

version of this legislation, H.R. 2930, which was first introduced during the 110th Congress, and I urge my colleagues to support today's bill, Senate 118, the Section 202 Supportive Housing for the Elderly Act. I would also like to thank Chairman FRANK and Ranking Members BACHUS and CAPITO for their work on this legislation. I would also like to thank our Senate counterpart, Senator KOHL of Wisconsin.

Madam Speaker, the section 202 program is the only Federal housing program that directs housing assistance to low-income seniors. And it has already been stressed, but it can't be stressed enough, that it has not been reformed in over a decade and a half. The reforms offered in today's bill will help increase the number of units available to our seniors, a population that is increasing greatly in numbers as the baby boomer generation retires.

In short, the bill will allow a variety of funding sources to be pooled together with section 202 funding to fund housing for seniors. By increasing program efficiencies, the bill will make it easier for section 202 projects to be refinanced and rehabilitated. It will also make it easier for owners to convert properties into those that provide both housing and services for the low-income seniors.

Again, I would like to thank my colleagues for their work on this legislation. And I would also like especially to thank my constituent Mike Frigo, the vice president of Mayslake, which is located in my district, who testified in support of section 202 reform legislation in September 2007. In December 2007, by voice vote, the House passed H.R. 2930, which is similar to the bill under consideration today. So I would urge my colleagues to support the bill.

Mr. LYNCH. Madam Speaker, I have no further requests for time on this side on this issue, but I do want to take an opportunity to thank Mrs. BIGGERT, the gentlelady from Illinois, and Mrs. CAPITO, the gentlelady from West Virginia, for their great work on this bill.

I have—and I'm sure we all have—a number of section 202 developments in our districts. I have plenty, and they serve our low-income seniors extremely well and it really is a program that does improve the quality of life for a lot of our seniors. So I thank the gentleladies for their cooperation.

I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I have no further requests for time. I want to thank the gentleman from Massachusetts for his good hard work, and I encourage my colleagues to support the bill.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, S. 118.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2010

Mr. MURPHY of Connecticut. Madam Speaker, I move to suspend the rules and pass the bill (S. 1481) to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1481

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

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

(a) SHORT TITLE.—This Act may be cited as the “Frank Melville Supportive Housing Investment Act of 2010”.

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

#### SEC. 2. TENANT-BASED RENTAL ASSISTANCE.

(a) RENEWAL THROUGH SECTION 8.—Section 811(d)(4) is amended to read as follows:

“(4) TENANT-BASED RENTAL ASSISTANCE.—

“(A) IN GENERAL.—Tenant-based rental assistance provided under subsection (b)(1) shall be provided under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

“(B) CONVERSION OF EXISTING ASSISTANCE.—There is authorized to be appropriated for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for persons with disabilities an amount not less than the amount necessary to convert the number of authorized vouchers and funding under an annual contributions contract in effect on the date of enactment of the Frank Melville Supportive Housing Investment Act of 2010. Such converted vouchers may be administered by the entity administering the vouchers prior to conversion. For purposes of administering such converted vouchers, such entities shall be considered a ‘public housing agency’ authorized to engage in the operation of tenant-based assistance under section 8 of the United States Housing Act of 1937.

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

(b) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary is authorized to the extent amounts are made available in future appropriations Acts, to provide technical assistance to public housing agencies and other

administering entities to facilitate using vouchers to provide permanent supportive housing for persons with disabilities, help States reduce reliance on segregated restrictive settings for people with disabilities to meet community care requirements, end chronic homelessness, as “chronically homeless” is defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361), and for other related purposes.

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

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

(1) in subsection (d)(2)—

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

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

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

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

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

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

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

(2) in subsection (e)(2)—

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

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

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

(1) in subsection (e)—

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

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

“(1) USE RESTRICTIONS.—

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

“(B) CONVERSION.—If the owner of a project requests the use of the project for the direct benefit of very low-income persons with disabilities and, pursuant to such request the Secretary determines that a project is no longer needed for use as supportive housing for persons with disabilities, the Secretary may approve the request and authorize the

owner to convert the project to such use.”; and

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

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

“(4) MULTIFAMILY PROJECTS.—

“(A) LIMITATION.—Except as provided in subparagraph (B), of the total number of dwelling units in any multifamily housing project (including any condominium or cooperative housing project) containing any unit for which assistance is provided from a capital grant under subsection (d)(1) made after the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2010, the aggregate number that are used for persons with disabilities, including supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

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

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

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

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

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

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

“(2) DELEGATED PROCESSING.—

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

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

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

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

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

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

“(C) The Secretary shall—

“(i) develop criteria and a timeline to periodically assess the performance of State and local housing agencies in carrying out the duties delegated to such agencies pursuant to subparagraph (A); and

“(ii) retain the authority to review and process projects financed by a capital advance in the event that, after a review and assessment, a State or local housing agency is determined to have failed to satisfy the criteria established pursuant to clause (i).

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

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

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

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

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

“(1) ADMISSION AND OCCUPANCY.—

“(1) TENANT SELECTION.—

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

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

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

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

“(2) TENANT PROTECTIONS.—

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

(C) by striking subparagraph (E); and

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

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

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

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

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

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

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

“(ii) to provide for—

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

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

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

(g) CONGRESSIONAL NOTIFICATION OF WAIVER.—Section 811(k) is amended—

(1) in paragraph (1), by adding the following after the second sentence: “Not later than the date of the exercise of any waiver permitted under the previous sentence, the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of the waiver or the intention to exercise the waiver, together with a detailed explanation of the reason for the waiver.”; and

(2) in paragraph (4)—

(A) by striking “prescribe, subject to the limitation under subsection (h)(6) of this section” and inserting “prescribe”; and

(B) by adding the following after the first sentence: “Not later than the date that the Secretary prescribes a limit exceeding the 24 person limit in the previous sentence, the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial

Services of the House of Representatives of the limit or the intention to prescribe a limit in excess of 24 persons, together with a detailed explanation of the reason for the new limit.”.

(h) **MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.**—Paragraph (1) of section 811(l) is amended to read as follows:

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

#### SEC. 4. PROJECT RENTAL ASSISTANCE.

Section 811(b) is amended—

(1) in the matter preceding paragraph (1), by striking “is authorized—” and inserting “is authorized to take the following actions:”;

(2) in paragraph (1)—

(A) by striking “(1) to provide tenant-based” and inserting “(1) **TENANT-BASED ASSISTANCE.**—To provide tenant-based”; and

(B) by striking “; and” and inserting a period;

(3) in paragraph (2), by striking “(2) to provide assistance” and inserting “(2) **CAPITAL ADVANCES.**—To provide assistance”; and

(4) by adding at the end the following:

“(3) **PROJECT RENTAL ASSISTANCE.**—

“(A) **IN GENERAL.**—To offer additional methods of financing supportive housing for non-elderly adults with disabilities, the Secretary shall make funds available for project rental assistance pursuant to subparagraph (B) for eligible projects under subparagraph (C). The Secretary shall provide for State housing finance agencies and other appropriate entities to apply to the Secretary for such project rental assistance funds, which shall be made available by such agencies and entities for dwelling units in eligible projects based upon criteria established by the Secretary. The Secretary may not require any State housing finance agency or other entity applying for such project rental assistance funds to identify in such application the eligible projects for which such funds will be used, and shall allow such agencies and applicants to subsequently identify such eligible projects pursuant to the making of commitments described in subparagraph (C)(ii).

“(B) **CONTRACT TERMS.**—

“(i) **CONTRACT TERMS.**—Project rental assistance under this paragraph shall be provided—

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

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

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

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

“(iv) **ELIGIBLE POPULATION.**—Project rental assistance under this paragraph may be provided only for dwelling units for extremely low-income persons with disabilities and ex-

tremely low-income households that include at least one person with a disability.

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

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

“(ii) a commitment has been made—

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

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

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

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

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

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

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

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

“(F) **REPORT.**—Not later than 3 years after the date of the enactment of this paragraph, and again 2 years thereafter, the Secretary shall submit to Congress a report—

“(i) describing the assistance provided under this paragraph;

“(ii) analyzing the effectiveness of such assistance, including the effectiveness of such assistance compared to the assistance program for capital advances set forth under subsection (d)(1) (as in effect pursuant to the amendments made by such Act); and

“(iii) making recommendations regarding future models for assistance under this section.”.

#### SEC. 5. TECHNICAL CORRECTIONS.

Section 811 is amended—

(1) in subsection (a)—

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

(B) in paragraph (2)—

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

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

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

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

(2) in subsection (c)—

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

(B) in paragraph (2)—

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

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

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

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

(4) in subsection (f)—

(A) in paragraph (3)—

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

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

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

“(i) providing such supportive services; or

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

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

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

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

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

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

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

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

(6) in subsection (j)—

(A) by striking paragraph (4); and

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

(7) in subsection (k)—

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

(B) in paragraph (2), by striking the first sentence, and inserting the following: “The term ‘person with disabilities’ means a household composed of one or more persons who is 18 years of age or older and less than 62 years of age, and who has a disability.”;

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

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

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

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

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

(E) in paragraph (6)—

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

(ii) in the matter inserted by the amendment made by subparagraph (A) of this paragraph, by striking “wholly owned and”; and (8) in subsection (1)—

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

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

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

Subsection (m) of section 811 is amended to read as follows:

“(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance pursuant to this section \$300,000,000 for each of fiscal years 2011 through 2015.”.

#### SEC. 7. GAO STUDY.

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

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

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

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

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

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

The Chair recognizes the gentleman from Connecticut.

#### GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I am proud to stand here today with my colleagues in support of S. 1481, the Frank Melville Supportive Housing Investment Act of 2009. This is a reauthorization and improvement upon the existing section 811 supportive housing program. Passing this bill today would send the legislation to the President's desk. I think this is the third time we've had this bill before the House over the last 4 years. It would pave the way to provide

thousands more affordable housing units each year across this country to low-income persons with physical and mental disabilities. Importantly, the bill before us today costs the same amount as the existing 811 program. It just makes some very important improvements to efficiently expand the use of these important dollars.

That is why I want to first just thank all the people who have brought this bill before us today, Senators MENENDEZ and JOHANNIS in the Senate as well as the ranking member of the full committee in the Senate, Senator DODD; here in the House, the chairman of the full committee, Representative FRANK and Representatives CAPITO and BIGGERT for their tireless advocacy on the issue of supportive housing, as well as really hundreds of staff both on the inside of this building and those advocates who have worked on this issue for a number of years.

And lastly to the Melville family, this bill is titled the Frank Melville Supportive Housing Investment Act. Frank Melville, who unfortunately passed away a few years ago, and his surviving wife, Allen, created something called the Melville Charitable Trust; and that trust today is one of the primary funders of supportive housing advocacy around the Northeast and around the Nation. And I think this legislation, should it find its way into passage, will be a fitting testament to Frank Melville's legacy.

Madam Speaker, the 811 program is the primary program for the development of supportive housing around the country. The Department of Housing and Urban Development estimates that around this Nation, there are about 1.3 million individuals, nonelderly disabled, people with physical disabilities or sometimes very severe mental illness, who are living in substandard housing. Supportive housing is a cost-effective means to provide those individuals with an ability to thrive independently. They are housing units, sometimes built together, sometimes done on a scattered-site basis, that are partnered with a modicum of support services, sometimes transportation help, sometimes medication adherence, that allows them to live independently.

It's the right thing to do for them, and it's the right thing to do for the government. It saves us billions of dollars. Because often, especially with respect to the individuals who have severe mental illness, the alternative is for those people to live in institutional settings, whether it be in hospitals or in jails. For those with physical disabilities, it is often a very, very difficult life to live in nonsupportive housing units.

□ 1130

The problem is we are not building enough of these units. Over the last few years we've built less than 1,000 across the country with 811 dollars. And it's sometimes taking up to 6 years from the point of application to the point of

completion when you're dealing with an 811 project.

This bill, by reordering the way in which we run the program, would triple the number of housing units that we can build through the 811 program across country. It does this by providing better accountability and cost efficiency to the program, by transferring 811 vouchers to the larger section 8 program. And this frees up funds to support efforts to leverage 811 capital dollars with low-income tax credits, private dollars, and State partnerships. That's what this is really all about, trying to take our Federal dollars and leverage them with other sources of funding, whether it be through State and municipal funds or whether it be through private dollars, which I think is really the future of supportive housing development.

It also makes a number of other important efficiencies by allowing States and State housing agencies to do much of the bureaucratic paperwork that sometimes bogs down these applications.

Years ago, Madam Speaker, when this country and States across the Nation made the decision to close down our institutions that housed individuals with mental and physical disabilities, we made a promise to them. We told them that we'd find them new housing out in the communities, better opportunities for those individuals to live on their own. We haven't lived up to that promise over the years.

And in Connecticut, those of us who have worked on this issue for years, we often wear a badge when we're working on this issue in the State Capitol that says, Keep the Promise. This legislation, I believe, thanks to the great work of my Republican colleagues and Senators who worked so hard on it, is a step towards doing just that.

Again, I'd like to thank all of the people who have made this prospective final passage possible.

I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I would like to thank my colleague from Connecticut for his dedication to this very important piece of legislation. And I would particularly like to thank Ms. BIGGERT from Illinois for her passion and her advocacy on behalf of the disabled Americans and their housing needs.

I rise in support of S. 1481, the Frank Melville Supportive Housing Investment Act of 2010.

There are nearly 4 million non-elderly disabled adults in the United States that are in need of housing assistance. The section 811 program is the only Federal program that allows persons with disabilities to live independently in the community by increasing the supply of affordable rental housing with the availability of supportive services.

S. 1481 closely resembles H.R. 1675, which passed the House by over 375 votes last year. The bill before us

today restructures the section 811 program in a way that provides for a continued creation of supportive housing and provides rental assistance that would make housing affordable for very low-income people with disabilities.

This bill will improve the section 811 disabled housing program by streamlining and simplifying development of HUD section 811 properties, and makes changes to the program to encourage integration and mixed-use developments such as low-income housing tax credits and HOME program funds.

I would additionally like to thank the very dedicated and hearty group of advocates from my State of West Virginia who traveled here last year to talk about this extremely important issue and the difficulties that they find every day, not only securing housing, but finding more housing for their associates who may suffer disabilities and are unable to find safe, affordable housing. And so I want to thank them for their passion and also for their strength that they exhibit every day in dealing with their disabilities.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I yield as much time as he may consume to the chairman of the full committee and a primary proponent of this legislation and the legislation that previously passed respectively to the 202 program, Representative BARNEY FRANK.

Mr. FRANK of Massachusetts. Madam Speaker, I support this legislation substantively. I'm also glad we're bringing it up because it helps dispel a couple of unduly negative views about us. We've just seen a great example of bipartisan cooperation. Yes, things have gotten very partisan. Some things should be partisan. More have become that way than should be.

But the public has an excessive view of the extent to which partisanship dominates, because when we have cooperation between the parties and agreement it's not news. And while we have some differences, the gentlewoman from West Virginia as the ranking member of the Housing Subcommittee and the gentlewoman from California (Ms. WATERS) as the chair did a lot of constructive work together, brought forward a number of pieces of legislation. Not all of them survived the last minute rush. I am hopeful under the leadership of the gentlewoman from Illinois those areas where we had some agreement, there were some that remain, that we will be able to move them. So it does show that people believe that there is more partisanship than there is, or that there are no examples of cooperation between the parties, as there are in this case.

There is a view that politics is a hard and nasty business and that people are vindictive, and this is proof that that's not true.

Now, the gentleman from Connecticut abandoned our committee,

left for greener committee pastures. But that did not prevent us from enthusiastically helping him to pass this bill, and he deserves a great deal of credit for it. It is an idea, I believe, that came to him from constituents, and that's another good thing to know; that there were people in his district who were interested in this. And he brought it forward and worked very hard and made the necessary adjustments, as you always do in the process.

So this speaks very well of the gentleman from Connecticut and of the process, that people in the country who have some good ideas can bring them to us and they can be shaped, and this is done.

Finally, I am very pleased that this will lead to, I hope, more construction of rental units. A common problem that we've had for many years in our housing area was to overstress home ownership for people who needed government assistance, and underperformed with regard to building rental units. No one thing solved it all, but this is a step forward towards the construction of rental units in a way that will increase the stock of housing.

And we ought to remember when we talk about providing homes for people who need assistance, ownership and having a home are not the same word. Home ownership is a part of home, in general. Rental housing is also an important part.

I thank the gentleman from Connecticut and the gentlewoman from West Virginia and others for letting us take that step forward together.

Mrs. CAPITO. Madam Speaker, I yield such time as she may consume to a wonderful advocate for supportive housing and housing in general, the gentlewoman from Illinois, JUDY BIGGERT.

Ms. BIGGERT. Madam Speaker, today I rise as a Republican cosponsor of the House version of this legislation, and I urge my colleagues to support the bill.

I would like to thank my colleague, Congressman MURPHY of Connecticut, for all his hard work, and Ranking Member CAPITO of West Virginia for all that she has done on this bill.

Also our Senate counterparts, Senator MENENDEZ of New Jersey and Senator MIKE JOHANNIS of Nebraska, for their hard work on this legislation.

Section 811 is the only Federal housing program that serves non-elderly, low-income people with disabilities. It is the only Federal program that funds housing and vouchers for people with disabilities who seek to live as independent members of the community.

Unfortunately, the program hasn't been reformed for over 15 years and, due to inefficiencies, has not served as many people who are disabled as it could. That's why, for the past 4 years, Congressman MURPHY and I have worked to reform the section 811 program. The House passed our bill, H.R. 5772, by voice vote in September 2008, and in July 2009, the House passed H.R.

1675 with overwhelming bipartisan support by a recorded vote of 376-51.

The bill under consideration today closely mirrors both House-passed bills. S. 1481 is critical to the goal of increasing the number of affordable units for people with disabilities. By better aligning this section 811 program with other Federal, State, and local funding resources, it allows nonprofit sponsors to more easily leverage additional financing, thereby maximizing Federal dollars.

□ 1140

It streamlines the application process and permits nonprofit and for-profit entities to partner on Section 811 projects. The bill also limits appropriations to the Federal fiscal year 2010 level and does not create any new Federal programs.

I would like to once again thank my colleague from Connecticut, Congressman MURPHY, and thank Chairman FRANK and Ranking Member BACHUS, Chairwoman WATERS and Ranking Member CAPITO, as well as their staffs, for helping us with this legislation.

Of course, I cannot forget to thank one of my constituents from Tinley Park, Illinois, Tony Paulauski, the executive director of Arc of Illinois, who testified in 2008 before our committee about the needs for these reforms. On a similar note, I would also like to thank the wonderful people in Illinois that work for Trinity Services and Cornerstone Services, as well as all those volunteers, parents, and other members of the community who have reached out to express their support of this legislation.

Madam Speaker, this is a common-sense bill that modernizes an important Federal housing program that hasn't been updated, and I would urge my colleagues to support it.

Mrs. CAPITO. Madam Speaker, I would urge my colleagues to vote in support of this very important bill.

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

Mr. MURPHY of Connecticut. Madam Speaker, I would like to thank, again, Representative FRANK for his generosity, despite my leaving the committee. And again, to Representative BIGGERT in particular, for her advocacy on this issue over the years.

For people that are born with physical and mental disabilities, what I think we strive to do as a society is give them a chance at independent life, give them a chance to succeed just like everyone else. And there is nothing more fundamental to that success than a roof over your head, than a place to live and a place that has some appropriate supports, recognizing the challenges that you face. This bill, where we can potentially triple the number of supportive housing units that we build across the country without spending an additional dime, is both, I think, a compassionate response to those people and a responsible way to run this program.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, S. 1481.

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

A motion to reconsider was laid on the table.

#### ANTI-BORDER CORRUPTION ACT OF 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I move to suspend the rules and pass the bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Border Corruption Act of 2010".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

#### SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

#### SEC. 4. PROGRESS REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentlewoman from Michigan (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of S. 3243, the Anti-Border Corruption Act of 2010, and yield myself such time as I may consume.

Madam Speaker, we all have a stake in ensuring that the agency in charge of securing our border is strong and effective. Accordingly, I believe that corruption anywhere in the ranks of Customs and Border Protection, or CBP, must be dealt with swiftly and effectively. Now, having gone to our border, both northern and southern border, I am well aware that there is a lot of hard work, sacrifice, and professionalism that goes on among our CBP personnel. In fact, I have engaged with them over the years.

S. 3243, however, will foster greater integrity throughout the CBP by requiring polygraph tests for all its law enforcement applicants and directing CBP leadership to conduct periodic reinvestigations on current personnel to root out any corruption—very important in light of the extreme conditions, particularly on the southern border, and the fight that we have against drug cartels and violence.

The men and women of Customs and Border Protection, CBP, serve on the front line in extreme heat, terrible cold, and other difficult circumstances to protect the Nation against homeland security and criminal threats, and we are enormously grateful to them.

I am proud of the strides that Congress has made over the years to bol-

ster the efforts of these fine men and women by, among other things, doubling the size of the Border Patrol from about 10,000 agents in FY 2002 to more than 20,000 in FY 2009. I am very pleased that having served on that committee since its origin, and having served under Chairman THOMPSON, that was one of our number one priorities. In fact, legislation that I introduced became, ultimately, part of a Senate bill that helped increase the number of Border Patrol agents at the border, the southern border in particular.

Traditional smuggling routes and networks have been disrupted because of our Federal efforts to secure the border. But in response, smugglers and other criminal organizations are actively seeking out other ways to conduct their illegal activity. They have, in some cases, resorted to infiltrating and weakening CBP from within its ranks.

While the majority of CBP employees are not corrupt and are putting their lives on the line every day to keep America secure, there are some who are undermining their efforts. Let me remind my colleagues: The majority of CBP employees are not corrupt, and we thank them for their sacrifice. However, enactment of this bill will strengthen personnel integrity, result in greater hiring efficiency, and protect those who are doing their job every single day.

According to CBP, approximately 15 percent of applicants received a polygraph examination last year. Of those, about 60 percent were found unsuitable for service. CBP has also found that less than 1 percent of applicants cleared by polygraph testing failed the required background investigation. It shows that this process will work. In contrast, roughly 22 percent of applicants who do not undergo this testing fail their background investigations.

Maintaining workforce integrity is a continuous process that does not end with preemployment screening. With the aggressive growth in CBP, the agency has struggled to keep up with its periodic reinvestigations of certain personnel. S. 3243 would require CBP to initiate reinvestigation within 6 months of enactment and report to Congress on its progress, all toward the idea of ensuring the integrity of law enforcement at a very crucial time in America's history.

I urge my colleagues to join me in supporting the passage of S. 3243, because this legislation will help bolster CBP's ability to ensure integrity throughout the ranks of this critical Homeland Security agency. And, frankly, I believe the men and women who are doing their job every day will welcome this kind of process in order to be able to stand alongside of those men and women just like them.

I urge support.

I reserve the balance of my time.

Mrs. MILLER of Michigan. I yield myself as much time as I may consume.