

1 authority, complies with all of the requirements
2 under paragraph (2).

3 “(2) ADDITIONAL REQUIREMENTS FOR RECIPI-
4 ENTS OTHER THAN FOR-PROFIT ENTITIES.—The re-
5 quirements under this paragraph with respect to any
6 organization, agency, or entity that is not a for-prof-
7 it entity or a government agency or authority are
8 that the organization, agency, or entity—

9 “(A) shall have as its primary purpose the
10 provision of affordable housing, as defined by
11 the Director;

12 “(B) shall make such assurances to the en-
13 terprise as the Director shall, by regulation, re-
14 quire to ensure that such affordable housing
15 fund amounts—

16 “(i) are used only to supplement, and
17 to the extent practical, to increase the level
18 of funds that would, in the absence of
19 amounts made available from the afford-
20 able housing fund, be made available from
21 other sources for the recipient to carry out
22 activities of the type that are eligible under
23 subsection (d) for funding with affordable
24 housing fund amounts; and



1 “(ii) are not in any case used so as to
2 supplant any funds from other sources
3 that are made available for such activities
4 of the recipient; and

5 “(C) does not, at the time during the pe-
6 riod that begins 12 months before submission
7 of an application for funding from the afford-
8 able housing fund of the enterprise and ending
9 upon the expiration of the period referred to in
10 paragraph (1)(B)—

11 “(i) engage in any Federal election ac-
12 tivity, as such term is defined in paragraph
13 (20) of section 301 of the Federal Election
14 Campaign Act of 1971 (2 U.S.C. 431(20)),
15 except that, notwithstanding the 120-day
16 limitation in subparagraph (A)(i) of such
17 paragraph, such term shall include voter
18 registration activity during any period;

19 “(ii) make any expenditure for any
20 electioneering communication (as such
21 term is defined in section 304(f)(3) of the
22 Federal Election Campaign Act of 1971 (2
23 U.S.C. 434(f)(3));

24 “(iii) make any lobbying expenditure,
25 (as such term is defined in such section

1 501(h)(2)), except that this clause shall
2 not apply to any such expenditure by an
3 organization described in section 501(c)(3)
4 of the Internal Revenue Code of 1986 that
5 is exempt from taxation under subsection
6 (a) of such section 501, to the extent that
7 such expenditure does not exceed the
8 amount under such Code for which such
9 exemption may be denied; or

10 “(iv) maintain any affiliation with any
11 organization, agency, or other entity that
12 does not comply with clauses (i), (ii), and
13 (iii) of this subparagraph.

14 “(3) AFFILIATION.—

15 “(A) IN GENERAL.—A recipient organiza-
16 tion, agency, or entity shall be considered to be
17 affiliated with another entity, for purposes of
18 paragraph (2), if such recipient entity controls,
19 is controlled by, or is under common control
20 with such other entity.

21 “(B) CONTROL.—The existence of any of
22 the following relationships between a recipient
23 entity and another entity shall indicate that
24 control exists for purposes of subparagraph (A):

1 “(i) OVERLAPPING BOARD MEMBER-
2 SHIP.—Individuals serve in a similar ca-
3 pacity as officers, executives, or staff of
4 both the recipient entity and the other en-
5 tity.

6 “(ii) SHARED RESOURCES.—The re-
7 cipient entity and the other entity share of-
8 fice space, staff members, supplies, re-
9 sources, or marketing materials, including
10 Internet and other forms of public commu-
11 nication.

12 “(iii) FUNDING.—The recipient entity
13 receives more than 20 percent of its total
14 funding from such other entity or provides
15 more than 20 percent of the total funding
16 of such other entity.

17 “(iv) OTHER.—The recipient entity or
18 such other entity exhibits any other indicia
19 of substantial overlap or common control
20 as may be set forth in regulation by the
21 Director.

22 “(4) FOR PROFIT.—For purposes of this sub-
23 section, the term ‘for-profit entity’ means any entity
24 any part of the net earnings of which inure to the