

amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4556. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4557. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4558. Mr. KYL (for himself, Mr. McCAIN, Mr. WARNER, Mr. BURR, Mr. MARTINEZ, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4542.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, between lines 7 and 8, insert the following:

(s) DEFINITION.—Section 14504a(a)(5) of title 49, United States Code, is amended by striking “title.” and inserting “title, except carriers that the unified carrier registration plan board of directors deems appropriate.”.

**SA 4543.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:

(3) in item number 1663 by inserting “and construct intermodal facilities and fixed guideways in Jersey City” after “right-of-way”;

(4) in item number 614 by inserting “and for

**SA 4544.** Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, after line 20, insert the following:

(e) PROJECT MODIFICATION.—The description for item 67 in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended to read as follows: “Union Passenger Terminal Planning and Master Plan and Infrastructure Improvements in Orleans Parish, Louisiana”.

**SA 4545.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible,

Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:

(3) in item number 1483 by striking the project description and inserting “Lapalco Boulevard Improvements in Jefferson Parish”;

(4) in item number 614 by inserting “and for

**SA 4546.** Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 17 and 18, insert the following:

(1) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “A State” and inserting “Subject to subparagraph (D), a State”;

(2) by adding at the end the following: “(D) EXCEPTION.—Subparagraph (A) shall not apply to the use of Appalachian development highway system funds for any highway project relating to United States Route 219 (Corridor N) in Somerset County, Pennsylvania.”.

**SA 4547.** Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, after line 2, insert the following:

(s) PROJECT MODIFICATION.—The description for item 422 in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended to read as follows: “People Mover Public Transportation System buses and bus facilities, Anchorage, Alaska”.

**SA 4548.** Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) MILEAGE EXTENSION.—Section 14501(a) of title 40, United States Code is amended by striking “three thousand and ninety miles” and inserting “3,142 miles”.

(b) DEVELOPMENT OF MULTI-LANE HIGHWAY.—

(1) AUTHORIZATION.—A multi-lane highway, to be designated as Corridor P-1, shall be developed in Pennsylvania along the route de-

scribed in paragraph (2) as an extension of the Appalachian development highway system, with intersections and interchanges at appropriate crossroad locations.

(2) DESCRIPTION.—Corridor P-1 shall—

(A) extend approximately 52 miles along the alignment of United States Route 15 from its intersection with United States Routes 22 and 322 near Duncannon, Pennsylvania;

(B) extend northward, crossing the Susquehanna River north of Shamokin Dam, Pennsylvania;

(C) merge onto Pennsylvania Route 147; and

(D) proceed northward to the connection with Interstates 80 and 180 north of Milton, Pennsylvania.

(3) EFFECT ON APPORTIONMENTS.—The mileage and the estimate of the costs to complete Corridor P-1 shall not affect apportionments made to Pennsylvania to complete the Appalachian development highway system.

(4) FEDERAL SHARE.—Federal assistance authorized under section 14501 of title 40, United States Code, shall not be more than 80 percent of the cost of developing a 13-mile segment of Corridor P-1 designated by the Secretary of Transportation.

**SA 4549.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike lines 13 and 14 and insert the following:

(19) in item number 777 by striking the project description and amount and inserting “Akutan Airport access” and “\$3,500,000”, respectively;

On page 31, strike lines 20 through 23 and insert the following:

(98) in item number 161 by striking the project description and amount and inserting “Construct False Pass causeway and road to the terminus of the south arm breakwater project” and “\$1,000,000”, respectively;

**SA 4550.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 4, strike “and” and all that follows through line 5, and insert the following:

(B) by striking paragraph (10); and

(C) in paragraph (15), by striking “South Carolina Department of Transportation Light Rail study” and inserting “South Carolina Department of Transportation Corridor Study”.

**SA 4551.** Mr. SMITH submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

"In item number 3544, by striking the project description and inserting "Construction of access road including sidewalks, bike lanes, and railroad crossing from Highway 99W to Cascade View Industrial Properties and/or construction of transportation improvements for the Airport Industrial Park, Corvallis."

**SA 4552.** Mr. DODD (for himself, Mr. SHELBY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, after line 12, insert the following:

(8) MODIFICATION OF TERMS OF SECTION 5338(B)(2)(E) OF TITLE 49, UNITED STATES CODE.—Of the funds authorized for fiscal year 2007 in section 5338(b)(2)(E) of title 49, United States Code, \$213,600,000 that is not otherwise designated for specific projects under section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (Public Law 109-59) shall be allocated by the Federal Transit Administration in accordance with the "Bus and Bus Facilities Discretionary Program Grants Notice of Availability and Solicitation of Grant Applications" published in the Federal Register on March 23, 2007 (FR 13968-13971). Such allocation shall be made within 90 days of enactment of this Act, and the Federal Transit Administration shall notify the appropriate Congressional committees of such allocation 3 days before publication of the Federal Register notice. Allocations of funds pursuant to this paragraph shall be published in the Federal Register not later than 90 days after enactment of this Act.

**SA 4553.** Mrs. HUTCHISON (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. STEVENS, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. MARTINEZ, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 24 and 25, strike "in Clifton".

On page 49, line 18, strike "160" and insert "169".

On page 57, strike lines 8 through 11 and insert the following:

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 90";

On page 78, strike lines 3 and 4 and insert the following:

(386) in item number 273, by striking the project description and inserting "Improvements to on/off ramp system from I-10 to Ryan Street (LA 385), including installation of an exit ramp for eastbound traffic on I-10, incorporating, as necessary, portions of Front Street and Ann Street, and including repair and realignment of Lakeshore Drive, and to include the expansion of Contraband Bayou Bridge";

(387) in item number 3735 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49";

(388) in item number 2406 by striking "in Fort Worth" and inserting ", or Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth"; and

(389) in item number 370 by striking the On page 107, line 4, strike "and" and all that follows through line 5, and insert the following:

(B) by striking paragraph (10); and

(C) in paragraph (15), by striking "South Carolina Department of Transportation Light Rail study" and inserting "South Carolina Department of Transportation Corridor Study".

On page 114, line 21, strike "; and" and insert a semicolon.

On page 114, strike line 22 and insert the following:

(xxvi) in item number 422 by striking the project description and inserting "People Mover Public Transportation System buses and bus facilities, Anchorage, Alaska";

(xxvii) in project number 67 by striking the project description and inserting "Union Passenger Terminal Planning and Master Plan and Infrastructure Improvements in Orleans Parish, Louisiana"; and

(xxviii) by adding at the end—

**SA 4554.** Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**SEC. \_\_\_\_ NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2008.**

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "National Capital Transportation Amendments Act of 2008".

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under

this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

"(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

"(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

"(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

"(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2008.

"(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

"(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

"(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

"(g) ACCESS TO WIRELESS SERVICES IN METRO RAIL SYSTEM.—

“(1) **REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.**—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

“(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2008, in the 20 underground rail station platforms with the highest volume of passenger traffic.

“(B) Not later than 4 years after such date, throughout the rail system.

“(2) **ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.**—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

“(3) **PERMITTING REASONABLE AND CUSTOMARY CHARGES.**—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

“(4) **REPORTS.**—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2008, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

“(5) **DEFINITION.**—In this subsection, the term ‘‘licensed wireless provider’’ means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.’’

(C) **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.**—

(1) **ESTABLISHMENT OF OFFICE.**—

(A) **IN GENERAL.**—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the ‘‘Transit Authority’’) shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the ‘‘Office’’), headed by the Inspector General of the Transit Authority (referred to in this subsection as the ‘‘Inspector General’’).

(B) **DEFINITION.**—In subparagraph (A), the ‘‘Washington Metropolitan Area Transit Authority’’ means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(2) **INSPECTOR GENERAL.**—

(A) **APPOINTMENT.**—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) **TERM OF SERVICE.**—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) **REMOVAL.**—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) **DUTIES.**—

(A) **APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.**—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) **CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.**—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) **REPORTS.**—

(i) **SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.**—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) **ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.**—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) **INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.**—

(i) **AUTHORITY.**—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) **NONDISCLOSURE.**—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) **PROHIBITING RETALIATION.**—An employee or member of the Transit Authority

who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) **INDEPENDENCE IN CARRYING OUT DUTIES.**—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) **POWERS.**—

(A) **IN GENERAL.**—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) **STAFF.**—

(i) **ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.**—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) **INDEPENDENCE IN APPOINTING STAFF.**—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) **APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.**—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) **EQUIPMENT AND SUPPLIES.**—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) **TRANSFER OF FUNCTIONS.**—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) **STUDY AND REPORT BY COMPTROLLER GENERAL.**—

(1) **STUDY.**—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

**SA 4555.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, beginning with line 13, strike through line 17 on page 13, and insert the following:

(1) **LIMITATION ON LIABILITY.**—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if the employer proves that—

(A) the violation occurred in the one-year period beginning on August 10, 2005;

(B) as of the date of the violation, the employer did not have actual knowledge that section 4142 of Public Law 109-59 changed the applicability of section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)); and

(C) the employer's primary reliance on section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)) led to the violation.

(2) **ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.**—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid, or agreed to be paid, before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the one-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) **COVERED EMPLOYEE DEFINED.**—In this section, the term “covered employee” means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305 of this Act);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations pre-

scribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

**SA 4556.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 18, insert “sediment control and” after “Boulder Creek”.

**SA 4557.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 14, strike the period at the end, insert a semicolon, and insert the following:

(26) by striking item number 234; and  
(27) in item number 236, by striking “\$10,000,000” and inserting “\$17,000,000”.

**SA 4558.** Mr. KYL (for himself, Mr. MCCAIN, Mr. WARNER, Mr. BURR, Mr. MARTINEZ, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

**HIGHWAY FUEL TAX HOLIDAY.**

(a) **TEMPORARY SUSPENSION OF HIGHWAY FUEL TAXES ON GASOLINE AND DIESEL FUEL.**—

(1) **IN GENERAL.**—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

“(f) **TEMPORARY SUSPENSION OF TAXES ON GASOLINE AND DIESEL FUEL.**—

“(1) **IN GENERAL.**—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

“(2) **RATES OF TAX.**—The rates of tax referred to in this paragraph are—

“(A) the rate of tax otherwise applicable to gasoline under clause (i) of subsection (a)(2)(A), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C),

“(B) the rate of tax otherwise applicable to diesel fuel under clause (iii) of subsection (a)(2)(A), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C), and

“(C) the rate of tax otherwise applicable to diesel fuel under paragraph (1) of section 4041(a) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

“(3) **APPLICABLE PERIOD.**—For purposes of this subsection, the term ‘applicable period’ means the period beginning on May 26, 2008, and ending on September 1, 2008.

“(4) **MAINTENANCE OF TRUST FUND DEPOSITS.**—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and to the Leaking Underground

Storage Tank Trust Fund under 9508, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section or section 4041.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(b) **FLOOR STOCK REFUNDS.**—

(1) **IN GENERAL.**—If—

(A) before the tax suspension date, a tax referred to in section 4081(f)(2) of the Internal Revenue Code of 1986 has been imposed under such Code on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the “taxpayer”), against the taxpayer's subsequent semi-monthly deposit of such tax, an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax suspension date.

(2) **TIME FOR FILING CLAIMS; CERTIFICATIONS NECESSARY TO FILE CLAIMS.**—

(A) **IN GENERAL.**—No credit or refund shall be allowed or made under this subsection—

(i) unless claim therefor is filed with the Secretary before the date which is 6 months after the tax suspension date, and

(ii) in any case where liquid is held by a dealer (other than the taxpayer) on the tax suspension date, unless the taxpayer files with the Secretary—

(I) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax suspension date, and

(II) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax suspension date.

(B) **REASONABLENESS OF CLAIMS CERTIFIED.**—Any certification made under subparagraph (A) shall include an additional certification that the claim for credit was reasonably based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(3) **DEFINITIONS.**—For purposes of this subsection—

(A) the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer, and

(B) the term “tax suspension date” means May 26, 2008.

(4) **CERTAIN RULES TO APPLY.**—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendment made by subsection (a), and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding a liquid on the floor stocks tax date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(3) DEFINITIONS.—For purposes of this subsection—

(A) HELD BY A PERSON.—A liquid shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(B) GASOLINE AND DIESEL FUEL.—The terms “gasoline” and “diesel fuel” have the respective meanings given such terms by section 4083 of such Code.

(C) FLOOR STOCKS TAX DATE.—The term “floor stocks tax date” means September 2, 2008.

(D) APPLICABLE PERIOD.—The term “applicable period” means the period described in section 4081(f)(3) of such Code.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to gasoline or diesel fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(5) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by paragraph (1) on gasoline or diesel fuel held in the tank of a motor vehicle.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1)—

(i) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(ii) on diesel fuel held on such date by any person if the aggregate amount of diesel fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this paragraph, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

(d) SECRETARY.—For purposes of this section, the term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(e) BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.—It is the policy of Congress that—

(1) consumers immediately receive the benefit of the reduction in taxes resulting from the amendment made by subsection (a), and

(2) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of subsection (b).

AUTHORITY FOR COMMITTEES TO MEET  
COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 3 p.m. to hold a working coffee meeting with His Excellency Ahmed Aboul Gheit, Foreign Minister of the Arab Republic of Egypt.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 17, 2008, at 10:30 a.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing on the National Indian Gaming Commission.

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

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 2 p.m. to conduct a hearing entitled, “Focus on Fusion Centers: A Progress Report.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 17, 2008, at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be au-

thorized to meet during the session of the Senate to conduct a hearing on Thursday, April 17, 2008, at 2 p.m., in room SD366 of the Dirksen Senate Office Building.

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

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VETERANS’ BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I spoke to the minority leader last evening and indicated to him that I was going to move to the Veterans’ Benefits Act. As a result of that, I have no alternative—not speaking to him but not having heard back—I have no alternative but to file cloture on this matter. Otherwise, of course, another day would be lost. So I am disappointed that I need to file this. This is a veterans’ benefits enhancement bill. I would hope that on Monday, we could have Senator AKAKA and his ranking member be allowed to move to this legislation. We have already announced there will be no votes tomorrow or on Monday. It would sure be good if we could do that.

In view of the situation we have here, I have no alternative but to move to proceed to S. 1315, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 336, S. 1315, the Veterans’ Benefits Enhancement Act.

Harry Reid, Daniel K. Akaka, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, April 22, following a period of morning business, the Senate resume consideration of the motion to proceed and the time until 12 noon be equally divided and controlled between the leaders or their designees; that at noon, the Senate proceed to a vote on a motion to invoke cloture on the motion to proceed to S. 1315; further, that the mandatory quorum be waived.

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