

an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1944

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1984

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1984, a bill to strengthen immigration enforcement and border security and for other purposes.

S. 2049

At the request of Mr. KENNEDY, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2049, a bill to prohibit the implementation of policies to prohibit States from providing quality health coverage to children in need under the State Children's Health Insurance Program (CHIP).

S. CON. RES. 45

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 45, a concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 315

At the request of Mr. CORNYN, the names of the Senator from Louisiana

(Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 315, a resolution to express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

S. RES. 316

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 316, a resolution designating the week of October 21 through October 27, 2007 as "National Childhood Lead Poisoning Prevention Week."

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2057 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2072

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2072 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2074

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2074 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2313

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2313 proposed to

H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2335

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. CASEY), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 2335 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. DODD, and Mr. OBAMA):

S. 2060. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I am today introducing the Teachers at the Table Act of 2007. This bill is the Senate companion to legislation introduced in the House of Representatives earlier this year by Representative CAROLYN MCCARTHY of New York and Representative LEE TERRY of Nebraska. I am pleased this legislation is cosponsored by my colleagues, Senator JOSEPH LIEBERMAN of Connecticut, Senator BLANCHE LINCOLN of Arkansas, and Senator CHRISTOPHER DODD of Connecticut.

This legislation would create a Volunteer Teacher Advisory Committee to advise Congress and the Department of Education on the impact of No Child Left Behind, NCLB, on students, their families, and the classroom learning environment. The teachers serving on this Committee would be chosen from past or present state or national Teachers of the Year and would be competitively selected by the Secretary of Education and the majority and minority leaders of both the U.S. Senate and the House of Representatives.

Every year I travel to each of Wisconsin's 72 counties to hold a listening session to listen to Wisconsinites concerns and answer their questions. Since NCLB was enacted in early 2002, education has rated as one of the top issues brought up at my listening sessions. I have received feedback from constituents about the noble intentions of NCLB, but I have also heard

about the multitude of implementation problems with the law's provisions. The feedback from teachers, parents, school administrators, and school board members has been invaluable over the past 5 years and yesterday, I introduced the Improving Student Testing Act of 2007 in response to some of that feedback.

The Teachers at the Table bill I am introducing today seeks to help ensure that Congress and the Department of Education receive high-quality yearly feedback on how NCLB is impacting classroom learning around the country. The teachers who will serve on the committee will be competitively chosen from past and present Teachers of the Year, who represent some of the best that teaching has to offer. The bill would create a committee of twenty teachers, with four selected by the Secretary of Education and four selected by each of the majority and minority leaders in the U.S. Senate and House of Representatives. These teachers would serve 2-year terms on the advisory committee and would work to prepare annual reports to Congress as well as quarterly updates on the law's implementation.

Every State and every school district is different and this legislation ensures that the teacher advisory committee will represent a wide range of viewpoints. The bill specifies that the volunteer teacher advisory committee should include teachers from diverse geographic areas, teachers who teach different grade levels, and teachers from a variety of specialty areas. Creating a diverse committee will help ensure that the committee presents a broad range of viewpoints on NCLB to Congress and the Department of Education.

Much work needs to be done this fall to reform many of the mandates of NCLB and I look forward to working with my colleagues during the reauthorization to make those necessary changes. One thing is certain—whatever form the reauthorized NCLB takes, there will be a need for consistent feedback from a diverse range of viewpoints.

We need to ensure that the voices of students, educators, parents, and administrators, who are on the frontlines of education reform in our country, are heard during the reauthorization of NCLB this fall and going forward during the reauthorized law's implementation in years to come. This bill seeks to help address that need by enlisting the service of some of America's best teachers in providing information to Federal education policymakers. The advisory committee created by this legislation will provide nationwide feedback and will allow Congress to hear about NCLB directly from those who deal with the law and its consequences on a daily basis.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mrs. CLINTON, Mr.

OBAMA, Mrs. BOXER, Mr. SCHUMER, Ms. CANTWELL, and Mr. CASEY):

S. 2061. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Fair Home Health Care Act of 2007 to recognize the extraordinary value of the services that home health care workers perform. This legislation is in response to a Supreme Court decision in June that ruled that home care workers are not entitled to the protections provided by the Fair Labor Standards Act.

At the center of that case was a 73-year-old retiree named Evelyn Coke, who spent some two decades of her life cooking, bathing, feeding, and caring for the everyday medical needs of people who cannot take care of themselves. Today, Evelyn Coke suffers from kidney failure. But despite 20 years of working more than 40 hours a week, she can't afford a home health care worker to take care of her. She sued her employer for not paying time-and-a-half pay for all those hours that she worked overtime but was denied premium pay by way of compensation. Unfortunately, Evelyn Coke lost her case before the Court because of an outdated exemption to the Federal minimum wage and overtime laws.

In 1974, Congress expanded the Fair Labor Standards Act, FLSA, include protections for most domestic workers, such as chauffeurs and housekeepers. However, a narrow exemption was created for employees providing "companionship services" to seniors and people with disabilities. At that time, home care, like babysitting, was largely provided by neighbors and friends.

In the three decades since the exemption was created, the numbers of home care workers and their responsibilities have expanded dramatically as the population has aged and more and more people are choosing long-term health care services in their homes rather than in institutions. There are more than 1 million home care workers in the U.S. They provide physically and emotionally demanding and often life-sustaining care for the elderly and disabled still living in their own homes.

This bill brings together two issues that are very close to my heart—on the one hand, independent living and quality of life for seniors and people with disabilities, and, on the other hand, the basic rights of American workers to premium pay for overtime work. Service providers and the people they serve agree on this: no one is served well when home care workers are not paid a living wage. Home care workers deserve fair pay. Seniors and people with disabilities deserve continuous relationships with home care aides that they can trust to deliver the care that they need.

Last week, several constituents who provide these kinds of services came to my office. One man, Pete Faust, has worked in home care settings for 30 years. Pete makes \$12 an hour and admits he has trouble making ends meet; the overtime pay he receives makes it possible to pay the bills. He knows that he could go work somewhere else and make twice as much, but he worries that it is hard on his clients not to see the same friendly familiar face on a regular basis.

Casey Cole is another of my constituents, and he is in a similar position. He works 12 days in a row, and then gets two days off. Often, however, there isn't anyone else to cover the shifts when he is off, so he will work 26 days in a row. Even his days off aren't really days off, because he's answering calls or checking in to make sure that all the people under his care are getting their needs met.

Not everyone is fortunate enough to have a Pete Faust or a Casey Cole to help them out. There is a shortage of qualified home care workers, and of there is high turnover in the field. Some 86 percent of direct care workers turn over every year. Almost 90 percent of homecare workers are women, and they are predominantly minority women, making an average of just \$9 an hour.

The reason for the shortage of people to do this work is certainly not a shortage of compassion. The problem is that people need to be able to make a living wage when they have their own families to take care of. It is high time to grant these hard-working people the minimum wage and overtime protection. That is why I am introducing this legislation, today.

The Fair Home Health Care Act will include home care workers under the same rules that currently cover babysitters. That is to say, they will be entitled to Fair Labor Standards Act protections if they are not employed on a "casual basis." Casual basis is defined as employment on an irregular or intermittent basis, when the employee's primary vocation is not the provision of homecare, the employee is not employed by an agency other than the family or household using his or her services, and the employee does not work more than 20 hours per week.

I urge my colleagues to join me in cosponsoring this legislation. The bill will improve pay for hardworking caregivers, and it will increase access to care for our Nation's seniors and people with disabilities.

By Mr. DORGAN (for himself, Mr. REID, Ms. MURKOWSKI, Mr. INOUE, Mr. JOHNSON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I am here today with my colleagues Senators REID, MURKOWSKI, INOUE, JOHNSON, TESTER, DOMENICI and BINGAMAN to introduce legislation to reauthorize and amend the Native American Housing Assistance and Self-Determination Act, NAHASDA. This bill, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 will not only reauthorize the primary housing programs for Indian Country but it will enhance the crucial services provided under these programs.

The Native American Housing Assistance and Self-Determination Act provides formula-based block grant assistance to Indian tribes which allows them the flexibility to design housing programs to address the needs of their communities. Since its adoption in 1996, the Native American Housing Assistance and Self-Determination Act has transformed the way in which Indian housing is provided in the tribal communities. It is clear that the programs have been very successful. For example, in 2006, Tribes have been able to build, acquire, or substantially rehabilitate more than 1,600 rental units and more than 6,000 homeownership units. Each of these units became a home to an American Indian or Alaska Native family.

Even with these improvements, we are still facing a housing crisis in Indian Country. At the Senate Committee on Indian Affairs March and July hearings on Indian housing, we heard alarming statistics: 90,000 Indian families are homeless or under-housed. Approximately 40 percent of on-reservation housing is considered inadequate. Over one-third of Indian homes are overcrowded. More than 230,000 housing units are immediately needed to provide adequate housing in Indian Country.

Tribal elders in the Northern Plains are living in homes without roofs, with only tarps to shield them from the harsh elements including below-zero temperatures. Indian children across the country are forced to live in overcrowded conditions in homes with 23 other people or in trailers in the Northern Plains with wood stoves and no fresh drinking water. This is a national disgrace. How are children supposed to grow and learn in these conditions and how are communities supposed to thrive? This is particularly distressing given the fact that funding for Indian housing has decreased over the last several years, because it has not kept up with inflation and the rising cost of building materials.

The U.S. has a trust responsibility to provide housing for our First Americans. The bill my colleagues and I are introducing today will strengthen NAHASDA by providing tribes with increased flexibility, with the goal of producing more homes in Indian country. The amendments are incremental changes to current law. We realize that "one size does not fit all" in Indian

housing. Housing needs in the Great Plains differ greatly from those in the southwest. This is why we retained the basic structure of the Indian Housing Block Grant Program, because through this block grant program, tribes and tribal housing entities are able to use the funds to serve their unique needs.

NAHASDA works and with the amendments we are proposing, it will continue to improve housing conditions for American Indians and Alaska Natives. Please allow me to highlight some of the major amendments we are proposing.

Title I of the bill would reauthorize the Indian housing block grant and amend the program to streamline reporting requirements. Title I will also allow Indian tribes to have increased flexibility in running their housing programs by allowing funds to be utilized for community buildings such as day-care centers, Laundromats, and multi-purpose community centers. Through housing we are not only building homes, but the hope is to also build communities.

Title II of the bill creates a new Self-Determined Housing Activities program under which grant recipients may use a portion of their funding to meet their distinct needs in a self-determined manner. This title also expands the list of activities that grant funds may be used for to include operation, maintenance and rehabilitation of rental and homeownership units, mold remediation and necessary infrastructure.

Title III of the bill authorizes a study to assess the existing data sources for determining the need for housing for funding purposes, while Title VI creates a new demonstration project to allow grant recipients to access vital economic development and infrastructure programs.

I am committed to finding ways to provide more homes in Indian Country. The Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 is an important and crucial step towards fulfilling this commitment. 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. 2062

*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 "Native American Housing Assistance and Self-Determination Reauthorization Act of 2007".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Definitions.

**TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS**

- Sec. 101. Block grants.
- Sec. 102. Indian housing plans.
- Sec. 103. Review of plans.

Sec. 104. Treatment of program income and labor standards.

Sec. 105. Regulations.

**TITLE II—AFFORDABLE HOUSING ACTIVITIES**

- Sec. 201. National objectives and eligible families.
- Sec. 202. Eligible affordable housing activities.
- Sec. 203. Program requirements.
- Sec. 204. Low-income requirement and income targeting.
- Sec. 205. Treatment of funds.
- Sec. 206. Availability of records.
- Sec. 207. Self-determined housing activities for tribal communities program.

**TITLE III—ALLOCATION OF GRANT AMOUNTS**

Sec. 301. Allocation formula.

**TITLE IV—COMPLIANCE, AUDITS, AND REPORTS**

- Sec. 401. Remedies for noncompliance.
- Sec. 402. Monitoring of compliance.
- Sec. 403. Performance reports.

**TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS**

Sec. 501. Effect on Home Investment Partnerships Act.

**TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES**

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

**TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS**

Sec. 701. Training and technical assistance.

**TITLE VIII—FUNDING**

- Sec. 801. Authorization of appropriations.
- Sec. 802. Funding conforming amendments.

**SEC. 2. CONGRESSIONAL FINDINGS.**

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking "should" each place it appears and inserting "shall".

**SEC. 3. DEFINITIONS.**

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

- (1) by striking paragraph (22);
- (2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and
- (3) by inserting after paragraph (7) the following:

"(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

"(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

- "(i) is owned by an Indian tribe or a tribally designated housing entity;
- "(ii) is necessary to the provision of housing in an Indian area; and
- "(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;
- "(II) would make housing more affordable, accessible, or practicable in an Indian area; or
- "(III) would otherwise advance the purposes of this Act.

"(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)."

## TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

### SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—  
(A) in the first sentence—  
(i) by striking “For each” and inserting the following:

“(1) IN GENERAL.—For each”;

(ii) by striking “tribes to carry out affordable housing activities.” and inserting the following: “tribes—

“(A) to carry out affordable housing activities under subtitle A of title II; and”;

(iii) by adding at the end the following:

“(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.”;

(B) in the second sentence, by striking “Under” and inserting the following:

“(2) PROVISION OF AMOUNTS.—Under”;

(2) in subsection (g), by inserting “of this section and subtitle B of title II” after “subsection (h)”;

(3) by adding at the end the following:

“(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

“(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

“(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

“(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).”

### SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking “(1)(A) for” and all that follows through the end of subparagraph (A) and inserting the following:

“(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or”;

and  
(B) in subparagraph (B), by striking “subsection (d)” and inserting “subsection (c)”;

(2) by striking subsections (b) and (c) and inserting the following:

“(b) 1-YEAR PLAN REQUIREMENT.—

“(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

“(A) be in such form as the Secretary may prescribe; and

“(B) contain the information described in paragraph (2).

“(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

“(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

“(i) the types of household to receive assistance;

“(ii) the types and levels of assistance to be provided;

“(iii) the number of units planned to be produced;

“(iv)(I) a description of any housing to be demolished or disposed of;

“(II) a timetable for the demolition or disposition; and

“(III) any other information required by the Secretary with respect to the demolition or disposition;

“(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

“(vi) outcomes anticipated to be achieved by the recipient.

“(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

“(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

“(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

“(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

“(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

“(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

“(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

“(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

“(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

“(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

“(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

“(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

“(vi) a certification that the recipient will comply with section 104(b).”;

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking “subsection (d)” and inserting “subsection (c)”.

### SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking “fiscal” each place it appears and inserting “tribal program”;

(ii) by striking “(with respect to)” and all that follows through “section 102(c)”;

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

“(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

“(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

“(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).”

### SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

“(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.”

### SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking “The Secretary” and inserting “Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary”;

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

“(C) SUBSEQUENT NEGOTIATED RULE-MAKING.—The Secretary shall—

“(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act; and

“(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.

“(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.”

**TITLE II—AFFORDABLE HOUSING ACTIVITIES**

**SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.**

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting “and except with respect to loan guarantees under title VI,” after “paragraphs (2) and (4),”;

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

“(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.”; and

(B) in the second sentence, by striking “The Secretary” and inserting the following:

“(B) LIMITS.—The Secretary”;

(3) in paragraph (3)—

(A) in the paragraph heading, by striking “NON-INDIAN” and inserting “ESSENTIAL”;

(B) by striking “non-Indian family” and inserting “family”;

(4) in paragraph (4)(A)(i), by inserting “or other unit of local government,” after “county,”.

**SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.**

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking “to develop or to support” and inserting “to develop, operate, maintain, or support”;

(2) in paragraph (2)—

(A) by striking “development of utilities” and inserting “development and rehabilitation of utilities, necessary infrastructure,”; and

(B) by inserting “mold remediation,” after “energy efficiency,”;

(3) in paragraph (4), by inserting “the costs of operation and maintenance of units developed with funds provided under this Act,” after “rental assistance,”; and

(4) by adding at the end the following:

“(9) RESERVE ACCOUNTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

“(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).”.

**SEC. 203. PROGRAM REQUIREMENTS.**

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

“(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

“(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those

amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

“(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

“(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than \$5,000.”.

**SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.**

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

“(c) APPLICABILITY.—This section applies only to rental and homeownership units that are owned or operated by a recipient.”.

**SEC. 205. TREATMENT OF FUNDS.**

The Native American Housing Assistance and Self-Determination Act of 1996 is amended by inserting after section 205 (25 U.S.C. 4135) the following:

**“SEC. 206. TREATMENT OF FUNDS.**

“Notwithstanding any other provision of law, tenant- and project-based rental assistance provided using funds made available under this Act shall not be considered to be Federal funds for purposes of section 42 of the Internal Revenue Code of 1986.”.

**SEC. 206. AVAILABILITY OF RECORDS.**

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting “applicants for employment, and of” after “records of”.

**SEC. 207. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

“**Subtitle A—General Block Grant Program**”;

and

(2) by adding at the end the following:

“**Subtitle B—Self-Determined Housing Activities for Tribal Communities**

**“SEC. 231. PURPOSE.**

“The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

**“SEC. 232. PROGRAM AUTHORITY.**

“(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term ‘qualifying Indian tribe’ means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

“(1) on behalf of which a grant is made under section 101;

“(2) that has complied with the requirements of section 102(b)(6); and

“(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

“(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the ‘Single Audit Act’); or

“(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

“(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2008 through 2012, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

“(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

“(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

“(2) \$2,000,000.

**“SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.**

“(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure to provide a benefit to families described in section 201(b)(1).

“(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

**“SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.**

“(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

“(1) the program under this subtitle; or

“(2) amounts made available in accordance with this subtitle.

“(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

“(1) Section 101(c) (relating to local cooperation agreements).

“(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

“(3) Section 101(j) (relating to Federal supply sources).

“(4) Section 101(k) (relating to tribal preference in employment and contracting).

“(5) Section 102(b)(4) (relating to certification of compliance).

“(6) Section 104 (relating to treatment of program income and labor standards).

“(7) Section 105 (relating to environmental review).

“(8) Section 201(b) (relating to eligible families).

“(9) Section 203(c) (relating to insurance coverage).

“(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

“(11) Section 206 (relating to treatment of funds).

“(12) Section 209 (relating to noncompliance with affordable housing requirement).

“(13) Section 401 (relating to remedies for noncompliance).

“(14) Section 408 (relating to public availability of information).

“(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

**SEC. 235. REVIEW AND REPORT.**

“(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

“(1) the housing constructed, acquired, or rehabilitated under the program;

“(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

“(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

“(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

“(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

“(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

“(2) recommendations for—

“(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

“(ii) the period for which such a prohibition should remain in effect; or

“(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

“(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.”

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

“Subtitle A—General Block Grant Program”;

(2) by inserting after the item for section 205 the following:

“Sec. 206. Treatment of funds.”; and

(3) by inserting before the item for title III the following:

“Subtitle B—Self-Determined Housing Activities for Tribal Communities

“Sec. 231. Purposes.

“Sec. 232. Program authority.

“Sec. 233. Use of amounts for housing activities.

“Sec. 234. Inapplicability of other provisions.

“Sec. 235. Review and report.”

### TITLE III—ALLOCATION OF GRANT AMOUNTS

**SEC. 301. ALLOCATION FORMULA.**

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

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

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) STUDY OF NEED DATA.—

“(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

“(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

“(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.”; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

“(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

“(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

“(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

“(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

“(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

“(D) In this paragraph, the term ‘reasons beyond the control of the recipient’ means, after making reasonable efforts, there remain—

“(i) delays in obtaining or the absence of title status reports;

“(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

“(iii) clouds on title due to probate or intestacy or other court proceedings; or

“(iv) any other legal impediment.”

### TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

**SEC. 401. REMEDIES FOR NONCOMPLIANCE.**

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

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

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

“(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.”

**SEC. 402. MONITORING OF COMPLIANCE.**

Section 403(b) of the Native American Housing Assistance and Self-Determination

Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting “an appropriate level of” after “shall include”.

**SEC. 403. PERFORMANCE REPORTS.**

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking “goals” and inserting “planned activities”; and

(B) by adding “and” after the semicolon at the end;

(2) in paragraph (3), by striking “; and” at the end and inserting a period; and

(3) by striking paragraph (4).

### TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

**SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.**

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

“SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

“Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).”

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

“Sec. 509. Effect on HOME Investment Partnerships Act.”

### TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

**SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.**

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

“SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

“(a) AUTHORITY.—To the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

“(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

“(c) FINANCIAL SOUNDNESS.—

“(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

“(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

“(d) TERMS OF OBLIGATIONS.—

“(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

“(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

“(A) the period is more than 20 years; or

“(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

“(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

“(f) SECURITY AND REPAYMENT.—

“(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

“(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

“(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

“(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

“(2) FULL FAITH AND CREDIT.—

“(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

“(B) TREATMENT OF GUARANTEES.—

“(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

“(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

“(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

“(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

“(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified ap-

plicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed \$200,000,000 for each of fiscal years 2008 through 2012.

“(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section such sums as are necessary for each of fiscal years 2008 through 2012.

“(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed \$1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

“(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

“(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

“(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

“(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of \$25,000,000; or

“(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

“(1) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

“(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

“(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

“(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

“Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.”.

## TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

### SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.

(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term “Indian organization” means—

(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

(2) an organization registered as a nonprofit entity that is—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under section 501(a) of that Code;

(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Housing and Urban Development, for transfer to an Indian organization selected by the Secretary of Housing and Urban Development, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally-designated housing entities for each of fiscal years 2008 through 2012.

## TITLE VIII—FUNDING

### SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking “1998 through 2007” and inserting “2008 through 2012”.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking “1997 through 2007” each place it appears and inserting “2008 through 2012”.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking “1997 through 2007” and inserting “2008 through 2012”.

### SEC. 802. FUNDING CONFORMING AMENDMENTS.

Chapter 97 of title 31, United States Code, is amended—

(1) by redesignating the first section 9703 (relating to managerial accountability and flexibility) as section 9703A;

(2) by moving the second section 9703 (relating to the Department of the Treasury Forfeiture Fund) so as to appear after section 9702; and

(3) in section 9703(a)(1) (relating to the Department of the Treasury Forfeiture Fund)—

(A) in subparagraph (I)—

(i) by striking “payment” and inserting “Payment”; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (J), by striking “payment” the first place it appears and inserting “Payment”; and

(C) by adding at the end the following:

“(K)(i) Payment to the designated tribal law enforcement, environmental, housing, or health entity for experts and consultants needed to clean up any area formerly used as a methamphetamine laboratory.

“(ii) For purposes of this subparagraph, for a methamphetamine laboratory that is located on private property, not more than 90 percent of the clean up costs may be paid under clause (i) only if the property owner—

“(I) did not have knowledge of the existence or operation of the laboratory before the commencement of the law enforcement action to close the laboratory; or

“(II) notified law enforcement not later than 24 hours after discovering the existence of the laboratory.”.

By Mr. CONRAD (for himself and Mr. GREGG):

S. 2063. A bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans; to the Committee on the Budget.

Mr. CONRAD. Madam President, I rise today to introduce, along with Senator JUDD GREGG, the ranking member of the Senate Budget Committee, legislation we have called the

Bipartisan Task Force for Responsible Fiscal Action. We are introducing this legislation because, as the chairman and ranking member of the Budget Committee, we understand that we are on an unsustainable fiscal course; that we confront a budgetary crisis of unprecedented proportions if we fail to act. That crisis will be caused by a combination of our current budget deficits and enormous Federal debt, combined with the explosion created by the baby boom generation.

Here is the outlook we confront with respect to the demographic tidal wave coming at us. We see, in 2007, we are at about 40 million people who are of retirement age, and that will grow to 80 million by 2050, dramatically changing the budget circumstance for this country.

We know we face enormous challenges with Medicare and Social Security. You can see the long-term cost of Medicare. The shortfall over 75 years is now estimated at \$33.9 trillion. The shortfall in Social Security over that same period is \$4.7 trillion. These are staggering amounts, a shortfall in Medicare of almost \$34 trillion, a shortfall in Social Security of over \$4.7 trillion.

Looked at another way, Medicare and Medicaid spending, according to experts, if it stays on the current course, will consume as much of our national economy as the entire Federal budget does today.

Let me repeat that. If the trend lines continue, by 2050 we will be spending as much, just on Medicare and Medicaid, of our national income as we spend for the entire Federal Government today. This fundamentally threatens the economic security of the country.

At the same time, we have tax cuts in place. They are extended, according to the President's proposal, it will drive us right over the cliff.

This chart shows the Medicare deficits in purple, the Social Security deficits in green, and the cost of extending the President's tax cuts in red. We can see the combined effect is to take us right over the fiscal cliff, deep into debt and deficit in a way that is unprecedented.

The Chairman of the Federal Reserve said this about our budget outlook in January:

[O]ne might look at these projections and say, "Well, these are about 2030 and 2040 and so . . . we don't really have to start worrying about it yet." But, in fact, the longer we wait, the more severe, the more draconian, the more difficult . . . the adjustments are going to be. I think the right time to start is about 10 years ago.

The Chairman of the Federal Reserve has it right.

SENATOR GREGG and I are coming to our colleagues today and calling for this bipartisan task force for responsible fiscal action.

What would it do? Simply, it would be given the responsibility to address our unsustainable long-term imbalances between spending and revenue.

Everything is on the table. The task force would consist of 16 members, 8 Democrats, 8 Republicans, all of them Members of Congress, except for 2 representing the administration. The Secretary of the Treasury would chair the task force. The obligation of this group would be to submit a report on December 9, 2008. It would take 12 of the 16 members to report a blueprint for our fiscal future. They would be given the responsibility to find ways to address the shortfall in Medicare and Social Security and the ongoing and endemic budget deficits. These 16 members, 8 Democrats, 8 Republicans, would have the opportunity and the responsibility to develop a plan for our fiscal future, but it would take 12 of the 16 to report a plan, and the plan would only come at the beginning of the next administration. This would not be part of election year politics. This would be part of a serious plan to address our long-term fiscal imbalances.

If 12 of the 16 agreed to a plan, it would then receive fast-track treatment in the Senate. It would come to a vote without amendment after 100 hours of debate. Final passage would require a supermajority, 60 votes in the Senate, 60 percent of the House of Representatives.

Senator GREGG and I have worked on this all year. We have discussed this with many Members in both the House and the Senate. This is our best judgment of how best to proceed. We believe this would give the Congress and the country an opportunity to write a better fiscal future, one that would strengthen America, reduce our dependence on foreign capital and put us in a position to keep the promise that has been made to the American people of a country that is strong and fair, that respects those in retirement and, at the same time, gives maximum opportunity to those working to strengthen their families and this country.

I thank my colleague Senator GREGG, the ranking member of the Budget Committee, for the extraordinary time and effort he has put into developing this proposal.

I ask unanimous consent to have printed comments in the RECORD about this proposal: Support for it from David Walker, the Comptroller General of the United States; support from the Concord Coalition, the bipartisan Concord Coalition that is well known for its support of a fiscally responsible future; and from the Committee for a Responsible Federal Budget.

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

CONRAD/GREGG TASK FORCE

I would like to thank and commend Chairman Conrad and Senator Gregg for their leadership in connection with the issue of fiscal sustainability and intergenerational equity. As I have noted on numerous occasions, our nation is on an imprudent and unsustainable fiscal path. Tough choices are required in order to help ensure that our future is better than our past. The sooner we

make these choices the better because time is working against us.

During the past two years, I have traveled to 23 states as part of the Fiscal Wake-up Tour. During the Tour, it has become clear that the American people are starved for two things from their elected officials—truth and leadership. I am here today because Senators Conrad and Gregg are trying to address this need. I'm pleased to say that several other members on both side of the political aisle and on both ends of Capitol Hill are taking steps to answer this call by proposing bills to accomplish similar objectives and by also putting "everything on the table."

I was especially pleased to see that the "Task Force" that would be created by Senator Conrad's and Gregg's legislation was informed by GAO's work on the key elements necessary for any task force or commission to be successful. For example, the commission would have a statutory basis, be bipartisan, involve leaders from both the executive and legislative branch, and would require a super-majority vote for any recommendations to be sent to the President and the Congress. As a result, the Conrad-Gregg proposal provides one potential means to achieve an objective we all should share—taking steps to make the tough choices necessary to Keep America Great, and to help make sure that our country's, children's and grandchildren's future is better than our past. Hopefully, this and other related bills will be given serious and timely consideration by the Congress and the President.

Thank you Senators Conrad and Gregg for your leadership and thank you for the opportunity to join the both of you today.

[From the Concord Coalition, Sept. 18, 2007]

CONCORD COALITION PRAISES SENATORS CONRAD AND GREGG FOR BIPARTISAN INITIATIVE TO ADDRESS LONG-TERM FISCAL IMBALANCE

WASHINGTON.—The Concord Coalition today praised Senate Budget Committee Chairman Kent Conrad (D-ND) and Ranking Member Judd Gregg (R-NH) for introducing legislation that would create a bipartisan commission charged with developing specific solutions to the nation's long-term fiscal imbalance.

"There is very little dispute that current fiscal policies are unsustainable. Yet, too few of our elected leaders in Washington are willing to acknowledge the seriousness of the long-term fiscal problem and even fewer are willing to put it on the political agenda. By focusing attention on this critical issue and insisting that it must be dealt with in a bipartisan manner, Senators Conrad and Gregg are setting a very positive example," said Concord Coalition Executive Director Robert L. Bixby.

Changing course to a more sustainable path will require hard choices, the active involvement of the American people and suspension of partisan trench warfare. Since the regular legislative process has been incapable of dealing with the impending fiscal crisis, a new bipartisan commission makes sense as a means of jump-starting serious action," Bixby said.

In Concord's view, several aspects of this proposal are promising:

First, the commission would have equal representation from Democrats and Republicans. It would thus be truly bipartisan—an essential element for success.

Second, the commission would have a broad mandate to address the overall fiscal imbalance, not just the actuarial imbalance of individual programs.

Third, there are no preconditions. If either side sets preconditions, the other side will not participate.

Fourth, the commission's recommendations would be given an up or down vote in Congress. Absent that, the report would likely join many others on a shelf.

"This proposal, and others like it that are now being put forward, are very welcome. Our experience with the Fiscal Wake-Up Tour is that the public is hungry for a non-partisan dialogue on the long-term fiscal challenge. When presented with the facts, they appreciate that each of the realistic options comes with economic and political consequences that must be carefully weighed, and that there must be tradeoffs. This commission would help to clarify those tradeoffs and establish a process for resolving them," Bixby said.

[From the Committee for a Responsible Federal Budget, Sept. 18, 2007]

CRFB PRAISES BIPARTISAN TASK FORCE EFFORT

WASHINGTON, DC.—Today, the Committee for a Responsible Federal Budget applauded the effort by Senators Conrad and Gregg to form a Bipartisan Task Force on Responsible Fiscal Action.

"This is precisely the type of bipartisan collaboration we need to jumpstart the discussion of how to confront the nation's fiscal challenges," said Maya MacGuineas, President of the Committee for a Responsible Federal Budget. "Bringing together sitting Members of Congress and representatives from the Administration to discuss these daunting challenges and evaluate the options for reform is a critical first step. We applaud the effort to get this discussion underway and very much hope that it leads to the hard choices that are needed to rebalance the federal government's budget."

The task force would be made up of sixteen members. Seven would come from the House of Representatives (four appointed by the Speaker of the House and three appointed by the Minority Leader of the House); seven would come from the Senate (four appointed by the Majority Leader of the Senate and three appointed by the Minority Leader of the Senate); and two would come from the Administration (one of whom would be the Secretary of the Treasury, who would serve as the Chairman of the task force). The task force would review all areas of the budget including Social Security, Medicare, and taxes. The task force would be responsible for submitting a set of policy recommendations to improve the federal government's fiscal imbalances, which would then be considered by Congress on an expedited basis.

While the specific mission of the task force—to significantly improve the long-term fiscal balance of the federal government—is somewhat vague, it nonetheless represents an important effort to begin discussing these issues on a bipartisan basis with no preconditions regarding the policy options which can be considered. The Committee for a Responsible Budget supports the creation of a Bipartisan Task Force as an important first step to addressing the country's fiscal policy challenges.

Mr. CONRAD. Again, I recognize my colleague, the very able Senator from New Hampshire, the ranking member of the Senate Budget Committee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Let me begin by thanking the chairman of the Budget Committee, Senator CONRAD, for moving forward with this important effort to try to reach a conclusion and progress on the most significant issue this Nation faces beyond our fight with Is-

lamic terrorism. In the post-Katrina world, if the country knew that a category 5 hurricane was headed at us, we knew where it was going to hit, we knew the size of the hurricane, and we knew the damage it would do, the Government would be absolutely irresponsible not to respond to that.

What we have coming at us is a category 5 fiscal hurricane. We know when it is going to hit, and that is when the baby boom generation retires and begins to retire next year and reaches its peak in its retirement size by about the year 2025. We know the impact of the problem, the size of the problem, that there is \$62 trillion of unfunded liability which will be generated by the retirement of the baby boom generation to pay for the benefits under Medicare, Medicaid, and Social Security.

To try to put that in context, that is more than the entire net worth of all of America—all our homes, cars, stocks, all our assets. That is how big this liability is. We know the effect of this category 5 fiscal hurricane because we know it is going to basically wipe out the ability of our children and our children's children to have as high a quality of life as we have had because the cost of paying for this fiscal tsunami will be so high.

We need to get on to the issue of trying to address this looming threat. As the Comptroller General said today, we have a category 5 hurricane headed at us and people are still playing on the beach as if the wave is not going to arrive. Well, the wave is going to arrive. So what the chairman of the Budget Committee has put forward today—and I am honored to have the opportunity to participate in this effort—is a proposal to move forward with substantive and definitive legislation which will result in action. That is what we need—action. It is similar to the old Fram oil filter ad: You can pay me now or you can pay me later. If we act now, the cost is going to be less than if we act later.

So this proposal, which has been put together after a lot of thought and effort on behalf of myself and Senator CONRAD, is basically built around three concepts. First, that there must be absolute bipartisanship. So as Senator CONRAD has outlined, the task force, when it meets, must have a three-fourths vote in favor of whatever proposal they bring forward. Secondly, everything has to be on the table. Nothing can be off. After all the discussion, in order for this to work, all these parts interplay with each other, you have to be willing to address not only reform and how you deliver better benefits at a lower cost under Medicare and Medicaid and better benefits at a reasonable cost under Social Security, but you also have to address the tax side of the ledger. So everything needs to be on the table. Third, that for this to work, there has to be an action-forcing mechanism. We have seen report after report, commission after commission. A lot of them have done excellent

work. But on these issues, which are such hot buttons, what happens is, a commission will make a report, and all the interest groups will attack it from this side and that side and the next side. So this proposal is structured so there is an action-forcing event; specifically, fast-track approval which, again, has to be by a supermajority of the final report of the task force.

This truly is an opportunity to move forward to address this issue. Our failure to do so would be truly ironic because the problem which we confront as a nation, which I say is probably the single biggest issue after the war on Islamic terrorism, fighting the war against Islamic terrorism, is that this fiscal category 5 hurricane is headed toward us, which is essentially going to wipe out our children's opportunity to have a quality of lifestyle equal to ours, is totally the responsibility of the present generation who is governing, the baby boom generation. We are the generation of governance today. So before we pass our problem on to the next generation, we have a responsibility to address it and to try to improve the effort.

I know, as I look around this Chamber and at this administration, there are people of goodwill who, given the right structure, which this task force is, would be willing to come together, make the difficult decisions, and have the expertise to know how to make those decisions to move maybe not a complete resolution of these issues but a significant resolution of the issues down the road so the next generation does not have to bear the whole burden of resolving the problems. It is time to act.

I congratulate the chairman of the Budget Committee for being the force behind getting this effort going. It is a very positive initiative. I think it will be received very well on our side of the aisle. I believe strongly that the administration will receive it well. Therefore, I believe we have a great opportunity to move forward in a way which will make sure our children and their children have as good a country and as strong a country from the standpoint of fiscal policy as we have. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I again thank my colleague, Senator GREGG, who has been incredibly engaged in this effort. He is very fair-minded in the structure of this proposal and I think visionary in terms of understanding the need for action.

I say to my colleagues or staffs who may be listening, all those who recognize we are headed for a fiscal cliff and that we need to take action, this is our opportunity. This is it. Those who say we have to do something, here is our chance. This is completely bipartisan, eight Democrats, eight Republicans. It takes 12 of the 16 to make a report, a supermajority; that is, to assure it is bipartisan in result. This is a task

force of Members of Congress and representatives of the administration, 14 Members of Congress, 2 representatives of the administration. It is not outside experts, people who would not be responsible or be held accountable for the outcome. These will be people who are accountable, who are responsible for the outcome. This is a measure that will lead to a vote.

I say to my colleagues, this will assure that the work of this group will come before the Congress if 12 of the 16 agree. Because if they do, there will then be 100 hours of debate but no amendment permitted, and there will be a vote up or down. Those who recognize it takes us working together to face up to these difficult problems, I ask them to join with us, Republicans and Democrats. Absent this, I suspect what will happen is further delay, further divisiveness, and no real result. That will mean even tougher choices in the future.

I urge my colleagues to think carefully of this moment. This will not be considered until after the election. We have done everything we can to take election politics out of this, understanding it is highly unlikely that a matter of this import would be considered in an election year and that perhaps the best opportunity is at the beginning of a new administration. None of us know whether the new administration will be a Republican or a Democratic administration. None of us can know the makeup of the next Congress. What we do know is we face a ticking timebomb. The faster we act, the better for our Nation.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. GREGG. I think the Senator made an excellent point that we are now in a Presidential election. This Commission is a gift to those candidates because they can come forward and point to this Commission as taking on some of the most complicated issues they are going to face. Because this timebomb—which is an appropriate description, using the Senator's words—is going to start to explode, and the explosion will be rather large during the term of the next Presidency.

So this is an opportunity to give those candidates for President a forum and a procedure where these issues, which are so critical to the success of the next Presidency, can actually be moved down the road toward resolution. Is that not true?

Mr. CONRAD. I thank the Senator. I had a number of my colleagues, as the Senator knows, come to me with great concern. Their concern was: Gee, you are putting the Presidential candidates in an awkward position. How are they going to react to this? My reaction was: This is a gift to all the Presidential candidates, this is a gift to the next administration because this will provide them a bipartisan blueprint on how to proceed with some of the most vexing issues facing this country.

So I see absolutely no downside for either side, Republican or Democratic—for Presidential candidates on either side or candidates for Congress on either side—because this is a process leading to a proposal that would have bipartisan support if it is to proceed.

If I were an incoming administration, I would welcome a bipartisan plan to deal with Social Security, with Medicare, with the growth of deficits and the debt, and not to have it come in the middle of an election but to only be presented after the election but before the next Congress meets and the next administration takes on its responsibilities.

I see it as not only a gift to the candidates but, more importantly, as a gift to the American people to take on some of the greatest challenges facing our country and to do it in a bipartisan way and to do it in a way that actually leads to a result and action.

Mr. GREGG. I once again congratulate the chairman of the Budget Committee for his exceptional leadership in this area. This is the first step in a bipartisan effort which, hopefully, will lead to a bipartisan solution that America will see as fair and which will pass on to our children a stronger and more vital Nation.

Thank you.

Mr. CONRAD. I again thank my colleague. This is the beginning of an effort. I ask colleagues on both sides, please, join us in this effort. Let's do what we all know must happen—that we must take on these issues, that we must come up with solutions, and we must do it sooner rather than later.

I thank my colleagues.

By Mr. DURBIN:

S. 2064. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, Americans depend on nurses to deliver quality patient care, yet our Nation faces a critical shortage of nurses. The U.S. Bureau of Labor Statistics projects that more than 1.2 million new and replacement nurses will be needed by 2014 to keep up with the aging Baby Boomer population and the increased demand for health care.

To avoid this dramatic shortage, we need to reach a significant and sustained increase in the number of nurses entering the workforce each year. We can do this by building on the current health care workforce. Nurses who advance from other health care positions are better prepared to meet the demands of the bedside because they are more aware of the work environment and ready to meet its unique challenges. They also require less time in orientation than new workers and represent a diverse population more representative of the patients being served.

Today, I am pleased to introduce legislation that will foster career ladders

for current health care workers who are ready to upgrade their skills. Our health care system is an untapped resource in the effort to increase the supply of nurses. Many people in the health care workforce are in entry level jobs that don't always offer opportunities for advancement. For much of this population, advanced education is unaffordable and unattainable.

The Nurse Training and Retention Act offers incumbent health care workers realistic options to enhance their skills, advance their careers, and meet the growing demand for nurses. The legislation authorizes the Department of Labor to award grants to support training programs for health care workers. Health aides can use these programs to earn a certificate or degree in nursing. Nurses can upgrade their skills and qualifications so that they can serve as nurse faculty, which would help relieve the backlog of qualified applicants who aren't in nursing school because of the lack of faculty.

Programs administered by joint labor/management training partnerships have made great progress in the effort to educate and retain nurses. The proposed grant program builds on the good work these partnerships have done, and encourages further collaboration with colleges and universities. The combination of support at the workplace and collaboration with nursing schools to meet the needs of the non traditional student has led to strong performance by these students in nursing school. These new nurses have higher retention rates than other, more traditional students who do not have work experience in the field. Another benefit of the career ladder is that these collaborations are building a more diverse nursing workforce.

Another important player in this process is the employer. That is why my bill asks employers of incumbent health care workers to invest in the training programs. This completes the partnership, so that labor, employer, and the participating school are all working together to retain and grow the health care workforce we have today.

Nurses play an invaluable role in patient care in this country. Unless we do something today to improve the way we train and retain nurses, we face a severe shortage within the next decade. The Nurse Training and Retention Act can help us tap an overlooked resource by ensuring those who are in the health care industry have a chance to move up in their field, while expanding the supply of nurses and nurse faculty. I urge my colleagues to join me in supporting this legislation.

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

S. 2064

*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 "Nurse Training and Retention Act of 2007".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

**SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.**

(a) **PURPOSES.**—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(b) **GRANTS.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the "Secretary") shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(c) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consist of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-

management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) **ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (C).**—To be eligible for a grant under this section, a healthcare employer described in subsection (c) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a Bachelor of Science in Nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance which is managed by a joint labor-management training fund or other jointly administered program.

(e) **OTHER REQUIREMENTS.**—

(1) **MATCHING REQUIREMENT.**—

(A) **IN GENERAL.**—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than \$1 for each \$1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.**—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(2) **REQUIRED COLLABORATION.**—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(f) **ACTIVITIES.**—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, pre-college counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(g) **PREFERENCE.**—In awarding grant under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurse or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(h) **EVALUATION.**—

(1) **PROGRAM EVALUATIONS.**—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of

nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality (which may include staffing ratios of nurses, patient satisfaction rates, patient safety measures); and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 319—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES TRANSPORTATION COMMAND ON ITS 20TH ANNIVERSARY

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 319

Whereas the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) revoked prohibitions on the consolidation of military transportation functions, and President Reagan subsequently ordered the establishment of a unified transportation command within the Armed Forces;

Whereas October 1, 2007, marks the 20th year anniversary of the activation of the United States Transportation Command at Scott Air Force Base, Illinois;

Whereas the United States Transportation Command consists of—

(1) the United States Transportation Command at Scott Air Force Base, Illinois;

(2) the Air Mobility Command at Scott Air Force Base, Illinois;

(3) the Military Sealift Command in Washington, District of Columbia; and

(4) the Military Surface Deployment and Distribution Command at Scott Air Force Base, Illinois;

Whereas Operation Desert Shield and Operation Desert Storm provided a wartime test for the United States Transportation Command, resulting in a command that is fully operational in both peacetime and wartime;

Whereas the United States Transportation Command has continued to prove its worth during United States contingency operations, such as Operation Desert Thunder (enforcing United Nations resolutions in Iraq) and Operation Allied Force (North Atlantic Treaty Organization operations against Serbia), and United States peace-keeping endeavors, such as Operation Restore Hope (in Somalia), Operation Support Hope (in Rwanda), Operation Uphold Democ-

racy (in Haiti), Operation Joint Endeavor (in Bosnia-Herzegovina), and Operation Joint Guardian (in Kosovo);

Whereas the United States Transportation Command has also supported numerous humanitarian relief operations transporting relief supplies to victims of natural disasters at home and abroad;

Whereas the United States Transportation Command is a vital element in the war against terrorism, supporting the Armed Forces around the world;

Whereas since October 2001, the United States Transportation Command, and its components and national partners, have transported nearly 4,000,000 passengers, 9,000,000 short tons of cargo, and more than 4,000,000,000 gallons of fuel in support of the war on terrorism;

Whereas in 2003 the Secretary of Defense designated the Commander of the United States Transportation Command as Distribution Process Owner to serve as the single Department of Defense entity to “improve the overall efficiency and interoperability of distribution related activities—deployment, sustainment and redeployment support during peace and war”;

Whereas the Quadrennial Defense Review of 2005 recognized the importance of joint mobility and the critical role that it plays in global power projection; cited the successful investment in cargo transportability, strategic lift, and pre-positioned stock; and called for continued recapitalization and modernization of the airlift and aerial tanker fleet; and

Whereas the assigned responsibilities of the United States Transportation Command include—

(1) providing common-user and commercial transportation, terminal management, and aerial refueling;

(2) providing global patient movement for the Department of Defense through the Defense Transportation System;

(3) serving as the Mobility Joint Force Provider; and

(4) serving as Distribution Process Owner for the Department of Defense: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the sacrifice and commitment of the 155,000 members of the Armed Forces (including the National Guard and Reserve) and civilian employees and contractors that comprise the United States Transportation Command and recognizes the debt of gratitude of the American people;

(2) honors the families of United States Transportation Command members and recognizes their sacrifices while their loved ones are deployed around the world; and

(3) recognizes the success of United States Transportation Command over the last 20 years and its continuing vital contributions to the war against terrorism.

#### SENATE RESOLUTION 320—RECOGNIZING THE ACHIEVEMENTS OF THE PEOPLE OF UKRAINE IN PURSUIT OF FREEDOM AND DEMOCRACY, AND EXPRESSING THE HOPE THAT THE PARLIAMENTARY ELECTIONS ON SEPTEMBER 30, 2007, PRESERVE AND EXTEND THESE GAINS AND PROVIDE FOR A STABLE AND REPRESENTATIVE GOVERNMENT

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

S. RES. 320

Whereas the people of Ukraine have overcome financial and political hardships to achieve a democratic system in which decisions have been reached without violence and through free and fair elections;

Whereas Ukraine has already conducted elections considered free, fair, and consistent with the principles of the Organization for Security and Cooperation in Europe on 2 previous occasions;

Whereas the people of Ukraine deserve an elected and representative government that can work together and pass legislation to improve the quality of life for all Ukrainians; and

Whereas the people of Ukraine have successfully established a growing free press, an increasingly independent judiciary, and a respect for human rights and the rule of law, which enhance freedom, stability, and prosperity: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the cooperation and friendship between the people of the United States and the people of Ukraine since the restoration of Ukraine's independence in 1991 and the natural affections of the millions of Americans whose ancestors emigrated from Ukraine;

(2) expresses the admiration of the American people for the ongoing success of the Ukrainian people at removing violence from politics, for which Ukrainians should be proud, in particular the free and fair presidential elections of December 26, 2004, and the parliamentary elections of March 26, 2006;

(3) encourages the people of Ukraine to maintain the democratic successes of the Orange Revolution of 2004, and expresses the hope that the leaders of Ukraine will conduct the September 30, 2007, elections in keeping with the standards of the Organization for Security and Cooperation in Europe (OSCE), of which both the United States and Ukraine are participating states;

(4) urges the leaders and parties of Ukraine to overcome past differences and work together constructively to enhance the economic and political stability of the country that the people of Ukraine deserve; and

(5) pledges the continued assistance of the United States to the continued progress and further development of a free and representative democratic government in Ukraine based on the rule of law and the principle of human rights.

#### SENATE CONCURRENT RESOLUTION 47—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. ENZI (for himself, Mr. NELSON of Nebraska, Mr. THUNE, Mr. MARTINEZ, Mr. DOMENICI, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. ALLARD, Mr. CRAPO, Mr. ISAKSON, Mr. GRAHAM, Mr. ROBERTS, Mr. TESTER, Mr. SALAZAR, Mr. BROWNBACK, Mr. BROWN, and Mrs. LINCOLN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 47

Whereas President Harry S. Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;