



Senate Update – May 12, 2008

Last Week in the Senate

The Senate resumed consideration of the FAA Reauthorization Act of 2007 (H.R. 2881) on May 6, 2008. The bill would extend the authorization for the Airport and Airway Trust Fund through 2011. In addition, it would provide \$290 million in new funding to modernize the Federal Aviation Administration's Air Traffic Control system and restore \$5 billion to the Highway Trust Fund for 2009. The White House issued a veto threat for the Senate version of H.R. 2881.

Senate Majority Leader Harry Reid (D-NV) "filled the amendment tree," a procedural tactic that allows him to select which amendments from both sides of the aisle would be brought up for consideration. Republican Leader Mitch McConnell (R-KY) objected to this maneuver and informed Senator Reid that it would be difficult to attain cloture without implementing a regular amendment process. On May 6, 2008, the Senate failed to invoke cloture on the motion to proceed by a vote of 49 to 42. ([Record Vote 115](#))

**Note: The House passed H.R. 2881 by a vote of 267 to 151 on September 20, 2007. ([Roll Call 890](#)) ([Legislative Digest for H.R. 2881](#))*

Following the failure to invoke cloture on H.R. 2881, the Senate began consideration of the Flood Insurance Reform and Modernization Act (S. 2284). The bill reauthorizes the National Flood Insurance Program (NFIP) through fiscal year 2013. The Congressional Budget Office estimates that implementing S. 2284 would increase direct spending by \$1.2 billion over ten years. On May 7, the Senate considered the following amendments to S. 2284:

- The Senate rejected an amendment offered by Senator Roger Wicker (R-MS) that would have allowed individuals to purchase wind insurance under the NFIP. The amendment failed by a vote of 19 to 74. ([Record Vote 117](#))
- An amendment offered by Senator David Vitter (R-LA) was rejected by a vote of 27 to 66. His amendment would have increased the coverage limits for flood policies under the National Flood Insurance Program. ([Record Vote 118](#))
- Senator Vitter offered another amendment that would phase in higher premiums over five years instead of two years when the Federal Emergency Management Agency (FEMA) issues new flood maps. The amendment was rejected by a vote of 23 to 69. ([Record Vote 119](#))
- Senator Mary Landrieu (D-LA) offered an amendment that would require the Comptroller General to conduct a study regarding mandatory flood insurance purchase requirements. The amendment was rejected by a vote of 30 to 62. ([Record Vote 120](#))

On May 8, 2008, the Senate agreed to a substitute amendment offered by the Chairman of the Committee on Banking, Housing, and Urban Affairs, Senator Chris Dodd (D-CT) that includes a provision that forgives nearly \$20 billion in NFIP debt owed to the Department of the Treasury. The amendment was passed by a vote of 70 to 26. ([Record Vote 121](#)) In addition, the Senate agreed to an amendment, by a vote of 68 to 24, offered by Senator Richard Durbin (D-IL) that

prohibits changes to be made to the flood insurance status for any areas located in the St. Louis District of the Corps of Engineers until the remapping process is completed for that entire District. ([Record Vote 122](#))

This Week in the Senate

The Senate is expected to resume consideration of the Flood Insurance Reform and Modernization Act (S. 2284) during the week of May 12, 2008. The Senate will consider two amendments to S. 2284 that address the upsurge in oil and gas prices.

The first is a Republican led energy plan, the American Energy Production Act (S. 2958), that will be introduced as an amendment to S. 2248 by Republican Leader McConnell. This amendment includes provisions that allow leasing activities in the Atlantic and Pacific regions of the Outer Continental Shelf (excludes the Gulf of Mexico), repeals the \$4,000 fee for new drilling permits, and suspends filling the strategic petroleum reserve for 180 days. It also includes alternative fuels provisions that mandates production of 6 billion gallons of clean-coal derived fuels by 2022, repeals the moratorium on funds to complete final regulations for the commercial leasing of oil shale, and establishes a direct loan and grant program for the production of advanced batteries in the United States.

The second amendment will be offered by Majority Leader Reid and will be the text of the Consumer-First Energy Act of 2008 (S. 2991). This Democratic energy plan would create a windfall profits tax on oil companies, would suspend filling the strategic petroleum reserve until oil falls below \$75 per barrel, and would allow the Attorney General to bring enforcement actions against any country or company that is colluding in setting the price of oil, natural gas, or other petroleum product.

**Note: Both of these amendments will require a 60-vote threshold to pass.*

Following consideration of S. 2284, the Senate may consider the Public Safety Employer-Employee Cooperation Act of 2007 (H.R. 980). H.R. 980 passed the House on July 17, 2007, by a vote of 314 to 97. ([Legislative Digest for H.R. 980](#))