

103^D CONGRESS
1ST SESSION

S. 1190

To require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 30), 1993

Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes.

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 “America Cares Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) up to 5,000,000 Americans are homeless;

4 (2) homeless Americans lack access to basic
5 goods and services;

6 (3) many Americans who are not homeless
7 would like to help the homeless meet their basic
8 needs;

9 (4) cash contributions, in response to one-to-one
10 requests on the street, are not always the most effec-
11 tive way to assist homeless persons in obtaining
12 food, clothing, and services;

13 (5) the Federal Government should facilitate
14 the desire of private persons to help the homeless;

15 (6) a successful model program, Berkeley
16 Cares, permits private persons and organizations to
17 purchase vouchers for homeless individuals for re-
18 demption for goods and services at participating
19 businesses and to make contributions to Berkeley
20 Cares to purchase vouchers for distribution by home-
21 less service providers; and

22 (7) such a program is viable on a National
23 level.

24 **SEC. 3. PURPOSE.**

25 It is the purpose of this Act—

26 (1) to establish the America Cares Program;

1 (2) to coordinate public goodwill with the needs
2 of homeless individuals in a constructive manner;

3 (3) to assist homeless individuals to gain access
4 to basic goods and services;

5 (4) to encourage increased citizen understand-
6 ing of homelessness; and

7 (5) to increase public support of homeless serv-
8 ice programs.

9 **SEC. 4. DEFINITIONS.**

10 For the purposes of this Act:

11 (1) ELIGIBLE NONPROFIT ORGANIZATION.—The
12 term “eligible nonprofit organization” means a local
13 nonprofit entity—

14 (A) that is established or seeking establish-
15 ment (subject to approval) as an exempt organi-
16 zation as described in section 501(c)(3) of the
17 Internal Revenue Code of 1986; and

18 (B) that desires to establish a program in
19 a local area to—

20 (i) provide—

21 (I) vouchers to homeless individ-
22 uals; or

23 (II) cash contributions to partici-
24 pating homeless service providers to

1 purchase vouchers to provide to home-
2 less individuals; and

3 (ii) conduct an educational program
4 concerning homelessness.

5 (2) HOMELESS INDIVIDUAL.—The term “home-
6 less individual” has the same meaning given the
7 term under section 103 of the Stewart B. McKinney
8 Homeless Assistance Act (42 U.S.C. 11302).

9 (3) HOMELESS SERVICE PROVIDERS.—The
10 term “homeless service providers” means nonprofit
11 entities that provide services to homeless individuals.

12 (4) PARTICIPATING RETAIL ESTABLISHMENT.—
13 The term “participating retail establishment” means
14 any retail establishment that is approved by an eligi-
15 ble nonprofit organization grantee under section
16 5(b)(11) to accept vouchers for the payment of
17 goods or services.

18 (5) PARTICIPATING HOMELESS SERVICE PRO-
19 VIDERS.—The term “participating homeless service
20 providers” means nonprofit entities that—

21 (A) provide services to homeless individ-
22 uals; and

23 (B) are approved by an eligible nonprofit
24 organization grantee under section 5(b)(12)—

25 (i) to receive cash contributions—

1 (I) to purchase vouchers to pro-
2 vide to homeless individuals; or

3 (II) to use for the provision of
4 services to homeless individuals;

5 (ii) to receive vouchers provided under
6 section 5(a)(10) to provide to homeless in-
7 dividuals; or

8 (iii) to accept and redeem vouchers
9 from homeless individuals for the payment
10 of services.

11 (6) PROGRAM.—The term “Program” means
12 the America Cares Program established under sec-
13 tion 5(a).

14 (7) RETAIL ESTABLISHMENT.—The term “re-
15 tail establishment” means any retail establishment
16 offering goods or services for sale.

17 (8) SECRETARY.—The term “Secretary” means
18 the Secretary of the Health and Human Services.

19 (9) STATE.—The term “state” means each of
20 the several States of the United States and the Dis-
21 trict of Columbia.

22 **SEC. 5. AMERICA CARES PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary, in accordance
24 with this Act, shall establish and carry out a program to

1 benefit homeless individuals in America, to be known as
2 the America Cares Program.

3 (b) DEMONSTRATION GRANTS.—

4 (1) IN GENERAL.—In carrying out the Program
5 established under subsection (a), the Secretary shall
6 award grants to not less than 60 eligible nonprofit
7 organizations to carry out demonstration projects
8 to—

9 (A) provide—

10 (i) vouchers to homeless individuals
11 under the program requirements in para-
12 graph (7)(A); or

13 (ii) provide vouchers to homeless indi-
14 viduals under the program requirements in
15 paragraph (7)(A) and cash contributions to
16 participating homeless service providers
17 under the program requirements in para-
18 graph (7)(B); and

19 (B) conduct an educational outreach pro-
20 gram within the community at large on home-
21 lessness and the voucher program.

22 (2) SPECIAL RULE.—In awarding grants under
23 paragraph (1), the Secretary shall award grants to
24 eligible nonprofit organizations that have the highest
25 likelihood of carrying out the purposes of this Act.

1 (3) USE OF GRANT.—Grants awarded for the
2 establishment of demonstration projects under para-
3 graph (1) shall be used to cover the startup costs for
4 such projects.

5 (4) AMOUNT AND MATCHING REQUIREMENT.—

6 (A) AMOUNT.—A grant awarded under
7 this section shall be for an amount that is not
8 in excess of \$60,000.

9 (B) MATCHING REQUIREMENT.—

10 (i) IN GENERAL.—The Secretary may
11 not make a grant to an eligible nonprofit
12 organization under this Act unless such or-
13 ganization agrees to make available non-
14 Federal contributions by private or local
15 government sources toward the cost of car-
16 rying out the program established with
17 amounts received under the grant in an
18 amount equal to at least 25 percent of the
19 amount of funds provided under the grant.

20 (ii) IN-KIND CONTRIBUTIONS.—The
21 non-Federal share of payments under
22 paragraph (1) may be in-kind, including
23 staff services.

24 (5) DISTRIBUTION AND ALLOCATIONS.—

1 (A) GENERAL DISTRIBUTION.—The Sec-
2 retary shall award grants under paragraph (1)
3 through a method that ensures that such
4 awards are distributed to demonstration
5 projects that collectively establish—

6 (i) diverse program requirements with
7 respect to the categories for which vouch-
8 ers may be redeemed under paragraph
9 (7)(A)(ii); and

10 (ii) diverse program requirements with
11 respect to the methods through which
12 vouchers may be distributed under para-
13 graph (7)(A)(iv).

14 (B) ALLOCATIONS FOR PROJECTS IN A
15 STATE.—The Secretary shall ensure that not
16 less than one grant shall be awarded under
17 paragraph (1) in each State and the District of
18 Columbia to an eligible nonprofit organization
19 that submits an application under paragraph
20 (8) to receive financial assistance to carry out
21 any demonstration project described in para-
22 graph (1) in such State and the District of Co-
23 lumbia.

24 (6) DURATION.—A grant awarded under this
25 section shall not exceed 1 year.

1 (7) PROGRAM REQUIREMENTS.—

2 (A) VOUCHERS FOR HOMELESS INDIVID-
3 UALS.—The Secretary may not award a grant
4 under this section to an eligible nonprofit orga-
5 nization that desires to provide vouchers to
6 homeless individuals unless such organization
7 agrees to the following:

8 (i) Create vouchers to provide to
9 homeless individuals under paragraph
10 (9)(A).

11 (ii) Permit vouchers to be redeemed
12 for at least one or more of the following
13 categories of goods and services:

14 (I) Food and personal hygiene
15 items.

16 (II) Food, personal hygiene
17 items, stamps, or other consumer
18 goods (except alcohol, tobacco, or por-
19 nography), and bus fare.

20 (III) Any goods and services (in-
21 cluding services provided by partici-
22 pating homeless providers) except al-
23 cohol, tobacco, or pornography.

24 (iii) Prohibit the use of vouchers for
25 gambling or gambling related purposes.

1 (iv) Distribute vouchers to homeless
2 individuals through one or more of the fol-
3 lowing methods:

4 (I) Sell vouchers directly to retail
5 establishments that agree to sell such
6 vouchers to persons who desire to give
7 such vouchers to homeless individuals.
8 The eligible nonprofit organization
9 shall require such retail establish-
10 ments to make payment for such
11 vouchers on the date of delivery or not
12 later than 30 days from the date of
13 the sale of a voucher to a person.

14 (II) Sell vouchers directly to local
15 retail establishments and public enti-
16 ties, including the United States Post
17 Office and the Social Security Admin-
18 istration, that agree to sell such
19 vouchers to persons described in
20 subclause (I). The eligible nonprofit
21 organization shall require such retail
22 establishments and public entities to
23 make payment to such organization
24 for such vouchers as required by
25 subclause (I).

1 (v) Approve applications submitted
2 under paragraph (11) or (12) by retail es-
3 tablishments or participating homeless
4 service providers that desire to accept and
5 redeem vouchers under the Program.

6 (B) CASH CONTRIBUTIONS FOR PARTICI-
7 PATING HOMELESS SERVICE PROVIDERS.—The
8 Secretary may not award a grant under this
9 section to an eligible nonprofit organization
10 that desires to provide cash contributions given
11 by the public to participating homeless service
12 providers unless such organization agrees to—

13 (i) allow one or more of the entities
14 described in subparagraph (A)(iv)—

15 (I) to accept such cash contribu-
16 tions; and

17 (II) not later than 45 days from
18 the receipt of such cash contributions,
19 to transfer such cash contributions to
20 such organization to be equitably dis-
21 tributed to participating homeless
22 service providers; and

23 (ii) approve applications submitted
24 under paragraph (12) by homeless service

1 providers that desire to be provided cash
2 contributions under the Program.

3 (8) APPLICATION.—

4 (A) IN GENERAL.—To be eligible to receive
5 a grant under this section, an eligible nonprofit
6 organization shall prepare and submit to the
7 Secretary an application in such form, at such
8 time, and in accordance with such procedures
9 as the Secretary shall establish.

10 (B) ASSURANCES.—Each application sub-
11 mitted under subparagraph (A) shall provide
12 assurances that an eligible nonprofit organiza-
13 tion will meet the applicable program require-
14 ments under paragraph (7).

15 (9) CREATION, DISTRIBUTION, PURCHASE AND
16 USE OF VOUCHERS.—

17 (A) CREATION AND DISTRIBUTION.—An
18 eligible nonprofit organization grantee that car-
19 ries out a demonstration project under this sec-
20 tion shall create the vouchers that are to be
21 provided to homeless individuals through the
22 demonstration project. Such grantee shall make
23 such vouchers available for sale to the public in
24 accordance with the program requirements
25 under paragraph (7)(A)(iv). Vouchers shall be

1 simple in design and shall include only such
2 words or illustrations as are required to explain
3 the purpose of the vouchers and define the de-
4 nomination of the vouchers. The name of any
5 public official shall not appear on the vouchers.

6 (B) PURCHASE.—A person may purchase a
7 voucher distributed under subparagraph (A)
8 and may give such voucher to a homeless indi-
9 vidual or to a participating homeless service
10 provider to provide to homeless individuals.

11 (C) USE BY HOMELESS INDIVIDUALS.—

12 (i) IN GENERAL.—An eligible non-
13 profit organization shall permit, in accord-
14 ance with the program requirements under
15 subparagraph (A)(ii) of paragraph (7), the
16 appropriate retail use of vouchers by home-
17 less individuals, subject to the limitations
18 under such subparagraph.

19 (ii) PRICES.—Nothing in this Act
20 shall be construed as authorizing the Sec-
21 retary to specify the prices at which goods
22 or services may be sold by participating re-
23 tail establishments or participating home-
24 less service providers, except that the par-
25 ticipating retail establishments or partici-

1 pating homeless service providers may nei-
2 ther charge a higher price for goods or
3 services purchased with vouchers nor
4 charge a fee for accepting vouchers.

5 (iii) CASH VALUE.—

6 (I) IN GENERAL.—Subject to
7 subclause (III), vouchers shall not be
8 redeemable for cash and shall have no
9 cash value.

10 (II) CHANGE FOR PURCHASES
11 WITH VOUCHERS.—A homeless indi-
12 vidual using a voucher or vouchers to
13 purchase a good or service shall not
14 receive cash as change if the amount
15 of a purchase is less than the value of
16 the voucher or vouchers.

17 (III) CHANGE FOR PURCHASES
18 WITH VOUCHERS AND CASH.—A
19 homeless individual using a voucher
20 and cash, or vouchers and cash, to
21 purchase a good or service shall not
22 receive cash as change from the pur-
23 chase, except that such change may
24 be received if the amount of the cash

1 used exceeds the amount of such
2 voucher or vouchers.

3 (10) ELIGIBILITY FOR RECEIPT OF VOUCH-
4 ERS.—Persons purchasing vouchers may provide the
5 vouchers to homeless individuals, or to participating
6 homeless service providers to provide to homeless in-
7 dividuals, on a discretionary basis.

8 (11) PARTICIPATING RETAIL ESTABLISH-
9 MENTS.—

10 (A) APPLICATIONS.—Regulations issued
11 pursuant to this Act shall provide for the sub-
12 mission of applications to eligible nonprofit or-
13 ganization grantees by retail establishments
14 that desire to accept and redeem vouchers
15 under the Program.

16 (B) APPROVAL.—In considering an appli-
17 cation submitted under subparagraph (A), the
18 eligible nonprofit organization grantee shall
19 consider—

20 (i) the nature and extent of the busi-
21 ness conducted by the applicant and the
22 extent to which the applicant can provide
23 goods and services;

24 (ii) the business integrity and reputa-
25 tion of the applicant; and

1 (iii) any other factors the Secretary
2 may prescribe by regulation.

3 (C) CERTIFICATE OF APPROVAL.—On ap-
4 proval of an applicant under this paragraph,
5 the eligible nonprofit organization grantee shall
6 issue the applicant a nontransferable certificate
7 of approval.

8 (12) PARTICIPATING HOMELESS SERVICE PRO-
9 VIDERS.—

10 (A) APPLICATIONS.—Regulations issued
11 pursuant to this Act shall provide for the sub-
12 mission of applications to eligible nonprofit or-
13 ganization grantees by homeless service provid-
14 ers that desire—

15 (i) to receive cash contributions

16 (I) to purchase vouchers to be
17 provided to homeless individuals; or

18 (II) to be used for the provision
19 of services to homeless individuals;

20 (ii) to receive vouchers provided by
21 persons described in paragraph (10) to be
22 provided to homeless individuals; or

23 (iii) to accept and redeem vouchers
24 from homeless individuals for the payment
25 of services.

1 (B) APPROVAL.—In considering an appli-
2 cation submitted under subparagraph (A), the
3 eligible nonprofit organization grantee shall
4 consider any factors the Secretary may pre-
5 scribe by regulation.

6 (C) CERTIFICATE OF APPROVAL.—On ap-
7 proval of an applicant under this paragraph,
8 the eligible nonprofit organization grantee shall
9 issue the applicant a nontransferable certificate
10 of approval.

11 (13) REDEMPTION OF VOUCHERS.—Regulations
12 issued pursuant to this Act shall provide for the re-
13 demption of vouchers accepted by participating retail
14 establishments or participating homeless service pro-
15 viders.

16 (c) TECHNICAL ASSISTANCE AND PUBLIC AWARE-
17 NESS.—

18 (1) ASSISTANCE.—The Secretary is authorized
19 to enter into contracts with entities that carry out
20 programs that are—

21 (A) in existence on the date on which the
22 Secretary and the entity enter into the contract;

23 (B) similar to the demonstration projects
24 described in subsection (b)(1); and

1 (C) able to provide support and follow up
2 assistance to grantees from such grantees'
3 startup phase through such grantees' final re-
4 porting under section 6(b),
5 to provide technical assistance to eligible nonprofit
6 organizations to assist such organizations in carry-
7 ing out the purposes of this Act.

8 (2) AWARENESS.—The Secretary shall inform
9 the public of the location of local demonstration
10 projects that are established by an eligible nonprofit
11 organization grantee under this Act.

12 (d) REGULATIONS.—The Secretary shall issue such
13 regulations consistent with this Act as the Secretary con-
14 siders necessary or appropriate for the effective and effi-
15 cient administration of the Program.

16 (e) FINES AGAINST UNAUTHORIZED THIRD PARTIES
17 THAT ACCEPT VOUCHERS.—The Secretary may impose a
18 fine against any person not approved by an eligible non-
19 profit organization grantee to accept vouchers and who
20 violates any provision of this Act, including violations con-
21 cerning the acceptance of vouchers. The amount of any
22 such fine shall be established by the Secretary and may
23 be assessed and collected in accordance with regulations
24 issued under this Act separately, or in combination, with
25 any fiscal claim established by the Secretary. The Attor-

1 ney General may institute judicial action in any court of
2 competent jurisdiction against the person to collect the
3 fine.

4 **SEC. 6. REPORTS.**

5 (a) CONGRESSIONAL.—Not later than 1 year after
6 the establishment of the Program, the Secretary shall pre-
7 pare and submit to Congress a report evaluating the Pro-
8 gram. Such report shall include the following:

9 (1) The number of participating retail establish-
10 ments, listed according to the type of goods or serv-
11 ices provided.

12 (2) The number of vouchers sold and redeemed,
13 broken down by geographic area.

14 (3)(A) A determination of the eligible nonprofit
15 organization grantees that are successful in carrying
16 out demonstration projects under this Act.

17 (B) With respect to each such eligible nonprofit
18 organization grantee that is determined to be suc-
19 cessful under subparagraph (A), a description of—

20 (i) the categories of goods and services for
21 which the grantee permits vouchers to be re-
22 deemed under section 5(b)(7)(A)(ii); and

23 (ii) the methods used by the grantee to
24 distribute vouchers under subparagraph (A)(iv)
25 of section 5(b)(7).

1 (C) A recommendation on the categories de-
2 scribed in subparagraph (B)(i) and the methods de-
3 scribed in subparagraph (B)(ii) that would be opti-
4 mal for use by an entity to carry out a voucher
5 program.

6 (4) A description of the impact of the Program
7 on other programs designed to meet the needs of
8 homeless individuals, including the Stewart B.
9 McKinney Homeless Assistance Act (Public Law
10 100–77) and amendments made by such Act.

11 (5) A description of the demographic impact of
12 the Program on homeless individuals in America.

13 (b) SECRETARY.—Not later than 1 year after the re-
14 ceipt of a grant award under section 5(b)(1) to carry out
15 a demonstration project under this Act, an eligible non-
16 profit organization shall prepare and submit to the Sec-
17 retary a report evaluating the demonstration project, as
18 described under section 5(b)(1). Such report shall include
19 a description of how such organization will continue to
20 carry out its program to provide vouchers for homeless
21 individuals or homeless individuals and participating
22 homeless service providers.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out this Act for fiscal year
4 1994 and each of the subsequent fiscal years.

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