

Another bill which she has provided leadership on has been a financial literacy bill of utmost importance as we see now, and that is K through 12th grade literacy programs, to get them into our schools. I think it is very important for all of us here to know, and the Nation to know, that Mrs. BIGGERT has provided sterling leadership on this entire issue of financial literacy. I certainly want to say how appreciative we all are for that leadership, Mrs. BIGGERT.

It points out, Mr. Speaker, as we look at where we are today with the downturn of the financial markets, the meltdown of our mortgage industry, at the core of it as we peel back the reasons and the causes we will all find and come to the conclusion that we have a tremendous need for financial literacy and financial education, because the core of our problem is that there are so many complicated and complex entities involved in financing, that we as a nation are coming up short on financial literacy.

To you, Mrs. BIGGERT, I thank you for your leadership on this. It has indeed been a pleasure working with you on this subject, and this bill is a testimonial to your leadership.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. SCOTT) for his very kind words. I really appreciate it. He is a wonderful member of the Financial Services Committee and is always there and always knows what is going on and always participates and does a good job. I thank you for all your work.

With that, I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3019, to expand and preserve home ownership through counseling, introduced by my colleague from Illinois, Representative BIGGERT. This important legislation will amend the Department of Housing and Urban Development Act to establish an Office of Housing Counseling which will conduct activities relating to homeownership and rental housing counseling.

#### GENERAL

When the crisis in the mortgage industry began, it primarily hit subprime borrowers. As the foreclosure crisis endured, home values started declining and eventually affected homeowners who are considered to be prime borrowers. This amendment to the Housing and Urban Development Act of 1968 will require a number of different stipulations that will encourage the expansion of home ownership with adequate information to make an informed decision. These stipulations include:

Directing the Office of the Secretary to establish, coordinate, and monitor Housing and Urban Development (HUD) administration of homeownership and rental housing counseling procedures provided in connection with any HUB program, including all related requirements, standards, and performance measures.

Requiring the Office of the Secretary to provide certification for various computer software programs for consumers to use in evaluating different residential mortgage loan proposals.

Encouraging the Director of Housing Counseling to develop, implement, and conduct national public service multimedia campaigns designed to make potential homeowners aware that counseling is available from unbiased and reliable sources.

Requiring the Secretary to provide technical and financial assistance to State governments, local governments, and non-profit organizations.

Directing the Secretary to study and report to Congress the root cause of default and foreclosure on homes.

Amending the Real Estate Settlement Procedures Act of 1974 to revise requirements for HUD booklets designed to help consumers applying for federally related mortgage loans to understand the nature of real estate settlement services.

#### MINORITIES

Problematic, unaffordable subprime loans are more often issued to African-American and Latino homebuyers. Nationally, African-American home purchasers were 2.7 times more likely to be issued a high cost loan than white borrowers. Latinos were 2.3 times more likely to be issued a high cost home purchase loan than white borrowers. Similarly, for refinance loans, African-Americans were 1.8 times more likely to be issued a high cost loan than whites. Latinos were 1.4 times more likely to be burdened with a high refinance cost loan than white homeowners.

These racial disparities persist even among homeowners of the same income level. In comparative terms, upper-income African-Americans were 3.3 times more likely than upper-income whites to be issued a high cost loan when purchasing a home. Upper-income Latinos were 3 times more likely than upper-income whites to be issued a high cost loan when purchasing a home.

America's lower-income and minority communities receive a disproportionate number of subprime loans and are therefore most exposed to experience default and foreclosure. Based on public data for 2006 available under the Home Mortgage Disclosure Act (HMDA), this report examines the extent of high-cost lending for 172 metropolitan areas, determines the disparities between borrowers of various races and income levels and identifies metropolitan areas that are at highest risk of facing concentrated foreclosures.

#### CONCLUSION

I firmly believe that we must pass this legislation in order to create equal terms and equal information for every homeowner or potential homeowner in America. This legislation will ensure that information is equally available to all homebuyers and enable every person to have a fair chance to obtain the information necessary to make informed financial decisions. There is a disparity of information in our current mortgage system and H.R. 3019 will enable the Government to alleviate this disparity by improving the flow of information through house owner counseling.

I urge my colleagues to support H.R. 3019 as well, as together we search for solutions that will help constituents throughout the United States.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3019, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2008

Mr. MURPHY of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5772) to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5772

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; REFERENCES.

(a) *SHORT TITLE.*—This Act may be cited as the “Frank Melville Supportive Housing Investment Act of 2008”.

(b) *REFERENCES.*—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, section 811 or any other provision of section 811, the reference shall be considered to be made to section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

#### SEC. 2. TENANT-BASED RENTAL ASSISTANCE THROUGH CERTIFICATE FUND.

(a) *TERMINATION OF MAINSTREAM TENANT-BASED RENTAL ASSISTANCE PROGRAM.*—Section 811 is amended—

(1) in subsection (b)—

(A) by striking the first subsection designation and all that follows through the end of subparagraph (B) of paragraph (2) and inserting the following:

“(b) *AUTHORITY TO PROVIDE ASSISTANCE.*—The Secretary is authorized to provide assistance to private nonprofit organizations to expand the supply of supportive housing for persons with disabilities, which shall be provided as—

“(1) capital advances in accordance with subsection (d)(1), and

“(2) contracts for project rental assistance in accordance with subsection (d)(2).”; and

(B) by striking “assistance under this paragraph” and inserting “Assistance under this subsection”;

(2) in subsection (d), by striking paragraph (4); and

(3) in subsection (l), by striking paragraph (1).

(b) *RENEWAL THROUGH SECTION 8.*—Section 811 is amended by adding at the end the following new subsection:

“(p) *AUTHORIZATION OF APPROPRIATIONS FOR SECTION 8 ASSISTANCE.*—

“(1) *IN GENERAL.*—There is authorized to be appropriated for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for persons with disabilities in fiscal year 2009 the amount necessary to provide a number of incremental vouchers under such section that is equal to the number of vouchers provided in fiscal year 2008 under the tenant-based rental assistance program under subsection (d)(4) of this section (as

in effect before the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008).

“(2) REQUIREMENTS UPON TURNOVER.—The Secretary shall develop and issue, to public housing agencies that receive voucher assistance made available under this subsection and to public housing agencies that received voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for non-elderly disabled families pursuant to appropriation Acts for fiscal years 1997 through 2002 or any other subsequent appropriations for incremental vouchers for non-elderly disabled families, guidance to ensure that, to the maximum extent possible, such vouchers continue to be provided upon turnover to qualified persons with disabilities or to qualified non-elderly disabled families, respectively.”.

### SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.

(a) PROJECT RENTAL ASSISTANCE CONTRACTS.—Section 811 is amended—

(1) in subsection (d)(2)—

(A) by inserting “(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—” after “PROJECT RENTAL ASSISTANCE.—”;

(B) in the first sentence, by inserting after “shall” the following: “comply with subsection (e)(2) and shall”;

(C) by striking “annual contract amount” each place such term appears and inserting “amount provided under the contract for each year covered by the contract”;

(D) by adding at the end the following new subparagraph:

“(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

“(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, subject to the availability of amounts made available in appropriation Acts, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

“(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.”.

(2) in subsection (e)(2)—

(A) in the first sentence, by inserting before the period at the end the following: “, except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 or with any tax-exempt housing bonds, the contract shall have an initial term of not be less than 360 months and shall provide funding for a term of 60 months”;

(B) by striking “extend any expiring contract” and insert “upon expiration of a contract (or any renewed contract), renew such contract”.

(b) PROGRAM REQUIREMENTS.—Section 811 is amended—

(1) in subsection (e)—

(A) by striking the subsection heading and inserting the following: “PROGRAM REQUIREMENTS”;

(B) by striking paragraph (1) and inserting the following new paragraph:

“(1) USE RESTRICTIONS.—

“(A) TERM.—Any project for which a capital advance is provided under subsection (d)(1) shall be operated for not less than 40 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary and shall, during such period, be made available for occupancy only by very low-income persons with disabilities.

“(B) CONVERSION.—If the owner of a project requests the use of the project for the direct ben-

efit of very low-income persons with disabilities and, pursuant to such request the Secretary determines that a project is no longer needed for use as supportive housing for persons with disabilities, the Secretary may approve the request and authorize the owner to convert the project to such use.”; and

(C) by adding at the end the following new paragraphs:

“(3) LIMITATION ON USE OF FUNDS.—No assistance received under this section (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist persons with disabilities.

“(4) MULTIFAMILY PROJECTS.—

“(A) LIMITATION.—Except as provided in subparagraph (B), of the total number of dwelling units in any multifamily housing project (including any condominium or cooperative housing project) containing any unit for which assistance is provided from a capital grant under subsection (d)(1) made after the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008, the aggregate number that are used for persons with disabilities, including supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

“(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any project that is a group home or independent living facility.”; and

(2) in subsection (1), by striking paragraph (4).

(c) DELEGATED PROCESSING.—Subsection (g) of section 811 (42 U.S.C. 8013(g)) is amended—

(1) by striking “SELECTION CRITERIA.—” and inserting “SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as subparagraphs (A), (B), (C), (D), (E), (G), and (H), respectively;

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

“(2) DELEGATED PROCESSING.—

“(A) In issuing a capital advance under subsection (d)(1) for any multifamily project (but not including any project that is a group home or independent living facility) for which financing for the purposes described in the last sentence of subsection (b) is provided by a combination of the capital advance and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

“(i) is in geographic proximity to the property;

“(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

“(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

“(iv) agrees to issue a firm commitment within 12 months of delegation.

“(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

“(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

“(D) Under such delegated system, the Secretary shall retain the authority to approve

rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.”.

(d) LEVERAGING OTHER RESOURCES.—Paragraph (1) of section 811(g) (as so designated by subsection (c)(1) of this section) is amended by inserting after subparagraph (E) (as so redesignated by subsection (c)(2) of this section) the following new subparagraph:

“(F) the extent to which the per-unit cost of units to be assisted under this section will be supplemented with resources from other public and private sources;”.

(e) TENANT PROTECTIONS AND ELIGIBILITY FOR OCCUPANCY.—Section 811 is amended by striking subsection (i) and inserting the following new subsection:

“(i) ADMISSION AND OCCUPANCY.—

“(1) TENANT SELECTION.—

“(A) PROCEDURES.—An owner shall adopt written tenant selection procedures that are satisfactory to the Secretary as (i) consistent with the purpose of improving housing opportunities for very low-income persons with disabilities; and (ii) reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease. Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

“(B) REQUIREMENT FOR OCCUPANCY.—Occupancy in dwelling units provided assistance under this section shall be available only to persons with disabilities and households that include at least one person with a disability.

“(C) AVAILABILITY.—Except only as provided in subparagraph (D), occupancy in dwelling units in housing provided with assistance under this section shall be available to all persons with disabilities eligible for such occupancy without regard to the particular disability involved.

“(D) LIMITATION ON OCCUPANCY.—Notwithstanding any other provision of law, the owner of housing developed under this section may, with the approval of the Secretary, limit occupancy within the housing to persons with disabilities who can benefit from the supportive services offered in connection with the housing.

“(2) TENANT PROTECTIONS.—

“(A) LEASE.—The lease between a tenant and an owner of housing assisted under this section shall be for not less than one year, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

“(B) TERMINATION OF TENANCY.—An owner may not terminate the tenancy or refuse to renew the lease of a tenant of a rental dwelling unit assisted under this section except—

“(i) for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause; and

“(ii) by providing the tenant, not less than 30 days before such termination or refusal to renew, with written notice specifying the grounds for such action.

“(C) VOLUNTARY PARTICIPATION IN SERVICES.—A supportive service plan for housing assisted under this section shall permit each resident to take responsibility for choosing and acquiring their own services, to receive any supportive services made available directly or indirectly by the owner of such housing, or to not receive any supportive services.”.

(f) DEVELOPMENT COST LIMITATIONS.—Subsection (h) of section 811 is amended—

(1) in paragraph (1)—

(A) by striking the paragraph heading and inserting “GROUP HOMES”;

(B) in the first sentence, by striking “various types and sizes” and inserting “group homes”;

(C) by striking subparagraph (E); and

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(2) in paragraph (3), by inserting “established pursuant to paragraph (1)” after “cost limitation”; and

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

“(6) **APPLICABILITY OF HOME PROGRAM COST LIMITATIONS.**—

“(A) **IN GENERAL.**—The provisions of section 212(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(e)) and the cost limits established by the Secretary pursuant to such section with respect to the amount of funds under subtitle A of title II of such Act that may be invested on a per unit basis, shall apply to supportive housing assisted with a capital advance under subsection (d)(1) and the amount of funds under such subsection that may be invested on a per unit basis.

“(B) **WAIVERS.**—The Secretary shall provide for waiver of the cost limits applicable pursuant to subparagraph (A)—

“(i) in the cases in which the cost limits established pursuant to section 212(e) of the Cranston-Gonzalez National Affordable Housing Act may be waived; and

“(ii) to provide for—

“(I) the cost of special design features to make the housing accessible to persons with disabilities;

“(II) the cost of special design features necessary to make individual dwelling units meet the special needs of persons with disabilities; and

“(III) the cost of providing the housing in a location that is accessible to public transportation and community organizations that provide supportive services to persons with disabilities.”.

(g) **REPEAL OF AUTHORITY TO WAIVE SIZE LIMITATIONS.**—Paragraph (1) of section 811(k) is amended—

(1) in paragraph (1), by striking the second sentence; and

(2) in paragraph (4), by striking “(or such higher number of persons)” and all that follows through “subsection (h)(6))”.

(h) **MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.**—Subsection (l) of section 811, as amended by the preceding provisions of this Act, is further amended by inserting before paragraph (2) the following new paragraph:

“(1) **MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.**—The Secretary shall establish a minimum percentage of the amount made available for each fiscal year for capital advances under subsection (d)(1) that shall be used for multifamily projects subject to subsection (e)(4).”.

#### **SEC. 4. PROJECT RENTAL ASSISTANCE COMPETITIVE DEMONSTRATION PROGRAM.**

Section 811, as amended by the preceding provisions of this Act, is further amended—

(1) by redesignating subsections (k) through (n) as subsections (l) through (o), respectively; and

(2) by inserting after subsection (j) the following new subsection:

“(k) **PROJECT RENTAL ASSISTANCE-ONLY COMPETITIVE DEMONSTRATION PROGRAM.**—

“(1) **AUTHORITY.**—The Secretary shall carry out a demonstration program under this subsection to expand the supply of supportive housing for non-elderly adults with disabilities, under which the Secretary shall make funds available for project rental assistance pursuant to paragraph (2) for eligible projects under paragraph (3). The Secretary shall provide for State housing finance agencies and other appropriate entities to apply to the Secretary for such project rental assistance funds, which shall be made available by such agencies and entities for dwelling units in eligible projects based upon criteria established by the Secretary for the demonstration program under this subsection. The Secretary may not require any State housing finance agency or other entity applying for project rental assistance funds under the demonstration program to identify in such application the eligible projects for which such funds

will be used, and shall allow such agencies and applicants to subsequently identify such eligible projects pursuant to the making of commitments described in paragraph (3)(B).

“(2) **PROJECT RENTAL ASSISTANCE.**—

“(A) **CONTRACT TERMS.**—Project rental assistance under the demonstration program under this subsection shall be provided—

“(i) in accordance with subsection (d)(2); and

“(ii) under a contract having an initial term of not less than 180 months that provides funding for a term 60 months, which funding shall be renewed upon expiration, subject to the availability of sufficient amounts in appropriation Acts.

“(B) **LIMITATION ON UNITS ASSISTED.**—Of the total number of dwelling units in any multifamily housing project containing any unit for which project rental assistance under the demonstration program under this subsection is provided, the aggregate number that are provided such project rental assistance, that are used for supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

“(C) **PROHIBITION OF CAPITAL ADVANCES.**—The Secretary may not provide a capital advance under subsection (d)(1) for any project for which assistance is provided under the demonstration program.

“(D) **ELIGIBLE POPULATION.**—Project rental assistance under the demonstration program under this subsection may be provided only for dwelling units for extremely low-income persons with disabilities and extremely low-income households that include at least one person with a disability.

“(3) **ELIGIBLE PROJECTS.**—An eligible project under this paragraph is a new or existing multifamily housing project for which—

“(A) the development costs are paid with resources from other public or private sources; and

“(B) a commitment has been made—

“(i) by the applicable State agency responsible for allocation of low-income housing tax credits under section 42 of the Internal Revenue Code of 1986, for an allocation of such credits;

“(ii) by the applicable participating jurisdiction that receives assistance under the HOME Investment Partnership Act, for assistance from such jurisdiction; or

“(iii) by any Federal agency or any State or local government, for funding for the project from funds from any other sources.

“(4) **STATE AGENCY INVOLVEMENT.**—Assistance under the demonstration may be provided only for projects for which the applicable State agency responsible for health and human services programs, and the applicable State agency designated to administer or supervise the administration of the State plan for medical assistance under title XIX of the Social Security Act, have entered into such agreements as the Secretary considers appropriate—

“(A) to identify the target populations to be served by the project;

“(B) to set forth methods for outreach and referral; and

“(C) to make available appropriate services for tenants of the project.

“(5) **USE REQUIREMENTS.**—In the case of any project for which project rental assistance is provided under the demonstration program under this subsection, the dwelling units assisted pursuant to paragraph (2) shall be operated for not less than 30 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary, and such dwelling units shall, during such period, be made available for occupancy only by persons and households described in paragraph (2)(D).

“(6) **REPORT.**—Upon the expiration of the 5-year period beginning on the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008, the Secretary shall submit to the Congress a report describing the dem-

onstration program under this subsection, analyzing the effectiveness of the program, including the effectiveness of the program compared to the program for capital advances in accordance with subsection (d)(1) (as in effect pursuant to the amendments made by such Act), and making recommendations regarding future models for assistance under this section based upon the experiences under the program.”.

#### **SEC. 5. TECHNICAL CORRECTIONS.**

Section 811 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2)—

(i) by striking “provides” and inserting “makes available”; and

(ii) by striking the period at the end and inserting “; and”; and

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

“(3) promotes and facilitates community integration for people with significant and long-term disabilities.”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “special” and inserting “housing and community-based services”; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) make available voluntary supportive services that address the individual needs of persons with disabilities occupying such housing;”; and

(ii) in subparagraph (B), by striking the comma and inserting a semicolon;

(3) in subsection (d)(1), by striking “provided under” and all that follows through “shall bear” and inserting “provided pursuant to subsection (b)(1) shall bear”;;

(4) in subsection (f)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking “receive” and inserting “be offered”;;

(ii) by striking subparagraph (C) and inserting the following:

“(C) evidence of the applicant’s experience in—

“(i) providing such supportive services; or

“(ii) creating and managing structured partnerships with service providers for the delivery of appropriate community-based services;”;;

(iii) in subparagraph (D), by striking “such persons” and all that follows through “provision of such services” and inserting “tenants”; and

(iv) in subparagraph (E), by inserting “other Federal, and,” before “State”; and

(B) in paragraph (4), by striking “special” and inserting “housing and community-based services”;;

(5) in subsection (g), in paragraph (1) (as so redesignated by section 3(c)(1) of this Act)—

(A) in subparagraph (D) (as so redesignated by section 3(c)(2) of this Act), by striking “the necessary supportive services will be provided” and inserting “appropriate supportive services will be made available”; and

(B) by striking subparagraph (E) (as so redesignated by section 3(c)(2) of this Act) and inserting the following:

“(E) the extent to which the location and design of the proposed project will facilitate the provision of community-based supportive services and address other basic needs of persons with disabilities, including access to appropriate and accessible transportation, access to community services agencies, public facilities, and shopping;”;;

(6) in subsection (j)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(7) in subsection (l) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (1), by inserting before the period at the end of the first sentence the following: “, which provides a separate bedroom for each tenant of the residence”;

(B) by striking paragraph (2) and inserting the following:

“(2)(A) The term ‘person with disabilities’ means a person who is 18 years of age or older and less than 62 years of age, who—

“(i) has a disability as defined in section 223 of the Social Security Act;

“(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which—

“(I) is expected to be of long-continued and indefinite duration;

“(II) substantially impedes his or her ability to live independently; and

“(III) is of such a nature that such ability could be improved by more suitable housing conditions; or

“(iii) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

“(B) Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

“(C) The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing assisted under this section. Notwithstanding the preceding provisions of this paragraph, the term ‘person with disabilities’ includes two or more persons with disabilities living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be important to their care or well-being, and the surviving member or members of any household described in subparagraph (A) who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death.”;

(C) by striking paragraph (3) and inserting the following new paragraph:

“(3) The term ‘supportive housing for persons with disabilities’ means dwelling units that—

“(A) are designed to meet the permanent housing needs of very low-income persons with disabilities; and

“(B) are located in housing that make available supportive services that address the individual health, mental health, or other needs of such persons.”;

(D) in paragraph (5), by striking “a project for”; and

(E) in paragraph (6)—

(i) by inserting after and below subparagraph (D) the matter to be inserted by the amendment made by section 841 of the American Homeownership and Economic Opportunity Act of 2000 (Public Law 106-569; 114 Stat. 3022); and

(ii) in the matter inserted by the amendment made by subparagraph (A) of this paragraph, by striking “wholly owned and”; and

(8) in subsection (m) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (2), by striking “subsection (c)(1)” and inserting “subsection (d)(1)”; and

(B) in paragraph (3), by striking “subsection (c)(2)” and inserting “subsection (d)(2)”.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Subsection (n) of section 811 (as so redesignated by section 4(1) of this Act) is amended to read as follows:

“(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 through 2012 the following amounts:

“(1) CAPITAL ADVANCE/PRAC PROGRAM.—For providing assistance pursuant to subsection (b), such sums as may be necessary.

“(2) DEMONSTRATION PROGRAM.—For carrying out the demonstration program under subsection (k), such sums as may be necessary to provide 2,500 incremental dwelling units under such program in each of fiscal years 2008 and 2009 and 5,000 incremental dwelling units under such program in each of fiscal years 2010, 2011, and 2012.”.

#### SEC. 7. NEW REGULATIONS AND PROGRAM GUIDANCE.

Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue new regulations and guidance for the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act for supportive housing for persons with disabilities to carry out such program in accordance with the amendments made by this Act.

#### SEC. 8. GAO STUDY.

The Comptroller General of the United States shall conduct a study of the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to determine the adequacy and effectiveness of such program in assisting households of persons with disabilities. Such study shall determine—

(1) the total number of households assisted under such program;

(2) the extent to which households assisted under other programs of the Department of Housing and Urban Development that provide rental assistance or rental housing would be eligible to receive assistance under such section 811 program; and

(3) the extent to which households described in paragraph (2) who are eligible for, but not receiving, assistance under such section 811 program are receiving supportive services from, or assisted by, the Department of Housing and Urban Development other than through the section 811 program (including under the Resident Opportunity and Self-Sufficiency program) or from other sources.

Upon the completion of the study required under this section, the Comptroller General shall submit a report to the Congress setting forth the findings and conclusions of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

#### GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the Chamber for its indulgence in allowing us to bring before it today the Frank Melville Supportive Housing Investment Act of 2008, which is a reauthorization and improvement upon the existing section 811 supportive housing statute.

Before I go into very briefly the details and importance of this act, I

would just like to thank those that have worked on this bill and this issue, including the chairman of the committee, Chairman FRANK, the chairwoman of the Subcommittee on Housing, Representative WATERS, and especially the Republican cosponsor of this legislation, along with myself, Representative BIGGERT, who has been just a boundless champion for the issue of supportive housing, the issue of compassionate care for those individuals with physical and mental disabilities, and also to Mrs. CAPITO, who has led this committee and this issue so ably.

Mr. Speaker, the 811 program today is the Nation's primary program for funding supportive housing. What is supportive housing? Supportive housing is housing for people with largely mental disability or physical disability, that provides some basic supports around those living arrangements so that those individuals can live independently. Job skills, medication adherence, social work, a small amount of support given to these individuals living with these disabilities can make sure that those individuals can live on their own independently and live full and productive lives. It is a cost-effective and compassionate program that, unfortunately, has not worked as well as it should have in the past several years.

The Department of Housing and Urban Development estimates, Mr. Speaker, that 1.3 million individuals, non-elderly disabled across this country, are low income, living in substandard housing; 1.3 million people, and our 811 program simply hasn't reached enough of them.

Last year, less than 1,000 new units were built around this country with 811 dollars, and, as we heard before the subcommittee, it has taken sometimes 6 years for projects funded with 811 capital dollars to go from the development stage to the completion stage.

□ 1830

That's an unacceptably long amount of time for projects that sometimes only encompass four or six or eight units of housing. This bill sets a, I think, very aggressive but reasonable goal, a tripling over time the number of units constructed in this country with 811 dollars.

How does it do this? Primarily it does this by taking the \$87 million right now that are used as vouchers in the 811 program, and transferring those vouchers over to the larger section 8 program. What we have learned is that these vouchers that are supposed to be dedicated to people with disabilities have not been traced sufficiently, and in fact, probably are going to people without disabilities, in many cases.

The section 8 program will do, I think, a much better job, is much better equipped to track those vouchers going forward. We then take that money that has now been freed up through the transition of those vouchers to the section 8 program and use

much of it to fund a new demonstration program that will seek to leverage the capital dollars from coming from the 811 program with low-income tax credits, private dollars and State partnerships.

By doing that, we will be able to take existing, affordable housing projects that are in the planning stages and, with small amounts of rental subsidies, be able to reach out to those developers and essentially make them a deal that we will give them a small rental subsidy if, in exchange, they carve out a small number of units to be supportive housing. This has worked remarkably well in States that have endeavored this program already. North Carolina comes to mind most immediately where, over the last 7 years, 1,200 units of supportive housing have been built, in part, with this strategy put in place.

There are a number of other important improvements to the 811 program in this act, allowing States and State housing agencies to do much of the bureaucratic paperwork involved in these applications, which we believe will greatly expedite the application process, a study which will look into how we can better use dollars in existing housing projects, 202 housing projects, and other affordable housing projects, to get tenants that are living in other affordable housing sites, some basic support services that will help them live independently. It is a vast improvement over the current law, and we hope, as I said, it will potentially triple the number of units built across this country.

This is important. These are some of the country's most vulnerable citizens, who are playing by the rules, doing everything we ask, but simply need a small apartment of help to be able to live independent, productive lives in their community. This is one of the most compassionate things that this Congress can do is to try to extend out that basic building block of society, good, affordable housing to individuals with mental disability, with mental illness and with physical disabilities.

One last note, this bill is entitled the Frank Melville Supportive Housing Investment Act, and it is titled after the late Frank Melville, the founder, along with his wife, Ellen, of the Melville Charitable Trust. This charitable trust that they have built up through their generosity, the Melville family's generosity, has funded housing advocacy and specifically supportive housing advocacy across this country for a number of years. We would not have the housing advocacy community that exists today if it weren't for the generosity of the Melvilles.

Unfortunately, this world lost Frank Melville, who also happened to be a constituent of mine, recently, and this act, I think, is a very appropriate testament to the work that he has done.

I thank, again, Mrs. BIGGERT for her great work over the years on this issue.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. I would like to thank the sponsor of the bill, my colleague from Connecticut.

Mr. Speaker, I would like to yield time now to the cosponsor of the bill, a champion for housing in all forms and fashion, but particularly supportive housing, Mrs. BIGGERT from Illinois.

Mrs. BIGGERT. I thank the gentlelady for yielding.

At this time I would like to submit for the RECORD a letter addressed to Speaker PELOSI from the National Alliance on Mental Illness in support of this legislation.

NATIONAL ALLIANCE ON MENTAL  
ILLNESS,  
Arlington, VA, September 16, 2008.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER PELOSI: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness (NAMI), I am writing to offer our strong support for the Frank Melville Supportive Housing Investment Act of 2008 (H.R. 5772). As the Nation's largest organization representing people with serious mental illness and their families, NAMI is especially grateful to Chairman Barney Frank and the bill's sponsors, Representatives Chris Murphy and Judy Biggert, for their leadership in moving this legislation forward.

As you know, Section 811 is a critical affordable housing resource for non-elderly people with severe disabilities. While the program has been effective in developing permanent supportive housing, improvements are needed. H.R. 5772 will streamline and simplify the existing process by which 811 sponsors compete for new projects. It will also reform Section 811 and create an important demonstration program to allow for investment of new capital resources from programs such as the Low-Income Housing Tax Credit and HOME in supportive housing developments. Finally H.R. 5772 would resolve the current threat to the program from the Section 811 "mainstream" voucher program.

NAMI applauds their commitment to improving supportive housing options for people with severe disabilities. Thank you for bringing this legislation to the full House. NAMI urges all members to support passage of H.R. 5772.

Sincerely,  
MICHAEL J. FITZPATRICK,  
Executive Director.

Mr. Speaker, I am very proud to rise today as the cosponsor of this legislation, and I certainly urge my colleagues to support it.

I would also like to thank my good friend, Congressman MURPHY, who introduced the bill, the Frank Melville Supportive Housing Investment Act of 2008, and thank him for his hard work to modernize the Department of Housing and Urban Development, HUD's section 811 program.

For the past 4 years, this administration has proposed deep cuts to the section 811 program. In response, for the past 4 years we have sent letters to the Appropriations Committee leaders urging them to reject those cuts and fully fund the program.

Why? Because section 811 is the only Federal program that funds housing and vouchers for people with disabilities who seek to live as independent members of the community.

I am pleased to report that for the last 4 years, Congress has agreed to fully fund this important program. This year, we are going beyond the appropriations. We are seeking to modernize the program, which hasn't been updated for over 15 years.

H.R. 5772 is critical to the goal of increasing the number of affordable units for people with disabilities. By better aligning this section 811 program with other Federal, State and local funding resources, it allows nonprofit sponsors to more easily leverage additional financing, thereby maximizing Federal dollars.

By requiring HUD to simplify its more than 400 pages of guidelines, it streamlines the program. In addition, it delegates grant authority to State and local housing authorities, which housing experts agree will make the program more efficient.

Finally, the bill calls for a new demonstration project that is estimated to generate as many as 3,000 new units of housing for nonelderly people with disabilities. The bill we are considering today will make the program more user friendly and attractive to nonprofits.

Before I close, I would like to once again thank my colleague from Connecticut, Congressman MURPHY, for working on this bill. In addition, I would like to thank Chairman FRANK and Ranking Member BACHUS, Chairwoman WATERS and Ranking Member Capito, as well as their staffs, for helping us with this legislation.

Of course, I cannot forget to thank one of my constituents from Tinley Park, Illinois, Tony Paulauski, the executive director of the Arc of Illinois, who testified before our committee about the need for these reforms.

On a similar note, I would also like to thank the wonderful people in Illinois that work for Trinity Services and Cornerstone Services, as well as all of those volunteers, parents and other members of the community who have reached out to express their support for this legislation.

Mr. Speaker, this is a commonsense bill that modernizes an important Federal housing program that hasn't been updated. I urge my colleagues to support it.

Mr. MURPHY of Connecticut. Mr. Speaker, I would like to recognize the gentleman from Massachusetts (Mr. LYNCH) for as much time as he may consume.

Mr. LYNCH. I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, I rise in support of H.R. 5772, the Frank Melville Supportive Housing Investment Act of 2008. This is the only HUD permanent supportive housing program that is exclusively for people with disabilities.

I am pleased to support this legislation, which will reform and strengthen section 811 of the Cranston-Gonzalez National Affordable Housing Act. This bill will actually increase efficiency

and better serve eligible disabled persons and, importantly, I think, this bill will streamline the bureaucracy.

Those of us who have tried to assist disabled persons with their housing understand the hoops that one must go through. This bill, I think, through the great work of Congressman MURPHY and others, has solved much of that. But there is much to be said about the improvements to the current rental assistance program and the system for disbursing capital advances, which actually create and maintain affordable units.

Additionally, this bill will require HUD to carry out an important competitive demonstration program to expand the supply of truly supportive housing. I am especially pleased that this bill also authorizes appropriations for that assistance under section 8 in fiscal year 2009.

Having grown up in public housing, I am probably more aware than most of the important role that public housing fills in terms of the needs of our disabled community. This is especially true for our disabled citizens, who have a greater need for housing and facilities that meet their particular disabilities.

I encourage my colleagues to support those most in need in our country by voting for this important bipartisan measure. I must say Mr. MURPHY has been very gracious in recognizing everyone who has been involved here, but I must, in turn, I think, recognize his great involvement and great leadership here.

On behalf of all the families out there, like mine, who have disabled persons, and we recognize the challenges that they deal with every day on a regular basis, I just want to extend our thanks to CHRIS MURPHY, the Congressman from Connecticut, for his great work on this bill.

Mrs. CAPITO. I would like to join in the chorus of support.

Mr. Speaker, as we have heard, the section 811 program provides housing assistance and supportive services for persons with disabilities. I have seen firsthand in my own district the good works that this program provides, and I am sure it is the same for members across the Nation.

The timing of the passage of this legislation is especially significant, as the House just passed the Americans with Disabilities Act amendments earlier today. It is appropriate that we would now consider legislation to improve our housing programs for those with disabilities who choose to live independently.

We have heard a good review, I believe, of the program. We know that it allows persons with disabilities to live independently. I think that's important to emphasize the independent nature of the 811 program. It is also the only Federal program that is solely dedicated to very low-income folks with serious or long-term disabilities. Unfortunately, sometimes those are

coupled together because you have a serious or long-term disability, which sometimes prevents you from working, and it puts you into that low or very low-income bracket.

We have talked about some of the revisions, programmatic issues and changes that have been made, terminating 811's Mainstream Tenant-Based Rental Assistance Program and transferring those vouchers to section 8, modernizing the Capital Advance Program, establishing a project rental assistance demonstration program and revising the definitions of "group home," "people with disabilities," "supportive housing for persons with disabilities."

Also in this bill, we repeal the authority of the Secretary to waive size limitations on group homes and individual living facilities. These improvements to the program will help provide a better life for individuals with disabilities and their families.

The ability to live independently with the assistance of supportive services is critical to improving the lives of the disabled and allowing them to be active participants in their communities.

I join in thanking Chairman FRANK and Ranking Member BACHUS. I would like to particularly thank Mr. MURPHY for his leadership on this issue and Mrs. BIGGERT for her leadership as well.

Mr. Speaker, I yield back the balance of my time.

Mr. MURPHY of Connecticut. I thank Mrs. CAPITO and Mrs. BIGGERT for their leadership on this issue.

Just in closing, Mr. Speaker, although this bill will help scores of individuals with physical handicaps, I think, to myself, of how much help this is going to provide the millions of individuals across this country with mental illness that are struggling to live independently.

Years ago, when this country and States across this Nation made the decision, the right decision to close down the institutions that housed many of those individuals, we made a promise that we would find new housing, new opportunities for those individuals to live on their own in the community.

We have not lived up to that promise. In Connecticut, those of us that care about this issue often wear a button around the halls of the State legislature entitled "Keep the Promise." This legislation, I believe, is a step towards doing just that.

With that, I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 5772, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2008

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5611) to reform the National Association of Registered Agents and Brokers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5611

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "National Association of Registered Agents and Brokers Reform Act of 2008".

## SEC. 2. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

### "Subtitle C—National Association of Registered Agents and Brokers

#### "SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

"(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the 'Association').

"(b) STATUS.—The Association shall—

"(1) be a nonprofit corporation;

"(2) have succession until dissolved by an Act of Congress;

"(3) not be an agent or instrumentality of the United States Government; and

"(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301.01 et seq.).

#### "SEC. 322. PURPOSE.

"The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other non-resident insurance producer qualification requirements and conditions can be adopted and applied on a multi-state basis (without affecting the laws, rules, and regulations pertaining to resident insurance producers or appointments or producing a net loss of producer licensing revenues to States), while preserving the right of States to license, supervise, discipline, and establish licensing fees for insurance producers, and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

#### "SEC. 323. MEMBERSHIP.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—Any insurance producer licensed in its home State shall be eligible to become a member in the Association.

"(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Notwithstanding paragraph (1), a State-licensed insurance producer shall not be eligible to become a member if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year period preceding the date on which such producer applies for membership.

"(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

"(A) the State insurance regulator renews the license of such producer in the State in