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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To help end crime and disorder on America’s streets.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARTER of Georgia introduced the following bill; which was referred to
the Committee on _____

A BILL

To help end crime and disorder on America’s streets.

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 “Make Our Streets Safe
5 Again Act” or the “MOSSA Act”.

6 **SEC. 2. ENDING CRIME AND DISORDER ON AMERICA’S**
7 **STREETS.**

8 (a) RESTORING CIVIL COMMITMENT.—The Attorney
9 General, in consultation with the Secretary of Health and
10 Human Services, shall take appropriate action to—

1 (1) seek, in appropriate cases, the reversal of
2 Federal or State judicial precedents and the termi-
3 nation of consent decrees that impede the United
4 States’ policy of encouraging civil commitment of in-
5 dividuals with mental illness who pose risks to them-
6 selves or the public or are living on the streets and
7 cannot care for themselves in appropriate facilities
8 for appropriate periods of time; and

9 (2) provide assistance to State and local govern-
10 ments, through technical guidance, grants, or other
11 legally available means, for the identification, adop-
12 tion, and implementation of maximally flexible civil
13 commitment, institutional treatment, and “step-
14 down” treatment standards that allow for the appro-
15 priate commitment and treatment of individuals with
16 mental illness who pose a danger to others or are liv-
17 ing on the streets and cannot care for themselves.

18 (b) FIGHTING VAGRANCY ON AMERICA’S STREETS.—

19 (1) PRIORITY IN DISCRETIONARY GRANT PRO-
20 GRAMS.—The Attorney General, the Secretary of
21 Health and Human Services, the Secretary of Hous-
22 ing and Urban Development, and the Secretary of
23 Transportation shall take immediate steps to assess
24 their discretionary grant programs and determine
25 whether priority for those grants may be given to

1 grantees in States and municipalities that, to the
2 maximum extent permitted by law—

3 (A) enforce prohibitions on open illicit
4 drug use;

5 (B) enforce prohibitions on urban camping
6 and loitering;

7 (C) enforce prohibitions on urban squat-
8 ting;

9 (D) enforce, and where necessary, adopt,
10 standards that address individuals who are a
11 danger to themselves or others and suffer from
12 serious mental illness or substance use disorder,
13 or who are living on the streets and cannot care
14 for themselves, through assisted outpatient
15 treatment or by moving them into treatment
16 centers or other appropriate facilities via civil
17 commitment or other available means, to the
18 maximum extent permitted by law; or

19 (E) substantially implement and comply
20 with, to the extent required, the registration
21 and notification obligations of the Sex Offender
22 Registration and Notification Act (34 U.S.C.
23 20901 et seq.), particularly in the case of reg-
24 istered sex offenders with no fixed address, in-

1 cluding by adequately mapping and checking
2 the location of homeless sex offenders.

3 (2) DUTIES OF ATTORNEY GENERAL.—The At-
4 torney General shall—

5 (A) ensure that homeless individuals ar-
6 rested for Federal crimes are evaluated, con-
7 sistent with section 4248 of title 18, United
8 States Code, to determine whether they are sex-
9 ually dangerous persons and certified accord-
10 ingly for civil commitment;

11 (B) take all necessary steps to ensure the
12 availability of funds under the Emergency Fed-
13 eral Law Enforcement Assistance program to
14 support, as consistent with sections 609M
15 through 609Y of the Justice Assistance Act of
16 1984 (34 U.S.C. 50101 et seq.), encampment
17 removal efforts in areas for which public safety
18 is at risk and State and local resources are in-
19 adequate;

20 (C) assess Federal resources to determine
21 whether they may be directed toward ensuring,
22 to the extent permitted by law, that detainees
23 with serious mental illness are not released into
24 the public because of a lack of forensic bed ca-

1 capacity at appropriate local, State, and Federal
2 jails or hospitals; and

3 (D) enhance requirements that prisons and
4 residential reentry centers that are under the
5 authority of the Attorney General or receive
6 funding from the Attorney General require in-
7 custody housing release plans and, to the max-
8 imum extent practicable, require individuals to
9 comply.

10 (c) REDIRECTING FEDERAL RESOURCES TOWARD
11 EFFECTIVE METHODS OF ADDRESSING HOMELESS-
12 NESS.—

13 (1) DUTIES OF HHS SECRETARY.—The Sec-
14 retary of Health and Human Services shall take ap-
15 propriate action to—

16 (A) ensure that discretionary grants issued
17 by the Substance Abuse and Mental Health
18 Services Administration for substance use dis-
19 order prevention, treatment, and recovery fund
20 evidence-based programs and do not fund pro-
21 grams that fail to achieve adequate outcomes,
22 including so-called “harm reduction” or “safe
23 consumption” efforts that only facilitate illegal
24 drug use and its attendant harm;

1 (B) provide technical assistance to assisted
2 outpatient treatment programs for individuals
3 with serious mental illness or addiction during
4 and after the civil commitment process focused
5 on shifting such individuals off of the streets
6 and public programs and into private housing
7 and support networks; and

8 (C) ensure that Federal funds for federally
9 qualified health centers and certified community
10 behavioral health clinics reduce rather than pro-
11 mote homelessness by supporting, to the max-
12 imum extent permitted by law, comprehensive
13 services for individuals with serious mental ill-
14 ness and substance use disorder, including cri-
15 sis intervention services.

16 (2) DUTIES OF ATTORNEY GENERAL.—The At-
17 torney General shall prioritize available funding to
18 support the expansion of drug courts and mental
19 health courts for individuals for which such diversion
20 serves public safety.

21 (d) INCREASING ACCOUNTABILITY AND SAFETY IN
22 AMERICA’S HOMELESSNESS PROGRAMS.—

23 (1) ACCOUNTABILITY IN GRANTS FOR HOME-
24 LESSNESS ASSISTANCE.—The Secretary of Health
25 and Human Services and the Secretary of Housing

1 and Urban Development shall take appropriate ac-
2 tions to increase accountability in their provision of,
3 and grants awarded for, homelessness assistance and
4 transitional living programs. These actions shall in-
5 clude, to the extent permitted by law—

6 (A) ending support for “housing first”
7 policies that deprioritize accountability and fail
8 to promote treatment, recovery, and self-suffi-
9 ciency;

10 (B) increasing competition among grantees
11 through broadening the applicant pool; and

12 (C) holding grantees to higher standards
13 of effectiveness in reducing homelessness and
14 increasing public safety.

15 (2) REQUIREMENT FOR SUBSTANCE ABUSE
16 TREATMENT AND MENTAL HEALTH SERVICES.—The
17 Secretary of Housing and Urban Development shall,
18 as appropriate, take steps to require recipients of
19 Federal housing and homelessness assistance to in-
20 crease requirements that persons participating in the
21 recipients’ programs who suffer from substance use
22 disorder or serious mental illness use substance
23 abuse treatment or mental health services as a con-
24 dition of participation.

1 (3) DUTIES WITH RESPECT TO DRUG SITES
2 AND DISTRIBUTION.—With respect to recipients of
3 Federal housing and homelessness assistance that
4 operate drug injection sites or “safe consumption
5 sites”, knowingly distribute drug paraphernalia, or
6 permit the use or distribution of illicit drugs on
7 property under their control—

8 (A) the Attorney General shall review
9 whether such recipients are in violation of Fed-
10 eral law, including section 416 of the Controlled
11 Substances Act (21 U.S.C. 856), and bring civil
12 or criminal actions in appropriate cases; and

13 (B) the Secretary of Housing and Urban
14 Development, in coordination with the Attorney
15 General, shall review whether such recipients
16 are in violation of the terms of the programs
17 pursuant to which they receive Federal housing
18 and homelessness assistance and freeze their
19 assistance as appropriate.

20 (4) STOPPING SEX OFFENDERS.—The Sec-
21 retary of Housing and Urban Development shall
22 take appropriate measures and revise regulations as
23 necessary to allow, where permissible under applica-
24 ble law, federally funded programs to exclusively
25 house women and children and to stop sex offenders

1 who receive homelessness assistance through such
2 programs from being housed with unrelated children.

3 (5) DATA COLLECTION.—The Secretary of
4 Housing and Urban Development, in consultation
5 with the Attorney General and the Secretary of
6 Health and Human Services, shall, as appropriate
7 and to the extent permitted by law—

8 (A) allow or require the recipients of Fed-
9 eral funding for homelessness assistance to col-
10 lect health-related information that the Sec-
11 retary of Housing and Urban Development
12 identifies as necessary to the effective and effi-
13 cient operation of the funding program from all
14 persons to whom such assistance is provided;
15 and

16 (B) require those funding recipients to
17 share such data with law enforcement authori-
18 ties in circumstances permitted by law and to
19 use the collected health data to provide appro-
20 priate medical care to individuals with mental
21 health diagnoses or to connect individuals to
22 public health resources.

23 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed—

1 (1) to impair or otherwise affect the functions
2 of the Director of the Office of Management and
3 Budget relating to budgetary, administrative, or leg-
4 islative proposals; or
5 (2) to create any right or benefit, substantive or
6 procedural, enforceable at law or in equity by any
7 party against the United States, its departments,
8 agencies, or entities, its officers, employees, or
9 agents, or any other person.