

115TH CONGRESS
1ST SESSION

S. 611

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2017

Mrs. FEINSTEIN (for herself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeless Children and
5 Youth Act of 2017”.

1 **SEC. 2. AMENDMENTS TO THE MCKINNEY-VENTO HOME-**
 2 **LESS ASSISTANCE ACT.**

3 (a) IN GENERAL.—The McKinney-Vento Homeless
 4 Assistance Act (42 U.S.C. 11301 et seq.) is amended—

5 (1) in section 103—

6 (A) in subsection (a)—

7 (i) in paragraph (5)(A)—

8 (I) by striking “are sharing” and
 9 all that follows through “charitable
 10 organizations,”;

11 (II) by striking “14 days” each
 12 place that term appears and inserting
 13 “30 days”;

14 (III) in clause (i), by inserting
 15 “or” after the semicolon;

16 (IV) by striking clause (ii); and

17 (V) by redesignating clause (iii)
 18 as clause (ii); and

19 (ii) by amending paragraph (6) to
 20 read as follows:

21 “(6) a child or youth defined as homeless under
 22 another Federal program who, without further ac-
 23 tion by the Department of Housing and Urban De-
 24 velopment, has been verified as homeless under an-
 25 other Federal program by the director, designee of
 26 the director, or other person responsible for the im-

1 plementation of a program established under this
 2 Act or any other Federal statute.”; and

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

4 “(f) OTHER DEFINITIONS.—In this section—

5 “(1) the term ‘child or youth defined as home-
 6 less under another Federal program’ has the mean-
 7 ing given the term in section 401; and

8 “(2) the term ‘other Federal statute’ has the
 9 meaning given the term in section 401.

10 “(g) PROHIBITION.—The Secretary of Housing and
 11 Urban Development may not—

12 “(1) promulgate any rule with respect to the
 13 definition of the terms ‘homeless’, ‘homeless indi-
 14 vidual’, and ‘homeless person’ in subsection (a); or

15 “(2) issue non-regulatory guidance or set forth
 16 in an application, a notice of funding availability, or
 17 other publication or advisory any statement or provi-
 18 sion that—

19 “(A) has the effect of restricting eligibility
 20 for assistance for any individual defined as
 21 ‘homeless’ under subsection (a) for any pro-
 22 gram or program component under this Act; or

23 “(B) purports to be legally binding.”;

24 (2) in section 401 (42 U.S.C. 11360)—

25 (A) in paragraph (1)(C)—

- 1 (i) by striking clauses (ii) and (iv);
- 2 (ii) by redesignating clauses (iii), (v),
- 3 (vi), and (vii) as clauses (ii), (iii), (iv), and
- 4 (v), respectively; and
- 5 (iii) by striking the flush text fol-
- 6 lowing clause (v), as so redesignated;
- 7 (B) by striking paragraph (7);
- 8 (C) by redesignating paragraphs (2)
- 9 through (6) as paragraphs (3) through (7), re-
- 10 spectively;
- 11 (D) by inserting after paragraph (1) the
- 12 following:
- 13 “(2) CHILD OR YOUTH DEFINED AS HOMELESS
- 14 UNDER ANOTHER FEDERAL PROGRAM.—The term
- 15 ‘child or youth defined as homeless under another
- 16 Federal program’ means—
- 17 “(A) a homeless child or youth, as defined
- 18 in section 725, including any parent or guard-
- 19 ian with whom the child or youth is living; and
- 20 “(B) a youth who—
- 21 “(i) is not more than 22 years of age;
- 22 “(ii) cannot live safely with a parent,
- 23 legal guardian, or relative; and
- 24 “(iii) has no other safe alternative liv-
- 25 ing arrangement.”;

1 (E) in paragraph (3), as so redesignated—

2 (i) in clause (i), by striking “and
3 lives” and all that follows through “shel-
4 ter” and inserting “under any provision of
5 section 103”; and

6 (ii) in clause (iii), by striking “(or a
7 minor head of household if no adult is
8 present in the household)” and inserting “,
9 a minor head of household (if no adult is
10 present in the household), or a child”;

11 (F) in paragraph (9)(A), by inserting “any
12 provision of” before “section 103”;

13 (G) by redesignating paragraphs (14)
14 through (33) as paragraphs (15) through (34),
15 respectively;

16 (H) by inserting after paragraph (13) the
17 following:

18 “(14) OTHER FEDERAL STATUTE.—The term
19 ‘other Federal statute’ includes—

20 “(A) the Runaway and Homeless Youth
21 Act (42 U.S.C. 5701 et seq.);

22 “(B) the Head Start Act (42 U.S.C. 9831
23 et seq.);

24 “(C) the Child Care and Development
25 Block Grant of 1990 (42 U.S.C. 9858 et seq.);

1 “(D) subtitle N of the Violence Against
2 Women Act of 1994 (42 U.S.C. 14043e et
3 seq.);

4 “(E) section 330(h) of the Public Health
5 Service Act (42 U.S.C. 254b(h));

6 “(F) section 17 of the Child Nutrition Act
7 of 1966 (42 U.S.C. 1786);

8 “(G) the Higher Education Act of 1965
9 (20 U.S.C. 1001 et seq.); and

10 “(H) the United States Housing Act of
11 1937 (42 U.S.C. 1437 et seq.).”;

12 (I) in paragraph (32), as so redesignated,
13 by inserting “children under 5 years of age,
14 youth and young adults between 14 and 25
15 years of age,” after “status, or age),”;

16 (J) in paragraph (33), as so redesignated,
17 by inserting “trafficking,” after “victims of”;
18 and

19 (K) in paragraph (34), as so redesign-
20 ated—

21 (i) by inserting “victims of traf-
22 ficking,” after “assist”;

23 (ii) by striking “stalking victims” and
24 inserting “stalking”; and

1 (iii) by inserting “trafficking,” after
 2 “concerning”;

3 (3) in section 402(f) (42 U.S.C. 11360a(f))—

4 (A) in paragraph (1)(B), by inserting
 5 “considering the prevalence and needs of home-
 6 less individuals, as defined under any provision
 7 of section 103” after “involved”; and

8 (B) in paragraph (3)(D)—

9 (i) in clause (v), by striking “and” at
 10 the end;

11 (ii) by redesignating clause (vi) as
 12 clause (vii); and

13 (iii) by inserting after clause (v) the
 14 following:

15 “(vi) the submission of HMIS data to
 16 the Secretary on at least an annual basis;
 17 and”;

18 (4) by inserting after section 408 the following:

19 **“SEC. 409. AVAILABILITY OF HMIS DATA.**

20 “(a) IN GENERAL.—The community-wide homeless
 21 management information system (in this section referred
 22 to as ‘HMIS’) data provided to the Secretary under sec-
 23 tion 402(f)(3)(D)(vi) shall be made publically available on
 24 the Internet website of the Department of Housing and
 25 Urban Development.

1 “(b) REQUIRED DATA.—The data publically available
 2 under subsection (a) shall be updated on at least an an-
 3 nual basis and shall include—

4 “(1) a cumulative count of the number of home-
 5 less individuals and families, as defined under any
 6 provision of section 103;

7 “(2) a cumulative assessment of the patterns of
 8 assistance provided under subtitles B and C for the
 9 each geographic area involved;

10 “(3) a count of the number of homeless individ-
 11 uals and families, as defined under any provision of
 12 section 103, that are documented through the HMIS
 13 by each collaborative applicant; and

14 “(4) a count of the number of homeless women,
 15 as defined under any provision of section 103 and
 16 both unaccompanied and accompanied, including a
 17 breakout of the count by—

18 “(A) age range;

19 “(B) disability;

20 “(C) trauma experience, such as child
 21 abuse, sexual assault, or interpersonal violence
 22 experienced during the lifetime of the woman
 23 and during the preceding year, and if the
 24 woman is a veteran (as defined in section 101

of title 38, United States Code), during the period of service; and

“(D) length of time experiencing homelessness.”;

(5) in section 422 (42 U.S.C. 11382)—

(A) in subsection (a)—

(i) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(ii) by adding at the end the following:

“(2) RESTRICTIONS.—In awarding grants under paragraph (1), the Secretary—

“(A) may not award greater priority, points, or weight in scoring based solely on the specific homeless populations proposed to be served by the applicant, or the proposed program component or housing or service model; and

“(B) shall ensure that scoring is based primarily on the extent to which the applicant demonstrates that the project and program components—

1 “(i) would meet the priorities identi-
 2 fied in the plan submitted under section
 3 427(b)(1)(B); and

4 “(ii) are cost-effective in meeting the
 5 overall goals and objectives identified in
 6 that plan.”;

7 (B) in subsection (b)—

8 (i) by striking “The Secretary” and
 9 inserting the following:

10 “(1) IN GENERAL.—The Secretary”; and

11 (ii) by adding at the end the fol-
 12 lowing:

13 “(2) RESTRICTIONS.—Each notification of
 14 funding availability described in paragraph (1) shall
 15 comply with the restrictions described in subsection
 16 (a)(2).”;

17 (C) in subsection (c)(1)(B), by striking
 18 “establish” and inserting “demonstrate local,
 19 needs-based”; and

20 (D) by striking subsection (j);

21 (6) in section 424(d) (42 U.S.C. 11384(d)), by
 22 striking paragraph (5);

23 (7) in section 425(c) (42 U.S.C. 11385(c)), by
 24 striking “and (G) providing” and inserting “(G) pro-
 25 viding transportation to employment, early care and

1 education programs, career and technical education
2 programs, and health and mental health care serv-
3 ices, and (H) providing”;

4 (8) in section 426(b) (42 U.S.C. 11386(b))—

5 (A) in paragraph (4), by amending sub-
6 paragraph (D) to read as follows:

7 “(D) in the case of programs providing
8 housing or services to families or youth, they
9 will designate a staff person to be responsible
10 for ensuring that children and youth being
11 served in the program are—

12 “(i) enrolled in school and connected
13 to appropriate services in the community,
14 including Head Start, part C of the Indi-
15 viduals with Disabilities Act, programs au-
16 thorized under the Child Care and Devel-
17 opment Block Grant Act of 1990, career
18 and technical education, and services pro-
19 vided by local educational agency liaisons
20 designated under subtitle B of title VII of
21 this Act; and

22 “(ii) in the case of an unaccompanied
23 youth, as defined in section 725, informed
24 of their status as an independent student
25 under section 480 of the Higher Education

1 Act of 1965 (20 U.S.C. 1087vv) and re-
 2 ceive verification of such status for pur-
 3 poses of the Free Application for Federal
 4 Student Aid described in section 483 of
 5 such Act (20 U.S.C. 1090); and”;

6 (B) in paragraph (6), by inserting “the ac-
 7 tual compliance with the certifications required
 8 under paragraph (4) and” after “Secretary”;
 9 and

10 (C) in paragraph (7)—

11 (i) by inserting “and youth” after
 12 “needs of children”;

13 (ii) by inserting “or unaccompanied
 14 youth” after “when families”;

15 (iii) by inserting “and unaccompanied
 16 youth” after “with children”; and

17 (iv) by striking “such children’s” and
 18 inserting “such children and youth’s”;

19 (9) in section 427(b) (42 U.S.C. 11386a(b))—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A)—

22 (I) in clause (vi), by adding
 23 “and” at the end;

24 (II) in clause (vii), by striking
 25 “and” at the end; and

1 (III) by striking clause (viii);

2 (ii) in subparagraph (B)—

3 (I) by amending clause (iii) to
4 read as follows:

5 “(iii) how the recipient will collaborate
6 with local educational agencies, early care
7 and education programs, and institutions
8 of higher education to assist in the identi-
9 fication of and services to youth and fami-
10 lies who become or remain homeless, in-
11 cluding the steps the recipient will take to
12 inform youth and families of their eligi-
13 bility for services under part B of subtitle
14 VII of this Act, the Head Start Act (42
15 U.S.C. 9831 et seq.), the Child Care and
16 Development Block Grant Act of 1990 (42
17 U.S.C. 9858 et seq.), and the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1001 et
19 seq.);” and

20 (II) by striking clause (v) and in-
21 serting the following:

22 “(v) how the recipient will ensure the
23 full implementation of the certifications
24 and agreements described in paragraphs
25 (4)(D) and (7) of section 426(b);”;

1 (iii) in subparagraph (C)(i), by insert-
2 ing “and appropriate” after “rapid”;

3 (iv) by striking subparagraph (F) and
4 inserting the following:

5 “(F) for communities that establish and
6 operate a centralized or coordinated assessment
7 system, the extent to which that system—

8 “(i) ensures that individuals who are
9 most in need of assistance receive it in a
10 timely manner;

11 “(ii) in assessing need under clause
12 (i), uses separate, specific, age-appropriate
13 criteria for assessing the safety and needs
14 of children under 5 years of age, school-
15 age children, unaccompanied youth and
16 young adults between 14 and 25 years of
17 age, and families that are unrelated to the
18 criteria through which an individual quali-
19 fies as ‘homeless’ under section 103;

20 “(iii) is accessible to unaccompanied
21 youth and homeless families;

22 “(iv) diverts individuals to safe, sta-
23 ble, age-appropriate accommodations; and

24 “(v) includes affordable housing devel-
25 opers, youth service providers, early child-

1 hood programs, local educational agencies,
 2 and mental health organizations; and”;
 3 and

4 (v) by amending subparagraph (G) to
 5 read as follows:

6 “(G) such other factors as the Secretary
 7 determines to be appropriate to carry out this
 8 subtitle in an effective and efficient manner, ex-
 9 cept that such factors may not have the effect
 10 of prioritizing or weighting, unless justified by
 11 local data or information contained in a plan
 12 submitted under subparagraph (B)—

13 “(i) any service with respect to a spe-
 14 cific subpopulation of homeless individuals
 15 over another; or

16 “(ii) any program component or hous-
 17 ing or service model over another.”; and

18 (B) by amending paragraph (3) to read as
 19 follows:

20 “(3) HOMELESSNESS COUNTS.—The Secretary
 21 shall require that communities that conduct an an-
 22 nual count of homeless people shall count homeless
 23 individuals as defined under any provision of section
 24 103.”;

25 (10) in section 428 (42 U.S.C. 11386b)—

1 (A) in subsection (a)(1)—

2 (i) by striking “disabilities and” and
3 inserting “disabilities,”; and

4 (ii) by inserting “, and homeless fami-
5 lies where a child has a disability” before
6 the period at the end;

7 (B) in subsection (d)—

8 (i) in paragraph (1), by inserting
9 “promoting” before “independent”; and

10 (ii) by striking paragraphs (2) and (3)
11 and inserting the following:

12 “(2) PROHIBITION.—The Secretary shall not
13 provide bonuses or other incentives under paragraph
14 (1) that have the effect of prioritizing or weighting,
15 unless justified by local data or information con-
16 tained in a plan submitted under section
17 427(b)(1)(B)—

18 “(A) any service with respect to a specific
19 subpopulation of homeless individuals over an-
20 other; or

21 “(B) any program component or housing
22 or service model over another.

23 “(3) RULE OF CONSTRUCTION.—For purposes
24 of this subsection, activities that have been proven to
25 be effective at reducing homelessness generally or re-

1 ducing homelessness for a specific subpopulation in-
 2 clude any activity determined by the Secretary, after
 3 providing notice and an opportunity for public com-
 4 ment, to have been proven effective at—

5 “(A) reducing homelessness generally;

6 “(B) reducing homelessness for a specific
 7 subpopulation;

8 “(C) reducing homelessness in a commu-
 9 nity for populations overrepresented in any
 10 counts conducted in that community under sec-
 11 tion 427(b)(3); or

12 “(D) achieving homeless prevention and
 13 promoting independent living goals as set forth
 14 in section 427(b)(1)(F).

15 “(4) ENCOURAGING LOCAL SUCCESS AND INNO-
 16 VATION.—In providing bonuses or incentives under
 17 paragraph (1), the Secretary shall seek to encourage
 18 the implementation of proven strategies and innova-
 19 tion in reducing homelessness among the local pri-
 20 ority populations identified in the plan submitted by
 21 an applicant under section 427(b)(1)(B). The Sec-
 22 retary shall not implement bonuses or incentives
 23 that promote a national priority established by the
 24 Secretary.”; and

25 (C) by striking subsection (e); and

1 (11) by amending section 434 to read as fol-
 2 lows:

3 **“SEC. 434. REPORTS TO CONGRESS.**

4 “(a) IN GENERAL.—The Secretary shall submit to
 5 Congress an annual report, which shall—

6 “(1) summarize the activities carried out under
 7 this subtitle and set forth the findings, conclusions,
 8 and recommendations of the Secretary as a result of
 9 the activities; and

10 “(2) include, for the year preceding the date on
 11 which the report is submitted—

12 “(A) data required to be made publically
 13 available in the report under section 409; and

14 “(B) data on programs funded under any
 15 other Federal statute.

16 “(b) TIMING.—A report under subsection (a) shall be
 17 submitted not later than 4 months after the end of each
 18 fiscal year.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The table of contents in section 101(b) of the McKinney-
 21 Vento Homeless Assistance Act (42 U.S.C. 11301 note)
 22 is amended by inserting after the item relating to section
 23 408 the following:

“Sec. 409. Availability of HMIS data.”.

○