

109TH CONGRESS
1ST SESSION

H. R. 4347

To end homelessness in the United States.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2005

Ms. CARSON (for herself, Mr. CONYERS, Ms. LEE, Mr. KUCINICH, Mr. CAPUANO, Ms. WOOLSEY, Mr. PAYNE, Mr. McDERMOTT, Mr. SANDERS, and Mr. GUTIERREZ) 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”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

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. Temporary ex-offender low-income housing credit.
- Sec. 308. Escrow of tenant rent in cases of owner failure to maintain units assisted under Section 8 rental assistance program.
- Sec. 309. 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—HEALTH SECURITY

Subtitle A—General Provisions

- Sec. 501. Findings; Sense of Congress.
- Sec. 502. Sense of Congress regarding Medicaid expansion.
- Sec. 503. 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. 511. Averting patient discharge into homelessness.

SUBPART B—PROVISION OF APPROPRIATE SERVICES

- Sec. 516. Application of knowledge development findings to service delivery.

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

- Sec. 521. Expansion of participation in grantee planning.
- Sec. 522. Documentation of needs of and establishing priorities for homeless population.

SUBPART D—DESIGNATION OF PERSONS EXPERIENCING HOMELESSNESS AS PRIORITY POPULATION

- Sec. 526. Requiring grantees to direct funds to persons experiencing homelessness.
- Sec. 527. Prioritization of services for runaway, homeless, and street youth.

Sec. 528. Definition of runaway, homeless, and street youth as high risk.

SUBPART E—FEDERAL PROGRAM MANAGEMENT

Sec. 531. 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. 541. Treatment and recovery initiative for persons experiencing homelessness.

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

Sec. 551. Expansion of required scope of services of PATH providers.

Sec. 552. Encouragement of States to utilize Health Care for the homeless projects as PATH providers.

Sec. 553. State descriptions of resource allocation process.

Sec. 554. Federal report on PATH and homeless grant programs.

Sec. 555. 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. 561. Averting RWCA patient discharge into homelessness.

PART 2—PROVISION OF APPROPRIATE SERVICES

Sec. 566. Amplification of scope of RWCA services.

Sec. 567. Application of knowledge development findings to service delivery.

PART 3—GRANTEE PLANNING, REPORTING, AND CAPACITY BUILDING

Sec. 571. Expansion of participation in grantee and contractor planning.

Sec. 572. Development of knowledge to strengthen providers' capacity to offer homeless-competent services.

PART 4—DESIGNATION OF HOMELESS PERSONS AS PRIORITY POPULATION

Sec. 576. Priority for persons experiencing homelessness.

PART 5—FEDERAL PLAN ON HIV/AIDS AND HOMELESSNESS

Sec. 581. Federal plan on HIV/AIDS and homelessness.

TITLE VI—ECONOMIC SECURITY

Sec. 601. Sense of Congress regarding right to a living income.

Sec. 602. Availability of food stamp benefits to individuals who are homeless.

Sec. 603. Amendments to Workforce Investment Act.

Sec. 604. Homebuild program for affordable housing construction and apprenticeship.

Sec. 605. Department of Labor apprenticeship program for working people experiencing homelessness.

Sec. 606. Day laborer fairness and protection.

Sec. 607. 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;

15 (7) according to the United States Department
16 of Housing and Urban Development, approximately
17 5 million households experience “worst-case” hous-
18 ing needs;

19 (8) as of the date of the introduction of this
20 bill, in no town, city, or State in our Nation can an
21 individual or family working full time at minimum
22 wage, or receiving assistance under the Supple-

1 mental Security Income program or under the pro-
2 gram for Temporary Assistance for Needy Families,
3 afford a one- or two-bedroom apartment at the fair
4 market rental rate established by the Department of
5 Housing and Urban Development;

6 (9) the Millennial Housing Commission re-
7 ported that 28,000,000 households in the United
8 States spent more than 30 percent their income on
9 housing, and one in eight low-income working fami-
10 lies earning minimum wage have to spend more than
11 half their income on housing;

12 (10) 42 percent of adults residing in homeless
13 shelters across the United States are working;

14 (11) 24 percent of clients of homeless shelters
15 report they have needed medical attention in the
16 past year but were unable to get it and 46 percent
17 of such clients could not get access to a dentist when
18 one was needed;

19 (12) 55 percent of people experiencing home-
20 lessness in the United States have neither public nor
21 private health insurance;

22 (13) of the homeless individuals who suffer
23 mental illness, it is estimated that only 5 to 7 per-
24 cent require some form of institutionalization and

1 the rest could live productively with proper assist-
2 ance;

3 (14) millions of Americans can not find work
4 that pays a livable wage or can not find work at all
5 and, therefore, cannot afford housing at market rent
6 levels;

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

10 (16) families without stable housing typically
11 have to move often, making job retention difficult
12 and forcing their children to change schools fre-
13 quently;

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

17 (18) in its “Status Report on Hunger and
18 Homelessness in America’s Cities”, the United
19 States Conference of Mayors reports that requests
20 for shelter by families with children went unmet 32
21 percent of the time in 2004.

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

1 **TITLE I—RECOGNITION OF**
2 **HOUSING AS A BASIC HUMAN**
3 **RIGHT**

4 **SEC. 101. RECOGNITION BY SOCIETIES, FAITHS, AND ORGA-**
5 **NIZATIONS.**

6 The Congress hereby acknowledges that the housing
7 has been recognized as a basic human right by many and
8 varied—

- 9 (1) religious and faith organizations;
10 (2) States, cities, and counties;
11 (3) national and local organizations;
12 (4) international organizations, including the
13 United Nations through its Declaration of Human
14 Rights.

15 **SEC. 102. ESTABLISHMENT OF GOAL TO END HOMELESS-**
16 **NESS.**

17 The Congress hereby declares that—

- 18 (1) the Declaration of Independence identifies
19 the rights of life, liberty, and the pursuit of happi-
20 ness as among the unalienable rights with which all
21 are endowed;
22 (2) the exercise of such rights is contingent
23 upon the fulfillment of basic needs crucial for the
24 proper development of human life: food, clothing,
25 shelter, medical care, work, and rest; and

1 (3) it is a National goal to act in concord with
2 the aforementioned rights and fulfill the basic
3 human need of shelter by ending homelessness in the
4 United States and to provide the security of a home
5 for all people.

6 **TITLE II—HOUSING SECURITY**

7 **SEC. 201. CONGRESSIONAL FINDINGS.**

8 The Congress finds that—

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

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

16 (3) each year 90,000 affordable housing units
17 are lost due to demolition or sale of public housing
18 and housing assisted with project-based rental as-
19 sistance under section 8 of the United States Hous-
20 ing Act of 1937 (42 U.S.C. 1437f).

1 **Subtitle A—Authorizations of Ap-**
2 **propriations for Housing Pro-**
3 **grams**

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

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

9 **“Subtitle G—National Affordable**
10 **Housing Trust Fund**

11 **“SEC. 291. PURPOSES.**

12 “The purposes of this subtitle are—

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

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

22 “(3) to promote homeownership for low-income
23 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 2007 and each fiscal year thereafter, there shall be appro-
13 priated to the Trust Fund such sums as may be necessary.

14 “(c) EXPENDITURES FROM TRUST FUND.—For fis-
15 cal year 2007 and each fiscal year thereafter, amounts ap-
16 propriated to the Trust Fund for each such fiscal year
17 shall be available to the Secretary of Housing and Urban
18 Development for providing assistance under this subtitle.

19 **“SEC. 293. ALLOCATIONS FOR STATES AND PARTICIPATING**
20 **LOCAL JURISDICTIONS.**

21 “The Secretary shall use the total amount made
22 available under section 292(c) to the Secretary from the
23 Trust Fund for such fiscal year to provide assistance
24 under this subtitle for the States and participating local
25 jurisdictions. Of such total amount, the Secretary shall al-

1 locate 40 percent for States for use under section 294 and
2 60 percent for participating local jurisdictions for use
3 under section 294.

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

5 “(a) AFFORDABLE HOUSING NEEDS FORMULA.—
6 The Secretary shall establish a formula to allocate assist-
7 ance under this subtitle among eligible recipients based
8 on the relative need of the eligible recipient, among other
9 eligible recipients that are States or participating local ju-
10 risdictions, as appropriate, to increase the supply of decent
11 quality affordable housing. The formula shall be based
12 upon a comparison of the following factors for each eligible
13 recipient:

14 “(1) The percentage of families in the jurisdic-
15 tion of the eligible recipient that live in substandard
16 housing.

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

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

23 “(4) The cost of developing or carrying out re-
24 habilitation of housing in the jurisdiction of the eli-
25 gible recipient.

1 “(5) In the case of an eligible recipient that is
2 a State, the percentage of the population of the eligi-
3 ble recipient that resides in counties having ex-
4 tremely low vacancy rates.

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

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

10 “(b) FORMULA AMOUNT.—

11 “(1) IN GENERAL.—For fiscal year 2007 and
12 each fiscal year thereafter, the Secretary shall deter-
13 mine the formula amount under this subsection for
14 each eligible recipient.

15 “(2) STATES.—The formula amount for each
16 State shall be the amount determined for such State
17 by applying the formula under subsection (a) to the
18 total amount allocated under section 293 for all
19 States for the fiscal year.

20 “(3) PARTICIPATING LOCAL JURISDICTIONS.—
21 The formula amount for each participating local ju-
22 risdiction shall be the amount determined for such
23 participating local jurisdiction by applying the for-
24 mula under subsection (a) to the total amount allo-

1 cated under section 293 for all participating local ju-
2 risdictions for the fiscal year.

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

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

7 “(A) MINIMUM AMOUNT.—If the formula
8 amount determined under subsection (b) for the
9 State for the fiscal year is less than 1 percent
10 of the total amount made available under sec-
11 tion 292(c) for such fiscal year, the allocation
12 for the State shall be 1 percent of such amount.

13 “(B) FORMULA AMOUNT.—If the formula
14 amount determined under subsection (b) for the
15 State for the fiscal year is 1 percent or more
16 of the total amount made available under sec-
17 tion 292(c) for such fiscal year, the allocation
18 for the State shall be the formula amount for
19 the State, except that the Secretary shall re-
20 duce such formula amounts for all States whose
21 allocations are determined under this paragraph
22 on a pro rata basis by the amount necessary to
23 account for any increases from the formula
24 amount for allocations made under paragraph
25 (1) of this subsection so that the total of the al-

1 locations for all States is equal to the amount
2 of the allocation under section 293 for States.

3 “(2) PARTICIPATING LOCAL JURISDICTIONS.—

4 The allocation for each eligible participating local ju-
5 risdiction shall be the formula amount for the eligi-
6 ble jurisdiction determined under subsection (b).

7 “(d) GRANT AWARDS.—For fiscal year 2007 and
8 each fiscal year thereafter, using the amounts made avail-
9 able to the Secretary from the Trust Fund for such fiscal
10 year under section 292(c), the Secretary shall make a
11 grant to each eligible recipient in the lesser of the fol-
12 lowing amounts:

13 “(1) FULL ALLOCATION.—The amount of the
14 allocation under subsection (c) for the eligible recipi-
15 ent.

16 “(2) 4 TIMES MATCHING CONTRIBUTION.—The
17 amount that is equal to 4 times the amount of funds
18 provided in cash, in-kind contributions, or other eli-
19 gible amounts by the eligible recipient from non-
20 Federal sources for use only as provided in sub-
21 section (e)(2).

22 “(e) MATCHING CONTRIBUTION.—

23 “(1) ELIGIBLE AMOUNTS.—For purposes of
24 subsection (d)(2), only the following amounts shall

1 be considered other eligible amounts from non-Fed-
2 eral sources:

3 “(A) LOW-INCOME HOUSING TAX CRED-
4 ITS.—50 percent of funds allocable to tax cred-
5 its allocated under section 42 of the Internal
6 Revenue Code of 1986.

7 “(B) MORTGAGE BOND REVENUE.—50
8 percent of revenue from mortgage revenue
9 bonds issued under section 143 of such Code.

10 “(C) TAX EXEMPT BONDS PROCEEDS.—50
11 percent of proceeds from the sale of tax exempt
12 bonds.

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

18 “(E) HOME PROGRAM AMOUNTS.—50
19 percent of funds received under the HOME in-
20 vestment partnerships program under subtitles
21 A through F of this title.

22 “(F) PROJECT-BASED VOUCHER ASSIST-
23 ANCE.—50 percent of funds used each year
24 pursuant to paragraph (13) of section 8(o) of
25 the United States Housing Act of 1937 (42

1 U.S.C. 1437f(o)(13)) for the duration of the
2 applicable housing assistance payments con-
3 tract.

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

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

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

20 “(J) GENERAL STATE REVENUE.—Any
21 other State or unit of general local government
22 revenue that is not derived from Federal
23 sources, including any State tax revenue.

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

4 “(A) eligible activities relating to afford-
5 able housing; or

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

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

13 “(f) GRANTS FOR INELIGIBLE RECIPIENTS AND RE-
14 CIPIENTS WITH INSUFFICIENT MATCHING CONTRIBU-
15 TIONS.—

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

19 “(A) ALLOCATION FOR INELIGIBLE RE-
20 CIPIENT.—With respect to each ineligible recipi-
21 ent, the amount of the allocation for the State
22 or participating local jurisdiction for such fiscal
23 year determined under subsection (c).

24 “(B) UNMATCHED PORTION OF ALLOCA-
25 TION.—With respect to any eligible recipient for

1 which the amount of the grant assistance for
2 such fiscal year is determined under subsection
3 (d)(2), the amount by which the allocation de-
4 termined under subsection (c) for the eligible
5 recipient for the fiscal year exceeds the grant
6 assistance for the eligible recipient for the fiscal
7 year.

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

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

1 “(A) a certification that the applicant will
2 provide supplemental amounts in accordance
3 with paragraph (5)(B)(i); and

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

6 “(4) SELECTION CRITERIA.—The Secretary
7 shall, by regulation, establish criteria for selecting
8 applicants that meet the requirements of paragraph
9 (3) for funding under this subsection. Such criteria
10 shall give priority to applications that provide that
11 grant amounts under this subsection will be used for
12 eligible activities relating to affordable housing that
13 is located in the State for which such grant funds
14 were originally allocated under subsection (c).

15 “(5) AWARD AND USE OF GRANT ASSIST-
16 ANCE.—

17 “(A) AWARD OF GRANTS.—Subject only to
18 the absence of applications meeting the require-
19 ments of paragraph (3), upon the expiration of
20 the period referred to in such paragraph, the
21 Secretary shall select an applicant or applicants
22 under this subsection to receive the amounts
23 available under paragraph (1) and shall make a
24 grant or grants to such applicant or applicants.

1 The selection shall be based upon the criteria
2 established under paragraph (4).

3 “(B) GRANT REQUIREMENTS.—Grant as-
4 sistance under this subsection shall be subject
5 to the following requirements:

6 “(i) MATCHING AMOUNTS.—The
7 grantee shall supplement any grant
8 amounts received under this subsection
9 with an amount equal to 25 percent of
10 such grant amounts.

11 “(ii) USE.—Grant amounts received
12 under this subsection shall be used in ac-
13 cordance with an allocation plan that
14 meets the requirements of section 295(e)
15 and provides that any assistance provided
16 to the applicant under this subsection, and
17 any supplemental amounts provided by the
18 applicant pursuant to clause (i), shall be
19 used only to carry out eligible activities.

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

21 “(a) DISTRIBUTION TO ELIGIBLE ENTITIES.—Each
22 eligible recipient that receives a grant under this subtitle
23 shall distribute the grant amounts (excluding any amounts
24 used under subsection (b)) to eligible entities for use by

1 such entities only for eligible activities in the jurisdiction
2 of the eligible recipient, as follows:

3 “(1) USE FOR RENTAL HOUSING FOR EX-
4 TREMELY LOW-INCOME FAMILIES.—Not less than 50
5 percent of such amounts shall be distributed for use
6 only for eligible activities relating to affordable hous-
7 ing in the jurisdiction of the eligible recipient that
8 is available for rental by families (as such term is
9 defined in section 3(b) of the United States Housing
10 Act of 1937 (42 U.S.C. 1437a(b))) whose incomes
11 do not exceed 30 percent of the greater of—

12 “(A) the median family income for the
13 area in which the housing is located, as deter-
14 mined by the Secretary with adjustments for
15 smaller and larger families; and

16 “(B) the median family income for the
17 State in which the housing is located, as deter-
18 mined by the Secretary with adjustments for
19 smaller and larger families.

20 Such rental housing shall include limited equity co-
21 operative housing, as such term is defined in section
22 143(k) of the Internal Revenue Code of 1986 (26
23 U.S.C 143(k)).

24 “(2) USE FOR RENTAL HOUSING FOR MINIMUM
25 WAGE-INCOME FAMILIES.—Not less than 40 percent

1 of such amounts shall be distributed for use only for
2 eligible activities relating to affordable housing in
3 the jurisdiction of the eligible recipient that is avail-
4 able for rental by families (as such term is defined
5 in section 3(b) of the United States Housing Act of
6 1937 (42 U.S.C. 1437a(b))) whose incomes do not
7 exceed the amount earned by one individual who is
8 employed on a full-time basis in a position that pays
9 the greater of—

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

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

15 Such rental housing shall include limited equity co-
16 operative housing, as such term is defined in section
17 143(k) of the Internal Revenue Code of 1986 (26
18 U.S.C 143(k)).

19 “(3) USE FOR RENTAL HOUSING OR HOME-
20 OWNERSHIP ASSISTANCE FOR LOW-INCOME FAMI-
21 LIES.—Not more than 25 percent of such amounts
22 shall be distributed for use only for eligible activities
23 relating to affordable housing in the jurisdiction of
24 the eligible recipient that is available for rental by
25 families (as such term is defined in section 3(b) of

1 the United States Housing Act of 1937 (42 U.S.C.
2 1437a(b))) whose incomes do not exceed 80 percent
3 of the greater of—

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

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

12 or for homeownership assistance for such families in
13 the jurisdiction of the eligible recipient. Such rental
14 housing and homes for homeownership shall include
15 housing of a cooperative housing corporation, as
16 such term is defined in section 216(b) of the Inter-
17 nal Revenue Code of 1986 (26 U.S.C 216(b)).

18 “(b) OPERATING ASSISTANCE FOR NONPROFIT
19 HOUSING DEVELOPMENT ORGANIZATIONS.—An eligible
20 entity that receives a grant under this subtitle may use
21 not more than 10 percent of such grant amounts to pro-
22 vide assistance to nonprofit organizations involved in the
23 development, rehabilitation, or preservation of affordable
24 rental housing for payment of operating costs of such or-
25 ganizations. Such nonprofit organizations shall include

1 community housing development organizations (as such
2 term is defined in section 104 of the Cranston-Gonzalez
3 National Affordable Housing Act (42 U.S.C. 12704)),
4 community development financial institutions (as such
5 term is defined in section 103 of the Community Develop-
6 ment Banking and Financial Institutions Act of 1994 (12
7 U.S.C. 4702)), community development corporations (as
8 such term is defined in section 31131 of the National
9 Community Economic Partnership Act of 1994 (42 U.S.C.
10 13851)), and community-based development organiza-
11 tions.

12 “(c) COST LIMITS.—The Secretary shall establish
13 limitations on the amount of grant amounts that may be
14 used, on a per unit basis, for eligible activities. Such limi-
15 tations shall be the same as the per unit cost limits estab-
16 lished pursuant to section 212(e) of the Cranston-Gon-
17 zalez National Affordable Housing Act (42 U.S.C.
18 12742(e)), as adjusted annually, and established by num-
19 ber of bedrooms, market area, and eligible activity.

20 “(d) ELIGIBLE RECIPIENTS.—With respect to a fis-
21 cal year, a State or participating local jurisdiction shall
22 be an eligible recipient for purposes of this subtitle for
23 such fiscal year only if the State or participating local ju-
24 risdiction has established an allocation plan that has been
25 submitted to the Secretary and reviewed and approved by

1 the Secretary as in accordance with subsection (e). The
2 Secretary may disapprove an allocation plan only if the
3 plan fails to comply with requirements set forth in this
4 section.

5 “(e) ALLOCATION PLAN.—

6 “(1) IN GENERAL.—An allocation plan in ac-
7 cordance with this subsection is a plan, established
8 by a State or participating local jurisdiction, as ap-
9 propriate, for a fiscal year, for the distribution of
10 grant amounts provided to the State or participating
11 local jurisdiction under this subtitle for such fiscal
12 year that is based on priority housing needs, as de-
13 termined by the State or participating local jurisdic-
14 tion.

15 “(2) ESTABLISHMENT.—In establishing an allo-
16 cation plan, the State or participating local jurisdic-
17 tion shall notify the public of the establishment of
18 the plan, provide an opportunity for public com-
19 ments regarding the plan, consider any public com-
20 ments received, and make the completed plan avail-
21 able to the public.

22 “(3) CONTENTS.—An allocation plan of a State
23 or participating local jurisdiction shall include the
24 following information:

1 “(A) APPLICATION REQUIREMENTS FOR
2 ELIGIBLE ENTITIES AND SUBRECIPIENTS.—The
3 allocation plan shall set forth the requirements
4 for eligible entities and eligible subrecipients to
5 apply to receive assistance from grant amounts
6 under this subtitle, including a requirement
7 that each such application include—

8 “(i) a description of the eligible activi-
9 ties to be conducted using such assistance;
10 and

11 “(ii) a certification by the applicant
12 that any housing units assisted with such
13 assistance will comply with the require-
14 ments under—

15 “(I) section 296(1)(A) (relating
16 to rents charged);

17 “(II) section 296(1)(B) (relating
18 to tenant rent contribution);

19 “(III) section 296(1)(C) (relating
20 to availability of units for voucher
21 holders);

22 “(IV) section 296(1)(D) (relating
23 to use as affordable housing for 50
24 years);

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

3 “(VI) section 808(d) of the Fair
4 Housing Act (relating to the obliga-
5 tion to affirmatively further fair hous-
6 ing).

7 “(B) SELECTION AND PREFERENCE CRI-
8 TERIA FOR ELIGIBLE ENTITIES AND SUBRECIPI-
9 ENTS.—The allocation plan shall set forth the
10 factors for consideration in selecting among ap-
11 plicants that meet the application requirements
12 set forth pursuant to subparagraph (A), which
13 shall give preference to applicants based on—

14 “(i) the amount of assistance lever-
15 aged by the applicant from private and
16 other non-Federal sources for carrying out
17 the eligible activities to be funded with as-
18 sistance from grant amounts under this
19 subtitle, including assistance made avail-
20 able under section 8 of the United States
21 Housing Act of 1937 (42 U.S.C. 1437f)
22 that is devoted to the project that contains
23 the affordable housing to be assisted with
24 such assistance;

1 “(ii) the extent of local assistance that
2 will be provided in carrying out the eligible
3 activities, including—

4 “(I) financial assistance;

5 “(II) the extent to which the ap-
6 plicant has worked to address issues
7 of siting and exclusionary zoning or
8 other policies that are barriers to af-
9 fordable housing with the unit of gen-
10 eral local government in which the
11 housing to be assisted with such as-
12 sistance will be located; and

13 “(III) the extent to which the ap-
14 plicant has worked with the unit of
15 general local government to reduce
16 the barriers to affordable housing;

17 “(iii) the degree to which the project
18 in which the affordable housing will be lo-
19 cated will have residents of various in-
20 comes;

21 “(iv) the extent of employment and
22 other economic opportunities for low-in-
23 come families in the area in which the
24 housing will be located;

1 “(v) the extent to which the applicant
2 demonstrates the ability to maintain dwell-
3 ing units as affordable housing through the
4 use of assistance made available under this
5 subtitle, assistance leveraged from non-
6 Federal sources, assistance made available
7 under section 8 of the United States Hous-
8 ing Act of 1937 (42 U.S.C. 1437f), State
9 or local assistance, programs to increase
10 tenant income, cross-subsidization, and any
11 other resources;

12 “(vi) the extent to which the applicant
13 demonstrates that the county in which the
14 housing is to be located is experiencing an
15 extremely low vacancy rate;

16 “(vii) the extent to which the percent-
17 age of the housing located in such county
18 that is extremely old housing exceeds 35
19 percent;

20 “(viii) the extent to which the housing
21 assisted with the grant amounts will be ac-
22 cessible to persons with disabilities;

23 “(ix) the extent to which the applicant
24 demonstrates that the affordable housing
25 assisted with the grant amounts will be lo-

1 cated in proximity to public transportation,
2 job opportunities, child care, and commu-
3 nity revitalization projects; and

4 “(x) the extent to which the applicant
5 has provided that assistance from grant
6 amounts made available under this subtitle
7 will be used for eligible activities relating
8 to housing located in census tracts in
9 which the number of families having in-
10 comes less than the poverty line is less
11 than 20 percent.

12 “(4) CONSOLIDATED PLAN.—The Secretary
13 shall provide that a State or local participating juris-
14 diction may comply with the requirements under this
15 subsection for submission of an allocation plan
16 through the inclusion of any appropriate information
17 in a single consolidated submission used for pur-
18 poses of applying for other community planning and
19 development and housing assistance programs ad-
20 ministered by the Secretary.

21 “(f) FORMS OF ASSISTANCE.—

22 “(1) IN GENERAL.—Assistance may be distrib-
23 uted pursuant to this section in the form of capital
24 grants, noninterest bearing or low-interest loans or
25 advances, deferred payment loans, guarantees, and

1 any other forms of assistance approved by the Sec-
2 retary.

3 “(2) REPAYMENTS.—If an eligible recipient
4 awards assistance under this section in the form of
5 a loan or other mechanism by which funds are later
6 repaid to the eligible recipient, any repayments re-
7 ceived by the eligible recipient shall be distributed by
8 the eligible recipient in accordance with the alloca-
9 tion plan under subsection (e) for the eligible recipi-
10 ent for the fiscal year in which such repayments are
11 made.

12 “(g) COORDINATION WITH OTHER ASSISTANCE.—In
13 distributing assistance pursuant to this section, each eligi-
14 ble recipient shall, to the maximum extent practicable, co-
15 ordinate such distribution with the provision of other Fed-
16 eral, State, and local housing assistance, including—

17 “(1) in the case of any State, housing credit
18 dollar amounts allocated by the State under section
19 42(h) of the Internal Revenue Code of 1986;

20 “(2) assistance made available under the
21 HOME Investment Partnerships Act (42 U.S.C.
22 12721 et seq.) or the community development block
23 grant program under title I of the Housing and
24 Community Development Act of 1974 (42 U.S.C.
25 5301 et seq.);

1 “(3) private activity bonds;

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

5 “(5) assistance made available under section
6 8(o) of the United States Housing Act of 1937 (42
7 U.S.C. 1437f(o));

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

11 “(7) any other housing assistance programs.

12 “(h) EFFECT OF ASSISTANCE UNDER PROGRAM.—
13 Notwithstanding any other provision of law, the provision
14 of assistance under this subtitle for a project shall not re-
15 duce the amount of assistance for which such project is
16 otherwise eligible under section 42(h) of the Internal Rev-
17 enue Code of 1986 (26 U.S.C. 42(h)) or subtitles A
18 through F of this title, if the project does not exceed the
19 cost limits established pursuant to subsection (c) of this
20 section.

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

1 “(j) LABOR STANDARDS.—Each eligible recipient re-
2 ceiving grant amounts under this subtitle shall ensure that
3 contracts for eligible activities assisted with such amounts
4 comply with the same requirements under section 286 of
5 the Cranston-Gonzalez National Affordable Housing Act
6 (42 U.S.C. 12836) that are applicable to contracts for
7 construction of affordable housing assisted under such
8 Act.

9 “(k) FAILURE TO COMPLY.—If the Secretary finds
10 after reasonable notice and opportunity for hearing that
11 a State or participating local jurisdiction has failed to
12 comply substantially with any provision of this subtitle
13 and until the Secretary is satisfied that there is no longer
14 any such failure to comply, the Secretary shall have the
15 authority to discontinue assistance under this subtitle to
16 the State or participating local jurisdiction.

17 **“SEC. 296. DEFINITIONS.**

18 “For purposes of this subtitle, the following defini-
19 tions shall apply:

20 “(1) AFFORDABLE HOUSING.—The term ‘af-
21 fordable housing’ means a rental dwelling unit that
22 is subject to legally binding commitments that en-
23 sure that the dwelling unit meets all of the following
24 requirements:

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

3 “(i) the existing fair market rental es-
4 tablished by the Secretary under section
5 8(c) of the United States Housing Act of
6 1937 (42 U.S.C. 1437f(c)) for a dwelling
7 unit of the same size in the same market
8 area, or the applicable payment standard
9 for assistance under section 8(o) of such
10 Act, if higher; and

11 “(ii) a rent that does not exceed 30
12 percent of the adjusted income of a family
13 whose income equals 65 percent of the me-
14 dian income for the area, as determined by
15 the Secretary, with adjustment for number
16 of bedrooms in the unit, except that the
17 Secretary may establish income ceilings
18 higher or lower than 65 percent of the me-
19 dian for the area on the basis of the find-
20 ings of the Secretary that such variations
21 are necessary because of prevailing levels
22 of construction costs or fair market rents,
23 or unusually high or low family incomes.

24 “(B) TENANT RENT CONTRIBUTION.—The
25 contribution toward rent by the family residing

1 in the dwelling unit will not exceed 30 percent
2 of the adjusted income of such family.

3 “(C) AVAILABILITY OF UNITS FOR VOUCHER
4 HOLDERS.—The dwelling unit—

5 “(i) is located in a project within
6 which a percentage of units are made
7 available only for occupancy by families as-
8 sisted under the voucher program under
9 section 8(o) of the United States Housing
10 Act of 1937 (42 U.S.C. 1437f(o)) (includ-
11 ing project-based assistance under section
12 8(o)(13)) on the same basis as other fami-
13 lies eligible for occupancy of the project
14 (except that only the voucher holder’s ex-
15 pected share of rent shall be considered),
16 which percentage shall not be less than the
17 percentage of the total cost of developing,
18 rehabilitating, or preserving the project
19 that is funded with assistance under this
20 subtitle; and

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

23 “(D) NON-DISCRIMINATION AGAINST
24 VOUCHER HOLDERS.—The dwelling unit is lo-
25 cated in a project in which all dwelling units

1 are subject to enforceable restrictions that pro-
2 vide that a unit may not be refused for leasing
3 to a holder of a voucher of eligibility under sec-
4 tion 8 of the United States Housing Act of
5 1937 (42 U.S.C. 1437f) because of the status
6 of the prospective tenant as a holder of such
7 voucher.

8 “(E) MIXED INCOME.—

9 “(i) IN GENERAL.—The dwelling unit
10 is located in a project in which not more
11 than 50 percent of the rental units in the
12 project that receive assistance under this
13 subtitle and are not previously occupied
14 may be rented initially to families with in-
15 comes described in section 295(a)(1), as
16 determined at a reasonable time before oc-
17 cupancy.

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

21 “(I) located in a census tract in
22 which the number of families having
23 incomes less than the poverty line is
24 less than 20 percent;

1 “(II) located in a rural area, as
2 such term is defined in section 520 of
3 the Housing Act of 1949 (42 U.S.C.
4 1490); or

5 “(III) specifically made available
6 only for households comprised of el-
7 derly families or disabled families.

8 “(F) DURATION OF USE.—The dwelling
9 unit will continue to be subject to the require-
10 ments under this paragraph for not less than
11 50 years.

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

15 “(A) the construction of new housing;

16 “(B) the acquisition of real property;

17 “(C) site preparation and improvement, in-
18 cluding demolition;

19 “(D) rehabilitation of existing housing;

20 “(E) the provision of project-based rental
21 assistance for not more than 12 months for a
22 dwelling unit assisted with grant amounts
23 under this subtitle; and

24 “(F) providing incentives to maintain ex-
25 isting housing as affordable housing and to es-

1 tablish or extend any low-income affordability
2 restrictions for such housing, including covering
3 capital expenditures and operating costs.

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

10 “(4) ELIGIBLE PARTICIPATING LOCAL JURIS-
11 DICTION.—The term ‘eligible participating local ju-
12 risdiction’ means a participating local jurisdiction
13 that complies with the requirements under section
14 295(d).

15 “(5) ELIGIBLE RECIPIENT.—The term ‘eligible
16 recipient’ means an eligible State or eligible partici-
17 pating local jurisdiction.

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

21 “(7) ELIGIBLE SUBRECIPIENT.—The term ‘eli-
22 gible subrecipient’ means a public agency or a non-
23 profit organization, including a community develop-
24 ment corporation, a community development finan-
25 cial institution, a State or local housing trust fund,

1 and any other intermediary selected by a State or
2 participating local jurisdiction to administer all or a
3 portion of the State’s or participating local jurisdic-
4 tion’s responsibilities under this subtitle. The term
5 does not include any public agency or nonprofit or-
6 ganization that receives money from the Trust Fund
7 solely as a developer or owner of housing.

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

11 “(9) EXTREMELY OLD HOUSING.—The term
12 ‘extremely old housing’ means housing that is 45
13 years old or older.

14 “(10) FISCAL DISTRESS; SEVERE FISCAL DIS-
15 TRESS.—The terms ‘fiscal distress’ and ‘severe fiscal
16 distress’ have the meanings given such terms in sec-
17 tion 220(d).

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

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

1 “(13) PARTICIPATING LOCAL JURISDICTION.—

2 The term ‘participating local jurisdiction’ means,
3 with respect to a fiscal year, any unit of general
4 local government (as such term is defined in section
5 104 of the Cranston-Gonzalez National Affordable
6 Housing Act (42 U.S.C. 12704) that qualifies as a
7 participating jurisdiction under the HOME Invest-
8 ment Partnerships Act for such fiscal year.

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

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

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

19 “(17) TRUST FUND.—The term ‘Trust Fund’
20 means the National Affordable Housing Trust Fund
21 established under section 292.

22 **“SEC. 297. AUTHORIZATION OF APPROPRIATIONS FOR SEC-**
23 **TION 8 PROJECT-BASED ASSISTANCE.**

24 “There are authorized to be appropriated, for project-
25 based rental assistance under section 8(o)(13) of the

1 United States Housing Act of 1937 (42 U.S.C.
2 1437f(o)(13)) provided in connection with dwelling units
3 assisted under this subtitle, such sums as may be nec-
4 essary for each fiscal year to provide such rental assist-
5 ance on behalf of each family who occupied a dwelling unit
6 assisted under this subtitle for which the rent that other-
7 wise may be charged exceeds 30 percent of the family's
8 adjusted income, as such term is defined in section 3 of
9 the United States Housing Act of 1937 (42 U.S.C.
10 1437a).

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

12 “Except as specifically provided in this subtitle, no
13 requirement under, or provision of, title I or subtitles A
14 through F of this title shall apply to assistance provided
15 under this subtitle.

16 **“SEC. 299. REGULATIONS.**

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

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

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

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

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

11 (a) SECTION 202 SUPPORTIVE HOUSING FOR THE
12 ELDERLY.—Section 202 of the Housing Act of 1959 (12
13 U.S.C. 1701q) is amended by striking the last two sub-
14 sections (both designated as subsection (m)) and inserting
15 the following new subsection:

16 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated for providing grants
18 under this section \$1,426,000,000 for fiscal year 2007
19 and such sums as may be necessary for each of fiscal years
20 2008, 2009, 2010, and 2011.”.

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

25 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
26 is authorized to be appropriated for providing assistance

1 under this section \$502,000,000 for fiscal year 2007 and
 2 such sums as may be necessary for each of fiscal years
 3 2008, 2009, 2010, and 2011. Not less than 30 percent
 4 of the amounts made available for each fiscal year for pro-
 5 viding assistance under this section shall be used only for
 6 providing permanent housing for individuals and families
 7 who are homeless (as such term is defined in section 103
 8 of the McKinney-Vento Homeless Assistance Act (42
 9 U.S.C. 11302)).”.

10 (c) HOME INVESTMENT PARTNERSHIPS PRO-
 11 GRAM.—Section 205 of the Cranston-Gonzalez National
 12 Affordable Housing Act (42 U.S.C. 12724) is amended to
 13 read as follows:

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

15 “There is authorized to be appropriated to carry out
 16 this title \$4,000,000,000 for fiscal year 2007, and such
 17 sums as may be necessary for each of fiscal years 2008,
 18 2009, 2010, and 2011, of which—

19 “(1) not more than \$28,000,000 for fiscal year
 20 2007 and such sums as may be necessary in each of
 21 fiscal years 2008, 2009, 2010, and 2011, shall be
 22 for community housing partnership activities author-
 23 ized under section 233; and

24 “(2) not more than \$22,000,000 for fiscal year
 25 2007 and such sums as may be necessary in each of

1 fiscal years 2008, 2009, 2010, and 2011, shall be
2 for activities in support of State and local housing
3 strategies authorized under subtitle C.”.

4 **SEC. 224. HUD RURAL HOUSING AND ECONOMIC DEVELOP-**
5 **MENT PROGRAM.**

6 There is authorized to be appropriated for grants,
7 through the Office of Rural Housing and Economic Devel-
8 opment of the Department of Housing and Urban Devel-
9 opment, to Indian tribes, State housing finance agencies,
10 local rural nonprofit organizations, and community devel-
11 opment organizations, for support of innovative housing
12 and economic development activities in rural areas,
13 \$25,000,000 for fiscal year 2007 and such sums as may
14 be necessary for each of fiscal years 2008, 2009, 2010,
15 and 2011.

16 **SEC. 225. RURAL HOUSING PROGRAMS.**

17 (a) RURAL RENTAL ASSISTANCE.—Subsection (c) of
18 section 513 of the Housing Act of 1949 (42 U.S.C.
19 1483(c)) is amended by striking the subsection designa-
20 tion and all that follows through the end of paragraph (1)
21 and inserting the following:

22 “(c) RENTAL ASSISTANCE.—(1) The Secretary may,
23 to the extent approved in appropriations Acts, enter into
24 rental assistance payments contracts under section
25 521(a)(2)(A) aggregating \$814,000,000 for fiscal year

1 2007 and such sums as may be necessary for each of fiscal
2 years 2008, 2009, 2010, and 2011.”.

3 (b) FARM LABOR HOUSING LOANS.—Section
4 513(a)(1) of the Housing Act of 1949 (42 U.S.C.
5 1483(a)(1)) is amended—

6 (1) in the matter preceding subparagraph (A),
7 by inserting “and during fiscal years 2007 through
8 2011,” after “respectively,”; and

9 (2) by striking subparagraph (D) and inserting
10 the following new subparagraph:

11 “(D) For insured loans under section 514,
12 \$50,000,000 for fiscal year 2007, and such sums as
13 may be necessary for each of fiscal years 2008,
14 2009, 2010, and 2011.”.

15 (c) FARM LABOR HOUSING GRANTS.—Section
16 513(b) of the Housing Act of 1949 (42 U.S.C. 1483(b))
17 is amended—

18 (1) in the matter preceding paragraph (1), by
19 inserting “, and for fiscal years 2007 through
20 2011,” after “1994,”; and

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

23 “(A) for low-rent housing and related fa-
24 cilities for domestic farm labor under sub-
25 sections (a) through (J) of such section,

1 \$30,000,000 for fiscal year 2007, and such
 2 sums as may be necessary for each of fiscal
 3 years 2008, 2009, 2010, and 2011; and”.

4 **SEC. 226. DEPARTMENT OF VETERANS AFFAIRS HOMELESS**
 5 **COMPREHENSIVE SERVICES PROGRAMS.**

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

9 “(3) \$120,000,000 for fiscal year 2007.

10 “(4) \$120,000,000 for fiscal year 2008.

11 “(5) Such sums as may be necessary for fiscal
 12 years 2009 through 2011.”.

13 **Subtitle B—Federal Homelessness**
 14 **to Housing Mutual Mortgage As-**
 15 **sociation**

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

17 (a) SHORT TITLE.—This subtitle may be cited as the
 18 “Federal Homelessness to Housing Mutual Mortgage As-
 19 sociation Act”.

20 (b) STATEMENT OF PURPOSE.—It is the purpose of
 21 the Federal Homelessness to Housing Mutual Mortgage
 22 Association to provide housing and homeownership oppor-
 23 tunities, in a cooperative housing association, for homeless
 24 families and individuals by—

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

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

5 **SEC. 232. ESTABLISHMENT.**

6 (a) IN GENERAL.—There is hereby established the
7 Federal Homelessness to Housing Mutual Mortgage Asso-
8 ciation, otherwise to be known as “Hollie Mae”, which
9 shall be a body corporate under the direction of a Board
10 of Directors. Within the limitations of law and regulation,
11 the Board of Directors shall determine the general policies
12 that govern the operations of the Association.

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

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

23 (d) BOARD OF DIRECTORS.—

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

4 (A) CLASS A TENANT-SHAREHOLDER MEM-
5 BERS.—9 members, who shall be individuals
6 who are tenant-shareholders of mutual housing
7 sponsored and managed by the Association, and
8 who shall be elected pursuant to an election in
9 which only tenant-shareholders of such housing
10 are eligible to vote.

11 (B) CLASS B BOARD-NOMINATED MEM-
12 BERS.—9 members, who shall meet such cri-
13 teria regarding experience as the Board shall
14 establish in the areas of low-income housing, fi-
15 nance, supportive services, real estate manage-
16 ment, cooperative business, local government,
17 and advocacy and services for homeless persons,
18 and who shall be elected pursuant to an election
19 in which only tenant-shareholders of mutual
20 housing sponsored and managed by the Associa-
21 tion may vote, from among qualified persons
22 nominated by existing members of the Board
23 under this subparagraph.

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

4 (2) TERMS.—

5 (A) CLASS A MEMBERS.—Each member of
6 the Board of Directors pursuant to paragraph
7 (1)(A) shall be elected for a term of 3 years, ex-
8 cept that, as designated at the time of election,
9 of such members first elected pursuant to para-
10 graph (5)(C), 3 members shall be elected for
11 terms of 1 year and 3 members shall be elected
12 for terms of 2 years.

13 (B) CLASS B MEMBERS.—Each member of
14 the Board of Directors pursuant to paragraph
15 (1)(B) shall be elected for a term of 3 years,
16 except that, as designated at the time of elec-
17 tion, of such members first elected pursuant to
18 paragraph (5)(C), 3 members shall be elected
19 for terms of 1 year and 3 members shall be
20 elected for terms of 2 years.

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

24 (3) VACANCIES.—Any appointive seat on the
25 Board of Directors that becomes vacant shall be

1 filled by appointment by the President of the United
2 States, but only for the unexpired portion of the
3 term. Any elective seat on the Board of Directors
4 that becomes vacant shall be filled by the Board of
5 Directors, but only for the unexpired portion of the
6 term.

7 (4) PROHIBITION ON COMPENSATION.—Any
8 member of the Board of Directors who is a full-time
9 officer or employee of the Federal Government shall
10 not, as such member, receive compensation for serv-
11 ices as such a member.

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

15 (A) MEMBERS.—The initial Board shall
16 have 9 members—

17 (i) 6 of whom shall be appointed by
18 the Interagency Council on the Homeless
19 after a call for nominations, which shall be
20 made by public notice; and

21 (ii) 3 of whom shall be appointed by
22 the National Cooperative Bank.

23 (B) TERM OF OPERATIONS.—The initial
24 Board shall serve until the expiration of the
25 180-day period beginning upon the Association

1 having obtained occupancy certificates for three
2 mutual housing cooperatives sponsored by the
3 Association.

4 (C) TRANSITION.—During the period re-
5 ferred to in subparagraph (B), the initial Board
6 shall nominate qualified persons for election to
7 the Board pursuant to paragraph (1)(B), elec-
8 tions pursuant to paragraph (2) shall be held
9 for members of the Board pursuant to subpara-
10 graphs (A) and (B) of paragraph (1), and
11 members pursuant to paragraph (1)(C) shall be
12 appointed.

13 **SEC. 233. POWERS AND AUTHORITIES.**

14 (a) CORPORATE POWERS.—The Association shall
15 have power—

- 16 (1) to adopt, alter, and use a corporate seal;
17 (2) to have succession until dissolved by Act of
18 Congress;
19 (3) to make and enforce such bylaws, rules, and
20 regulations as may be necessary or appropriate to
21 carry out the purposes or provisions of this subtitle;
22 (4) to make and perform contracts, agreements,
23 and commitments;
24 (5) to prescribe and impose fees and charges
25 for services by the Association;

1 (6) to settle, adjust, and compromise, and with
2 or without consideration or benefit to the Associa-
3 tion to release or waive in whole or in part, in ad-
4 vance or otherwise, any claim, demand, or right of,
5 by, or against the Association;

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

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

10 (9) to determine its necessary expenditures and
11 the manner in which the same shall be incurred, al-
12 lowed, and paid, and appoint, employ, and fix and
13 provide for the compensation and benefits of offi-
14 cers, employees, attorneys, and agents as the Board
15 of Directors determines reasonable and comparable
16 with compensation for employment in other similar
17 nonprofit businesses.

18 (b) EXEMPTION FROM STATE TAXATION.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), the Association, including its franchise,
21 activities, capital, reserves, surplus, and income,
22 shall be exempt from all taxation now or hereafter
23 imposed by any territory, dependency, or possession
24 of the United States or by any State, county, mu-
25 nicipality, or local taxing authority.

1 (2) TREATMENT OF REAL PROPERTY TAXES.—

2 In the case of any real property of the Association
3 that is disposed of by the Association or the use of
4 which changes from mutual housing use to any other
5 use, the Association shall be liable for payment of
6 any taxes that would have been incurred during the
7 3-year period ending up such disposition or change
8 of use but for paragraph (1).

9 (c) ACTIONS.—Notwithstanding section 1349 of title
10 28, United States Code, or any other provision of law—

11 (1) the Association shall be deemed to be an
12 agency included in sections 1345 and 1442 of such
13 title 28;

14 (2) all civil actions to which the Association is
15 a party shall be deemed to arise under the laws of
16 the United States, and the district courts of the
17 United States shall have original jurisdiction of all
18 such actions, without regard to amount or value;
19 and

20 (3) any civil or other action, case or controversy
21 in a court of a State, or in any court other than a
22 district court of the United States, to which the As-
23 sociation is a party may at any time before the trial
24 thereof be removed by the Association, without the
25 giving of any bond or security, to the district court

1 of the United States for the district and division em-
2 bracing the place where the same is pending, or, if
3 there is no such district court, to the district court
4 of the United States for the district in which the
5 principal office of the Association is located, by fol-
6 lowing any procedure for removal of causes in effect
7 at the time of such removal.

8 (d) INVESTMENT OF FUNDS.—Funds of the Associa-
9 tion may be invested in such investments as the Board
10 of Directors may prescribe. Any Federal Reserve bank or
11 Federal home loan bank, or any bank as to which at the
12 time of its designation by the Association there is out-
13 standing a designation by the Secretary of the Treasury
14 as a general or other depository of public money, may be
15 designated by the Association as a depository or custodian
16 or as a fiscal or other agent of the Association, and is
17 hereby authorized to act as such depository, custodian, or
18 agent.

19 **SEC. 234. MUTUAL HOUSING OPERATIONS.**

20 (a) IN GENERAL.—The Association may develop,
21 support, finance, construct, acquire, reconstruct, rehabili-
22 tate, assist, own, operate, manage, hold, and otherwise
23 deal in mutual housing.

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

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

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

7 (3) in which a right to permanent occupancy of
8 a dwelling unit is granted to the member, contingent
9 upon payment of a housing charge and fulfillment of
10 such other obligations of membership in the Associa-
11 tion as may be established by the Board of Direc-
12 tors;

13 (4) the management and operation of which is
14 governed by the Board of Directors, with the advice
15 of a council of residents of the housing as the Board
16 shall establish; and

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

21 (c) HOUSING AFFORDABILITY, TYPES, TARGETING,
22 AND OCCUPANCY PRIORITY.—Mutual housing supported,
23 developed, or held by the Association shall comply with
24 the following requirements:

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

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

7 (A) for occupancy by families; or

8 (B) as single room occupancy dwellings ap-
9 propriate for occupancy by individuals.

10 (3) INCOME TARGETING.—All dwelling units in
11 the housing may be reserved for occupancy by
12 low-, very low-, and extremely low-income families
13 with modest or intermittent needs for other sup-
14 portive services.

15 (4) OCCUPANCY PRIORITY.—

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

19 (i) during the 12-month period ending
20 upon initial occupancy, were homeless (as
21 such term is defined in section 103 of the
22 McKinney-Vento Homeless Assistance Act
23 (42 U.S.C. 11302); or

24 (ii) during the 24-month period end-
25 ing upon initial occupancy, received assist-

1 ance under a State program funded under
2 part A of title IV of the Social Security
3 Act.

4 (B) SECONDARY PRIORITY.—Priority, sec-
5 ondary to that provided pursuant to subpara-
6 graph (A), for occupancy in the housing shall
7 be provided to individuals and families holding
8 a voucher for rental assistance under section
9 8(o) of the United States Housing Act of 1937
10 (42 U.S.C. 1437f(o)) or other similar tenant-
11 based rental assistance.

12 (C) GENERAL AVAILABILITY OF UNITS.—If
13 there are insufficient individuals and families
14 that qualify for priorities under subparagraphs
15 (A) and (B) to fill all the dwelling units in the
16 housing, dwelling units may be made available
17 to other individuals and families that meet the
18 income requirements for occupancy in the hous-
19 ing.

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

23 **SEC. 235. FINANCING.**

24 (a) AUTHORIZATION OF APPROPRIATIONS FOR
25 START-UP.—There is authorized to be appropriated to the

1 Association for assistance for the supporting and devel-
2 oping mutual housing and costs of the Association in car-
3 rying out its functions—

- 4 (1) \$50,000,000 for fiscal year 2007;
- 5 (2) \$100,000,000 for fiscal year 2008; and
- 6 (3) \$150,000,000 for fiscal year 2009.

7 (b) OBLIGATIONS AND SECURITIES.—

8 (1) AUTHORITY TO ISSUE.—The Association
9 may, upon such terms and conditions as the Board
10 of Directors may prescribe, borrow, give security,
11 pay interest or other return, and issue notes, deben-
12 tures, bonds, and other obligations and securities.

13 (2) TREASURY APPROVAL.—Any notes, deben-
14 tures, or substantially identical types of unsecured
15 obligations of the Association evidencing money bor-
16 rowed, whether general or subordinated, shall be
17 issued upon the approval of the Secretary of the
18 Treasury and shall have such maturities and bear
19 such rate or rates of interest as may be determined
20 by the Association with the approval of the Sec-
21 retary of the Treasury.

22 (c) TEMPORARY AUTHORITY TO BORROW FROM
23 TREASURY.—

24 (1) IN GENERAL.—The Secretary of the Treas-
25 ury may purchase any obligations issued under sub-

1 section (b). For such purpose, the Secretary may use
2 a public debt transaction the proceeds of the sale of
3 any securities issued under chapter 31 of title 31,
4 United States Code, and the purposes for which se-
5 curities may be issued under such chapter are ex-
6 tended to include such purpose.

7 (2) LIMITATIONS ON AMOUNT AND TIMING.—

8 The Secretary of the Treasury shall not at any time
9 purchase any obligations under this subsection—

10 (A) after the expiration of the 3-year pe-
11 riod beginning upon the date of the enactment
12 of the first appropriation Act that provides
13 amounts for the Association pursuant to sub-
14 section (a); or

15 (B) if the purchase would increase the ag-
16 gregate principal amount of the outstanding
17 holdings of obligations under this subsection by
18 the Secretary to an amount greater than
19 \$100,000,000.

20 (3) TERMS AND CONDITIONS.—Each purchase

21 of obligations by the Secretary of the Treasury
22 under this subsection shall be upon terms and condi-
23 tions established to yield a rate of return determined
24 by the Secretary of the Treasury to be appropriate,
25 taking into consideration the current average rate on

1 outstanding marketable obligations of the United
2 States as of the last day of the month preceding the
3 making of the purchase.

4 (4) SALE.—The Secretary of the Treasury may
5 at any time sell, upon terms and conditions and at
6 prices determined by the Secretary, any of the obli-
7 gations acquired by the Secretary under this sub-
8 section.

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

14 (d) SENSE OF CONGRESS REGARDING FINANCING.—
15 It is the sense of the Congress that—

16 (1) in order to facilitate the raising of capital
17 by the Association to carry out its functions, interest
18 on revenue bonds of the Association should be treat-
19 ed under Federal law as exempt from Federal tax-
20 ation;

21 (2) operating funds for housing provided by the
22 Association should be derived wholly from the
23 monthly payments made by, or on behalf of, resi-
24 dents of the cooperative housing of the Association;
25 and

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

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

7 (a) COMMUNITY REINVESTMENT ACT CREDIT.—In
8 assessing and taking into account, under section 804(a)
9 of the Community Reinvestment Act of 1977 (12 U.S.C.
10 2903(a)), the record of any regulation financial institu-
11 tion, the appropriate Federal financial supervisory agency
12 (as defined in section 803(1) of such Act) may consider
13 as a factor investments in mutual housing supported by
14 the Association in determining whether the institution is
15 meeting the credit needs of its community for purposes
16 of such section 804(a).

17 (b) HUD MORTGAGEE PROGRAMS.—The Secretary
18 of Housing and Urban Development shall treat the Asso-
19 ciation as an eligible mortgagee for purposes of participa-
20 tion in all single family and multifamily mortgage insur-
21 ance programs under the National Housing Act (12
22 U.S.C. 1701 et seq.), except that such participation shall
23 be subject to the authority of the Mortgage Review Board
24 under section 202 of such Act (12 U.S.C. 1708).

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

9 (d) FANNIE MAE.—Section 302(b) of the Federal
10 National Mortgage Association Charter Act (12 U.S.C.
11 1717(b)) is amended by adding at the end the following
12 new paragraph:

13 “(7) The corporation may purchase, service, sell lend
14 on the security of, and otherwise deal in loans or advances
15 of credit secured by any first or subsequent mortgage or
16 other lien on mutual housing that is owned or leased by
17 the Federal Homeownership Mutual Mortgage Associa-
18 tion. Such mortgages shall meet any purchase standards
19 otherwise established by the corporation pursuant to sec-
20 tion 304(a).”

21 (e) FREDDIE MAC.—Section 305(a) of the Federal
22 Home Loan Mortgage Corporation Act (12 U.S.C.
23 1454(a)) is amended by adding at the end the following
24 new paragraph:

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

9 (f) GINNIE MAE.—The first sentence of section
10 306(g)(1) of the National Housing Act (12 U.S.C.
11 1721(g)(1)) is amended by inserting before the period at
12 the end the following: “; or a trust or pool or composed
13 of mortgages on mutual housing that is owned or leased
14 by the Federal Homeownership Mutual Mortgage Associa-
15 tion”.

16 (g) REVENUE BONDS AND TAX CREDITS.—

17 (1) MUTUAL HOUSING BONDS TREATED AS
18 QUALIFIED MORTGAGE BONDS.—Any bond which is
19 issued as part of an issue by a State or political sub-
20 division thereof for the purpose of providing mutual
21 housing developed by the Association to members of
22 a limited equity cooperative shall be treated as a
23 qualified mortgage bond for purposes of section 143
24 of the Internal Revenue Code of 1986 (relating to
25 qualified mortgage bonds). For purposes of the pre-

1 ceding sentence, section 143(d) of such Code shall
2 be applied by substituting “80 percent” for “95 per-
3 cent”.

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

9 (3) CREDIT MAY BE TRANSFERRED.—Nothing
10 in any law or rule of law shall be construed to limit
11 the transferability of the credit allowed to the Asso-
12 ciation by sections 42 and 47 of the Internal Rev-
13 enue Code of 1986 (relating to low-income housing
14 credit and rehabilitation credit) through sale and re-
15 purchase agreements.

16 (h) CDBG AND HOME.—Notwithstanding any other
17 provision of law—

18 (1) mutual housing owned or leased by the As-
19 sociation or any affiliate of the Association that is
20 formed for the purpose of owning or leasing mutual
21 housing shall be considered affordable housing for
22 purposes of the HOME Investment Partnerships
23 Act; and

24 (2) the provision of assistance for the develop-
25 ment of such mutual housing shall be considered an

1 activity eligible for assistance under title I of the
2 Housing and Community Development Act of 1974
3 (42 U.S.C. 5301 et seq.).

4 (i) SECTION 8 HOMEOWNERSHIP PROGRAM.—Not-
5 withstanding any other provision of law, homeownership
6 assistance under section 8(y) of the United States Hous-
7 ing Act of 1937 (42 U.S.C. 1437f(y)) may be used in con-
8 nection with fulfilling the financial obligations for mem-
9 bership in a mutual housing association operating housing
10 owned or leased by the Association and for residence in
11 housing of such association, in the manner that such as-
12 sistance is made available under such section for owner-
13 ship in a housing cooperative. Such use shall include use
14 of assistance amounts to provide a deposit with the Asso-
15 ciation, on behalf of such a resident, in an amount not
16 exceeding three months carrying charges, which shall be
17 held by the Association and used at the request of the
18 resident and the approval of the Secretary upon financial
19 hardship to the resident, and if not so used shall be recov-
20 ered by the Secretary upon termination of the membership
21 of the resident in the Association.

22 (j) SUPPORTIVE HOUSING.—

23 (1) PARTNERING AUTHORITY.—Mutual housing
24 owned or leased by the Association may be developed
25 as—

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

4 (B) supportive housing for persons with
5 disabilities eligible for assistance under section
6 811 of the Cranston-Gonzalez National Afford-
7 able Housing Act (42 U.S.C. 8013).

8 The Association may enter into such agreements with
9 sponsors of such housing as may be necessary to develop
10 such mutual housing.

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

1 **SEC. 237. OVERSIGHT.**

2 (a) HUD.—The Association shall submit to the Sec-
3 retary of Housing and Urban Development and the Con-
4 gress—

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

6 (A) the mutual housing activities of the
7 Association; and

8 (B) the financial condition and operations
9 of the Association; and

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

12 (b) TREASURY.—During the period set forth in sec-
13 tion 235(c)(2)(A), the Association shall submit to the Sec-
14 retary of the Treasury, on an annual basis, a report re-
15 garding the financial condition and operations of the Asso-
16 ciation, including any borrowing activities of the Associa-
17 tion, that contains such information as the Secretary may
18 require.

19 (c) AUDIT OF FINANCIAL STATEMENTS.—

20 (1) REQUIREMENT.—The Association shall have
21 an annual independent audit made of its financial
22 statements by an independent public accountant in
23 accordance with generally accepted auditing stand-
24 ards. The Association shall submit the audit to the
25 Secretary of Housing and Urban Development.

1 (2) CONTENTS.—In conducting an audit under
2 this subsection, the independent public accountant
3 shall determine and report on whether the financial
4 statements of the Association are presented fairly in
5 accordance with generally accepted accounting prin-
6 ciples.

7 (d) GAO AUDIT AUTHORITY.—

8 (1) IN GENERAL.—The programs, activities, re-
9 ceipts, expenditures, and financial transactions of
10 the Association shall be subject to audit by the
11 Comptroller General of the United States under
12 such rules and regulations as may be prescribed by
13 the Comptroller General. The representatives of the
14 General Accounting Office shall have access to all
15 books, accounts, financial records, reports, files and
16 all other papers, things, or property belonging to or
17 in use by the Association and necessary to facilitate
18 the audit, and they shall be afforded full facilities
19 for verifying transactions with the balances or secu-
20 rities held by depositaries, fiscal agents, and
21 custodians. A report on each such audit shall be
22 made by the Comptroller General to the Congress.
23 The Association shall reimburse the General Ac-
24 counting Office for the full cost of any such audit
25 as billed therefor by the Comptroller General.

1 (2) ACCESS TO AUDIT INFORMATION.—To carry
2 out this subsection, the representatives of the Gen-
3 eral Accounting Office shall have access, upon re-
4 quest to the Association or any auditor for an audit
5 of the Association under subsection (c), to any
6 books, accounts, financial records, reports, files, or
7 other papers, things, or property belonging to or in
8 use by the Association and used in any such audit
9 and to any papers, records, files, and reports of the
10 auditor used in such an audit.

11 **SEC. 238. PROTECTION OF NAME.**

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

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

1 (1) any sign, device, or insignie prescribed or
2 approved by the Association for use or display by the
3 Association,

4 (2) any copy, reproduction, or colorable imita-
5 tion of any such signs, device, or insignie, or

6 (3) any sign, device, or insignie reasonably cal-
7 culated to convey the impression that it is a sign,
8 device, or insignie used by the Association or pre-
9 scribed or approved by the Association,
10 contrary to regulations of the Association prohibiting, or
11 limiting or restricting, such use or display by such indi-
12 vidual or organization.

13 (c) PENALTIES.—An individual or organization vio-
14 lating this section shall for each violation be punished by
15 a fine of not more than \$10,000. An officer or member
16 of an organization participating or knowingly acquiescing
17 in any violation of this section shall be punished by a fine
18 of not more than \$5,000 or imprisonment for not more
19 than one year, or both

20 **SEC. 239. DEFINITIONS.**

21 For purposes of this subtitle, the following definitions
22 shall apply:

23 (1) ASSOCIATION.—The term “Association”
24 means the Federal Homelessness to Housing Mutual
25 Mortgage Association.

1 (2) BOARD OF DIRECTORS.—The term “Board
2 of Directors” means the Board of Directors of the
3 Association.

4 **SEC. 240. TERRITORIAL APPLICABILITY.**

5 Notwithstanding any other law, the Association may
6 carry out mutual housing activities within the several
7 States, the District of Columbia, the Commonwealth of
8 Puerto Rico, the Commonwealth of the Northern Mariana
9 Islands, Guam, the Virgin Islands, American Samoa, and
10 any other territory or possession of the United States.

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

13 **SEC. 271. USE OF FEDERAL SURPLUS PROPERTY TO ASSIST**
14 **THE HOMELESS.**

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

17 (1) in subsection (a), by inserting before the pe-
18 riod at the end of the first sentence the following:
19 “properties in the single-family inventory of the De-
20 partment of Housing and Urban Development, or
21 real properties that are in the custody of the United
22 States as a result of civil or criminal forfeiture pro-
23 ceedings under the Federal Food, Drug, and Cos-
24 metic Act”;

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

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

6 (3) in subsection (i)—

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

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

11 (C) by adding at the end the following new
12 paragraph:

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

16 (4) by adding at the end the following new sub-
17 section:

18 “(j) NOTIFICATION.—The Secretary of Housing and
19 Urban Development, the Secretary of Health and Human
20 Services, and the Director of the Interagency Council on
21 the Homeless shall undertake activities necessary to en-
22 sure that representatives of the homeless are notified of
23 properties available in their localities pursuant to this title
24 and of procedures for applying for such properties.”.

1 **TITLE III—HOMELESS INTER-**
2 **VENTION AND PREVENTION**

3 **SEC. 301. PRESERVATION OF PUBLIC HOUSING DWELLING**
4 **UNITS UNDER HOPE VI.**

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

10 (b) PROHIBITION OF NET LOSS OF DWELLING
11 UNITS.—Section 24 of the United States Housing Act of
12 1937 (42 U.S.C. 1437v) is amended—

13 (1) by redesignating subsections (h) through (o)
14 as subsections (j) through (q), respectively; and

15 (2) by inserting after subsection (g) the fol-
16 lowing new subsection:

17 “(h) PROHIBITION OF NET LOSS OF DWELLING
18 UNITS.—The Secretary may not approve an application
19 for a grant under this section unless the application pro-
20 vides—

21 “(1) for the provision of at least one additional
22 decent, safe, and sanitary public housing dwelling
23 unit for each public housing dwelling unit demol-
24 ished or disposed of under the application, which ad-
25 ditional dwelling units shall be reserved for occu-

1 pancy by low-income families and located within the
2 jurisdiction of the applicant; and

3 “(2) that the total number of bedrooms in addi-
4 tional public housing dwelling units provided pursu-
5 ant to paragraph (1) is equal to or exceeds the total
6 number of bedrooms in dwelling units demolished or
7 disposed of under the application.”.

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

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

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

14 (2) by redesignating paragraph (4) as para-
15 graph (5); and

16 (3) by inserting after paragraph (3) the fol-
17 lowing new paragraph:

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

22 (b) RIGHT OF RESIDENTS TO OCCUPY NEW DWELL-
23 ING UNITS.—Section 24 of the United States Housing Act
24 of 1937 (42 U.S.C. 1437v) is amended by inserting after

1 subsection (h) (as added section 301 of this Act) the fol-
2 lowing new subsection:

3 “(i) RIGHT OF PREVIOUS RESIDENTS TO OCCUPY
4 NEW DWELLING UNITS.—The Secretary may not approve
5 an application for a grant under this section unless the
6 application provides that each family displaced from a
7 public housing dwelling unit that is demolished or disposed
8 of under the application, or otherwise displaced by revital-
9 ization activities under the application, will be offered first
10 occupancy in a public housing or other subsidized dwelling
11 unit of appropriate size constructed, acquired, or rehabili-
12 tated under the application.”.

13 **SEC. 303. POLICIES REGARDING HOMELESS INDIVIDUALS**
14 **AND FAMILIES IN FEDERALLY FUNDED FA-**
15 **CILITIES.**

16 (a) MAINTAINING FAMILY UNITS IN OVERNIGHT
17 SHELTERS.—A federally funded facility that provides
18 shelter to homeless individuals on an emergency or tem-
19 porary basis may not establish or continue in effect any
20 policy regarding admission to the facility that has the ef-
21 fect of denying admission to a member of a family or
22 household unit that is seeking admission as a family or
23 unit, except that the prohibition under this subsection
24 shall not apply with respect to admissions policies for the
25 prevention of domestic violence.

1 (b) DISCHARGE REQUIREMENTS BY RESIDENTIAL
2 CARE, TREATMENT, CUSTODY, AND FOSTER CARE FA-
3 CILITIES.—A federally funded residential care facility
4 shall, in discharging each individual provided services at
5 the facility, ensure that upon such discharge—

6 (1) there is available to such individual a suit-
7 able residential setting such that the individual will
8 not be homeless upon such discharge, except that
9 this paragraph may not be construed to authorize a
10 facility to hold an individual in the facility without
11 the consent of the individual;

12 (2) such individual is provided assistance appro-
13 priate to ensure that the individual obtains all Fed-
14 eral, State, and local entitlements, services, and ben-
15 efits (including medical, income, food, and housing
16 benefits) for which such individual is eligible; and

17 (3) such individual has been issued a social se-
18 curity number and has in his or her possession a
19 State-issued driver's license or other identification
20 card.

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

23 (1) FEDERALLY FUNDED.—The term “federally
24 funded” means, with respect to a facility, that the
25 facility receives financial assistance, directly or indi-

1 rectly, from any agency or office of the Federal Gov-
2 ernment, including any loan, grant, subsidy, guar-
3 antee, mortgage insurance, or other financial assist-
4 ance.

5 (2) RESIDENTIAL CARE FACILITY.—The term
6 “residential care facility” means a facility that pro-
7 vides care or treatment (including medical, mental
8 health, and drug or alcohol abuse care or treatment)
9 or custody in a residential setting. Such term in-
10 cludes a hospital (to the extent residential care is
11 provided therein), nursing home, intermediate care
12 facility, board and care home, assisted living facility,
13 congregate care facility, and foster care facility.

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

18 **SEC. 304. ESTABLISHMENT OF EMERGENCY RENT RELIEF**
19 **FUND.**

20 (a) GRANT PROGRAM.—The Secretary of Housing
21 and Urban Development shall, to the extent approved in
22 appropriation Acts, contract to make, and make, grants
23 available to non-profit organizations or local or State gov-
24 ernmental units for the purpose of providing emergency

1 rent relief payments to landlords on behalf of tenants who
2 face eviction due to temporary financial difficulties.

3 (b) RENTAL ASSISTANCE PAYMENTS.—

4 (1) AUTHORITY OF NON-PROFITS OR LOCAL OR
5 STATE GOVERNMENTAL UNITS TO MAKE RENT PAY-
6 MENTS TO LANDLORDS ON BEHALF OF CERTAIN
7 TENANTS.—Any non-profit organization or local or
8 State governmental unit which receives any grant
9 under subsection (a) shall use such grant to make
10 emergency rent relief payments in accordance with
11 paragraph (2), to landlords on behalf of tenants who
12 meet the requirements of subsection (c) and who
13 apply for such assistance.

14 (2) AUTHORITY OF NON-PROFITS OR LOCAL OR
15 STATE GOVERNMENTAL UNITS TO DETERMINE PAY-
16 MENTS.—Non-profit organizations or local or state
17 governmental units may determine the amounts nec-
18 essary to be paid to any landlord under paragraph
19 (1) on behalf of any tenant, beyond the amounts, if
20 any, that the tenant is able to contribute toward
21 rent payments, subject to the following conditions
22 and limitations:

23 (A) MAXIMUM OF TOTAL RENT DUE.—The
24 total amount of any payment shall not exceed

1 the total amount of rent due the landlord from
2 the tenant.

3 (B) INITIAL PAYMENT NOT TO EXCEED 3
4 MONTHS RENT.—The initial payment may in-
5 clude an amount necessary to make the pay-
6 ments of such rent current, except that such
7 amount may not exceed an amount equal to 3
8 monthly rent payments of the tenant.

9 (C) MINIMUM AMOUNT TO BE PAID.—Pay-
10 ments are to be designed to ensure that the
11 total monthly housing expense of the tenant
12 does not exceed 30 percent of the monthly net
13 income of the tenant.

14 (D) MAXIMUM OF 18 CONSECUTIVE
15 MONTHLY PAYMENTS.—Payments are not to be
16 made for a continuous period of more than 18
17 months.

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

21 (F) TERMINATION OF PAYMENTS.—Pay-
22 ments are to be terminated when the non-profit
23 organization or local or State governmental unit
24 determines that changes in the financial cir-
25 cumstances of such tenant render such pay-

1 ments no longer necessary to prevent eviction of
2 the tenant.

3 (3) EXPEDITIOUS PROCESSING OF APPLICA-
4 TIONS.—Any non-profit organization or local or
5 State governmental unit which receives any grant
6 under subsection (a) shall, within 30 days after the
7 receipt of any application for rental assistance under
8 subsection (b), notify the tenant and landlord in-
9 volved of its determination to approve or disapprove
10 the application.

11 (4) ACCEPTANCE OF RENTAL ASSISTANCE PAY-
12 MENT BY LANDLORD IS A WAIVER OF CLAIMS
13 AGAINST TENANT FOR NONPAYMENT OF RENT.—
14 Any landlord who accepts any payment of assistance
15 under paragraph (1) waives the right to institute or
16 continue eviction proceedings that are based on a
17 claim of nonpayment of rent for any period before
18 the date of the payment.

19 (5) REPAYMENT OF ASSISTANCE BY TEN-
20 ANTS.—

21 (A) IN GENERAL.—Payments made under
22 paragraph (1) on behalf of any tenant shall be
23 repayable to the Secretary by the tenant on
24 terms and conditions prescribed by the Sec-
25 retary.

1 (B) MAXIMUM AMOUNT.—Any non-profit
2 organization or local or State governmental unit
3 which receives any grant under subsection (a)
4 shall ensure that the monthly repayment
5 amount for any tenant making repayments
6 under subparagraph (A) is calculated so that
7 the sum of the monthly repayment amount and
8 the total monthly housing expense of the tenant
9 is at most 50 percent of the monthly net income
10 of the tenant, except that the Secretary may
11 waive this limitation on a case-by-case basis.

12 (6) DEPOSIT IN EMERGENCY RENT RELIEF
13 FUND.—Amounts received by the Secretary from
14 any non-profit organization or local or State govern-
15 mental unit as repayments under paragraph (5) or
16 as interest on assistance payments made under para-
17 graph (1), shall be deposited in the account of the
18 non-profit or local or State governmental unit in the
19 Emergency Rent Relief Fund established in sub-
20 section (g).

21 (7) MONITORING OF TENANT'S ABILITY TO
22 PAY.—The Secretary shall establish procedures for
23 any tenant on whose behalf payments are made
24 under paragraph (1), and any tenant who is to make
25 repayments under paragraph (5), to inform the non-

1 profit organization or local or State governmental
2 unit making such payments, or receiving such repay-
3 ments, of any significant increase or decrease in the
4 income of the tenant.

5 (8) PERIODIC REVIEW OF TENANT'S FINANCIAL
6 CIRCUMSTANCES.—The Secretary shall establish pro-
7 cedures to be followed by non-profit organizations or
8 local or State governmental units for reviewing, not
9 less frequently than annually, the financial cir-
10 cumstances of any tenant on whose behalf payments
11 are to be made under paragraph (1), and any tenant
12 who is to make repayments under paragraph (5), to
13 determine whether such payments or repayments
14 should be adjusted or terminated.

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

21 (1) LANDLORD HAS NOTIFIED TENANT OF IN-
22 TENT TO EVICT TENANT FOR NONPAYMENT OF
23 RENT.—The landlord has notified the tenant that
24 the landlord intends to evict the tenant for non-
25 payment of rent.

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

3 (3) RENT DOES NOT EXCEED MEDIAN RENT
4 FOR SIMILAR UNITS IN AREA RECENTLY RENTED.—
5 The monthly rent payable by the tenant does not ex-
6 ceed the amount equal to the median rent paid for
7 rental units of the same size by tenants who moved
8 into or within the area in which the non-profit or
9 local or State governmental unit is located during
10 the most recently completed period of at most 12
11 months for which such data is available.

12 (4) RENT IS DELINQUENT DUE TO EVENTS
13 OUTSIDE CONTROL OF TENANT.—Events outside the
14 control of the tenant have rendered the tenant un-
15 able to—

16 (A) correct a rent payment delinquency
17 within a reasonable time; and

18 (B) resume full rent payments.

19 (5) PAYMENT IS NECESSARY TO PREVENT EVIC-
20 TION.—The payment is necessary to prevent eviction
21 of the tenant.

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

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

4 (B) on termination of assistance under
5 such subsection.

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

10 (d) SUBMISSION OF APPLICATION STAYS EVICTION
11 PROCEEDINGS UNTIL DISAPPROVAL OF APPLICATION.—
12 The submission of an application for assistance under sub-
13 section (b) by any tenant who meets the requirements of
14 subsection (c)(2), after eviction proceedings have begun
15 shall automatically stay the proceedings until receipt of
16 notification of disapproval of such application.

17 (e) ALLOCATION OF GRANTS.—

18 (1) ALLOCATION FORMULA.—The Secretary
19 shall allocate the amounts to be made available
20 under subsection (a) so that the aggregate amount
21 allocated to non-profit organizations or local or
22 State governmental units in any State shall be equal
23 to the sum of—

24 (A)(i) the ratio of the number of unem-
25 ployed persons in the State to the number of

unemployed persons in the United States, multiplied by—

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

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

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

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

(3) RULES FOR CONSIDERATION OF APPLICATIONS.—In considering applications for grants under subsection (a), the Secretary shall take into account—

(A) the degree of demonstrated need in the non-profit organization or local or State governmental unit;

(B) the capacity of the non-profit organization or local or State governmental unit to administer the program of assistance under this section.

1 (4) PROCESSING OF APPLICATIONS.—The Sec-
2 retary shall process applications for grants under
3 subsection (a) as expeditiously as possible, and shall
4 make such grants within 90 days after the effective
5 date of the regulations issued by the Secretary under
6 subsection (f).

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

10 (g) EMERGENCY RENT RELIEF FUND.—

11 (1) ESTABLISHMENT.—There is hereby estab-
12 lished in the Treasury of the United States a revolv-
13 ing fund, to be known as the Emergency Rent Relief
14 Fund.

15 (2) COMPOSITION OF FUND.—The Fund shall
16 consist of—

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

19 (B) any amount received by the Secretary
20 as repayment for payments made under sub-
21 section (b); and

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

24 (3) AVAILABILITY OF FUNDS.—Amounts in the
25 Fund by reason of subsection (b)(6) or by reason of

1 investments made under paragraph (4), shall be
2 available, to the extent provided in appropriation
3 Acts, to the Secretary to make grants to non-profit
4 organizations or local or State governmental units—

5 (A) for the making of emergency rent re-
6 lief payments to landlords on behalf of tenants
7 under subsection (b); and

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

10 (4) INVESTMENT OF SURPLUS FUNDS.—Any
11 amount in any account of the Fund determined by
12 the Secretary to be more than the amount required
13 to be in such account to carry out this section shall
14 be invested by the Secretary in obligations of, or
15 guaranteed as to both principal and interest by, the
16 United States or any agency of the United States.

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

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

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

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

6 (4) actions taken and actions likely to be taken
7 with respect to making assistance under this section
8 available to alleviate hardships resulting from any
9 serious rates of delinquencies and evictions.

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

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

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

18 (3) MONTHLY NET INCOME OF THE TENANT.—
19 The term “monthly net income of the tenant” means
20 the monthly gross income of the tenant, less any
21 Federal, State, or local income or employment taxes
22 due with respect to such income.

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

1 (5) STATE.—The term “State” means each of
2 the several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, the Virgin Islands,
4 Guam, American Samoa, the Northern Mariana Is-
5 lands, the Trust Territory of the Pacific Islands, and
6 any other territory or possession of the United
7 States.

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

11 (A) the monthly rent payment due by the
12 tenant; and

13 (B) the monthly utility costs of the tenant
14 with respect to the tenant’s dwelling unit.

15 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry
16 out this section, there is authorized to be appropriated
17 such sums as necessary for fiscal years 2007, 2008, 2009,
18 2010, and 2011. Any amount so appropriated shall be de-
19 posited in the Fund and shall remain available until ex-
20 pended.

21 (k) BORROWING AUTHORITY.—To carry out the pur-
22 poses of this section, the Secretary of Housing and Urban
23 Development may issue to the Secretary of the Treasury
24 notes or other obligations to the extent approved in appro-
25 priation Acts, in such forms and denominations, bearing

1 such maturities, and subject to such terms and conditions
2 as may be prescribed by the Secretary of the Treasury.
3 Such notes or other obligations shall bear interest at a
4 rate determined by the Secretary of the Treasury, taking
5 into consideration the average interest rate on all interest
6 bearing obligations of the United States then forming a
7 part of the public debt, computed at the end of the fiscal
8 year next preceding the date on which the loan is made.
9 The Secretary of the Treasury shall purchase any notes
10 and obligations issued hereunder and for that purpose the
11 Secretary of the Treasury may use as a public debt trans-
12 action the proceeds from the sale of any securities issued
13 under chapter 31 of title 31, United States Code; and the
14 purposes for which securities may be issued under such
15 chapter are extended to include any purchase of such
16 notes or other obligations. The Secretary of the Treasury
17 may at any time sell any of the notes or other obligations
18 acquired by the Secretary of the Treasury under this sec-
19 tion. All redemptions, purchases and sales by the Sec-
20 retary of the Treasury of such notes or other obligations
21 shall be treated as public debt transactions of the United
22 States. The Secretary of Housing and Urban Development
23 may not issue notes or other obligations to the Secretary
24 of the Treasury pursuant to this section except as ap-
25 proved in appropriation Acts.

1 **SEC. 305. INCOME EXEMPTIONS.**

2 (a) WORK PERFORMED IN PUBLIC HOUSING.—

3 (1) EXEMPTION FROM INCOME UNDER HUD
4 PROGRAMS.—Section 3(b)(5)(A) of the United
5 States Housing Act of 1937 (42 U.S.C.
6 1437a(b)(5)(A)) is amended by adding at the end
7 the following new clause:

8 “(viii) WORK PERFORMED IN PUBLIC
9 HOUSING.—The amount of any earned income
10 of any member of the family for work per-
11 formed for the public housing agency at a loca-
12 tion owned by the agency.”.

13 (2) EXEMPTION FROM INCOME UNDER OTHER
14 FEDERAL PROGRAMS.—Notwithstanding any other
15 provision of law, the amount of any earned income
16 of any member of the family residing in public hous-
17 ing (as such term is defined in section 3(b) of the
18 United States Housing Act of 1937 (42 U.S.C.
19 1437a(b)) for work performed for the public housing
20 agency that administers such housing at a location
21 owned by the agency may not be considered as in-
22 come or a resource for the purpose of determining
23 eligibility for, or the amount of the benefits or serv-
24 ices to be provided under, any Federal or federally
25 assisted program that provides benefits or services
26 based in whole or in part, on need.

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

5 “(v) CHILD SUPPORT PAYMENTS.—50 per-
 6 cent of the amount of any payment made by a
 7 member of the family for the support and main-
 8 tenance of any child who does not reside in the
 9 household.”.

10 **SEC. 306. POST OFFICE BOX AND GENERAL DELIVERY**
 11 **SERVICE FOR PERSONS WITH NO FIXED AD-**
 12 **DRESS.**

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

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

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

19 “(A) is personally known to the postmaster
 20 or clerk;

21 “(B) submits proper identification, such as
 22 (i) a valid driver’s license or other credential
 23 showing the applicant’s signature and a serial
 24 number, or (ii) other indicia that can be traced
 25 to the bearer; or

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

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

8 “(A) is unable to meet the conditions
 9 under paragraph (1);

10 “(B) meets the conditions under paragraph
 11 (1), but opts for service under this paragraph
 12 because the service described in paragraph (1)
 13 is not available; or

14 “(C) otherwise opts for service under this
 15 paragraph instead of the service described in
 16 paragraph (1).”.

17 **SEC. 307. TEMPORARY EX-OFFENDER LOW-INCOME HOUS-**
 18 **ING CREDIT.**

19 (a) IN GENERAL.—Subpart D of part IV of sub-
 20 chapter A of chapter 1 of the Internal Revenue Code of
 21 1986 is amended by adding at the end the following new
 22 section:

23 **“SEC. 45N. EX-OFFENDER LOW-INCOME HOUSING CREDIT.**

24 “(a) IN GENERAL.—For purposes of section 38, the
 25 amount of the ex-offender low-income housing credit de-

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-OFF-
22 ENDERS.—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 res-
25 idential 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 2010, 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 striking “and” at the end of paragraph
 15 (25), by striking the period at the end of paragraph (26)
 16 and inserting “, and”, and by adding at the end the fol-
 17 lowing new paragraph:

18 “(27) the ex-offender low-income housing credit
 19 under section 45N(a).”.

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

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

24 (d) EFFECTIVE DATE.—The amendments made by
 25 this section shall apply with respect to qualified ex-of-

1 fender residential buildings placed in service during tax-
2 able years beginning after December 31, 2005.

3 **SEC. 308. ESCROW OF TENANT RENT IN CASES OF OWNER**
4 **FAILURE TO MAINTAIN UNITS ASSISTED**
5 **UNDER SECTION 8 RENTAL ASSISTANCE PRO-**
6 **GRAM.**

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

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

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

23 “(I) require the tenant to sus-
24 pend payment to the owner of the ten-
25 ant’s monthly contribution toward

1 rent and require the tenant to pay
2 such amount into an escrow account
3 established by the agency; and

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

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

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

1 move and for rental of a new dwelling
2 unit.”.

3 **SEC. 309. SENSE OF CONGRESS REGARDING LOCAL ORDI-**
4 **NANCES THAT DISADVANTAGE HOMELESS**
5 **PERSONS.**

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

13 (1) should not pass ordinances or fund
14 projects—

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

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

23 (2) should not pass zoning ordinances or make
24 zoning decisions that have the effect of preventing

1 the siting of facilities designed to serve homeless
2 persons.

3 **TITLE IV—ASSISTANCE UNDER**
4 **MCKINNEY-VENTO HOMELESS**
5 **ASSISTANCE ACT**

6 **SEC. 401. CONGRESSIONAL PURPOSES.**

7 The purposes of this title are—

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

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

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

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

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

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

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

8 “(2) include—

9 “(A) an individual who—

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

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

16 “(iii) is living in an emergency or
17 transitional shelter;

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

19 “(v) is awaiting foster care placement;

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

1 “(C) an individual who is living in a car,
 2 park, public space, abandoned building, sub-
 3 standard housing, bus or train station, or simi-
 4 lar setting; and

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

12 (2) in subsection (c)—

13 (A) by striking “or otherwise detained”;
 14 and

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

18 **Subtitle A—Housing Assistance**
 19 **General Provisions**

20 **SEC. 411. DEFINITIONS.**

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

24 (1) by striking the subtitle heading and insert-
 25 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 redес-
6 ignated 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 \$2,000,000,000 for fiscal year 2007
 17 and such sums as may be necessary for each of fiscal years
 18 2008, 2009, 2010, and 2011.”.

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 section:

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 serting “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 serting “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 homeless-
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 this subtitle, such sums as may
15 be necessary shall be designated for the purpose of renew-
16 ing expiring contracts within the ‘Homeless Assistance
17 Grants account’ of the Department of Housing and Urban
18 Development.

19 “(b) RENEWALS.—Amounts designated for use pur-
20 suant to subsection (a) shall be available for the renewal
21 of contracts funded under this subtitle, or under subtitle
22 C or F, for homeless individuals and homeless families.
23 The Secretary shall determine whether to renew a contract
24 on the basis of demonstrated need for the project and the
25 compliance of the entity carrying out the project with ap-

1 appropriate standards of housing quality and habitability as
2 determined by the Secretary.

3 **“SEC. 429. ADMINISTRATIVE EXPENSES.**

4 “(a) ADMINISTRATIVE EXPENSES.—Grant amounts
5 awarded under this subtitle may be used for administra-
6 tive expenses, including expenses for—

7 “(1) carrying out routine grant administration
8 and monitoring activities;

9 “(2) receipt and disbursement of program
10 funds;

11 “(3) preparation of financial and performance
12 reports, including carrying out management infor-
13 mation system functions; and

14 “(4) compliance with grant conditions and audit
15 requirements.

16 “(b) LIMITATIONS ON ADMINISTRATIVE EX-
17 PENSES.—A portion, of not more than 6 percent, of grant
18 amounts awarded under this subtitle may be used for ad-
19 ministrative expenses described in subsection (a), and not
20 less than 1/2 of such portion shall be allocated to nonprofit
21 organizations and other project sponsors to fund manage-
22 ment information system functions, application prepara-
23 tion, and preparation of annual performance and other
24 evaluation reports.

1 **“SEC. 430. MATCHING FUNDING.**

2 “An entity who submits an application and receives
3 a grant under this subtitle shall make available contribu-
4 tions, in cash or in donated services, in an amount equal
5 to not less than 25 percent of the Federal funds provided
6 under the grant.

7 **“SEC. 431. APPEAL PROCEDURE.**

8 “(a) IN GENERAL.—With respect to funding under
9 this subtitle, if certification of consistency with the consoli-
10 dated plan pursuant to section 403 is withheld from an
11 applicant who has submitted an application for that cer-
12 tification, such applicant may appeal such decision to the
13 Secretary.

14 “(b) PROCEDURE.—The Secretary shall establish a
15 procedure to process the appeals described in subsection
16 (a).

17 “(c) DETERMINATION.—Not later than 45 days after
18 the date of receipt of an appeal described in subsection
19 (a), the Secretary shall determine if certification was un-
20 reasonably withheld. If such certification was unreason-
21 ably withheld, the Secretary shall review such application
22 and determine if such applicant shall receive funding
23 under this subtitle.”.

Subtitle D—Repeals and Conforming Amendments

SEC. 441. REPEALS.

Subtitles D, E, F, and G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., 11403 et seq., and 11408 et seq.) are hereby repealed.

SEC. 442. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 411(2) of this Act), is amended—

(1) by striking “current housing affordability strategy” and inserting “consolidated plan”; and

(2) by inserting before the comma the following: “(referred to in such section as a ‘comprehensive housing affordability strategy’)”.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended by adding at the end the following new subsection:

“(d) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including the homeless) shall be considered to include, and to refer to,

1 individuals experiencing homelessness or groups experi-
 2 encing homelessness, respectively.”.

3 **SEC. 443. AMENDMENT TO TABLE OF CONTENTS.**

4 The table of contents in section 101(b) of the McKin-
 5 ney-Vento Homeless Assistance Act (42 U.S.C. 11301
 6 note) is amended by striking the items relating to the
 7 heading for title IV and all that follows through the item
 8 relating to section 492 and inserting the following new
 9 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.”.

TITLE V—HEALTH SECURITY

Subtitle A—General Provisions

SEC. 501. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) The United States has the most expensive health care system in the world in terms of absolute costs, per capita costs, and percentage of gross domestic product (GDP).

(2) Despite being first in spending, the World Health Organization has ranked the United States 37th among all nations in terms of meeting the needs of its people.

(3) 45,000,000 Americans, including 9,000,000 children, are uninsured.

(4) Tens of millions more Americans are inadequately insured, including medicare beneficiaries who lack access to prescription drug coverage and long term care coverage.

(5) Racial, income, and ethnic disparities in access to care threaten communities across the country, particularly communities of color.

(6) Health care costs continue to increase, jeopardizing the health security of working families and small businesses.

1 (7) Any health care reform must ensure that
2 health care providers and practitioners are able to
3 provide patients with the quality care they need.

4 (b) SENSE OF CONGRESS.—It is the sense of the
5 Congress that legislation should be enacted to guarantee
6 that every person in the United States, regardless of in-
7 come, age, or employment or health status, has access to
8 health care that—

9 (1) is affordable to individuals and families,
10 businesses and taxpayers and that removes financial
11 barriers to needed care;

12 (2) is as cost efficient as possible, spending the
13 maximum amount of dollars on direct patient care;

14 (3) provides comprehensive benefits, including
15 benefits for mental health, co-occurring disorders,
16 and long term care services;

17 (4) promotes prevention and early intervention;

18 (5) includes parity for mental health, co-occur-
19 ring disorders and other services;

20 (6) eliminates disparities in access to quality
21 health care;

22 (7) addresses the needs of people with special
23 health care needs and underserved populations in
24 rural and urban areas;

1 (8) promotes quality and better health out-
2 comes;

3 (9) addresses the need to have adequate num-
4 bers of qualified health care caregivers, practi-
5 tioners, and providers to guarantee timely access to
6 quality care;

7 (10) provides adequate and timely payments in
8 order to guarantee access to providers;

9 (11) fosters a strong network of health care fa-
10 cilities, including safety net providers;

11 (12) ensures continuity of coverage and con-
12 tinuity of care;

13 (13) maximizes consumer choice of health care
14 providers and practitioners; and

15 (14) is easy for patients, providers and practi-
16 tioners to use and reduces paperwork.

17 **SEC. 502. SENSE OF CONGRESS REGARDING MEDICAID EX-**
18 **PANSION.**

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

20 (1) impoverished people are unable to purchase
21 insurance in the private market because of soaring
22 costs;

23 (2) over one-half of poor and homeless Ameri-
24 cans and two-thirds of homeless adults unaccom-
25 panied by children have no health insurance at all,

1 primarily because they do not qualify for public
2 health insurance and because they cannot afford pri-
3 vate health insurance;

4 (3) only 30 percent of surveyed homeless per-
5 sons nationwide and 20 percent of clients receiving
6 services through the Health Care for the Homeless
7 Program are beneficiaries of the Medicaid program
8 or the State Children's Health Insurance Program
9 under title XXI of the Social Security Act (SCHIP);

10 (4) in all but nine states the Medicaid and
11 SCHIP programs currently exclude single non-dis-
12 abled adults;

13 (5) safety-net health care providers are often
14 unable to obtain access to specialty care and medica-
15 tions for patients who are uninsured;

16 (6) research has shown that people with health
17 insurance have better access to health care than do
18 those receiving safety net services alone; and

19 (7) Medicaid helps prevent and end homeless-
20 ness by increasing the access of impoverished people
21 to comprehensive health care.

22 (b) SENSE OF CONGRESS.—It is the sense of the
23 Congress that legislation should be enacted—

1 (1) to expand Medicaid to all individuals with
2 incomes below 200 percent of the Federal poverty
3 line;

4 (2) to ensure that Medicaid services remain af-
5 fordable for beneficiaries by eliminating cost sharing
6 for beneficiaries with incomes below the Federal pov-
7 erty line; and

8 (3) to mandate expedited enrollment for Med-
9 icaid applicants experiencing homelessness.

10 **SEC. 503. AUTHORIZATIONS OF APPROPRIATIONS FOR CER-**
11 **TAIN PROGRAMS.**

12 (a) COMMUNITY MENTAL HEALTH SERVICES BLOCK
13 GRANT.—Section 1920(a) of the Public Health Service
14 Act (42 U.S.C. 300x–9(a)) is amended by striking “there
15 are authorized” and all that follows and inserting the fol-
16 lowing: “there are authorized to be appropriated
17 \$500,000,000 for fiscal year 2007, and such sums as may
18 be necessary for each of the fiscal years 2008 through
19 2011.”.

20 (b) SUBSTANCE ABUSE PREVENTION AND TREAT-
21 MENT BLOCK GRANT.—Section 1935(a) of the Public
22 Health Service Act (42 U.S.C. 300x–35(a)) is amended
23 by striking “there are authorized” and all that follows and
24 inserting the following: “there are authorized to be appro-
25 priated \$2,500,000,000 for fiscal year 2007, and such

1 sums as may be necessary for each of the fiscal years 2008
2 through 2011.”.

3 (c) PROJECTS FOR ASSISTANCE IN TRANSITION
4 FROM HOMELESSNESS (PATH).—Section 535(a) of the
5 Public Health Service Act (42 U.S.C. 290cc–35(a)) is
6 amended by striking “there is authorized” and all that fol-
7 lows and inserting the following: “there are authorized to
8 be appropriated \$100,000,000 for fiscal year 2007, and
9 such sums as may be necessary for each of the fiscal years
10 2008 through 2011.”.

11 (d) GRANTS FOR THE BENEFIT OF HOMELESS INDIV-
12 IDUALS (GBHI).—Section 506(e) of the Public Health
13 Service Act (42 U.S.C. 290aa–5(e)) is amended by strik-
14 ing “There is authorized” and all that follows and insert-
15 ing the following: “For the purpose of carrying out this
16 section, there are authorized to be appropriated
17 \$100,000,000 for fiscal year 2007, and such sums as may
18 be necessary for each of the fiscal years 2008 through
19 2011.”.

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. 511. 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. 516. 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 522(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. 521. 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. 522. 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. 526. 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 521 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 516(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. 527. 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. 528. 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 youth.”.

12 **Subpart E—Federal Program Management**

13 **SEC. 531. ESTABLISHMENT OF FEDERAL PLAN ON ADDIC-**
 14 **TION, MENTAL ILLNESS, AND HOMELESS-**
 15 **NESS.**

16 Part D of title V of the Public Health Service Act
 17 (42 U.S.C. 290dd et seq.), as amended by section 511 of
 18 this Act, is further amended by adding at the end the fol-
 19 lowing section:

20 **“SEC. 545. FEDERAL PLAN ON ADDICTION, MENTAL ILL-**
 21 **NESS, AND HOMELESSNESS.**

22 “(a) **PLAN ELEMENTS.**—Within one year after the
 23 date of the enactment of this section, the Secretary shall
 24 prepare and submit to the Committee on Energy and
 25 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. 541. 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. 551. 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”; 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. 552. 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. 553. 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. 554. 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. 555. 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. 561. 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. 566. 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. 567. 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. 571. 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 a semicolon; 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;

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. 572. 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. 576. 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), as amended by
13 section 567(b) of this Act, is amended by adding at the
14 end the following:

15 “(d) PRIORITY FOR PERSONS EXPERIENCING HOME-
16 LESSNESS.—For the purpose of providing health and sup-
17 port services to individuals experiencing homelessness with
18 HIV disease (including children, youth, and families), a
19 State shall use, of the funds allocated under this part to
20 the State for a fiscal year, not less than 8.6 percent of
21 such funds.”.

1 **PART 5—FEDERAL PLAN ON HIV/AIDS AND**
2 **HOMELESSNESS**

3 **SEC. 581. 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) Grantee planning, reporting, and capacity-
2 building.

3 (2) Consumer involvement.

4 (3) Designation of priority populations.

5 (4) Outreach and enrollment.

6 (5) Participant tracking.

7 (6) Elimination of regulatory and administra-
8 tive impediments.

9 (7) Provision of appropriate services.

10 (8) Discharge planning.

11 (9) Outcome measurement.

12 (c) CONSULTATION.—In establishing the plan re-
13 quired under this section, the Secretary shall consult with
14 homeless children, youth, families and individuals with
15 HIV disease, nonprofit organizations advocating for home-
16 less persons, homeless health, housing, and support service
17 providers, and public agency representatives.

18 (d) PLAN IMPLEMENTATION.—Not later than 1 year
19 after the date of the enactment of this Act, the Secretary
20 shall implement administrative recommendations identi-
21 fied in subsection (a)(3).

22 **TITLE VI—ECONOMIC SECURITY**

23 **SEC. 601. SENSE OF CONGRESS REGARDING RIGHT TO A** 24 **LIVING INCOME.**

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

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. 602. AVAILABILITY OF FOOD STAMP BENEFITS TO IN-**
4 **DIVIDUALS WHO ARE HOMELESS.**

5 (a) EXPEDITED PROCESSING.—Section 11(e)(9) of
6 the Food Stamp Act of 1977 (7 U.S.C. 2020(3)(9)) is
7 amended—

8 (1) in subparagraph (B) by striking “and” at
9 the end;

10 (2) in subparagraph (C) by adding “and” at
11 the end; and

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

13 “(D) provide coupons no later than 7 days
14 after the date of application to any household
15 in which all members are homeless individ-
16 uals;”.

17 (b) EXCEPTION TO WORK REQUIREMENT DISQUALI-
18 FICATION.—Section 6(o)(3) of the Food Stamp Act of
19 1977 (7 U.S.C. 2015(o)(3)) is amended—

20 (1) in subparagraph (D) by striking “or” at the
21 end;

22 (2) in subparagraph (E) by striking the period
23 at the end and inserting “; or”; and

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

25 “(F) experiencing homelessness.”.

1 (c) DEFINITION.—Section 3(c) of the Food Stamp
 2 Act of 1977 (7 U.S.C. 2012(c)) is amended in the 2d sen-
 3 tence by inserting before the period at the end the fol-
 4 lowing: “, and the certification period shall be at least 12
 5 months if all adult household members are receiving bene-
 6 fits under title II or XVI of the Social Security Act and
 7 the household as no other income”.

8 (d) COLLECTION OF DATA ON HOMELESS APPLI-
 9 CANTS.—The Food Stamp Act of 1977 (7 U.S.C. 2011
 10 et seq.) is amended by adding at the end the following:
 11 **“SEC. 28. COLLECTION OF DATA ON HOMELESS HOUSE-**
 12 **HOLDS.**

13 “With respect to all applications made after January
 14 1, 2007, by households to participate in the food stamp
 15 program and all households that receive food stamp bene-
 16 fits after such date, the Secretary shall collect data,
 17 through the application form and by other means, to de-
 18 termine whether the members of such households are
 19 homeless.”.

20 **SEC. 603. AMENDMENTS TO WORKFORCE INVESTMENT ACT.**

21 (a) STATE WORKFORCE INVESTMENT BOARDS.—
 22 Section 111(b)(1) of the Workforce Investment Act of
 23 1998 (29 U.S.C. 2821(b)(1)) is amended—

24 (1) in subparagraph (B), by striking “and”;

1 (2) in subparagraph (C)(vii) by striking the pe-
2 riod and inserting “; and”; and

3 (3) by adding after subparagraph (C) the fol-
4 lowing:

5 “(D) a representative from the State agen-
6 cy distributing funding under part A of title IV
7 of the Social Security Act (42 U.S.C. 601 et
8 seq.);

9 “(E) a representative from the community
10 board as defined in section 401(3) of this Act;

11 “(F) representatives of organizations who
12 act as advocates for persons experiencing home-
13 lessness or organizations who provide assistance
14 to persons experiencing homelessness; and

15 “(G) a person experiencing homelessness
16 or has experienced homelessness within 3 years
17 before the date of their appointment to the
18 board.”.

19 (b) LOCAL WORKFORCE INVESTMENT BOARDS.—
20 Section 117(b)(2)(A)) of the Workforce Investment Act
21 (29 U.S.C. 2832(b)(2)(A)) is amended—

22 (1) in clause (v) by striking “and”;

23 (2) in clause (vi) by striking the period and in-
24 serting “; and”; and

25 (3) by adding after clause (vi) the following:

1 “(vii) a representative from the local
2 agency distributing funding under part A
3 of title IV of the Social Security Act (42
4 U.S.C. 601 et seq.);

5 “(viii) a representative from the com-
6 munity board as defined in section 401(3)
7 of this Act;

8 “(ix) representatives of organizations
9 who act as advocates for persons experi-
10 encing homelessness or organizations who
11 provide assistance to persons experiencing
12 homelessness; and

13 “(x) a person experiencing homeless-
14 ness or has experienced homelessness with-
15 in 3 years before the date of their appoint-
16 ment to the board;”.

17 **SEC. 604. HOMEBUILD PROGRAM FOR AFFORDABLE HOUS-**
18 **ING CONSTRUCTION AND APPRENTICESHIP.**

19 (a) IN GENERAL.—Title IV of the Cranston-Gonzalez
20 National Affordable Housing Act (42 U.S.C. 12871 et
21 seq.) is amended by adding at the end the following new
22 subtitle:

1 **“Subtitle E—Homebuild Program**
2 **for Affordable Housing Con-**
3 **struction and Apprenticeship**

4 **“SEC. 471. PURPOSE.**

5 “It is the purpose of this subtitle to assist people who
6 are experiencing homelessness and have experienced sig-
7 nificant barriers to employment to obtain training nec-
8 essary to obtain gainful employment as skilled or semi-
9 skilled residential construction workers.

10 **“SEC. 472. GRANT AUTHORITY.**

11 “The Secretary may make grants in accordance with
12 this subtitle to applicants selected under section 476 to
13 carry out homebuild programs under section 473.

14 **“SEC. 473. HOMEBUILD PROGRAMS.**

15 “(a) IN GENERAL.—For purposes of this subtitle, a
16 homebuild program is a program that meets the following
17 requirements:

18 “(1) AFFORDABLE HOUSING.—The primary
19 purpose of the program is to develop, through con-
20 struction, reconstruction, or rehabilitation, afford-
21 able housing for low- and extremely low-income
22 households.

23 “(2) EDUCATIONAL AND COUNSELING SERV-
24 ICES.—The program shall be subject to the same re-
25 quirements regarding educational services and activi-

1 ties that a Youthbuild program is subject to under
2 section 456(c).

3 “(3) TRAINING AND APPRENTICESHIP.—The
4 program shall provide participants with training or
5 apprenticeship in residential construction skills in-
6 volved in the development of the affordable housing.

7 “(4) WAGES AND BENEFITS, LABOR STAND-
8 ARDS, AND NONDISCRIMINATION.—Sections 142,
9 143 and 167 of the Job Training Partnership Act
10 (as in effect on the day before the date of enactment
11 of the Workforce Investment Act of 1998), relating
12 to wages and benefits, labor standards, and non-
13 discrimination, shall apply to the program as if such
14 program was conducted under the Job Training
15 Partnership Act (as in effect on the day before the
16 date of enactment of the Workforce Investment Act
17 of 1998). This paragraph may not be construed to
18 prevent a recipient of a grant under this subtitle
19 from using funds from non-Federal sources to in-
20 crease wages and benefits under such program, if
21 appropriate.

22 “(5) PARTICIPANTS.—Participation in the pro-
23 gram shall be limited only to individuals who—

1 “(A)(i) are homeless (as such term is de-
2 fined in section 103 of the McKinney-Vento
3 Homeless Assistance Act (42 U.S.C. 11302);

4 “(ii) are residing in a homeless shelter,
5 transitional shelter, transitional housing facility,
6 or permanent supportive housing;

7 “(iii) are eligible for and have placed their
8 name on the waiting list for public housing or
9 rental assistance under section 8 of the United
10 States Housing Act of 1937 (42 U.S.C. 1437f)
11 and have not received such housing or assist-
12 ance; or

13 “(iv) have been referred for participation
14 in the program by a social services program of
15 a unit of general local government;

16 “(B) are 65 years of age or younger; and

17 “(C) have completed, and have evidence of
18 such completion of, a job readiness or workforce
19 training program of a least 2 weeks duration
20 that—

21 “(i) is provided through the one-stop
22 delivery system under the Workforce In-
23 vestment Act of 1998; or

24 “(ii) if a program described in clause
25 (i) is not available to the individual—

1 “(I) is certified or provided
2 through a public housing authority; or

3 “(II) is administered by a non-
4 profit organization providing housing
5 for the homeless and is certified by a
6 unit of general local government.

7 “(6) LIMITATION ON PARTICIPATION.—

8 “(A) IN GENERAL.—The program shall
9 limit participation by any individual to the
10 longer of—

11 “(i) 2 years; and

12 “(ii) such time as the participant has
13 obtained the residential construction skills
14 necessary to obtain employment in the pri-
15 vate residential construction 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 the limit under sub-
20 paragraph (A), but only—

21 “(i) pursuant to 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 be not 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 “(7) ADMINISTRATION.—The program shall be
7 jointly administered by—

8 “(A) a labor organization, or an affiliate
9 thereof; and

10 “(B) a public housing agency or nonprofit
11 organization involved in the development of af-
12 fordable housing.

13 **“SEC. 474. USE OF GRANT AMOUNTS.**

14 “(a) ELIGIBLE USES.—Amounts received from a
15 grant under this Act may be used for any costs involved
16 in carrying out a Homebuild program, including any ac-
17 tivities specified under subsection (b) of section 454 (relat-
18 ing to Youthbuild program eligible activities), except
19 that—

20 “(1) the limitations under paragraph (2) of
21 such subsection on the types of housing developed
22 with grant amounts shall not apply to grant
23 amounts under this subtitle;

1 “(2) the limitation under paragraph (3) of such
2 subsection on administrative costs shall apply to
3 grant amounts under this subtitle; and

4 “(3) the limitation under paragraph (4)(E) of
5 such subsection on the duration of support services
6 and stipends shall not apply to grant amounts under
7 this subtitle.

8 “(b) AFFORDABLE HOUSING REQUIREMENT.—Of
9 any amounts received from a grant under this subtitle—

10 “(1) not less than 75 percent shall be used for
11 costs related to the development of housing that is
12 affordable for extremely low-income households; and

13 “(2) the remainder shall be used for costs re-
14 lated to the development of housing that is afford-
15 able to low-income households.

16 **“SEC. 475. HOMEBUILD ADVISORY BOARD.**

17 “(a) ELIGIBILITY REQUIREMENT.—For an eligible
18 entity to be eligible for selection to receive a grant under
19 this subtitle, the unit of general local government within
20 which the eligible entity will carry out the homebuild pro-
21 gram shall establish a homebuild advisory board to advise
22 and report regarding activities and progress under
23 homebuild programs carried out within the jurisdiction of
24 such unit.

1 “(b) MEETINGS AND REPORTS.—Each homebuild ad-
2 visory board shall—

3 “(1) meet not less than 4 times annually; and

4 “(2) submit an annual report to the unit of
5 general local government, the applicable eligible enti-
6 ty, and the Secretary regarding activities and
7 progress under homebuild programs carried out
8 within the jurisdiction of such unit.

9 “(c) MEMBERSHIP.—Each homebuild advisory board
10 for a unit of general local government shall consist of 15
11 members, who shall include individuals who are—

12 “(1) officials of the unit of general local govern-
13 ment;

14 “(2) representatives of the faith community;

15 “(3) representatives of private entities engaged
16 in residential development;

17 “(4) representatives of private entities engaged
18 in residential construction;

19 “(5) officials or members of labor unions;

20 “(6) representatives of local social services
21 agencies;

22 “(7) homeless individuals;

23 “(8) representatives of organizations involved in
24 providing affordable housing and assistance for
25 homeless individuals; and

1 “(9) representatives of academic institutions.

2 **“SEC. 476. APPLICATIONS AND SELECTION FOR GRANTS.**

3 “(a) IN GENERAL.—To be eligible for selection to re-
4 ceive a grant under this subtitle, an eligible entity shall
5 submit to the Secretary an application containing—

6 “(1) a description of the educational and job
7 training activities, work opportunities, and other
8 services that will be provided to participants in the
9 homebuild program;

10 “(2) a description of the proposed construction
11 or rehabilitation activities to be undertaken and the
12 anticipated schedule for carrying out such activities;

13 “(3) a description of the manner in which eligi-
14 ble participants will be recruited and selected;

15 “(4) a description of how the proposed project
16 will be coordinated with other Federal, State, and
17 local activities, including vocational and job training
18 programs;

19 “(5) assurances that there will be a sufficient
20 number of adequately trained supervisory personnel
21 on the project;

22 “(6) a detailed budget and description of the
23 system of fiscal controls and auditing and account-
24 ability procedures that will be used to ensure fiscal
25 soundness;

1 “(7) a description of the membership of the ad-
2 visory board; and

3 “(8) a description of the capacity of the com-
4 munity to leverage funding from other private and
5 public sources.

6 “(b) SELECTION CRITERIA.—The Secretary shall se-
7 lect applicants to receive grants under this subtitle based
8 upon selection criteria, which the Secretary shall establish
9 and which shall include the following criteria:

10 “(1) POTENTIAL FOR SUCCESS.—The extent to
11 which the application is likely to succeed, as indi-
12 cated by such factors as the past experience of an
13 applicant with housing rehabilitation or construction,
14 education and employment training programs, man-
15 agement capacity, fiscal reliability, and community
16 support.

17 “(2) NEED.—To extent to which the applicant
18 has need for assistance, as determined by factors
19 such as—

20 “(A) the degree of economic distress of the
21 community from which participants would be
22 recruited, including—

23 “(i) the extent of poverty;

24 “(ii) the extent of unemployment; and

1 “(B) the degree of economic distress of the
2 locality in which the housing would be rehabili-
3 tated or constructed, including—

4 “(i) objective measures of the inci-
5 dence of homelessness;

6 “(ii) the relationship between the sup-
7 ply of affordable housing for low-income
8 persons and the number of such persons in
9 the locality;

10 “(iii) the extent of housing over-
11 crowding; and

12 “(iv) the extent of poverty.

13 “(3) OTHER.—Any other criteria the Secretary
14 determines to be reasonably appropriate.

15 **“SEC. 477. DEFINITIONS.**

16 “For purposes of this subtitle, the following defini-
17 tions shall apply:

18 “(1) APPLICANT.—The term ‘applicant’ means
19 an eligible entity that has submitted an application
20 under section 476 that the Secretary determines
21 complies with the requirements under this subtitle.

22 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means—

24 “(A) a public housing agency;

25 “(B) a labor union; or

1 “(C) a nonprofit organization that is in-
2 volved in the development of affordable housing

3 “(3) EXTREMELY LOW-INCOME HOUSEHOLD.—

4 The term ‘extremely low-income household’ means a
5 household, including an individual or family, that
6 has an income that does not exceed 30 percent of
7 the median family income for the area, as deter-
8 mined by the Secretary with adjustments for smaller
9 and larger families, except that the Secretary may
10 establish income ceilings higher or lower than 30
11 percent of the median for the area on the basis of
12 the Secretary’s findings that such variations are nec-
13 essary because of prevailing levels of construction
14 costs or fair market rents, or unusually high or low
15 household incomes.

16 “(4) LABOR UNION.—The term ‘labor union’
17 has the meaning given the term ‘labor organization’
18 in section 2 of the National Labor Relations Act (29
19 U.S.C. 152).

20 “(5) LOW-INCOME HOUSEHOLD.—The term
21 ‘low-income household’ means a household, including
22 an individual or family, that has an income that
23 does not exceed 80 percent of the median family in-
24 come for the area, as determined by the Secretary
25 with adjustments for smaller and larger families, ex-

1 cept that the Secretary may establish income ceilings
2 higher or lower than 80 percent of the median for
3 the area on the basis of the Secretary’s findings that
4 such variations are necessary because of prevailing
5 levels of construction costs or fair market rents, or
6 unusually high or low household incomes.

7 “(6) SECRETARY.—The term ‘Secretary’ means
8 the Secretary of Housing and Urban Development.

9 **“SEC. 478. AUTHORIZATION OF APPROPRIATIONS.**

10 “‘There is authorized to be appropriated for grants
11 under this subtitle \$65,000,000 for fiscal year 2007 and
12 such sums as may be necessary for each of fiscal years
13 2008, 2009, 2010, and 2011.

14 **“SEC. 479. REGULATIONS.**

15 “‘The Secretary shall issue any regulations necessary
16 to carry out this subtitle.’”.

17 **SEC. 605. DEPARTMENT OF LABOR APPRENTICESHIP PRO-**
18 **GRAM FOR WORKING PEOPLE EXPERIENCING**
19 **HOMELESSNESS.**

20 (a) GRANT AUTHORITY.—The Secretary of Labor
21 may make grants in accordance with this section to appli-
22 cants selected pursuant to subsection (g) to carry out ap-
23 prenticeship programs that meet the requirements of this
24 section.

1 (b) APPRENTICESHIP PROGRAM DEFINED.—For pur-
2 poses of this section, an apprenticeship program is a pro-
3 gram—

4 (1) whose primary purpose is to assist people
5 who are experiencing homelessness by providing in-
6 struction in a skilled trade in a job apprenticeship
7 program; and

8 (2) that provides a stipend to any person who
9 are working and without housing until the such per-
10 son is employed by the private sector.

11 (c) PARTICIPATION.—

12 (1) IN GENERAL.—Participation in the program
13 shall be limited to individuals who—

14 (A) are homeless (as such term is defined
15 in section 103 of the McKinney-Vento Homeless
16 Assistance Act (42 U.S.C. 11302));

17 (B) are eligible for or have placed their
18 name on a waiting list for public housing or
19 rental assistance under section 8 of the United
20 States Housing Act of 1937 (42 U.S.C. 1437f)
21 and have not received such housing or assist-
22 ance; or

23 (C) have been referred for participation in
24 the program by a social services program of a
25 unit of local government;

1 (2) LIMITATION ON PARTICIPATION.—

2 (A) IN GENERAL.—The program shall
3 limit participation by any individual to the
4 longer of—

5 (i) 12 months; or

6 (ii) such time as the participant has
7 obtained the necessary skills to obtain em-
8 ployment in the relevant field.

9 (B) EXCEPTION.—The program may pro-
10 vide that a participant may continue or return
11 to work under the program after completion of
12 the program pursuant to 12 month limit, but
13 only—

14 (i) pursuant to an application by such
15 participant for such continuance or return;
16 and

17 (ii) if the program provides the full
18 amount of such participant's wages, which
19 shall not be less than the wages prevailing
20 in the locality, as predetermined by the
21 Secretary of Labor pursuant to subchapter
22 IV of chapter 13 of title 40, United States
23 Code.

24 (d) ADMINISTRATION.—The program shall be jointly
25 administered by—

1 (1) the Secretary of Labor, through State and
2 local workforce investment systems (established
3 under the Workforce Investment Act (29 U.S.C.
4 2801 et seq.);

5 (2) a labor organization, or an affiliate thereof;

6 (3) a public housing agency; and

7 (4) a non-profit organization.

8 (e) USE OF GRANT AMOUNT.—

9 (1) ELIGIBILITY REQUIREMENTS.—A unit of
10 local government will pay 50 percent of the salary of
11 all program participants who are apprenticing in the
12 private or public sector for at least 6 months, but
13 no longer than 1 year, in apprenticeship programs.

14 (2) ELIGIBLE USES.—Amounts received from a
15 grant under this section may be used for any costs
16 involved in carrying out an apprenticeship program,
17 including the following activities:

18 (A) Apprenticeship and job training in—

19 (i) construction of housing and com-
20 mercial real estate;

21 (ii) technical trades;

22 (ii) plumbing;

23 (iii) automotive;

24 (iv) painting;

25 (v) electrical; and

1 (vi) transportation infrastructure.

2 (B) Funding for job training and job
3 placement counselors for homeless shelters,
4 transitional housing, and permanent supportive
5 housing facilities for the purposes of placing
6 homeless individuals in permanent jobs.

7 (C) Transportation grants to provide bus
8 tickets, subway fare, or other transportation
9 vouchers to help to cover the costs of transpor-
10 tation to and from job interviews, the job site,
11 and social service visits until the individual is
12 employed, and is able to cover the costs of such
13 transportation. Where necessary due to lack of
14 other means of transportation these grants may
15 also cover the cost of needed automobile re-
16 pairs.

17 (f) APPRENTICESHIP PROGRAM ADVISORY BOARD.—

18 (1) ELIGIBILITY REQUIREMENT.—For an entity
19 to be eligible for selection to receive a grant under
20 this section, the unit of local government within
21 which the eligible entity will carry out the appren-
22 ticeship program shall establish a apprenticeship ad-
23 visory board to advise and report regarding activities
24 and progress under apprenticeship programs carried
25 out within the jurisdiction of such unit.

1 (2) MEETING AND REPORTS.—Each apprentice-
2 ship advisory board shall—

3 (A) meet not less than 4 times annually;
4 and

5 (B) submit an annual report to the unit of
6 local government, the applicable entity, and the
7 Secretary regarding activities and progress
8 under apprenticeship programs carried out
9 within jurisdiction of such unit.

10 (3) MEMBERSHIP.—Each apprenticeship advi-
11 sory board for a unit of general local government
12 shall consist of 15 members, who shall include indi-
13 viduals who are—

14 (1) officials of the unit of general local govern-
15 ment;

16 (2) representatives of the faith community;

17 (3) representatives of private entities engaged
18 in residential development;

19 (4) representatives of private entities engaged
20 in residential construction;

21 (5) officials or members of labor unions;

22 (6) representatives of local social services agen-
23 cies;

24 (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 (g) APPLICATIONS AND SELECTION OF GRANTS.—

6 (1) IN GENERAL.—To be eligible for selection to
7 receive a grant under this section, an entity shall
8 submit to the Secretary an application containing—

9 (A) a description of the job training activi-
10 ties, work opportunities, and other services that
11 will be provided to participants in the appren-
12 ticeship program;

13 (B) a description of the manner in which
14 eligible participants will be recruited and se-
15 lected;

16 (C) a description of how the proposed
17 project will be coordinated with other Federal,
18 State, and local activities, including vocational
19 and job training programs;

20 (D) a detailed budget and description of
21 the system of fiscal controls and auditing and
22 accounting procedures that will be used;

23 (E) a description of the membership of ad-
24 visory board; and

1 (F) a description of the capacity of the
2 community to leverage funding from other pri-
3 vate and public sources.

4 (2) SELECTION CRITERIA.—The Secretary shall
5 select applicants to receive grants under this section
6 based upon a selection criteria which shall include
7 the following:

8 (A) POTENTIAL FOR SUCCESS.—The ex-
9 tent to which the application is likely to suc-
10 ceed, as indicated by such factors as the past
11 experience of an applicant with housing reha-
12 bilitation or construction, education and em-
13 ployment training programs, management ca-
14 pacity, fiscal reliability, and community sup-
15 port.

16 (B) NEED.—To extent to which the appli-
17 cant has need for assistance, as determined by
18 factors such as—

19 (i) the degree of economic distress of
20 the community from which participants
21 would be recruited, including—

22 (I) the extent of poverty;

23 (II) the extent of unemployment;

24 and

1 (ii) the degree of economic distress of
2 the locality in which the housing would be
3 rehabilitated or constructed, including—

4 (I) objective measures of the inci-
5 dence of homelessness;

6 (II) the relationship between the
7 supply of affordable housing for low-
8 income persons and the number of
9 such persons in the locality;

10 (III) the extent of housing over-
11 crowding; and

12 (IV) the extent of poverty.

13 (C) OTHER.—Any other criteria the Sec-
14 retary determines to be reasonably appropriate.

15 (h) DEFINITIONS.—For purposes of this section, the
16 following definitions apply:

17 (1) APPLICANT.—The term “applicant” means
18 an eligible entity that has submitted an application
19 under section 476 that the Secretary determines
20 complies with the requirements under this section.

21 (2) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means—

23 (A) a public housing agency;

24 (B) a labor union; or

1 (C) a nonprofit organization that is in-
2 volved in the development of affordable housing

3 (3) EXTREMELY LOW-INCOME HOUSEHOLD.—

4 The term “extremely low-income household” means
5 a household, including an individual or family, that
6 has an income that does not exceed 30 percent of
7 the median family income for the area, as deter-
8 mined by the Secretary with adjustments for smaller
9 and larger families, except that the Secretary may
10 establish income ceilings higher or lower than 30
11 percent of the median for the area on the basis of
12 the Secretary’s findings that such variations are nec-
13 essary because of prevailing levels of construction
14 costs or fair market rents, or unusually high or low
15 household incomes.

16 (4) LABOR UNION.—The term “labor union”
17 has the meaning given the term “labor organization”
18 in section 2 of the National Labor Relations Act (29
19 U.S.C. 152).

20 (5) LOW-INCOME HOUSEHOLD.—The term
21 “low-income household” means a household, includ-
22 ing an individual or family, that has an income that
23 does not exceed 80 percent of the median family in-
24 come for the area, as determined by the Secretary
25 with adjustments for smaller and larger families, ex-

1 cept that the Secretary may establish income ceilings
2 higher or lower than 80 percent of the median for
3 the area on the basis of the Secretary’s findings that
4 such variations are necessary because of prevailing
5 levels of construction costs or fair market rents, or
6 unusually high or low household incomes.

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of Housing and Urban Development.

9 (i) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary to carry
11 out this section, \$50,000,000 for fiscal year 2007 and
12 such sums as may be necessary for each of fiscal years
13 2008 through 2011.

14 **SEC. 606. DAY LABORER FAIRNESS AND PROTECTION.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) According to the General Accounting Office,
17 contingent workers comprise approximately 30 per-
18 cent of the workforce and research indicates that the
19 size of the day labor workforce may be greater than
20 nationally available data suggests.

21 (2) Employers increasingly rely on contingent
22 workers rather than permanent workers. Employers
23 benefit from the reduced costs and increased flexi-
24 bility of utilizing a contingent workforce. This reli-
25 ance has resulted in a significant decrease in the

1 number of workers with health insurance coverage,
2 included in retirement and pension plans, and receiv-
3 ing other employment benefits such as long-term dis-
4 ability coverage. Contingent workers have lower fam-
5 ily incomes than those in full-time permanent em-
6 ployment. Many contingent workers live below the
7 Federal poverty line.

8 (3) The General Accounting Office has found
9 that the day labor workforce is particularly vulner-
10 able to workplace abuses. Day laborers are subject
11 to a wide range of abuses of their civil rights, em-
12 ployment and labor rights, and health and safety
13 rights. Although day laborers and contingent work-
14 ers face higher incidences of workplace abuse, the
15 General Accounting Office has found current prac-
16 tices and laws make it difficult to detect violations
17 affecting contingent workers and day laborers.

18 (4) Wage and hour abuses are of particular
19 concern to day laborers. Despite current legal wage
20 and hour protections afforded to day laborers, such
21 laborers are subject to pervasive wage and hour vio-
22 lations committed by day labor employers and tem-
23 porary labor agencies. The short nature of the em-
24 ployment relationship, multiple barriers to enforce-
25 ment resources and the lack of strong protective

1 wage and hour laws render day laborers particularly
2 vulnerable to nonpayment of wages. Wage and hour
3 problems confronting day laborers take many forms
4 and include: complete nonpayment of wages; pay-
5 ment of less than the agreed upon rate; payment by
6 checks with insufficient funds and late payment of
7 wages. Day labor employers often delay payments of
8 promised wages until the completion of a job. Upon
9 completion, day laborers are commonly left with less
10 than promised or a void check. Lack of access to so-
11 cial and legal services that could assist them in en-
12 forcing their workplace rights leave few options for
13 day laborers seeking to recover unpaid wages.

14 (5) Occupational injury and fatality rates for
15 day laborers are disproportionately higher than such
16 rates for other workers. Desperate for work and
17 fearing retaliation, day laborers often risk life and
18 limb without ever reporting work hazards. Day la-
19 borers are often assigned to the dangerous tasks
20 shunned by workers with more options. Employers
21 often neglect their duties to provide safe employment
22 that is free from hazards to a day laborers' health.
23 Employers regularly fail to provide necessary health
24 and safety equipment and training to day laborers.
25 Due to the lack of notice requirements, most day la-

1 borers have no advance warning about possible expo-
2 sure to hazardous materials or dangerous tasks.

3 (6) Day laborers and contingent workers seek-
4 ing to enforce the employment and labor laws are
5 frequently subject to intimidating retaliatory acts by
6 the employer. Absent stronger antiretaliation protec-
7 tions, day laborers will continue to endure dangerous
8 and unjust working conditions without recourse.

9 (7) Day laborers and contingent workers pro-
10 vide employers with a flexible workforce and con-
11 tribute significantly to interstate commerce. Despite
12 these contributions, day laborers are routinely sub-
13 jected to workplace abuse with little or no recourse.
14 The growing numbers of day laborers and other con-
15 tingent workers in the workforce calls for legislative
16 reforms that expand and protect the rights of day
17 laborers.

18 (b) PURPOSE.—The purpose of this section is to en-
19 sure that individuals working as day laborers, or tem-
20 porary workers, are afforded full protection of and access
21 to employment and labor laws that ensure workplace dig-
22 nity and to reduce unfair competitive advantage for firms
23 that abuse day laborers.

24 (c) DEFINITIONS.—In this section the following defi-
25 nitions apply:

1 (1) DAY LABORER.—The term “day laborer”
2 means an individual who is engaged in or waiting to
3 be engaged in day labor.

4 (2) DAY LABOR.—The term “day labor” means
5 labor or employment that is occasional or irregular
6 for which an individual is employed for not longer
7 than the time period required to complete the as-
8 signment for which the individual was hired and in
9 which wage payments are made directly to the day
10 laborer or indirectly by the day labor service agency
11 or the third party employer for work undertaken by
12 a day laborer. Day labor does not include labor or
13 employment of a professional or clerical nature.

14 (3) DAY LABOR EMPLOYER.—The term “day la-
15 borer employer” refers to any person or entity that
16 directly or indirectly, through an agent, day labor
17 service agency or any other entity acting in the em-
18 ployer’s interest, engages, suffers or permits a day
19 laborer to work or otherwise has the right to exercise
20 control over the wages, hours or working conditions
21 of a day laborer. The term includes day labor service
22 agencies and third party employers as defined in this
23 section.

24 (4) DAY LABORER SHAPE-UP SITE.—The term
25 “day laborer shape-up site” means any public area

1 or street corner, residential or commercial, where
2 day laborers assemble to seek employment.

3 (5) DAY LABORER HIRING SITE.—The term
4 “day laborer hiring site” refers to any program
5 sponsored by a public entity or nonprofit organiza-
6 tion that provides a space for day laborers to assem-
7 ble for work and participate in skills development
8 workshops and classes. For the purposes of this sec-
9 tion, day laborer hiring sites are not day labor em-
10 ployers.

11 (6) DEPARTMENT.—The term “Department”
12 means the Department of Labor.

13 (7) SECRETARY.—The term “Secretary” means
14 the Secretary of Labor.

15 (8) REGULAR RATE OF PAY.—The term “reg-
16 ular rate of pay” means an hourly wage rate agreed
17 to by the day labor employer and day laborer. If a
18 daily rate is negotiated, the regular rate of pay shall
19 be calculated by dividing the total remuneration
20 agreed upon for 1 week by 40. On jobs that require
21 prevailing wage rates, the regular rate of pay shall
22 be the prevailing wage or wage agreed to by the day
23 laborer employer and day laborer, whichever is high-
24 er. In no circumstances shall the regular rate of pay
25 be less than that required by law.

1 (9) DAY LABOR SERVICE AGENCY.—The term
2 “day labor service agency” means any person or en-
3 tity that recruits, dispatches, or otherwise facilitates
4 the employment of day laborers by a third party em-
5 ployer. A day labor service agency is a day labor em-
6 ployer and shares all legal obligations placed on a
7 day labor employer by this section. A not-for-profit
8 organization is not a day labor service agency.

9 (10) WORKDAY AND DAY.—The terms “work-
10 day” and “day” mean any consecutive 24 hours pe-
11 riod beginning at the same time each calendar day.

12 (11) THIRD PARTY EMPLOYER.—The term
13 “third party employer” refers to a person or entity
14 that suffers or permits a day laborer to work by con-
15 tracting with a day labor service agency. Third party
16 employers are day labor employers and share all
17 legal obligations placed on day labor employers.

18 (d) SUSTAINABLE WAGES.—

19 (1) SUSTAINABLE WAGE.—A day laborer shall
20 be paid not less than the equivalent of the prevailing
21 wage rate paid to permanent employees who are per-
22 forming substantially equivalent work, with due con-
23 sideration given to seniority, experience, and skills.

24 (2) NOTICE OF WAGE RATE.—Day labor em-
25 ployers shall provide notice of the wage rate ex-

1 pected to be paid to each day laborer. A day labor
2 service agency shall provide notice of the wage rate
3 expected to be paid by each third party employer
4 using the services of the agency. A day laborer shall
5 be paid by a third party employer not less than the
6 wage rate stated in the notice of the agency for all
7 work performed for the third party employer, includ-
8 ing work contained in the description issued under
9 subsection (g).

10 (3) WAGE REDUCTION.—Day labor employers
11 are prohibited from reducing the wage rate of any
12 permanent full time employee in order to comply
13 with paragraph (1) or (2).

14 (4) OVERTIME.—A day laborer shall be com-
15 pensated at a rate of 1 and one-half times the reg-
16 ular rate of pay for each hour worked beyond 8
17 hours up to and including 12 hours in a workday,
18 and for the first 8 hours worked on the seventh con-
19 secutive day of work in a work week.

20 (5) DAILY OVERTIME.—Day laborers are enti-
21 tled to double the regular rate of pay for all hours
22 worked in excess of 12 hours in any workday and for
23 all hours worked in excess of 8 hours on the seventh
24 consecutive day of work in a work week.

1 (6) MINIMUM DAILY RATE.—A day laborer per-
2 forming day labor shall be compensated for not less
3 than 4 hours of work for each day worked.

4 (7) CALL IN PAY.—If the day labor employer
5 fails to appear after requesting a day laborer's serv-
6 ices at a designated time and location, the day la-
7 borer shall be compensated for not less than 4 hours
8 at the regular rate of pay.

9 (8) WAIT TIME.—If a day laborer arrives for
10 employment at the request of a day labor employer,
11 time spent waiting for the employer is wait time
12 compensable at the regular rate of pay.

13 (9) REDUCTION OF SALARY.—If a day labor
14 employer has offered and a day laborer has accepted
15 a wage rate, the day labor employer cannot reduce
16 that negotiated salary during that day of employ-
17 ment.

18 (10) TRAVEL TIME.—Day laborers are to be
19 compensated for travel time if such activity is an in-
20 tegral and indispensable part of the principal activi-
21 ties that the workers are employed to perform. For
22 the purposes of this section, time spent traveling
23 from a day labor shape-up site, day labor hiring site,
24 or day labor service agency to the worksite shall be
25 compensable at the regular rate of pay.

1 (11) AGENCY PROCESSING DELAY.—

2 (A) IN GENERAL.—If a day labor service
3 agency expends more than 30 minutes in proc-
4 essing a day laborer’s work assignment, the day
5 labor service agency shall pay the day laborer
6 for any additional waiting time at the regular
7 rate of pay.

8 (B) LIMITATION.—The time spent in tran-
9 sit to or from the designated worksite or to or
10 from the day labor service agency shall not be
11 included in computing processing time.

12 (e) OTHER RIGHTS OF DAY LABORERS.—

13 (1) PUBLIC ACCESS AREA.—Each day labor
14 service agency shall provide adequate seating in the
15 public access area of the offices of the agency. Em-
16 ployment and wage notices required by this section
17 shall be posted in the public access area. The public
18 access area shall allow for access to restrooms and
19 water.

20 (2) WORK RESTRICTION.—No day labor service
21 agency shall restrict the right of a day laborer to ac-
22 cept a permanent position with a third party em-
23 ployer to whom the day laborer has been referred for
24 temporary work or restrict the right of such third
25 party employer to offer such employment to a day

1 laborer. This paragraph shall be understood to out-
2 law the charging of fines or additional amounts for
3 making or accepting an offer of employment.

4 (3) BREAKS AND MEALS.—For each 4-hour pe-
5 riod of uninterrupted day labor, a 15-minute com-
6 pensated break shall be provided. For periods of un-
7 interrupted day labor lasting longer than 6 hours, a
8 30-minute compensated lunch period shall be pro-
9 vided.

10 (4) DISCLOSURE OF EMPLOYER INFORMA-
11 TION.—At the time of hire, a day labor employer
12 must provide a day laborer with the day labor em-
13 ployers' phone number and business address.

14 (5) TRANSPORTATION BACK TO POINT OF
15 HIRE.—Unless the day laborer requests otherwise,
16 the day labor employer shall provide transportation
17 back to the point of hire at the end of each work
18 day.

19 (6) TRANSPORTATION FEES.—Day labor service
20 agencies, third party employers and day laborer em-
21 ployers shall not charge a day laborer for the costs
22 of transportation to and from the premises of the
23 day labor agency, day laborer shape-up site, or day
24 laborer hiring site to the worksite.

25 (7) PAYMENTS.—

1 (A) IN GENERAL.—At the time of the pay-
2 ment of wages, a day labor service agency shall
3 provide each day laborer with an itemized state-
4 ment showing in detail each deduction made
5 from the wages.

6 (B) ANNUAL STATEMENT.—A day labor
7 service agency shall provide each worker an an-
8 nual earnings summary within a reasonable
9 time after the preceding calendar year, but in
10 no case later than February 1. A day labor
11 service agency shall, at the time of each wage
12 payment, give notice to day laborers of the
13 availability of the annual earnings summary or
14 post such a notice in a conspicuous place in the
15 public reception area.

16 (C) PAYMENT SCHEDULES.—At the re-
17 quest of a day laborer, a day labor service agen-
18 cy or day labor employer shall hold the daily
19 wages of the day laborer and make either week-
20 ly or semimonthly payments. The wages shall
21 be paid in a single check representing the wages
22 earned during the period for which wage pay-
23 ments are to be made, as designated by the day
24 laborer. A day labor service agency or day labor
25 employer that makes daily wage payments shall

1 provide written notification to all day laborers
2 of the right to request weekly or semimonthly
3 checks. The day laborer service agency may
4 provide such notice by conspicuously posting
5 the notice at the location where the wages are
6 received by the day laborers.

7 (D) DAILY WAGES.—If day labor employ-
8 ment lasts less than 1 week wages shall be paid
9 at the end of each workday.

10 (E) CHECK CASHING.—A day labor service
11 agency, day labor employer, or third party em-
12 ployer may not directly or indirectly charge any
13 day laborer for cashing a check issued by the
14 day labor service agency, day labor employer, or
15 third party employer for wages earned by a day
16 laborer who performed work through that day
17 labor service agency, day labor employer or
18 third party employer.

19 (F) OVERPAYMENT.—A day laborer shall
20 not be charged fees for overpayment by the day
21 labor agency.

22 (G) NEGOTIABLE TENDER.—All noncash
23 wage payments shall be in the form of imme-
24 diately negotiable tender payable in cash, on de-

1 mand at a financial institution, and without dis-
2 count.

3 (H) PAYMENT BY CHECK.—If a day labor
4 service agency or day labor employer pays by
5 check, that check shall be immediately redeem-
6 able.

7 (I) PAYMENT ON TERMINATION.—All
8 wages must be paid within 72 hours of termi-
9 nation.

10 (J) PLACE OF PAYMENT ON TERMI-
11 NATION.—Upon termination, a day laborer may
12 choose to be paid either at the worksite, the day
13 labor site, or the day labor service agency. A
14 day laborer may also request that the check be
15 sent by first class mail. Unless the day laborer
16 requests otherwise, a day labor employer shall
17 pay a discharged day laborer at the worksite.

18 (8) OTHER RIGHTS GUARANTEED BY LAW.—
19 Day laborers shall be afforded all other rights guar-
20 anteed workers under the law.

21 (9) SPECIFIC RIGHTS.—Day laborers shall be
22 free of any restriction on their ability to solicit day
23 labor or to express their availability for lawful day
24 labor employment in any public area unless such re-
25 striction is applied to all speech or expression of any

1 content, including political, artistic, religious, or
2 commercial speech and to speech regardless of
3 whether the speaker is physically present or speaks
4 through unattended signs or banners—

5 (a) this right shall be enforceable by day
6 laborers through a private action under section
7 1979 of the Revised Statutes (17 Stat. 13; 42
8 U.S.C. 1983); and

9 (b) any local or State ordinance or law
10 that violates this provision shall be enjoined as
11 invalid.

12 (f) HEALTH AND SAFETY.—

13 (1) IN GENERAL.—Every day labor service
14 agency and day labor employer shall furnish employ-
15 ment and a place of employment that is safe and
16 healthful for day laborers. Such employment shall be
17 free of recognized hazards that are likely to cause
18 death or serious physical harm to day laborers.

19 (2) LIFE, SAFETY, AND HEALTH REQUIRE-
20 MENTS.—No day labor service agency or day laborer
21 employer shall fail or neglect to do any of the fol-
22 lowing:

23 (A) To provide and use safety devices and
24 safeguards reasonably adequate to render the

1 employment and place of employment safe at no
2 cost to the day laborer.

3 (B) To adopt and use methods and proc-
4 esses reasonably adequate to render the employ-
5 ment and place of employment safe.

6 (C) To do every other thing reasonably
7 necessary to protect the life, safety, and health
8 of day laborers.

9 (3) CITATIONS FOR FAILURE TO COMPLY.—On
10 multi-employer worksites, both construction and
11 nonconstruction, citations may be issued to the fol-
12 lowing categories of employers when the Occupa-
13 tional Safety and Health Administration, referred to
14 in this section as “OSHA”, has evidence that a day
15 laborer was exposed to a hazard in violation of any
16 requirement enforceable by OSHA:

17 (A) The employer whose day laborers were
18 exposed to the hazard (the exposing employer).

19 (B) The employer who actually created the
20 hazard (the creating employer).

21 (C) The employer who was responsible, by
22 contract or through actual practice, for safety
23 and health conditions on the worksite, which is
24 the employer who had the authority for ensur-

1 ing that the hazardous condition is corrected
2 (the controlling employer).

3 (D) The employer who had the responsi-
4 bility for actually correcting the hazard (the
5 correcting employer).

6 The employers listed in subparagraphs (B) through
7 (D), inclusive, of this paragraph may be cited re-
8 gardless of whether their own day laborers were ex-
9 posed to a hazard.

10 (4) APPLICATION OF FEDERAL LAW.—

11 (A) IN GENERAL.—Employers and day la-
12 borers as defined by this section shall be cov-
13 ered under the Occupational Health and Safety
14 Act (OSHA). In addition to coverage under
15 OSHA, employers and day laborers shall adhere
16 to the following requirements:

17 (B) HEALTH CARE EXPENSES.—If a day
18 laborer is injured while working, the day labor
19 employer shall be responsible to pay for the
20 health care costs associated with the injury and
21 all compensable damages flowing from that in-
22 jury unless coverage for the accident is avail-
23 able under the applicable State worker's com-
24 pensation law. The statute of limitations shall
25 be otherwise tolled during the period in which

1 the day laborer seeks coverage under the appli-
2 cable State workers' compensation law.

3 (C) HEALTH AND SAFETY EQUIPMENT.—

4 The day labor service agency or day laborer em-
5 ployer shall provide at no cost to each day la-
6 borer any special attire, accessories, tools, safe-
7 ty equipment or other items required by law or
8 custom to perform the work assignment.

9 (D) WORKERS' COMPENSATION.—All day
10 labor service agencies and day laborer employ-
11 ers are required to provide workers' compensa-
12 tion benefits to their day labor day laborers, re-
13 gardless of immigration status, for injuries aris-
14 ing out of and in the course of employment.

15 (E) NOTIFICATION OF WORKERS' COM-
16 PENSATION BENEFITS.—Day labor service
17 agencies and day laborer employers shall pro-
18 vide all day laborers written notice on the first
19 day of employment that contains a statement of
20 the day laborer's right to workers' compensa-
21 tion benefits and the day labor service agency
22 and day laborer employer's workers' compensa-
23 tion insurance carrier name and number. This
24 notice shall be provided in English and any
25 other language that is generally used by the

workforce serviced by the day labor service agency or employed by the employer.

(F) NOTIFICATION, CONSENT, AND DISCLOSURE.—

(i) IN GENERAL.—The day labor service agency or any employer or agent of the employer must disclose the risk of exposure to hazardous chemicals or any other unsafe materials or working condition that require the use of safety and protective equipment.

(ii) WRITTEN CONSENT.—Day labor service agencies and day laborer employers are required to obtain the informed written consent of any day laborer who will be exposed to hazardous materials. Written consent shall include: a description of the hazardous materials the day laborer will be exposed to, the possible health and safety consequences of exposure to the hazardous materials and any specialized certification or training required to safely handle the hazardous materials.

(iii) NO RETALIATION.—A day labor service agency or day laborer employer shall not take any retaliatory action

1 against a day laborer who refuses to per-
2 form hazardous work due to health or safe-
3 ty concerns.

4 (G) TRANSPORTATION LIABILITY.—A day
5 labor service agency, day labor employer or any
6 other employer or agent of the employer that
7 transports a day laborer to or from a des-
8 ignated worksite is liable for any injury to a
9 day laborer arising from any accident that oc-
10 curs while the day laborer is being transported
11 to or from the worksite.

12 (H) MOTOR VEHICLE SAFETY.—

13 (i) IN GENERAL.—Any motor vehicle
14 that is owned or operated by the day labor
15 service agency or any other employer, or a
16 contractor of either, which is used for the
17 transportation of day laborers shall—

18 (I) have proof of financial re-
19 sponsibility as provided for in applica-
20 ble State insurance laws of the area;

21 (II) be equipped with seats se-
22 curely fastened to the vehicle;

23 (III) be equipped, if a
24 motortruck, with a railing or other
25 suitable enclosure on the sides and

1 end of the vehicle not less than 46
2 inches above the floor of the vehicle;
3 and

4 (IV) equipped with steps, stir-
5 rups, or other equivalent devices so
6 placed and arranged that the vehicle
7 may be safely mounted and dis-
8 mounted.

9 (ii) UNSAFE VEHICLE.—A day labor
10 service agency or day labor employer who
11 knows or should know that a motor vehicle
12 used primarily or regularly for the trans-
13 portation of day laborers is unsafe, or not
14 equipped as required by this section, or
15 any regulations adopted pursuant to this
16 section, shall not use the motor vehicle for
17 transporting day laborers.

18 (iii) INSPECTION.—The Secretary or
19 an appointed designee shall inspect motor
20 vehicles used primarily or regularly for the
21 transport of day laborers at least once an-
22 nually to determine whether its construc-
23 tion, design, and equipment comply with
24 all provisions of Federal and State law. No
25 person shall drive any motor vehicle used

1 primarily or regularly for the transport of
2 day laborers without displaying a certifi-
3 cate issued from the Secretary or an ap-
4 pointed designee confirming timely inspec-
5 tion and compliance with all laws and reg-
6 ulations relating to construction, design,
7 and equipment.

8 (iv) RENTER REQUIREMENTS.—An
9 owner or person who rents any motor vehi-
10 cle used primarily or regularly for the
11 transport of day laborers is responsible for
12 compliance with the motor vehicle require-
13 ments of this section.

14 (g) NOTIFICATION REQUIREMENTS.—

15 (1) IN GENERAL.—

16 (A) NOTICE.—A day labor service agency
17 shall, in the public reception area, post a list of
18 all employers that are seeking day laborers
19 which includes the following:

20 (i) The name and address of the em-
21 ployer and the address of the worksite if
22 different from that of the employer.

23 (ii) The type of job opportunities for
24 day laborers.

1 (iii) The amount of wages to be paid
2 per hour for the work.

3 (iv) If transportation is available,
4 whether the worksite is accessible by public
5 or personal transportation, and the approx-
6 imate commute time to the worksite.

7 (B) DESCRIPTION.—A day labor service
8 agency shall, for each job opportunity posted,
9 provide a detailed description of the work which
10 shall include the following:

11 (i) A detailed description of the work
12 to be performed by the day laborer, includ-
13 ing any requirements for special attire, ac-
14 cessories, or safety equipment.

15 (ii) The exact address of the worksite
16 and a telephone number at which a day la-
17 borer can be reached for emergency pur-
18 poses. If the location is in a rural area, the
19 notice must also contain directions to the
20 worksite.

21 (iii) The time of day the work will
22 begin, the time of day the work will end,
23 and the overtime rate of pay.

24 (iv) Whether a meal is provided, ei-
25 ther by the day labor service agency, day

1 labor employer, or the third party em-
2 ployer, and the cost of the meal, if any.

3 (v) A phone number and business ad-
4 dress for the third party employer request-
5 ing the day laborer through the day labor
6 service agency.

7 (2) POSTING.—The notices required to be post-
8 ed under this subsection shall be written in English
9 and any other language that is generally used in the
10 locale of the day labor service agency.

11 (3) OFFER AND ACCEPTANCE.—Upon offer and
12 acceptance of a job, the information referred to in
13 this subsection shall be provided to each day laborer
14 in writing in English and any other language that
15 is generally used in the locale of the day labor serv-
16 ice agency, day labor site, or by the day laborer or
17 at the time of acceptance.

18 (h) DEDUCTIONS.—

19 (1) MEALS.—A day labor service agency or any
20 other employer shall not charge a day laborer more
21 than the actual cost of providing a meal. In no case
22 shall a deduction for a meal be permitted against
23 the wage requirements of this section if—

24 (A) the day laborer does not consume the
25 meal;

1 (B) the day laborer has no realistic oppor-
2 tunity to obtain meals by other means due to
3 the location of the job site and the time per-
4 mitted for the meal; or

5 (C) the purchase of a meal is a condition
6 of employment.

7 (2) TRANSPORTATION.—A day labor service
8 agency or any other employer shall not charge to
9 transport a day laborer to or from the designated
10 worksite.

11 (3) SAFETY AND PROTECTIVE EQUIPMENT.—

12 (A) GENERAL RULE.—The day labor serv-
13 ice agency or day laborer employer shall provide
14 at no cost to each day laborer any special at-
15 tire, accessories, tools, safety equipment, or
16 other items required by law or custom to per-
17 form the work assignment. For any other
18 equipment, clothing, accessories, or any other
19 items the day labor service agency or day la-
20 borer employer makes available for purchase,
21 the day laborer shall not be charged more than
22 the actual market value for the item.

23 (B) EXCEPTION.—A day labor service
24 agency or day laborer employer is not precluded
25 from charging the day laborer the market value

1 of items temporarily provided to the day la-
2 borer, in the event that the day laborer willfully
3 fails to return such items.

4 (4) HOUSING.—

5 (A) IN GENERAL.—An employer shall com-
6 ply with applicable State requirements and Fed-
7 eral law requirements when crediting lodging
8 towards an employer's wage obligation under
9 this section only if—

10 (i) lodging is received and used;

11 (ii) lodging is furnished as part of the
12 day laborer's compensation; and

13 (iii) the day laborer enters a voluntary
14 written agreement to credit lodging toward
15 the employer's wage obligation.

16 (B) LODGING REQUIREMENTS.—The
17 amount credited for lodging shall not exceed an
18 amount that would result in the day laborer
19 earning less than the wage required by this sec-
20 tion. In order for lodging to be creditable to-
21 wards the wage obligation, it shall be available
22 to the day laborer for full-time occupancy and
23 be adequate, decent, and sanitary according to
24 usual and customary standards.

25 (i) RETALIATION.—

1 (1) PROHIBITION.—Any employer, or any agent
2 of an employer, who knowingly retaliates through
3 discharge or in any other manner against any day
4 laborer shall be fined under title 18, United States
5 Code or subject to a private cause of action.

6 (2) PROTECTED ACTS FROM RETALIATION IN-
7 CLUDE.—The Secretary shall ensure that a day la-
8 borer is protected from retaliation for—

9 (A) making a complaint to the day labor-
10 er's employer, or a State agency, or federal
11 agency, or community organization that rights
12 guaranteed a day laborer under this section
13 have been violated;

14 (B) making a complaint to an employer, a
15 coworker, or before a public hearing or the
16 press that rights guaranteed a day laborer
17 under this section have been violated;

18 (C) causing to be instituted any proceeding
19 under or related to this section, or;

20 (D) testifying or preparing to testify in an
21 investigation or proceeding under this section.

22 (j) DAY LABOR SERVICE AGENCY AND DAY LABOR
23 EMPLOYER REGISTRATION.—

24 (1) IN GENERAL.—A day labor service agency
25 and day labor employer shall register with the Sec-

1 retary in accordance with rules adopted by the Sec-
2 retary for day labor service agencies and with State
3 departments of labor which require such registra-
4 tion.

5 (2) FEES.—The Secretary may assess each day
6 labor agency and day labor employer a registration
7 fee not to exceed \$250.

8 (k) DEPARTMENT REQUIREMENTS AND RESPON-
9 SIBILITIES.—

10 (1) IN GENERAL.—the Secretary shall adopt
11 rules and regulations necessary to implement the
12 provisions of this section, including provisions for
13 hearings and imposition of penalties for violations of
14 this section.

15 (2) POSTING REQUIREMENT.—The Secretary
16 shall cause to be posted in each day labor service
17 agency a notice in English and any other language
18 generally spoken in the locale of the day labor serv-
19 ice agency which informs the public of a toll-free
20 telephone number for day laborers and the public to
21 file wage dispute complaints and other alleged viola-
22 tions by day labor service agencies and other day
23 labor employers.

24 (3) FINES.—The Secretary shall have the au-
25 thority to fine a day labor service agency or day

1 labor employer that fails to register with the Depart-
2 ment of Labor in accordance with this section
3 \$1,000 for the first offense and \$5,000 for each sub-
4 sequent offense.

5 (4) SUSPENSIONS AND REVOCATIONS.—The
6 Secretary shall have the authority to suspend or re-
7 voke the registration of a day labor service agency
8 or day labor employer if warranted by public health
9 and safety concerns or violations of this section.

10 (5) INVESTIGATIONS.—The Secretary shall
11 promptly investigate complaints concerning alleged
12 violations of this section.

13 (l) CRIMINAL SANCTIONS.—

14 (1) CRIMINAL PROVISION.—

15 (A) IN GENERAL.—Any employer or any
16 agent of an employer, who, willfully and know-
17 ingly violates this section, shall be fined under
18 title 18, United States Code.

19 (B) CONTINUED VIOLATION.—Each day
20 during which any violation of this section con-
21 tinues shall constitute a separate and distinct
22 offense.

23 (m) JUDICIAL ENFORCEMENT.—

24 (1) INJUNCTIVE RELIEF.—The Secretary may
25 petition any appropriate district court of the United

1 States for temporary or permanent injunctive relief
2 if the Secretary determines that this section, or any
3 regulation under this section, has been violated.

4 (2) CONTROL OF CIVIL LITIGATION.—The Solice-
5 itor of Labor may appear for and represent the Sec-
6 retary in any civil litigation brought under this sec-
7 tion, but all such litigation shall be subject to the di-
8 rection and control of the Attorney General.

9 (n) ADMINISTRATIVE SANCTIONS.—

10 (1) CIVIL MONEY PENALTIES FOR VIOLA-
11 TIONS.—Any person who commits a violation of this
12 section or any regulation under this section shall be
13 assessed a penalty of \$1000 for each violation.

14 (2) COLLECTION OF AMOUNTS ON BEHALF OF
15 INJURED DAY LABORERS.—

16 (A) If an employer willfully violates sub-
17 section (d) or (h) of this section, the Secretary
18 shall collect, on behalf of each injured day la-
19 borer, the amount of wages not paid in violation
20 of the section and an equal amount for each
21 day for which the wages are not paid.

22 (B) An employer that willfully violates sub-
23 section (e), (f), or (g) of this section shall be as-
24 sessed by the Secretary an amount up to \$500
25 per violation of each subsection, which the Sec-

1 retary shall collect on behalf of each injured day
2 laborer.

3 (o) PRIVATE CAUSE OF ACTION.—

4 (1) MAINTENANCE OF CIVIL ACTION IN DIS-
5 TRICT COURT BY AGGRIEVED PERSON.—Any person
6 aggrieved by a violation of this section or any regu-
7 lation under this section by an employer may file
8 suit in any district court of the United States or
9 State court of competent jurisdiction without regard
10 to the citizenship of the parties and without regard
11 to exhaustion of any alternative administrative rem-
12 edies provided herein. Actions may be brought by
13 one or more day laborers for and on behalf of him-
14 self or themselves and other day laborers similarly
15 situated.

16 (2) AWARD OF DAMAGES OR OTHER EQUITABLE
17 RELIEF.—Any day laborer whose rights have been
18 violated under this section by his or her employer
19 shall be entitled to collect—

20 (A) in the case of a violation under sub-
21 section (d) or (h) of this section, the amount of
22 any wages, salary, employment benefits, or
23 other compensation denied or lost to such day
24 laborer by reason of the violation, plus an equal

1 amount for each day for which wages are not
2 paid;

3 (B) in the case of a violation under sub-
4 section (e), (f), or (g) of this section, compen-
5 satory damages and an amount up to \$500 for
6 the violation of each subpart of each subsection;

7 (C) in the case of a violation under sub-
8 section (i) of this section, all legal or equitable
9 relief as may be appropriate to effectuate the
10 purposes of subsection (i);

11 (D) attorney's fees and costs; or

12 (E) punitive damages in a case in which
13 any employer, or agent of an employer, threat-
14 ens to call the Immigration and Naturalization
15 Service or the police in retaliation for protected
16 acts described in subsection (i) of this section.

17 (3) STATUTE OF LIMITATIONS.—The right of
18 an aggrieved person to bring a cause of action under
19 this subsection terminates upon the passing of 3
20 years from the final date of employment by the em-
21 ployer. This limitations period is tolled if a day labor
22 employer has deterred a day laborer's exercise of
23 rights under this section by contacting or threat-
24 ening to contact the Immigration and Naturalization
25 Service or other law enforcement agencies.

1 (4) WAIVER THROUGH CONTRACT.—Any agree-
2 ment between a day laborer and a day labor em-
3 ployer to waive rights and responsibilities under this
4 section are void and unenforceable as violative of
5 public policy.

6 (5) EVIDENTIARY BURDEN.—If an employer
7 has not met the notifications requirements under
8 this section or required recordkeeping pursuant to
9 title II of the Labor-Management Reporting and
10 Disclosure Act of 1959 (29 U.S.C. 201 et seq.),
11 there is a presumption that any reasonable factual
12 presentation by the day laborer is accurate. The em-
13 ployer is then required to disprove the day laborer’s
14 representation by clear and convincing evidence.

15 (p) PREVENTION OF DISCRIMINATION DURING AND
16 AT THE CONCLUSION OF LABOR DISPUTES.—Section 8(a)
17 of the National Labor Relations Act (29 U.S.C. 158(a))
18 is amended—

19 (1) by striking the period at the end of para-
20 graph (5) and inserting “; or”; and

21 (2) by adding at the end thereof the following
22 new paragraph:

23 “(6)(A) to offer, or to grant, the status of a
24 permanent replacement day laborer to an individual

1 for performing bargaining unit work for the em-
2 ployer during a labor dispute, or

3 “(B) to otherwise offer, or grant, an individual
4 any employment preference based on the fact that
5 such individual was employed, or indicated a willing-
6 ness to be employed, during a labor dispute over an
7 individual who—

8 “(i) was an day laborer of the employer at
9 the commencement of the dispute;

10 “(ii) has exercised the right to join, to as-
11 sist, or to engage in other concerted activities
12 for the purpose of collective bargaining or other
13 mutual aid or protection through the labor or-
14 ganization involved in the dispute; and

15 “(iii) is working for, or has unconditionally
16 offered to return to work for, the employer.”.

17 (q) LABOR DISPUTES.—No day labor service agency
18 may send any day laborer to a workplace where a strike,
19 lockout, or other labor trouble exists.

20 (r) COMPLIANCE WITH STATE AND LOCAL LAWS.—
21 This section is intended to supplement State and local
22 laws, and compliance with this section shall not excuse any
23 person from compliance with appropriate State and local
24 laws.

1 **SEC. 607. SOCIAL SECURITY ADMINISTRATION OUTREACH**
2 **TO HOMELESS PERSONS.**

3 (a) OUTREACH AND APPLICATION ASSISTANCE TO
4 HOMELESS APPLICANTS FOR BENEFITS AND BENE-
5 FICIARIES UNDER TITLE II AND TITLE XVI OF THE SO-
6 CIAL SECURITY ACT.—Part A of title XI of the Social Se-
7 curity Act (42 U.S.C. 1301–1320b-21) is amended by
8 adding at the end the following:

9 “OUTREACH AND APPLICATION ASSISTANCE TO HOME-
10 LESS APPLICANTS FOR BENEFITS AND BENE-
11 FICIARIES UNDER TITLE II AND TITLE XVI

12 “SEC. 1150A. (a) OUTREACH.—The Commissioner of
13 Social Security shall conduct outreach efforts to—

14 “(1) locate and identify homeless individuals
15 who may be eligible for benefits under title II or
16 XVI,

17 “(2) make readily available to such individuals
18 information regarding the availability of such bene-
19 fits, and

20 “(3) offer assistance to such individuals in fil-
21 ing applications for such benefits.

22 “(b) MODIFICATION OF APPLICATION PROCEDURES
23 TO ACCOMMODATE OUTREACH.—The Commissioner shall
24 include on application forms made available for use in ap-
25 plying for benefits under titles II and XVI, in the proce-
26 dures for filing such applications, and in the procedures

1 for determining continuing eligibility for or entitlement to
2 such benefits, mechanisms for collecting data determined
3 useful in furthering the efforts required to be undertaken
4 under subsection (a).

5 “(c) EXPEDITED PROCESSING OF APPLICATIONS.—
6 In furtherance of the efforts required to be undertaken
7 under subsection (a), the Commissioner shall ensure that
8 diligent efforts are maintained to expedite the processing
9 of applications for benefits under titles II and XVI.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out the provisions of this section, there are author-
12 ized to be appropriated to the Social Security Administra-
13 tion, from amounts otherwise available in the general fund
14 of the Treasury—

15 “(1) \$20,000,000 for fiscal year 2007, and

16 “(2) such sums as are necessary for each of fis-
17 cal years 2008, 2009, 2010, and 2011.”.

18 (b) REPEAL OF LIMITATION ON RECEIPT OF SSI.—
19 Section 1611(e)(1)(D) of the Social Security Act (42
20 U.S.C. 1382(e)(1)(D)) is amended by striking the semi-
21 colon and all that follows and inserting a period.

22 (c) MEMBERSHIP ON INTERAGENCY COUNCIL ON
23 THE HOMELESS.—Section 202(a) of the McKinney-Vento
24 Homeless Assistance Act (42 U.S.C. 11312(a)) is amend-
25 ed—

1 (1) by redesignating paragraph (16) as para-
2 graph (17); and

3 (2) by inserting after paragraph (15) the fol-
4 lowing new paragraph:

5 “(16) The Commissioner of Social Security, or
6 the designee of the Commissioner.”.

7 (d) INCREASE IN SSI ASSET LIMITS.—

8 (1) ELIGIBLE COUPLES.—Section
9 1611(a)(3)(A) of the Social Security Act (42 U.S.C.
10 1382(a)(3)(A)) is amended by inserting “, and to
11 \$4,500 on January 1, 2007, and shall be increased
12 by \$150 on January 1 of each succeeding year” be-
13 fore the period.

14 (2) ELIGIBLE INDIVIDUALS.—Section
15 1611(a)(3)(B) of the Social Security Act (42 U.S.C.
16 1382(a)(3)(B)) is amended by inserting “, and to
17 \$3,000 on January 1, 2007, and shall be increased
18 by \$100 on January 1 of each succeeding year” be-
19 fore the period.

20 (e) PRESUMPTIVE ELIGIBILITY FOR SSI FOR PEO-
21 PLE EXPERIENCING, OR AT RISK OF, HOMELESSNESS.—
22 Section 1614(a)(3) of the Social Security Act (42 U.S.C.
23 1382c(a)(3)) is amended by adding at the end the fol-
24 lowing:

1 “(K) The Secretary shall presume that a claimant for
2 benefits under this title on the basis of disability is dis-
3 abled if the claimant submits to the Secretary—

4 “(i) a statement, signed by a physician, which
5 attests that the claimant is disabled and describes
6 the nature of the disability; and

7 “(ii) evidence verifying that the claimant is
8 homeless (as defined in section 103 of the McKin-
9 ney-Vento Homeless Assistance Act) or at risk of
10 imminent homelessness.”.

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