

115TH CONGRESS  
1ST SESSION

# S. 611

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 SENATE OF THE UNITED STATES

MARCH 13, 2017

Mrs. FEINSTEIN (for herself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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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.

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”.

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

3 (a) IN GENERAL.—The McKinney-Vento Homeless  
4 Assistance Act (42 U.S.C. 11301 et seq.) is amended—

5 (1) in section 103—

6 (A) in subsection (a)—

7 (i) in paragraph (5)(A)—

8 (I) by striking “are sharing” and  
9 all that follows through “charitable  
10 organizations,”;

11 (II) by striking “14 days” each  
12 place that term appears and inserting  
13 “30 days”;

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

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

17 (V) by redesignating clause (iii)  
18 as clause (ii); and

19 (ii) by amending paragraph (6) to  
20 read as follows:

21 “(6) a child or youth defined as homeless under  
22 another Federal program who, without further ac-  
23 tion by the Department of Housing and Urban De-  
24 velopment, has been verified as homeless under an-  
25 other Federal program by the director, designee of  
26 the director, or other person responsible for the im-

1 plementation of a program established under this  
2 Act or any other Federal statute.”; and

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

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

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

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

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

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

15 “(2) issue non-regulatory guidance or set forth  
16 in an application, a notice of funding availability, or  
17 other publication or advisory any statement or provi-  
18 sion that—

19 “(A) has the effect of restricting eligibility  
20 for assistance for any individual defined as  
21 ‘homeless’ under subsection (a) for any pro-  
22 gram or program component under this Act; or

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

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

25 (A) in paragraph (1)(C)—

1 (i) by striking clauses (ii) and (iv);  
2 (ii) by redesignating clauses (iii), (v),  
3 (vi), and (vii) as clauses (ii), (iii), (iv), and  
4 (v), respectively; and

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

7 (B) by striking paragraph (7);

8 (C) by redesignating paragraphs (2)  
9 through (6) as paragraphs (3) through (7), re-  
10 spectively;

11 (D) by inserting after paragraph (1) the  
12 following:

13 “(2) CHILD OR YOUTH DEFINED AS HOMELESS  
14 UNDER ANOTHER FEDERAL PROGRAM.—The term  
15 ‘child or youth defined as homeless under another  
16 Federal program’ means—

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

20 “(B) a youth who—

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

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

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

1 (E) in paragraph (3), as so redesignated—

2 (i) in clause (i), by striking “and  
3 lives” and all that follows through “shel-  
4 ter” and inserting “under any provision of  
5 section 103”; and

6 (ii) in clause (iii), by striking “(or a  
7 minor head of household if no adult is  
8 present in the household)” and inserting “,  
9 a minor head of household (if no adult is  
10 present in the household), or a child”;

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

13 (G) by redesignating paragraphs (14)  
14 through (33) as paragraphs (15) through (34),  
15 respectively;

16 (H) by inserting after paragraph (13) the  
17 following:

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

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

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

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

1 “(D) subtitle N of the Violence Against  
2 Women Act of 1994 (42 U.S.C. 14043e et  
3 seq.);

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

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

8 “(G) the Higher Education Act of 1965  
9 (20 U.S.C. 1001 et seq.); and

10 “(H) the United States Housing Act of  
11 1937 (42 U.S.C. 1437 et seq.).”;

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

16 (J) in paragraph (33), as so redesignated,  
17 by inserting “trafficking,” after “victims of”;  
18 and

19 (K) in paragraph (34), as so redesignated—  
20

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

23 (ii) by striking “stalking victims” and  
24 inserting “stalking”; and

1 (iii) by inserting “trafficking,” after  
2 “concerning”;

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

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

8 (B) in paragraph (3)(D)—

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

11 (ii) by redesignating clause (vi) as  
12 clause (vii); and

13 (iii) by inserting after clause (v) the  
14 following:

15 “(vi) the submission of HMIS data to  
16 the Secretary on at least an annual basis;  
17 and”;

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

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

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

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

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

7           “(2) a cumulative assessment of the patterns of  
8 assistance provided under subtitles B and C for the  
9 each geographic area involved;

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

14          “(4) a count of the number of homeless women,  
15 as defined under any provision of section 103 and  
16 both unaccompanied and accompanied, including a  
17 breakout of the count by—

18           “(A) age range;

19           “(B) disability;

20           “(C) trauma experience, such as child  
21 abuse, sexual assault, or interpersonal violence  
22 experienced during the lifetime of the woman  
23 and during the preceding year, and if the  
24 woman is a veteran (as defined in section 101



1 of title 38, United States Code), during the pe-  
2 riod of service; and

3 “(D) length of time experiencing homeless-  
4 ness.”;

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

6 (A) in subsection (a)—

7 (i) by striking “The Secretary” and  
8 inserting the following:

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

10 (ii) by adding at the end the fol-  
11 lowing:

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

14 “(A) may not award greater priority,  
15 points, or weight in scoring based solely on the  
16 specific homeless populations proposed to be  
17 served by the applicant, or the proposed pro-  
18 gram component or housing or service model;  
19 and

20 “(B) shall ensure that scoring is based pri-  
21 marily on the extent to which the applicant  
22 demonstrates that the project and program  
23 components—

1 “(i) would meet the priorities identi-  
2 fied in the plan submitted under section  
3 427(b)(1)(B); and

4 “(ii) are cost-effective in meeting the  
5 overall goals and objectives identified in  
6 that plan.”;

7 (B) in subsection (b)—

8 (i) by striking “The Secretary” and  
9 inserting the following:

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

11 (ii) by adding at the end the fol-  
12 lowing:

13 “(2) RESTRICTIONS.—Each notification of  
14 funding availability described in paragraph (1) shall  
15 comply with the restrictions described in subsection  
16 (a)(2).”;

17 (C) in subsection (c)(1)(B), by striking  
18 “establish” and inserting “demonstrate local,  
19 needs-based”; and

20 (D) by striking subsection (j);

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

23 (7) in section 425(c) (42 U.S.C. 11385(c)), by  
24 striking “and (G) providing” and inserting “(G) pro-  
25 viding transportation to employment, early care and

1 education programs, career and technical education  
2 programs, and health and mental health care serv-  
3 ices, and (H) providing”;

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

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

7 “(D) in the case of programs providing  
8 housing or services to families or youth, they  
9 will designate a staff person to be responsible  
10 for ensuring that children and youth being  
11 served in the program are—

12 “(i) enrolled in school and connected  
13 to appropriate services in the community,  
14 including Head Start, part C of the Indi-  
15 viduals with Disabilities Act, programs au-  
16 thorized under the Child Care and Devel-  
17 opment Block Grant Act of 1990, career  
18 and technical education, and services pro-  
19 vided by local educational agency liaisons  
20 designated under subtitle B of title VII of  
21 this Act; and

22 “(ii) in the case of an unaccompanied  
23 youth, as defined in section 725, informed  
24 of their status as an independent student  
25 under section 480 of the Higher Education

1 Act of 1965 (20 U.S.C. 1087vv) and re-  
2 ceive verification of such status for pur-  
3 poses of the Free Application for Federal  
4 Student Aid described in section 483 of  
5 such Act (20 U.S.C. 1090); and”;

6 (B) in paragraph (6), by inserting “the ac-  
7 tual compliance with the certifications required  
8 under paragraph (4) and” after “Secretary”;  
9 and

10 (C) in paragraph (7)—

11 (i) by inserting “and youth” after  
12 “needs of children”;

13 (ii) by inserting “or unaccompanied  
14 youth” after “when families”;

15 (iii) by inserting “and unaccompanied  
16 youth” after “with children”; and

17 (iv) by striking “such children’s” and  
18 inserting “such children and youth’s”;

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

20 (A) in paragraph (1)—

21 (i) in subparagraph (A)—

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

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

1 (III) by striking clause (viii);  
2 (ii) in subparagraph (B)—  
3 (I) by amending clause (iii) to  
4 read as follows:

5 “(iii) how the recipient will collaborate  
6 with local educational agencies, early care  
7 and education programs, and institutions  
8 of higher education to assist in the identi-  
9 fication of and services to youth and fami-  
10 lies who become or remain homeless, in-  
11 cluding the steps the recipient will take to  
12 inform youth and families of their eligi-  
13 bility for services under part B of subtitle  
14 VII of this Act, the Head Start Act (42  
15 U.S.C. 9831 et seq.), the Child Care and  
16 Development Block Grant Act of 1990 (42  
17 U.S.C. 9858 et seq.), and the Higher Edu-  
18 cation Act of 1965 (20 U.S.C. 1001 et  
19 seq.);” and

20 (II) by striking clause (v) and in-  
21 serting the following:

22 “(v) how the recipient will ensure the  
23 full implementation of the certifications  
24 and agreements described in paragraphs  
25 (4)(D) and (7) of section 426(b);”;

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

3 (iv) by striking subparagraph (F) and  
4 inserting the following:

5 “(F) for communities that establish and  
6 operate a centralized or coordinated assessment  
7 system, the extent to which that system—

8 “(i) ensures that individuals who are  
9 most in need of assistance receive it in a  
10 timely manner;

11 “(ii) in assessing need under clause  
12 (i), uses separate, specific, age-appropriate  
13 criteria for assessing the safety and needs  
14 of children under 5 years of age, school-  
15 age children, unaccompanied youth and  
16 young adults between 14 and 25 years of  
17 age, and families that are unrelated to the  
18 criteria through which an individual quali-  
19 fies as ‘homeless’ under section 103;

20 “(iii) is accessible to unaccompanied  
21 youth and homeless families;

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

24 “(v) includes affordable housing devel-  
25 opers, youth service providers, early child-

1           hood programs, local educational agencies,  
2           and mental health organizations; and”;  
3           and

4                   (v) by amending subparagraph (G) to  
5           read as follows:

6                   “(G) such other factors as the Secretary  
7           determines to be appropriate to carry out this  
8           subtitle in an effective and efficient manner, ex-  
9           cept that such factors may not have the effect  
10          of prioritizing or weighting, unless justified by  
11          local data or information contained in a plan  
12          submitted under subparagraph (B)—

13                   “(i) any service with respect to a spe-  
14           cific subpopulation of homeless individuals  
15           over another; or

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

18                   (B) by amending paragraph (3) to read as  
19          follows:

20                   “(3) HOMELESSNESS COUNTS.—The Secretary  
21          shall require that communities that conduct an an-  
22          nual count of homeless people shall count homeless  
23          individuals as defined under any provision of section  
24          103.”;

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

1 (A) in subsection (a)(1)—

2 (i) by striking “disabilities and” and  
3 inserting “disabilities,”; and

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

7 (B) in subsection (d)—

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

10 (ii) by striking paragraphs (2) and (3)  
11 and inserting the following:

12 “(2) PROHIBITION.—The Secretary shall not  
13 provide bonuses or other incentives under paragraph  
14 (1) that have the effect of prioritizing or weighting,  
15 unless justified by local data or information con-  
16 tained in a plan submitted under section  
17 427(b)(1)(B)—

18 “(A) any service with respect to a specific  
19 subpopulation of homeless individuals over an-  
20 other; or

21 “(B) any program component or housing  
22 or service model over another.

23 “(3) RULE OF CONSTRUCTION.—For purposes  
24 of this subsection, activities that have been proven to  
25 be effective at reducing homelessness generally or re-



1 ducing homelessness for a specific subpopulation in-  
2 clude any activity determined by the Secretary, after  
3 providing notice and an opportunity for public com-  
4 ment, to have been proven effective at—

5 “(A) reducing homelessness generally;

6 “(B) reducing homelessness for a specific  
7 subpopulation;

8 “(C) reducing homelessness in a commu-  
9 nity for populations overrepresented in any  
10 counts conducted in that community under sec-  
11 tion 427(b)(3); or

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

15 “(4) ENCOURAGING LOCAL SUCCESS AND INNO-  
16 VATION.—In providing bonuses or incentives under  
17 paragraph (1), the Secretary shall seek to encourage  
18 the implementation of proven strategies and innova-  
19 tion in reducing homelessness among the local pri-  
20 ority populations identified in the plan submitted by  
21 an applicant under section 427(b)(1)(B). The Sec-  
22 retary shall not implement bonuses or incentives  
23 that promote a national priority established by the  
24 Secretary.”; and

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

1 (11) by amending section 434 to read as fol-  
2 lows:

3 **“SEC. 434. REPORTS TO CONGRESS.**

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

6 “(1) summarize the activities carried out under  
7 this subtitle and set forth the findings, conclusions,  
8 and recommendations of the Secretary as a result of  
9 the activities; and

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

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

14 “(B) data on programs funded under any  
15 other Federal statute.

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

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
20 The table of contents in section 101(b) of the McKinney-  
21 Vento Homeless Assistance Act (42 U.S.C. 11301 note)  
22 is amended by inserting after the item relating to section  
23 408 the following:

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

○