

and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

## AMENDMENT NO. 1666

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1666 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

## AMENDMENT NO. 1668

At the request of Mr. INHOFE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 1668 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

## AMENDMENT NO. 1693

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1693 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1693 proposed to H.R. 6, supra.

## AMENDMENT NO. 1694

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1694 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

## AMENDMENT NO. 1695

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Delaware (Mr. CARPER) were added as

cosponsors of amendment No. 1695 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1666. A bill to amend title II of the Social Security Act to improve the process for congressional consideration of international social security agreements; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise to speak in favor of my bill to improve the process for congressional consideration of International Social Security Agreements.

International Social Security Agreements eliminate dual Social Security taxes when Americans work overseas for U.S. companies, and protect benefits for workers who divide their careers between two countries. As a result, American workers and their companies save approximately \$800 million annually in foreign social security taxes.

The current process for congressional disapproval of these agreements is invalid because it involves the unconstitutional use of a legislative veto. This fact has not been a problem, however, because Congress has never desired to reject an International Social Security Agreement. Indeed, we currently have 21 agreements with most of our top trading partners, such as Canada, Germany, and Japan. However, Congress needs to establish a constitutionally valid process for congressional consideration and either approval or rejection of International Social Security Agreements, similar to the process used for other agreements and treaties.

The bill I am introducing today establishes such a process so that these important agreements can receive full consideration in the Congress. If either the House or the Senate determines that a particular agreement is a bad deal for U.S. workers or will harm the U.S. Social Security system, this bill will allow Congress to reject that agreement. Right now, that option does not exist under current law. This bill would fix that problem.

The bill would require that an "approval resolution" be introduced in both the House and the Senate once an agreement is submitted to Congress by the administration. The resolution will need to be approved by both Houses of Congress before an agreement can take effect. Of course, either House can also reject the approval resolution to prevent an agreement from taking effect.

The bill is cosponsored by Senator GRASSLEY, ranking member of the Fi-

nance Committee. I appreciate the assistance that he and his staff provided in developing this legislation.

I urge the Senate to approve this bill to establish a constitutionally valid process for Congress to consider and either approve or reject International Social Security Agreements.

By Mr. DODD (for himself and Ms. LANDRIEU):

S. 1668. A bill to assist in providing affordable housing to those affected by the 2005 hurricanes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today, Senator LANDRIEU and I come to the floor to introduce the Gulf Coast Housing Recovery Act of 2007. This bill will help jump-start economic development in the communities devastated by Hurricanes Katrina and Rita. It will also help bring people home so they can resume their lives.

At the outset, let me recognize Senator LANDRIEU for all of her efforts to secure assistance for the people of Louisiana, who suffered the lion's share of damage from the 2005 hurricanes. She has worked tirelessly, every day since the storms, to ensure that Louisianans and others in the gulf coast can return to vibrant towns and cities. I also want to recognize the work of Congresswoman WATERS and Financial Services Chairman FRANK, who laid the groundwork for this legislation in the House. They did an outstanding job of ushering a housing recovery bill through the House.

The bill we are introducing today does the following: it authorizes additional funding to help rebuild the gulf coast; it requires the Federal, state and local governments to take additional actions to bring people home; and it requires accountability on the part of FEMA, HUD, and the states and cities receiving Federal funds.

Almost 2 years after the devastation of Hurricane Katrina, hundreds of thousands of people remain in limbo, wondering if they will be able to return home. The population in New Orleans remains at about half of pre-Katrina levels, though local groups and residents have made clear that many more want to return. Unfortunately, many of these families have no home to return to, and there is great uncertainty about whether adequate services will be available if they do return. As of April of this year, less than half of New Orleans' public schools, a third of its child care centers, and half of its hospitals were open.

Over 82,000 families from across the devastated region are still living in FEMA trailers, which were recently found to contain toxic chemicals. Over 32,000 families are receiving temporary rental assistance through HUD, and over 11,000 others are receiving temporary rental assistance through HUD. Tens of thousands of other families are being assisted by cities, counties and individuals throughout the gulf region and our country.

Much has already been done to help restore the gulf coast. Billions of dollars have been spent to house evacuees and clean up areas of Texas, Louisiana, Alabama and Mississippi. In addition, emergency CDBG funds have been appropriated to help families start to rebuild their homes and their lives. While these funds are finally getting to people in need, the reach of these funds is limited, to a great extent, to those who owned homes prior to the storms. Both Louisiana and Mississippi have understandably focused their efforts on getting homes rebuilt, and I support their efforts to help people whose largest asset was washed away. However, we must not forget the large number of residents who were renters at the time of the storms, many of whom held jobs that were critical to the economy and the culture of the gulf coast, including jobs necessary for the tourism and fishing industries.

In New Orleans, over half of the rental housing was flooded. We have an obligation, as a fair society, to ensure that all of our citizens in the gulf coast, including renters, are given the opportunity to return home, and the bill that Senator LANDRIEU and I are introducing today will do that.

This bill helps to do six key things that are necessary to help those displaced as a result of the hurricanes return to thriving cities and towns: it helps to bring people home; it replaces lost housing; it creates homeownership opportunities; it spurs economic and community development; it provides continued assistance to evacuees; and it requires accountability so that funds are properly used.

There are numerous provisions in our bill that will help families of all income levels return to a stronger gulf coast. I want to highlight a few of these provisions.

While most of the funds already provided to individuals for rebuilding efforts have gone to homeowners, even those funds have proven to be insufficient. The Louisiana Road Home program has pledged all of its funds, leaving many eligible homeowners without any assistance. This bill authorizes funding necessary to make this program whole so long as the State of Louisiana puts up \$1 billion of its own funds towards this shortfall. I will be working with Senator LANDRIEU over the coming weeks to get a better sense of the exact amount needed in this program, why a shortfall of this amount exists, and to determine the legitimate uses of these funds.

Prior to the storm, there were over 5,200 families living in public housing in New Orleans, and thousands of others throughout the Gulf States. Many of these families include people with disabilities, seniors, and children. We cannot turn our backs on them.

HUD is currently running the Housing Authority of New Orleans, HANO, and it plans to demolish much of the public housing without replacing many of the affordable units. I believe this is

shortsighted. I understand that in rebuilding New Orleans, there are many who advocate deconcentrating poverty, and I believe we can achieve this goal without sacrificing needed affordable housing. Under the bill we are introducing today, every unit of public housing that was occupied prior to the storm must be replaced, but not necessarily with a traditional public housing unit, nor in a traditional public housing setting.

In order to facilitate the replacement of public housing in New Orleans, this bill takes HANO out of HUD's hands, and puts it into judicial receivership. HANO has been a troubled agency for many years, and HUD control has not led to enough improvement. We need significant change at this agency.

This bill helps to spur much-needed development. It requires \$55 million from funds previously given to the State of Louisiana to be used to help finance community development pilot programs in the State so that land can be acquired, bundled sold for redevelopment. In addition, the bill establishes an innovative program, the FHA-New Orleans Homeownership Opportunities Initiative, under which HUD will transfer to the New Orleans Redevelopment Authority properties which are under HUD control to be used for homeownership opportunities for low-income families.

While providing large amounts of Federal funds to the disaster area, it is important to ensure that funds are used correctly and are not subject to waste, fraud and abuse. This bill has stringent monitoring and reporting requirements that apply to FEMA, HUD, and the States receiving emergency funds so that the Congress can keep tabs on the disaster spending and ensure funds are being used efficiently and effectively to help rebuild and strengthen the gulf coast.

The Gulf Coast Housing Recovery Act of 2007 is a critical step towards rebuilding the gulf coast. It is supported by a broad coalition of national organizations, including the AARP, ACORN, Enterprise Community Partners, Lawyers Committee for Civil Rights Under Law, the Mortgage Bankers Association, the National Alliance to End Homelessness, the NAACP, the National Association of Homebuilders, the National Association of Realtors, the National Fair Housing Alliance, the National Low Income Housing Coalition, US Jesuit Conference, Volunteers of America, as well as Gulf Coast organizations such as Alabama Arise, Catholic Charities of New Orleans, Greater New Orleans Fair Housing Action Center, the Louisiana Association of Nonprofit Organizations, and Providence Community Housing.

Again, I would like to thank my colleague Senator LANDRIEU for her work to restore the lives of so many of her constituents and others in the gulf coast region. I urge my colleagues to support this bill so that needed housing and community development activities can be undertaken in the gulf coast.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1668

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gulf Coast Housing Recovery Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Limitation on use of authorized amounts.

#### TITLE I—COMMUNITY DEVELOPMENT BLOCK GRANTS

Sec. 101. Flexibility of Federal Funds for Road Home Program.

Sec. 102. Household assistance programs funded with CDBG disaster assistance.

Sec. 103. Community development pilot programs.

Sec. 104. Road Home Program shortfall.

Sec. 105. Elimination of prohibition of use for match requirement.

Sec. 106. Reimbursement of amounts used for rental housing assistance.

#### TITLE II—PUBLIC HOUSING

Sec. 201. Survey of public housing residents.

Sec. 202. Housing for previous residents of public housing.

Sec. 203. Replacement of public housing dwelling units.

Sec. 204. Resident support services.

Sec. 205. Public housing in Katrina and Rita disaster areas.

Sec. 206. Reports on proposed conversions of public housing units.

Sec. 207. Authorization of appropriations for repair and rehabilitation for Katrina and Rita disaster areas.

Sec. 208. Existing public housing redevelopment.

Sec. 209. Reports on compliance.

Sec. 210. Independent administration of Housing Authority of New Orleans.

Sec. 211. Definition.

#### TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE

Sec. 301. Disaster voucher program.

Sec. 302. Tenant replacement vouchers for all lost units.

Sec. 303. Voucher assistance for households receiving FEMA assistance.

Sec. 304. Voucher assistance for supportive housing.

Sec. 305. Project-basing of vouchers.

Sec. 306. Preservation of project-based housing assistance payments contracts for dwelling units damaged or destroyed.

Sec. 307. GAO study of wrongful or erroneous termination of Federal rental housing assistance.

#### TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS

Sec. 401. Reimbursement of landlords.

#### TITLE V—FHA HOUSING

Sec. 501. Treatment of nonconveyable properties.

Sec. 502. FHA single-family insurance.

Sec. 503. FHA-New Orleans Homeownership Opportunities Initiative.

#### TITLE VI—FAIR HOUSING ENFORCEMENT

Sec. 601. Fair housing initiatives program.

**TITLE VII—IMPROVED DISTRIBUTION OF  
FEDERAL HURRICANE HOUSING FUNDS  
FOR HURRICANE RELIEF**

Sec. 701. GAO study of improved distribution of Federal housing funds for hurricane relief.

**TITLE VIII—COMMENDING AMERICANS  
FOR THEIR REBUILDING EFFORTS**

Sec. 801. Commending Americans.

**SEC. 2. LIMITATION ON USE OF AUTHORIZED  
AMOUNTS.**

None of the amounts authorized by this Act may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

**TITLE I—COMMUNITY DEVELOPMENT  
BLOCK GRANTS**

**SEC. 101. FLEXIBILITY OF FEDERAL FUNDS FOR  
ROAD HOME PROGRAM.**

(a) PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (4) and notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall allow the uses specified in paragraph (2), by the State of Louisiana under the Road Home Program of such State, of any amounts specified in paragraph (5), provided such funds are used in full compliance with the requirements of the Department of Housing and Urban Development's Supplemental Community Development Block Grant Program, as such requirements are established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) ELIGIBLE USES.—As specified in paragraph (1), the Administrator of the Federal Emergency Management Agency shall allow the State of Louisiana to use any amounts specified in paragraph (5) for the purposes of—

(A) acquiring property, including both land and buildings, for the purposes of removing any structure located on such property and permanently returning the property to a use compatible with open space, as required pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c);

(B) covering all or a portion of the cost of elevating a damaged residential structure located on any property acquired under subparagraph (A) in order to make the property compliant with State building codes, local ordinances or building requirements, and the National Flood Insurance Program, including elevating the lowest habitable level to at least 1 foot above the base flood elevation or the elevation described using the current best available data from the Federal Emergency Management Agency, whichever elevation is higher;

(C) covering all or a portion of the cost of—

(i) the demolition of any home deemed to be more than 50 percent damaged as a result of an inspection; and

(ii) the reconstruction of another home on the same property on which a home was demolished under clause (i), including site preparation, utility connection, and transactional costs, such that the newly constructed home is elevated so the lowest habitable level will be at least 1 foot above the base flood elevation or the elevation described using the current best available data from the Federal Emergency Management Agency, whichever elevation is higher;

(D) funding individual mitigation measures that can be incorporated into a home to reduce risk to both life and property, provided that no individual measure to be funded costs in excess of \$7,500; and

(E) covering the reasonable cost to manage and administer such funds consistent with

existing funding formulas identified under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and its implementing regulations.

(3) CONSISTENCY REQUIREMENT.—Uses specified in paragraph (2) shall be deemed eligible when implemented in a way consistent with the requirements of the Department of Housing and Urban Development's Supplemental Community Development Block Grant Program, as such requirements are established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), irrespective of any other requirements mandated under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(4) SAVINGS PROVISION.—Except as provided in paragraph (3), all other provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts specified in paragraph (3) that are used by the State of Louisiana under the Road Home Program of such State.

(5) COVERED AMOUNTS.—The amounts specified in this paragraph is \$1,170,000,000 designated for Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program of the Federal Emergency Management Agency to the State of Louisiana as of June 1, 2007.

(6) EXPEDITED TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall, not later than 90 days after the date of enactment of this Act, transfer the amounts specified in paragraph (5) to the State of Louisiana.

(B) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to be applied to all funds made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) that will simplify the requirements of such program and ensure the expedited distribution of such funds under the program, including—

(i) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(ii) developing a streamlined environmental review process to significantly speed the approval of project applications.

(7) FUTURE AMOUNTS.—Notwithstanding the provisions of this section, for the period beginning June 1, 2007 and ending December 31, 2007, any amounts in addition to the \$1,170,000,000 described under paragraph (5) that are made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall be provided by such State to local government entities, based upon the severity of hurricane damage incurred in such areas, to be used solely for the purposes set forth under such section 404.

(b) REPORTING REQUIREMENT.—The Administrator of the Federal Emergency Management Agency shall provide quarterly reports to the Committees on Banking, Housing, and Urban Affairs, and Homeland Security and Governmental Affairs of the Senate, and the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives on—

(1) specific mechanisms that are being utilized to expedite funding distribution under this section; and

(2) how such mechanisms are performing.

**SEC. 102. HOUSEHOLD ASSISTANCE PROGRAMS  
FUNDED WITH CDBG DISASTER AS-  
SISTANCE.**

(a) REPORTING REQUIREMENT.—Each State that received amounts made available under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" in chapter 9 of title I of division B of Public Law 109-148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109-234 (120 Stat. 472) shall submit reports, and make such reports available to the public on the Internet, under this subsection regarding each grant program of the State for assistance for individual households funded in whole or in part with such amounts to the committees identified in paragraph (4). Each such report under this subsection shall describe and analyze the status and effectiveness of each such grant program and shall include the information described in paragraph (2) regarding each such program, for the applicable reporting period and for the entire period of such program.

(b) CONTENTS.—The following information shall be included in any report submitted under subsection (a):

(1) The number of applications submitted for assistance under the program.

(2) The number of households for which assistance has been provided under the program.

(3) The average amount of assistance requested and provided for each household under the program and the total amount of assistance provided under the program.

(4) The number of personnel involved in executing all aspects of the program.

(5) Actions to affirmatively further fair housing.

(6) Comprehensive data, by program, on who is served during the period, by number, percentage, and zip code, including data on race, ethnicity, income, disability, family size, and family status.

(7) Actions taken to improve the program and recommendations for further such improvements.

(c) REPORTING PERIODS.—With respect to any program described in subsection (a), the first report under this section shall be submitted not later than the expiration of the 30-day period that begins upon the date of the enactment of this Act. Reports shall be submitted, during the term of each such program, not later than the expiration of each successive calendar quarter thereafter.

(d) RECEIVING COMMITTEES.—The committees specified in this paragraph are—

(1) the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives.

(e) ONGOING REPORTS ON USE OF AMOUNTS.—

(1) QUARTERLY REPORTS.—During the period that amounts are being expended under the State grant programs referred to in subsection (a), the Secretary of Housing and Urban Development shall submit reports on a quarterly basis to the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate, the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives, and the Comptroller General of the United States. Such reports shall be made available to the public on the Internet. Such reports shall—

(A) describe and account for the use of all such amounts expended during the applicable quarterly period;

(B) certify that internal controls are in place to prevent waste, fraud, and abuse; and

(C) identify any waste, fraud, or abuse involved in the use of such amounts.

(2) **MONITORING.**—The Secretary of Housing and Urban Development shall monitor funds expended by each State required to submit reports under subsection (a) and, pursuant to such monitoring—

(A) upon determining that at least 2 percent of such amount has been expended, shall include in the first quarterly report thereafter a written determination of such expenditure; and

(B) upon determining, at any time after the determination under subparagraph (A), that the portion of such total amount expended at such time that was subject to waste, fraud, or abuse exceeds 10 percent, shall include in the first quarterly report thereafter a certification to that effect.

(3) **ACTIONS IN RESPONSE TO WASTE, FRAUD, AND ABUSE.**—If at any time the Secretary of Housing and Urban Development submits a report under paragraph (1) that includes a certification under paragraph (2)(B), the Comptroller General shall submit a report to the Committees referred to in paragraph (1) within 90 days recommending actions to be taken—

(A) to recover any improper expenditures; and

(B) to prevent further waste, fraud, and abuse in expenditure of such amounts.

#### **SEC. 103. COMMUNITY DEVELOPMENT PILOT PROGRAMS.**

(a) **AVAILABILITY OF AMOUNTS.**—The Secretary of Housing and Urban Development shall require the State of Louisiana to make available, from any amounts made available for such State under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472) and that remain unexpended, the following amounts:

(1) **FOR ORLEANS PARISH.**—\$30,000,000 to the New Orleans Redevelopment Authority (in this section referred to as the “Redevelopment Authority”), subject to subsection (c), only for use to carry out the pilot program under this section, provided that, of such amounts, \$5,000,000 be used to provide low-interest loans for second mortgages (commonly referred to as “soft” loans) for homes sold to low-income individuals.

(2) **OTHER PARISHES.**—\$25,000,000 to the Louisiana Housing Finance Agency to provide grants to parishes, not including Orleans Parish, that were declared a disaster area by the President as a result of Hurricanes Katrina and Rita of 2005 to establish redevelopment programs in those parishes that have requirements that are the same or substantially similar to the requirements under this section.

(b) **PURPOSE.**—The pilot program under this section shall fund, through the combination of amounts provided under this section with public and private capital from other sources, the purchase or costs associated with the acquisition or disposition of individual parcels of land in New Orleans, Louisiana, by the Redevelopment Authority to be aggregated, assembled, and sold for the purpose of development by the Redevelopment Authority or private entities only in accordance with, and subject to, any recovery and redevelopment plans developed and adopted by the City of New Orleans. The costs associated with acquisition or disposition of a parcel of land may include costs for activities described in subsection (c)(3) with respect to such parcel and costs described in subsection (c)(6).

(c) **CERTIFICATIONS.**—The Secretary of Housing and Urban Development shall en-

sure that amounts are made available pursuant to subsection (a) to the Redevelopment Authority only upon the submission to the Secretary of certifications to ensure that the Redevelopment Authority—

(1) has the authority to purchase land for resale for the purpose of development in accordance with the pilot program under this section;

(2) has bonding authority (either on its own or through a State bonding agency) or has credit enhancements sufficient to support public/private financing to acquire land for the purposes of the pilot program under this section;

(3) has the authority and capacity to ensure clean title to land sold under the pilot program and to reduce the risk attributable to and indemnify against environmental, flood, and other liabilities;

(4) will, where practicable, provide a first right to purchase any land acquired by the Redevelopment Authority to the seller who sold the land to the Redevelopment Authority, consistent with any recovery and redevelopment plans developed and adopted by the City of New Orleans;

(5) has in place sufficient internal controls to prevent waste, fraud, and abuse and to ensure that funds made available under this subsection may not be used to fund salaries or other administrative costs of the employees of the Redevelopment Authority; and

(6) will, in carrying out the pilot program under this section, consult with the City of New Orleans regarding coordination of activities under the program with the recovery and redevelopment plans referred to in subsection (b), reimbursement of such City for costs incurred in support of the program, and use of program income and other amounts generated through the program.

(d) **DEVELOPMENT REQUIREMENTS.**—In carrying out the pilot program under this section, the Redevelopment Authority shall—

(1) sell land acquired under the pilot program only as provided in subsection (b);

(2) use any proceeds from the sale of such land to replenish funds available for use under the pilot program for the purpose of acquiring new parcels of land or to repay any private financing for such purchases;

(3) require that in instances where land is developed under this section, and used for housing, not less than 25 percent of such housing be affordable and made available to low-, very low-, and extremely low-income households;

(4) sell land only—

(A) to purchasers who agree to develop such sites for sale to the public;

(B) to purchasers pursuant to subsection (c)(4); or

(C) to developers who are developing sites, including public housing development sites, as part of a neighborhood revitalization plan;

(5) ensure that any—

(A) development under the program is consistent with neighborhood revitalization plans and in accordance with any recovery and redevelopment plans developed and adopted by the City of New Orleans; and

(B) uses of such development are not inconsistent with redevelopment of adjacent parcels, where possible; and

(6) where properties are located in neighborhoods where public housing redevelopment is occurring, give priority consideration to making such properties available to meet the housing replacement requirements under this Act.

(e) **INAPPLICABILITY OF STAFFORD ACT LIMITATIONS.**—Any requirements or limitations under or pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to use of properties acquired with amounts made available under such Act for certain purposes, restricting development

of such properties, or limiting subsequent alienation of such properties shall not apply to amounts provided under this section or properties acquired under the pilot program with such amounts.

(f) **GAO STUDY AND REPORT.**—

(1) **IN GENERAL.**—Upon the expiration of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the pilot program carried out under this section to determine the effectiveness and limitations of, and potential improvements for, such program.

(2) **TIMING OF REPORT.**—Not later than 180 days after the expiration of the 2-year period described in paragraph (1), the Comptroller General shall submit a report to the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate, and the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives and regarding the results of the study.

(3) **REQUIRED CONTENT.**—The report required under paragraph (2) shall include a forensic audit that examines the effectiveness of internal controls to prevent waste, fraud, and abuse within the pilot program.

#### **SEC. 104. ROAD HOME PROGRAM SHORTFALL.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for the State of Louisiana to carry out the Road Home Program, provided that as of June 1, 2007, the State of Louisiana has provided at least \$1,000,000,000 for such program.

(b) **EXCEPTION FROM PROHIBITION ON DUPLICATION OF BENEFITS.**—Notwithstanding any other provision of law, to the extent that amounts made available under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779), under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472), and under section 101 of this title, are used by the State of Louisiana under the Road Home Program, the procedures preventing duplication of benefits established pursuant to the penultimate proviso under such heading in Public Law 109–148 (119 Stat. 2781) and the 15th proviso under such heading in Public Law 109–234 (120 Stat. 473) shall not apply with respect to any benefits received from disaster payments from the Federal Emergency Management Agency, or disaster assistance provided from the Small Business Administration, except to the extent that the inapplicability of such procedures would result in a household receiving more than is necessary to repair or rebuild their structure and property, and pay for temporary relocation and necessities.

#### **SEC. 105. ELIMINATION OF PROHIBITION OF USE FOR MATCH REQUIREMENT.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, any amounts made available before the date of the enactment of this Act for activities under the Community Development Block Grant Program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the areas impacted or distressed by the consequences of Hurricane Katrina, Rita, or Wilma in States for which the President declared a major disaster, or made available before such date of enactment for such activities for such expenses in the areas impacted or distressed by the consequences of Hurricane Dennis, may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program.

(b) **EFFICIENT ENVIRONMENTAL REVIEW.**—If an environmental review for a project funded by any amounts referred to in subsection (a) has been completed by a Federal agency, such environmental review shall be considered sufficient for receipt and use of all Federal funds, provided that such environmental review is substantially similar to an environmental review under the procedures authorized under section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)).

**SEC. 106. REIMBURSEMENT OF AMOUNTS USED FOR RENTAL HOUSING ASSISTANCE.**

There are authorized to be appropriated, from any amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to the consequences of Hurricane Katrina, Rita, or Wilma that remain unobligated, and from any amounts made available before such date of enactment under any provision of law to such Agency for such disaster relief relating to the consequences of Hurricane Dennis that remain unobligated, such sums as may be necessary to be made available to the Administrator of the Federal Emergency Management Agency for transfer to the Secretary of Housing and Urban Development, for such Secretary to provide assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to reimburse metropolitan cities and urban counties for amounts used, including amounts from the Community Development Block Grant Program, the HOME Investment Partnership Program, and other programs, to provide rental housing assistance for families residing in such city or county pursuant to evacuation from their previous residences because of such hurricanes, provided that such city or county has not previously been reimbursed for such expenditures.

**TITLE II—PUBLIC HOUSING**

**SEC. 201. SURVEY OF PUBLIC HOUSING RESIDENTS.**

(a) **SURVEY.**—The Secretary of Housing and Urban Development shall contract with an independent research entity to conduct a survey, using appropriate scientific research methods to determine, of the households who as of August 28, 2005, resided in public housing (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) operated or administered by the Housing Authority of New Orleans, in Louisiana—

(1) which and how many such households intend to return to residences in dwelling units described in section 202(d) of this Act, when presented with the options of—

(A) returning to residence in a repaired public housing or comparable dwelling unit in New Orleans immediately;

(B) returning to residence in a temporary repaired residence in New Orleans immediately, and then moving from such repaired residence to a newly redeveloped public housing unit at a later date; or

(C) continuing to receive rental housing assistance from the Federal Government in a location other than New Orleans or in New Orleans; and

(2) when households who choose the options described under subparagraphs (A) or (B) of paragraph (1) intend to return.

(b) **PARTICIPATION OF RESIDENTS.**—The Secretary shall solicit recommendations from resident councils and residents of public housing operated or administered by such Housing Authority in designing and conducting the survey under subsection (a).

(c) **PROPOSED SURVEY DOCUMENT.**—The Secretary shall submit the full research design

of the proposed document to be used in conducting the survey to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not less than 10 business days before the commencement of such survey.

(d) **REPORT.**—The Secretary shall submit a report to the committees referred to in subsection (c) detailing the results of the survey conducted under subsection (a) not later than 90 days after the date of the enactment of this Act.

**SEC. 202. HOUSING FOR PREVIOUS RESIDENTS OF PUBLIC HOUSING.**

(a) **PROVISION OF DWELLING UNITS.**—Not later than 90 days after the date of the enactment of this Act, the Housing Authority of New Orleans shall make available for temporary or permanent occupancy, subject to subsection (b), a number of dwelling units (including those currently occupied) described in subsection (d) that is not less than the greater of—

(1) 3,000; or

(2) the number of households who have indicated, in the survey conducted pursuant to section 201, that they intend to return to residence within 120 days after the date of the enactment of this Act, in public housing operated or administered by such public housing agency.

(b) **HOUSING FOR FORMER PUBLIC HOUSING RESIDENTS.**—

(1) **IN GENERAL.**—Subject only to subsection (c), the Housing Authority of New Orleans shall make available, upon the request of any household who, as of August 28, 2005, was a tenant of public housing operated or administered by such public housing agency, permanent or temporary occupancy (as may be necessary for redevelopment plans) for such household in a dwelling unit provided pursuant to subsection (a), so long as—

(A) the tenant—

(i) notifies the Housing Authority of New Orleans, not later than 75 days after the date of the enactment of this Act, of that tenant's intent to return; and

(ii) identifies a date that the tenant intends to occupy such a dwelling unit, which shall be not later than 120 days after the date of the enactment of this Act; and

(B) the tenant was rightfully occupying a public housing unit of the Housing Authority of New Orleans on August 28, 2005.

(2) **PREFERENCES.**—In making dwelling units available to households pursuant to paragraph (1), such Housing Authority shall provide to each returning tenant the choice to live in—

(A) a dwelling unit in the same public housing project occupied by the tenant as of August 28, 2005, or in the surrounding neighborhood in which such public housing project was located, if available; or

(B) in any other available dwelling unit in various other areas of the City of New Orleans, provided that the Housing Authority give each resident a choice of available units in various neighborhoods throughout the City of New Orleans.

(c) **PROHIBITION OF EXCLUSION.**—The Housing Authority of New Orleans shall not, including through the application of any waiting list or eligibility, screening, occupancy, or other policy or practice, prevent any household referred to in subsection (b)(1) from occupying a replacement dwelling unit provided pursuant to subsection (a), except that such Housing Authority or other manager shall prevent a household from occupying such a dwelling unit, and shall provide for occupancy in such dwelling units, as follows:

(1) Notwithstanding any priority under paragraph (4), a household shall be prevented from such occupancy to the extent that any

other provision of Federal law prohibits occupancy or tenancy of such household, or any individual who is a member of such household, in the type of housing of the replacement dwelling unit provided for such household.

(2) Notwithstanding any priority under paragraph (4), a household shall be prevented from such occupancy if it includes any individual who has been convicted of a drug dealing offense, sex offense, or crime of domestic violence.

(d) **REPLACEMENT DWELLING UNITS.**—A dwelling unit described in this subsection is—

(1) a dwelling unit in public housing operated or administered by the Housing Authority of New Orleans; or

(2) a dwelling unit in other comparable housing located in the jurisdiction of the Housing Authority of New Orleans for which the sum of the amount required to be contributed by the tenant for rent and any separate utility costs for such unit borne by the tenant is comparable to the sum of the amount required to be contributed by the tenant for rental of a comparable public housing dwelling unit and any separate utility costs for such unit borne by the tenant.

(e) **RELOCATION ASSISTANCE.**—The Housing Authority of New Orleans shall provide, to each household provided occupancy in a dwelling unit pursuant to subsection (b), assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (42 U.S.C. 4601 et seq.) for relocation to such dwelling unit.

**SEC. 203. REPLACEMENT OF PUBLIC HOUSING DWELLING UNITS.**

(a) **CONDITIONS ON DEMOLITION.**—After the date of the enactment of this Act, the Housing Authority of New Orleans may only demolish or dispose of dwelling units of public housing operated or administered by such agency (including any uninhabitable unit) pursuant to a plan for replacement of such units, as approved by the Secretary of Housing and Urban Development pursuant to subsection (b).

(b) **PLAN REQUIREMENTS.**—The Secretary may only approve a plan for demolition or disposition of dwelling units of public housing referred to in subsection (a), if—

(1) there is a clear process for the opportunity to comment by the residents and resident councils of public housing operated or administered by such Housing Authority or the City of New Orleans, and the community in which such demolition or disposition is to occur, including the opportunity for comment on specific proposals at each stage of redevelopment, demolition, or disposition;

(2) not later than 60 days before the date of the approval of such plan, such Housing Authority has convened and conducted at least 1 public hearing regarding the demolition or disposition proposed in the plan;

(3) such plan provides that for each such dwelling unit demolished or disposed of, such public housing agency will provide additional affordable housing as set forth under subsection (c);

(4) such plan provides for the implementation of a right for households to occupancy housing in accordance with section 202;

(5) such plan provides priority in making units available under paragraph (3) to residents identified in section 201;

(6) such plan provides for offering public housing units built on site, first to former residents of that public housing development who indicate they would like to return, subject to exclusions permitted under Federal law for criminal activity;

(7) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in

subsection (e) of section 808 of the Civil Rights Act of 1968;

(8) such plan provides for comprehensive resident services; and

(9) such plan provides for procedures for people who were on the waiting list on August 28, 2005, to receive consideration to receive housing for any units that are not needed for returning residents.

(c) REPLACEMENT UNITS.—

(1) PREVIOUSLY OCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was occupied by tenants on August 28, 2005, the Housing Authority of New Orleans and the Secretary of Housing and Urban Development shall provide at least 1 of the following replacement housing opportunities:

(A) The acquisition or development of additional public housing dwelling units, including units in the neighborhood where the demolished or disposed of units were located.

(B) The acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units, including units in the neighborhood where the demolished or disposed of units were located.

(C) The development or contracting of project-based voucher assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), for not less than 15 years.

(2) NONOCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was not occupied by tenants on August 28, 2005, the Secretary of Housing and Urban Development shall provide, and the Housing Authority of New Orleans shall provide a replacement housing unit as described in paragraph (1) or shall issue a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), provided that the Housing Authority establishes, within 60 days after the date of enactment of this Act, a system to project base such vouchers, as permitted under section 8(o)(13) of such Act.

(d) INAPPLICABLE PROVISIONS.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers used to comply with the requirements of subsection (b)(3) of this section, except that not more than 50 percent of the units in any such affordable housing project may be assisted under a housing assistance contract for project-based assistance under such section 8(o)(13), unless all units are specifically made available to seniors or people with disabilities.

(e) MONITORING.—The Secretary of Housing and Urban Development shall provide for the appropriate field offices of the Department to monitor and supervise enforcement of this section and plans approved under this section and to consult, regarding such monitoring and enforcement, with resident councils of, and residents of public housing operated or administered by, the Housing Authority of New Orleans and with the City of New Orleans.

**SEC. 204. RESIDENT SUPPORT SERVICES.**

(a) IN GENERAL.—In any instance where the Housing Authority of New Orleans is providing housing vouchers or affordable housing that is not public housing, as described in section 203, the Housing Authority shall, directly or through the use of contractors—

(1) provide mobility counseling to residents of such housing;

(2) conduct outreach to landlords of such housing in all areas of the City of New Orleans and the region; and

(3) work with developers to project-based voucher assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) in low-poverty neighborhoods, and neighborhoods undergoing revitalization.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Housing Authority of New Orleans shall submit a report to the Secretary and Congress on its activities under this section, including—

(1) the number and location of nonpublic housing units provided;

(2) the census tract in which those units are located;

(3) the poverty rate in those census tracts;

(4) the rent burdens of households assisted under this section;

(5) any demographic data, reported by census tract, on who is served in the program; and

(6) the efforts of the Authority to affirmatively further fair housing.

**SEC. 205. PUBLIC HOUSING IN KATRINA AND RITA DISASTER AREAS.**

(a) CONDITIONS ON DEMOLITION.—For the 2-year period after the date of the enactment of this Act, a public housing agency may only dispose or demolish public housing dwelling units located in any area for which a major disaster or emergency was declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Katrina or Rita of 2005, other than those covered under section 203, pursuant to a plan for replacement of such units in accordance with, and approved by the Secretary of Housing and Urban Development pursuant to subsections (b) and (c).

(b) PLAN REQUIREMENTS.—The Secretary may only approve a plan for demolition or disposition of dwelling units of public housing referred to in subsection (a), if—

(1) there is a clear process for the opportunity to comment by the residents and resident councils of public housing operated or administered by the Housing Authority, and the community in which such demolition or disposition is to occur, including the opportunity for comment on specific proposals for redevelopment, demolition, or disposition;

(2) not later than 60 days before the date of the approval of such plan, such Housing Authority has convened and conducted at least 1 public hearing regarding the demolition or disposition proposed in the plan;

(3) such plan provides that for each such dwelling unit demolished or disposed of, such public housing agency will provide additional affordable replacement housing as set forth under subsection (c);

(4) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968;

(5) such plan provides for comprehensive resident services;

(6) such plan provides for offering public housing units built on site, first to former residents of that public housing development who indicate they would like to return, subject to exclusions permitted under Federal law for criminal activity; and

(7) such plan provides for procedures for people who were on the waiting list on August 28, 2005, to receive consideration to receive housing for any units that are not needed for returning residents.

(c) REPLACEMENT UNITS.—

(1) PREVIOUSLY OCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was occupied by tenants on August 28, 2005, the Housing Au-

thority shall provide at least 1 of the following replacement housing opportunities:

(A) The acquisition or development of additional public housing dwelling units.

(B) The acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units.

(C) Project-based voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), for not less than 10 years.

(2) NONOCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was not occupied by tenants on August 28, 2005, the Secretary of Housing and Urban Development shall provide, and the Housing Authority shall provide a replacement housing unit as described in paragraph (1) or shall issue a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(d) RELOCATION ASSISTANCE.—A public housing agency shall provide, to each household relocated pursuant to a plan under this section for demolition or disposition, assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 for relocation to their new residence.

(e) RETURN OF PUBLIC HOUSING TENANTS.—A public housing agency administering or operating public housing dwelling units described in subsection (a) shall—

(1) use its best efforts to locate tenants displaced from such public housing as a result of Hurricane Katrina or Rita; and

(2) provide such residents occupancy in public housing dwelling units of such agency that become available for occupancy, or other comparable affordable units, and to ensure such residents a means to return to such housing if they so choose.

(f) INAPPLICABILITY OF CERTAIN PROJECT-BASED VOUCHER LIMITATIONS.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to any project-based vouchers used to comply with the requirements of a plan under subsection (c), except that not more than 50 percent of the units in any such affordable housing project may be assisted under a housing assistance contract for project-based assistance under such section 8(o)(13), unless all units are specifically made available to seniors or people with disabilities.

(g) DISPLACEMENT FROM HABITABLE UNITS.—A public housing agency may not displace a tenant from any public housing dwelling unit described in this section that is administered or operated by such agency and is habitable (including during any period of rehabilitation), unless the agency provides a suitable and comparable replacement dwelling unit for such tenant.

**SEC. 206. REPORTS ON PROPOSED CONVERSIONS OF PUBLIC HOUSING UNITS.**

Not later than the expiration of the 15-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a detailed report identifying all public housing projects located in areas impacted by Hurricane Katrina or Rita of 2005, for which plans exist to transfer ownership to other entities or agencies. Such report shall include the following information for each such project:

(1) The name and location.

(2) The number of dwelling units.



(3) The proposed new owner.

(4) The existing income eligibility and rent provisions.

(5) Duration of existing affordability restrictions.

(6) The proposed date of transfer.

(7) An analysis of the impact on residents and low-income families on the waiting list of such transfer.

**SEC. 207. AUTHORIZATION OF APPROPRIATIONS FOR REPAIR AND REHABILITATION FOR KATRINA AND RITA DISASTER AREAS.**

There are authorized to be appropriated such sums as may be necessary to carry out activities eligible for funding under the Capital Fund under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) for the repair, rehabilitation, redevelopment, and replacement of public housing in a designated disaster area, and for relocation expenses and community and supportive services for the residents of public housing operated or administered by housing agencies in such designated disaster areas.

**SEC. 208. EXISTING PUBLIC HOUSING REDEVELOPMENT.**

Notwithstanding the provisions of any request for qualification or proposal issued before the date of the enactment of this Act with respect to any public housing operated or administered by a housing agency in a designated disaster area, the housing agency shall provide replacement housing as required under section 203 or 205, as applicable.

**SEC. 209. REPORTS ON COMPLIANCE.**

Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act and not later than the expiration of each calendar quarter thereafter, the Secretary of Housing and Urban Development shall submit a detailed report regarding compliance with the requirements of this title, including the resident participation requirement under section 203(b)(1), to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, the resident councils of, and representatives of public housing operated or administered by, a housing agency in a disaster area, and the City of New Orleans.

**SEC. 210. INDEPENDENT ADMINISTRATION OF HOUSING AUTHORITY OF NEW ORLEANS.**

(a) RECEIVERSHIP.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall petition for judicial receivership of the Housing Authority of New Orleans pursuant to section 6(j)(3)(A)(ii) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(3)(A)(ii)).

(b) EFFECT OF RECEIVERSHIP.—Any judicial receiver of the Housing Authority of New Orleans appointed pursuant to subsection (a) shall be required to comply with all the provisions of this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the judicial receiver of the Housing Authority of New Orleans appointed pursuant to subsection (a) shall consider new and innovative models for administration of the Housing Authority of New Orleans, including public-private partnerships.

**SEC. 211. DEFINITION.**

For purposes of this title, the term “designated disaster area” means any area that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina or Rita of 2005.

**TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE**

**SEC. 301. DISASTER VOUCHER PROGRAM.**

(a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be nec-

essary to provide assistance under the Disaster Voucher Program of the Department of Housing and Urban Development established pursuant to Public Law 109-148 (119 Stat. 2779) through June 30, 2008, and, to the extent that amounts for such purpose are made available, such program, and the authority of the Secretary of Housing and Urban Development to waive requirements under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in administering assistance under such program, shall be so extended.

**(b) TRANSFER OF DISASTER VOUCHER PROGRAM TO TENANT-BASED ASSISTANCE.—**

(1) TRANSFER TO SECTION 8 VOUCHER PROGRAM.—There are authorized to be appropriated, for tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for households transitioning from the Disaster Voucher Program of the Department of Housing and Urban Development established pursuant to Public Law 109-148 (119 Stat. 2779) for the period that such household is eligible for such voucher assistance, as of the termination date of the Disaster Voucher Program, for each household that—

(A) is assisted under such program;

(B) did not receive assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) at the time of Hurricane Katrina or Rita of 2005;

(C) is not eligible for tenant replacement voucher assistance under section 302 of this Act; or

(D) is eligible for tenant replacement voucher assistance under section 302, but has not received such assistance.

(2) ELIGIBILITY FOR ASSISTANCE.—Subject to the availability of appropriations, as of January 1, 2008, any household meeting the requirements in paragraph (1) shall receive tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(3) ADMINISTRATION OF ASSISTANCE.—Voucher assistance provided under this subsection shall be administered by the public housing agency having jurisdiction of the area in which such assisted family resides as of such termination date.

(4) TEMPORARY VOUCHERS.—If at any time a household for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for such rental assistance—

(A) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(B) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(C) such voucher shall not be taken into consideration for purposes of determining future allocation of amounts for tenant-based rental assistance for any public housing agency.

(c) FORMER VOUCHER PROGRAM PARTICIPANTS.—Households who were receiving assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) as of August 28, 2005, shall continue to be assisted under such section (8)(o), subject to all the requirements under that section.

(d) IDENTIFICATION AND NOTIFICATION OF DVP-ELIGIBLE HOUSEHOLDS NOT ASSISTED.—Prior to October 31, 2007, the Secretary of Housing and Urban Development shall work with the Federal Emergency Management Agency and State and local housing agencies to identify households who, as of the date of the enactment of this Act, are eligible for as-

sistance under this section but are not receiving assistance under this section. Upon identification of each such household, the Secretary shall—

(1) notify such household of the housing options available under this Act; and

(2) to the extent that the family is eligible for such options at such time of identification, offer the household assistance under this section.

**SEC. 302. TENANT REPLACEMENT VOUCHERS FOR ALL LOST UNITS.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to provide tenant replacement vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for the number of households that are equal to—

(1) the number of assisted dwelling units (whether occupied or unoccupied) located in covered assisted multifamily housing projects (as such term is defined in section 308(e) of this Act) that are not approved for reuse or resiting by the Secretary of Housing and Urban Development; plus

(2) the number of public housing dwelling units that, as of August 28, 2005, were located in areas affected by Hurricane Katrina and were considered for purposes of allocating operating and capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; plus

(3) the number of public housing dwelling units that, as of September 24, 2005, were located in areas affected by Hurricane Rita and were considered for purposes of allocating operating or capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; minus

(4) the number of previously awarded enhanced vouchers for assisted dwelling units and tenant protection vouchers for public housing units covered under this section.

(b) ALLOCATION.—Any amounts made available pursuant to this section shall, upon the request of a public housing agency for such voucher assistance, be allocated to the public housing agency based on the number of dwelling units described in paragraph (1) or (2) of subsection (a) that are located in the jurisdiction of the public housing agency.

(c) ISSUANCE.—The Secretary of Housing and Urban Development shall issue replacement vouchers for all units approved for reuse, resiting, or replacement that are not available for occupancy on January 1, 2010.

**SEC. 303. VOUCHER ASSISTANCE FOR HOUSEHOLDS RECEIVING FEMA ASSISTANCE.**

(a) FEMA TRANSFER OF ASSISTANCE.—As of December 21, 2007, the Federal Emergency Management Agency shall transfer to the Secretary of Housing and Urban Development all of its authority and power relating to the administration of rental assistance, and funding for such rental assistance, under the Disaster Relief Fund established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

**(b) HUD ADMINISTRATION OF RENTAL ASSISTANCE.—**

(1) IN GENERAL.—Beginning on January 1, 2008, the Secretary of Housing and Urban Development shall provide temporary housing assistance to households who received assistance under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) as follows:

(A) REQUIRED TENANT ASSISTANCE.—Households receiving assistance shall be required to pay up to 30 percent of their income towards rent and utility costs.

(B) MINIMUM RENTAL AMOUNT.—The Secretary of Housing and Urban Development

may implement a minimum rent of up to \$100 per month, only if the Secretary provides for hardship exemptions for households including seniors and people with disabilities.

(C) **LIMITATION ON EXCESSIVE RENTS.**—The Secretary of Housing and Urban Development shall work with landlords to minimize the payment of rents in excess of 120 percent of the fair market rent for comparable housing in the area.

(2) **DEFINITION OF FAIR MARKET RENT.**—In this subsection, the term “fair market rent” means the rent (including utilities, except telephone service), as determined by the Department of Housing and Urban Development, for units of varying sizes (by number of bedrooms), that must be paid in the market area to rent privately-owned, existing, decent, safe, and sanitary rental housing of modest (nonluxury) nature with suitable amenities

(C) **RENTAL ASSISTANCE FOR HOUSEHOLDS RESIDING IN FEMA TRAILERS.**—

(1) **PROVISION OF ASSISTANCE.**—There are authorized to be appropriated, for rental assistance, such sums as may be necessary to provide such assistance for each individual and household who, as of the date of the enactment of this Act, receives direct assistance for temporary housing under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma and is eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(2) **OFFER.**—Subject to the availability of appropriations, the Secretary of Housing and Urban Development shall offer tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) to each individual or household who, as of the date of enactment of this Act, is residing in a trailer provided by the Federal Emergency Management Agency as part of the direct assistance that individual or household received under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma.

(3) **CONDITIONS ON ASSISTANCE.**—The provision of temporary housing assistance under this subsection shall be subject to the following requirements:

(A) **REQUIRED TENANT ASSISTANCE.**—Households receiving assistance shall be required to pay up to 30 percent of their income towards rent and utility costs.

(B) **MINIMUM RENTAL AMOUNT.**—The Secretary of Housing and Urban Development may implement a minimum rent of up to \$100 per month, only if the Secretary provides for hardship exemptions for household including seniors and people with disabilities.

(C) **LIMITATION ON EXCESSIVE RENTS.**—The Secretary of Housing and Urban Development shall work with landlords to minimize the payment of rents in excess of 120 percent of the fair market rent for comparable housing in the area.

(d) **TEMPORARY ASSISTANCE.**—

(1) **ELIGIBILITY.**—Individuals or households receiving rental assistance under this section shall be eligible for such assistance only if they are eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(2) **EFFECT OF BECOMING INELIGIBLE.**—If at any time an individual or household for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for further such rental assistance—

(A) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(B) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(C) such voucher shall not be taken into consideration for purposes of determining any future allocation of amounts for such tenant-based rental assistance for any public housing agency.

#### **SEC. 304. VOUCHER ASSISTANCE FOR SUPPORTIVE HOUSING.**

There are authorized to be appropriated such sums as may be necessary to provide 4,500 vouchers for project-based rental assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), and 1,000 units under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.) for use in areas impacted by Hurricanes Katrina and Rita for supportive housing dwelling units for elderly families, persons with disabilities, or homeless persons. The Secretary of Housing and Urban Development shall make available to the State of Louisiana or its designee or designees, upon request, 3,000 of such vouchers. Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this section.

#### **SEC. 305. PROJECT-BASING OF VOUCHERS.**

The Secretary of Housing and Urban Development may waive the limitations on project-basing under section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) for public housing agencies located in any area in which the President declared a major disaster as a result of Hurricane Katrina, Rita, or Wilma, if—

(1) the public housing agency is working to project-base vouchers in—

(A) a mixed-income community; or  
(B) a low-poverty neighborhood, or a neighborhood undergoing revitalization; or

(2) not more than 50 percent of any project is assisted under such 8(o)(13)(B), unless all units in such project are specifically designated for seniors or the disabled.

#### **SEC. 306. PRESERVATION OF PROJECT-BASED HOUSING ASSISTANCE PAYMENTS CONTRACTS FOR DWELLING UNITS DAMAGED OR DESTROYED.**

(a) **TOLLING OF CONTRACT TERM.**—Notwithstanding any other provision of law, a project-based housing assistance payments contract for a covered assisted multifamily housing project shall not expire or be terminated because of the damage or destruction of dwelling units in the project by Hurricane Katrina or Rita. The expiration date of the contract shall be deemed to be the later of the date specified in the contract or a date that is not less than 3 months after the dwelling units in the project or in a replacement project are first made habitable.

(b) **OWNER PROPOSALS FOR REUSE OR RESITING.**—The Secretary of Housing and Urban Development shall promptly review and shall approve all feasible proposals made by owners of covered assisted multifamily housing projects submitted to the Secretary, not later than October 1, 2008, that provide for the rehabilitation of the project and the resumption of use of the assistance under the contract for the project, or, alternatively, for the transfer, pursuant to subsection (c), of the contract or, in the case of a project with an interest reduction payments con-

tract, of the remaining budget authority under the contract, to another multifamily housing project.

(c) **TRANSFER OF CONTRACT.**—In the case of any covered assisted multifamily housing project, the Secretary of Housing and Urban Development shall—

(1) in the case of a project with a project-based rental assistance payments contract described in subparagraph (A), (B), or (C) of subsection (e)(2), transfer the contract to another appropriate and habitable existing project or a project to be constructed (having the same or a different owner); and

(2) in the case of a project with an interest reduction payments contract pursuant to section 236 of the National Housing Act, use the remaining budget authority under the contract for interest reduction payments to reduce financing costs with respect to dwelling units in other habitable projects not currently so assisted, and such dwelling units shall be subject to the low-income affordability restrictions applicable to projects for which such payments are made under section 236 of the National Housing Act.

(d) **ALLOWABLE TRANSFERS.**—A project-based rental assistance payments contract may be transferred, in whole or in part, under subsection (c) to—

(1) a project with the same or different number of units or bedroom configuration than the damaged or destroyed project if approximately the same number of individuals are expected to occupy the subsidized units in the replacement project as occupied the damaged or destroyed project; or

(2) multiple projects, including some on the same site, if approximately the same number of individuals are expected to occupy the subsidized units in the replacement projects as occupied the damaged or destroyed project.

(e) **DEFINITIONS.**—For purposes of this section:

(1) **COVERED ASSISTED MULTIFAMILY HOUSING PROJECT.**—The term “assisted multifamily housing project” means a multifamily housing project that—

(A) as of the date of the enactment of this Act, is subject to a project-based rental assistance payments contract (including pursuant to subsection (a) of this section); and  
(B) was damaged or destroyed by Hurricane Katrina or Hurricane Rita of 2005.

(2) **PROJECT-BASED RENTAL ASSISTANCE PAYMENTS CONTRACT.**—The term “project-based rental assistance payments contract” includes—

(A) a contract entered into pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) a contract for project rental assistance pursuant to section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2));

(C) a contract for project rental assistance pursuant to section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); and

(D) an interest reduction payments contract pursuant to section 236 of the National Housing Act (12 U.S.C. 1715z-1).

#### **SEC. 307. GAO STUDY OF WRONGFUL OR ERRONEOUS TERMINATION OF FEDERAL RENTAL HOUSING ASSISTANCE.**

The Comptroller General of the United States shall conduct a study of households that received Federal assistance for rental housing in connection with Hurricanes Katrina and Rita to determine if the assistance for any such households was wrongfully or erroneously terminated. The Comptroller General shall submit a report to the Congress not later than January 1, 2008, on the results of the study, which shall include an estimate of how many households were subject to such wrongful or erroneous termination and how many of those households



have incomes eligible for the household to receive tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

#### **TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS**

##### **SEC. 401. REIMBURSEMENT OF LANDLORDS.**

There are authorized to be appropriated, from amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, such sums as may be necessary for the Administrator of the Federal Emergency Management Agency to provide reimbursement to each landlord who entered into leases to provide emergency sheltering in response to Hurricane Katrina, Rita, or Wilma of 2005, pursuant to the program of the Federal Emergency Management Agency pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) in the amount of actual, documented damages incurred by such landlord as a result of abrogation by such Agency of commitments entered into under such program, but not including reimbursement for any such landlord to the extent that such landlord has previously received reimbursement for such damages under any other Federal or non-Federal program.

#### **TITLE V—FHA HOUSING**

##### **SEC. 501. TREATMENT OF NONCONVEYABLE PROPERTIES.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, in the case of any property consisting of a 1- to 4-family residence that is subject to a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) and was damaged or destroyed as a result of Hurricane Katrina or Rita of 2005, if there was no failure on the part of the mortgagee or servicer to provide hazard insurance for the property or to provide flood insurance coverage for the property to the extent such coverage is required under Federal law, the Secretary of Housing and Urban Development—

(1) may not deny conveyance of title to the property to the Secretary and payment of the benefits of such insurance on the basis of the condition of the property or any failure to repair the property;

(2) may not reduce the amount of such insurance benefits to take into consideration any costs of repairing the property; and

(3) with respect to a property that is destroyed, condemned, demolished, or otherwise not available for conveyance of title, may pay the full benefits of such insurance to the mortgagee notwithstanding that such title is not conveyed.

(b) **BUDGET ACT COMPLIANCE.**—Insurance claims may be paid in accordance with subsection (a) only to the extent or in such amounts as are or have been provided in advance in appropriations Acts for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661(a)) of such claims.

##### **SEC. 502. FHA SINGLE-FAMILY INSURANCE.**

In determining the eligibility of any individual whose residence was damaged or destroyed as a result of Hurricane Katrina and who was current on their mortgage prior to August 28, 2005, for mortgage insurance under section 203 of the National Housing Act (12 U.S.C. 1709), the Secretary of Housing and Urban Development shall look at the creditworthiness of such individual, as such creditworthiness was established prior to August 28, 2005.

##### **SEC. 503. FHA-NEW ORLEANS HOMEOWNERSHIP OPPORTUNITIES INITIATIVE.**

(a) **ESTABLISHMENT.**—There is established within the Department of Housing and Urban

Development an FHA-New Orleans Homeownership Opportunities Initiative (in this section referred to as the “Initiative”), which shall provide for the conveyance or transfer of eligible homes to the New Orleans Redevelopment Authority for use in the pilot program established in section 103 of this Act.

(b) **ELIGIBLE HOMES.**—For purposes of this section, an eligible home is a 1, 2, 3, or 4-family residence or multi-family project—

(1) that is either vacant, abandoned, or has been foreclosed upon, subject to subsection (e)(2)(B), by the Secretary of Housing and Urban Development;

(2) to which the Secretary holds title; and

(3) which is not occupied by a person legally entitled to reside in such residence or project.

(c) **REPORTS.**—

(1) **INITIAL LIST OF PROPERTIES.**—Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the New Orleans Redevelopment Authority listing all eligible homes in the New Orleans area, including a list of homes in default where foreclosure by the Secretary is imminent.

(2) **UPDATED LISTS.**—Not later than 90 days after the initial report is submitted under paragraph (1), and every 90 days thereafter, the Secretary of Housing and Urban Development shall submit a follow-up report to the Committees and entities described in paragraph (1) listing all—

(A) new eligible homes; and

(B) 1, 2, 3, or 4-family residences or multi-family projects in the New Orleans area—

(i) that have been foreclosed upon by the Secretary, or are in default and where foreclosure is imminent; and

(ii) where the Secretary has taken all necessary actions to avoid such foreclosure.

(d) **DONATED PROPERTY.**—The Secretary of Housing and Urban Development, at any time, may accept, manage, and convey to the New Orleans Redevelopment Authority and residential property donated to the Secretary by a nongovernmental entity for purposes of this section.

(e) **CONVEYANCE OF PROPERTIES.**—

(1) **REQUEST BY NORA.**—Not later than 30 days after any report is submitted under subsection (c), the New Orleans Redevelopment Authority shall, in writing, request that the Secretary of Housing and Urban Development convey any and all eligible homes listed in such report.

(2) **HUD ACTION.**—

(A) **IN GENERAL.**—Not later than 30 days after the receipt of any request under paragraph (1), the Secretary of Housing and Urban Development shall convey to the New Orleans Redevelopment Authority, at no cost, title to any eligible home requested by the Authority.

(B) **LIMITATION.**—The Secretary of Housing and Urban Development may only convey title to an eligible home that is eligible solely because the Secretary foreclosed upon such home, if the Secretary had taken all necessary actions to avoid such foreclosure.

(f) **USE OF ELIGIBLE PROPERTIES.**—Any eligible home conveyed or transferred to the New Orleans Redevelopment Authority under this section shall be used in the following manner:

(1) **MINIMUM USE REQUIREMENT.**—Such home shall be sold, conveyed, or included in redevelopment within 18 months of such conveyance or transfer, and shall be redeveloped to meet applicable local building codes so as to ensure that such home—

(A) will be adequately rehabilitated to support sustainable homeownership; and

(B) may be in such physical condition that it can be offered for sale for habitation or occupancy within 36 months of such conveyance or transfer.

(2) **LOW-INCOME OCCUPANCY REQUIREMENT.**—Notwithstanding any other redevelopment plans, the New Orleans Redevelopment Authority shall ensure that a number of homes equal to the number of homes transferred or conveyed by the Secretary under this section are redeveloped and sold by the Authority to low-income households, at a price that is affordable to such households, subject to the following requirements:

(A) Redevelopment of such eligible homes will be done in concert with other redevelopment activities, as described in section 103.

(B) Preference for purchase of such eligible homes will be given to households—

(i) who have received pre-purchase homeownership counseling; and

(ii) which are comprised of individuals who on August 28, 2005, were residents of the City of New Orleans and—

(I) had, with respect to any dwelling in the City of New Orleans, a valid and nonexpired lease for such dwelling;

(II) owned a home in the City of New Orleans, but who did not receive funds under the Road Home program; or

(III) received housing vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), or lived in public housing.

(3) **PRIMARY RESIDENCE REQUIREMENT.**—

(A) **IN GENERAL.**—The individual or household buying such eligible home shall agree to use the home as their primary residence for 5 years.

(B) **LIMITATION ON FLIPPING.**—The New Orleans Redevelopment Authority shall ensure, by any means, including by the use of restrictive covenants, that if the individual or household who purchased the home from the Authority sells the home within 5 years of such purchase, that such sale shall only be valid if the subsequent buyer is a low-income individual or household.

(4) **SALE PRICE REQUIREMENT.**—The New Orleans Redevelopment Authority or its redevelopment partners shall sell eligible homes at a discounted price that is affordable to families at or below 80 percent of area median income.

(5) **EXCESS PROFIT TO BE RETURNED TO HUD.**—Any profit on the sale of home received by the New Orleans Redevelopment Authority or a developer for the sale of an eligible home above the redevelopment costs of such home shall be paid to the Secretary of Housing and Urban Development.

(g) **COUNSELING.**—The New Orleans Redevelopment Authority shall work with local nonprofit housing counseling agencies to provide pre-purchase counseling to any interested individuals or households who seek to purchase an eligible home from the Authority under this section, as required to receive preference under subsection (f)(2)(B).

(h) **INSPECTION PROCESS.**—The New Orleans Redevelopment Authority shall establish a process to inspect all eligible homes prior to sale under this section to ensure that such homes—

(1) meet local building codes;

(2) need no further rehabilitation; and

(3) are safe for habitation and occupation.

(i) **RECAPTURE PROCEDURES.**—The Secretary of Housing and Urban Development, in consultation with the New Orleans Redevelopment Authority, shall establish procedures to recapture amounts in instances where—

(1) eligible homes are not sold to low-income families;

(2) eligible home prices exceed redevelopment costs; and

(3) eligible homes sold are not used as the purchaser's primary residences for 5 years.

(j) COMPLIANCE REPORTS.—

(1) IN GENERAL.—The New Orleans Redevelopment Authority shall submit such information as the Secretary of Housing and Urban Development requires to ensure that eligible homes are being used as required under subsection (f). If at any time, the Secretary determines the Authority is in non-compliance with the requirements under subsection (f), the Secretary shall, not later than 15 days after making such determination, notify, in writing, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

(2) STATUS REPORT.—Not later than 3 years after the date of enactment of this Act, and again not later than 5 years after the date of enactment of this Act, the New Orleans Redevelopment Authority shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives on the implementation, status, and execution of the Initiative established under this section.

(k) TERMINATION.—The Secretary of Housing and Urban Development shall not convey or transfer, and the New Orleans Redevelopment Authority shall not accept, any property under this section after 5 years from the date of enactment of this Act.

**TITLE VI—FAIR HOUSING ENFORCEMENT**  
**SEC. 601. FAIR HOUSING INITIATIVES PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), in each of fiscal years 2008 and 2009, such sums as may be necessary, but not less than \$5,000,000, for areas affected by Hurricanes Katrina and Rita, of which, in each such fiscal year—

(1) 60 percent shall be available only for private enforcement initiatives for qualified private enforcement fair housing organizations authorized under subsection (b) of such section, and, of the amount made available in accordance with this paragraph, the Secretary shall set aside an amount for multi-year grants to qualified fair housing enforcement organizations;

(2) 20 percent shall be available only for activities authorized under paragraphs (1) and (2) of subsection (c) of such section; and

(3) 20 percent shall be available only for education and outreach programs authorized under subsection (d) of such section.

(b) LOW FUNDING.—If the total amount appropriated to carry out the Fair Housing Initiatives Program for either fiscal year 2008 or 2009 is less than \$50,000,000, not less than 5 percent of such total amount appropriated for such fiscal year shall be available for the areas described in subsection (a) for the activities described in paragraphs (1), (2), and (3) of such subsection.

(c) AVAILABILITY.—Any amounts appropriated under this section shall remain available until expended.

**TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF**

**SEC. 701. GAO STUDY OF IMPROVED DISTRIBUTION OF FEDERAL HOUSING FUNDS FOR HURRICANE RELIEF.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine methods of improving the distribution of Federal housing funds to assist States covered by this Act with recovery from hurricanes, which shall include identifying and analyzing—

(1) the Federal and State agencies used in the past to disburse such funds and the

strengths and weakness of existing programs;

(2) the means by and extent to which critical information relating to hurricane recovery, such as property valuations, is shared among various State and Federal agencies;

(3) program requirements that create impediments to the distribution of such funds that can be eliminated or streamlined;

(4) housing laws and regulations that have caused programs to be developed in a manner that complies with statutory requirements but fails to meet the housing objectives or needs of the States or the Federal Government;

(5) laws relating to privacy and impediments raised by housing laws to the sharing, between the Federal Government and State governments, and private industry, of critical information relating to hurricane recovery;

(6) methods of streamlining applications for and underwriting of Federal housing grant or loan programs; and

(7) how to establish more equitable Federal housing laws regarding duplication of benefits.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report describing the results of the study and any recommendations regarding the issues analyzed under the study.

**TITLE VIII—COMMENDING AMERICANS FOR THEIR REBUILDING EFFORTS**

**SEC. 801. COMMENDING AMERICANS.**

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) over 500,000 individuals in the United States have volunteered their time in helping rebuild the Gulf Coast region in the aftermath of Hurricane's Katrina and Rita;

(2) over \$3,500,000,000 in cash and in-kind donations have been made for hurricane victims;

(3) 110,000,000 pounds of food have been distributed by Catholic Charities' Food Bank through hurricane relief efforts;

(4) almost 7,000,000 hot meals have been served by Salvation Army volunteers in hurricane relief efforts;

(5) over 10,000,000 college students have devoted their spring and fall breaks to hurricane relief efforts;

(6) almost 20,000 families displaced as a result of the hurricanes have been supported by Traveler's Aid volunteers;

(7) faith based and community organizations donated thousands of man-hours, as well as assistance, to evacuees and assistance in clean-up and recovery in the Gulf States.

(b) COMMENDATION.—The Congress hereby commends the actions and efforts by the remarkable individuals and organizations who contributed to the hurricane relief effort and recognizes that the rebuilding of the Gulf Coast region rests on the selfless dedication of private individuals and community spirit.

**THE GULF COAST HOUSING RECOVERY ACT OF 2007—JUNE 20, 2007**

The following organizations have endorsed the Gulf Coast Housing Recovery Act:

**NATIONAL ORGANIZATIONS**

AARP, ACORN, Addicts Rehabilitation Center Foundation, Inc., American Association of Homes and Services for the Aging, Asian American Justice Center, Center for Responsible Lending, Center on Budget and Policy Priorities, Consortium for Citizens with Disabilities Housing Task Force, Consumer Mortgage Coalition, Enterprise Community Partners, Institute of Real Estate Management, Jonathan Rose Companies, Lawyers Committee for Civil Rights Under Law, Local Initiatives Support Corporation,

McCormack Baron Salazar, Inc., Mortgage Bankers Association, National Affordable Housing Management Association, National Alliance of Vietnamese American Service Agencies (NAVASA), National Alliance to End Homelessness, National AIDS Housing Coalition, National Apartment Association.

National Association for the Advancement of Colored People (NAACP), National Association of Affordable Housing Lenders, National Association of Home Builders, National Association of Realtors, National Baptist Convention, USA, Inc., National Coalition for Asian Pacific American Community Development (National CAPACD), National Coalition for the Homeless, National Fair Housing Alliance, NCBA Housing Management Corporation, National Housing Conference, National Housing Law Project, National Housing Trust, National Law Center on Homelessness and Poverty, National Leased Housing Association, National Low Income Housing Coalition, National Multi Housing Council, National Policy and Advocacy Council on Homelessness, NETWORK: A National Catholic Social Justice Lobby.

Oxfam America, PolicyLink, Poverty & Race Research Action Council, Religious Action Center for Reform Judaism, Technical Assistance Collaborative, Tramell Crow Company, Unitarian Universalist Association of Congregations, US Jesuit Conference, Volunteers of America.

**GULF COAST AND REGIONAL ORGANIZATIONS**

Acadiana Regional Coalition on Housing & Homelessness (ARCH), Alabama Appleseed Center for Law & Justice, Alabama Arise, Armstrong Family Services, Catholic Charities, New Orleans, Coalition for Citizens with Disabilities of Mississippi, Florida Legal Services, Inc., Fresh Start of Baton Rouge, Georgia Appleseed Center for Law & Justice, Inc., Greater Houston Fair Housing Center, Greater New Orleans Fair Housing Action Center, Gulf Coast Fair Housing Center (Biloxi, MS), Hope for the Homeless, Inc., Hope House, Lake to the River: The New Orleans Coalition for Legal Aid and Disaster Assistance, Last Hope, Inc., Louisiana Advocacy Coalition for the Homeless, Louisiana Appleseed Center for Law & Justice, Inc., Louisiana Association of Nonprofit Organizations, Louisiana Developmental Disabilities Council, Louisiana Housing Alliance, LA Supportive Housing Coalition.

Mental Health America of Louisiana, Mobile Fair Housing Center, NAMI Louisiana, New Orleans Neighborhood Development Collaborative, New Orleans Neighborhood Development Foundation, Northeast Louisiana Delta CDC, People Improving Communities Through Organizing—Louisiana Interfaith Together (PICO-LIFT), Project Lazarus, Providence Community Housing, Shelter Resources, Inc., Texas Appleseed, The Advocacy Center, UNITY of Greater New Orleans.

JUNE 15, 2007.

Hon. MARY LANDRIEU,  
*U.S. Senate,*  
*Washington, DC.*

Hon. CHRISTOPHER DODD,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATORS LANDRIEU AND DODD: Enterprise Community Partners strongly supports your bill, the Gulf Coast Hurricane Housing Recovery Act of 2007. We appreciate that this legislation takes a holistic approach to redeveloping affordable housing in the impacted Gulf Coast region.

Enterprise is one of the nation's leading providers of development capital and expertise for decent, affordable homes in thriving communities. For more than two decades, Enterprise has pioneered neighborhood solutions through private-public partnerships

with financial institutions, governments, community organizations and other stakeholders.

We are bringing our resources to bear across the Gulf Coast, helping nonprofit and faith-based organizations serving low-income people and seniors; ensuring sustainable development that saves energy and natural resources; and advising state and local government on policies and programs to create communities of choice. Through partnerships with local and national partners, we have committed to invest \$200 million in grants, loans and equity investment toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. Enterprise has designed, implemented, and is currently managing the \$47 million Louisiana Loan Fund with other partners to provide local developers access to low-cost predevelopment and acquisition capital.

This legislation provides much-needed flexibility while insisting upon the essential principles necessary to comprehensively and equitably redevelop the Gulf Coast. Enterprise commends you for providing displaced families with a range of options, including providing additional vouchers and extending temporary housing assistance.

Enterprise and our local partner, Providence Community Housing, are working with former residents and the local, state and federal governments to redevelop the Lafitte public housing site as part of a broader strategy to revitalize the neighborhood of Tremé in New Orleans. This bill creates the policy framework for rebuilding a vibrant, sustainable community of choice for families of all incomes.

The bill's provision for the New Orleans Redevelopment Authority's disposition pilot will help developers acquire off-site properties as replacement homes to reduce density in public housing. This innovative approach will help to ensure that rebuilding public housing in the Gulf Coast does not result in concentrating poverty in isolation from jobs, transportation and services.

Enterprise commends you and the members of the Senate Banking Committee for your leadership on this and other housing issues and urges Congress to expedite the passage of this critical legislation. Please call upon us if we can provide additional information or assistance.

Sincerely,

DORIS W. KOO,  
President and Chief Executive Officer,  
Enterprise Community Partners, Inc.  
BART HARVEY,  
Chairman of the Board, Enterprise  
Community Partners, Inc.

JUNE 15, 2007.

Hon. CHRISTOPHER J. DODD,  
Hon. MARY LANDRIEU,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS DODD AND LANDRIEU: We write in support of the bill you will introduce shortly to address the housing needs of low income people affected by Hurricanes Katrina and Rita that remain largely unmet these 21 months after the disaster. While everyone has suffered with the slow pace of recovery, it is the people who had the fewest resources before the storms for whom rebuilding their lives and reestablishing permanent homes has been the most difficult. In particular, repair and replacement of rental housing affordable to low income people has received insufficient attention in the rebuilding plans to date.

Your bill will go a long way towards addressing these concerns. Among its many important provisions is a plan for the repair and redevelopment of public and assisted housing. This provision will ensure that

communities will not lose desperately needed federally assisted housing units and that all residents in good standing prior to the storms will have the right to return, while also providing residents with a broader range of housing choices than previously available. Displaced public and assisted housing residents who are trying to rebuild their lives in new communities will also be able to do so without threat of losing housing assistance that makes their new homes affordable. The mobility section is a welcome addition to the House bill.

The tens of thousands more displaced low income people who were living in private housing before the storms, whose homes are gone, and whose temporary housing has been sustained via the chaotic FEMA rent assistance program will finally be able to rely on Section 8 housing vouchers, with its established rules and local administration. We are also in favor of the requirement in the bill for a GAO study to determine how the number of households whose assistance was wrongfully terminated by FEMA.

The pilot program of the New Orleans Redevelopment Authority, coupled with the FHA-New Orleans Disaster Housing Initiative, offer an innovative approach to focus resources for low income housing development in New Orleans, which sustained the greatest loss of affordable rental housing in the affected areas.

We offer the following suggestions for consideration before the bill is introduced or at mark-up. We recommend that the ongoing and desperate housing needs of low income people in Alabama and Texas be addressed in this bill. While the scale of destruction was less in these states, the distribution of resources by HUD shortchanged both states. We urge additional appropriations for Alabama and Texas, allocated through the HOME program.

Second, we ask that you consider expanding the number of new project-based vouchers from 4,500 as is in the draft bill to 25,000.

Attached is a list of organizations that are members of the Katrina Housing Group whose representatives thank you for your work on behalf of low income people displaced by the 2005 Gulf Coast Hurricanes and pledge to work with you to move your important legislation forward.

Sincerely,

THE KATRINA HOUSING GROUP,  
c/o National Low Income Housing Coalition.

JUNE 14, 2007.

Hon. CHRISTOPHER DODD,  
Hon. MARY LANDRIEU,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS DODD AND LANDRIEU: The undersigned civil rights organizations are writing to express our support for the Senate version of the Gulf Coast Housing Recovery Act of 2007, soon to be introduced. This bill will address many of the pressing housing issues on the Coast and will assist with civil rights and fair housing enforcement. Because the situation on the Coast continues to be so precarious, we believe this legislation needs to move forward quickly.

In particular, we appreciate the fair housing enforcement and the fair housing reporting mechanisms in the bill. Title VI authorizes funds for vital civil rights enforcement by fair housing centers on the Coast. Title I specifically mentions that every state has to report quarterly on its programs, including how the programs are affirmatively furthering fair housing. In addition, the states must report whom they are serving by race, ethnicity, income, disability, family size, and family status.

In addition, the provisions for housing mobility, public housing replacement, and a

new FHA multifamily loan program will provide much needed housing as well as the opportunity for racial and socioeconomic integration.

Thank you again for your efforts to support civil rights and fair housing.

Sincerely,

Center for Responsible Lending.  
Greater Houston Fair Housing Center.  
Greater New Orleans Fair Housing Action Center.

Gulf Coast Fair Housing Center (Biloxi, MS).

Lawyers Committee for Civil Rights Under Law.

Mobile Fair Housing Center.

National Association for the Advancement of Colored People (NAACP).

National Coalition for Asian Pacific American Community Development (National CAPACD).

National Fair Housing Alliance.

VOLUNTEERS OF AMERICA,  
Alexandria, VA, June 13, 2007.

Hon. CHRISTOPHER DODD,  
U.S. Senate, Russell Building,  
Washington DC.

DEAR SENATOR DODD: On behalf of Volunteers of America, a national, nonprofit, faith-based organization dedicated to helping those in need rebuild their lives and reach their full potential, I am writing to express our strong support for the Dodd/Landrieu Gulf Coast Hurricane Housing Recovery Act of 2007. This measure will assist in the rebuilding process in the region and provide the requisite long term housing relief for many poor and low income individuals.

Volunteers of America helps more than 2 million people in over 400 communities. Since 1896, our ministry of service has supported and empowered America's most vulnerable groups, including at-risk youth, the frail elderly, men and women returning from prison, homeless individuals and families, people with disabilities, and those recovering from addictions. Our work touches the mind, body, heart—and ultimately the spirit—of those we serve, integrating our deep compassion with highly effective programs and services.

Volunteers of America has served New Orleans and the Gulf Region for over a century. Prior to Hurricane Katrina we had a diverse portfolio of over 1,000 housing units in and around New Orleans. Included in this total was senior housing, family housing, housing for persons with disabilities, and housing for people leaving homelessness. All of these properties were rendered uninhabitable by the storm, as were our offices and many of our other program sites. We continue to work in partnership with state and local governments, other non-profit agencies and with businesses, to rebuild communities along the Gulf Coast. Under our "Coming Back Home" Initiative, we have pledged to restore the 1,000 affordable housing units we provided in New Orleans prior to Katrina, and to seek every opportunity to build additional units. Our goal is to continue providing housing and supportive services to vulnerable populations, and offer workforce housing to people who need an affordable place to live as they strive to rebuild New Orleans. We are also providing home ownership opportunities for low income families in Louisiana, Mississippi, and Alabama.

To this end, the Gulf Coast Hurricane Housing Recovery Act of 2007, represents an excellent opportunity for the Senate to address the on going housing and rebuilding needs of this region. Thank you for your leadership in introducing this important measure and we look forward to working with you and all the members in the Senate

to ensure final passage of this landmark legislation.

Sincerely,

CHARLES W. GOULD,  
President.

CITY VIEW,  
San Antonio, TX, June 18, 2007.

Hon. MARY LANDRIEU,  
Senate Hart Office Building,  
U.S. Senate, Washington, DC.

Hon. CHRISTOPHER DODD,  
Senate Rayburn Office Building,  
U.S. Senate, Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: As a member of Enterprise Community Partners' Real Estate Leadership Council, thank you for introducing the Gulf Coast Hurricane Housing Recovery Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term housing needs in the impacted Gulf Coast region, which I have seen firsthand.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties for replacement housing takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing options while rebuilding mixed-income communities of choice.

Through partnerships with local and national partners, Enterprise has committed to invest \$200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Sincerely,

Member, Real Estate Leadership Council,  
Enterprise Community Partners, Inc.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak about an important issue that will determine the success of long-term recovery efforts in the gulf coast. As you know, the gulf coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita. We also experienced the unprecedented disaster of having a major metropolitan city—the city of New Orleans—under up to 20 feet of water for 2 weeks when there were 28 separate levee failures which flooded 12,000 acres, or 80 percent of New Orleans, following Katrina.

I strongly believe that the Congress can provide vast amounts of tax credits, grants, loans, and waivers, but all these benefits will not spur recovery if we cannot get people back into their homes. That is where recovery must

start and end. In Louisiana alone, for example, we had over 20,000 businesses destroyed. However, businesses cannot open their doors if their workers have nowhere to live. Louisiana also had 875 schools destroyed. Again, teachers cannot come back to school and teach our children if they do not have a roof over their heads. So a fundamental piece of recovery in the gulf coast is to allow disaster victims to return home and rebuild.

Given the ongoing needs in the southern part of my State in regard to damaged housing, as well as all across the gulf coast, I was pleased that H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act, passed the House of Representatives on March 21, 2007. This legislation, introduced by Representative MAXINE WATERS and Representative BARNEY FRANK, addresses many of the major housing-related problems in my State, in particular issues with the Louisiana Road Home Program and public housing. Since this legislation was received in the Senate, I have been working closely with Senator CHRIS DODD, chairman of the Senate Banking Committee, to review H.R. 1227 for ways to strengthen this important legislation. To further this goal, we have consulted residents, community leaders, nonprofits, State/local officials, and other relevant stakeholders on areas where H.R. 1227 might require improvements.

Today, along with Chairman DODD, I am proud to introduce legislation which is the product of these months of intensive consultations. This legislation, a Senate companion bill to H.R. 1227, is identical to the House bill in many places, and in others it really improves upon what was included in the House bill. For example, H.R. 1227 included \$15 million for the New Orleans Redevelopment Authority, NORA, to carry out a pilot program to purchase and bundle properties, then sell for redevelopment. These funds would allow NORA to initially acquire and redevelop properties in the New Orleans area. While I support this pilot program, which was included by my colleague from Louisiana, Representative RICHARD BAKER, I believe that some additional funds were necessary to truly allow NORA to “hit the ground running” with this program. That is why our bill includes \$25 million for NORA. Furthermore, before Hurricane Katrina, at approximately 40 percent, New Orleans had one of the lowest home ownership levels of any metropolitan area in the country. As we rebuild this vibrant city, increasing home ownership should be one of the tenets of the redevelopment process. With this in mind, our bill does its part to increase home ownership opportunities for low-income renters and public housing residents by including an additional \$5 million for NORA to provide soft second mortgages. The bill also directs the Federal Housing Administration to convey properties to NORA for affordable resale to these residents.

In regard to the Louisiana Road Home Program, following passage of the House bill, we learned that the Road Home is facing a shortfall of billions of dollars due to various reasons. There is certainly more than enough blame to go around for the mistakes in the creation and management of the Road Home Program, and fixing them will be a shared responsibility. But a significant initial flaw can be found in the inadequate and unfairly distributed funding which represented all the administration was willing to commit toward Louisiana recovery. At this stage, the funding shortfall threatens to stall recovery in Louisiana and leave homeowners without the vital funds they need to rebuild their homes. To address this important issue, our bill includes an authorization of funds so that if the State of Louisiana puts up \$1 billion toward the Road Home shortfall, additional funds necessary to shore up the program would be available.

The Louisiana Recovery Authority, LRA, and the State legislature approved a plan that allocates \$1.175 billion dollars to be included in the Road Home Program and \$217 million for traditional Hazard Mitigation Projects for use by local parishes and municipalities. In particular, the money allocated for use by local parishes and municipalities can be used for retrofitting structures, such as flood-proofing and elevating homes, acquisition and relocation of residential homes from disaster-prone areas. For the \$1.175 billion, the State is seeking to use these funds for the Road Home Program, and HUD has approved it for these uses, but FEMA has so far refused to allow this change. For more than a year, the State of Louisiana and FEMA have met and attempted to work out the issues for applying the funds for the Road Home with no significant progress.

To address this issue, the House bill requires FEMA to accept the State's program structure for the Road Home, which provides incentives to people who choose to remain in the State. These provisions are helpful, but maximum flexibility for using HMGP funds must be provided, so that is why our Senate companion would allow Louisiana to use this more than \$1 billion for mitigation activities in the Road Home Program according to more flexible HUD Community Development Block Grant Program rules. The bill also requires FEMA to send these funds to the State within 90 days so that they can quickly be utilized for the Road Home. Lastly, and most important for our impacted parishes in Louisiana, the Dodd-Landrieu bill requires Louisiana to send any future Katrina/Rita HMGP funds directly to the parishes and localities where these funds are badly needed. I believe this is a commonsense approach as we need to make fixing the Road Home a priority but also should recognize that the parishes certainly deserve additional funds which should become available in the coming months.

I am also aware that many Louisiana Road Home recipients have seen their housing recovery grants reduced by Federal agencies, citing "duplication of benefits" regulations. While I understand the need to ensure fiscal responsibility on Federal recovery spending, in addition to make sure that residents are not benefiting from these disasters, these Federal regulations are in many ways stifling recovery rather than discouraging fraud and abuse. This is because Louisiana homeowners in many cases had to wait months upon months for U.S. Small Business Administration, SBA, disaster assistance, Federal Emergency Management Agency, FEMA, assistance, and many are unfortunately still waiting to see resolution on their insurance claims. The delay in delivery of this vital recovery capital, along with the immense damage in the region, has left many homeowners scrambling to cobble together enough funds for fully rebuilding their damaged homes. The Louisiana Road Home Program was created to further these ends but cannot allow residents to return home and rebuild if Federal regulations are requiring recovery funds to come back to Washington, not stay in Louisiana where they are needed. Let me clarify, though, residents should not benefit from these storms, but the Federal Government should ensure that they have the necessary resources to responsibly rebuild their lives. To these ends, H.R. 1227 included a provision to waive these "duplication of benefits" regulations for insurance and FEMA assistance so long as the household did not receive a windfall gain. While our bill includes a similar provision, we clarified that SBA disaster assistance is also included and that the regulation is waived so long as the household does not receive more funds than is necessary to repair/rebuild their home.

Following Katrina and Rita, there has been a great deal of emphasis placed on rebuilding gulf coast rental housing and owner-occupied housing, as there should be. The recovery of public housing, however, is one area that has not received much national press even though, prior to Hurricane Katrina, the Housing Authority of New Orleans, HANO, operated 7,379 public housing units, 5,146 of which were occupied in the New Orleans area alone. These residents, just like renters and homeowners, have a right to return home, so we must provide them the means and opportunity to do so. H.R. 1227 provides a process for returning these New Orleans public housing residents home. It includes a resident study to find out which residents want to stay where they are, which residents want to come back to public housing in New Orleans, and which residents would like to return to New Orleans with rental or section 8 voucher assistance. This study would guide redevelopment of public housing units in New Orleans. The House bill also specifies that HANO shall not demolish the 7,379

public housing units unless there is a plan in place to provide one-for-one replacement for the units. This particular provision ensures that all public housing residents who want to return home can return to affordable public housing units.

The Dodd-Landrieu Senate companion retains these provisions but strengthens them in a few ways. For example, just as in H.R. 1227, our bill sets out that all 5,146 pre-Katrina occupied units shall be replaced with 5,146 hard units. However, unlike the House bill, for the remaining units, this bill allows HANO to replace these with hard units or with project-based vouchers tied to units in low-income neighborhoods/areas undergoing revitalization. This is because some residents want to return to public housing units, but there are others who would like to transition to other types of units. This bill would allow them the choice.

Furthermore, in another improvement from the House version, our bill ties the dates for the survey and resident return to the enactment of the bill, to ensure residents have sufficient time to make decisions and to return home. Before the storms, almost 85 percent of these public housing residents were employed, and many are now employed in other cities, some with children in schools there. Although I know they want to come home as soon as possible, it would be somewhat unreasonable to require them to pull their children out of schools and leave their current jobs in such a short timeframe. The Senate bill gives these residents the time necessary to make relevant arrangements and move back within 120 days of enactment.

Another issue that was not addressed in the House bill is in regard to residents who were on a waiting list to get into public housing. With a shortage of affordable housing in the New Orleans area, these almost 6,000 residents are left without many options in pursuing suitable housing. Our bill also requires HANO, as part of its replacement plans, to contact individuals on the pre-Katrina waiting list and to give these residents consideration for any units not needed for returning residents.

As you may know, HANO has been a troubled agency long before Hurricane Katrina hit New Orleans. It has been plagued by mismanagement and financial problems for years and is currently administered by HUD. Under normal circumstances, this may not warrant much congressional attention as HUD has taken over countless housing authorities nationwide to steer them in the right direction. However, at this important stage in rebuilding public housing in New Orleans, many in the city believe we need an independent partner overseeing the process. Although there may be the best intentions from administration officials running HANO, it is still HUD in Washington calling the shots, not local officials, residents, and other groups.

There are also new and innovative public housing administration models from other cities, which incorporate both resident input and public-private partnerships.

Now, I realize that Rome was not built in a day and that it will take years, not months, to fully rebuild New Orleans. Along these same lines, no one expects HANO to be completely reformed overnight, especially given its years of problems and the need to not jeopardize ongoing development in any way. But there is a general consensus that the status quo for HANO must not continue. To these ends, our bill requires HUD to put HANO into judicial receivership within 30 days, which would start the process of turning HANO over to local control. We believe it is important to start this dialogue on the next steps for HANO, given how important its role will be in rebuilding public housing in the region.

In closing, let me reiterate that this bill addresses one of the most fundamental needs following a disaster: the need to return home. Whether residents live in million-dollar mansions, rental housing, or public housing, they all share a desire to return to their communities and, in particular, their homes. The House has done its part to help these residents, so I urge my colleagues to support this comprehensive recovery legislation as now these disaster victims are counting on the Senate for action.

I ask unanimous consent to have printed in the RECORD letters of support for the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRAMMELL CROW RESIDENTIAL,  
Atlanta, GA, June 15, 2007.

Hon. MARY LANDRIEU,  
U.S. Senate,  
Washington, DC.  
Hon. CHRISTOPHER DODD,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: As a member of Enterprise Community Partners' Real Estate Leadership Council, thank you for introducing the Gulf Coast Hurricane Housing Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term housing needs in the impacted Gulf Coast region, which I have seen firsthand.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties for replacement housing takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing

options while rebuilding mixed-income communities of choice.

Through partnerships with local and national partners, Enterprise has committed to invest \$200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Thank you for your leadership on this and other Gulf Coast housing issues. I urge Congress to expedite the passage of this critical legislation.

Sincerely,

J. RONALD TERWILLIGER,  
Member, Real Estate Leadership Council,  
Enterprise Community Partners, Inc.

REACH COMMUNITY DEVELOPMENT, INC.,  
Portland, OR, June 12, 2007.

Hon. MARY LANDRIEU,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LANDRIEU: As a Trustee of Enterprise Community Partners and chair of Enterprise's national Network Advisory Board, thank you for introducing the Gulf Coast Hurricane Housing Recovery Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term needs in the impacted Gulf region.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing options while rebuilding mixed-income communities of choice.

Enterprise is responding to Hurricanes Katrina and Rita by bringing its resources to bear to leverage locally led partnerships. Working with capable local and national partners, Enterprise has committed to invest \$200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Thank you for your leadership on this and other Gulf Coast housing issues. I urge Congress to expedite the passage of this critical legislation.

Sincerely,

DEE WALSH,  
Executive Director, REACH Community  
Development, Inc.

By Ms. SNOWE:

S. 1670. A bill to amend title 10, United States Code, to improve the

management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to proudly join my friend and colleague Senator BLANCHE LINCOLN in the introduction of the Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007.

In March, I was able to visit one of Maine's returning soldiers who has been assigned outpatient care at the Walter Reed Army Medical Center. We spoke about the many issues and obstacles faced by our wounded troops as they struggle not only to recover from their injuries, but to prepare themselves for their future. During our meeting, this soldier covered many of the pitfalls faced by troops as they confront the bewildering processes of medical and physical evaluation boards without the benefit of anyone to advocate on their behalf. In fact, he aptly described the process as an "adversarial" system that onerously demands wounded soldiers to provide the "burden of proof" for their claims.

In response, we have crafted this legislation in order to remedy a variety of flaws that currently plague the military health care system, including: Inequitable disability ratings, a lack of advocacy within military outpatient facilities, inadequate mental health treatment, and inefficient transition from the DOD to the VA.

First off, our bill would address the concerns I have heard from a number of returning troops from my home State of Maine and across this Nation who have gone without the proper advocacy and case management for medical benefits during their stay at military outpatient facilities. It is inexcusable that our returning heroes are often forced to navigate the esoteric physical disability evaluation system, PDES, within an adversarial atmosphere.

The measure we are proposing would require the Secretary of Defense to provide each recovering servicemember in a military medical treatment facility with a medical care manager who will assist him or her with all matters regarding their medical status, along with a caseworker who will assist each servicemember and his or her family in obtaining all the information necessary for transition, recovery, and benefits collection. Further, provisions we included will create a DOD-wide ombudsmen office to provide policy guidance to, and oversight of, ombudsman offices in all military departments and the medical system of the DOD. Only then, will our returning servicemembers recover within an atmosphere that is based upon advocacy.

Additionally, recent news reports and independent analysis have revealed troubling statistics regarding rampant inaccuracies within the military disability ratings system. According to

Pentagon data analyzed by the Veterans' Disability Benefits Commission, since 2000, 92.7 percent of all disability ratings handed out by physical evaluation boards, PEBs, have been 20 percent or lower. Under the current policy, those who receive disability ratings under 30 percent and have served less than 20 years of military service are discharged with only a severance check, deprived of full military retirement pay, life insurance, health insurance, and access to military commissaries.

Further evidence of a troubled disability ratings system shows that since America went to war in Afghanistan and Iraq, fewer veterans have received disability ratings of 30 percent or more, inferring that the DOD may have lowered the ratings for injured troops who would have otherwise received a host of lifelong benefits. On top of that, it currently takes an average of 209 days for troops to complete the PDES process by receiving notification of potential discharge and a subsequent disability rating.

As a means of fixing these blatant flaws within the military disability ratings system, this legislation consolidates the physical evaluation system by placing the informal and formal physical evaluation boards under one command, as a method of streamlining and expediting the process. Our troops deserve timely care and efficient treatment upon their return home, and therefore, no recovering servicemember should be forced to endure lengthy delays in a medical hold or holdover status due to bureaucratic inefficiencies.

The bill also requires that physicians preparing each individual medical case for all physical evaluation boards report multiple diagnosed medical impairments that, in concert, may deem a servicemember to be unfit for duty. Under the current system, the U.S. Army, for example, only rates physical impairments that individually, cause a servicemember to be deemed unfit for duty, ultimately dismissing ailments that may significantly hinder a servicemember's ability to continue his or her service in the military or find gainful employment in the civilian sector.

Over the past year, the American public has also become acutely aware of the effects of traumatic brain injury, TBI, which has become the signature injury of the wars in Iraq and Afghanistan, affecting thousands of returning servicemembers. Therefore, it is now more imperative than ever for both the DOD and the VA to implement mental health treatment policies that accurately diagnose and adequately treat debilitating mental health injuries among our injured troops.

Our bill addresses these issues by including a provision that requires all servicemembers who are expected to deploy to a combat theater to receive a mental health assessment that tests their cognitive functioning within 120



days before deployment, a mental health assessment within 60 days after deployment, to include a comprehensive screening for mild, moderate, and severe cases of TBI. Additionally, all servicemembers will receive a third mental health assessment at the time of their predischARGE physical.

The measure we are putting forward today also aims to update the current disability ratings system used by the military and the VA to include the effects of TBI and posttraumatic stress disorder, along with any other mental health disorders that may affect our Nation's returning warriors. The Secretary of Veterans Affairs would be required to issue a report to Congress detailing a plan to update the Veteran's Administration Schedule for Ratings Disabilities, VASRD, to align its disability ratings to more closely reflect the effects of mental health disorders, including TBI and PTSD on the modern workforce.

The Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007 also calls on the Secretaries of Defense and Veterans Affairs to provide Congress with a report detailing plans to increase the role of eligible private sector rehabilitation providers for assisting the VA in providing comprehensive post acute inpatient and outpatient rehabilitation for TBI and PTSD, if in certain instances, the VA is unable to provide such services.

The Veterans Health Administration is, unequivocally, the foremost expert in providing mental health treatment for our recovering servicemembers, yet in varying circumstances, the VA may require additional health care coverage in remote areas. All of our returning heroes, despite the severity of their mental health ailments, or their location geographically, deserve every available option for rehabilitative services, to ensure that they never go untreated.

Additionally, to help ease the transition from the military health care system to the VA system, both the DOD and the VA must adopt and implement a unified electronic medical database. Interagency database compatibility would not only increase medical efficiency, but it would significantly ease the transition into civilian life for injured or retiring servicemembers who deserve timely and effective health care. Therefore, our legislation establishes and implements a single electronic military and medical record database within the DOD that will be used to track and record the medical status of each member of the Armed Forces in theater and throughout the military health care process, and will be accessible to the VA through the joint patient tracking application, JPTA. This electronic records system will be identical to the VistA system, currently used by the VA, which has served as a model of excellence for electronic medical databases among our Nation's health community.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its servicemembers and veterans is enormous, and it is an obligation that must be fulfilled every day. We must always remain cognizant of the wisdom laid forth by President George Washington, when he stated, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country."

At a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan, I believe it is now up to Congress to do everything in its power to answer the call of our men and women who have nobly served our Nation in uniform, to ensure that they receive the heroes treatment they rightly earned and rightly deserve. Again, I want to thank my colleague, Senator LINCOLN, for her assistance in making this a stronger bill and bringing it before the Senate. I strongly urge my colleagues to support this legislation.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1671. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as chairman of the Committee on Small Business and Entrepreneurship, I am pleased to introduce today with Ranking Member Senator SNOWE the Entrepreneurial Development Act of 2007. As always, I appreciate the opportunity to work with my colleague from Maine on the issues facing the Nation's small businesses, and I believe that we have taken another step in the right direction with this bill.

The Entrepreneurial Development Act reauthorizes and expands the Small Business Administration's entrepreneurial development programs. In particular, it supports women and minority small business ownership opportunities by boosting Small Business Development Centers, Women's Business Centers, SCORE, and other counseling and assistance programs. Investing in these core small business assistance programs is critical to creating jobs and boosting our economy. In Massachusetts alone, SBDCs served over 8,500 entrepreneurs last year and our Center for Women and Enterprise has generated 15,000 jobs over the last 10 years. These programs will not only help our entrepreneurs succeed today, but they will build the next generation of small business owners too.

We have long supported these kinds of improvements and many of the provisions in the bill unanimously passed the Committee on Small Business and Entrepreneurship last Congress.

The bill takes a number of steps to improve the Women's Business Center grant program through streamlining paperwork and increased oversight, and also promoting greater consultation between the National Women's Business Council, the Interagency Committee on Women's Business Enterprise and Women's Business Centers. This increased communication between the different groups will help them provide the most effective and efficient assistance to women-owned small businesses.

The bill also creates a Native American small business development program, an Office of Native American Affairs within the Small Business Administration, SBA, and a Native American grant pilot program to foster increased employment and expansion of small businesses in Indian Country through business counseling services. According to the SBA's Office of Advocacy, the American Indian and Alaska Native community is one of the fastest growing business groups in the country. Yet nearly 25 percent of the country's American Indian and Alaska Native populations live in poverty. There are huge small business opportunities just waiting to be tapped in Indian Country. We should be building on the energy and excitement among Native American entrepreneurs with more support from the federal government, and that's exactly what we intend to do.

In addition, the bill creates several pilot programs that will help to deal with some of the most important issues facing small businesses.

First, the bill establishes a pilot program to assist small businesses in complying with Federal and State laws and regulations. Reducing redtape for small businesses has always been one of my top priorities for the committee. We must help small firms navigate the labyrinthine regulatory system because compliance is critical to their success and their continued contribution to our economy. I'm committed to seeing that small businesses have every tool available—from guides to direct compliance assistance and counseling to assist them along the way.

In addition, this bill seeks to address the small business health insurance crisis through a competitive, pilot grant program for SBDCs to provide counseling and resources to small businesses about health insurance options in their communities. I have heard time and time again from small business owners that their number one concern is the high cost of health insurance. At least 27 million Americans working for small businesses don't have health insurance. That means that 27 million Americans are one slip, illness or emergency room visit away from disaster. We must do everything we can to help them.

Finally, the bill creates a Minority Entrepreneurship and Innovation pilot program to provide competitive grants to Historically Black Colleges and Universities, Hispanic Serving Institutions, Alaska Native and Native Hawaiian Serving Institutions, and Tribal

Colleges to create a curricula focused on entrepreneurship. The goal of this program is to target students in highly skilled fields such as engineering, manufacturing, science and technology, and guide them towards entrepreneurship as a career option. Traditionally, minority-owned businesses are disproportionately represented in the service sectors. Promoting entrepreneurial education to undergraduate students will help expand business ownership beyond the service sectors to higher growth technical and financial sectors. One of our Nation's greatest assets is our diversity and investing in minority businesses only helps to increase the value of that asset. Unfortunately, investment in our minority business community has been sorely lacking. For example, in Massachusetts, minorities make up about 15 percent of our population, but they own only about 5 percent of the businesses and account for just 1.4 percent of sales. These statistics demonstrate why programs like the Minority Entrepreneurship and Innovation pilot program are so important to the future minority business leaders of tomorrow. Making this investment will ensure that we will have enough entrepreneurs from all sectors of our Nation to keep our economy competitive and strong.

I thank Senator SNOWE for joining me in introducing this important bill, and I urge my colleagues to support it when it comes before the full Senate for consideration. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1671

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Entrepreneurial Development Act of 2007".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

#### TITLE I—REAUTHORIZATION

##### Sec. 101. Reauthorization.

#### TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

- Sec. 201. Office of Women's Business Ownership.
- Sec. 202. Women's Business Center Program.
- Sec. 203. National Women's Business Council.
- Sec. 204. Interagency Committee on Women's Business Enterprise.
- Sec. 205. Preserving the independence of the National Women's Business Council.

#### TITLE III—INTERNATIONAL TRADE

- Sec. 301. Small Business Administration Associate Administrator for International Trade.
- Sec. 302. Office of International Trade.

#### TITLE IV—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

- Sec. 401. Short title.

- Sec. 402. Native American Small Business Development Program.

- Sec. 403. Pilot programs.

#### TITLE V—NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE

- Sec. 501. Short title.
- Sec. 502. Purpose.
- Sec. 503. Small Business Regulatory Assistance Pilot Program.
- Sec. 504. Rulemaking.

#### TITLE VI—OTHER PROVISIONS

- Sec. 601. Minority Entrepreneurship and Innovation Pilot Program.
- Sec. 602. Institutions of higher education.
- Sec. 603. Health insurance options information for small business concerns.
- Sec. 604. National Small Business Development Center Advisory Board.
- Sec. 605. Office of Native American Affairs pilot program.
- Sec. 606. Privacy requirements for SCORE chapters.
- Sec. 607. National Small Business Summit.

#### SEC. 3. DEFINITIONS.

In this Act—

- (1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and
- (2) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

#### TITLE I—REAUTHORIZATION

##### SEC. 101. REAUTHORIZATION.

(a) IN GENERAL.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

- (1) by striking subsections (d), (e), and (j); and

(2) by adding at the end the following:

"(d) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator to carry out the Service Corps of Retired Executives program authorized by section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements for a total of—

- "(1) \$7,000,000 in fiscal year 2008;
- "(2) \$8,000,000 in fiscal year 2009; and
- "(3) \$9,000,000 in fiscal year 2010".

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

- (1) in subsection (a)(4)(C), by amending clause (vii) to read as follows:

"(vii) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this subparagraph—

- "(I) \$135,000,000 for fiscal year 2008;
- "(II) \$140,000,000 for fiscal year 2009; and
- "(III) \$145,000,000 for fiscal year 2010.";

(2) in subsection (c)(3)(T), by striking "October 1, 2006" and inserting "October 1, 2010".

(3) PAUL D. COVERDELL DRUG-FREE WORK-PLACE PROGRAM.—

(A) IN GENERAL.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)) is amended—

- (i) in paragraph (1), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2008 through 2010"; and
- (ii) in paragraph (2), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2008 through 2010".

(B) CONFORMING AMENDMENT.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "October 1, 2006" and inserting "October 1, 2010".

#### TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

##### SEC. 201. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

- (1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking "in the areas" and all that follows through the end of subclause (I), and inserting the following: "to address issues concerning management, operations, manufacturing, technology, finance, retail and product sales, international trade, and other disciplines required for—

"(I) starting, operating, and growing a small business concern"; and

(B) in subparagraph (C), by inserting before the period at the end the following: ", the National Women's Business Council, and any association of women's business centers"; and

- (2) by adding at the end the following:

"(3) PROGRAMS AND SERVICES FOR WOMEN-OWNED SMALL BUSINESSES.—The Assistant Administrator, in consultation with the National Women's Business Council, the Interagency Committee on Women's Business Enterprise, and 1 or more associations of women's business centers, shall develop programs and services for women-owned businesses (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)) in business areas, which may include—

- "(A) manufacturing;
- "(B) technology;
- "(C) professional services;
- "(D) retail and product sales;
- "(E) travel and tourism;
- "(F) international trade; and
- "(G) Federal Government contract business development.

"(4) TRAINING.—The Administrator shall provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities under this section.

"(5) GRANT PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall improve the transparency of the women's business center grant proposal process and the programmatic and financial oversight process by—

"(A) providing notice to the public of each women's business center grant announcement for an initial and renewal grant, not later than 6 months before awarding such grant;

"(B) providing notice to grant applicants and recipients of program evaluation and award criteria, not later than 12 months before any such evaluation;

"(C) reducing paperwork and reporting requirements for grant applicants and recipients;

"(D) standardizing the oversight and review process of the Administration; and

"(E) providing to each women's business center, not later than 30 days after the completion of a site visit at that center, a copy of site visit reports and evaluation reports prepared by district office technical representatives or Administration officials.".

##### SEC. 202. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER GRANTS PROGRAM.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

- (1) in subsection (a)—

(A) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) the term 'association of women's business centers' means an organization that represents not fewer than 30 percent of the women's business centers that are participating in a program under this section, and whose primary purpose is to represent women's business centers";

- (2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking “The Administration” and inserting the following:

“(1) IN GENERAL.—The Administration”;

(C) by striking “The projects shall” and inserting the following:

“(2) USE OF FUNDS.—The projects shall”; and

(D) by adding at the end the following:

“(3) AMOUNT OF GRANTS.—

“(A) IN GENERAL.—The Administrator may award a grant under this subsection of not more than \$150,000 per year.

“(B) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide grants of \$150,000 for each grant recipient under this subsection in any fiscal year, available funds shall be allocated equally to grant recipients, unless any recipient requests a lower amount than the allocable amount.

“(4) ASSOCIATIONS OF WOMEN’S BUSINESS CENTERS.—

“(A) RECOGNITION.—The Administrator shall recognize the existence and activities of any association of women’s business centers established to address matters of common concern.

“(B) CONSULTATION.—The Administrator shall consult with each association of women’s business centers to develop—

“(i) a training program for the staff of the women’s business centers and the Administration; and

“(ii) recommendations to improve the policies and procedures for governing the general operations and administration of the Women’s Business Center Program, including grant program improvements under subsection (g)(5).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking “to award a contract (as a sustainability grant) under subsection (l) or”;

(B) in subsection (j)(1), by striking “The Administration” and inserting “Not later than November 1st of each year, the Administrator”; and

(C) in subsection (k)—

(i) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

“(A) \$15,000,000 for fiscal year 2008;

“(B) \$16,000,000 for fiscal year 2009; and

“(C) \$17,500,000 for fiscal year 2010.

“(2) ALLOCATION.—Of amounts made available pursuant to paragraph (1), the Administrator shall use not less than 60 percent for grants under subsection (m).

“(3) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.”; and

(ii) by striking paragraph (4).

(2) RENEWAL GRANTS.—

(A) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(B) REFERENCE.—Subsection (l)(4)(D) of section 29 of the Small Business Act (15 U.S.C. 656), as redesignated by subparagraph (A) of this paragraph, is amended by striking “or subsection (l)”.

(C) ALLOCATION.—Section 29(k)(2) of the Small Business Act (15 U.S.C. 656(k)(2)), as amended by this Act, is amended by striking

“subsection (m)” and inserting “subsection (l)”.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the day after the effective date of the amendments made by section 8305(b) of the Small Business and Work Opportunity Act of 2007 (Public Law 110-28) (striking subsection (l)).

#### SEC. 203. NATIONAL WOMEN’S BUSINESS COUNCIL.

(a) COSPONSORSHIP AUTHORITY.—Section 406 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7106) is amended by adding at the end the following:

“(f) COSPONSORSHIP AUTHORITY.—The Council is authorized to enter into agreements as a cosponsor with public and private entities, in the same manner as is provided in section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)), to carry out its duties under this section.”.

(b) MEMBERSHIP.—Section 407(f) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

“(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—In consultation with the chairperson of the Council and the Administrator, a national women’s business organization or small business concern that is represented on the Council may replace its representative member on the Council during the service term to which that member was appointed.”.

(c) ESTABLISHMENT OF WORKING GROUPS.—Title IV of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended by inserting after section 410, the following new section:

#### “SEC. 411. WORKING GROUPS.

“(a) ESTABLISHMENT.—There are established within the Council, working groups, as directed by the chairperson.

“(b) DUTIES.—The working groups established under subsection (a) shall perform such duties as the chairperson shall direct.”.

(d) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—Section 409 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7109) is amended by adding at the end the following:

“(c) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—The Council shall serve as a clearinghouse for information on small businesses owned and controlled by women, including research conducted by other organizations and individuals relating to ownership by women of small business concerns in the United States.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking “2001 through 2003, of which \$550,000” and inserting “2008 through 2010, of which not less than 30 percent”.

#### SEC. 204. INTERAGENCY COMMITTEE ON WOMEN’S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”; and

(2) by adding at the end the following:

“(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).”.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking “There” and inserting the following:

“(a) IN GENERAL.—There”; and

(2) by adding at the end the following:

“(b) POLICY ADVISORY GROUP.—

“(1) ESTABLISHMENT.—There is established a Policy Advisory Group to assist the chairperson in developing policies and programs under this Act.

“(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

“(A) 1 shall be a representative of the Small Business Administration;

“(B) 1 shall be a representative of the Department of Commerce;

“(C) 1 shall be a representative of the Department of Labor;

“(D) 1 shall be a representative of the Department of Defense;

“(E) 1 shall be a representative of the Department of the Treasury; and

“(F) 2 shall be representatives of the Council.”.

#### SEC. 205. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN’S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women’s Business Council provides an independent source of advice and policy recommendations regarding women’s business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women’s Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women’s Business Council are small business owners, representatives of business organizations, and representatives of women’s business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women’s Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women’s Business Council will provide Congress with non-partisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women’s Business Council and to ensure that the Council continues to provide Congress with advice on a non-partisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

“(4) PARTISAN BALANCE.—When filling a vacancy under paragraph (1) of this subsection of a member appointed under paragraph (1) or (2) of subsection (b), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

“(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the

House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.”.

### TITLE III—INTERNATIONAL TRADE

#### SEC. 301. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22(a) of the Small Business Act (15 U.S.C. 649(a)) is amended by adding at the end the following: “The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: “One of the Associate Administrators shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”.

(c) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out through the Associate Administrator for International Trade;

“(2) the Associate Administrator for International Trade has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator for International Trade has direct supervision and control over the staff of the Office of International Trade, and over any employee of the Administration whose principal duty station is a United States Export Assistance Center or any successor entity.”.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) TECHNICAL AMENDMENT.—Section 22(c)(5) of the Small Business Act (15 U.S.C. 649(c)(5)) is amended by striking the period at the end and inserting a semicolon.

(f) EFFECTIVE DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for International Trade under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

#### SEC. 302. OFFICE OF INTERNATIONAL TRADE.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “sec. 22. (a) There” and inserting the following:

#### “SEC. 22. OFFICE OF INTERNATIONAL TRADE.

“(a) ESTABLISHMENT.—There”.

(2) in subsection (a), by inserting “(referred to in this section as the ‘Office’),” after “Trade”;

(3) in subsection (b)—

(A) by striking “The Office” and inserting the following:

“(b) TRADE DISTRIBUTION NETWORK.—The Office, including United States Export Assistance Centers (referred to as ‘one-stop shops’ in section 2301(b)(8) of the Omnibus

Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)) and as ‘export centers’ in this section)”;

(B) by amending paragraph (1) to read as follows:

“(1) assist in maintaining a distribution network using regional and local offices of the Administration, the small business development center network, the women’s business center network, and export centers for—

“(A) trade promotion;

“(B) trade finance;

“(C) trade adjustment;

“(D) trade remedy assistance; and

“(E) trade data collection.”;

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

“(D) increasing the access to capital by small business concerns;

“(E) disseminating information concerning Federal, State, and private programs and initiatives; and

“(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations.”;

(C) in paragraph (2), as so redesignated, by striking “mechanism for” and all that follows through “(D)” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D)”;

(D) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “office. Such specialists” and inserting “office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (D), by striking “and” at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(F) participate jointly with employees of the Office in an annual training program that focuses on current small business needs for exporting; and

“(G) jointly develop and conduct training programs for exporters and lenders in cooperation with the United States Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.”;

(5) in subsection (d)—

(A) by inserting “EXPORT FINANCING PROGRAMS,—” after “(d)”;

(B) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(C) by striking “The Office shall work in cooperation” and inserting the following:

“(1) IN GENERAL.—The Office shall work in cooperation”; and

(D) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) TRADE FINANCIAL SPECIALIST.—To accomplish the goal established under paragraph (1), the Office shall—

“(A) designate at least 1 individual within the Administration as a trade financial specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(6) in subsection (e), by inserting “TRADE REMEDIES.—” after “(e)”;

(7) by amending subsection (f) to read as follows:

“(f) REPORTING REQUIREMENT.—The Office shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) the destinations of travel by Office staff and benefits to the Administration and to small business concerns therefrom; and

“(3) a description of the participation by the Office in trade negotiations.”;

(8) in subsection (g), by inserting “STUDIES.—” after “(g)”;

(9) by adding at the end the following:

“(i) EXPORT ASSISTANCE CENTERS.—

“(1) IN GENERAL.—During the period beginning on October 1, 2007, and ending on September 30, 2010, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the one-stop shops referred to in section 2301(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721 (b)) is not less than the number of such employees so assigned on January 1, 2003.

“(2) PRIORITY OF PLACEMENT.—Priority shall be given, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(A) had an Administration employee assigned to such center before January 2003; and

“(B) has not had an Administration employee assigned to such center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(4) GOALS.—The Office shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Centers.

“(5) OVERSIGHT.—The Office shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Centers.”.

### TITLE IV—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Native American Small Business Development Act of 2007”.

#### SEC. 402. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 38; and

(2) by inserting after section 36 the following:

**"SEC. 37. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.**

"(a) DEFINITIONS.—In this section—

"(1) the term 'Alaska Native' has the same meaning as the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

"(2) the term 'Alaska Native corporation' has the same meaning as the term 'Native Corporation' in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m));

"(3) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Native American Affairs established under subsection (b);

"(4) the terms 'center' and 'Native American business center' mean a center established under subsection (c);

"(5) the term 'Native American business development center' means an entity providing business development assistance to federally recognized tribes and Native Americans under a grant from the Minority Business Development Agency of the Department of Commerce;

"(6) the term 'Native American small business concern' means a small business concern that is owned and controlled by—

"(A) a member of an Indian tribe or tribal government;

"(B) an Alaska Native or Alaska Native corporation; or

"(C) a Native Hawaiian or Native Hawaiian Organization;

"(7) the term 'Native Hawaiian' has the same meaning as in section 625 of the Older Americans Act of 1965 (42 U.S.C. 3057k);

"(8) the term 'Native Hawaiian Organization' has the same meaning as in section 8(a)(15);

"(9) the term 'tribal college' has the same meaning as the term 'tribally controlled college or university' has in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

"(10) the term 'tribal government' has the same meaning as the term 'Indian tribe' has in section 7501(a)(9) of title 31, United States Code; and

"(11) the term 'tribal lands' means all lands within the exterior boundaries of any Indian reservation.

"(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

"(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Assistant Administrator, shall implement the Administration's programs for the development of business enterprises by Native Americans.

"(2) PURPOSE.—The purpose of the Office of Native American Affairs is to assist Native American entrepreneurs to—

"(A) start, operate, and grow small business concerns;

"(B) develop management and technical skills;

"(C) seek Federal procurement opportunities;

"(D) increase employment opportunities for Native Americans through the start and expansion of small business concerns; and

"(E) increase the access of Native Americans to capital markets.

"(3) ASSISTANT ADMINISTRATOR.—

"(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Assistant Administrator of the Office of Native American Affairs in accordance with this paragraph.

"(B) QUALIFICATIONS.—The Assistant Administrator appointed under subparagraph (A) shall have—

"(i) knowledge of the Native American culture; and

"(ii) experience providing culturally tailored small business development assistance to Native Americans.

"(C) EMPLOYMENT STATUS.—The Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code, and shall serve as a noncareer appointee, as defined in section 3132(a)(7) of title 5, United States Code.

"(D) RESPONSIBILITIES AND DUTIES.—The Assistant Administrator shall—

"(i) administer and manage the Native American Small Business Development program established under this section;

"(ii) recommend the annual administrative and program budgets for the Office of Native American Affairs;

"(iii) consult with Native American business centers in carrying out the program established under this section;

"(iv) recommend appropriate funding levels;

"(v) review the annual budgets submitted by each applicant for the Native American Small Business Development program;

"(vi) select applicants to participate in the program under this section;

"(vii) implement this section; and

"(viii) maintain a clearinghouse to provide for the dissemination and exchange of information between Native American business centers.

"(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of—

"(i) Administration officials working in areas served by Native American business centers and Native American business development centers;

"(ii) representatives of tribal governments;

"(iii) tribal colleges;

"(iv) Alaska Native corporations; and

"(v) Native Hawaiian Organizations.

"(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

"(1) AUTHORIZATION.—

"(A) IN GENERAL.—The Administration, through the Office of Native American Affairs, shall provide financial assistance to tribal governments, tribal colleges, Native Hawaiian Organizations, and Alaska Native corporations to create Native American business centers in accordance with this section.

"(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

"(i) reservation-based American Indians;

"(ii) Alaska Natives; and

"(iii) Native Hawaiians.

"(2) 5-YEAR PROJECTS.—

"(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

"(i) financial education, including training and counseling in—

"(I) applying for and securing business credit and investment capital;

"(II) preparing and presenting financial statements; and

"(III) managing cash flow and other financial operations of a business concern;

"(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

"(iii) marketing education, including training and counseling in—

"(I) identifying and segmenting domestic and international market opportunities;

"(II) preparing and executing marketing plans;

"(III) developing pricing strategies;

"(IV) locating contract opportunities;

"(V) negotiating contracts; and

"(VI) utilizing varying public relations and advertising techniques.

"(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of small business concerns that are owned by—

"(i) American Indians or tribal governments, and located on or near tribal lands;

"(ii) Alaska Natives or Alaska Native corporations; or

"(iii) Native Hawaiians or Native Hawaiian Organizations.

"(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

"(A) DOCUMENTATION.—

"(i) IN GENERAL.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

"(ii) EXCEPTION.—Financial assistance under this subsection to Alaska Native corporations or Native Hawaiian Organizations may only be made by grant.

"(B) PAYMENTS.—

"(i) TIMING.—Payments made under this subsection may be disbursed in an annual lump sum or in periodic installments, at the request of the recipient.

"(ii) ADVANCE.—The Administration may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

"(iii) NO MATCHING REQUIREMENT.—The Administration shall not require a grant recipient to match grant funding received under this subsection with non-Federal resources as a condition of receiving the grant.

"(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with the terms of any assistance received by the Native American business center from the Administration.

"(5) APPLICATION PROCESS.—

"(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

"(B) CRITERIA.—

"(i) IN GENERAL.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance.

"(ii) PUBLIC NOTICE.—The criteria required by this paragraph and their relative importance shall be made publicly available, within a reasonable time, and stated in each solicitation for applications made by the Administration.

"(iii) CONSIDERATIONS.—The criteria required by this paragraph shall include—

"(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

"(II) the ability of the applicant to commence a project within a minimum amount of time;

"(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

“(IV) previous assistance from the Administration to provide services in Native American communities; and

“(V) the proposed location for the Native American business center site, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers.

“(6) PROGRAM EXAMINATION.—

“(A) IN GENERAL.—Each Native American business center established pursuant to this subsection shall annually provide the Administration with an itemized cost breakdown of actual expenditures incurred during the preceding year.

“(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

“(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

“(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

“(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

“(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

“(ii) may withhold such renewal, if the Administration determines that—

“(I) the center has failed to provide adequate information required to be provided under subparagraph (A), or the information provided by the center is inadequate; or

“(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administration under subparagraph (E).

“(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, it shall not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

“(E) MANAGEMENT REPORT.—

“(i) IN GENERAL.—The Administration shall prepare and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

“(I) the number of individuals receiving assistance from the Native American business center;

“(II) the number of startup business concerns created;

“(III) the number of existing businesses seeking to expand employment;

“(IV) jobs created or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this Act;

“(V) to the maximum extent practicable, the capital investment and loan financing utilized by emerging and expanding businesses that were assisted by a Native American business center; and

“(VI) the most recent examination, as required under subparagraph (B), and the subsequent determination made by the Administration under that subparagraph.

“(7) ANNUAL REPORT.—Each entity receiving financial assistance under this subsection shall annually report to the Administration on the services provided with such financial assistance, including—

“(A) the number of individuals assisted, categorized by ethnicity;

“(B) the number of hours spent providing counseling and training for those individuals;

“(C) the number of startup small business concerns created or maintained;

“(D) the gross receipts of assisted small business concerns;

“(E) the number of jobs created or maintained at assisted small business concerns; and

“(F) the number of Native American jobs created or maintained at assisted small business concerns.

“(8) RECORD RETENTION.—

“(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

“(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (6)(A) indefinitely.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2008 through 2010, to carry out the Native American Small Business Development Program, authorized under subsection (c).”

**SEC. 403. PILOT PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) INCORPORATION BY REFERENCE.—The terms defined in section 37(a) of the Small Business Act (as added by this title) have the same meanings as in that section 37(a) when used in this section.

(2) JOINT PROJECT.—The term “joint project” means the combined resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community.

(b) NATIVE AMERICAN DEVELOPMENT GRANT PILOT PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award Native American development grants to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

(B) ELIGIBLE ORGANIZATIONS.—The grants authorized under subparagraph (A) may be awarded to—

(i) any small business development center; or

(ii) any private, nonprofit organization that—

(I) has members of an Indian tribe comprising a majority of its board of directors;

(II) is a Native Hawaiian Organization; or

(III) is an Alaska Native corporation.

(C) AMOUNTS.—The Administration shall not award a grant under this subsection in an amount which exceeds \$100,000 for each year of the project.

(D) GRANT DURATION.—Each grant under this subsection shall be awarded for not less than a 2-year period and not more than a 4-year period.

(2) CONDITIONS FOR PARTICIPATION.—Each entity desiring a grant under this subsection shall submit an application to the Administration that contains—

(A) a certification that the applicant—

(i) is a small business development center or a private, nonprofit organization under paragraph (1)(B);

(ii) employs an executive director or program manager to manage the facility; and

(iii) agrees—

(I) to a site visit as part of the final selection process;

(II) to an annual programmatic and financial examination; and

(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

(C) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(D) information demonstrating the effective experience of the applicant in—

(i) conducting financial, management, and marketing assistance programs designed to impart or upgrade the business skills of current or prospective Native American business owners;

(ii) providing training and services to a representative number of Native Americans;

(iii) using resource partners of the Administration and other entities, including universities, tribal governments, or tribal colleges; and

(iv) the prudent management of finances and staffing;

(E) the location where the applicant will provide training and services to Native Americans; and

(F) a multiyear plan, corresponding to the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant;

(ii) in the continental United States, the number of Native Americans to be served by the grant; and

(iii) the training and services to be provided to a representative number of Native Americans.

(3) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each completed application submitted under this subsection not later than 60 days after the date of submission.

(4) ANNUAL REPORT.—Each recipient of a Native American development grant under this subsection shall annually report to the Administration on the impact of the grant funding, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours spent providing counseling and training for those individuals;

(C) the number of startup small business concerns created or maintained with assistance from a Native American business center;



(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(C) AMERICAN INDIAN TRIBAL ASSISTANCE CENTER GRANT PILOT PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—There is established a 4-year pilot program, under which the Administration shall award not less than 3 American Indian Tribal Assistance Center grants to establish joint projects to provide culturally tailored business development assistance to prospective and current owners of small business concerns located on or near tribal lands.

(B) ELIGIBLE ORGANIZATIONS.—

(i) CLASS 1.—Not fewer than 1 grant shall be awarded to a joint project performed by a Native American business center, a Native American business development center, and a small business development center.

(ii) CLASS 2.—Not fewer than 2 grants shall be awarded to joint projects performed by a Native American business center and a Native American business development center.

(C) AMOUNTS.—The Administration shall not award a grant under this subsection in an amount which exceeds \$200,000 for each year of the project.

(D) GRANT DURATION.—Each grant under this subsection shall be awarded for a 3-year period.

(2) CONDITIONS FOR PARTICIPATION.—Each entity desiring a grant under this subsection shall submit to the Administration a joint application that contains—

(A) a certification that each participant of the joint application—

(i) is either a Native American business center, a Native American business development center, or a small business development center;

(ii) employs an executive director or program manager to manage the center; and

(iii) as a condition of receiving an American Indian Tribal Assistance Center grant, agrees—

(I) to an annual programmatic and financial examination; and

(II) to the maximum extent practicable, to remedy any problems identified pursuant to that examination;

(B) information demonstrating an historic commitment to providing assistance to Native Americans—

(i) residing on or near tribal lands; or

(ii) operating a small business concern on or near tribal lands;

(C) information demonstrating that each participant of the joint application has the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant;

(D) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, designed to

impart or upgrade the business skills of current or prospective Native American business owners; and

(ii) the prudent management of finances and staffing; and

(F) a plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and

(ii) the training and services to be provided.

(3) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each application submitted under this subsection not later than 60 days after the date of submission.

(4) ANNUAL REPORT.—Each recipient of an American Indian tribal assistance center grant under this subsection shall annually report to the Administration on the impact of the grant funding received during the reporting year, and the cumulative impact of the grant funding received since the initiation of the grant, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours of counseling and training provided and workshops conducted;

(C) the number of startup business concerns created or maintained with assistance from a Native American business center;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$1,000,000 for each of fiscal years 2008 through 2010, to carry out the Native American Development Grant Pilot Program, authorized under subsection (b); and

(2) \$1,000,000 for each of fiscal years 2008 through 2010, to carry out the American Indian Tribal Assistance Center Grant Pilot Program, authorized under subsection (c).

#### TITLE V—NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE

##### SEC. 501. SHORT TITLE.

This title may be cited as the “National Small Business Regulatory Assistance Act of 2007”.

##### SEC. 502. PURPOSE.

The purpose of this title is to establish a 4-year pilot program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations derived from Federal law;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) expand the services delivered by the small business development centers under section 21(c)(3)(H) of the Small Business Act to improve access to programs to assist small business concerns with regulatory compliance.

#### SEC. 503. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATION.—The term “association” means the association established pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(2) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term “participating small business development center” means a small business development center participating in the pilot program established under this title.

(3) REGULATORY COMPLIANCE ASSISTANCE.—The term “regulatory compliance assistance” means assistance provided by a small business development center to a small business concern to assist and facilitate the concern in complying with Federal and State regulatory requirements derived from Federal law.

(4) SMALL BUSINESS DEVELOPMENT CENTER.—The term “small business development center” means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

(5) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating small business development centers.

(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—In carrying out the pilot program established under this section, the Administrator shall enter into arrangements with participating small business development centers under which such centers shall—

(A) provide access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990 (42 U.S.C. 7661f);

(B) conduct training and educational activities;

(C) offer confidential, free of charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations derived from Federal law, provided that such counseling is not considered to be the practice of law in a State in which a small business development center is located or in which such counseling is conducted;

(D) provide technical assistance;

(E) give referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and

(F) form partnerships with Federal compliance programs.

(2) REPORTS.—Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Administration, as the Administrator may direct, a quarterly report that includes—

(A) a summary of the regulatory compliance assistance provided by the center under the pilot program;

(B) the number of small business concerns assisted under the pilot program; and

(C) for every fourth report, any regulatory compliance information based on Federal law that a Federal or State agency has provided to the center during the preceding year and requested that it be disseminated to small business concerns.

(d) **ELIGIBILITY.**—A small business development center shall be eligible to receive assistance under the pilot program established under this section only if such center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(e) **SELECTION OF PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTERS.**—

(1) **GROUPINGS.**—

(A) **CONSULTATION.**—The Administrator shall select the small business development center programs of 2 States from each of the groups of States described in subparagraph (B) to participate in the pilot program established under this section.

(B) **GROUPS.**—The groups described in this subparagraph are as follows:

(i) **GROUP 1.**—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(ii) **GROUP 2.**—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iii) **GROUP 3.**—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(iv) **GROUP 4.**—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(v) **GROUP 5.**—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vi) **GROUP 6.**—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(vii) **GROUP 7.**—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(viii) **GROUP 8.**—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(ix) **GROUP 9.**—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(x) **GROUP 10.**—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(2) **DEADLINE FOR SELECTION.**—The Administrator shall make selections under this subsection not later than 6 months after the date of publication of final regulations under section 1704.

(f) **MATCHING REQUIREMENT.**—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program established under this section.

(g) **GRANT AMOUNTS.**—Each State program selected to receive a grant under subsection (e) shall be eligible to receive a grant in an amount equal to—

(1) not less than \$150,000 per fiscal year; and

(2) not more than \$300,000 per fiscal year.

(h) **EVALUATION AND REPORT.**—The Comptroller General of the United States shall—

(1) not later than 30 months after the date of disbursement of the first grant under the pilot program established under this section, initiate an evaluation of the pilot program; and

(2) not later than 6 months after the date of the initiation of the evaluation under paragraph (1), transmit to the Administrator, the Chief Counsel for Advocacy, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(A) the results of the evaluation; and

(B) any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all small business development centers.

(i) **POSTING OF INFORMATION.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing the requirements of an application for assistance under this section.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section—

(A) \$5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) \$5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) **LIMITATION ON USE OF OTHER FUNDS.**—The Administrator may carry out the pilot program established under this section only with amounts appropriated in advance specifically to carry out this section.

(k) **TERMINATION.**—The Small Business Regulatory Assistance Pilot Program established under this section shall terminate 4 years after the date of disbursement of the first grant under the pilot program.

#### SEC. 504. RULEMAKING.

After providing notice and an opportunity for comment, and after consulting with the association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this title, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program established under this title;

(2) standards relating to educational, technical, and support services to be provided by participating small business development centers;

(3) standards relating to any national service delivery and support function to be provided by the association under the pilot program;

(4) standards relating to any work plan that the Administrator may require a participating small business development center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.

#### TITLE VI—OTHER PROVISIONS

##### SEC. 601. MINORITY ENTREPRENEURSHIP AND INNOVATION PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the terms “Alaska Native-serving institution” and “Native Hawaiian-serving institution” have the meanings given those terms in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d);

(2) the term “Hispanic serving institution” has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(3) the term “historically Black college and university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(4) the term “small business development center” has the same meaning as in section 21 of the Small Business Act (15 U.S.C. 648); and

(5) the term “Tribal College” has the meaning given the term “tribally controlled college or university” in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

(b) **MINORITY ENTREPRENEURSHIP AND INNOVATION GRANTS.**—

(1) **IN GENERAL.**—The Administrator shall make grants to historically Black colleges and universities, Tribal Colleges, Hispanic serving institutions, Alaska Native-serving institutions, and Native Hawaiian-serving institutions, or to any entity formed by a combination of such institutions—

(A) to assist in establishing an entrepreneurship curriculum for undergraduate or graduate studies; and

(B) for placement of small business development centers on the physical campus of the institution.

(2) **CURRICULUM REQUIREMENT.**—An institution of higher education receiving a grant under this subsection shall develop a curriculum that includes training in various skill sets needed by successful entrepreneurs, including—

(A) business management and marketing, financial management and accounting, market analysis and competitive analysis, innovation and strategic planning; and

(B) additional entrepreneurial skill sets specific to the needs of the student population and the surrounding community, as determined by the institution.

(3) **SMALL BUSINESS DEVELOPMENT CENTER REQUIREMENT.**—Each institution receiving a grant under this subsection shall open a small business development center that—

(A) performs studies, research, and counseling concerning the management, financing, and operation of small business concerns;

(B) performs management training and technical assistance regarding the participation of small business concerns in international markets, export promotion and technology transfer, and the delivery or distribution of such services and information;

(C) offers referral services for entrepreneurs and small business concerns to business development, financing, and legal experts; and

(D) promotes market-specific innovation, niche marketing, capacity building, international trade, and strategic planning as keys to long-term growth for its small business concern and entrepreneur clients.

(4) **GRANT LIMITATIONS.**—A grant under this subsection—

(A) may not exceed \$500,000 for any fiscal year for any 1 institution of higher education;

(B) may not be used for any purpose other than those associated with the direct costs incurred to develop and implement a curriculum that fosters entrepreneurship and the costs incurred to organize and run a small business development center on the grounds of the institution; and

(C) may not be used for building expenses, administrative travel budgets, or other expenses not directly related to the implementation of the curriculum or activities authorized by this section.

(5) **EXCEPTION FROM SMALL BUSINESS ACT REQUIREMENT.**—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) do not apply to assistance made available under this subsection.

(6) **REPORT.**—Not later than November 1 of each year, the Associate Administrator of Entrepreneurial Development of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report evaluating the award and use of grants under this subsection during the preceding fiscal year, which shall include—

(A) a description of each entrepreneurship program developed with grant funds, the date of the award of such grant, and the

number of participants in each such program;

(B) the number of small business concerns assisted by each small business development center established with a grant under this subsection; and

(C) data regarding the economic impact of the small business development center counseling provided under a grant under this subsection.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended, for each of fiscal years 2008 and 2010.

(d) **LIMITATION ON USE OF OTHER FUNDS.**—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

#### **SEC. 602. INSTITUTIONS OF HIGHER EDUCATION.**

(a) **IN GENERAL.**—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by striking “: *Provided, That*” and all that follows through “on such date.” and inserting the following: “On and after December 31, 2007, the Administration may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association, recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b), or to a women’s business center operating pursuant to section 29 as a small business development center, unless the applicant was receiving a grant (including a contract or cooperative agreement) on December 31, 2007.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on December 31, 2007.

#### **SEC. 603. HEALTH INSURANCE OPTIONS INFORMATION FOR SMALL BUSINESS CONCERNS.**

(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **ASSOCIATION.**—The term “association” means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(2) **PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.**—The term “participating small business development center” means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(3) **PILOT PROGRAM.**—The term “pilot program” means the small business health insurance information pilot program established under this section.

(4) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) **SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.**—The Administrator shall establish a pilot program to make grants to small business development centers to provide neutral and objective information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(c) **APPLICATIONS.**—

(1) **POSTING OF INFORMATION.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in

the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(2) **SUBMISSION.**—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(d) **SELECTION OF PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTERS.**—

(1) **IN GENERAL.**—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) **SELECTION OF PROGRAMS.**—In selecting small business development centers under paragraph (1), the Administrator may not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) **GROUPINGS.**—The groups of States described in this paragraph are the following:

(A) **GROUP 1.**—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) **GROUP 2.**—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) **GROUP 3.**—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) **GROUP 4.**—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) **GROUP 5.**—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) **GROUP 6.**—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) **GROUP 7.**—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) **GROUP 8.**—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) **GROUP 9.**—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) **GROUP 10.**—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) **DEADLINE FOR SELECTION.**—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (c)(1) is posted on the website of the Administration and the date on which the information described in subsection (c)(1) is published in the Federal Register.

(e) **USE OF FUNDS.**—

(1) **IN GENERAL.**—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) **CONTENT OF MATERIALS.**—

(A) **IN GENERAL.**—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, including ma-

terials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(B) **HEALTH INSURANCE OPTIONS.**—In incorporating information regarding health insurance options under subparagraph (A), a participating small business development center shall provide neutral and objective information regarding health insurance options in the geographic area served by the participating small business development center, including traditional employer sponsored health insurance for the group insurance market, such as the health insurance options defined in section 2791 of the Public Health Services Act (42 U.S.C. 300gg-91) or section 125 of the Internal Revenue Code of 1986, and Federal and State health insurance programs.

(f) **GRANT AMOUNTS.**—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than \$150,000 per fiscal year; and

(2) not more than \$300,000 per fiscal year.

(g) **MATCHING REQUIREMENT.**—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

(h) **REPORTS.**—Each participating small business development center shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section—

(A) \$5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) \$5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) **LIMITATION ON USE OF OTHER FUNDS.**—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.

#### **SEC. 604. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.**

Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended by striking “nine members” and inserting “10 members”.

#### **SEC. 605. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT PROGRAM.**

(a) **DEFINITION.**—In this section, the term “Indian tribe” means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

(b) **AUTHORIZATION.**—The Office of Native American Affairs of the Administration may conduct a pilot program—

(1) to develop and publish a self-assessment tool for Indian tribes that will allow such tribes to evaluate and implement best practices for economic development; and

(2) to provide assistance to Indian tribes, through the Inter-Agency Working Group, in identifying and implementing economic development opportunities available from the

Federal Government and private enterprise, including—

- (A) the Administration;
- (B) the Department of Energy;
- (C) the Environmental Protection Agency;
- (D) the Department of Commerce;
- (E) the Federal Communications Commission;
- (F) the Department of Justice;
- (G) the Department of Labor;
- (H) the Office of National Drug Control Policy; and
- (I) the Department of Agriculture.

(c) **TERMINATION OF PROGRAM.**—The authority to conduct a pilot program under this section shall terminate on September 30, 2009.

(d) **REPORT.**—Not later than September 30, 2009, the Office of Native American Affairs shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the effectiveness of the self-assessment tool developed under subsection (b)(1).

#### **SEC. 606. PRIVACY REQUIREMENTS FOR SCORE CHAPTERS.**

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by inserting after subsection (b) the following

“(c) **PRIVACY REQUIREMENTS.**—

“(1) **IN GENERAL.**—A chapter of the Service Corps of Retired Executives program authorized by subsection (b)(1) or an agent of such a chapter may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance from that chapter or agent without the consent of such individual or small business concern, unless—

“(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a chapter of the Service Corps of Retired Executives program authorized by subsection (b)(1), but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

“(2) **ADMINISTRATOR USE OF INFORMATION.**—This subsection shall not—

“(A) restrict Administrator access to program activity data; or

“(B) prevent the Administrator from using client information to conduct client surveys.

“(3) **REGULATIONS.**—

“(A) **IN GENERAL.**—The Administrator shall issue regulations to establish standards—

“(i) for disclosures with respect to financial audits under paragraph (1)(B); and

“(ii) for client surveys under paragraph (2)(B), including standards for oversight of such surveys and for dissemination and use of client information.

“(B) **MAXIMUM PRIVACY PROTECTION.**—Regulations under this paragraph shall, to the extent practicable, provide for the maximum amount of privacy protection.

“(C) **INSPECTOR GENERAL.**—Until the effective date of regulations under this paragraph, any client survey and the use of such information shall be approved by the Inspector General who shall include such approval in the semi-annual report of the Inspector General.”

#### **SEC. 607. NATIONAL SMALL BUSINESS SUMMIT.**

(a) **IN GENERAL.**—Not later than December 31, 2009, the President shall convene a National Small Business Summit to examine the present conditions and future of the community of small business concerns in the United States. The summit shall include owners of small business concerns, representatives of small business groups, labor, aca-

demia, State and Federal government, Federal research and development agencies, and nonprofit policy groups concerned with the issues of small business concerns.

(b) **REPORT.**—Not later than 90 days after the date of the conclusion of the summit convened under subsection (a), the President shall issue a report on the results of the summit. The report shall identify key challenges and recommendations for promoting entrepreneurship and the growth of small business concerns.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Chairman KERRY in introducing the Entrepreneurial Development Act of 2007, a bill to reauthorize and improve the U.S. Small Business Administration's—SBA—Entrepreneurial Development Programs. I have long fought to expand the power and reach of the SBA's entrepreneurial development tools, which are used by millions of aspiring entrepreneurs and small businesses across the United States. These programs demonstrate how Congress can play a positive role in enhancing private-sector financing for start-up companies. We must continue to strengthen these core SBA programs because they have proven invaluable in aiding the efforts and dreams of America's entrepreneurs.

The bill which I am cosponsoring today is the product of the type of bipartisan work the Small Business Committee has come to be known for. The provisions contained in this legislation are a compilation of ideas and initiatives put forward by myself, Chairman KERRY, and other Committee members. Much of the language in the Entrepreneurial Development Act of 2007 was contained in my SBA Reauthorization and Improvements Act passed unanimously by the Small Business Committee during the 109th Congress. Unfortunately, this bipartisan bill never passed the Senate.

Since 1980, Small Business Development Centers—SBDCs—have been essential in the delivery of management and technical counseling assistance and educational programs to prospective and existing small business owners. Since its inception, the SBDC program has served over 11 million clients with new business starts, sustainability programs for struggling firms, and expansion plans for growth firms. For every dollar spent on the SBDC program, approximately \$2.66 in tax revenue is generated.

An example of the local value of the SBDC program is found in my home State of Maine, where SBDCs invested more than 10,000 hours in counseling to 3,000 clients in 2005. The economic benefits of these services on the economy in Maine was demonstrated by a recent study of the Maine SBDCs that showed: No. 1, long-term clients of the Maine SBDC generated \$44 million in incremental sales and 908 new jobs because of SBDC counseling assistance; and No. 2, the total amount of tax revenue generated as a result of counseling 5 or

more hours is approximately \$3.0 million in State taxes and \$1.58 million in Federal tax revenues.

The Women's Business Center—WBC—program, established by Congress in 1988, promotes the growth of women-owned businesses through business training and technical assistance, and provides access to credit and capital, Federal contracts, and international trade opportunities. The WBC program served more than 144,000 clients across the country last year, providing help with financial management, procurement training, marketing and technical assistance. WBCs also provide specialized programs that include mentoring in various languages, Internet training, issues facing displaced workers, and rural home-based entrepreneurs. According to the SBA's 2008 budget submission, WBCs were responsible for creating or retaining over 6,800 jobs nationwide. I take great pride in the fact that my own State of Maine leads the way for women-owned businesses. Today, there are more than 63,000 women-owned firms in Maine, employing over 75,000 Mainers and generating more than \$9 billion in sales. We must all be committed to multiplying that story of success in every State in America.

Service Corps of Retired Executives—SCORE—is a nonprofit association that matches business-management counselors with small business clients. SCORE volunteer counselors share their management and technical expertise with both existing and prospective small business owners. With its 10,500 member volunteer association sponsored by the SBA, and more than 389 service delivery points and a Web site, SCORE provides counseling to small businesses nationwide. The National SCORE organization delivers its services of business and technical assistance through a national network of chapters, an Internet counseling site, partnerships with SBA, the SBDCs and WBCs, and with the public/private sector. In 2006, SCORE counseled and trained over 300,000 clients.

The bill being introduced today builds upon the aforementioned successes of SBA's Entrepreneurial Development programs, which counsels over 1.2 million small businesses and entrepreneurs each year through the expertise of the trained resource partners located across America.

In addition to reauthorizing SBA's Entrepreneurial Development programs and increasing funding levels, this bill also addresses the crisis small businesses face when it comes to securing quality, affordable health insurance. In 4 of the past 5 years, health insurance costs have increased by double-digit percentage levels. This has led to a disturbing trend of fewer and fewer small businesses being able to offer health insurance to their employees. The Kaiser Family Foundation recently reported that only 47 percent of our Nation's smallest businesses—with less than 10 employees—are able to

offer health insurance as a workplace benefit. In stark contrast, health insurance is nearly universally offered at larger businesses.

A key provision in this bill would establish a 4-year, pilot grant program to provide information, counseling, and educational materials to small businesses, through the well-established national framework of SBDCs. Recent research conducted by the non-partisan Healthcare Leadership Council found that with a short educational and counseling session, small businesses were up to 33 percent more likely to offer health insurance to their employees. My proposal is based on the Small Business Health Education and Awareness Act, which I introduced in the 109th Congress with Senator BENNETT, and plan to reintroduce this session with Senators KERRY and BENNETT.

Most American workers are employed by small and medium sized enterprises. It is these businesses that account for nearly 98 percent of the growth in exporter population—and are among the major beneficiaries when foreign barriers are reduced. Additionally, 97 percent of exporters are small businesses. Over the last decade, the number of exports from small businesses increased by more than 250 percent. Small businesses account for almost \$300 billion of yearly export sales—nearly one-third of total U.S. exports.

This bill establishes an Associate Administrator for International Trade, and expands the trade distribution network to include the United States Export Assistance Centers USEACs. In addition, this section ensures that all our Nation's small exporters have access to export financing. This provision establishes a floor of international finance specialists at level SBA had in January 2003. Finally, this provision increases the maximum loan guarantee amount to \$2.75 million and specifies that the loan cap for international trade loans—ITLs—is \$3.67 million, as well as sets out that working capital is an eligible use for loan proceeds. The bill also makes ITLs consistent with regular SBA 7(a) loans in terms of allowing the same collateral and refinancing terms as with regular 7(a) loans.

The SBA's entrepreneurial development programs provide tremendous value for a relatively small investment. I am committed to ensuring that Americans have the necessary resources to start, grow, and develop a business. I believe that it is our duty to do everything possible to sustain prosperity and job creation throughout the United States. I urge my colleagues to support this vital piece of legislation.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 240—DESIGNATING OCTOBER 21 THROUGH OCTOBER 27, 2007, AS “NATIONAL SAVE FOR RETIREMENT WEEK”

Mr. SMITH (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 240

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 21 through October 27, 2007, as “National Save for Retirement Week”;

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, universities, non-profit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

## SENATE RESOLUTION 241—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REAFFIRM THE COMMITMENTS OF THE UNITED STATES TO THE 2001 DOHA DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH AND TO PURSUING TRADE POLICIES THAT PROMOTE ACCESS TO AFFORDABLE MEDICINES

Mr. BROWN submitted the following resolution; which was referred to the Committee on Finance:

Whereas the World Trade Organization (WTO) administers and enforces the Agreement on Trade-Related Aspects of Intellectual Property Rights (in this preamble referred to as “the TRIPS Agreement”) to safeguard access to essential drugs;

Whereas, in 1999, the World Health Assembly, by consensus including the United States, adopted Resolution 52.19 on the World Health Organization's Revised Drug Strategy, which expressed concern “about the situation in which one third of the world's population has no guaranteed access to essential drugs, [and] in which new world trade agreements may have a negative impact on local manufacturing capacity and the access to and prices of pharmaceuticals in developing countries,” and urged member states to “ensure that public health rather than commercial interests have primacy in pharmaceutical and health policies and to review their options under” the TRIPS Agreement;

Whereas, in 2001, the member states of the WTO, by consensus including the United States, adopted the Doha Declaration on the TRIPS Agreement and Public Health, in which member states agreed that “intellectual property protection is important for the development of new medicines”, but also expressed “concerns about its effects on prices”;

Whereas the Doha Declaration further states that the TRIPS Agreement “can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all”;

Whereas Article 31 of the TRIPS Agreement allows each member state the flexibility to issue compulsory licences which permit the use of the subject matter of a patent, and gives member states broad latitude for such use;

Whereas the World Health Organization's 2006 Report of the Commission on Intellectual Property Rights, Innovation and Public Health emphasized the need for innovation in medical technologies and access to such innovation, and the report also—

(1) states that the Doha Declaration clarifies the right of governments to use compulsory licensing as a means of resolving tensions that may arise between public health and the protection of intellectual property rights, and to determine the grounds for using compulsory licensing;

(2) recommends that developing countries provide for the use of compulsory licensing provisions in legislation as one means to facilitate access to affordable medicines through import or local production;

(3) recommends that bilateral trade agreements not seek to impose obligations to protect intellectual property rights that are greater than those required under the TRIPS Agreement, because such obligations could potentially reduce access to medicines in developing countries; and

(4) recommends that developing countries should not impose restrictions for the use of,