

108TH CONGRESS
1ST SESSION

H. R. 1088

To enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonias.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Mr. BONILLA (for himself and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonias.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Colonias Gateway Ini-
5 tiative Act”.

1 **SEC. 2. COLONIAS GATEWAY INITIATIVE.**

2 (a) DEFINITIONS.—In this section:

3 (1) COLONIA.—The term “colonia” means any
4 identifiable community that—

5 (A) is located in the State of Arizona, Cali-
6 fornia, New Mexico, or Texas;

7 (B) is located in the United States-Mexico
8 border region;

9 (C) is determined to be a colonia on the
10 basis of objective criteria, including lack of po-
11 table water supply, lack of adequate sewage sys-
12 tems, and lack of decent, safe, and sanitary
13 housing; and

14 (D) was in existence and generally recog-
15 nized as a colonia before the date of enactment
16 of this Act.

17 (2) REGIONAL ORGANIZATION.—The term “re-
18 gional organization” means a nonprofit organization
19 or a consortium of nonprofit organizations with the
20 capacity to serve colonias.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of Housing and Urban Development.

23 (4) UNITED STATES-MEXICO BORDER RE-
24 GION.—The term “United States-Mexico border re-
25 gion” means the area of the United States within
26 150 miles of the border between the United States

1 and Mexico, except that such term does not include
2 any standard metropolitan statistical area that has
3 a population exceeding 1,000,000.

4 (b) GRANT PROGRAM.—To the extent amounts are
5 made available to carry out this section, the Secretary may
6 make grants under this section to 1 or more regional orga-
7 nizations to enhance the availability of affordable housing,
8 economic opportunity, and infrastructure in the colonias.

9 (c) GRANTS.—

10 (1) IN GENERAL.—Grants under this section
11 may be made only to regional organizations selected
12 pursuant to subsection (d).

13 (2) SELECTION.—After a regional organization
14 has been selected pursuant to subsection (d) to re-
15 ceive a grant under this section, the Secretary may
16 provide a grant to such organization in subsequent
17 fiscal years, subject to subsection (f)(2).

18 (d) SELECTION OF REGIONAL ORGANIZATIONS.—

19 (1) IN GENERAL.—The Secretary shall select 1
20 or more regional organizations that submit applica-
21 tions for grants under this section to receive such
22 grants.

23 (2) COMPETITION.—The selection under para-
24 graph (1) shall be made pursuant to a competition,
25 which shall—

1 (A) consider the proposed work plan of the
2 applicant under subsection (f); and

3 (B) be based upon the criteria described in
4 paragraph (3).

5 (3) CRITERIA.—Criteria for the selection of a
6 grant recipient shall include a demonstration of the
7 extent to which the applicant organization has the
8 capacity to—

9 (A) enhance the availability of affordable
10 housing, economic opportunity, and infrastruc-
11 ture in the colonias by carrying out the eligible
12 activities set forth in subsection (g);

13 (B) provide assistance in each State in
14 which colonias are located;

15 (C) form partnerships with the public and
16 private sectors and local and regional housing
17 and economic development intermediaries to le-
18 verage and coordinate additional resources to
19 achieve the purposes of this section;

20 (D) ensure accountability to the residents
21 of the colonias through active and ongoing out-
22 reach to, and consultation with, residents and
23 local governments; and

24 (E) meet such other criteria as the Sec-
25 retary may specify.

1 (4) DISTRIBUTION OF FUNDING.—In making
2 the selection under paragraph (1), the Secretary
3 shall ensure that—

4 (A) each State in the United States-Mexico
5 border region receives a grant under this Act;
6 and

7 (B) each State receives not less than 15
8 percent of the amounts appropriated to carry
9 out this Act.

10 (e) ADVISORY BOARD.—

11 (1) MEMBERSHIP.—The Secretary shall appoint
12 an Advisory Board that shall consist of 9 members,
13 who shall include—

14 (A) 1 individual from each State in which
15 colonias are located;

16 (B) 3 individuals who are members of non-
17 profit or private sector organizations having
18 substantial investments in the colonias, at least
19 1 of whom is a member of such a private sector
20 organization; and

21 (C) 2 individuals who are residents of a
22 colonia.

23 (2) CHAIRPERSON.—

1 (A) IN GENERAL.—The Secretary shall
2 designate a member of the Advisory Board to
3 serve as Chairperson for a 1-year term.

4 (B) ALTERNATING CHAIRPERSON.—At the
5 end of the 1-year term referred to in subpara-
6 graph (A), the Secretary shall designate a dif-
7 ferent member to serve as Chairperson, ensur-
8 ing that the Chairperson position rotates to a
9 member from every State in which colonias are
10 located.

11 (3) TERM.—Advisory Board members shall be
12 appointed for 2-year terms that shall be renewable
13 at the discretion of the Secretary.

14 (4) COMPENSATION.—Advisory Board members
15 shall serve without compensation, but the Secretary
16 may provide members with travel expenses, including
17 per diem in lieu of subsistence, in accordance with
18 sections 5702 and 5703 of title 5, United States
19 Code.

20 (5) FUNCTIONS.—The Advisory Board shall—

21 (A) assist any regional organization that
22 receives a grant under this section in the devel-
23 opment and implementation of its final work
24 plan under subsection (f);

1 (B) review and approve all final work
2 plans;

3 (C) assist the Secretary in monitoring and
4 evaluating the performance of any regional or-
5 ganization in implementing its final work plan;
6 and

7 (D) provide such other assistance as the
8 Secretary may request.

9 (f) WORK PLANS.—

10 (1) APPLICATION.—Each regional organization
11 applying for a grant under this section shall include
12 in its application a proposed work plan.

13 (2) ANNUAL SUBMISSION.—To be eligible to
14 continue receiving annual grants under this section
15 after selection pursuant to subsection (d), a regional
16 organization shall, on an annual basis after such se-
17 lection and subject to the determination of the Sec-
18 retary to continue to provide grant amounts to such
19 regional organization, submit a proposed work plan
20 to the Advisory Board and the Secretary for review
21 and approval.

22 (3) FINAL WORK PLAN.—In any fiscal year, in-
23 cluding the fiscal year in which any regional organi-
24 zation is selected pursuant to subsection (d), prior to
25 final determination and allocation of specific grant

1 amounts, each selected regional organization shall,
2 with the assistance of the Advisory Board, develop
3 a final work plan that thoroughly describes how the
4 regional organization will use specific grant amounts
5 to carry out its functions under this section, which
6 shall include—

7 (A) a description of outcome measures and
8 other baseline information to be used to mon-
9 itor success in promoting affordable housing,
10 economic opportunity, and infrastructure in the
11 colonias;

12 (B) an account of how the regional organi-
13 zation will strengthen the coordination of exist-
14 ing resources used to assist residents of the
15 colonias, and how the regional organization will
16 leverage additional public and private resources
17 to complement such existing resources;

18 (C) an explanation, in part, of the effects
19 that implementation of the work plan will have
20 on areas in and around colonias; and

21 (D) such assurances as the Secretary may
22 require that grant amounts will be used in a
23 manner that results in assistance and invest-
24 ments for colonias in each State containing
25 colonias, in accordance with requirements that

1 the Advisory Board and the Secretary may es-
2 tablish that provide for a minimum level of such
3 investment and assistance as a condition of the
4 approval of the work plans.

5 (4) APPROVAL.—

6 (A) IN GENERAL.—No grant amounts
7 under this section for a fiscal year may be pro-
8 vided to a regional organization until the Sec-
9 retary approves the final work plan of the orga-
10 nization, including a specific grant amount for
11 the organization.

12 (B) CONSIDERATIONS.—In determining
13 whether to approve a final work plan, the Sec-
14 retary shall consider whether the Advisory
15 Board approved the plan.

16 (C) NONAPPROVAL OF PLAN.—To the ex-
17 tent that the Advisory Board or the Secretary
18 does not approve a work plan, the Advisory
19 Board or the Secretary shall, to the maximum
20 extent practicable, assist the selected regional
21 organization that submitted the plan to develop
22 an approvable plan.

23 (g) ELIGIBLE ACTIVITIES.—Grant amounts under
24 this section may be used only to carry out eligible activities
25 to benefit the colonias, including—

1 (1) coordination of public, private, and commu-
2 nity-based resources and the use of grant amounts
3 to leverage such resources;

4 (2) technical assistance and capacity building,
5 including training, business planning and investment
6 advice, and the development of marketing and stra-
7 tegic investment plans;

8 (3) initial and early-stage investments in activi-
9 ties to provide—

10 (A) housing, infrastructure, and economic
11 development;

12 (B) housing counseling and financial edu-
13 cation, including counseling and education
14 about avoiding predatory lending; and

15 (C) access to financial services for resi-
16 dents of colonias;

17 (4) development of comprehensive, regional, so-
18 cioeconomic, and other data, and the establishment
19 of a centralized information resource, to facilitate
20 strategic planning and investments;

21 (5) administrative and planning costs of any re-
22 gional organization in carrying out this section, ex-
23 cept that the Secretary may limit the amount of
24 grant funds used for such costs; and

1 (6) such other activities as the Secretary con-
2 siders appropriate to carry out this section.

3 (h) GRANT AGREEMENTS.—A grant under this sec-
4 tion shall be made only pursuant to a grant agreement
5 between the Secretary and a regional organization selected
6 under this section.

7 (i) TERMINATION AND RECAPTURE.—If the Sec-
8 retary determines that a regional organization that was
9 awarded a grant under this section has not substantially
10 fulfilled its obligations under its final work plan or grant
11 agreement, the Secretary shall terminate the participation
12 of that regional organization under this section, and shall
13 recapture any unexpended grant amounts.

14 (j) DETAILS FROM OTHER AGENCIES.—Upon re-
15 quest of any selected regional organization that has an ap-
16 proved work plan, the head of any Federal agency may
17 detail, on a reimbursable basis, any of the personnel of
18 such agency to that regional organization to assist it in
19 carrying out its duties under this section.

20 (k) ENVIRONMENTAL REVIEW.—For purposes of en-
21 vironmental review, projects assisted by grant amounts
22 under this section shall—

23 (1) be treated as special projects that are sub-
24 ject to section 305(c) of the Multifamily Housing

1 Property Disposition Reform Act of 1994 (42 U.S.C.
2 3547); and

3 (2) be subject to regulations issued by the Sec-
4 retary to implement such section 305(c).

5 (l) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this sec-
7 tion—

8 (1) \$16,000,000 for fiscal year 2004; and

9 (2) such sums as may be necessary for each of
10 fiscal years 2005 through 2009.

11 (m) SUNSET.—No new grants may be provided under
12 this section after September 30, 2009.

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