

SA 3976. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, *supra*; which was ordered to lie on the table.

SA 3977. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (FOR HIMSELF AND Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3978. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mr. JOHNSON, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3973. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—TEMPORARY STATE FISCAL RELIEF

SEC. ____ . TEMPORARY STATE FISCAL RELIEF.

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal year 2007 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2008, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 2 QUARTERS OF FISCAL YEAR 2009.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first and second calendar quarters of fiscal year 2009, before the application of this subsection.

(3) GENERAL 1.225 PERCENTAGE POINTS INCREASE FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 2 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to paragraphs (5), (6), and (7), for each State for the second, third, and fourth calendar quarters of fiscal year 2008 and for the first and second calendar quarters of fiscal year 2009, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1.225 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraphs (6) and (7), with respect to the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and

(g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2.45 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(C) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after December 31, 2007 is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicare program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State medicare plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, than the percentage that was required by the State under such plan on December 31, 2007, prior to application of this subsection.

(8) DEFINITIONS.—In this subsection:

(A) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) REPEAL.—Effective as of October 1, 2009, this subsection is repealed.

(b) PAYMENTS TO STATES FOR ASSISTANCE WITH PROVIDING GOVERNMENT SERVICES.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

"TITLE VI—TEMPORARY STATE FISCAL RELIEF

"SEC. 601. TEMPORARY STATE FISCAL RELIEF.

"(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section—

"(1) \$3,600,000,000 for fiscal year 2008; and

"(2) \$2,400,000,000 for fiscal year 2009.

"(b) PAYMENTS.—

"(1) FISCAL YEAR 2008.—From the amount appropriated under subsection (a)(1) for fiscal year 2008, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2008, pay each State the amount determined for the State for fiscal year 2008 under subsection (c).

"(2) FISCAL YEAR 2009.—From the amount appropriated under subsection (a)(2) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a State provides the certification required by subsection (e) for fiscal year 2009, pay each State the amount determined for the State for fiscal year 2009 under subsection (c).

"(c) PAYMENTS BASED ON POPULATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2008 and 2009 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

"(2) MINIMUM PAYMENT.—

"(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

"(i) in the case of 1 of the 50 States or the District of Columbia, $\frac{1}{2}$ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

"(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, $\frac{1}{10}$ of 1 percent of the amount appropriated for such fiscal year under subsection (a).

"(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

"(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

"(A) the amount described in subsection (a) for a fiscal year; and

"(B) the relative State population proportion (as defined in paragraph (4)).

"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the amount equal to the quotient of—

"(A) the population of the State (as reported in the most recent decennial census); and

"(B) the total population of all States (as reported in the most recent decennial census).

"(d) USE OF PAYMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for a fiscal year to—

"(A) provide essential government services;

"(B) cover the costs to the State of complying with any Federal intergovernmental

mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs; or

“(C) compensate for a decline in Federal funding to the State.

“(2) LIMITATION.—A State may only use funds provided under a payment made under this section for types of expenditures permitted under the most recently approved budget for the State.

“(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

“(f) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

“(g) REPEAL.—Effective as of October 1, 2009, this title is repealed.”.

SA 3974. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REDUCTION IN CORPORATE MARGINAL INCOME TAX RATES.

(a) GENERAL RULE.—Paragraph (1) of section 11(b) of the Internal Revenue Code of 1986 is amended—

(1) by inserting “and” at the end of subparagraph (A),

(2) by striking “but does not exceed \$75,000,” in subparagraph (B) and inserting a period,

(3) by striking subparagraphs (C) and (D), and

(4) by striking the last 2 sentences.

(b) PERSONAL SERVICE CORPORATIONS.—Paragraph (2) of section 11(b) of such Code is amended by striking “35 percent” and inserting “25 percent”.

(c) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking “35 percent” and inserting “25 percent”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007, except that the amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SA 3975. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF EGTRRA AND JGTRRA SUNSETS.

(a) ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to compliance with Congressional Budget Act) is repealed.

(b) JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.—Title III of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

SA 3976. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISIONS.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

“(c) SMALLER PUBLIC COMPANY OPTION.—

“(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

“(2) DEFINITION OF SMALLER ISSUER.—

“(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term ‘smaller issuer’ means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

“(i) has a total market capitalization at the beginning of the relevant reporting period of less than \$700,000,000;

“(ii) has total product and services revenue for that reporting period of less than \$125,000,000; or

“(iii) has, at the beginning of the relevant reporting period, fewer than 1,500 record beneficial holders.

“(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.”.

SA 3977. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 13, strike “and” and all that follows through page 10, line 5, and insert the following:

“(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

“(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

“(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

“(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

“(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

“(d) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

“(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

“(e) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

“(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

“(f) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication

as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

“(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(v) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

“(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

On page 17, line 2, strike “States.” and insert “States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.”

SA 3978. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mr. JOHNSON, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —INCREASED FUNDING FOR HIGHWAY TRUST FUND

SEC. 01. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

“(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund \$5,000,000,000, of which—

“(A) \$4,000,000,000 shall be deposited in the Highway Account; and

“(B) \$1,000,000,000 shall be deposited in the Mass Transit Account.”; and

(2) by striking “AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES” in the heading and inserting “CERTAIN AMOUNTS”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 02. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109-59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “(g) and (h)” and inserting “(g), (h), and (i)”; and

(B) paragraph (4), by striking “\$39,585,075,404” and inserting “\$43,585,075,404”; and

(2) by adding at the end the following:

“(I) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

“(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), not less than \$4,000,000,000 shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

“(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

“(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

“(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.”.

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading “(INCLUDING TRANSFER OF FUNDS)” under the heading “(HIGHWAY TRUST FUND)” under the heading “(LIMITATION ON OBLIGATIONS)” under the heading “FEDERAL-AID HIGHWAYS” under the heading “FEDERAL HIGHWAY ADMINISTRATION” of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844) is amended by striking “\$40,216,051,359” and inserting “\$44,216,051,359”.

(2) The matter under the heading “(INCLUDING RESCISSION)” under the heading “(HIGHWAY TRUST FUND)” under the heading “(LIMITATION ON OBLIGATIONS)” under the heading “(LIQUIDATION OF CONTRACT AUTHORITY)” under the heading “FORMULA AND BUS GRANTS” under the heading “FEDERAL TRANSIT ADMINISTRATION” of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844) is amended by striking “\$6,855,000,000” and inserting “\$, and section 3052 of Public Law 109-59, \$7,855,000,000”.

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting “, as amended by the Economic Stimulus Act of 2008,”.

SEC. 03. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1544) is amended by adding at the end the following:

“SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

“(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

“(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

“(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

“(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

“(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

“(1) \$300,000,000 for stimulus grants to recipients described in subsection (b)(1); and

“(2) \$700,000,000 for stimulus grants to recipients described in subsection (b)(2).

“(d) DISTRIBUTION OF FUNDS.—

“(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient’s full funding grant agreement.

“(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

“(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

“(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

“(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

“(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

“(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

“(e) PRE-AWARD SPENDING AUTHORITY.—

“(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

“(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

“(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

“(g) SELF-CERTIFICATION.—

“(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

“(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

“(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

“(C) that the funds will be used in a manner that will stimulate the economy.

“(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

“(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.”.

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, \$1,000,000,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient

Transportation Equity Act: A Legacy for Users.”

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking “2007” and inserting “2009”;

(2) in subparagraph (A), by striking “2007” and inserting “2009”; and

(3) by adding at the end the following:

“(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

“(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

“(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

“(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 7, 2008, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the oversight hearing is to receive testimony on the energy market effects of the recently passed renewable fuel standard.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 31, 2008, at 10 a.m., in order to conduct a hearing entitled “Strengthening Our Economy: Foreclosure Prevention and Neighborhood Preservation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building, for the purposes of conducting a hearing.

The purpose of the hearing is to receive testimony on the regulatory aspects of carbon capture, transportation, and sequestration and to receive testimony on two related bills: S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development and demonstration projects, and for other purposes; and S. 2144, a bill to require the Secretary of Energy to conduct a study of the feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, “A Hearing to Receive the Report of the National Surface Transportation Policy and Revenue Study Commission.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, January 31, 2008, at 4 p.m., in room SD-226 of the Dirksen Senate Office Building.

Agenda

I. Bills: S. 1638, Federal Judicial Salary Restoration Act of 2007 (LEAHY, HATCH, FEINSTEIN, GRAHAM, KENNEDY); S. 352, Sunshine in the Courtroom Act of 2007 (GRASSLEY, SCHUMER, LEAHY, SPECTER, GRAHAM, FEINGOLD, CORNYN, DURBIN); S. 2450, a bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine (LEAHY, SPECTER, GRAHAM); S. 2304, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007 (DOMENICI, KENNEDY, SPECTER, LEAHY)

II. Nominations: Mark R. Filip to be Deputy Attorney General, Department of Justice; Ondray T. Harris to be Director, Community Relations Service, Department of Justice; David W. Hagy to be Director, National Institute of Justice, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 9:30 a.m. in order to hold a hearing on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONNEL SUBCOMMITTEE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 9:30 a.m., in open session to hold an oversight hearing on military recruiting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, January 31, 2008 from 10:30 a.m.–12:30 p.m. in SH-216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT GOVERNMENT INFORMATION FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 2:30 p.m. in order to conduct a hearing entitled, “Eliminating Agency Payment Errors.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Madam President, I ask unanimous consent that Colin Brooks, a fellow on my staff, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 4253, the small business veterans military reservist legislation.

There being no objection, the Presiding Officer (Mr. WHITEHOUSE) laid before the Senate the following message from the House of Representatives: