

project description for each project-based assistance contract which was terminated in the designated disaster area after September 2005; and

(3) such additional information as the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives shall reasonably require.

(b) TOLLING OF CONTRACT TERM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a project-based 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 as a result of Hurricane Katrina or Hurricane Rita.

(2) EXPIRATION DATE.—The expiration date of the contract for a covered assisted multifamily housing project described under paragraph (1) shall be deemed to be the later of—

(A) the date specified in the contract; or

(B) the date that is not less than 3 months after the dwelling units in such project, or in a replacement project, are first made habitable.

(c) OWNER PROPOSALS FOR REUSE OR RESITING OF AFFORDABLE UNITS.—Pursuant to section 215 of title II of division K of Public Law 110-161 (121 Stat. 2433), the Secretary of Housing and Urban Development shall, not later than October 1, 2009, promptly review and approve—

(1) any feasible proposal made by the owner of a covered assisted multifamily housing project submitted to the Secretary that provides for the rehabilitation of such project and the resumption of use of the project-based assistance under the contract for such project; or

(2) the transfer, subject to the conditions established under section 215(b) of title II of division K of Public Law 110-161, of the contract for such covered assisted multifamily housing project, or in the case of a covered assisted multifamily housing project with an interest reduction payments contract, of the remaining budget authority under the contract, to a receiving project or projects.

(d) DEFINITIONS.—For purposes of this section—

(1) the term “covered assisted multifamily housing project” means housing that—

(A) meets one of the conditions established in section 215(c)(2) of title II of division K of Public Law 110-161;

(B) was damaged or destroyed by Hurricane Katrina or Hurricane Rita of 2005; and

(C) is located in an area in the States of Alabama, Mississippi, and Louisiana 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 Hurricane Katrina or Hurricane Rita of 2005;

(2) the term “designated disaster area” means any area in the States of Alabama, Mississippi, and Louisiana 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 and Rita of 2005;

(3) the term “project-based assistance” has the same meaning as in section 215(c)(3) of title II of division K of Public Law 110-161; and

(4) the term “receiving project or projects” has the same meaning as in section 215(c)(4) of title II of division K of Public Law 110-161.

SEC. 7. HOUSING DISASTER PLAN.

Not later than June 1, 2008, the Secretary of Housing and Urban Development shall—

(1) develop a written disaster response plan for federally-assisted properties, including

for properties that receive assistance pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); and

(B) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); and

(2) submit such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

TWO YEARS AFTER THE STORM: HOUSING NEEDS IN THE GULF COAST

(By Mr. Alan Brown)

INTRODUCTION

Chairman Dodd, Ranking Member Shelby and members of the Committee, I want to thank you for the opportunity to testify today. I am Alan Brown, the Vice President of Operations and Chief Operating Officer of Mississippi Methodist Senior Services (MMSS). Mississippi Methodist Senior Services has 11 campuses across the state of Mississippi and we serve 1,800 seniors on a daily basis. Our organization was one of the first in Mississippi to provide HUD housing for seniors and have been for 40 years. Currently, seven of our campuses have HUD subsidized housing communities, serving very low-income seniors.

Our organization is a member of the American Association of Homes and Services for the Aging (AAHSA), a 5,700 member association representing not-for-profit providers throughout the continuum of senior care: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities, and nursing homes. AAHSA members serve as many as two million people every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home.

DEMOGRAPHICS AND NEED OF SENIORS IN THE GULF

A Congressional Research Service report from November 2005 found that the “the aged may have been especially affected by Katrina” and estimated that 88,000 persons age 65 or older were displaced by the storm and of those, 45,000 were 75 and older. Almost 15% of all displaced seniors had incomes below the poverty line. Approximately 48% of the displaced seniors reported having at least one disability, and 26% reported two or more types of disabilities, including those that require an array of supportive and health services.

An estimated 70% of seniors throughout the Gulf owned their own homes and most had lived in their homes for 20 or more years. Among the elderly renters that were living in unsubsidized housing, 55% had lived in their rental properties over 20 years. According to HUD there are 1,054 assisted properties, over 47,000 units, in the areas affected by the hurricanes. Of the assisted properties, 228 are Section 202 elderly housing communities with almost 11,000 units. Among those, one hundred properties, with 12,559 units suffered severe damage. Seniors need these affordable, supportive housing communities to be restored and functional before they can return to the Gulf.

MISSISSIPPI METHODIST SENIOR SERVICES’ EXPERIENCE

On August 29, 2005, five of our campuses were damaged by Hurricane Katrina. Our Seashore Retirement Community campus in Biloxi, MS received the most damage. Seashore was located on Beach Blvd. (Hwy 90) and consisted of 124 market rate apartments, 42 assisted living units and a 65 unit HUD 202 project with project based Section 8 rental

subsidies. All of the buildings had substantial damage but none more so than the HUD building, Gulf Oaks Manor. In addition to significant wind damage, Gulf Oaks had 2 feet of gulf water on the first floor. Fifty-five of our residents refused to leave the campus and rode out the storm with the campus Executive Director who refused to leave them. We were able to evacuate them on August 31, 2005 and provided housing on our other campuses in North Mississippi.

MMSS had what we considered to be good, comprehensive insurance coverage, including flood coverage. We immediately began the process of restoring the campus. We deployed resources from across the state and within three weeks had a complete damage assessment of the property. We were able to restore the market rate buildings and assisted living units by mid October. Little did we know that our challenges with our HUD 202 project were just beginning.

Inspections of the HUD building revealed that there was water damage on the upper floors in addition to the flood damage on the first floor. The heat and humidity following the hurricane coupled with days of no utilities and air flow had created a major mold problem. After weeks of inspections and professional opinions, our insurance carrier determined that the damage on the upper floors was pre-existing, not related to the hurricane and would not be a covered loss. Our insurance coverage would only cover the repairs to the first floor. MMSS was left with an uninhabitable building and a \$1-million dollar gap between what the insurance covered and what it would take to repair the building. In our initial conversations with HUD representatives about how we could solve this problem, we were told that:

HUD would not loan MMSS the money to cover the insurance gap;

MMSS would not be permitted to borrow money from any other source;

HUD would not forgive any of the debt in our original Section 202 loan;

HUD would not allow MMSS to prepay the mortgage.

In spite of these restrictions, HUD informed us that they did not want to lose the assisted housing units. The Department recommended that MMSS find a buyer for the damaged property and stated that any new buyer must continue the property as a 202 project.

In addition, to our discussions with HUD to save the property, MMSS researched additional resources to meet the funding gap to repair the property. Our FEMA request for help was denied because we were classified as a “non-essential service.” With that status, we were advised to seek a Small Business Administration loan, an option that was not available to us because of our HUD financing. Essentially, we had no options.

Eventually, we contacted the American Association of Homes and Services for the Aging (AAHSA) and asked for help. AAHSA immediately contacted senior HUD officials who made us aware of a provision in the FY2006 appropriations legislation, Section 318, which allowed for the relocation of project based Section 8 contracts from non-viable, obsolete HUD projects that had been damaged to new buildings. It seemed to us that the provision was tailor made for our situation and many other hurricane damaged properties. In March 2006, I met with Hank Williams, Deputy Assistant Secretary for Multifamily Housing and he encouraged us to apply for a Section 318 transfer.

On March 31, 2006, we notified our Mississippi HUD office that we would be requesting a Section 318 transfer of the project-based Section 8 contract and provided our

initial responses to the Section 318 requirements. About this time, we received an unsolicited offer from a local developer to purchase the entire campus. We accepted, contingent upon our being able to obtain a relocation or release for the property from HUD. We believed it was in the best interest of our residents to build a new campus further inland that would not be affected by future hurricanes. This offer would also give us the opportunity to rebuild the HUD building in a safer location at no additional cost to HUD. We planned to have a new campus with a new HUD building and we could restore 65 subsidized apartments for seniors on the Gulf Coast which had been in existence since 1984.

On July 5, 2006, we submitted our formal Section 318 request to HUD headquarters, outlining our plan and asked HUD for dialogue on how we could make this happen. Weeks passed and we heard nothing from HUD. On August 8, 2006, we once again contacted AAHSA staff and asked for their help. On August 17, 2006 AAHSA had a series of conversations with a senior HUD staff member who assured them they were going to make this happen. On August 29, 2006, after no contact from HUD, we contacted Senator Thad Cochran's office and asked for help. Our business interruption insurance coverage was ending and financially we were fading fast. We needed to complete this process to save the HUD project as well as the entire campus. Senator Cochran's staff responded immediately and HUD assured them that we were a priority. Weeks passed with no response from HUD. At times when MMSS would request an update from HUD, we were told that they were not sure what desk it was on. On one occasion we were told they were waiting because we did not send a hard copy of our paperwork and they only had an electronic copy. We had submitted a hard copy and it was electronically elevated by HUD staff according to their own protocol. Senator Cochran's staff intervened again in mid-September. They were assured our application was in process.

On October 2, 2007, more than six months after our notification of intent to pursue a Section 318 project based Section 8 transfer and almost three months after our formal request was submitted to HUD headquarters, we received a letter from HUD notifying us that our Section 318 request had been denied. I have attached correspondence outlining things that would have to be done for the request to be reconsidered. The items had not been communicated to us previously and were either economically infeasible or incapable of being completed for many months. At this point our request had been denied, our insurance coverage was exhausted and we were in jeopardy of losing the sale of the entire property.

Throughout this process the Jackson, Mississippi HUD office was very helpful. Thanks to that office we learned that our contract, a pre-1984 HUD 202 contract, could actually be pre-paid with 30 days notice and without HUD approval. After much consideration, we felt this was our only option to continue providing senior housing on the Gulf Coast. However, we wanted to make one last effort to save the 65 Section 8 rent subsidies and transfer them to a new building. We notified HUD of our intent to pay-off the 202 mortgage and they gave us the process to follow, including the notification letter that we needed to send former residents to notify them of the sale. In numerous phone conversations with HUD officials in Washington, D.C., we repeatedly asked for permission to transfer the Section 8 rental subsidies to a new building so we could preserve those subsidies and continue serving low-income residents at the new property. HUD informed us that it had never been done before and de-

spite having the legal authority, they would have to get a legal opinion and call us back. The next day they called back and told us the Section 8 subsidies could be moved and they would let us know the process. We were ecstatic that this would allow us to restore the low income units on the Gulf Coast and most importantly, offer our previous residents a chance to return to MMSS on the new campus.

As we got closer to closing on the sale, HUD notified us that the letter used to notify residents of the property sale did not use the correct language. We reminded HUD that we had used the exact letter that they had provided. Just before closing, we inquired again about the process for moving the Section 8 subsidies to a new building as HUD had said we could do. We were told that HUD never agreed to that and that the subsidies had to stay with the damaged building. In the end, despite their insistence that HUD was committed to preserving units and having the authority to transfer the contract to a new, safer building, HUD essentially forced USSM to give up project based Section 8 contract to complete the sale of the campus. More disturbing, HUD had done what the hurricane had not even been able to do, permanently displace those residents that rode out the storm in their homes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 549—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND DESIGNATING MAY 3, 2008, AS “NATIONAL CHILDHOOD STROKE AWARENESS DAY”

Mr. CASEY (for himself, Mr. CHAMBLISS, Mr. BINGAMAN, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 549

Whereas a stroke, also known as a “cerebrovascular accident”, is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a prior stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

- (1) hemiplegia, which is paralysis of 1 side of the body;
- (2) seizures;
- (3) speech and vision problems; and
- (4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas The Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 3, 2008 as “National Childhood Stroke Awareness Day”; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.

SENATE RESOLUTION 550—EXPRESSING THE SENSE OF THE SENATE REGARDING PROVOCATIVE AND DANGEROUS STATEMENTS MADE BY THE GOVERNMENT OF THE RUSSIAN FEDERATION THAT UNDERMINE THE TERRITORIAL INTEGRITY OF THE REPUBLIC OF GEORGIA

Mr. BIDEN (for himself, Mr. LUGAR, and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 550

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community and 32 United Nations Security Council resolutions;

Whereas the Government of the Republic of Georgia has pursued with good faith the peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas President of Georgia Mikheil Saakashvili has offered a clear plan for resolving the conflict in Abkhazia and securing legitimate interests of the Abkhaz and South Ossetian people within a unified Georgia;

Whereas, for several years, the Government of Russia has engaged in an ongoing process of usurping the sovereignty of Georgia in Abkhazia and South Ossetia by awarding subsidies, the right to vote in elections in Russia, and Russian passports to people living in those regions;

Whereas the announcement of the Government of the Russian Federation that it will establish “official ties” with the breakaway regions of Abkhazia and South Ossetia and further involve itself in aspects of their government appears to be a thinly veiled attempt at annexation;

Whereas the statements and counter-productive behavior of the Government of the Russian Federation in these regions has undermined the peace and security of those regions, the Republic of Georgia, and the region as a whole; and

Whereas the consistent effort to undermine the sovereignty of a neighbor is incompatible with the role of the Russian Federation

as one of the world's leading powers and is inconsistent with the commitments to international peacekeeping made by the Government of the Russian Federation: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent decisions made by the Government of the Russian Federation to establish "official ties" with the breakaway regions of Abkhazia and South Ossetia, a process that further impedes reconciliation between those regions and the Government of Georgia and violates the sovereignty of the Republic of Georgia and the commitments of the Government of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to disavow this policy, which gives the appearance of being motivated by an appetite for annexation;

(3) affirms that the restoration of the territorial integrity of the Republic of Georgia is in the interest of all who seek peace and stability in the region;

(4) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric that escalates tensions and undermines efforts to negotiate a settlement to the conflicts; and

(5) commends the Government of Georgia for acting with restraint in the face of serious provocation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4654. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4655. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4654. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ STUDY ON ADEQUACY OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) *STUDY*.—The Administrator of the Federal Aviation Administration shall conduct a study, in consultation with representatives of air traffic controllers, to assess the adequacy of training programs for air traffic controllers.

(b) *CONTENTS*.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3); and

(5) an analysis of various training approaches available to ensure that the controller competencies identified under paragraphs (2) and (3) are maintained when airspace is transferred from one air traffic control center to another.

(c) *REPORT*.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

SA 4655. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 24, insert "realign engineering services or" after "not".

MAKING TECHNICAL CORRECTIONS TO THE NEWBORN SCREENING SAVES LIVES ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5919.

The ACTING PRESIDENT *pro tempore*. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5919) to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this bill be printed in the RECORD.

The ACTING PRESIDENT *pro tempore*. Without objection, it is so ordered.

The bill (H.R. 5919) was ordered to a third reading, was read the third time, and passed.

NATIONAL CHILDHOOD STROKE AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 549, submitted earlier today by Senator CASEY.

The ACTING PRESIDENT *pro tempore*. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 549) expressing the sense of the Senate with respect to childhood stroke and designating May 3, 2008, as "National Childhood Stroke Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT *pro tempore*. Without objection, it is so ordered.

The resolution (S. Res. 549) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 549

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a prior stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas The Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 3, 2008 as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.