Type I diabetes and Indians under that Act.

S. 1763

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1763, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1818

At the request of Mr. KERRY, his name was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 2064

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2237

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2237, a bill to fight crime.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2344

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2344, a bill to create a competitive grant program to provide for age-appropriate Internet education for children.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2390

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2390, a bill to promote fire-safe communities, and for other purposes.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2586

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. 2614

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

S. 2654

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2654, a bill to provide for enhanced reimbursement of servicemembers and veterans for certain travel expenses.

S. 2663

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2666

At the request of Ms. CANTWELL, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2678

At the request of Mrs. MCCASKILL, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2678, a bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President.

S. RES. 455

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Mr. KOHL), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mrs. DOLE), the Senator from Ohio (Mr. BROWN), the Senator from Oregon (Mr. SMITH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 455, a resolution calling for peace in Darfur.

S. RES. 465

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 465, a resolution designating March 3, 2008, as ''Read Across America Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2683. A bill to amend title 38, United States Code, to modify certain authorities relating to educational assistance benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed GI Bill Miscellaneous Improvements Act of 2008. This measure would make three minor but important changes in existing law relating to veterans' educational assistance programs.

In 2001, Public Law 107–103 established a program of accelerated payments for individuals enrolled in high-cost programs of educational assistance leading to employment in high technology industry. It is generally agreed that the intent of that legislation was that payments were to be effective with respect to short, non-degree programs of education. For example, Senate Report 107–86 stated:

> Microsoft, Cisco, and other technical training for certification is offered through training centers, private contractors to community colleges, or by the companies themselves. These courses often last just a few weeks or months, and can cost many thousands of dollars . . .
>
> During the Committee's June 28th hearing, Dr. Leo Mackay, Deputy Secretary of the Department of Veterans Affairs, testified that ''providing educational benefits for pursuit of these [technology] courses is fully

consonant with MGIB purposes.'' David Tucker, Senior Associate Legislative Director of the Paralyzed Veterans of America, also testified that, ''If the MGIB is to be used not only for recruitment purposes, but also as a means of enabling a veteran to make a smooth transition back to civilian life, then S. 1088 [allowing veterans to use their MGIB benefits in courses leading to certification in technical fields] is a vital means to accomplish these goals.''

As enacted, however, the payments are made to individuals pursuing any courses in the high technology sector including associate and degree programs.

The legislation I am introducing would correct this oversight prospectively, while holding harmless those individuals who might be receiving accelerated payments for degree programs at this time.

Public Law 107–103 also expanded the scope of work that could be assigned to individuals participating in VA work study programs. Specifically, it added to acceptable activities certain outreach services programs, activities relating to hospital and domiciliary care to veterans in State homes, and activities relating to the administration of national or state veterans' cemeteries.

As enacted, this expansion of scope was initially made available until December 31, 2006. Public Law 109–461 extended the scope expansion until June 30, 2007. Since legislation extending the scope expansion was stalled in Congress, there was a disruption in the provision of these important activities until Public Law 110–157, enacted on December 26, 2007, extended this expansion until June 30, 2010.

My proposal would make this activity expansion permanent so that the unfortunate disruption that occurred this year will not occur in the future. I note that this provision does not affect the number of VA work study positions that may be made available. It only addresses the type of activities that may be carried out under the program.

Finally, this bill would authorize appropriations for VA payments to State Approving Agencies. Under provisions of chapter 36 of title 38, U.S. Code, VA contracts for the services of State approving agencies—SAAs—for the purpose of approving programs of education at institutions of higher learning, apprenticeship programs, on-job training programs, and other programs. SAAs are also tasked with assisting VA with various outreach activities to inform eligible VA program participants of the educational assistance benefits to which they are entitled.

Since 1988, VA payment for the services of SAAs has been made only out of funds available for readjustment benefits, a mandatory funding account, and has thus been subject to funding caps. Section 3674(a)(4) of title 38, U.S. Code, states as follows: ''The total amount made available under this section for any fiscal year may not exceed $13,000,000 or, for fiscal year 2007, $19,000,000.'' Thus, under existing law, the cap on the amount of funds that could be made available in fiscal years 2008 and beyond would revert to funding levels applied prior to fiscal year 2000—or a reduction of more than 32 percent.

A provision in S. 1315 that would restore the $19 million cap on funding is currently pending in the Senate, and a $19 million funding level was provided for through the appropriations process. However, the measure I am introducing would look beyond this fiscal year and address the needs of the program in the future.

By authorizing appropriations for the SAAs, I believe that the program will be able to justify increases in the current funding level beyond the $19 million level to which they would be restricted for all fiscal years going forward. Further, I believe that the current cap on funding, although to some appearing attractive because it seems to offer some stability by pulling from the mandatory funding readjustment benefits account, actually offers no such stability as VA could at any time determine that $2 million ''does not exceed'' $19 million.

I am committed to seeking an adequate level of funding for the important activities of the SAAs and believe that this approach would assist in achieving that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2683

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2683

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

SECTION 1. LIMITATION TO NON-DEGREE PROGRAMS OF ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) LIMITATION.—Section 3014A(b)(1) of title 38, United States Code, is amended by inserting ''not leading to an associate or higher degree'' after ''approved program of education''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to individuals who first elect to receive accelerated payments of basic educational assistance under section 3014A of title 38, United States Code, on or after that date.

SEC. 2. REPEAL OF DELIMITING PERIODS FOR EXPANSION OF WORK-STUDY ALLOWANCE OPPORTUNITIES.

Section 3485(a)(4) of title 38, United States Code, is amended—

(1) in subparagraphs (A) and (C), by striking '', during the period preceding June 30, 2010,'' each place it appears; and

(2) in subparagraph (F), by striking ''During the period preceding June 30, 2010, an activity'' and inserting ''An activity''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR AMOUNTS FOR REIMBURSEMENT OF EXPENSES OF STATE AND LOCAL AGENCIES IN THE ADMINISTRATION OF EDUCATIONAL BENEFITS.

(a) IN GENERAL.—Paragraph (4) of subsection (a) of section 3674 of title 38, United States Code, is amended to read as follows:

''(4) There are authorized to be appropriated to carry out this section amounts as follows:

''(A) For fiscal year 2009, $22,000,000.

''(B) For fiscal year 2010, $24,000,000.

''(C) For fiscal year 2011, $26,000,000.

''(D) For fiscal years after 2011, such sums as may be necessary.''.

(b) CONFORMING AMENDMENT.—Paragraph (2)(A) of such subsection is amended by striking ''out of amounts available for the payment of readjustment benefits'' and inserting ''out of amounts appropriated for the purpose of carrying out this section''.

By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. MENENDEZ, and Mr. BROWN):

S. 2684. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I come to the floor today to introduce with my colleagues Senators SCHUMER, REED, MENENDEZ and BROWN, the Section 8 Voucher Reform Act of 2008, a bill to improve our Nation's largest initiative to assist low-income families afford housing. Section 8 housing vouchers help 2 million American families—including many children, seniors and people with disabilities—afford safe, decent and stable housing.

The current crisis in the U.S. housing market is having ripple effects throughout our Nation. Families are losing their homes—both homeowners and renters whose properties are being foreclosed upon. Those who can hold onto their homes have seen significant losses in equity, and many owe more on their mortgage than the value of their home. This crisis in the housing sector is causing a significant slowdown in our economy, and housing assistance will need to be strengthened so families have access to safe, affordable housing.

Without housing assistance, many families would lack the stability to find and retain employment, and many children would be unable to adequately perform in school because of multiple moves or health problems resulting from inadequate housing.

Though millions of families are assisted through housing programs, the need for additional housing opportunities is acute. The Joint Center for Housing Studies found that last year the number of severely cost-burdened households, those that pay more than half of their income towards rent, jumped by 1.2 million to a total of 17 million. This is one in seven U.S. households that struggle to afford housing without foregoing other basic needs.

Housing vouchers are a successful way to provide stability for millions of Americans. Through this public-private partnership, vouchers allow low-income, working Americans to live closer to employment and educational opportunities, and nearer to social and familial networks and support.

While housing vouchers are a critical tool, the program needs to be updated

so that additional families can benefit, and so that taxpayer dollars are spent more efficiently.

The voucher reform bill that I am introducing today will help attract additional private landlords, reduce administrative burdens, and help more families achieve self-sufficiency.

This bill creates a stable and efficient formula for allocating voucher funds so that families do not lose their housing. Under this formula, housing agencies are encouraged to lower the costs per voucher, helping to create efficiencies in the program and allowing more people to access needed housing opportunities.

The bill encourages employment by allowing voucher holders to keep more of their earnings, while ensuring that they pay fair rents. Systematic funding is provided for Family Self-Sufficiency coordinators so that more families can access this successful program aimed at increasing earnings and saving for homeownership.

The bill authorizes 20,000 additional incremental housing vouchers to help meet the great and growing demand for assistance from low-income working families, seniors, and people with disabilities.

Under this bill, administrative burdens are eased, so that housing agencies spend less time and funding on paperwork, and more time and funding on assisting families in need. To more effectively use program resources, the bill requires unit inspections every 2 years instead of annually. While the bill retains the requirement that tenants pay 30 percent of their income towards rent, it streamlines and standardizes the calculation of income so that housing agencies can rely on standard, as opposed to individualized, income deductions.

This bill will greatly improve the voucher program, and I am pleased to be sponsoring this legislation. It has support from more than 80 local and national groups, including the Lawyers Committee for Civil Rights Under Law, the Paralyzed Veterans of America, and the National Alliance to End Homelessness.

This is a strong and needed bill, and I urge my colleagues to support our efforts to provide additional affordable housing opportunities to low-income families all across our Nation.

Mr. President, I ask unanimous consent that the text of the bill, a list of supporters, and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2684

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Section 8 Voucher Reform Act of 2008''.

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

SEC. 2. INSPECTION OF DWELLING UNITS.

(a) INSPECTION OF UNITS BY PHA'S.—Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) INITIAL INSPECTION.—

''(i) IN GENERAL.—For each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency (or other entity pursuant to paragraph (11)) shall inspect the unit before any assistance payment is made to determine whether the dwelling unit meets the housing quality standards under subparagraph (B), except as provided in clause (ii) or (iii) of this subparagraph.

''(ii) CORRECTION OF NON-LIFE THREATENING CONDITIONS.—In the case of any dwelling unit that is determined, pursuant to an inspection under clause (i), not to meet the housing quality standards under subparagraph (B), assistance payments may be made for the unit notwithstanding subparagraph (C) if failure to meet such standards is a result only of non-life threatening conditions. A public housing agency making assistance payments pursuant to this clause for a dwelling unit shall, 30 days after the beginning of the period for which such payments are made, suspend any assistance payments for the unit if any deficiency resulting in noncompliance with the housing quality standards has not been corrected by such time, and may not resume such payments until each such deficiency has been corrected.

''(iii) PROJECTS RECEIVING CERTAIN FEDERAL HOUSING SUBSIDIES.—In the case of any property that within the previous 12 months has been determined to meet Federal housing quality and safety standards under any Federal housing program inspection standard equivalent to the standards under the program under this subsection, including the program under section 42 of the Internal Revenue Code of 1986 or under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act, a public housing agency may—

''(I) authorize occupancy before the inspection under clause (i) has been completed; and

''(II) make assistance payments retroactive to the beginning of the lease term after the unit has been determined pursuant to an inspection under clause (i) to meet the housing quality standards under subparagraph (B), provided that such inspection is conducted pursuant to the requirements of subparagraph (C).'';

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

''(D) BIENNIAL INSPECTIONS.—

''(i) REQUIREMENT.—Each public housing agency providing assistance under this subsection (or other entity, as provided in paragraph (11)) shall make, for each assisted dwelling unit, inspections not less than biennially during the term of the housing assistance payments contract for the unit to determine whether the unit is maintained in accordance with the requirements under subparagraph (A). The agency (or other entity) shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 5(h).

''(ii) SUFFICIENT INSPECTION.—An inspection of a property shall be sufficient to comply with the inspection requirement under clause (i) if—

''(I) the inspection was conducted pursuant to requirements under a Federal, State, or local housing assistance program (including the HOME Investment Partnerships Program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) or the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986); and

''(II) pursuant to such inspection, the property was determined to meet the standards or requirements regarding housing quality or safety applicable to units assisted under such program, and if a non-Federal standard was used, the public housing agency has certified to the Secretary that such standards or requirements provide the same protection to occupants of dwelling units meeting such standards or requirements as, or greater protection than, the housing quality standards under subparagraph (B).''; and

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

''(F) INTERIM INSPECTIONS.—Upon notification by a family on whose behalf tenant-based assistance is provided under this subsection, that the dwelling unit for which such assistance is provided does not comply with housing quality standards under subparagraph (B), the public housing agency shall inspect the dwelling unit—

''(i) in the case of a life threatening condition, within 24 hours of such notice; and

''(ii) in the case of any non-life threatening condition, within 15 days of such notice.

''(G) ENFORCEMENT OF HOUSING QUALITY STANDARDS.—

''(i) DETERMINATION OF NONCOMPLIANCE.—A dwelling unit that is covered by a housing assistance payments contract under this subsection shall be considered, for purposes of this subparagraph, to be in noncompliance with the housing quality standards under subparagraph (B) if—

''(I) the public housing agency or an inspector authorized by the State or unit of local government determines upon inspection of the unit that the unit fails to comply with such standards;

''(II) the agency or inspector notifies the owner of the unit in writing of such failure to comply; and

''(III) the failure to comply is not corrected—

''(aa) in the case of any such failure that is a result of a life threatening condition, within 24 hours after receipt of such notice; and

''(bb) in the case of any failure that is a result of a non-life threatening condition, within 30 days after provision of such notice,

or such other reasonable period as the public housing agency may establish.

''(ii) ABATEMENT OF ASSISTANCE.—

''(I) IN GENERAL.—A public housing agency providing assistance under this subsection shall abate such assistance with respect to any assisted dwelling unit that is determined to be in noncompliance with the housing quality standards under subparagraph (B). Upon a showing by the owner of the unit that sufficient repairs to the unit have been completed so that the unit complies with such housing quality standards, the public housing agency may recommence payment of such assistance.

''(II) USE OF ABATED ASSISTANCE TO PAY FOR REPAIRS.—The public housing agency may use any assistance amounts abated pursuant to subclause (I) to make repairs or to contract for such repairs for life-threatening conditions, except that a contract to make repairs may not be entered into with the inspector for the dwelling unit.

''(iii) PROTECTION OF TENANTS.—If a public housing agency providing assistance under this subsection abates rental assistance payments under clause (ii), the public housing agency shall—

''(I) notify the tenant—

''(aa) when such abatement begins; and

''(bb) at the start of the abatement period that if the unit is not brought into compliance within 120 days, the tenant will have to move; and

''(II) issue the tenant the necessary forms to allow the tenant to move with their voucher to another housing unit; and

''(III) use funds that otherwise would have gone to pay the rental amount, for the reasonable moving expenses or security deposit costs of the tenant.

''(iv) RIGHT OF THE TENANT TO TERMINATE TENANCY.—During any period that housing assistance payments are abated with respect to any assisted dwelling unit pursuant to this subparagraph, the tenant of such dwelling may terminate his or her tenancy without penalty by notifying the owner of the dwelling unit.

''(v) LIMITATION ON AUTHORITY OF AN OWNER.—An owner of a dwelling unit that is considered to be in noncompliance with the housing quality standards under subparagraph (B) may not terminate the tenancy of a tenant, or refuse to renew a lease for such unit, as a result of an abatement order carried out by a public housing agency under clause (ii).

''(vi) TERMINATION OF LEASE OR ASSISTANCE PAYMENTS CONTRACTS.—If a public housing agency providing assistance under this subsection abates rental assistance payments under clause (ii) and the owner of the unit does not correct the noncompliance within 120 days after the effective date of the determination of noncompliance under clause (i), the public housing agency shall terminate the housing assistance payment contract subject to clause (vii). The termination of the housing assistance payment contract shall terminate the lease agreement.

''(vii) RELOCATION OF TENANTS.—

''(I) 120-DAY PERIOD TO RELOCATE.—The public housing agency shall provide to the individual or family residing in any unit whose lease is terminated under clause (vi) at least 120 days beginning at the start of the abatement period to lease a new residence with tenant-based assistance under this paragraph.

''(II) PREFERENCE IN CASE OF RELOCATION HARDSHIP.—If the individual or family residing in any unit whose lease is terminated under clause (vi) is unable to lease a new residence pursuant to subclause (I), the public housing agency shall provide, at the option of the individual or family—

''(aa) additional search time to such individual or family; or

''(bb) preference for occupancy in a public housing unit owned or operated by the public housing agency.

''(III) PROVISION OF REASONABLE RELOCATION ASSISTANCE.—The public housing agency shall provide reasonable assistance to each individual or family residing in any unit whose lease is terminated under clause (vi) in finding a new residence, including the use of up to 2 months of any assistance abated pursuant to clause (ii) for relocation expenses, including moving expenses and security deposits. The public housing agency may require that an individual or family receiving assistance for a security deposit, remit, to the extent of such assistance, the amount of any security deposit refunded by the owner of the unit for which the lease was terminated.

''(viii) TENANT CAUSED DAMAGES.—If a public housing agency determines that the noncompliance of a dwelling unit was caused by a tenant, member of the tenant's family, or a guest of the tenant, the public housing agency may waive the applicability of this subparagraph.

''(ix) TREATMENT OF CERTAIN ABATEMENT ASSISTANCE.—Assistance amounts abated and used to make repairs or to contract for such repairs for life-threatening conditions pursuant to clause (ii)(II) or used for relocation assistance pursuant to clause (viii)(iv) shall be treated as costs which shall be considered in determining the allocation of renewal funding under subsection (dd)(2).''.

(b) LEASING OF UNITS OWNED BY PHA'S.—Section 8(o)(11) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(11)) is amended by striking ''the Secretary shall require the unit of general local government or another entity approved by the Secretary,'' and inserting ''the public housing agency shall arrange for a third party''.

SEC. 3. RENT REFORM AND INCOME REVIEWS.

(a) RENT FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting ''LOW-INCOME OCCUPANCY REQUIREMENT AND RENTAL PAYMENTS.—'' after ''(1)''; and

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

''(6) REVIEWS OF FAMILY INCOME.—

''(A) FREQUENCY.—Reviews of family income for purposes of this section—

''(i) shall be made in the case of all families, upon the initial provision of housing assistance for the family;

''(ii) shall be made annually thereafter, except as provided in subparagraph (B)(i);

''(iii) shall be made upon the request of the family, at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in a decrease of $1,000 (or such lower amount as the public housing agency or owner may, at the option of the agency or owner, establish) or more in annual adjusted income;

''(iv) shall be made at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in an increase of $1,000 or more in annual adjusted income, except that any increase in the earned income of a family shall not be considered for purposes of this clause (except that earned income may be considered if the increase corresponds to previous decreases under clause (iii)), except that a public housing agency or owner may elect not to conduct such review in the last 3 months of a certification period; and

''(v) may be made, in the discretion of the public housing agency, when the income of a family, including earned income, changes in an amount that is less than the amounts specified in clause (iii) or (iv), if the amount so specified for increases is not lower than the amount specified for decreases.

''(B) FIXED-INCOME FAMILIES.—

''(i) SELF CERTIFICATION AND 3-YEAR REVIEW.—In the case of any family described in clause (ii), after the initial review of the family's income pursuant to subparagraph (A)(i), the public housing agency or owner shall not be required to conduct a review of the family's income pursuant to subparagraph (A)(ii) for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that the income of the family meets the requirements of clause (ii) of this subparagraph, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years.

''(ii) ELIGIBLE FAMILIES.—A family described in this clause is a family who has an income, as of the most recent review pursuant to subparagraph (A) or clause (i) of this subparagraph, of which 90 percent or more consists of fixed income, as such term is defined in clause (iii).

''(iii) FIXED INCOME.—For purposes of this subparagraph, the term 'fixed income' includes income from—

''(I) the supplemental security income program under title XVI of the Social Security Act, including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66;

''(II) Social Security payments;

''(III) Federal, State, local and private pension plans; and

''(IV) other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts.

''(C) IN GENERAL.—Reviews of family income for purposes of this section shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.

''(7) CALCULATION OF INCOME.—

''(A) USE OF PRIOR YEAR'S OR ANTICIPATED INCOME.—In determining the income of a family for purposes of paragraph (6)(A)(ii) or (6)(B)(i), a public housing agency or owner shall use the income of the family as determined by the agency or owner for the preceding year. In determining the income of a family under clauses (i), (iii), (iv), or (v) of paragraph (6)(A) a public housing agency or owner shall use the anticipated income of the family as estimated by the agency or owner for the coming year.

''(B) INFLATIONARY ADJUSTMENT FOR FIXED INCOME FAMILIES.—If, for any year, a public housing agency or owner determines the income for any family described in paragraph (6)(B)(ii), based on a review of the income of the family conducted during a preceding year, such income shall be adjusted by applying an inflationary factor as the Secretary shall, by regulation, establish.

''(C) SAFE HARBOR.—A public housing agency or owner may, to the extent such information is available to the public housing agency or owner, determine the family's income for purposes of this section based on timely income determinations made for purposes of other means-tested Federal public assistance programs (including the program for block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act, a program for Medicaid assistance under a State plan approved under title XIX of the Social Security Act, and the Food Stamp Program

as defined in section 3(h) of the Food Stamp Act of 1977). The Secretary shall work with other appropriate Federal agencies to develop procedures to enable public housing agencies and owners to have access to such income determinations made by other Federal programs.

''(D) PHA AND OWNER COMPLIANCE.—A public housing agency or owner may not be considered to fail to comply with this paragraph or paragraph (6) due solely to any de minimis errors made by the agency or owner in calculating family incomes.'';

(2) by striking subsections (d) and (e); and

(3) by redesignating subsection (f) as subsection (d).

(b) INCOME.—Section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

''(4) INCOME.—The term 'income' means, with respect to a family, income received from all sources by each member of the household who is 18 years of age or older or is the head of household or spouse of the head of the household, plus unearned income by or on behalf of each dependent who is less than 18 years of age, as determined in accordance with criteria prescribed by the Secretary, in consultation with the Secretary of Agriculture, subject to the following requirements:

''(A) INCLUDED AMOUNTS.—Such term includes recurring gifts and receipts, actual income from assets, and profit or loss from a business.

''(B) EXCLUDED AMOUNTS.—Such term does not include any—

''(i) imputed return on assets;

''(ii) amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7)); and

''(iii) deferred Veterans Administration disability benefits that are received in a lump sum amount or in prospective monthly amounts.

''(C) EARNED INCOME OF STUDENTS.—Such term does not include earned income of any dependent earned during any period that such dependent is attending school on a full-time basis or any grant-in-aid or scholarship amounts related to such attendance used for the cost of tuition or books.

''(D) EDUCATIONAL SAVINGS ACCOUNTS.—Income shall be determined without regard to any amounts in or from, or any benefits from, any Coverdell Education Savings Account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

''(E) OTHER EXCLUSIONS.—Such term shall not include other exclusions from income as are established by the Secretary or any amount required by Federal law to be excluded from consideration as income. The Secretary may not require a public housing agency or owner to maintain records of any amounts excluded from income pursuant to this subparagraph.''; and

(2) by striking paragraph (5) and inserting the following new paragraph:

''(5) ADJUSTED INCOME.—The term 'adjusted income' means, with respect to a family, the amount (as determined by the public housing agency or owner) of the income of the members of the family residing in a dwelling unit or the persons on a lease, after any deductions from income as follows:

''(A) ELDERLY AND DISABLED FAMILIES.—$700 in the case of any family that is an elderly family or a disabled family.

''(B) DEPENDENTS.—In the case of any family that includes a member or members who—

''(i) are less than 18 years of age or attending school or vocational training on a full-time basis; or

''(ii) is a person with disabilities who is 18 years of age or older and resides in the household,

$480 for each such member.

''(C) EARNED INCOME DISREGARD.—An amount equal to 10 percent of the lesser of the family's earned income or $9,000.

''(D) CHILD CARE.—The amount, if any, exceeding 5 percent of annual income used to pay for childcare for preschool age children, for before- or after-care for children in school, or for other childcare necessary to enable a member of the family to be employed or further his or her education.

''(E) HEALTH AND MEDICAL EXPENSES.—The amount, if any, by which 10 percent of annual family income is exceeded by the sum of—

''(i) in the case of any elderly or disabled family, any unreimbursed health and medical care expenses; and

''(ii) any unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family to be employed.

''(F) PERMISSIVE DEDUCTIONS.—Such additional deductions as a public housing agency or owner may, at its discretion, establish, except that the Secretary shall establish procedures to ensure that such deductions do not increase Federal expenditures.

The Secretary shall annually adjust the amounts of the deductions under subparagraphs (A) and (B), as such amounts may have been previously adjusted, by applying an inflationary factor as the Secretary shall, by regulation, establish. If the dollar amount of any such deduction determined for any year by applying such inflationary factor is not a multiple of $25, the Secretary shall round such amount to the next lowest multiple of $25, except that in no instance shall the dollar amount of any such deduction be less than the initial amount of the deduction established under subparagraphs (A) and (B). The Secretary shall annually adjust the fixed numerical dollar amount under subparagraph (C) ($9,000 as of the date of enactment of the Section 8 Voucher Reform Act of 2008), as such amount may have been previously adjusted, by applying an inflationary factor as the Secretary shall, by regulation, establish. If such dollar amount determined for any year by applying such inflationary factor is not a multiple of $1,000, the Secretary shall round such amount to the next lowest multiple of $1,000.''.

(c) HOUSING CHOICE VOUCHER PROGRAM.—Paragraph (5) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(5)) is amended—

(1) in the paragraph heading, by striking ''ANNUAL REVIEW'' and inserting ''REVIEWS'';

(2) in subparagraph (A)—

(A) by striking ''the provisions of'' and inserting ''paragraphs (6) and (7) of section 3(a) and to''; and

(B) by striking ''and shall be conducted upon the initial provision of housing assistance for the family and thereafter not less than annually''; and

(3) in subparagraph (B), by striking the second sentence.

(d) ENHANCED VOUCHER PROGRAM.—Section 8(t)(1)(D) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(D)) is amended by striking ''income'' and inserting ''annual adjusted income''.

(e) PROJECT-BASED HOUSING.—Paragraph (3) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(3)) is amended by striking the last sentence.

(f) IMPACT ON PUBLIC HOUSING REVENUES.—

(1) INTERACTION WITH ASSET MANAGEMENT RULE.—If a public housing agency determines that the application of the amendments made by this section results in a net reduction in the dwelling rental income of the public housing agency and such reduction in the first quarter of a calendar year is projected to be more than one-half percent of the net dwelling rents received by the public housing agency during the preceding calendar year, the public housing agency may, any time prior to April 15th of each year following the effective date of the amendments made by this section, certify to the Secretary of Housing and Urban Development the anticipated net reduction in annual dwelling rental income and the Secretary, within 45 days of receipt of such statement, shall reimburse the agency from funds appropriated for operating assistance under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) if such funds are available. Each public housing agency so assisted shall maintain the books, documents, papers, and records supporting the certification submitted to the Secretary and such materials shall be available for review and audit by the Secretary and by the Comptroller General of the United States and their authorized representatives.

(2) HUD REPORTS ON PUBLIC HOUSING REVENUE IMPACT.—For each of fiscal years 2009 and 2010, the Secretary of Housing and Urban Development shall submit a report to Congress identifying and calculating the impact of changes made by the amendments made by this section on the revenues and costs of operating public housing units.

(3) EFFECTIVE DATE.—This subsection shall take effect during the first year that the amendments made by this section are effective.

(g) ACCESS TO INFORMATION.—Section 904(2)(C) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended by striking the period and inserting the following: '', and each applicant or participant, or the authorized representative thereof, shall have the opportunity to examine all information obtained for purposes of verifying the applicant or participant's eligibility for or levels of benefits.''.

SEC. 4. ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS AND INCOME.

(a) ASSETS.—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by inserting after subsection (d) the following new subsection:

''(e) ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS.—

''(1) LIMITATION ON ASSETS.—Subject to paragraph (3) and notwithstanding any other provision of this Act, a dwelling unit assisted under this Act may not be rented and assistance under this Act may not be provided, either initially or at each recertification of family income, to any family—

''(A) whose net family assets exceed $100,000, as such amount is adjusted annually by applying an inflationary factor as the Secretary considers appropriate; or

''(B) who has a present ownership interest in, and a legal right to reside in, real property that is suitable for occupancy as a residence, except that the prohibition under this subparagraph shall not apply to—

''(i) any property for which the family is receiving assistance under this Act;

''(ii) any person that is a victim of domestic violence; or

''(iii) any family that is making a good faith effort to sell such property.

''(2) NET FAMILY ASSETS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net family assets' means, for all members of the household, the net cash value of all assets after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks,

bonds, and other forms of capital investment. Such term does not include interests in Indian trust land, equity in real property to which the prohibition under paragraph (1)(B) does not apply, savings accounts in homeownership programs of the Department of Housing and Urban Development, or Family Self-Sufficiency program accounts.

''(B) EXCLUSIONS.—Such term does not include—

''(i) necessary items of personal property, such as furniture and automobiles, as the public housing agency may determine for purposes of the voucher and public housing programs, and as the Secretary shall determine for purposes of other Federal housing programs;

''(ii) the value of any retirement account;

''(iii) any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a member of the family and arising out of law, that resulted in a member of the family being disabled; and

''(iv) the value of any Coverdell Education Savings Account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

''(C) TRUST FUNDS.—In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund shall not be considered an asset of a family if the fund continues to be held in trust. Any income distributed from the trust fund shall be considered income for purposes of section 3(b) and any calculations of annual family income, except in the case of medical expenses for a minor.

''(D) SELF-CERTIFICATION.—A public housing agency or owner may determine the net assets of a family, for purposes of this section, based on the amounts reported by the family at the time the agency or owner reviews the family's income.

''(3) COMPLIANCE FOR PUBLIC HOUSING DWELLING UNITS.—When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the limitation under paragraph (1).

''(4) AUTHORITY TO DELAY EVICTIONS.—In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the limitation under paragraph (1), the public housing agency or project owner may—

''(A) delay eviction or termination of the family, based on such noncompliance for a period of not more than 6 months; and

''(B) continue to provide assistance to the family if the family rectifies its noncompliance with such limitation during the period of delay described under subparagraph (A).''.

(b) INCOME.—The United States Housing Act of 1937 is amended—

(1) in section 3(a)(1) (42 U.S.C. 1437a(a)(1)), by striking the first sentence and inserting the following: ''Dwelling units assisted under this Act may be rented, and assistance under this Act may be provided, whether initially or at time of recertification, only to families who are low-income families at the time such initial or continued assistance, respectively, is provided, except that families residing in dwelling units as of the date of the enactment of the Section 8 Voucher Reform Act of 2008 that, under agreements in effect on such date of enactment, may have incomes up to 95 percent of local area median income shall continue to be eligible for assistance at recertification as long as they continue to comply with such income restrictions. Public housing agencies and owners shall determine whether a family receiving assistance under this Act is a low-income family at the time of recertification based on the highest area median income determined by the Secretary for the area since the family began receiving assistance under this Act. When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the prohibition under the preceding sentence. When recertifying family income with respect to families residing in dwelling units for which project-based assistance is provided, a project owner may, in the owner's discretion and only pursuant to a policy adopted by such owner, choose not to enforce such prohibition. In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the prohibition under the first sentence of this paragraph or the prohibition in section 8(o)(4), the public housing agency or project owner may delay eviction or termination of the family, based on such noncompliance for a period of not more than 6 months and may continue to provide assistance to the family if the family rectifies its noncompliance with such limitation during this period of delay.'';

(2) in section 8(o)(4) (42 U.S.C. 1437f(o)(4)), by striking the matter preceding subparagraph (A) and inserting the following:

''(4) ELIGIBLE FAMILIES.—Assistance under this subsection may be provided, whether initially or at each recertification, only pursuant to subsection (t) to a family eligible for assistance under such subsection or to a family who at the time of such initial or continued assistance, respectively, is a low-income family that is—''; and

(3) in section 8(c)(4) (42 U.S.C. 1437f(c)(4)), by striking ''at the time it initially occupied such dwelling unit'' and insert ''according to the restrictions under section 3(a)(1)''.

SEC. 5. TARGETING ASSISTANCE TO LOW-INCOME WORKING FAMILIES.

(a) VOUCHERS.—Section 16(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is amended—

(1) by inserting after ''do not exceed'' the following: ''the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)''; and

(2) by inserting before the period at the end the following: ''; and except that clause (A) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States''.

(b) PUBLIC HOUSING.—Section 16(a)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437n(a)(2)(A)) is amended—

(1) by inserting after ''do not exceed'' the following: ''the higher of (i) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (ii)''; and

(2) by inserting before the period at the end the following: ''; and except that clause (i) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States''.

(c) PROJECT-BASED SECTION 8 ASSISTANCE.—Section 16(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is amended—

(1) by inserting after ''do not exceed'' the following: ''the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)''; and

(2) by inserting before the period at the end the following: ''; and except that clause (A) of this sentence shall not apply in the case of projects located in Puerto Rico or any other territory or possession of the United States''.

SEC. 6. VOUCHER RENEWAL FUNDING.

(a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by striking subsection (dd) and inserting the following new subsection:

''(dd) TENANT-BASED VOUCHERS.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 2009 through 2013, such sums as may be necessary for tenant-based assistance under subsection (o) for the following purposes:

''(A) To renew all expiring annual contributions contracts for tenant-based rental assistance.

''(B) To provide tenant-based rental assistance for—

''(i) relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134);

''(ii) conversion of section 23 projects to assistance under this section;

''(iii) the family unification program under subsection (x) of this section;

''(iv) relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency;

''(v) enhanced vouchers authorized under subsection (t) of this section;

''(vi) relocation and replacement of public housing units that are demolished or disposed of in connection with the HOPE VI program under section 24;

''(vii) relocation and replacement of vouchers used to preserve public housing developed from sources other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

''(viii) mandatory conversions of public housing to vouchers, pursuant to sections 33 of the United States Housing Act of 1937 (42 U.S.C. 1437z–5);

''(ix) voluntary conversion of public housing to vouchers pursuant to section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t);

''(x) vouchers necessary to comply with a consent decree or court order;

''(xi) relocation and replacement of public housing units that are demolished or disposed of pursuant to eminent domain, homeownership programs, in connection with a mixed-finance project under section 35 of the United States Housing Act of 1937 (42 U.S.C. 1437z–7), or otherwise;

''(xii) vouchers to replace dwelling units that cease to receive project-based assistance under subsection (b), (c), (d), (e), or (v) of this section;

''(xiii) vouchers used to preserve public housing developed from sources other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

''(xiv) tenant protection assistance, including replacement and relocation assistance; and

''(xv) emergency voucher assistance for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

Subject only to the availability of sufficient amounts provided in appropriation Acts, the

Secretary shall provide tenant-based rental assistance to replace all dwelling units that cease to be available as assisted housing as a result of clause (i), (ii), (v), (vi), (vii), (viii), (xi), (xii), or (xiii).

''(2) ALLOCATION OF RENEWAL FUNDING AMONG PUBLIC HOUSING AGENCIES.—

''(A) From amounts appropriated for each year pursuant to paragraph (1)(A), the Secretary shall provide renewal funding for each public housing agency—

''(i) based on leasing and cost data from the preceding calendar year, as adjusted by an annual adjustment factor to be established by the Secretary, which shall be established using the smallest geographical areas for which data on changes in rental costs are annually available;

''(ii) by making any adjustments necessary to provide for—

''(I) the first-time renewal of vouchers funded under paragraph (1)(B); and

''(II) any incremental vouchers funded in previous years;

''(iii) by making any adjustments necessary for full-year funding of vouchers moved into or out of the jurisdiction of the public housing agency in the prior calendar year pursuant to the portability procedures under subsection (r)(2); and

''(iv) by making such other adjustments as the Secretary considers appropriate, including adjustments necessary to address changes in voucher utilization rates and voucher costs related to natural and other major disasters.

''(B) LEASING AND COST DATA.—For purposes of subparagraph (A)(i), leasing and cost data shall be calculated annually by using the average for the preceding calendar year. Such leasing and cost data shall be adjusted to include vouchers that were set aside under a commitment to provide project-based assistance under subsection (o)(13) and to exclude amounts funded through advances under paragraph (3). Such leasing and cost data shall not include funds not appropriated for tenant-based assistance under section 8(o), unless the agency's funding was prorated in the prior year and the agency used other funds to maintain vouchers in use.

''(C) OVERLEASING.—For the purpose of determining allocations under subsection (A)(i), the leasing rate calculated for the prior calendar year may exceed an agency's authorized voucher level, except that such calculation shall not include amounts resulting from a leasing rate in excess of 103 percent of an agency's authorized vouchers in the prior year which results from the use of accumulated amounts, as referred to in paragraph (4)(A).

''(D) MOVING TO WORK.—Notwithstanding subparagraphs (A) and (B), each public housing agency participating in any year in the moving to work demonstration under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437f note) shall be—

''(i) funded pursuant to its agreement under such program, if such agreement includes an alternate to the provisions of this subsection; and

''(ii) subject to any pro rata adjustment made under subparagraph (E)(i).

''(E) PRO RATA ALLOCATION.—

''(i) INSUFFICIENT FUNDS.—To the extent that amounts made available for a fiscal year are not sufficient to provide each public housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), the Secretary shall reduce such allocation for each agency on a pro rata basis, except that renewal funding of enhanced vouchers under section 8(t) shall not be subject to such proration.

''(ii) EXCESS FUNDS.—To the extent that amounts made available for a fiscal year exceed the amount necessary to provide each housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), such excess amounts shall be used for the purposes specified in subparagraphs (B) and (C) of paragraph (4).

''(F) PROMPT FUNDING ALLOCATION.—The Secretary shall allocate all funds under this subsection for each year before the latter of (i) February 15, or (ii) the expiration of the 45-day period beginning upon the enactment of the appropriations Act funding such renewals.

''(3) ADVANCES.—

''(A) AUTHORITY.—During the last 3 months of each calendar year, the Secretary shall provide funds out of any appropriations made under paragraph (1) for the fiscal year beginning on October 1 of that calendar year, to any public housing agency, at the request of the agency, in an amount up to 2 percent of the allocation for the agency for such calendar year, subject to subparagraph (C).

''(B) USE.—Amounts advanced under subparagraph (A) may be used to pay for additional voucher costs, including costs related to temporary overleasing.

''(C) USE OF PRIOR YEAR AMOUNTS.—During the last 3 months of a calendar year, if amounts previously provided to a public housing agency for tenant-based assistance for such year or for previous years remain unobligated and available to the agency—

''(i) the agency shall exhaust such amounts to cover any additional voucher costs under subparagraph (B) before amounts advanced under subparagraph (A) may be so used; and

''(ii) the amount that may be advanced under subparagraph (A) to the agency shall be reduced by an amount equal to the total of such previously provided and unobligated amounts.

''(D) REPAYMENT.—Amounts advanced under subparagraph (A) in a calendar year shall be repaid to the Secretary in the subsequent calendar year by reducing the amounts made available for such agency for such subsequent calendar year pursuant to allocation under paragraph (2) by an amount equal to the amount so advanced to the agency.

''(4) OFFSET.—

''(A) IN GENERAL.—The Secretary shall offset, from amounts provided under the annual contributions contract for a public housing agency for a calendar year, all accumulated amounts allocated under paragraph (2) and from previous years that are unused by the agency at the end of each calendar year except—

''(i) with respect to the offset under this subparagraph at the end of 2008, an amount equal to 12.5 percent of the amount allocated to the public housing agency for such year pursuant to paragraph (2)(A);

''(ii) with respect to the offset under this subparagraph at the end of 2009, an amount equal to 7.5 percent of the amount allocated to the public housing agency for such year pursuant to paragraph (2)(A); and

''(iii) with respect to the offset under this subparagraph at the end of each of 2010, 2011, and 2012, an amount equal to 5 percent of such amount allocated to the agency for such year. Notwithstanding any other provision of law, each public housing agency may retain all amounts not authorized to be offset under this subparagraph, and may use such amounts for all authorized purposes. Funds initially allocated prior to the effective date of the Section 8 Voucher Reform Act of 2008 for the purposes specified in paragraph (1)(B) shall not be included in the calculation of accumulated amounts subject to offset under this paragraph.

''(B) REALLOCATION.—Not later than May 1 of each calendar year, the Secretary shall—

''(i) calculate the aggregate savings due to the offset of unused amounts for the preceding year recaptured pursuant to subparagraph (A);

''(ii) set aside such amounts as the Secretary considers likely to be needed to reimburse public housing agencies for increased costs related to portability and family self-sufficiency activities during such year, which amounts shall be made available for allocation upon submission of a request that meets criteria prescribed by the Secretary; and

''(iii) reallocate all remaining amounts among public housing agencies, with priority given based on the extent to which an agency has utilized the amount allocated under paragraph (2) for the agency to serve eligible families, as well as the relative need of communities for additional assistance under this subsection.

''(C) USE.—Amounts reallocated to a public housing agency pursuant to subparagraph (B)(iii) may be used only to increase voucher leasing rates to the level eligible for renewal funding under paragraph (2)(C).''.

(b) ABSORPTION OF VOUCHERS FROM OTHER AGENCIES.—

(1) IN GENERAL.—Section 8(r)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)(2)) is amended—

(A) by striking ''The public housing agency'' and inserting ''(A) IN GENERAL.—The public housing agency''; and

(B) by adding the end the following:

''(B) ABSORPTION AND PRIORITY.—

''(i) IN GENERAL.—The public housing agency shall—

''(I) absorb any family that moves under this subsection into its program for voucher assistance under this section after the initial month, except that the Secretary may limit the absorption of vouchers in excess of a public housing agency's authorized level if the Secretary makes the determination under subparagraph (C) that there is insufficient funding for such vouchers in the current year; and

''(II) have priority to receive additional funding from the Secretary for the net additional cost of housing assistance provided pursuant to this requirement from amounts made available pursuant to subsection (dd)(4) (B) or otherwise, except that the obligation to absorb vouchers under subclause (I) does not override any provision of a judgement, consent decree, contract with the Secretary pursuant to section 3(b)(6), or any other similar arrangement under which the public housing agency administers voucher assistance under this section without regard to any other applicable limitation on the public housing agency's area of operation.

''(ii) NO DELAY OF VOUCHERS FOR FAMILIES ON WAITING LIST.—The Secretary shall provide the funding required to carry out the activities under clause (i) as needed for a public housing agency to meet its obligation under this subparagraph without delaying issuance of vouchers to families on its waiting list.

''(C) EXCEPTION.—If in any fiscal year, the Secretary does not have sufficient funds available under subsection (dd)(4)(B) or that otherwise may be used for the purposes of this subsection, the Secretary shall suspend the requirement described in subparagraph (B). Such suspension shall take effect no earlier than 60 days after the Secretary provides notice of the suspension by electronic mail to all public housing agencies and to the public by posting of the notice on the website of the Department. The obligation of the Secretary to fund vouchers absorbed under subparagraph (B) shall continue for all

vouchers that are leased prior to the effective date of such suspension.''.

(2) TRANSITION.—The amendments made by paragraph (1) shall take effect January 1, 2010, provided that in each calendar quarter of 2010 and 2011, a public housing agency shall absorb no more than one-eighth of the vouchers subject to absorption on such effective date of each public housing agency that is providing assistance for the vouchers on such effective date. Public housing agencies may by mutual agreement alter the absorption rate established in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than May 1, 2009, the Secretary of Housing and Urban Development shall provide to Congress an estimate of the net additional cost to the Department of Housing and Urban Development in the first year of implementation of the new requirements added by the amendments made in paragraph (1), and of the savings likely to be available in 2010 and 2011 as a result of the reduction in the permitted level of retained funds under subsection (dd)(4)(A) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(dd)(4)(A)).

(c) VOUCHERS FOR PERSONS WITH DISABILITIES.—The Secretary of Housing and Urban Development shall develop and issue, to public housing agencies that received voucher assistance under section 8(o) for non-elderly disabled families pursuant to appropriations Acts, guidance to ensure that, to the maximum extent practicable, such vouchers continue to be provided upon turnover to qualified non-elderly disabled families.

SEC. 7. ADMINISTRATIVE FEES.

(a) IN GENERAL.—Section 8(q) of the United States Housing Act of 1937 (42 U.S.C. 1437f(q)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraphs (B) and (C) to read as follows:

''(B) CALCULATION.—The fee under this subsection shall—

''(i) be payable to each public housing agency for each month for which a dwelling unit is covered by an assistance contract;

''(ii) be based on the per unit fee payable to the agency in fiscal year 2003, updated for each subsequent year as specified in subsection (iv), unless the Secretary establishes by rulemaking a revised method of calculating the per unit fee for each agency, which method—

''(I) shall otherwise comply with this subparagraph; and

''(II) may include performance incentives, consistent with subsection (o)(21);

''(iii) include an amount for the cost of issuing vouchers to new participants who lease units in the jurisdiction of the agency or in another jurisdiction under the procedures established in subsection (r);

''(iv) be updated each year using an index of changes in wage data or other objectively measurable data that reflect the costs of administering the program for such assistance, as determined by the Secretary; and

''(v) include an amount for the cost of family self-sufficiency coordinators, as provided in section 23(h)(1).

''(C) PUBLICATION.—The Secretary shall cause to be published in the Federal Register the fee rate for each geographic area.''; and

(B) by striking subparagraph (E); and

(2) in paragraph (4), by striking ''1999'' and inserting ''2008''.

(b) ADMINISTRATIVE FEES FOR FAMILY SELF-SUFFICIENCY PROGRAM COSTS.—Subsection (h) of section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) SECTION 8 FEES.—

''(A) IN GENERAL.—The Secretary shall establish a fee under section 8(q) for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8(o).

''(B) ELIGIBILITY FOR FEE.—The fee shall provide funding for family self-sufficiency coordinators as follows:

''(i) BASE FEE.—A public housing agency serving 25 or more participants in the Family Self-Sufficiency program under this section shall receive a fee equal to the costs of employing 1 full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee.

''(ii) ADDITIONAL FEE.—An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families.

''(iii) PREVIOUSLY FUNDED AGENCIES.—An agency that received funding from the Department of Housing and Urban Development for more than 3 such coordinators in any of fiscal years 1998 through 2008 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards.

''(iv) INITIAL YEAR.—For the first year in which a public housing agency exercises its right to develop a family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to 1 family self-sufficiency coordinator, based on the size specified in its action plan for such program.

''(v) STATE AND REGIONAL AGENCIES.—For purposes of calculating the family self-sufficiency portion of the administrative fee under this subparagraph, each administratively distinct part of a State or regional public housing agency shall be treated as a separate agency.

''(vi) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether a public housing agency meets a specific threshold for funding pursuant to this paragraph, the number of participants being served by the agency in its family self-sufficiency program shall be considered to be the average number of families enrolled in such agency's program during the course of the most recent fiscal year for which the Department of Housing and Urban Development has data.

''(C) PRORATION.—If insufficient funds are available in any fiscal year to fund all of the coordinators authorized under this section, the first priority shall be given to funding 1 coordinator at each agency with an existing family self-sufficiency program. The remaining funds shall be prorated based on the number of remaining coordinators to which each agency is entitled under this subparagraph.

''(D) RECAPTURE.—Any fees allocated under this subparagraph by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year shall be recaptured by the Secretary and shall be available for providing additional fees pursuant to subparagraph (B)(ii).

''(E) PERFORMANCE STANDARDS.—Within 6 months after the date of the enactment of this paragraph, the Secretary shall publish a proposed rule specifying the performance standards applicable to funding under clauses (ii) and (iii) of subparagraph (B). Such standards shall include requirements applicable to the leveraging of in-kind services and other resources to support the goals of the family self-sufficiency program.

''(F) DATA COLLECTION.—Public housing agencies receiving funding under this paragraph shall collect and report to the Secretary, in such manner as the Secretary shall require, information on the performance of their family self-sufficiency programs.

''(G) EVALUATION.—The Secretary shall conduct a formal and scientific evaluation of the effectiveness of well-run family self-sufficiency programs, using random assignment of participants to the extent practicable. Not later than the expiration of the 4-year period beginning upon the enactment of this paragraph, the Secretary shall submit an interim evaluation report to Congress. Not later than the expiration of the 8-year period beginning upon such enactment, the Secretary shall submit a final evaluation report to Congress. There is authorized to be appropriated $10,000,000 to carry out the evaluation under this subparagraph.

''(H) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 10 percent of the amounts made available for administrative fees under this paragraph to provide support to or reward family self-sufficiency programs that are particularly innovative or highly successful in achieving the goals of the program.''.

(c) REPEAL.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note; Public Law 104–204; 110 Stat. 2893) is hereby repealed.

SEC. 8. HOMEOWNERSHIP.

(a) SECTION 8 HOMEOWNERSHIP DOWNPAYMENT PROGRAM.—Section 8(y)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)(7)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraph:

''(A) IN GENERAL.—Subject to the provisions of this paragraph, in the case of a family on whose behalf rental assistance under section 8(o) has been provided for a period of not less than 12 months prior to the date of receipt of downpayment assistance under this paragraph, a public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the agency, provide a downpayment assistance grant in accordance with subparagraph (B).

''(B) GRANT REQUIREMENTS.—A downpayment assistance grant under this paragraph—

''(i) shall be used by the family only as a contribution toward the downpayment and reasonable and customary closing costs required in connection with the purchase of a home;

''(ii) shall be in the form of a single 1-time grant; and

''(iii) may not exceed $10,000.

''(C) NO EFFECT ON OBTAINING OUTSIDE SOURCES FOR DOWNPAYMENT ASSISTANCE.—This Act may not be construed to prohibit a public housing agency from providing downpayment assistance to families from sources other than a grant provided under this Act, or as determined by the public housing agency.''.

(b) USE OF VOUCHERS FOR MANUFACTURED HOUSING.—Section 8(o)(12) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(12)) is amended—

(1) in subparagraph (A), by striking the period at the end of the first sentence and all that follows through ''of'' in the second sentence and inserting ''and rents''; and

(2) in subparagraph (B)—

(A) in clause (i), by striking ''the rent'' and all that follows and inserting the following: ''rent shall mean the sum of the monthly

payments made by a family assisted under this paragraph to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes, the monthly amount allowed for tenant-paid utilities, and the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges.'';

(B) by striking clause (ii); and

(C) in clause (iii)—

(i) by inserting after the period at the end the following: ''If the amount of the monthly assistance payment for a family exceeds the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges, a public housing agency may pay the remainder to the family, lender, or utility company, or may choose to make a single payment to the family for the entire monthly assistance amount.''; and

(ii) by redesignating such clause as clause (ii).

SEC. 9. PERFORMANCE ASSESSMENTS.

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

''(21) PERFORMANCE ASSESSMENTS.—

''(A) ESTABLISHMENT.—The Secretary shall, by regulation, establish standards and procedures for assessing the performance of public housing agencies in carrying out the programs for tenant-based rental assistance under this subsection and for homeownership assistance under subsection (y).

''(B) CONTENTS.—The standards and procedures under this paragraph shall provide for assessment of the performance of public housing agencies in the following areas:

''(i) Quality of dwelling units obtained using such assistance.

''(ii) Extent of utilization of assistance amounts provided to the agency and of authorized vouchers, adjusted for vouchers set aside to meet commitments under paragraph (13) and to take into account the time required for additional lease-up efforts resulting from absorption of a significant number or share of an agency's vouchers under subsection (r).

''(iii) Timeliness and accuracy of reporting by the agency to the Secretary.

''(iv) Effectiveness in carrying out policies to achieve deconcentration of poverty.

''(v) Reasonableness of rent burdens, consistent with public housing agency responsibilities under section 8(o)(1)(E)(iii).

''(vi) Accurate calculations of rent, utility allowances, and subsidy payments.

''(vii) Effectiveness in carrying out family self-sufficiency activities.

''(viii) Timeliness of actions related to landlord participation.

''(ix) Compliance with targeting requirements under section 16(b).

''(x) Such other areas as the Secretary considers appropriate.

''(C) BIENNIAL ASSESSMENT.—Not later than 2 years after the date of enactment of this paragraph, and at least every 2 years thereafter, the Secretary, using the standards and procedures established under this paragraph, shall—

''(i) conduct an assessment of the performance of each public housing agency carrying out a program referred to in subparagraph (A);

''(ii) make such assessment available to the public housing agency and to the public via the website of the Department of Housing and Urban Development; and

''(iii) submit a report to Congress regarding the results of each such assessment.

''(D) USE OF ASSESSMENTS TO ASSIST PERFORMANCE.—The Secretary shall, by regulation and based upon the results of the assessments of public housing agencies conducted under this paragraph, establish procedures and mechanisms to assist poorly performing public housing agencies in becoming ably performing public housing agencies.''.

SEC. 10. PHA PROJECT-BASED ASSISTANCE.

Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

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

''(B) PERCENTAGE LIMITATION.—

''(i) IN GENERAL.—Subject to clause (ii), not more than 25 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

''(ii) EXCEPTION.—An agency may attach up to an additional 5 percent of the funding available for tenant-based assistance under this section to structures pursuant to this paragraph for dwelling units that house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).'';

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

''(D) INCOME MIXING REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), not more than the greater of 25 dwelling units or 25 percent of the dwelling units in any project may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph. For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

''(ii) EXCEPTIONS.—

''(I) CERTAIN HOUSING.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties, or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services only where comprehensive services are provided to special populations such as to individuals who were formerly homeless and other populations with special needs. For purposes of the preceding sentence, the term 'single family properties' means buildings with no more than 4 dwelling units.

''(II) CERTAIN AREAS.—With respect to areas in which fewer than 75 percent of families issued vouchers become participants in the program, the public housing agency has established the payment standard at 110 percent of the fair market rent for all census tracts in the area for the previous 6 months, the public housing agency has requested a higher payment standard, and the public housing agency grants an automatic extension of 90 days (or longer) to families with vouchers who are attempting to find housing, clause (i) shall be applied by substituting '40 percent' for '25 percent'.'';

(3) in the first sentence of subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(4) in subparagraph (G)—

(A) by inserting after the period at the end of the first sentence the following: ''Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract.''; and

(B) by adding at the end the following: ''A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.'';

(5) in subparagraph (H), by inserting before the period at the end of the first sentence the following: '', except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)'';

(6) in subparagraph (I)(i), by inserting before the semicolon the following: '', except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit'';

(7) in subparagraph (J)—

(A) by striking the fifth and sixth sentences and inserting the following: ''A public housing agency may establish and utilize procedures for maintaining site-based waiting lists under which applicants may apply directly at, or otherwise designate to the public housing agency, the project or projects in which they seek to reside, except that all applicants on the waiting list of an agency for assistance under this subsection shall be permitted to place their names on such separate list. All such procedures shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list, or a family on a site-based waiting list that complies with the requirements of this subparagraph. A public housing agency shall fully disclose to each applicant each option in the selection of a project in which to reside that is available to the applicant.''; and

(B) by inserting after the third sentence the following new sentence: ''Any family who resides in a dwelling unit proposed to be assisted under this paragraph, or in a unit to be replaced by a proposed unit to be assisted under this paragraph shall be given an absolute preference for selection for placement in the proposed unit, if the family is otherwise eligible for assistance under this subsection.''; and

(8) by adding at the end the following new subparagraphs:

''(L) STRUCTURE OWNED BY AGENCY.—Notwithstanding any other provision of law, as part of an initiative to improve, redevelop, or replace a public housing site, a public housing agency may attach assistance to an existing, newly constructed, or rehabilitated structure in which the public housing agency has an ownership interest, without following a competitive process, provided that the agency includes such action in its public housing agency plan approved under section 5A and the units that will receive such assistance will not receive assistance under section 9. The preceding sentence shall not be construed to limit a public housing agency's ability to attach assistance to structures under applicable law.

''(M) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

''(i) dwelling units in cooperative housing; and

''(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

''(N) REVIEWS.—

''(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this subparagraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

''(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.

''(O) LEASES AND TENANCY.—Assistance provided under this paragraph shall be subject to the provisions of paragraph (7), except that subparagraph (A) of such paragraph shall not apply.

''(P) ALLOWABLE TRANSFERS.—To promote regional mobility and increase housing and economic opportunities through expanded use of project-based voucher assistance, a public housing agency may transfer a portion of its vouchers and related budget authority to a public housing agency that administers a program under this subsection in another jurisdiction in the same or contiguous metropolitan area or county. The Secretary shall encourage such voluntary agreements and promptly execute the necessary funding and contract modifications.''.

SEC. 11. RENT BURDENS.

(a) REVIEWS.—Section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended by striking subparagraph (E) and inserting the following new subparagraph:

''(E) REVIEWS.—

''(i) RENT BURDENS.—

''(I) MONITOR AND REPORT.—The Secretary shall monitor rent burdens and submit a report to Congress annually on the percentage of families assisted under this subsection, occupying dwelling units of each size, that pay more than 30 percent of their adjusted incomes for rent and such percentage that pay more than 40 percent of their adjusted incomes for rent. Using information regularly reported by public housing agencies, the Secretary shall provide public housing agencies, on an annual basis, a report with the information described in the first sentence of this clause, and may require a public housing agency to modify a payment standard that results in a significant percentage of families assisted under this subsection, occupying dwelling units of any size, paying more than 30 percent of their adjusted incomes for rent. In implementing the requirements of this clause, the Secretary shall distinguish excessive rent burdens that result solely from the methods of determining a family's rent contribution under section (3)(A)(3) or clauses (ii) or (iii) of paragraph (2)(A) of this subsection.

''(II) PUBLIC AVAILABILITY.—Each public housing agency shall make publicly available the information on rent burdens provided by the Secretary pursuant to subclause (I), and, for agencies located in metropolitan areas, the information on concentration provided by the Secretary pursuant to clause (ii).

''(ii) CONCENTRATION OF POVERTY.—The Secretary shall submit a report to Congress annually on the degree to which families of particular racial and ethnic groups assisted under this subsection in each metropolitan area are clustered in higher poverty areas, and the extent to which greater geographic distribution of such assisted families could be achieved, including by increasing payment standards for particular communities within such metropolitan areas.

''(iii) PUBLIC HOUSING AGENCY RESPONSIBILITIES.—If a public housing agency has a high degree of concentration of families of particular racial and ethnic groups clustered in a higher poverty area or if such agency has more than 5 percent of families residing in units assisted under this subsection who pay more than 40 percent of their adjusted incomes for rent—

''(I) the public housing agency shall adjust its payment standard or explain its reasons for not making such adjustment; and

''(II) the Secretary may not deny the request of the public housing agency to set a payment standard up to 120 percent of the fair market rent to remedy excessive rent burdens or undue concentration of families assisted under this subsection in lower rent, higher poverty sections of a metropolitan area, if the public housing agency—

''(aa) has conducted a thorough review of its payment standards;

''(bb) conducts a thorough review of its rent reasonableness policies and procedures, and properly conducts a review of its rent reasonableness on an ongoing basis;

''(cc) has conducted outreach to landlords in all areas within the service area of the public housing agency;

''(dd) provides search assistance to such families, if undue concentration is the reason for the adjustment of the payment standard;

''(ee) has completed a review of utility allowances and burdens on such families; and

''(ff) the public housing agency has, for the previous 6-month period, had its payment standards set at 110 percent of the fair market rent.''.

(b) PUBLIC HOUSING AGENCY PLAN.—Section 5A(d)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)(4)) is amended by inserting before the period at the end the following: '', including the report with respect to the agency furnished by the Secretary pursuant to section 8(o)(1)(E) concerning rent burdens and, if applicable, geographic concentration of voucher holders, any changes in rent or other policies the public housing agency is making to address excessive rent burdens or concentration, and if the public housing agency is not adjusting its payment standard, its reasons for not doing so.''.

(c) RENT BURDENS FOR PERSONS WITH DISABILITIES.—Subparagraph (D) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended by inserting before the period at the end the following: '', except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent where necessary as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a person with a disability''.

(d) RENT BURDENS FOR VOUCHER HOLDERS IN LOW-INCOME HOUSING TAX CREDIT UNITS.—Section 8(o)(10)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)(A)) is amended by inserting before the period the following: '', except that in a unit receiving tax credits under section 42 of the Internal Revenue Code or assistance under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act for which a housing assistance contract not subject to paragraph (13) is established—

''(i) no comparison with rent for units in the private, unassisted local market shall be required if the rent is at or below the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by tenant-based voucher holders; and

''(ii) the rent shall not be considered reasonable if it exceeds the higher of (I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by tenant-based voucher holders and (II) the payment standard established by the public housing agency for a unit of the particular size.''.

SEC. 12. ESTABLISHMENT OF FAIR MARKET RENT.

(a) IN GENERAL.—Paragraph (1) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(1)) is amended—

(1) by inserting ''(A)'' after the paragraph designation;

(2) by striking the seventh, eighth, and ninth sentences; and

(3) by adding at the end the following:

''(B)(i) The Secretary shall endeavor to define market areas for purposes of this paragraph in a manner that results in fair market rentals that are adequate to cover typical rental costs of units suitable for occupancy by persons assisted under this section in as wide a range of communities as is feasible, including communities with low poverty rates.

''(ii) The Secretary at a minimum shall define a separate market area for each—

''(I) metropolitan city, as such term is defined in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)), with more than 40,000 rental dwelling units; and

''(II) county or in the case of a county that includes a metropolitan city specified in subclause (I), for the remainder of that county located outside the boundaries of such metropolitan city.

The requirement under subclause (II) shall not apply to any counties wholly within a metropolitan city specified in subclause (I) or any counties in the following States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont.

''(iii) Notwithstanding clause (ii), the Secretary may establish minimum fair market rents within each State to ensure that fair market rents in a State are adequate to cover the cost of standard quality housing in that State.

''(iv) The Secretary shall, at the request of 1 or more public housing agency, establish a separate market area for part or all of the area under the jurisdiction of such agency, if—

''(I) the requested market area contains at least 20,000 rental dwelling units;

''(II) the areas contained in the requested market area are geographically contiguous and share similar housing market characteristics;

''(III) adequate data are available to establish a reliable fair market rental for the requested market area, and for the remainder of the market area in which it is currently located; and

''(IV) establishing the requested market area would raise or lower the fair market rental by 10 percent or more at the time the requested market area is established.

For purposes of subclause (III), data for an area shall be considered adequate if they are sufficient to establish from time to time a reliable benchmark fair market rental based primarily on data from that area, whether or not those data need to be supplemented with

data from a larger area for purposes of annual updates.

''(v) The Secretary shall not reduce the fair market rental in a market area as a result of a change in the percentile of the distribution of market rents used to establish the fair market rental.''.

(b) PAYMENT STANDARD.—Subparagraph (B) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)(B)) is amended by inserting before the period at the end the following: '', except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced''.

SEC. 13. SCREENING OF APPLICANTS.

Subparagraph (B) of section 8(o)(6) of the United States Housing Act of 1937 (1437f(o)(6)(B)) is amended—

(1) by inserting after the period at the end of the second sentence the following: ''A public housing agency's elective screening shall be limited to criteria that are directly related to an applicant's ability to fulfill the obligations of an assisted lease and shall consider mitigating circumstances related to such applicant. The requirements of the prior sentence shall not limit the ability of a public housing agency to deny assistance based on the applicant's criminal background or any other permissible grounds for denial under subtitle F of title V of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq., relating to safety and security in public and assisted housing), subject to the procedural requirements of this section. Any applicant or participant determined to be ineligible for admission or continued participation to the program shall be notified of the basis for such determination and provided, within a reasonable time after the determination, an opportunity for an informal hearing on such determination at which mitigating circumstances, including remedial conduct subsequent to the conduct that is the basis of such consideration.''; and

(2) by adding at the end the following: ''Public housing tenants requesting tenant-based voucher assistance under this subsection to relocate from public housing as a result of the demolition or disposition of public housing shall not be considered new applicants under this paragraph and shall not be subject to elective screening by the public housing agency.''.

SEC. 14. ENHANCED VOUCHERS.

(a) IN GENERAL.—Section 8(t)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''and shall not require that the family requalify under the selection standards for a public housing agency in order to be eligible for such assistance'' after ''subsection (o)''; and

(2) by amending subparagraph (B) to read as follows:

''(B)(i) the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project regardless of unit and family size standards normally used by the administering public housing agency (except that tenants may be required to move to units of appropriate size if available on the premises), and the owner of the unit shall accept the enhanced voucher and terminate the tenancy only for serious or repeated violation of the terms and conditions of the lease or for violation of applicable law; and

''(ii) if, during any period the family makes such an election and continues to so reside, the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time-to-time), subject to paragraph (10)(A) of subsection (o) and any other reasonable limit prescribed by the Secretary, except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families;''.

(b) RULEMAKING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations implementing the amendments made by subsection (a).

SEC. 15. PROJECT-BASED PRESERVATION VOUCHERS.

(a) ENHANCED VOUCHERS.—Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437(t)(1)) is amended by adding at the end the following new paragraph:

''(5) AUTHORIZATION OF PRESERVATION PROJECT-BASED VOUCHER ASSISTANCE IN LIEU OF ENHANCED VOUCHER ASSISTANCE.—Notwithstanding any other provision of law, preservation project-based voucher assistance may be provided pursuant to subsection (o)(13)(Q) in lieu of enhanced voucher assistance at the request of the owner of the multifamily housing project, subject to the determinations of the public housing agency pursuant to clause (ii) of subsection (o)(13)(Q). Preservation project-based voucher assistance provided pursuant to subsection (o)(13)(Q) in lieu of enhanced voucher assistance shall be subject to the provisions of subsection (o)(13)(Q) and shall not be subject to the provisions of this subsection.''.

(b) PHA PROJECT-BASED ASSISTANCE.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended by adding at the end the following new subparagraph:

''(Q) PRESERVATION PROJECT-BASED VOUCHER ASSISTANCE.—

''(i) IN GENERAL.—The Secretary is authorized to provide assistance under this paragraph in lieu of enhanced voucher assistance under subsection (t) to a public housing agency that enters into a contract with an owner of a multifamily housing project upon the occurrence of an eligibility event with respect to the project as defined in subsection (t)(2). All owners of projects for which enhanced voucher assistance would otherwise be provided may request and receive a contract for preservation project-based voucher assistance at the project in lieu of enhanced voucher assistance upon the occurrence of an eligibility event with respect to the project, subject to the determinations of the public housing agency in clause (ii). The contract shall cover all of the units in the project for which enhanced voucher assistance would otherwise be provided under subsection (t).

''(ii) PUBLIC HOUSING AGENCY DETERMINATIONS.—Prior to entering into a contract pursuant to this subparagraph, the public housing agency shall have determined that (I) the housing to be assisted hereunder is economically viable, and that (II) there is significant demand for the housing, or the housing will contribute to a concerted community revitalization plan or to the goal of deconcentrating poverty and expanding housing and economic opportunities, or the continued affordability of the housing otherwise is an important asset to the community. The determinations of the public housing agency required in the previous sentence shall be in lieu of meeting the requirements of subparagraph (C).

''(iii) SPECIAL RULES.—Funding provided for preservation project-based voucher assistance pursuant to this subparagraph shall be disregarded for the purpose of calculating the limitation on attaching funding to structures otherwise applicable to public housing agency project-based assistance pursuant to subparagraph (B). Assistance under this subparagraph shall not be subject to the requirements of subparagraph (D).

''(iv) ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in a project on the date of the eligibility event that would otherwise be eligible for enhanced voucher assistance under subsection (t) shall be eligible for preservation project-based voucher assistance under this subparagraph.''.

SEC. 16. DEMONSTRATION PROGRAM WAIVER AUTHORITY.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into such agreements as may be necessary with the Social Security Administration and the Secretary of Health and Human Services to allow for the participation, in any demonstration program described in subsection (c), by the Department of Housing and Urban Development and the use under such program of housing choice vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) WAIVER OF INCOME REQUIREMENTS.—The Secretary of Housing and Urban Development may, to the extent necessary to allow rental assistance under section 8(o) of the United States Housing Act of 1937 to be provided on behalf of persons described in subsection (c) who participate in a demonstration program described in such subsection, and to allow such persons to be placed on a waiting list for such assistance, partially or wholly disregard increases in earned income for the purpose of rent calculations under section 3 for such persons.

(c) DEMONSTRATION PROGRAMS.—A demonstration program described in this subsection is a demonstration program of a State that provides for persons with significant disabilities to be employed and continue to receive benefits under programs of the Department of Health and Human Services and the Social Security Administration, including the program of supplemental security income benefits under title XVI of the Social Security Act, disability insurance benefits under title II of such Act, and the State program for medical assistance (Medicaid) under title XIX of such Act.

SEC. 17. STUDY TO IDENTIFY OBSTACLES TO USING VOUCHERS IN FEDERALLY SUBSIDIZED HOUSING PROJECTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of (1) the housing voucher program authorized under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and (2) other federally subsidized housing programs, to determine whether any statutory, regulatory, or administrative provisions of the housing voucher program or of other federally subsidized housing programs, or policies and practices of housing owners or public housing agencies or other agencies, may have the effect of making occupancy by voucher holders in federally subsidized housing projects more difficult to obtain than occupancy by non-voucher holders. In conducting the study required under this subsection the Comptroller General shall determine if any gaps exist in the statute, regulations, or administration of the housing voucher program or of other federally subsidized housing programs and policies and

practices of housing owners or public housing agencies or other agencies that, if addressed, could eliminate or reduce obstacles to voucher holders in seeking occupancy in federally subsidized housing projects. Such study shall include data on the use of housing vouchers in federally subsidized housing projects.

(b) DEFINITION.—As used in this section, the term ''federally subsidized housing projects'' includes projects assisted pursuant to the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) and those projects receiving the benefit of low-income housing credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall report to Congress the findings from the study required under subsection (a) and any recommendations for statutory, regulatory, or administrative changes.

SEC. 18. COLLECTION OF DATA ON TENANTS IN PROJECTS RECEIVING TAX CREDITS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 36. COLLECTION OF DATA ON TENANTS IN PROJECTS RECEIVING TAX CREDITS.

''(a) IN GENERAL.—State agencies administering credits under section 42 of the Internal Revenue Code shall furnish to the Secretary of Housing and Urban Development, not less than annually, data concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits. State agencies shall, to the extent feasible, collect such data through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of a household continuing to reside in the same unit, such data may rely on information provided by the household in a previous year for categories of information that are not subject to change or if information for the current year is not readily available to the owner of the property.

''(b) STANDARDS AND DEFINITIONS.—The Secretary of Housing and Urban Development shall—

''(1) by rule, establish standards and definitions for the data collected under subsection (a);

''(2) provide States with technical assistance in establishing systems to compile and submit such data; and

''(3) in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

''(c) PUBLIC AVAILABILITY OF REPORTS.—The Secretary of Housing and Urban Development shall compile and make publicly available not less than annually the data furnished by State agencies under subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,500,000 for fiscal year 2009 and $900,000 for each of the fiscal years 2010 to 2013 to cover the cost of the activities required under subsections (b) and (c).''.

SEC. 19. AGENCY AUTHORITY FOR UTILITY PAYMENTS IN CERTAIN CIRCUMSTANCES.

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

''(23) AUTHORITY OF PUBLIC HOUSING AGENCIES TO MAKE DIRECT PAYMENTS FOR UTILITIES WHEN OWNER FAILS TO PAY.—

''(A) IN GENERAL.—If the owner has failed to pay for utilities that are the responsibility of the owner under the lease or applicable law, the public housing agency is authorized to utilize subsidy payments otherwise due the owner to pay for continued utility service to avoid hardship to program participants.

''(B) NOTICE.—Before making utility payments as described in subparagraph (A), the public housing agency shall take reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment.''.

SEC. 20. ACCESS TO HUD PROGRAMS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

(a) HUD RESPONSIBILITIES.—To allow the Department of Housing and Urban Development to better serve persons with limited proficiency in the English language by providing technical assistance to recipients of Federal funds, the Secretary of Housing and Urban Development shall take the following actions:

(1) TASK FORCE.—Within 90 days after the enactment of this Act, convene a task force comprised of appropriate industry groups, recipients of funds from the Department of Housing and Urban Development (in this section referred to as the ''Department''), community-based organizations that serve individuals with limited English proficiency, civil rights groups, and stakeholders, which shall identify a list of vital documents, including Department and certain property and other documents, to be competently translated to improve access to federally conducted and federally assisted programs and activities for individuals with limited English proficiency. The task force shall meet not less frequently than twice per year.

(2) TRANSLATIONS.—Within 6 months after identification of documents pursuant to paragraph (1), produce translations of the documents identified in all necessary languages and make such translations available as part of the library of forms available on the website of the Department and as part of the clearinghouse developed pursuant to paragraph (4).

(3) PLAN.—Develop and carry out a plan that includes providing resources of the Department to assist recipients of Federal funds to improve access to programs and activities for individuals with limited English proficiency, which plan shall include the elements described in paragraph (4).

(4) HOUSING INFORMATION RESOURCE CENTER.—Develop and maintain a housing information resource center to facilitate the provision of language services by providers of housing services to individuals with limited English proficiency. Information provided by such center shall be made available in printed form and through the Internet. The resources provided by the center shall include the following:

(A) TRANSLATION OF WRITTEN MATERIALS.—The center may provide, directly or through contract, vital documents from competent translation services for providers of housing services.

(B) TOLL-FREE CUSTOMER SERVICE TELEPHONE NUMBER.—The center shall provide a 24-hour toll-free interpretation service telephone line, by which recipients of funds of the Department and individuals with limited English proficiency may—

(i) obtain information about federally conducted or federally assisted housing programs of the Department;

(ii) obtain assistance with applying for or accessing such housing programs and understanding Federal notices written in English; and

(iii) communicate with housing providers. and learn how to access additional language services.

The toll-free telephone service provided pursuant to this subparagraph shall supplement resources in the community identified by the plan developed pursuant to paragraph (3).

(C) DOCUMENT CLEARINGHOUSE.—The center shall collect and evaluate for accuracy or develop, and make available, templates and documents that are necessary for consumers, relevant industry representatives, and other stakeholders of the Department, to access, make educated decisions, and communicate effectively about their housing, including—

(i) administrative and property documents;

(ii) legally binding documents;

(iii) consumer education and outreach materials;

(iv) documents regarding rights and responsibilities of any party; and

(v) remedies available to consumers.

(D) STUDY OF LANGUAGE ASSISTANCE PROGRAMS.—The center shall conduct a study that evaluates best-practices models for all programs of the Department that promote language assistance and strategies to improve language services for individuals with limited English proficiency. Not later than 18 months after the date of the enactment of this Act, the center shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which shall provide recommendations for implementation, specific to programs of the Department, and information and templates that could be made available to all recipients of grants from the Department.

(E) CULTURAL AND LINGUISTIC COMPETENCE MATERIALS.—The center shall provide information relating to culturally and linguistically competent housing services for populations with limited English proficiency.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, and annually thereafter, the Secretary of Housing and Urban Development shall submit a report regarding its compliance with the requirements under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated the amount necessary for each of fiscal years 2009 through 2013 to provide public housing agencies with incremental tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) sufficient to assist 20,000 incremental dwelling units in each such fiscal year. A preference for allocation of such incremental tenant-based assistance, as part of the competitive process required by section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)), is to be given to (1) preserving affordable housing, including State public housing, and other housing that needs operating support in order to remain affordable, and (2) entities that are providing voucher assistance on a regional basis.

SEC. 22. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act, shall take effect on January 1, 2009.

(b) EXCEPTION.—

(1) RENT REFORMS.—Sections 3, 4, and 12 of this Act, and the amendments made by such sections, shall take effect beginning of the first day of fiscal year 2010, and shall apply to each fiscal year thereafter.

(2) NOTIFICATION REQUIREMENT.—Beginning on the date of enactment of this Act, public housing agencies and owners of dwelling units assisted under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall notify tenants as soon as possible of the—

(A) major changes made by the amendments in sections 3 and 4, and how such changes affect the current tenants occupying such units; and

(B) potential effects of such changes on current tenants in general.

SUPPORTERS OF THE SECTION 8 VOUCHER REFORM ACT

Action Housing, Inc. (Pittsburgh, PA); American Association of Homes and Services for the Aging; ANCOR (American Network of Community Options and Resources); Anti-Displacement Project; The Arc; California Coalition for Rural Housing; California Housing Partnership Corporation; Cambridge Housing Authority (Mass); Center on Budget and Policy and Priorities; Chicago Community Development Corporation; Chicago Rehab Network; Cleveland Housing Network; Cleveland Tenant Organization; Coalition for Economic Survival (Los Angeles); Coalition on Homelessness & Housing in Ohio; Community Alliance of Tenants (Oregon); Community Capital Corporation (Colorado); Community Economic Development Assistance Corporation (Mass.); Connecticut Coalition to End Homelessness; Connecticut Housing Coalition.

Connecticut Housing Finance Agency; Connecticut Public Housing Resident Network; Consortium for Citizens with Disabilities; Corporation for Supportive Housing; Council for Affordable and Rural Housing; Council of Large Public Housing Authorities; Emily Achtenberg, Housing Policy & Development Consultant; Enterprise Community Partners; Great Lakes Capital Fund; Greater Hartford Legal Aid; Greater New Orleans Fair Housing Action Center; Housing Action Illinois; Housing Alliance of Pennsylvania; Housing and Community Development Network of New Jersey; Housing Assistance Council; Housing Development Corporation of Lancaster County; Housing Preservation Project (Minnesota); Institute of Real Estate Management; Jewish Council for Public Affairs; Lawyers Committee for Civil Rights Under Law.

Local Initiatives Support Corporation; Mercy Housing; Minnesota Housing Partnership; National Affordable Housing Management Association; National Affordable Housing Trust; National Alliance of Community Economic Development Associations; National Alliance to End Homelessness; National Alliance for the Mentally Ill; National Alliance of HUD Tenants; National Apartment Association; National Association of Home Builders; National Association of Realtors; National Church Residences; National Council of State Housing Agencies; National Disability Rights Network; National Fair Housing Alliance; National Housing Conference; National Housing Law Project; National Housing Trust; National Leased Housing Association.

National Low Income Housing Coalition; National Multi Housing Council; New York City Department of Housing Preservation & Development; Ohio Capital Corporation for Housing; Opportunity Finance Network; Organize! Ohio; Paralyzed Veterans of America; Partnership for Strong Communities (CT); Poverty and Race Research Action Council; Preservation of Affordable Housing; Public Housing Authority Directors Association; Religious Action Center for Reform Judaism; Retirement Housing Foundation; Southwestern PA Alliance of HUD Tenants, Pittsburgh, PA; Stewards of Affordable Housing for the Future; The Community Builders; United Cerebral Palsy Disability Policy Collaboration; Volunteers of America.

SECTION 8 VOUCHER REFORM ACT OF 2008 (SEVRA)

Section 1. Short title

Short title identifying the bill as the ''Section 8 Voucher Reform Act of 2008.''

Section 2. Inspection of dwelling units

Makes a number of changes to the inspection requirements for housing units rented to Section 8 voucher holders. Retains the initial inspection requirement, except permits occupancy and payments to be made for up to 30 days if a unit fails inspection as a result only of non-life threatening conditions. In such case, payments must be suspended after 30 days if the deficiencies are not corrected. Also allows a PHA to permit occupancy prior to inspection if another federal program inspection has been made within the preceding 12 months.

Properties will be required to be re-inspected at least every two years instead of annually. Permits use of inspections under a federal, state, or local housing assistance program in lieu of a public housing agency (PHA) voucher inspection. Requires a PHA to conduct an interim inspection within 15 days after a tenant notifies the PHA that a unit is out of compliance and within 24 hours in the case of a life threatening condition.

If a property fails an inspection and the failure is not corrected within 30 days, the PHA is required to abate assistance for up to 120 days, and the PHA may use abated assistance to repair life-threatening conditions. Requires a PHA to terminate its contract with the owner at the end of the abatement period if the unit is not repaired, and to notify the tenant that they have 120 days to find new housing beginning at the start of the abatement period. Requires that PHAs provide reasonable assistance to the displaced tenant, including the use of up to two months of abated assistance for relocation expenses, and if necessary give the tenant additional time to search for a unit or, at the tenant's option, preference for the next available public housing unit.

Section 3. Rent reform and income reviews

Recertification. Modifies the annual certification requirement for the Section 8 voucher and project-based assistance programs and for public housing to permit PHAs and owners to recertify fixed-income families every three years. Requires interim recertifications only if annual income increases by $1,000 or more, or at a family's request if its income falls by $1,000 or more.

Simplification. Simplifies the rent calculation process for the Section 8 voucher and project-based assistance programs and for public housing so that there is more reliance on standardized deductions. Raises the standard deduction for elderly and disabled families from $400 to $700 a year, and indexes that amount and the $480 dependent standard deduction for inflation in subsequent years. Allows deduction of unreimbursed child care expenses above 5 percent of annual income and raises the threshold for calculating medical and handicapped assistance expense deductions from counting such expenses over 3 percent to over 10 percent of income. Contains administrative simplification provisions, including relieving PHAs of the responsibility to maintain records of HUD-required income exclusions, creating safe harbor for reliance on other governmental income determinations (eg., Medicaid, TANF), and eliminating the need to calculate any imputed return on assets.

Work and Education Incentives: To help provide incentives for employment and earnings, a family's prior year's income is used to calculate its rent obligation and the first 10% of the first $9,000 of earned income is excluded from the income calculation. Exempts income of minors (except for heads of households or their spouses) and of adult dependents that are full time students, and exempts grant-in-aid or scholarship amounts used for tuition or books.

Impact on Public Housing Revenues. Requires HUD to provide additional public housing operating funds to public housing agencies whose rental income declines by more than one half of a percent as a result of the rent reforms in the bill, subject to the availability of funds. Also requires HUD to submit to Congress, a report identifying and calculating the impact of rent reforms on public housing costs and revenues.

Section 4. Eligibility for assistance based on assets and income

To better target assistance, prohibits any family from receiving assistance if they have more than $100,000 in net assets or an ownership in a residence suitable for occupancy. Excludes from this a number of assets including homeownership equity accounts and family self-sufficiency accounts, necessary items of personal property, retirement and education savings account assets, and amounts from certain disability-related lawsuits. Also excludes properties owned by victims of domestic violence and properties owned by families making a good faith effort to sell. Allows flexibility by permitting PHAs to elect not to enforce limits for public housing residents, and PHAs and project-based owners may delay eviction or termination of families not meeting asset restrictions for up to six months.

Extends the 80% of local area median income limitation that applies to initial occupancy to apply on an ongoing basis (determined at periodic recertification). PHAs and owners may elect not to enforce this income limitation for residents of public housing or project-based Section 8 units, and PHAs and owners may delay eviction or termination for up to six months.

Section 5. Targeting vouchers to low income working families

To address needs in very-low income areas, allows the higher of 30% of area median income or the national poverty level to be used as the income threshold for extremely-low income families.

Section 6. Voucher funding renewal

Authorizes such sums as may be necessary for Fiscal Years 2009 through 2013 for the renewal of expiring Section 8 vouchers, and for new tenant protection, enhanced vouchers, and other special purpose vouchers.

Stabilizes the voucher renewal formula to provide adequate and predictable funding each year. The voucher funding allocation shall be re-calculated each year, based on a PHA's leasing and cost data from the prior calendar year. Such calculation is adjusted for an annual inflation factor as well as the first time renewal of incremental, tenant protection and enhanced vouchers; for vouchers set aside for project-based assistance; for vouchers ported in the prior year; and for such other adjustments as HUD considers appropriate, including adjustments for

natural and other major disasters. PHAs are provided incentives to bring down voucher costs by allowing use of vouchers above the authorized level, but overall cost growth is constrained by limiting renewal funding to 103% of their authorized voucher level if reserves were used.

To ensure funds are available when there are market or program income fluctuations, PHAs may retain reserves equal to one eighth (12.5%, or ½ months) of their annual allocation at the end of 2008, 7.5 percent at the end of 2009, and 5% in each succeeding year. To implement the limitation on reserve funds, at the end of each year, HUD is required to reduce a PHA's funding allocation for the following year to offset excess reserves. HUD is required to make available all savings from such offsets to cover increased costs related to portability and family self-sufficiency escrow accounts, and for reallocation to PHAs for increased voucher leasing and to reward good performance. If a PHA has reserves of less than 2%, it can receive an advance of up to 2% in the last three months of a year to cover overages, which it ''repays'' through an offsetting funding reduction in the next year's funding allocation.

Provides for proration if overall funding is insufficient to meet nationwide costs, except that enhanced vouchers shall be fully funded. HUD is required to allocate all funds by the later of February 15th or 45 days after enactment of the appropriations bill funding renewals.

Tenant protection vouchers

Requires HUD to issue tenant protection vouchers, including enhanced vouchers for all public and assisted housing units that are lost (not just those occupied at time of application for such vouchers).

Portability

Requires PHAs to absorb ported vouchers from other PHAs starting on January 1, 2010, except that agencies are directed to phase in the absorption of the existing backlog of ported vouchers. Permits HUD to limit absorption in excess of a PHA's authorized level if HUD determines that there is insufficient funding. PHAs that absorb ported vouchers receive priority to be awarded excess funds to cover the resulting costs. If funds are inadequate to cover the costs of absorbed portability vouchers, HUD is directed to suspend the absorption requirement after providing 60 days notice to PHAs and the public.

Vouchers for people with disabilities

HUD is required to develop and issue guidance to ensure that incremental vouchers for disabled families will continue to be provided to such families upon voucher turnover.

Section 7. Administrative fees

Continues the current practice setting voucher administrative fees based on the number of vouchers in use and retains the Fiscal Year 2003 per unit fee as a baseline (adjusted for inflation) unless HUD establishes a new formula for calculating per unit fees by regulation.

Family self sufficiency

To assist in administering the successful Family Self Sufficiency Program (FSS), this section provides that voucher administrative fees will include a fee for FSS, based on the number of families being served, subject to performance standards to be established by the Secretary. Provides for proration if insufficient funds are appropriated to meet all costs under this provision, with a priority for funding at least one coordinator at each eligible agency. In addition, this section authorizes $10 million for an evaluation of the effectiveness of FSS programs.

Section 8. HOMEOWNERSHIP

This section continues the voucher homeownership program and permits voucher funds to be used for a down payment for first-time homebuyers, up to $10,000.

Facilitates use of vouchers for the full cost of purchasing manufactured homes sited on leased land, by permitting voucher funds to be used for both the cost of leasing the land plus monthly home purchase costs, including property taxes, insurance, and tenant-paid utilities.

Section 9 Performance assessments

The section ensures that PHAs are administering their voucher programs effectively by requiring HUD to assess voucher administration. Under this section, assessment must include the quality of units assisted, utilization of allocated funds and authorized vouchers, timeliness and accuracy of reporting to HUD, reasonableness of rent burdens, accurate rent and utility calculations and subsidy payments, effectiveness in carrying out family self-sufficiency activities, timeliness of actions related to landlord participation, and other factors as the HUD Secretary considers appropriate. Assessments must be conducted biannually, with results provided to Congress and the public as well as to PHAs. HUD must establish by regulation the procedures to be followed to bring poor performing agencies into compliance.

Section 10. PHA project-based assistance

To facilitate housing development, this section increases the maximum project-based voucher contract term from 10 to 15 years to be consistent with the underwriting period for the Low Income Housing Tax Credit program and also provides that rents for project-based vouchers shall not be reduced by virtue of being used in conjunction with Low-Income Housing Tax Credits.

This section increases the percentage of vouchers a PHA can project-base from 20% to 25%, with authority to go a further 5% higher to serve homeless people. This section also increases the percentage of vouchers that can be project-based in any project (rather than building) to the greater of 25 dwelling units or 25% of the units in the project, with authority to go up to 40% in areas where vouchers are hard to use. Maintains an exception to this limitation for units specifically made available for elderly and disabled families or populations with special needs receiving comprehensive services, and adds an exception for single family properties with no more than four dwelling units.

Allows a PHA to transfer vouchers and budget authority to other PHAs in the same or adjacent metropolitan areas or counties, to provide project-based assistance that will promote mobility and increase housing and economic opportunities. Directs HUD to encourage such transfers and promptly carry out funding and contract modifications needed to implement them.

Section 11. Rent burdens

Requires HUD to monitor voucher rent burdens and submit an annual report to Congress on the percentage of families nationwide paying more than 30% and 40% of their adjusted income for rent. Requires HUD to submit an annual report to Congress on the degree to which voucher families of particular racial and ethnic groups are clustered in lower-rent, higher poverty areas, and what can be done to achieve greater geographic distribution.

Requires PHAs to make information on local rent burdens and poverty concentrations available to the public. If the percentage of voucher families paying more than 40% of income for rent exceeds 5%, or families of particular racial and ethnic groups are concentrated in higher poverty areas, the PHA must either raise the payment standard or explain why payment standards are not being raised. HUD is required to approve requests to raise payment standards in such circumstances up to 120% of FMR, if the PHA has conducted a thorough review of its payment standards and rent reasonableness procedures and taken a series of other steps to ease rent burdens and expand housing opportunities. As a reasonable accommodation for a person with a disability, a PHA may increase payment standards up to 120% of the FMR without approval from HUD, and HUD may approve requests for payment standards above 120% of the FMR.

Section 12. Establishment of fair market rent

To ensure that Fair Market Rents (FMRs) are accurate, this section requires separate FMRs for each metropolitan city with over 40,000 rental units and each county (except counties that are located entirely within metropolitan cities with over 40,000 rental units or in the New England states).

Section 13. Screening of applicants

This section ensures fair decisions about program eligibility by limiting a PHA's elective screening of applicants to criteria that directly relate to an applicant's ability to fulfill the obligations of the lease, while retaining the ability of a PHA to deny eligibility based on criminal background and reasons relating to safety and security. Applicants and current participants are required to be notified of the basis of any determination of ineligibility, and are to be provided an informal hearing to present mitigating circumstances in such cases.

Section 14. Enhanced vouchers

This section ensures that families can remain in their housing, by providing that families may receive enhanced vouchers in the case of a property prepayment or opt-out even if they reside in oversized units, except that such tenants may be required to move to appropriate sized units and provides that families eligible for enhanced vouchers are not required to requalify under the PHA's selection standards. Directs HUD to issue implementing regulations within six months after the bill is enacted.

Section 15. Project-based preservation vouchers

Authorizes provision of project-based vouchers in lieu of enhanced vouchers (which are provided as continued housing assistance where an owner prepays a HUD-insured mortgage or upon the termination of a Section 8 contract), at the request of a project owner and a determination by the PHA that the building is economically viable and assisted units in the building will be in significant demand or will further community goals. Families otherwise eligible for enhanced vouchers will be eligible for preservation project-based vouchers. Such preservation project-based vouchers are similar to other project-based voucher assistance except they are not counted against the limit on the share of a PHA's voucher assistance that may be project-based, and are exempt from the limit on the share of units in a building that may be assisted with project-based vouchers.

Section 16. Demonstration program waiver authority

HUD is authorized to enter into agreements with the Social Security Administration and the Secretary of Health and Human Services to allow for participation in state demonstration programs designed to permit persons with significant disabilities to be employed and continue to receive a range of federal benefits. HUD is authorized to permit a partial or complete disregard of increases in earned income for persons participating in any such demonstration for the purpose of

calculating rent contributions for housing assisted by Section 8 vouchers.

Section 17. Study to identify obstacles to using vouchers in federally subsidized housing projects

Requires GAO to conduct a study on what legislative, regulatory and administrative requirements of federal housing programs (HOME, LIHTC), or practices and policies of PHAs or owners present obstacles to the use of vouchers in federally assisted housing.

Section 18. Collection of data on tenants in projects receiving tax credits

Requires state agencies administering Low-Income Housing Tax Credits to submit annual data to HUD on the characteristics of tenants in each Low-Income Housing Tax Credit project. Instructs state agencies, to the extent feasible, to collect data from owners through existing reporting processes and in a manner that minimizes burdens on property owners and directs HUD to establish standards and definitions for data collection, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs (in coordination with other federal agencies administering housing programs), provide states with technical assistance establishing data systems, and compile and make publicly available data submitted by states. Authorizes appropriations in Fiscal Years 2009 through 2013 to cover costs to HUD related to data collection.

Section 19. Agency authority for utility payments in certain circumstances

In cases where an owner fails to make required utility payments, this section authorizes the PHA to use voucher subsidy payments normally due to the owner to pay for continued utility service. Requires a PHA to take reasonable steps to notify the owner before making direct utility payments instead of payments to the owner, except that no prior notification is required in cases where a utility cutoff rendering the unit uninhabitable has occurred or is threatened.

Section 20. Access to HUD programs for persons with limited English proficiency

To facilitate compliance with the Executive Order requiring program access to people with Limited English Proficiency, this section directs HUD to convene a task force to identify vital documents that need to be translated to improve access to HUD services and make available translations within six months after documents are identified by the task force. Requires HUD to develop and carry out a plan to establish a housing information resource center to provide translations of written materials, provide a toll-free 24 hour interpretation service, and conduct a study of best-practices.

Authorizes appropriations to enable HUD to carry out the requirements of this section, and directs HUD to submit a report regarding its compliance within six months after enactment.

Section 21. Authorization of appropriations

Authorizes appropriations for the amount necessary to provide incremental vouchers for 20,000 families in each year from fiscal year 2009 through 2013, and establishes preferences for receipt of such assistance to preserve affordable housing and for entities that provide voucher assistance on a regional basis.

Section 22. Effective date

Provides that provisions of the bill take effect on January 1, 2009, except for Sections 3, 4, and 13 (relating to rents, income and asset limitations and fair market rents, which will take effect at the start of fiscal year 2010). Requires that PHAs and owners provide current tenants with notification of the major changes in the bill regarding rent policies and income and asset rules for continuing eligibility as soon as possible after enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 468—DESIGNATING APRIL 2008 AS ''NATIONAL 9-1-1 EDUCATION MONTH''

Mrs. CLINTON (for herself and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 468

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas, in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a ''single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas, in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be ''a high national priority'' and part of ''our Nation's homeland security and public safety'';

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, and deaf-blind, and individuals with speech disabilities, are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N-1-1 and 800 number services exist for nonemergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate those people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to access to 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children early in life about 9-1-1;

Whereas the 9-1-1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9-1-1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of children about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9-1-1 in every school in the country every year; and

Whereas programs to promote proper use of 9-1-1 during National 9-1-1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9-1-1 system designed to educate people of all ages on the importance and proper use of 9-1-1; and

Whereas the people of the United States deserve the best education regarding the use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as ''National 9-1-1 Education Month''; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4087. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table.

SA 4088. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her