



## Senate Update – February 11, 2008

### Last Week in the Senate

On Monday, February 4, 2008, the Senate agreed to a motion to invoke cloture on the House-passed Economic Stimulus Act (H.R. 5140) by a vote of 80 to 4. Senate Republicans chose to use the full 30 hours of debate that the cloture motion provides to ensure that the Senators had time to read and understand what is in the package.

*\*Note: The full 30 hours of debate is often waived in favor of shorter time frames by unanimous consent agreements in the Senate.*

On February 6, 2008, the Senate failed to invoke cloture, by a vote of 58 to 41, on the Senate Finance Committee's amendment to H.R. 5140 ([Text of Finance Committee's Economic Stimulus Package](#)). In an effort to reach a bipartisan Senate package, Majority Leader Harry Reid and Minority Leader Mitch McConnell joined with several of their Senate colleagues to develop an amendment that would expand the House-passed legislation to include Social Security benefits and payments to veterans or their survivors as qualifying income. In addition, it requires individuals to have a Social Security number to receive rebate checks. This amendment passed 91 to 6 on February 7, 2008, and paved the way to final passage of the \$151.7 billion economic stimulus package by a vote of 81 to 16 on the same day.

*\*Note: The House passed the Senate amendments to H.R. 5140 on February 7, 2008, by a vote of 380 to 34. The bill now awaits consideration by the President.*

The Senate considered the FISA Amendments Act of 2007 (S. 2248) during this past week as Senator's waited for the 30 hours of debate on H.R. 5140 to expire.

*\*Note: During the week of January 22, the Senate voted to table a Senate Judiciary Committee substitute amendment to S. 2248 that would, according to the Statement of Administration Policy for this bill, "degrade our foreign intelligence collection capabilities. The Judiciary Committee's amendment would impose unacceptable and potentially crippling burdens on the collection of foreign intelligence information by expanding FISA to restrict facets of foreign intelligence collection never intended to be covered under the statute. Furthermore, the Judiciary Committee amendment altogether fails to address the critical issue of liability protection." The SAP included a veto threat for S. 2248 if it contained the Judiciary Committee's amendment.*

On Tuesday, Senator's voted on an amendment offered by Senator Ben Cardin (D-MD) that would have new authorities provided by the bill on December 31, 2011, instead of December 11, 2013. This amendment was rejected by a vote of 49 to 46.

On Thursday, February 7, 2008, after final passage of H.R. 5041, the Senate considered two amendments offered by Senator Russ Feingold (D-WI). The first amendment would have

prohibited the intelligence community from wiretapping someone overseas in order to collect information on an American citizen – this amendment failed by a vote of 38 to 57. The second amendment from Senator Feingold would allow the FISA court to put limitations on the use of information about Americans that the Government has gathered – this amendment failed by a vote of 40 to 56.

*\*Note: The House passed the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007 (H.R. 3773) on November 15, 2007, by a vote of 227 to 189 ([Roll no. 1120](#)). ([Legislative Digest for H.R. 3773](#)).*

On Friday, February 8, 2008, Majority Leader Reid introduced legislation that would provide for an additional 15 day extension of the Protect America Act, which would make the new expiration date March 1, 2008.

### **This Week in the Senate**

The Senate has reached an agreement on the number of amendments to be considered to S. 2248, including one vote on an amendment that would provide telecommunications companies with retroactive legal immunity. The Senate anticipates completing S. 2248 prior to the expiration of the Protect America Act on February 15, 2008.

*\*Note: The Senate approved a 15-day extension of H.R. 5104 by unanimous consent on January 29, 2008, the same day the House approved the extension by voice vote. ([Legislative Digest for H.R. 5104](#))*

In addition, the Senate plans to return to the Indian Health Care Act Amendments of 2007 (S. 1200). The Senate first considered this bill the week of January 22, 2008. This legislation was introduced by Senator Byron Dorgan (D-ND) on April 24, 2007 and reported out of the Senate Committee on Indian Affairs on October 16, 2007.

*\*Note: The Congressional Budget Office estimates that implementing S. 1200 would "have discretionary costs of \$2.7 billion in 2008, about \$16 billion over the 2008-2012 period, and about \$35 billion over the 2008-2017 period, assuming appropriation of the necessary amounts. We also estimate that enacting the bill would increase direct spending by \$9 million in 2008, \$53 million over the 2008-2012 period, and \$129 million over the 2008-2017 period."*

### **Key Hearings**

#### February 13, 2008

The Senate Committee on Finance will be holding a hearing with Kerry Weems, Acting Administrator of the Centers for Medicare and Medicaid Services, on the oversight of sales of private Medicare plans.

The Senate Committee on the Judiciary will hold a hearing titled "Examining the State Secrets Privilege: Protecting National Security While Preserving Accountability."

#### February 14, 2008

The Senate Committee on Armed Services will hold a hearing on the strategy in Afghanistan.

#### January 24, 2008

CBO Director Orszag will be the witness for the CBO Budget and Economic Outlook hearing in the Senate Committee on the Budget.