

“(B) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code,

“(C) appeal a prohibited personnel practice described under section 2302(b) of title 5, United States Code, to the Merit Systems Protection Board under chapter 77 of that title,

“(D) make an allegation of a prohibited personnel practice described under section 2302(b) of title 5, United States Code, with the Office of Special Counsel under chapter 12 of that title for action in accordance with that chapter, or

“(E) file an appeal with the Equal Employment Opportunity Commission under part 1614 of title 29 of the Code of Federal Regulations,

shall continue to be entitled to file such appeal or make such an allegation so long as the individual remains an employee of the Tax Court.

“(9) **COMPETITIVE STATUS.**—Notwithstanding any other provision of law, any employee of the Tax Court who has completed at least 1 year of continuous service under a non-temporary appointment with the Tax Court acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

“(10) **MERIT SYSTEM PRINCIPLES, PROHIBITED PERSONNEL PRACTICES, AND PREFERENCE ELIGIBLES.**—Any personnel management system of the Tax Court shall—

“(A) include the principles set forth in section 2301(b) of title 5, United States Code;

“(B) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code; and

“(C) in the case of any individual who would be a preference eligible in the executive branch, provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date the United States Tax Court adopts a personnel management system after the date of the enactment of this Act.

The amendment (No. 4835) was agreed to, as follows:

Amend the title so as to read: “An Act to amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees.”.

The amendments were ordered to be engrossed and the bill, as amended, to be read a third time.

The bill (H.R. 5901), as amended, was read the third time and passed.

#### NATIONAL WILDLIFE REFUGE VOLUNTEER IMPROVEMENT ACT OF 2010

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 693, H.R. 4973.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4973) to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I ask unanimous consent that the bill be

read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4973) was ordered to be read a third time, was read the third time, and passed.

#### FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2009

Mr. KERRY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 689, S. 1481.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing and Urban Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

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 [2009]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 THROUGH CERTIFICATE FUND.

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

[(1) in subsection (b)—

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

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

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

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

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

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

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

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

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

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

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

#### SEC. 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, [and any increases,] 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 [2009]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 (1), by striking paragraph (4).

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

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

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as subparagraphs (A), (B), (C), (D), (E), (G), and (H), respectively; 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 [has applied to] *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).*

“(C) (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.

“(D) (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:

“(i) ADMISSION AND OCCUPANCY.—

“(1) TENANT SELECTION.—

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

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

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

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

“(2) TENANT PROTECTIONS.—

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

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

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

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

“(C) VOLUNTARY PARTICIPATION IN SERVICES.—A supportive service plan for housing assisted under this section shall permit each resident to take responsibility for choosing and acquiring their own services, to receive

any supportive services made available directly or indirectly by the owner of such housing, or to not receive any supportive services.”.

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

(1) in paragraph (1)—

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

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

(C) by striking subparagraph (E); and

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

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

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

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

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

“(B) WAIVERS.—The Secretary [shall] 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) REPEAL OF AUTHORITY TO WAIVE SIZE LIMITATIONS.—Paragraph (1) of section 811(k) is amended—

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

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

(g) CONGRESSIONAL NOTIFICATION OF WAIVER.—Section 811(k)(1) is amended 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.”.

(h) MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.—[Subsection (1) of section 811, as amended by the preceding provisions of this Act, is further amended by inserting before paragraph (2) the following new paragraph:] 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 COMPETITIVE DEMONSTRATION PROGRAM.

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

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

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

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

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

“(2) PROJECT RENTAL ASSISTANCE.—

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

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

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

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

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

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

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

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

“(B) a commitment has been made—

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

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

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

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

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

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

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

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

“(6) DURATION OF DEMONSTRATION.—The Secretary may provide new project rental assistance contracts pursuant to the demonstration program established under this subsection for a period of not more than 5 years.

“(6) REPORT.—Upon the expiration of the 5-year period [beginning on the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2009] set forth in paragraph (6), the Secretary shall submit to the Congress a report describing the demonstration program under this subsection, analyzing the effectiveness of the program, including the effectiveness of the program compared to the program for capital advances in accordance with subsection (d)(1) (as in effect pursuant to the amendments made by such Act), and making recommendations regarding future models for assistance under this section based upon the experiences under the program.”.

#### SEC. 5. TECHNICAL CORRECTIONS.

Section 811 is amended—

(1) in subsection (a)—

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

(B) in paragraph (2)—

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

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

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

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

(2) in subsection (c)—

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

(B) in paragraph (2)—

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

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

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

(3) in subsection (d)(1), by striking “provided under” and all that follows through

“shall bear” and inserting “provided pursuant to subsection (b)(1) shall bear”;

(4) in subsection (f)—

(A) in paragraph (3)—

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

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

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

“(i) providing such supportive services; or

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

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

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

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

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

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

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

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

(6) in subsection (j)—

(A) by striking paragraph (4); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) in paragraph (6)—

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

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

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

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

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

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

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

“(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years [2009 through 2012]2011 through 2015 the following amounts:

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

“(2) DEMONSTRATION PROGRAM.—For carrying out the demonstration program under subsection (k), such sums as may be necessary to provide 2,500 incremental dwelling units under such program in fiscal year [2009]2011 and 5,000 incremental dwelling units under such program in each of fiscal years [2010, 2011, and 2012]2012, 2013, 2014, and 2015.”.

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

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

#### SEC. 8. GAO STUDY.

The Comptroller General of the United States shall conduct a study of the supportive housing for persons with disabilities

program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to determine the adequacy and effectiveness of such program in assisting households of persons with disabilities. Such study shall determine—

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

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

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

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

Mr. KERRY. Mr. President, I ask unanimous consent the committee-reported amendments be considered, a Johanns amendment which is at the desk be agreed to, that the committee-reported amendments, as amended, be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4836) was agreed to, as follows:

On page 19, line 9, strike “811(k)(1) is amended by adding the following” and insert the following: “811(k) is amended—

“(1) in paragraph (1), by adding the following”

On page 19, line 16, strike the second period and insert the following: “; and”.

On page 19, between lines 16 and 17, insert the following:

(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.”.

On page 20, strike line 4 and all that follows through page 25, line 14, and insert the following:

#### 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 extremely 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 su-

pervise 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.”

On page 28, line 20, strike “(1)” and all that follows through “Act)” on line 21, and insert “(k)”.

On page 29, strike line 1, and all that follows through page 30, line 23, and inserting the following:

(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.”;

On page 31, line 23, strike “(m)” and all that follows through “Act)” on line 24, and insert “(l)”.

On page 32, strike lines 7 through 24, and insert the following:

#### 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.”

On page 33, strike lines 1 through 9.

On page 33, line 10, strike “SEC. 8.” and insert “SEC. 7.”.

The committee amendments, as amended, were agreed to.

The bill (S. 1481), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, 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 sec-

tion 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”;

(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.

“(i) 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:

“(i) ADMISSION AND OCCUPANCY.—

“(1) TENANT SELECTION.—

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

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

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

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

“(2) TENANT PROTECTIONS.—

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

(C) by striking subparagraph (E); and

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

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

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

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

“(A) IN GENERAL.—The provisions of section 212(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(e))

and the cost limits established by the Secretary pursuant to such section with respect to the amount of funds under subtitle A of title II of such Act that may be invested on a per unit basis, shall apply to supportive housing assisted with a capital advance under subsection (d)(1) and the amount of funds under such subsection that may be invested on a per unit basis.

“(B) WAIVERS.—The Secretary 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”;

(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 extremely 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”;

(8) in subsection (l)—

(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 PRESIDING OFFICER. The Senator from New Mexico.

#### AMERICA COMPETES REAUTHORIZATION ACT OF 2010

Mr. BINGAMAN. Mr. President, as if in legislative session and morning business, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5116 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Massachusetts. Mr. President, I rise today in strong support of the reauthorization of the America COMPETES Act, which passed the Senate today. I have heard from a broad coalition of universities, businesses, and educators in my home state of Massachusetts about the positive impact of the COMPETES Act on our economy. I have listened closely to my constituents’ concerns and have concluded that reauthorization of this legislation is absolutely necessary to the long-term economic health of Massachusetts and the United States as a whole. To continue to lead in the 21st century, we must make sure that the United States has the most competitive economy and education system in the world. The COMPETES Act goes a long way to achieving that end, and I am proud to be a cosponsor of today’s legislation.

This bill reauthorizes Federal funding to support science, technology, engineering, and mathematics research. The original COMPETES bill was enacted with strong bipartisan support in 2007 and was based upon the recommendations contained in the National Academies’ report, “Rising Above the Gathering Storm.” That report correctly stated that:

Having reviewed trends in the United States and abroad, the [National Academies] is deeply concerned that the scientific and technological building blocks critical to our economic leadership are eroding at a time when many other nations are gathering

strength. We strongly believe that a worldwide strengthening will benefit the world’s economy—particularly in the creation of jobs in countries that are far less well-off than the United States. But we are worried about the future prosperity of the United States. Although many people assume that the United States will always be a world leader in science and technology, this may not continue to be the case inasmuch as great minds and ideas exist throughout the world. We fear the abruptness with which a lead in science and technology can be lost—and the difficulty of recovering a lead once lost, if indeed it can be regained at all.

The fears of the authors of “Rising Above the Gathering Storm” are as relevant today as they were prior to the original authorization of COMPETES. We must keep our foot on the gas pedal if we want to win the global race for jobs, economic growth, and new opportunities for our children and grandchildren.

Massachusetts is an innovation-driven economy and has significantly benefited from the COMPETES Act. A 2009 independent study by the Massachusetts Institute of Technology, MIT, found that Massachusetts is home to nearly 7,000 companies founded by MIT alumni. These types of companies exist in part because of the federal research funding that the COMPETES Act provides to universities like MIT. According to the study, those 7,000 businesses have created nearly one million jobs in my State, generating \$164 billion in worldwide sales, 26 percent of the total sales dollars of all Massachusetts companies. I know that many of my Senate colleagues hail from States with similar success stories.

Many of the jobs that stem from the COMPETES Act funding are in export-intensive sectors, such as my State’s world-class semiconductor industry. I agree with President Obama that we must double U.S. exports in 5 years. But we can only achieve this worthwhile goal if we encourage students and leading thinkers to make our industries cutting edge so that the worldwide demand for our products grows significantly. Only then will we have sustained economic growth and get our country moving again.

Since arriving in the Senate I have carefully scrutinized every bill with our Nation’s fiscal concerns in mind. The compromise struck in this reauthorization recognizes the fiscal climate of today while still making meaningful investments in our future. For example, the bill sunsets nine programs, eliminates several other duplicative programs, and includes an authorization level that is only half of the House’s proposal.

I urge my colleagues in the House of Representatives to join in supporting passage of the America COMPETES Act.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Rockefeller-Hutchison substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time, and that a budget pay-go statement be read.