Charities Battle GOP Plan to End Surplus Property Prograı

By Steve Bates
Washington Post Staff Writer

It's small change compared with the hundreds of billions at stake in the federal budget battle: about $3 million a year for a program that gives nonprofit groups surplus federal land and buildings free to help the needy.

But to the District-based Capital Area Food Bank and Alexandria's Carpenter's Shelter, two of the Washington area's largest programs for the hungry and the homeless, it's an issue of food on the table and refuge from the cold for hundreds of people.

So when the Republican-led Congress decided to jettison Title V of the McKinney Homeless Act to help balance the federal budget, advocates for nonprofit groups began fighting to save the program.

In recent days, several Democratic legislators have seized the issue, calling the GOP initiative a misguided attempt to squeeze a tiny bit of potential savings out of a program that saves the government the cost of some social programs. They have the White House and the Defense Department on their side as budget negotiators work toward a budget compromise this week.

The GOP proposal would prevent the food bank and the shelter group from getting buildings at Cameron Station, a 164-acre Army post in Alexandria abandoned by the military this year, Defense Department spokesmen say. More than a dozen similar organizations also would lose out on military property, according to officials.

"This seemed to be an answer to a prayer," said Judy Caitland, executive director of Carpenter's Shelter, which operates Northern Virginia's largest shelter for the homeless, near Old Town Alexandria. "I just shake my head in dismay. It makes no sense."

Funded mostly by private contributions, the shelter serves as many as 130 people on cold nights. Paying more than $13,000 a month for rent had left the shelter's future in doubt until last year, when citizens and officials in Alexandria and the U.S. Department of Health and Human Services endorsed the group's bid to get a small building on the southern edge of the post.

Similarly, the Capital Area Food Bank, the largest food bank in the Washington area, persuaded the government that it could make good use of another building for its long-planned Northern Virginia expansion. The federal government sold most of the post's acreage to a McLean-based developer.

In a letter to colleagues this week, Rep. John A. Boehner (R-Ohio) described Title V of the McKinney Act as "a well-intentioned mistake" and noted that, even if it is repealed, nonprofit groups can seek surplus or underused federal land without charge under other laws.

Some surplus government property could be sold, wrote Boehner.

"Finally, the taxpayers will be able to reap the reward they deserve from federal downsizing," he said.

Sen. John Glenn (D-Ohio) and Rep. Farr (D-Calif.) countered in letters that much of the saving would go to the Defense Department and would not directly cut the federal deficit. "Homeless providers offer services at . . . former federal facilities that might otherwise cost the government millions of dollars," concluded Glenn in his letter, also signed by several other senators.

The savings the GOP cites "are really a drop in the bucket," said Maria Foscarinis, of the Washington-based National Law Center on Homelessness & Poverty. "This is an extremely sensible and cost-efficient program that helps tens of thousands of homeless people."

OBITUARIES

Homer Thornberry Dies; Supreme Court Nominee

By Martin Weil
Washington Post Staff Writer

Homer Thornberry, 86, a former representative and a senior federal appeals court judge who was nominated for a seat on the Supreme Court but never confirmed, died of cancer Dec. 12 in Austin.

When President Lyndon B. Johnson made the ill-fated nomination of Abe Fortas to be Chief Justice amid the political turbulence of 1968, he also nominated Judge Thornberry, a longtime friend and a federal judge for six years, to replace Fortas as a Supreme Court justice.

But Johnson's own political difficulties, charges of cronyism against the Fortas nomination and revelations about Fortas's extra-judicial activities helped to doom the Fortas nomination. Fortas asked that it be withdrawn. He retained his seat as a justice and thus no vacancy existed for Judge Thornberry to fill.

He returned to his seat on the 5th U.S. Circuit Court of Appeals, was given senior status and continued hearing cases until a few years ago.

"He was very philosophical" about the chances for his nomination, said Bill Wiley, who served as an aide to Judge Thornberry when he was in Congress as a representative from Texas. "He knew it was going to be difficult."

In some ways, the fate of Judge Thornberry's nomination symbolized the bitterness of 1968, when the nation was torn by the Vietnam War, social protests and urban disorder. Johnson faced vigorous opposition both inside and outside the Democratic Party, and, as Wiley recalled, the nominations he made to the court were of two men known to be among his closest friends.

Judge Thornberry replaced Johnson in the House of Representatives in 1949 and served until President John F. Kennedy nominated him to the U.S. District Court.

A genial man, Judge Thornberry had, in Wiley's words, "many Republican friends" on Capitol Hill. But "he realized that politics is politics," Wiley said, and he knew that 1968, a presidential election year, was "payback time for a lot of Republicans" and that Republicans might wish to save the court seats for their own appointees.

The years during which Judge Thornberry lived in the Washington area, as well as the hours during which he appeared at hearings on his nomination, gave rise to some particularly memorable moments.

Born to parents who were deaf, Judge Thornberry learned sign language. In 1963, he spoke at commencement exercises at Gallaudet University, delivering the first part of his speech in sign language.

In 1962, he appeared in court in the District to testify against a man accused of stealing his wallet as he and his young son, David, left a Washington Redskins football game. Judge Thornberry and his son had pursued the suspect from the stadium.

"Sure it's a busy week" Judge Thornberry, a former prosecutor in his native Texas, told a reporter. "But I felt it was necessary that David see the importance of these things. People have to come forward as witnesses and jurors in these cases, and our children must understand the importance of this in maintaining law and order."

One highlight of the hearings held on his nomination was sparring between him and Sen. Sam Ervin (D-N.C.), who was respected then and later as a constitutional lawyer.

Ervin challenged Judge Thornberry's participation in a 5th Circuit Court decision that struck down the poll tax in Texas, six weeks before the Supreme Court ruled the tax on voting unconstitutional.

Judge Thornberry took the position that for him to discuss the reasoning behind his decision would violate the constitutional doctrine of separation of powers. He told Ervin that the ruling "speaks for itself" and suggested that the senator could determine Judge Thornberry's views from it.

"Frankly, I couldn't understand the opinion," retorted Ervin, "although I've read it backwards and forwards many times."

Judge Thornberry, demonstrating the good nature for which he was known, smiled.

The judge was born in Austin on Jan. 9, 1909, sold newspapers to help support himself and his widowed mother after his father died and worked his way through the University of Texas, where he received degrees in law and business.

During World War II, he served in naval intelligence and after the war was a member of the Austin City Council and mayor pro tem before being elected to the House, where he served during the Kennedy administration on the Rules Committee.

His first wife, Eloise Engle Thornberry, died in 1989. Survivors include his wife, Marian Harris Thornberry; three children from his first marriage, Molly, of McAllen, Tex., David, of Austin, and Kate Tomlin of Houston; and two grandchildren.

J.S. Probing Two Thefts of New Currency

By Bill McAllister
Washington Post Staff Writer

The first of two recent thefts of newly printed currency occurred between the U.S. Bureau of Engraving and Printing's 14th Street plant and National Airport, while the second was discovered Monday in a vault at the plant, government sources said yesterday.

Treasury Department officials had said only that the first disappearance, of $40,000 in new bills on Nov. 17, occurred as the money was being shipped to the Federal Reserve Bank in Minneapolis.

Both that theft and Monday's theft of an additional $20,000 involved packages of $50 bills, government sources said. The Secret Service is investigating.

The first theft was discovered at National Airport—a 10-minute drive from the bureau's plant at 14th and C streets SW—as a money shipment was being readied for a flight to Minnesota, officials said. The second was discovered in a vault at the bureau that contains shrink-wrapped packages of bills, known as "bricks" or " packs." Counting the bills and wrapping them is one of the final production processes at the plant, which prints most of the nation's currency.

Bureau officials declined yesterday to discuss the thefts, which have alarmed senior Treasury officials. Tr ry Secretary Robert E. Rubin directed the bureau's top official and the head of Secret Service to brief his deputy today on the latest theft.

Rubin also has directed that they report within three weeks on steps the bureau is taking to increase security. The bureau was ordered last year to increase security after an employee was found to have secretly taken $1.6 million in test $100 bills out of the plant over several months. The money was hidden in the worker's briefcase, he said in court papers.

As a result of that case, bureau officials developed a plan last spring for increased security that subjects bureau employees and their packages to more rigorous checks as they leave work. In a memorandum to the bureau and the Secret Service, Rubin has said he wants to know whether that plan is adequate.

THE WASHINGTON POST
WEDNESDAY, DECEMBER 13, 1995

Carcasses Cause a Commotion

Congressman's Practice Doesn't Sit Well With Frederick Co. Officials

By Manuel Perez-Rivas
Washington Post Staff Writer

Winter is a tough time for the foxes, the possums and the buzzards that roam Maryland's countryside. So Rep. Roscoe G. Bartlett (R) figured he'd help by leaving the carcasses of the goats and sheep that died on his Frederick County farm exposed to the elements so the scavengers could find them.

That's how it was on the Kentucky farm where Bartlett, 69, grew up, and that's how it's been since he and his family moved to the 144-acre farm along the banks of the Monocacy River in Buckeystown three decades ago.

But after the carcasses of six sheep and goats from Bartlett's flock were found on his land last week, county officials warned him to do something with the decomposing animals because they presented a health risk and violated county laws.

"I grew up in a farm in Kentucky," he said. "Back then it was sort of an unwritten law that nobody buried their animals. That was a long time ago. I guess times have changed."

Officials said the biggest danger was that flooding could carry the carcasses into the waters of the Monocacy, in southern Frederick, though chances of that happening are somewhat remote, said Edgar A. Woods, Frederick County's director of environmental health.

"~~The main thing, I guess, is that~~ people don't like to see dead animals lying around," Woods said. Bartlett said the animals, which were among his 100 sheep and 20 French Alpine goats, died of old age in the last month. He had them laid to rest in a remote part of his farm to "let nature take its course."

The congressman said he was unaware he was violating laws until county officials issued the warning last Tuesday. That day, his son wheeled the family backhoe out and buried the dead animals.

The Republican representative is accustomed to controversy and seemed unperturbed by the carcass commotion. He previously has drawn fire for remarking that people with Asian names "do not represent the normal American" and for questioning whether his constituents should get federal disaster aid after a record snowstorm in 1993.

Bartlett said he's convinced the complaint was made by someone with an ax to grind, though he doesn't know whom.

ROSCOE G. BARTLETT
. . . did it that way in Kentucky

"I believe this was a personal vendetta," he said. Only someone walking on the farm would have been able to see the carcasses, which he said were nearly a mile from the nearest house, "and that's my house."

Besides, he said, the carrion would have provided sustenance for many wild animals through the lean winter months.

"The foxes have nothing left to eat during the winter. And there are buzzards, a lot of buzzards. They all need something to eat."

Bartlett's concern for Maryland fauna did not draw a sympathetic reaction from animal rights activists. Michael McGraw, a spokesman for People for the Ethical Treatment of Animals, said he was concerned about potential health risks and compared the practice to leaving six human corpses unburied.

"The argument here is that he's returning them to the cycle of life, but they've already been removed from the cycle of life," McGraw said. "These are domesticated animals. There are no sheep or goats roaming wild in the hills of Maryland."

History Is Not So Far in the Past

By Michael Farquhar
Washington Post Staff Writer

As we close fast on the 21st century, it is easy to think of most American history as being in the impossibly remote past. But consider that, until last month, only two human generations linked us to a time when the United States was still young.

Just 35 days ago, the son of President Grover Cleveland died.

Francis Cleveland, 92, was the last living child of the man who served two terms in the White House in the 19th century. Grover Cleveland left office just as Henry Ford started selling the Model T.

If you had spoken to Francis, he could have told you about his father being born in 1837, the year America inaugurated its eighth president, Martin Van Buren, and welcomed Michigan as the 26th state in the Union. When President Cleveland died in 1908, horse-drawn carriages were commonplace in American cities. Francis, only 5 when he lost his father, lived to see space flight and cyberspace.

Considering how many Americans can't name the presidents peering from Mount Rushmore, it's not surprising that President Cleveland is as unfamiliar to most as the now-extinct $1,000 bill that featured his likeness.

While his name may provoke glimmers of recognition as that of the only chief executive to serve two non-consecutive terms (1885-1889 and 1893-1897) or of the only president married in a White House ceremony, there is little else about Grover Cleveland that spares him from popular obscurity.

Francis Cleveland, who died in New Hampshire, was the youngest of the president's five children and, as his obituary noted, founder of the Barnstormers Summer Theater group.

If you never met Francis Cleveland, you have another chance to shake hands with the distant past.

Harrison Tyler, 67, owns and maintains Sherwood Forest, the Tyler family plantation on the James River in Charles City, Va. His grandfather purchased the land in 1821. Grandpa was John Tyler, the nation's 10th president, born a year before the Bill of Rights took effect in 1791.

Harrison Tyler, who entered the world when his father was 75, says he doesn't feel part of a sweeping American epic. "I'm just an onlooker," he says modestly. "When we [in the family] talk about history, it's really history."

Nevertheless, Tyler says he is thrilled about being named grand marshal of a parade next April in Tyler, Tex. Named for his grandfather, the town is celebrating the sesquicentennial of Texas's admission to the Union in 1845, an event championed by President Tyler.

"Now that," his grandson says, "should be exciting."

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TO: Molly Bostrom **OFFICE:** DPC

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FROM: Mark Wagner

DATE: 11/30/95

Number of Pages (including cover page): 2

Comments:

McKinney / Title V Repeal in Budget bill.

Mark

Please call the above number if there is any problem with this transmission.

[Congressional Record: November 15, 1995 (House)]
[Page H12551-H12571]
From the Congressional Record Online via GPO Access [wais.access.gpo.gov]

[[pp. H12551-H12571]] CONFERENCE REPORT ON H.R. 2491, BALANCED BUDGET ACT OF 1995

[[Page H 12557]]

(1) General rule.--As a condition of future Federal financial assistance, Amtrak shall convey to the Administrator of General Services on or before December 31, 1995, at no charge, all of the air rights of Amtrak described in subsection (b).

(2) Failure to comply.--If Amtrak does not meet the condition established by paragraph (1), Amtrak shall be prohibited from obligating Federal funds after March 1, 1996.

SEC. 6023. AVAILABILITY OF SURPLUS PROPERTY FOR HOMELESS ASSISTANCE.

(a) Repeal.--(1) Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.) is repealed.

(2) The table of contents in section 101(b) of that Act is amended by striking the items relating to title V.

(3) This subsection shall be effective October 1, 1995.

(b) Authority To Transfer Surplus Real Property for Housing Use.--Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended by adding at the end the following:

``(r) Under such regulations as the Administrator may prescribe, and in consultation with appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for homeless individuals or families, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

``(s)(1) Under such regulations as the Administrator may prescribe, and in consultation with appropriate local governmental authorities, the Administrator may transfer to any non-profit organization which exists for the primary purpose of providing housing or housing assistance for low-income individuals or families such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

``(2) In making transfers under this subsection, the Administrator shall take such actions, which may include grant agreements with an organization receiving a grant, as may be necessary to ensure that--

``(A) assistance provided under this subsection is used to facilitate and encourage homeownership opportunities through the construction of self-help housing, under terms which require that the person receiving the assistance contribute a significant amount of labor toward the construction; and

``(B) the dwellings constructed with property transferred under this subsection shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below the prevailing market prices.''.

TITLE VII--TRANSFORMATION OF THE MEDICAID PROGRAM

Interagency Council on the Homeless

August 1993

USE OF BASE CLOSURE PROPERTIES FOR FACILITIES TO ASSIST THE HOMELESS: THE PRIORITY UNDER TITLE V OF THE MCKINNEY ACT

In accordance with the Stewart B. McKinney Homeless Assistance Act, the Federal Government strongly encourages and supports the use of Federally owned "surplus" real and personal property for use in programs to assist the homeless. All base closure properties determined to be suitable and available for homeless use are candidates for these programs.

Following are some of the questions that are most frequently asked about the use of base closure properties for homeless assistance programs:

1. **WHAT PRIORITY DOES USE FOR HOMELESS PROGRAMS RECEIVE IN DETERMINING THE REUSE OF BASE CLOSURE PROPERTIES?**

   Title V of the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, requires the Defense Department and other Federal agencies to give homeless assistance uses top priority of consideration over other uses for "surplus" Federally owned buildings or land (including base closure properties) which are determined to be suitable and available and which are not needed by another Federal agency.

2. **DOES AN APPLICANT HAVE TO APPLY FOR A ENTIRE BASE UNDER THIS PROGRAM?**

   No. An applicant should apply only for what it can productively use for the proposed program. In accordance with the requirements of Title V, assistance to the homeless will receive priority consideration. The Federal government encourages collaboration between homeless assistance providers and others involved in the community reuse planning process.

3. **WHAT HAPPENS IF THERE ARE STRONG VIEWS IN THE COMMUNITY FOR ALTERNATE USES OF THESE PROPERTIES?**

   Collaboration between homeless assistance providers and the neighboring community is advisable. Those interested in the reuse of bases scheduled to be closed should become involved in the local reuse planning process. (See Question 12 below for additional information.)

451 Seventh Street, S.W. ● Suite 7274 ● Washington, D.C. 20410-0000 ● (202) 708-1480

4. **WHO IS ELIGIBLE TO APPLY FOR TITLE V PROPERTIES?**

Nonprofit organizations, units of local government, and States are eligible to apply to use all or portions of these properties for the homeless. ("Homeless" is defined in Title I of the McKinney Act and 45 C.F.R. Part 12a.)

5. **WHAT IS REQUIRED IN AN APPLICATION?**

Generally, an applicant must provide proof of its eligibility; fully describe the proposed program to justify the amount of property being requested, the modifications to be made to the property, and its ability to finance and operate the program; and respond to general questions on environmental issues. It must certify its compliance with certain conditions, such as Federal non-discrimination laws and requirements. The applicant must also inform the applicable unit of general local government responsible for providing sewer, water, police and fire services, in writing, of its proposed program.

6. **HOW DOES TITLE V WORK?**

The McKinney Act requires all Federal landholding agencies to provide a quarterly listing of all unutilized, underutilized, excess and surplus properties to the **Department of Housing and Urban Development** ("HUD").

HUD then reviews the list of reported properties and determines which of these properties are "suitable" for use as facilities to assist the homeless. Each Friday, HUD publishes a list in the **Federal Register** which briefly describes properties that it has determined to be suitable and which the reporting agency has indicated are available. (The **Federal Register** listing also identifies properties reported to HUD that are determined to be unsuitable or unavailable.) All base closure properties are reported to HUD and will appear on HUD's list before the property is to be vacated. Contact your local HUD office or call 1-800-927-7588 to receive information on properties in your area.

Eligible applicants may then express written interest directly to the **Department of Health and Human Services** ("HHS") for suitable and available properties listed by HUD. (The expression of interest should identify the specific property, briefly describe the proposed use, include the name of the organization and indicate whether it is a public body or private nonprofit organization, and provide the **Federal Register** date, if known.)

Applicants have 60 days from the date of the Federal Register publication to express this written interest in a particular property, and an additional 90 days from the date of HHS's receipt of that interest to file an application with HHS. However, because each complete application must be evaluated within 25 days of receipt, each applicant will have a different application deadline based on the date the expression of interest is received. Applications must be evaluated on a "first-come, first-served" basis. Applicants wishing to apply after the 60-day deadline for written expressions of interest should contact HUD or the landholding agency identified in the **Federal Register** notice to determine if the property is still available.

7. WHAT ELEMENTS DOES HHS USE TO EVALUATE APPLICATIONS?

HHS reviews all applications on the basis of the following elements, which are listed in descending order of priority. (Subparagraphs (d) and (e) are of equal importance.)

a. Services offered. The extent and range of proposed services, such as meals, shelter, job training, and counseling.

b. Need. The demand for the program and the degree to which the available property will be fully utilized. (Note: The need element is not intended to encourage applicants to apply for a larger portion of the available property than can be productively used, but to explain how the specific portion of the property being applied for will be fully utilized. The need element will be considered in conjunction with the other elements listed.)

c. Implementation time. The amount of time necessary for the proposed program to become operational.

d. Experience. Demonstrated prior success in operating similar programs and recommendations attesting to that fact by Federal, State and local authorities.

e. Financial Ability. The adequacy of funding that will likely be available to run the program fully and properly and to operate the facility.

8. WHAT HAPPENS IF MORE THAN ONE HOMELESS ORGANIZATION APPLIES FOR A PARTICULAR PROPERTY?

As noted previously, HHS processes applications on a "first-come, first-served" basis. If one or more complete applications are received for a particular property within five days of receipt of the initial complete application, HHS convenes an objective review panel to rank them, based on the elements listed above. Each application is reviewed on its merits.

Applications received subsequent to a decision to approve an application for a particular property are returned.

9. WHAT HAPPENS AFTER HHS APPROVES THE APPLICATION?

If an application is approved, an occupancy document is negotiated between the applicant and HHS or the appropriate Federal landholding agency, depending on the category of property. Individual landholding agencies may have different procedures governing the terms of these agreements.

The standard term for an HHS lease is 5 years, with one 5-year renewal option, although longer terms, up to 20 years, may be approved if sufficient justification is provided. Deeds executed by HHS contain a 30-year period of restrictions. (A private nonprofit wishing to acquire a surplus property by deed must be certified as tax-exempt under Section 501(c)(3) of the Internal Revenue Code.)

Leased property is returned to the Federal Government when the lease agreement expires or if the applicant fails to comply with its terms.

10. WHAT TYPES OF PROGRAMS MAY HOMELESS PROVIDERS OPERATE ON THESE PROPERTIES?

Properties may be used for a wide variety of programs and services for homeless people, including, but not limited to, emergency shelters, transitional housing (with occupancy limited to 24 months), food banks, job training, storage facilities, or administrative space. All programs and activities must be operated in a manner that is consistent with Federal civil rights and non-discrimination laws.

An applicant applying for a <u>lease or permit</u> for a particular property is not required to comply with local zoning requirements but must comply with all other local laws and regulations. However, applicants applying for a deed of a particular property must also comply with local zoning requirements.

11. **WHAT HAPPENS IF NO APPLICATIONS ARE RECEIVED OR APPROVED FOR HOMELESS ASSISTANCE USES?**

If no completed applications or requests for extensions have been received by HHS within 90 days from the date of the last expression of interest, or if HHS disapproves all of the applications, disposal may proceed in accordance with applicable law. In the case of base closure properties, the Department of Defense works with local communities affected by the closure to facilitate the development of a base reuse plan and related adjustment strategies. Local officials are strongly encouraged to canvass local homeless providers for their facility needs and invite their participation in the local reuse and planning process. Sponsors of homeless assistance programs are also encouraged to become involved in this process to learn more about the properties involved.

12. **HOW CAN I BECOME INVOLVED IN PLANNING FOR THE REUSE OF A BASE THAT WILL BE CLOSED IN MY COMMUNITY?**

The Department of Defense encourages the establishment of "reuse committees" with broad representation from neighboring communities.

These committees are responsible for planning, coordinating, and implementing local adjustment efforts and monitoring the closure process on behalf of the community. Community leaders, homeless providers, and others interested in participating in the local planning process should contact the chairperson of the local reuse committee. Information on existing committees is available from the Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202, (703) 695-1800. Homeless providers should also call the Community Planning and Development Director of the local HUD office to express their interest in becoming involved in reuse planning.

The recommendations of the reuse committees do not supersede the priority of homeless-related reuse purposes required under the McKinney Act.

13. WHERE CAN I GET ADDITIONAL INFORMATION?

For *general questions* about the Title V program, information about *suitability criteria*, the *status of HUD's review of individual properties*, or to be put on HUD's *mailing list* to be informed as properties become available in your area, call *HUD* at its toll-free number-**1-800-927-7588**--or write to: Office of Special Needs Assistance Programs, U.S. Department of HUD, Room 7262, 451 Seventh Street, S.W., Washington, DC 20410. (NOTE: HUD's Title V regulations can be found at 24 C.F.R. Part 581.)

For information about the *Title V application process* or the *status of applications* for properties which have appeared on HUD's list, call HHS at (301) 443-2265 or write to: U.S. Department of Health and Human Services, U.S. Public Health Service, Division of Health Facilities Planning, Room 17A-10, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. (NOTE: HHS's Title V regulations can be found at 45 C.F.R. Part 12A.)

For general information about the *Defense Economic Adjustment Program* and the *base closure and realignment process*, call the Office of Economic Adjustment at (703) 695-1800 or write to: Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202.

For specific information on military properties, contact the appropriate service branch:

Air Force Properties	--	Headquarters Air Force Base Disposal Agency 1700 N. Moore Street Suite 2300 Arlington, VA 22209-2802 (703) 696-5000
Army Properties	--	Headquarters U.S. Army Corps of Engineers ATTN: CERE-C Washington, DC 20314-1000 (202) 272-0520
Navy Properties	--	Naval Facilities Engineering Command ATTN: Code 241 200 Stovall Street Alexandria, VA 22332 (703) 325-0474

For a free copy of the brochure entitled, **"Obtaining Federal Property for the Homeless: Questions and Answers About Federal Property Programs,"** call the *Interagency Council on the Homeless at* (202) 708-1480 or write to: Interagency Council on the Homeless, Room 7274, HUD Building, 451 Seventh Street, S.W. Washington, DC 20410. This brochure includes information on additional programs that make Federal property available for use in homeless assistance programs. These programs include such resources as Federallly acquired foreclosed homes from HUD-FHA, VA, and the Farmers Home Administration and surplus personal property.

The Interagency Council on the Homeless, which is chaired by HUD Secretary Henry G. Cisneros, invites your written suggestions on ways to improve Title V or other Federal surplus property programs for the homeless.

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

F A C S I M I L E

Date: 5/8/96

To: Molly Brostrum

Phone: Fax:

From: Laurel Weir

Number of Pages (including cover): 8

Comments: Here are some articles about uses of Title V properties. The first article was pulled off the Associated Press wire.

Law Center Fax: (202) 628-2737

Homeless Strive For New Start

DENVER (AP) - Natally Gary stood in the cozy living room of her duplex on a former military base and rattled off her history.

Left home at 14 to escape her father's abuse. Lost her parents in a murder-suicide four year ago. Single mother of five children, ages 4 and younger. Part-time cook who earns $330 in a busy two weeks, $190 if it's slow.

Now, at 21, she sees in her tiny living room a chance for a new start.

``It's been very hard for me,'' she said, tears in her eyes. ``I have a chance to go to school and better myself and I want to.''

Gary is among the first people to benefit from a federal law giving the homeless a shot at surplus government homes on closed military bases. She and her four girls moved into their new home at the former Lowry Air Force Base on Thursday after years of living in shelters or with friends and relatives.

As of Oct. 1, the government had approved applications from 42 groups that would provide housing for about 7,000 people a year nationwide, said Laura Weir, policy director of the National Law Center on Homelessness and Poverty based in Washington, D.C.

In some states, homeless families already are living near bases. The program at the Lowry base, which closed Oct. 1, is apparently the first involving on-base units.

The Lowry families will pay reduced rent generally about 30 percent of their monthly income - for two years. Gary will pay $235 a month for her four-bedroom, two-bathroom duplex; similar units in the area cost about $800 a month.

Applicants are screened to make sure they're trying to change their lives, said John Parvensky, director of the Colorado Coalition for the Homeless, which is helping to run the program. They're asked such questions as whether they take drugs, go out drinking or use birth control.

In Denver's metropolitan area of about 2 million people, more than 1,300 are homeless on a given night.

But it took a long, bitter fight before the Air Force approved the Lowry program. Thousands of property owners around the base opposed the plan, afraid it would cause crime rates to rise, property values to decline and neighborhoods to deteriorate.

Military officials said the battle was one of the most contentious in the nation, partly because the 57-year-old base was in the middle of the metropolitan area and in a mostly residential area.

The dispute was resolved earlier this year when both sides agreed to set aside 86 of the base's approximately 800 housing units for the homeless, down from nearly 200 sought by homeless advocates.

Other homeless advocates could face even more difficult battles. The federal law was revised this year to give control of surplus base housing to local redevelopment authorities instead of the federal government. That means neighborhood groups could wield more influence.

But at a news conference Thursday, hostilities were set aside as representatives of some Lowry-area homeowner groups welcomed families moving into the duplexes.

``We think the integration will help the families who have been homeless by providing positive role models,'' Parvensky said.

Gary sees brighter days ahead. She hopes to be an emergency medical technician and, eventually, a pharmacist.

``I don't give up. When my parents passed away, I didn't give up,'' she said. ``I'll make it. I've made it this far.''

AP-NY-12-02-94 0439EST

The Arizona Daily Star

Tucson, Monday, February 1, 19

FOCUS REAL ESTATE

Tucson firms team up to build homes for veterans

Keith Ray

The first of 50 planned duplexes for homeless Vietnam-era veterans is being constructed near Davis-Monthan Air Force Base by the Southern Arizona Home Builders Association, U.S. Home Corp. and numerous Tucson building suppliers.

Although the program has many backers, one of those chiefly responsible for getting the building part of it off the ground is Alan Lurie, executive director of the builders association, who was a prisoner of war for seven years during the Vietnam War.

Tucson City Councilman Steve Leal actively lobbied the federal government for seed money.

The duplexes will be bounded on the south by the air base, on the west by the Naval Reserve Center, on the north by Nicaragua Drive, and on the east where Escalante Road jogs into Calle Polar.

The program, sponsored by the Vietnam Veterans of America/Chapter 106, is called the Esperanza En Escalante Project.

Eventually, "Esperanza" will consist of 50 two-bedroom duplexes providing shelter for 100 households.

The veterans organization received a $50,000 grant from the Department of Housing and Urban Development, and hopes to complete the project with "sweat equity," contributions and future HUD grants. The initial unit, being built by U.S. Home, is scheduled for completion in late February.

The 19.6-acre construction site was awarded to the veterans through the McKinney Act, which makes surplus federal lands available for homeless transitional use.

The homes will be designed along cul-de-sacs with five duplexes making up a cluster. The open space surrounding the clusters will be linked by a pedestrian and bicycle trail system that permits access throughout the community without use of a street system.

The basic purpose of the program is to prepare inhabitants for employment and independent living. Prospective residents will have to meet certain standards to be considered for occupancy.

All residents must be drug and alcohol free and remain so during their participation, which can last up to two years. They must also demonstrate a willingness to become involved in education, training or employment.

There will be a large common area for recreation, including baseball and soccer fields. Later, a multipurpose building for educational, recreational, and social functions will be built next to the common area.

Also, residents will be given an unusual opportunity to learn most aspects of construction as part of their rehabilitation. This "hands on" program will be possible because residents will be doing the construction of the duplexes under the supervision of the on-site construction teacher/supervisor.

In a prepared statement, Steve Craddock, president of the Tucson division of U.S. Home, said, "There are not enough existing programs and services to assist vast numbers of homeless veterans. . . . It is our belief that transitional housing programs are the bridge back to the mainstream and are necessary if the cycle (of poverty) is to be broken."

He said he hopes the program will serve as a model for other organizations around the country.

Keith Ray's real estate column runs every Monday in Moneyplus. Questions or comments about the local real estate scene are welcome. Inquiries can be mailed to Ray at The Arizona Daily Star, P.O. Box 26807, Tucson 85726. Comments also can be faxed, 573-4144. For additional information, call 573-4130.

Homes for vets

veterans are raising a hammer to
their own in a project that will provid
duplexes to house the homeless.

A volunteer crew organized by the V
nam Veterans of America Inc. Chapter
will build the homes for homeless veter
who agree to forgo drugs and alcohol
take classes in job-training and liv
skills.

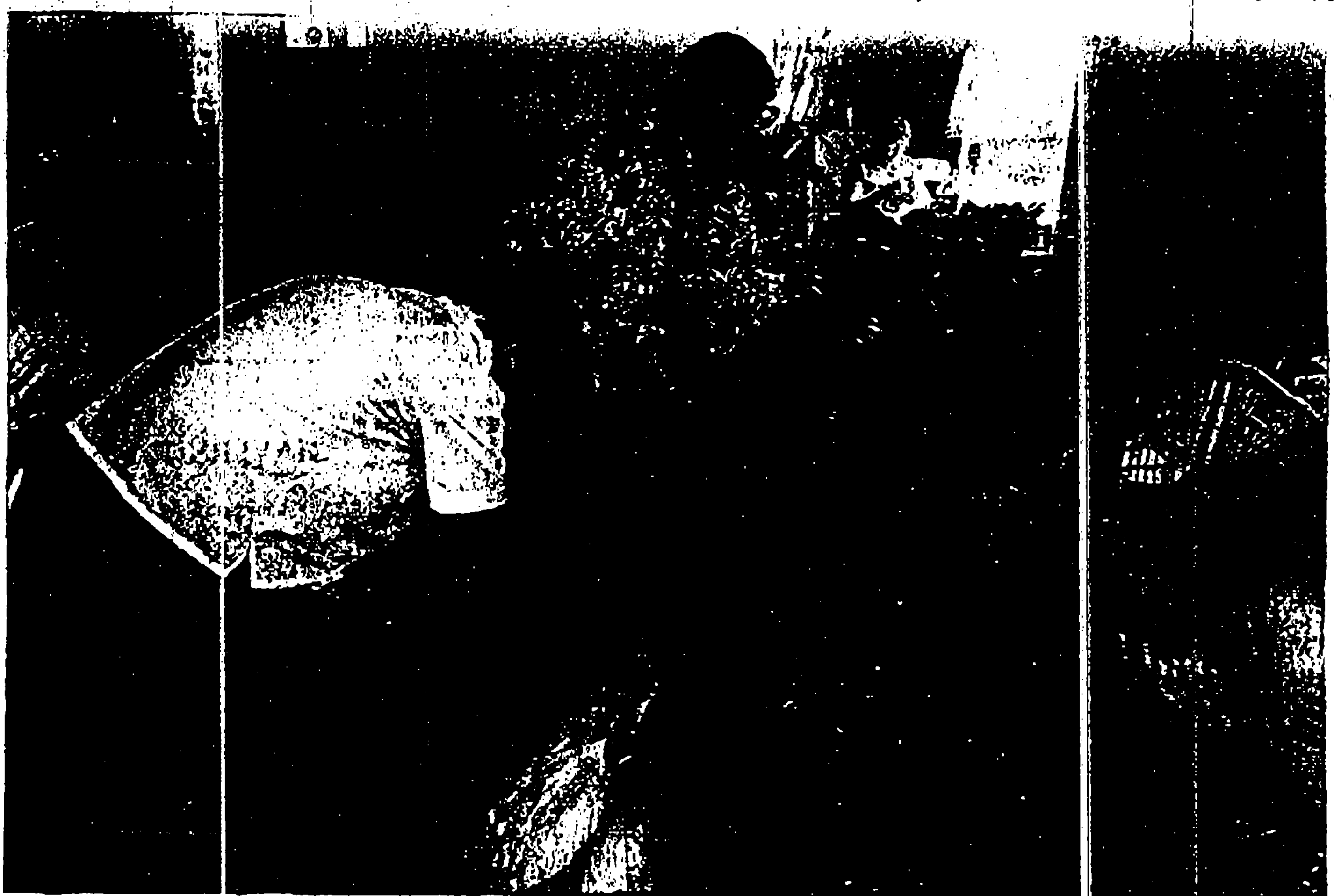
They can live in the duplexes for up
two years, paying 30 percent of their
come as rent.

The homes will be built on nearly
acres of federal land near Davis-Month
Air Force Base, made available under a fr
10-year lease to the Esperanza en Escalar
project.

It's a desperately needed hand for hom
less vets, some of whom have set up a te
camp along the Santa Cruz River. Proje
Director Betty B. Slaybaugh estimates th
up to 40 percent of Tucson's 3,000 hom
less people are veterans.

Even though the project will make only
small dent in the scope of the problem,
will make an enormous difference in th
lives of the people accepted into the pr
gram.

And the use of volunteers and govern
ment land makes it a low-cost way to mee
an expensive need.



Peter Carr

MOVING DAY: *John and Anna Spath moving from New Hempstead to New Windsor, where their rent will go toward purchasing their first permanent home since fire destroyed their house on Nov. 17, 1991. They have been aided since then by the Rockland Community Action Council.*

From the ashes, hope

Anti-poverty agency helps Spath family rent-to-own a home

By Stephanie Chang
Writer

NEW HEMPSTEAD — When did the fire happen, John Spath is asked, and without hesitation, he says, "November 17, 199..."

One hardly forgets the day home and all of your personal belongings are gone, just like that, Spath says.

Likewise, Spath says he'll never forget April 8, 1993, the day he and his family moved into the [illegible] of their dreams, through the help of the Rockland Community Action Council.

In the 16 months since the fire, Spath, his wife, Anna, and their four children have endured homelessness and a move into surplus Army housing in New Hempstead, where not all neighbors welcomed them.

But with the help of ROCAC, an anti-poverty agency, the Spaths never lost hope.

The Spaths moved to New Hempstead several days after the fire, through a program run by the U.S. Department of Housing and Urban Development.

The HUD program is an offshoot of the 1987 Stewart B. McKinney Act, enacted by Congress to provide housing for the homeless. The act requires registered agencies — including ROCAC and the Rockland Community Development Council — to provide surplus government housing to the homeless.

Under the act, ROCAC controls the New Hempstead homes, where nine homeless families are living. ROCAC also controls 36 surplus Army houses in Tappan, but the town of Orangetown is fighting to keep the homeless out.

The families pay rent to live in the Army houses and are supposed to live there only until they are ready to stand on their own again.

For the Spaths, moving to New Hempstead wasn't easy at first because of the pre-conceived notions some area neighbors had about the homeless.

Anna and John Spath are therapy aides at Letchworth Village Developmental Center.

But during the next few months, the neighbors apparently noticed that the Spaths and other families were responsible neighbors.

Under the McKinney Act, agencies like ROCAC also lease foreclosed houses now owned by the government at about $1 per year. Families like the Spaths can then move in and pay rent that goes toward a downpayment on the houses. ROCAC recently learned that a such a home was available in New Windsor and offered it to the Spaths.

They will pay around $700 a month to live in the three-bedroom, two-bathroom house. ROCAC is leasing the three-bedroom, two-bathroom house from the government at $1 a year for the next five years.

Veteran's Day

Homeless Program at VA to Break Ground on November 10th

by Diane Winocur
News Editor

Toni Reinis in front of building to be renovated at VA grounds.

One of the first programs in the nation to take advantage of a law making empty federal buildings available to house the homeless will hold a groundbreaking on Nov. 10, Veterans Day, at the Veterans Administration's Building 116, adjoining Brentwood.

The day is propitious. The program, called New Directions, will house about 156 honorably discharged veterans for up to two years as they recover from homelessness and substance abuse. The 60,000 square foot, three-story building, once an old soldiers home, has been vacant for 17 years. Renovation is expected to last a year.

Movie makers have leased the site, turning various rooms into a law office, a children's bedroom and a graffiti-scarred alley. But plans are now being completed to knock down the building's interior walls and create something a lot more real: classrooms, training facilities, offices, sleeping quarters, cafeteria, library, and even an art gallery where men can regain their lives.

Grants from federal and county agencies and local cities will fund the $5.3 million renovation, including a $575,000 grant from the Department of Veterans Affairs, delivered personally by Department Secretary Jesse Brown on Oct. 12—the single largest awarded under the VA's Homeless Providers Grant and Per Diem Program.

Numerous aspects of the New Directions project are innovative. Its executive director, Toni Reinis, helped it jump congressional and VA policy hurdles to attain a 50-year lease (signed in August) for the building. Founders John Keaveney, Alvin Jones and Larry Williams are themselves former homeless, substance-addicted veterans, whose recovery through a now-defunct VA program inspired them to bring the same possibilities to their peers.

New Directions is the area's only free program providing steady housing and support services throughout its clients' recovery.

"Other programs expect clients to detox and be productive in 16, 21, or 30 days," said Reinis. "Even if it's 60 days—somebody who has been a chronic substance abuser for 20 years—you can't expect them to change their life (that fast)."

The program attacks recidivism from many angles. It provides legal support, to help those with unpaid warrants and child support escape chronic debt. There is counseling, peer support and case management; remedial education, job training and placement; and transitional housing.

In the six years it took to acquire the rights to the building through the Stewart B. McKinney Act, New Directions' founders set up two eight-bed demonstration homes in Mar Vista, one for men and one for women.

Since then, a generation of successful graduates has shown that the program works, and neighbors reached by the News had only favorable things to say about facilities they described as clean and well-run.

The VA is also pleased with New Directions.

"We're absolutely delighted they're going to be here," said Bill Daniel, associate chief of Social Work Services and director of the VA's Comprehensive Homeless Center.

RICK MEYER / Los Angeles Times

A bicyclist rides along Constitution Avenue in the Los Angeles National Cemetery on Friday.

LA Times 11/11/95

Helping Veterans

Agency Breaks Ground for VA Facility to Aid Homeless

By MARY MOORE
SPECIAL TO THE TIMES

Homeless veterans who have had trouble finding free programs offering long-term housing, job training and substance abuse treatment in one facility will have a place to go when the New Directions Regional Center for Homeless Veterans opens a year from now in West Los Angeles.

The center, coordinated and operated by the West Los Angeles-based nonprofit New Directions, will house and train 156 men in a building that is now vacant on the grounds of the Veterans Affairs Medical Center in West Los Angeles. New Directions operates two similar, though much smaller, programs for 16 homeless veterans—men and women—in Mar Vista.

More than $1 million of the $5.3-million cost to refurbish the building came from the cities closest to the Westside VA, making it the first regional homeless facility in Los Angeles County, said Toni Reinis, executive director of New Directions, who attended.

"I wish I'd have had a place where people would listen to me and help me when I got out of Vietnam," said Robert Williams, who used to be homeless. "You talk to some of these vets, and they still have nothing going on."

A plethora of opportunities await veterans who are accepted as residents of the New Directions program: detoxification, substance abuse counseling sessions, skills training, educational classes, computer workshops, legal services and more. The extent to which the veterans use the resources depends on their goals—some may choose to pursue a career in computers, while others simply may want to learn basic skills such as balancing a checkbook and opening a bank account.

The residents, who are allowed to stay in the program for up to two years, will have to work for their money since New Directions teaches veterans in its programs to not rely on federal, state or local public assistance. Some residents may find jobs with the businesses that facility—a wholesale bakery and a construction company are two possibilities.

Twenty-four veterans, those who have trouble holding down jobs, will have permanent spots in the program. New Directions will help them find work, and a portion of their earnings will go to the organization to pay for their room and board.

Money for the renovations came from Beverly Hills, Culver City, Los Angeles and Santa Monica, Los Angeles County, the Department of Veterans Affairs and the Department of Housing and Urban Development. The building was the first to be acquired under Title V of the 1987 Stewart B. McKinney Homeless Assistance Act, which required HUD to make underutilized federal buildings available for homeless programs, Reinis said.

Federal and local representatives were out in full force for the dedication—most of them calling New Directions an inspiration.

"We need programs like New Directions in every community

VOL. XCI NO. 95

Beyond Handouts

New Social Programs Stress Flexibility And Self-Sufficiency

A Shelter Gives Job Training; Therapy Mends Families; Welfare Gets a New Twist

Ideas Rise From Local Level

By LAURIE MCGINLEY
Staff Reporter of THE WALL STREET JOURNAL

LITTLE ROCK, Ark. – Three years ago Patricia Bagwell, destitute and having trouble breathing, lived out of her car at highway rest stops. Today, she has a computer job at a hospital and rents her own apartment.

Ms. Bagwell owes her newfound good fortune to Our House, an innovative shelter here that gives the homeless computer training instead of just handouts. Using donated equipment, Our House's 22-month-old program has helped dozens land jobs previously beyond their reach.

"They really saved my life," Ms. Bagwell says. "The training changed everything for me."

Patricia Bagwell

The shelter is one of several new programs quietly emerging at state and local levels that have made some impressive progress in handling intractable problems: homelessness, family breakups and long-term welfare dependency. At a time when many traditional programs seem stale, these new efforts offer innovative models for changing the way government delivers social services.

Thanks to a four-year-old state counseling program in Tennessee, 13-year-old Tonya Pool remains at home rather than in foster care or in an institution after striking family members. And in Forestville, N.Y., Michelle Szwejbka, a mother of three, has worked her way off welfare under an experimental state program overhauling government assistance to single-parent families.

... roots support instead of top-down funding or directives from Washington. Instead of unending handouts and state paternalism, they stress self-sufficiency and personal responsibility and look to the private sector to provide jobs. They also offer broader and more flexible support – often whatever it takes to get the job done.

Such programs "empower people rather than just serving them, and they push the solutions out of the bureaucracy and into the community," says David Osborne, co-author of "Reinventing Government" and now a senior adviser to the Clinton administration's effort to streamline the federal bureaucracy.

None of these programs offer miracle cures. And some will probably lose their allure over time. "Things get hot on a little bit of evidence, they get pushed, and then later we find out they don't really work," says Michael Bailin, president of Public/Private Ventures, a nonprofit group based in Philadelphia.

Michelle Szwejbka

But these new islands of success have won some important followers. President Clinton has praised Our House as a "model program" and urged governors and local officials to continue their "bold, persistent experimentation" in search of solutions.

Our House was founded by churches and synagogues in 1987 in downtown Little Rock. Its dormitory-style facility was much like other shelters, except that it gave the homeless a place to stay for a longer time and tried to find some of them jobs.

After a while, Joseph Flaherty, a determined Boston transplant who is the shelter's director, realized that for the place really to change lives, it would need to provide job training. After more than a year of nagging and legal wrangling, he got the federal government in 1990 to fork over seven vacant buildings. Corporations, foundations and the federal government provided funds, and International Business Machines Corp. donated the first of 28 computers.

Tin Cups to Keyboards

Among the first students was Ms. Bagwell, now 38 years old. Her marriage of 16 years had ended, and she had lost her longtime job as a book-store manager. She also had a thyroid condition that caused her heart to race and gave her shortness of breath. With Mr. Flaherty's help, she got medical treatment and a semiprivate room at a second Our House shelter and enrolled in the computer course. (Participants must have a high-school education and be able to type 30 words a minute.)

In the 14-week course, Ms. Bagwell learned eight computer languages and programs like Lotus 1-2-3 and Microsoft Works. Three weeks after graduating in ... of Arkansas for Medical Sciences hospital, where she now earns $16,000 a year and handles the payroll for 100 nutrition-department employees. "I got my confidence back," she says.

Our House's impact has been limited: Only 81 homeless and long-term unemployed people have graduated from the computer program since it began in 1991 (at a cost of $8,252 per student). But of that group, more than 80% have found jobs, mostly computer-related.

After graduating from the course last fall, 2?-year-old Chantel King and 20-year-old John Burnett, a formerly homeless couple, got computer jobs with the Clinton campaign accounting office. The two have since found permanent computer jobs; he works at an art center and she works for a financial company. They can now afford to share an apartment.

Ray Norris stumbled around with a broken ankle and lived under bridges in the days before he came to the shelter in 1990. After taking the course, he worked in an advertising agency and at a medical center before being lured back to Our House to help place residents in jobs – using a computer, of course.

The shelter also opened an appliance repair shop. Those who don't like computers can learn to fix lamps and vacuum cleaners. Participants can stay as long as necessary "to get back on their feet," but Mr. Flaherty, a retired Air Force master sergeant, requires residents who aren't in training to produce proof they have made at least two job contacts each day. Those who do work save the lion's share of their paychecks; they write money orders to themselves that they get when they leave.

"This has worked here, and it can work elsewhere," says Mr. Flaherty. The program is still one-of-a-kind. ... officials were so pleased they donated eight computers, plus software and printers, to a Los Angeles group.

Front page article in the Wall Street Journal, May 17, 1993

As of last June, 149 people had graduated from the program and 89% of the graduates had found employment.

January 19,1996

MEMORANDUM FOR MOLLY BROSTROM

FROM: Paul Stankus, Domestic Policy Council Intern PS

RE: Summary of Title V, section 6023, Molinari amendment and compromise language, status of Reconciliation

Molly,

I have had a chance to go through the materials and talk to Mark Wagner, Katherine Merideth, Ted Wartzel and John Schumart about the changes to Title V of the McKinney Act and have enclosed the findings. Apparently there has been no movement in Committee on the decision to strike or maintain the language in its present form. They are still debating the key issues and haven't gotten to the minor details. At this rate, they do not expect to move on to it for a while-- no ETA.

Regarding the Defense Authorization bill: the conference report is due to be voted on in the House on Wednesday, 1/24 and the Senate on Thursday 1/25. The compromise coming out of committee seems to be HUD can still review the plan, but DoD must give deference to the wishes of the communities. Per MW after talking with staff on Senate Armed Services Committee, we got the best deal we could and any time to make changes has already passed.

If you have any questions, you can reach me at x65579 or in room 470 or 216, Old Exec.

Paul

SUMMARY

Title V (as it stands now) 1st priority

As unamended, Title V of the 1987 Stewart B McKinney Act allows homeless care providers the opportunity to apply for unused federal property for use in servicing the needs of the homeless. Originally, a way for the government to find a use for idle federal property. However, it did not take into consideration the vast numbers of bases that would close under the 1991, 1993 and 1995 Base Realignment and Closure Commission recommendations. Thus far, 74 organizations have used those sites to better meet the needs of the homeless in the community.

Under this legislation, the property is not just given away to the homeless care providers, but rather they must apply for the facilities they want and must go through the confirmation process first. This ensures that the property is used adequately and meets the other needs of the community. Furthermore, both HUD and DoD agree that the process was fixed in 1994 with the Base Closure Community Redevelopment and Homeless Assistance Act (BCCRHAA)that said that the community must take the needs of the homeless into consideration when drawing up the master plan for the base reuse. Several communities already deep in the process opted for staying with the old rules under Title V with the intent to complete the requirements as soon as possible.

Opponents such as Sen Boehner and Rep. Molinari regard Title V as an entitlement, something to be cut in the budget for FY96. The administration tends to view it as an investment, spending a few million to allow local groups to care for the homeless rather than many more millions for the government to administer the same type of programs. Molinari attached a rider to the Defense Authorization act that would have eliminated it, but this was vetoed by President Clinton. Currently there are a couple of versions of a bill that would either amend or repeal Title V.

Section 6023 in budget bill HR2491

This new provision in the FY96 budget (HR2491) seeks to eliminate Title V retroactive to Oct 1, 1995. A version has passed the House as well as a weaker version in the Senate. Current status: the bill is in committee waiting for reconciliation-- no movement on it in at least last month and will not resume in the immediate to near future.

6023 also eliminated DoD authority to convey property to those applicants that are already approved for homeless use, but because of outside factors have not completed the title transfer. Additionally it does not provide authority to transfer property to non-profit groups. This will result in delays at best, and lengthy lawsuits at worst for DoD properties already using Title V rules.

The only authority the current bill grants is for housing (ie Habitat for Humanity) but not other homeless related activities like the California Emergency Foodlink already in residence at the Sacramento Army Depot.

HUD, DoD the administration and a couple other agencies are on record for opposing the repeal of Title V. Several Senators and Representatives have passed around a Dear Colleague letter and forwarded it to Sen. Domeneci, Chairman of the Budget urging the committee to drop the provision.

If they cannot have the committee drop the provision, there are several compromises available:

Compromise #1 DoD would at least like to see Section 6023 amended to say properties currently using Title V rules are to be grandfathered out (effectively circumventing section 6023 because all properties now coming up for closure would take place under the new rules put forward under BCCRHAA)

Compromise #2 From Domestic Policy: compromise would allow for competing requests for federal surplus property in areas of education, public health, National Service Corps, low income housing. Competing requests still need to be deemed more meritorious than the housing needs though.

Compromise #3 amending Senate version to say that DoD and HUD will give deference to communities wishes when dealing with the homeless (administration near worst case scenario) This effectively allows the communities to trample over homeless care requests and not have a check and balance in the govt to ensure that their needs are taken care of.

<u>Summary of Conversations</u>

MW
* 1994 BCCRHAA-- Good compromise-- homeless advocates gave up "entitlement" but gained a better process
* Molinari bill not good-- she is concerned that the fed is telling the communities what to do
* Senate bill "pay deference" to local plans
* DoD would rather have BCCRHAA -- no changes
* If administration can't strike repeal for Title V, DoD wants grandfather clause-- if not-- "Pandora's box"
* DoD might be able to get by without entire authorization bill if impt parts are passed.

JS
* Daschile Bill takes repeal out
* no movement on reconciliation process

K/T
* same as JS

Defense Reconciliation Bill (Particularly Section 6838 that deals with BCCRHAA)

Current Bill (No changes)

As it stands right now DoD and HUD were satisfied with the bill that reformed the system and created the BCCRHAA (Base Closure Community Redevelopment and Homeless Assistance Act). Homeless care activists gave up the security of the McKinney Act for reassurances that the process would become less complicated and with more safeguards. Per the wording of the act, Community leaders needed to complete a plan that took into consideration the needs of the community (economically and socially) as well as the needs of interest groups such as the homeless. This plan was submitted to HUD and DoD for approval. If it did not meet the approval, it was sent back for revisions. If ultimately the plan still did not meet the needs of the homeless community, HUD could step in as a last resort and arbitrate a solution.

House and Senate Bills

Rep. Susan Molinari attached an amendment to the Defense Authorization Bill that would have precluded the McKinney Act. In so doing, it would have also scrapped the BCCRHAA legislation that was tied to it and given complete power to the communities with little federal intervention. This bill passed the House by an overwhelming majority.

The Senate version also wanted to amend BCCRHAA. But it was less severe in its language. It stated that the Secretary of Defense is authorized to approve local reuse plans, but that communities must consult with HUD before final approval. Furthermore, DoD and HUD "could make deference" to the communities wishes, provided a legitimate case could be argued. This version passed the Senate. Current status is in committee for review after the Defense Reauthorization Act was vetoed in December by President Clinton.

Conference Report

Results of bill: House receded to the Senate version on a technical amendment. New version of bill: DoD recognizes the preeminence of the local reuse plans and enhances the authority of the Secretary of Defense to give deference to the wishes of the community. This new version will go to the House for vote on Wednesday 1/24 and the Senate 1/25 Passed

Implications

HUD may still review plan, but the DoD must still give deference to the local community. HUD cannot override the wishes of the community in the event the community completely shuts out the homeless care providers from their master plan. In effect, BCCRHAA loses its ability to ensure that the needs of the

Laurel → HUD can reject once
→ won't know effect until there's a dispute HUD can't resolve

homeless community are respected. Furthermore, DoD is now the final say. They do not like the role of determining how much is enough on issues such as these. Per MW "We are in the business of fighting wars, not allocating housing to community organizations"

Needless to say, DoD and HUD are not happy with compromise and are on record as such. Unfortunately there is not much that can be done at this moment in time. The time for changes has already expired. Apparently we got the best bill that we could. If we open the bill for debate, there is a big chance that we may get a worse bill. DoD hopes for the provision to be struck down during the vote, but feels that if the bill passes, that the President will sign.

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

November 20, 1995

Carol Rasco
Domestic Policy Council
The White House
Washington, D.C. 20500
By Fax and Mail

Dear Carol:

I write to request your assistance in saving a program that helps to provide housing and services to thousands of homeless persons across the country.

The Budget Reconciliation bill, about to be passed by Congress and sent to the White House, contains a repeal of the Title V program of the Stewart B. McKinney Homeless Assistance Act. This program makes unused federal property available, at no cost, to non-profits to use as facilities to assist homeless persons. Repeal of this program will have a devastating effect on thousands of homeless persons across the country.

It is my understanding that both Secretary Cisneros and Secretary Shalala have gone on record opposing the repeal. I also understand the President anticipates having to veto the Budget Reconciliation and is compiling a list of items that the Administration objects to in this bill. I ask that you ensure that the repeal of the Title V program is included in this list.

Thank you for your attention to this matter. My staff will contact your assistant, Molly Brostrum, to discuss how we might work together on this issue. In the meantime, please do not hesitate to contact me if you have any questions.

Sincerely,

Maria Foscarinis
Executive Director

→ not part of veto "message", but on our list of objections for negotiations

918 F Street NW Suite 412 • Washington, DC 20004 • (202) 638-2535

June 22, 1995

THE MOLINARI/BILBRAY AMENDMENT
AN EXPENSIVE DECISION THAT WILL TAKE AWAY LOCAL CONTROL

An amendment passed the House last week that would eliminate the ability of non-profit groups to use base closure property to assist homeless persons. Offered by Representatives Susan Molinari and Brian Bilbray, the amendment was attached to the National Defense Authorization Act. A similar amendment may be offered in the Senate to the National Defense Authorization Act, scheduled for mark-up next week. Senators should oppose changes to the current law and members of the Senate Armed Services Committee and the House National Security Committee should drop the Molinari amendment in conference.

The two current laws -- the McKinney Act and Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (BCCRHAA) -- governing use of bases for homeless assistance allow non-profits with independent funding to use portions of former military bases to provide housing and job training to homeless persons -- without requiring the federal government to make appropriations.

Eliminating BCCRHAA will eliminate local control. Passage of the Molinari/Bilbray language would remove DoD and HHS' authority to transfer property to communities and local non-profit groups at no cost for homeless assistance. BCCRHAA allows local governments to consult with non-profits and local business t take advantage of former military base property in a way that best fits the needs of the community. Without base closure property, local governments and non-profits will be forced solely to rely on handouts from state and federal governments.

Local governments themselves and non-profits have applied to use base closure properties to provide services to homeless persons. Eliminating this option will raise costs to local government and decrease flexibility in solving problems.

Local communities benefit from McKinney and BCCRHAA:

- Monterey, California: non-profits are approved to use Fort Ord to provide transitional housing, food, job training and job search assistance, and child care to 600 to 1,000 homeless men, women and children.

- Philadelphia, PA: the City incorporated homeless uses into its draft reuse plan for the Naval Station. The plan will provide transitional housing and en employment program for over 200 individuals annually.

- Plattsburgh, New York: a non-profit is approved to use a barracks to provide emergency and transitional housing and supportive services to approximately 400 homeless men annually and to use 16 two-bedroom units to provide transitional housing to approximately 64 homeless women and children annually.

- Seattle, Washington: a non-profit and the City have agreed that the non-profit will provide transitional housing and supportive services to approximately 500 homeless adults and children a year at the Sand Point Administration Site.

The amendment passed by the House puts the programs listed above in serious jeopardy -- its retroactive effect will destroy effective arrangements that are already in place. Local redevelopment authorities have already agreed to include these programs in their redevelopment plans. The Amendment will eliminate DoD's authority to implement these programs by stripping DoD of the authority to transfer surplus military property, at no cost, to non-profits and local governments.

The Department of Defense opposes the amendment passed in the House because the amendment would hurt, rather than help base closure communities.

The current law is working and should be maintained. For more information, contact Laurel Weir at the National Law Center on Homelessness and Poverty, (202) 638-2535 or Larry Fox at Covington & Burling (202) 662-5446.

ASSISTANT SECRETARY OF DEFENSE
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(703) 614-9284 {Fax}

TO: Paul Stankus **OFFICE:** WH/DPC

Telephone #: 202/456-5579 Fax #: 202/456- 7028

FROM: Mark Wagner

DATE: 1-23-96

Number of Pages (including cover page): 4

Comments: FY96 Def. Auth Conf. Rpt.
Section 2838 – Report language
Bill language

Please call the above number if there is any problem with this transmission.

The House recedes with an amendment that would limit the transfer authority to $300,000.

Exercise of authority delegated by the Administrator of General Services (sec. 2836)

The Senate amendment contained a provision (sec. 2827) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) to expand the authority of the Secretary of Defense, with the concurrence of the Administrator of the General Services Administration, to prescribe general policies and issue regulations for utilizing excess property and disposing of surplus property. The provision would also make certain technical changes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Lease back of property disposed from installations approved for closure or realignment (sec. 2837)

The Senate amendment contained a provision (sec. 2828) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) to allow base closure property that is still needed by the Department of Defense or another federal agency to be transferred to the local redevelopment authority, providing that the redevelopment authority leases back the property to the Department of Defense or federal agency. Such a lease should not exceed 50 years and could not require rental payments by the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Improvement of base closure and realignment process regarding disposal of property (sec. 2838)

The House bill contained a provision (sec. 2814) that would amend the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687). The provision would preclude consideration of Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) in the transfer or disposal of real property located at military installations closed or realigned under the base closure law.

The Senate amendment contained a provision (sec. 2826) that would amend the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687) to authorize the Secretary of Defense to approve local redevelopment authorities' base reuse plans. Before making any property disposal decisions, the Secretary of Defense would be required to consult with the Secretary of Housing and Urban Development to determine if the needs of the homeless were appropriately considered. In reviewing disposal plans, the Secretary of Defense could give deference to local communities' plans in making the final property disposal decisions.

The House recedes with a technical amendment that would recognize the preeminence of local redevelopment authorities' plans

Report language

for re[illegible] of properties [illegible] facilities on installations cl[illegible] or realigned under the [illegible] closure procedures. The amendment would further enhance the ability of the Secretary of Defense to give final approval of local communities' base reuse plans.

Agreements for certain services at installations being closed (sec. 2839)

The House bill contained a provision (sec. 2813) that would clarify current law that authorizes the Secretary of Defense to enter into agreements with local governments for the provision of police, security, fire protection, air field operations, or other community services provided by such governments at military installations scheduled to be closed.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Authority to transfer property at military installations to be closed to persons who construct or provide military family housing (sec. 2840)

The House bill contained a provision (sec. 2811) that would authorize the Secretary of Defense to enter into an agreement to transfer property or facilities at a closed installation, or an installation designated to be closed, under current law, to a person who agrees to provide, in exchange for the property or facilities, housing units located at another military installation where there is a shortage of suitable housing. Under the provision, the Secretary would not be permitted to select property or facilities for transfer that have been identified in the redevelopment plan for the installation as essential for base reuse and development.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Use of single base closure authorities for disposal of property and facilities at Fort Holabird, Maryland (sec. 2841)

The Senate amendment contained a provision (sec. 2830) that would consolidate disposal of all property affected by the 1988 and 1995 base closure actions at Fort Holabird, Maryland under the provisions of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

Transfer of jurisdiction, Fort Sam Houston, Texas (sec. 2851)

The House bill contained a provision (sec. 2821) that would authorize the Secretary of the Army to transfer, without reimbursement, approximately 53 acres, with improvements, to the Secretary of Veterans Affairs. The property would be conveyed for use as a national cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment deleting the reversionary interest of the Secretary of the Army in the property.

"(i) prescribe g[illegible]al policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

"(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority."; and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 2837. LEASE BACK OF PROPERTY DISPOSED FROM INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

(a) AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

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

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) A lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.".

(b) USE OF FUNDS TO IMPROVE LEASED PROPERTY.—Notwithstanding any other provision of law, a department or agency of the Federal Government that enters into a lease of property under section 2905(b)(4)(C) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by subsection (a), may improve the leased property using funds appropriated or otherwise available to the department or agency for such purpose.

SEC. 2838. IMPROVEMENT OF BASE CLOSURE AND REALIGNMENT PROCESS REGARDING DISPOSAL OF PROPERTY

(a) APPLICABILITY.—Subparagraph (A) of section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended to read as follows:

Bill language

"(A) The disposal of buildings and property located at installations approved for closure or realignment under this part after October 25, 1994, shall be carried out in accordance with this paragraph rather than paragraph (6).".

(b) AGREEMENTS UNDER REDEVELOPMENT PLANS.—Subparagraph (F)(ii)(I) of such section is amended in the second sentence by striking out "the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J)" and inserting in lieu thereof "the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L)".

(c) REVISION OF REDEVELOPMENT PLANS.—Subparagraph (I) of such section is amended—

(1) in clause (i)(II), by inserting "the Secretary of Defense and" before "the Secretary of Housing and Urban Development"; and

(2) in clause (ii), by striking out "the Secretary of Housing and Urban Development" and inserting in lieu thereof "such Secretaries".

(d) DISPOSAL OF BUILDINGS AND PROPERTY.—(1) Subparagraph (K) of such section is amended to read as follows:

"(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

"(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

"(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

"(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

"(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(2) Subparagraph (L) of such section is amended by striking out clauses (iii) and (iv) and inserting in lieu thereof the following new clauses (iii) and (iv):

"(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

"(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

"(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

"(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

"(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

"(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

"(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

"(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(e) CONFORMING AMENDMENT.—Subparagraph (M)(i) of such section is amended by inserting "or (L)" after "subparagraph (K)".

(f) CLARIFICATION OF PARTICIPANTS IN PROCESS.—Such section is further amended by adding at the end the following new subparagraph:

"(P) For purposes of this paragraph, the term 'other interested parties', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.".

SEC. 2839. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) 1988 LAW.—Section 204(b)(8) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.".

(b) 1990 LAW.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.".

SEC. 2840. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 LAW.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there

Mark 1/23

Conference Report - Due to be voted on Wed House
Thurs Senate

* Section 2838

Report lang
House - amend Title 29 of 01510
Preclude McKinney
Senate - amend BCCRHAP part A Title 29
auth Sec of Defense to approve local
must consult with Sec of HUD
could make difference

House recedes - Technical amendment
recognize preeminence of local plan
enhance ability of Sec of Defense section of give deference

Preparing record of decision - use redevelopment plan

BCCRHAP
B/4 - HUD had to approve
under current law - HUD could direct services
HUD - ultimate override / community development section
must prove how it didn't work

New HUD - still review plan but DOD gives deference to community reuse plan
HUD cannot override plan even if does not
Take into concern Homeless needs
now DoD must make final decision - not HUD
We got best deal we could? yes
open up can of worms - may get worse bill
opportunity to make changes has passed

Molly ~~B~~ Boostrom

Title V - McKinney Act

① Any movement in reconciliation - updates?

Left message Katherine Meredith - OMB X 54988

John Sturhart X 5~~4~~7135

DOD - Mark Wagner 703 695 7178

Defense Authorization Bill - change base closure language

Summaries of 2 pieces

Title V - McKinney act

Reconciliation

Status

Defense authorization act

where does it stand

Mark 1/17/96

Concerns expressed by homeless/HUD

McKinney

1994 Community control homeless needs balanced against

econ needs - HUD needed to approve

HUD can say what to do

homeless groups gave up "entitlement" but get

better process

1996 exempted Base Closure

6 messages BCCRHAA

proposed legislation would wipe it out

Senate Molinari bill not good

↳ didn't like fed telling communities what to do

Pryor/McCain/Senate Armed Services

Molinari amendment passed

Bob Brauer Senate - brought back what was done in 95

DOD shall pay deference to local plans

Julie Rees Senate Armed Service Comm 224-9617 DOD wants 95 - no changes

Conference: House receded to Senate Position

Memorandum

Dec 13, 1995 letter to Domeneci – PRO Removal

① Section 6023 – would repeal Title V of Stuart B McKinney Homeless assistance act of 1987

provision intended to end priority consideration to homeless assistance providers

② 1994 BCCRHAA – Base Closure, Community Redevelopment and Homeless assistance act – exempts properties Closed or realigned under 1995 BRAC Board – ~~allows~~ empowers communities by allowing them to strike balance between economic needs and ~~development~~ homeless care provider needs

benefits: speeds property disposal process and eliminates priority consideration for special interests

③ repealing would harm at least 17 bases in transition stage that would eliminate the authority to transfer property

④ Provision will only save 3 million – cause more hassles than its worth

Dec 12 ~~meeting~~ letter to Chair Domenici – ~~[illegible]~~

- Title V not an entitlement – use of the govt facilities saves millions of dollars

IV Title V

2) Sect 6023 • provision for consideration for homeless care provider to use excess federal property

Mark Wagnerdis • has allowed 74 sites in 23 states to use the facilities to assist

Kathen homeless - at a fraction of the cost that the govt would pay if it

Tod

Toth

3) BCCRHAA had to administer the programs themselves

4) Molinari

opp

Compromise

Cong

Section 6023

• repeals Title V

• eliminates DoD authority to convey property to those applicants already approved for homeless use

• does not provide an alternate authority to transfer property to non profit groups - i.o.w. communities must start over resulting in further delays in transfers

• delays affect at least 17 cases - also ~~affects~~ only grants limited authority for "housing" but not other homeless related activities like California Emergency Foodlink that have ~~deep~~ ~~sep~~ lease agreements for base

• removing Title V would result in lengthy lawsuits ~~relat~~ situations and serious economic delays at best

• ~~has~~ would only save $3 million - CBO Estimate but could cost the govt much more

Mall p III

Pat Curry

Susan Marshall

reconciliation of Budget bill
budget bill - wants to remove McKinney
many red flags
Administration - don't repeal McK
if not grandfather any application approved

BRAC's that didn't opt to go with new rules
had something done already -

"Pandoras box" - dont screw around w/ past

DoD authorization
vetoed
better off with what we've got
if another DoD bill passed mil con / pay raise

President vetoed because

John
Daschle Bill - took repeal out
no movement since last update

Kathy

#Rob Hertzfeld

12/20 Title V

- limits to housing

1- Lang in Reconcil that would repeal TV
Repros: other uses for prop; prevents NIMBY from blocking homeless providers ⇒ 1st crack at applying
incl state + locals

2- Base closure lang. in Defense Authorization

John Shinehart 5-4735

S. Conf ⇒ { - transfer dec-making from DOD to HUD
- req'g HUD to defer to reuse communities

Pres ⇒ DOD veto
Molinari original amend't → repeal T.V + BCCRHA

DoD - many communities chose to continue in TV process -
17 bases, 30 approved applications - 5 t yet to transfer by deed
- repeal would elim

- not budget issue - no hrgs - slipped in

Alternative ⇒ include h'less w/schools...
- but retain req't sim to BCCRHA that would say needs of h'less me

+ grandfathering of BRAC + other ~~BR~~ TV property
17

? Ab't GSA as proper conveyance agency

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

Telephone: (202) 224-2627
Fax: (202) 224-9682

Fax Transmission

Date: 12-21-95	Pages Attached: 3

TO: Mollie Bosrom

FROM: Michael Slater

RE: Title V letter update

Comments:

pls see Sen. Mosely-Braun added on.

United States Senate

WASHINGTON, DC 20510

December 12, 1995

The Honorable Pete Domenici
Chairman
Senate Committee on the Budget
Washington, DC 20510

The Honorable James J. Exon
Ranking Minorty Member
Senate Committe on the Budget
Washington, D.C. 20510

Dear Chairmen Domenici and Exon:

The Budget Reconciliation bill, H.R. 2491, contains a provision in Title VI which would repeal a very important program we support. This program, which provides for priority consideration for homeless uses of surplus federal property, was first enacted as part of the Stewart B. McKinney Homeless Assistance Act of 1987 (Title V). Since its inception, this provision has allowed some 74 sites in 23 states to be utilized for services to assist the homeless, including shelter, job training, meals, medical care, and others.

Contrary to what proponents of its repeal have claimed, the Title V program is <u>NOT</u> an entitlement program. Property <u>can</u> be used by homeless providers, but only if they apply for it and pass several strict requirements. If homeless providers do not apply for a given property, it is <u>not</u> then *immediately available for sale*. Other public entities or nonprofits may still obtain the property, making it unavailable for sale by GSA, and unavailable to score as savings, by CBO. Furthermore, the Title V program's record of success has most often involved properties which have not been sought by other organizations, mainly because such properties are not the most desirable or usable for other purposes.

It also bears mention that DoD Base Closure property which is sold generates revenue for DoD, not the Treasury (under subsection (h) of Section 204 of the Federal Property Act). The assumption that property which is sold necessarily contributes to savings to the federal government is thus spurious. In fact, there are numerous base properties which opted to stay under Title V(under the 1994 Base Closure Community Redevelopment and Homeless Assistance Act) in which several contracts are under negotiation. Should Title V be revoked, these properties would be disposed of by DOD and it would be in receipt of the proceeds, not the Treasury. Any claimed savings would then not exist.

The Honorable Pete Domenici
The Honorable James Exon
Page 2

The truth is that homeless providers offer services at these former federal facilities which might otherwise cost the government millions of dollars. These groups provide essential services that would be difficult to replace. These costs must be considered before destroying the program.

Opponents of Title V have argued that homeless needs should no longer take special precedence. In our opinion, now is not the time to turn away from this priority. The homeless are still with us and their needs have not diminished. To the extent the Title V program is an effective tool in addressing homeless needs it should be continued. To that end, we strongly urge you to oppose the retention of the Title V repeal provision in any Reconciliation bill you ultimately support.

Best regards,

Carl Levin
John Glenn
Christopher J. Dodd
David Pryor
Ted Kennedy
Patty Murray
Max Baucus
Chuck Robb
Herb Kohl
Paul Wellstone

Bill Bradley

Barbara Boxer

Tom Harkin

Byron L. Dorgan

Robert C. Byrd

cc: The Honorable William J. Clinton
President
The Honorable Alice C. Rivlin
Director, Office of Management and Budget

United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

December 13, 1995

The Honorable Pete V. Domenici
Chairman
Committee on the Budget
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are writing to express our concern about section 6023 of the Balanced Budget Act of 1995 which would repeal Title V of the Stuart B. McKinney Homeless Assistance Act of 1987. While this issue is under the jurisdiction of the Governmental Affairs Committee, it could affect a number of Department of Defense properties that are associated with base realignment and closure (BRAC) decisions.

We understand that the provision was intended to end the practice of offering priority consideration to homeless assistance providers in disposing of surplus Federal property. However, we believe that enactment of the provision could inadvertently impact reuse of at least 17 BRAC properties and related local communities.

In 1994, a bipartisan group, including Senators Dole, Mitchell, Pryor, and Feinstein, sponsored the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (BCCRHAA), which exempts properties closed or realigned under the 1995 BRAC round from Title V of the McKinney Act and establishes a new procedure for BRAC property disposal. The new process empowers local communities in the base reuse process by requiring local communities to strike a balance between economic development and local homeless needs in a comprehensive base reuse plan. The BCCRHAA cuts Federal red tape, speeds up the property disposal process, and eliminates the practice of priority consideration for special interest groups in property disposal.

The BCCRHAA also provided an opportunity for communities associated with the 1988, 1991 and 1993 base closure rounds to opt into the new BCCRHAA process or to remain in the disposal process for which Title V of the McKinney Act applies. Many of the 17 communities that opted to stay under the "old" or non-BCCRHAA process chose to do so because the McKinney Act property screening and application process was completed and they wanted to move forward with redevelopment of their closed base. However, final transfer of this property under approved applications has not yet been made at these sites. Repealing Title V of the McKinney Act would eliminate the authority to convey property under these already approved applications and could result in lengthy law suits and ultimately delay community reuse of bases.

Section 6023 would provide an alternative authority to transfer property to non-profit groups for homeless assistance, but using it will require these existing efforts to go "back to the drawing board" and would prohibit some already approved uses of property, such as warehouses for food banks.

We should note that over the past five years, this committee and numerous members of Congress have worked to speed up and improve the BRAC property disposal process by addressing the needs and concerns of local communities impacted by BRAC decisions. The many improvements to the process have made it work more efficiently. Making further changes which would delay the base reuse process is something communities have consistently argued against.

According to the Congressional Budget Office, the savings from repealing Title V would be very small, only $3.0 million per year. Because these savings would be at the expense of causing unnecessary conflicts and confusion in local communities and delaying reuse of BRAC property, we believe the wisest course would be to drop this provision.

We would appreciate your consideration of our concerns and urge that the provision not be adopted as part of the next budget reconciliation agreement.

Sincerely,

Sam Nunn
Ranking Minority Member

Strom Thurmond
Chairman

cc: The Honorable Ted Stevens
The Honorable John Glenn

Laurel Weir - 909/981-7148 (Claremont)

priority / still w/ homeless

= Allows other public health benefit groups to compete - educ'l, pub hlth, Nat'l Service, low-inc hsg (Banner's Lang + for Hab. int

= ~~still~~ HHS + GSA deciding together

= modeled on base closure process act
- says everyone has to sit down at table + talk
- competing applications would have to consider needs of h'less pple

¶ 3 - requires GSA + HHS to report oversight
¶ 4 - defines how prop can be used for low-inc hsg (Banner's Lang; Habitat)

484 (k)(1) - educ'l uses
5 - pub hlth
484 (r) - Nat'l Service Corps

Boehner ~~Banner~~ + (Molinari) - only ones pushing
↳ biggest argument - shouldn't other groups be able to compete
- Glenn → very supportive

THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To: ______________________ ______________________

Marcia

Draft response for POTUS
and forward to CHR by: ______________________

Draft response for CHR by: ______________________

Please reply directly to the writer
(copy to CHR) by: ______________________

Please advise by: ______________________

Let's discuss: ______________________

For your information: ______________________

Reply using form code: ______________________

File: ______________________

Send copy to (original to CHR): ______________________

Schedule ? : ☐ Accept ☐ Pending ☐ Regret

Designee to attend: ______________________

Remarks:
I don't think this requires
written response. Marcia and
Molly will talk.

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

November 20, 1995

Carol Rasco
Domestic Policy Council
The White House
Washington, D.C. 20500
By Fax and Mail

Dear Carol:

I write to request your assistance in saving a program that helps to provide housing and services to thousands of homeless persons across the country.

The Budget Reconciliation bill, about to be passed by Congress and sent to the White House, contains a repeal of the Title V program of the Stewart B. McKinney Homeless Assistance Act. This program makes unused federal property available, at no cost, to non-profits to use as facilities to assist homeless persons. Repeal of this program will have a devastating effect on thousands of homeless persons across the country.

It is my understanding that both Secretary Cisneros and Secretary Shalala have gone on record opposing the repeal. I also understand the President anticipates having to veto the Budget Reconciliation and is compiling a list of items that the Administration objects to in this bill. I ask that you ensure that the repeal of the Title V program is included in this list.

Thank you for your attention to this matter. My staff will contact your assistant, Molly Brostrum, to discuss how we might work together on this issue. In the meantime, please do not hesitate to contact me if you have any questions.

Sincerely,

Maria

Maria Foscarinis
Executive Director

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY
918 F Street, NW, Suite 412
Washington, DC 20004

Carol Rasco
Domestic Policy Council
The White House
Washington, DC 20500

United States Senate

WASHINGTON, DC 20510

December 12, 1995

The Honorable Pete Domenici
Chairman
Senate Committee on the Budget
Washington, DC 20510

The Honorable James J. Exon
Ranking Minorty Member
Senate Committe on the Budget
Washington, D.C. 20510

Dear Chairmen Domenici and Exon:

The Budget Reconciliation bill, H.R. 2491, contains a provision in Title VI which would repeal a very important program we support. This program, which provides for priority consideration for homeless uses of surplus federal property, was first enacted as part of the Stewart B. McKinney Homeless Assistance Act of 1987 (Title V). Since its inception, this provision has allowed some 74 sites in 23 states to be utilized for services to assist the homeless, including shelter, job training, meals, medical care, and others.

Contrary to what proponents of its repeal have claimed, the Title V program is NOT an entitlement program. Property can be used by homeless providers, but only if they apply for it and pass several strict requirements. If homeless providers do not apply for a given property, it is not then *immediately available for sale.* Other public entities or nonprofits may still obtain the property, making it unavailable for sale by GSA, and unavailable to score as savings, by CBO. Furthermore, the Title V program's record of success has most often involved properties which have not been sought by other organizations, mainly because such properties are not the most desirable or usable for other purposes.

It also bears mention that DoD Base Closure property which is sold generates revenue for DoD, not the Treasury (under subsection (h) of Section 204 of the Federal Property Act). The assumption that property which is sold necessarily contributes to savings to the federal government is thus spurious. In fact, there are numerous base properties which opted to stay under Title V(under the 1994 Base Closure Community Redevelopment and Homeless Assistance Act) in which several contracts are under negotiation. Should Title V be revoked, these properties would be disposed of by DOD and it would be in receipt of the proceeds, not the Treasury. Any claimed savings would then not exist.

The truth is that homeless providers offer services at these former federal facilities which might otherwise cost the government millions of dollars. These groups provide essential services that would be difficult to replace. These costs must be considered before destroying the program.

Opponents of Title V have argued that homeless needs should no longer take special precedence. In our opinion, now is not the time to turn away from this priority. The homeless are still with us and their needs have not diminished. To the extent the Title V program is an effective tool in addressing homeless needs it should be continued. To that end, we strongly urge you to oppose the retention of the Title V repeal provision in any Reconciliation bill you ultimately support.

Best regards,

Carl Levin — John Glenn

Christopher J. Dodd

David Pryor — Ted Kennedy

Patty Murray — Max Baucus

Chuck Robb

Herb Kohl — Dale Bumpers

Paul Wellstone

cc: The Honorable William J. Clinton
President
The Honorable Alice C. Rivlin
Director, Office of Management and Budget

THE WHITE HOUSE
WASHINGTON

T.V ⇒ Mark Wagner - 703/695-7178
office of Sec'y, DoD
- Should DoD weigh in?
- impacts many of their base closure prop
- T.V gives them authority to make ~~these~~ the transfer
- Repeal lang. ⇒ would slow down process - have to start over - at best ⇒ at worst ⇒ lawsuits

New process: also would limit to hsg

now → MH Ctr
Food Distrib Ctr

IV McKinney – ① H'less groups have 1st dibs
② New: Locals decide – w/ h'less input

• Molinari did s'thing similar in Defense bill

Argument that worked
screwing up props/processes in the work

Army –
Navy – 2
Airforce – 13

= good public benefit conveyances
= GSA just wants work

Reconcil lang eliminates T.V Mck
– GSA Admin ~~should~~ may issue regs to transfer prop to h'less grps)

* est. $20 M in new rev.

Molinari/
opps. ent'ment for h'less groups
but → changed for b.c.
→ too much of a fed'l mandate

Pot'l Compr: 1 – grandfather
2 – Modify TV to be like B.C.

* shouldn't be in Rec → should be hrgs/policy

ECONOMIC SECURITY

ASSISTANT SECRETARY OF DEFENSE
3300 DEFENSE PENTAGON
WASHINGTON, DC 20301-3300

MEMORANDUM

December 5, 1995

To: **Alan Rhinesmith, Deputy Associate Director for Housing & Finance, OMB**

From: **Joshua Gotbaum** JG

Re: **Proposed Repeal of Title V of the McKinney Act**

Section 6023 in the current version of the Balanced Budget Act of 1995 (H.R. 2491) repeals Title V of the Stewart B. McKinney Homeless Assistance Act. The Department of Defense objects to this provision because it will have an adverse impact on community reuse of property at a number of base closure sites which are operating under the authority of Title V.

At 14 base closure sites, at least 27 applications for property to assist the homeless have been approved for transfer under Title V of the McKinney Act. However, the transfer process is not completed because the property has yet to be conveyed by deed due to pending requirements, such as environmental cleanup.

A repeal of Title V of the McKinney Act will eliminate the Department's legal authority to convey this property to those already approved applicants for homeless use. In some cases, homeless groups already are operating at these locations under a lease.

Section 6023 does provide an alternative authority to transfer property to nonprofit groups for homeless assistance, but using it will require all existing efforts to go "back to the drawing board" and create other problems.

First, it will stall property transfers. New regulations will have to be promulgated and homeless providers would have to make another application for property under a new process.

Second, the new authority proposed in Section 6023 is limited to transferring property "for housing use." At several closed bases, the already approved transfer is for a use other than housing. For example, the California Emergency Foodlink is operating a food distribution center for the homeless under a lease of property at the former Sacramento Army Depot. This property has yet to be conveyed by deed and such a use would not be allowed under the proposed new authority.

Finally, the repeal of Title V is likely to spur litigation by homeless providers who have been approved for property transfers but now would be unable to receive property under the McKinney Act. Any litigation will delay reuse and disposal of base closure property. Such delays might well affect uses unrelated to homeless assistance as well.

In 1994 Congress passed the Base Closure Community Redevelopment and Homeless Assistance Act which created an improved homeless assistance process at closing bases. Communities were given the opportunity to either stay under the McKinney Act process or opt into a new process which allows local communities to develop a reuse plan based upon local needs. Some communities decided to use the new process and are currently developing plans with local homeless groups.

But many other communities chose to stay with the process under Title V of the McKinney Act. For these communities, a major factor in their decisions was that the local outreach and federal application process had been completed. Many of these communities wanted to get on with the redevelopment of their closed base. Repeal of Title V will send these communities back to the drawing board and create another new homeless assistance process for these closed bases.

Injecting further change and delay into the base reuse process is something communities have consistently argued against. Reopening a process which allows homeless assistance groups to again request base closure property would cause unnecessary conflicts and confusion in local communities. This process has been completed in these communities. Title V of the McKinney Act should not be repealed so that the conveyance of properties selected and approved for homeless assistance can be finalized and the process of reuse and economic redevelopment in the affected base closure communities can proceed expeditiously.

If you have any questions on this issue, feel free to contact Mark Wagner, my Special Assistant, at 703/695-7178 or Robert Taylor, our Deputy General Counsel, at 703/693-4855.

cc:
Ted Wartell
Katherine Meredith

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

Telephone: (202) 224-2627
Fax: (202) 224-9682

Fax Transmission

Date: 12-6-95

Pages Attached: 3

TO: Molly

FROM: Michael Slater 224-2627

RE: Gingrich Dear Colleague.

Comments:

n.b. - Habitat for Humanity has told us they do not support Title V's repeal.

SAM FARR
17TH DISTRICT, CALIFORNIA

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DEPARTMENT OPERATIONS, NUTRITION, AND FOREIGN AGRICULTURE
MANAGEMENT AND SPECIALTY CROPS

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November 30, 1995

HOMELESS GET THE SHAFT

Dear Colleague:

You may not be aware that the Reconciliation bill repeals Title V of the McKinney Act, but it does, retroactive to October 1, 1995.

I was not in Congress when Stew McKinney walked these halls, but his concern for the sick and the homeless is legend. Passage of the McKinney Act in 1987 was not only fitting as a tribute to the late congressman, but as an appropriate policy response to the plight of the homeless in America.

Unfortunately, the Reconciliation bill begins an insidious erosion of opportunities for the homeless by repealing Title V of the McKinney Act. As you may recall, Title V of the McKinney Act gives homeless provider groups a priority right to surplus federal land and buildings. This is a critical provision that is used not only in creating new housing and training opportunities for the homeless, but also in developing and re-using excess federal buildings that would otherwise stand vacant and unused.

Senator Glenn and I are circulating a letter that will be sent to Budget Committee members about this issue so it can be revisited in any "new version" of Reconciliation that may be coming down the pike. I urge you to co-sign this letter with me, the text of which is on the reverse.

If you are interested in signing, please call me or contact Rochelle Dornatt of my staff at 5-2861.

Sincerely,

Sam Farr

SAM FARR
Member of Congress

SF/rsd

5-1307

JOHN A. BOEHNER
OHIO

REPUBLICAN CONFERENCE CHAIRMAN

COMMITTEES:
AGRICULTURE

HOUSE OVERSIGHT

ECONOMIC AND EDUCATIONAL OPPORTUNITIES
(ON LEAVE)

9 Molinari

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December 5, 1995

Dear Colleague:

Rep. Sam Farr and Sen. John Glenn have circulated Dear Colleague letters in their respective chambers attacking a provision in the Balanced Budget Act related to the use of surplus federal property for the homeless. Imagine the following line of thinking -- which they seem to endorse -- as representing the way Congress has acted for decades, and you can see why the federal government is as big, as costly, and as ineffective as it is:

1) 1987 Problem: Many of our cities have large homeless populations.

2) 1987 (Partial) Solution: The federal government should give any homeless group in the nation a priority right to receive, at no cost, any federal office building, military base, VA hospital, or other building or plot of land that it wants. No attention needs to be paid to the commercial value of such property, the actual amount of homelessness in the proximate surrounding area, or the opinions of the communities in which these properties are located -- *Title V, the Stewart B. McKinney Homeless Assistance Act*.

At its inception, the McKinney Act represented a deeply benevolent legislative effort to help our nation's homeless. It authorized hundreds of millions of dollars in spending for acquiring and supplementing homeless shelters, providing job training for the homeless, and a number of other homeless programs directed through different agencies. One part of the act -- Title V -- gave homeless assistance groups what amounts to a right of first refusal for surplus federal lands and buildings.

Since 1988, Congress has come to recognize that Title V was a well-intentioned mistake. The extensive rights that it gave homeless groups crippled efforts to privatize closed defense bases so badly that, at the special urging of the California delegation, the 103rd Congress voted by unanimous consent to bypass Title V for properties made available under the Defense Base Realignment and Closure Act (DBRAC). In this session, the House overwhelmingly approved an amendment to the Defense Authorization bill which completely ended Title V's application to such properties, despite the fact that defense facilities have constituted the bulk of Title V transfers to homeless groups. Indeed, support ran so high for this amendment that many Democrats -- including those who have led the fight for homeless assistance for years -- voted for it along with the vast majority of Republicans.

Under the Balanced Budget Act's far more modest provision, homeless groups will still be able to apply for and obtain federal surplus property, free of charge. However, these groups will have to do what any other private, non-profit group eligible to receive such property must do: they must make their case to their elected officials, to the appropriate agency officials, and most importantly, to their communities. The measure will also allow other groups dedicated to improving the poor's access to housing to receive surplus property for the first time. One such group, Habitat for Humanity, has been extremely successful in helping poor families fulfill, through their own hard work, the dream of home ownership. This measure will help Habitat's local chapters extend their good work wherever they can convince the appropriate officials to let them have available federal surplus property.

Finally, the taxpayers will be able to reap the reward they deserve from federal downsizing through the measure's enhanced ability to sell valuable federal property. In 1988, no one seriously considered that Congress would be balancing the budget, shutting down hundreds of unnecessary programs and agencies, and eliminating the Department of Commerce. But we are, and leaving Title V untouched in light of this downsizing would prove far more of a windfall for this group than anyone could have anticipated eight years ago.

The McKinney Act is indeed a memorial to a generous legislator, but memorials -- like legislation -- need to stay up to date. Homeless groups should have no more of a claim to federal surplus property than other groups which also answer important local needs. The Balanced Budget Act's provision on Title V of the McKinney Act reflects this, and we believe it deserves your support.

Sincerely,

John Boehner

Barbara Vucanovich

Susan Molinari