv-  
14 ices, and (H) providing”;

15 (8) in section 426(b) (42 U.S.C. 11386(b))—

16 (A) in paragraph (4), by amending sub-  
17 paragraph (D) to read as follows:

18 “(D) in the case of programs providing  
19 housing or services to families or youth, they  
20 will designate a staff person to be responsible  
21 for ensuring that children and youth being  
22 served in the program are—

23 “(i) enrolled in school and connected  
24 to appropriate services in the community,  
25 including Head Start, part C of the Indi-

1           viduals with Disabilities Act, programs au-  
2           thorized under the Child Care and Devel-  
3           opment Block Grant Act of 1990, career  
4           and technical education, and services pro-  
5           vided by local educational agency liaisons  
6           designated under subtitle B of title VII of  
7           this Act; and

8                   “(ii) in the case of an unaccompanied  
9           youth, as defined in section 725, informed  
10          of their status as an independent student  
11          under section 480 of the Higher Education  
12          Act of 1965 (20 U.S.C. 1087vv) and re-  
13          ceive verification of such status for pur-  
14          poses of the Free Application for Federal  
15          Student Aid described in section 483 of  
16          such Act (20 U.S.C. 1090); and”;

17          (B) in paragraph (6), by inserting “the ac-  
18          tual compliance with the certifications required  
19          under paragraph (4) and” after “Secretary”;  
20          and

21          (C) in paragraph (7)—

22                   (i) by inserting “and youth” after  
23                  “needs of children”;

24                   (ii) by inserting “or unaccompanied  
25                  youth” after “when families”;

1 (iii) by inserting “and unaccompanied  
2 youth” after “with children”; and

3 (iv) by striking “such children’s” and  
4 inserting “such children and youth’s”;

5 (9) in section 427(b) (42 U.S.C. 11386a(b))—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A)—

8 (I) in clause (vi), by adding  
9 “and” at the end;

10 (II) in clause (vii), by striking  
11 “and” at the end; and

12 (III) by striking clause (viii);

13 (ii) in subparagraph (B)—

14 (I) by amending clause (iii) to  
15 read as follows:

16 “(iii) how the recipient will collaborate  
17 with local educational agencies, early care  
18 and education programs, and institutions  
19 of higher education to assist in the identi-  
20 fication of and services to youth and fami-  
21 lies who become or remain homeless, in-  
22 cluding the steps the recipient will take to  
23 inform youth and families of their eligi-  
24 bility for services under part B of subtitle  
25 VII of this Act, the Head Start Act (42

1 U.S.C. 9831 et seq.), the Child Care and  
2 Development Block Grant Act of 1990 (42  
3 U.S.C. 9858 et seq.), and the Higher Edu-  
4 cation Act of 1965 (20 U.S.C. 1001 et  
5 seq.);” and

6 (II) by striking clause (v) and in-  
7 serting the following:

8 “(v) how the recipient will ensure the  
9 full implementation of the certifications  
10 and agreements described in paragraphs  
11 (4)(D) and (7) of section 426(b);”;

12 (iii) in subparagraph (C)(i), by insert-  
13 ing “and appropriate” after “rapid”;

14 (iv) by striking subparagraph (F) and  
15 inserting the following:

16 “(F) for communities that establish and  
17 operate a centralized or coordinated assessment  
18 system, the extent to which that system—

19 “(i) ensures that individuals who are  
20 most in need of assistance receive it in a  
21 timely manner;

22 “(ii) in assessing need under clause  
23 (i), uses separate, specific, age-appropriate  
24 criteria for assessing the safety and needs  
25 of children under 5 years of age, school-

1 age children, unaccompanied youth and  
2 young adults between 14 and 25 years of  
3 age, and families that are unrelated to the  
4 criteria through which an individual quali-  
5 fies as ‘homeless’ under section 103;

6 “(iii) is accessible to unaccompanied  
7 youth and homeless families;

8 “(iv) diverts individuals to safe, sta-  
9 ble, age-appropriate accommodations; and

10 “(v) includes affordable housing devel-  
11 opers, youth service providers, early child-  
12 hood programs, local educational agencies,  
13 and mental health organizations; and”;  
14 and

15 (v) by amending subparagraph (G) to  
16 read as follows:

17 “(G) such other factors as the Secretary  
18 determines to be appropriate to carry out this  
19 subtitle in an effective and efficient manner, ex-  
20 cept that such factors may not have the effect  
21 of prioritizing or weighting, unless justified by  
22 local data or information contained in a plan  
23 submitted under subparagraph (B)—



1           “(i) any service with respect to a spe-  
2           cific subpopulation of homeless individuals  
3           over another; or

4           “(ii) any program component or hous-  
5           ing or service model over another.”; and

6           (B) by amending paragraph (3) to read as  
7           follows:

8           “(3) HOMELESSNESS COUNTS.—The Secretary  
9           shall require that communities that conduct an an-  
10          nual count of homeless people shall count homeless  
11          individuals as defined under any provision of section  
12          103.”;

13          (10) in section 428 (42 U.S.C. 11386b)—

14           (A) in subsection (a)(1)—

15           (i) by striking “disabilities and” and  
16           inserting “disabilities,”; and

17           (ii) by inserting “, and homeless fami-  
18           lies where a child has a disability” before  
19           the period at the end;

20           (B) in subsection (d)—

21           (i) in paragraph (1), by inserting  
22           “promoting” before “independent”; and

23           (ii) by striking paragraphs (2) and (3)  
24           and inserting the following:

1           “(2) PROHIBITION.—The Secretary shall not  
2 provide bonuses or other incentives under paragraph  
3 (1) that have the effect of prioritizing or weighting,  
4 unless justified by local data or information con-  
5 tained in a plan submitted under section  
6 427(b)(1)(B)—

7           “(A) any service with respect to a specific  
8 subpopulation of homeless individuals over an-  
9 other; or

10           “(B) any program component or housing  
11 or service model over another.

12           “(3) RULE OF CONSTRUCTION.—For purposes  
13 of this subsection, activities that have been proven to  
14 be effective at reducing homelessness generally or re-  
15 ducing homelessness for a specific subpopulation in-  
16 clude any activity determined by the Secretary, after  
17 providing notice and an opportunity for public com-  
18 ment, to have been proven effective at—

19           “(A) reducing homelessness generally;

20           “(B) reducing homelessness for a specific  
21 subpopulation;

22           “(C) reducing homelessness in a commu-  
23 nity for populations overrepresented in any  
24 counts conducted in that community under sec-  
25 tion 427(b)(3); or

1           “(D) achieving homeless prevention and  
2           promoting independent living goals as set forth  
3           in section 427(b)(1)(F).

4           “(4) ENCOURAGING LOCAL SUCCESS AND INNO-  
5           VATION.—In providing bonuses or incentives under  
6           paragraph (1), the Secretary shall seek to encourage  
7           the implementation of proven strategies and innova-  
8           tion in reducing homelessness among the local pri-  
9           ority populations identified in the plan submitted by  
10          an applicant under section 427(b)(1)(B). The Sec-  
11          retary shall not implement bonuses or incentives  
12          that promote a national priority established by the  
13          Secretary.”; and

14                       (C) by striking subsection (e); and

15           (11) by amending section 434 (42 U.S.C.  
16          11388) to read as follows:

17   **“SEC. 434. REPORTS TO CONGRESS.**

18          “(a) IN GENERAL.—The Secretary shall submit to  
19          Congress an annual report, which shall—

20                       “(1) summarize the activities carried out under  
21                       this subtitle and set forth the findings, conclusions,  
22                       and recommendations of the Secretary as a result of  
23                       the activities; and

24                       “(2) include, for the year preceding the date on  
25                       which the report is submitted—

1           “(A) data required to be made publically  
2           available in the report under section 409; and

3           “(B) data on programs funded under any  
4           other Federal statute.

5           “(b) TIMING.—A report under subsection (a) shall be  
6           submitted not later than 4 months after the end of each  
7           fiscal year.”.

8           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
9           The table of contents in section 101(b) of the McKinney-  
10          Vento Homeless Assistance Act (42 U.S.C. 11301 note)  
11          is amended by inserting after the item relating to section  
12          408 the following:

          “Sec. 409. Availability of HMIS data.”.



Union Calendar No. 858

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1511**

[Report No. 115-1026, Part I]

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**A BILL**

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

---

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DECEMBER 28, 2018

Committee on Education and the Workforce discharged;  
committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed