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Consideration of the American Recovery and Reinvestment Act of 2009: How this Landmark Bill Made Its Way through a Divided Congress

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Abstract

Due to the landmark-nature of the economic recovery bill, how it made its way through a divided Congress deserves examination as we look ahead to other major legislative initiatives this Congress—such as health care reform and global climate change legislation. This paper will examine the political and procedural aspects of how the economic recovery bill advanced through the U.S. House of Representatives and Senate, and the Obama Administration’s role in setting priorities and parameters for the legislation. This work examines the degree to which the economic recovery bill was a leadership driven initiative and the role committees of jurisdiction played in drafting the legislation. It also looks at the procedural steps each chamber took to move the economic recovery bill and the degree to which the process varied from “regular order” and House and Senate rules and norms. Finally, the paper explores the reconciliation of differences between House and Senate bills, and how the political dynamics of each chamber influenced the negotiations as a compromise agreement was brokered between party leaders and key Senate moderates.

Introduction

On February 17, 2009, just 28 days into his Administration, President Barack Obama signed into law a massive economic recovery plan (*H.R. 1, the American Recovery and Reinvestment Act of 2009*) totaling \$787 billion. The legislation is the single largest infusion of taxpayer dollars into government programs and the economy since President Franklin D. Roosevelt’s New Deal, and represents a delivery on the President’s promise to swiftly undertake recovery efforts in response to the worsening economic recession.¹ (*For a timeline of congressional actions on the economic recovery*

bill, see TABLE 1.) The recovery plan consists of a mixture of new spending provisions for federal programs and initiatives, state and local infrastructure projects, and tax relief for businesses and individuals.

This unprecedented recovery plan was the result of an aggressive legislative campaign by the Obama White House and Democrats in Congress to enact a recovery package that would create or save three to four million jobs. Despite appeals for bipartisanship, nearly all Republicans opposed the legislation with the exception of three Senate moderates who negotiated significant changes to the package including spending reductions in exchange for their support.

Congress' consideration of the economic recovery bill illustrates the changed political dynamic following the 2008 elections, and provides observers with a preview of the new Administration's approach in working with Congress. It was clear from the outset of the Obama Administration that there would be a concerted effort to try to change the tone of political discourse in Washington. However, it soon became apparent that the new Administration was also pragmatic and unwilling to sacrifice its agenda as it pursued a more congenial dialogue. Due to a slim Senate majority (at the time a margin of 58 to 41), Senate Majority Leader Harry Reid (D-NV) was forced to obtain the support of Republicans in order to achieve the 60 votes needed to advance the economic recovery bill.²

The handling of the economic recovery bill may also provide for a model approach to pushing future majority party legislation in coordination with the White House. Due to the number of committees with jurisdiction over the economic recovery bill, the House and Senate majority leadership had to play a hands-on role in marshalling

the legislation through Congress in order to meet the President's timeline. Committee leaders were given authority to draft provisions under their jurisdiction while leadership coordinated the process of merging the major pieces of the bill working closely with the White House.

The economic recovery bill also contrasts the different institutional realities of the House and Senate, where House Democrats used their expanded majority and procedural advantages to move the legislation on an expedited basis without Republican support, while Senate leaders were forced to make significant concessions to gain the support of three Republicans. Even as Senate Democrats improved their margin over Republicans by seven seats following the recent election (not including the contested seat in Minnesota)³, they were constrained by the need to appeal to moderate Republican Senators in order to move legislation. The resulting compromise agreement revealed the inherent institutional conflict between the chambers as a few Senate moderates were able to dictate terms to a majority of the House.

Role of the Obama Administration

After vowing to take "swift, bold action," President Obama worked closely with leaders of his party in Congress to enact the economic recovery plan. However, his appeals for bipartisanship by hosting summit meetings at the White House with Democratic and Republican leaders and his efforts to reach out to rank-and-file members of Congress on the economic recovery bill were defined more by the necessity to win Republican votes to pass the recovery package than the goal of bringing greater civility to the debate.⁴

As it became clear the economic recovery bill would not gain the bipartisan support that had been envisioned, a small group of Senate moderates convened by Senators Susan Collins (R-ME) and Ben Nelson (D-NE) worked to coalesce around making changes to cut the cost of the Democrats' recovery plan.⁵ As these negotiations progressed, the White House entered into talks with Senators Collins, Olympia Snowe (R-ME), and Arlen Specter (R-PA), who agreed to support the economic recovery bill after \$110 billion in spending provisions were cut from the package.⁶ During negotiations of the House-Senate compromise agreement, President Obama utilized the bully pulpit to push Congress to move quickly to resolve differences in House and Senate bills. He held a prime time news conference, reached out to the public at town hall meetings to promote the benefits of the economic recovery bill, and addressed a joint session of Congress, in which he focused heavily on taking action to stabilize the economy.

House Legislation

House Speaker Nancy Pelosi (D-CA) set a deadline to have a completed economic recovery bill ready for President Obama to sign before the start of Congress' President's Day recess on February 14.⁷ In order to meet this ambitious goal, Speaker Pelosi utilized her committee leaders to develop portions of the legislation under their jurisdiction, while coordinating the overall legislative effort with House Majority Leader Steny Hoyer (D-MD). House Appropriations Committee Chairman David Obey (D-WI), Energy and Commerce Committee Chairman Henry Waxman (D-CA), and Ways and Means Committee Chairman Charles Rangel (D-NY) each played key roles in formulating the major sections of the economic recovery bill and guiding them through their committees.

The House was particularly eager to move on economic recovery legislation after its most recent attempt to advance a \$60.8 billion stimulus package in September was unable to move forward in the Senate due in part to objections from the Bush Administration.⁸ The House had approved *H.R. 7110, the Job Creation and Unemployment Relief Act of 2008* by a vote of 264 to 158, but similar legislation S. 3604, sponsored by Senate Majority Leader Reid and Senator Robert Byrd (D-WV), then Chairman of the Senate Appropriations Committee, failed to achieve the 60 votes necessary to proceed falling short by a vote of 52-42.

On January 7, the House Democratic Steering and Policy Committee held a forum on the economic recovery bill featuring economists Mark Zandi of Moody's Economy.com and a former adviser to Senator John McCain's (R-AZ) presidential campaign; and Robert Reich, former Secretary of Labor under President Clinton and current professor at the University of California at Berkeley, who testified in support of Congress acting on a significant economic recovery plan.

Following the forum, the three committees each held mark-ups on economic recovery legislation totaling approximately \$825 billion in new investments and tax relief provisions during the week of January 19, starting with the House Committee on Appropriations, which reported *H.R. 679* on January 21.⁹ The House Energy and Commerce and Ways and Means Committees quickly followed suit marking up their bills on January 22 (*H.R. 629* and *H.R. 598* respectively) and reporting them out of committee.¹⁰ On January 26, H.R. 1, the American Recovery and Reinvestment Act of 2009, was introduced by Chairman Obey combining the provisions passed by the three committees.¹¹

On January 26, the House Rules Committee reported by voice vote a resolution *H. Res. 88*, which was adopted by the House the next day by a vote of 235-191 after agreeing to the previous question. *H. Res. 88* outlined the rule for H.R. 1 providing 3 hours and 30 minutes of general debate equally divided and controlled by the chairman and ranking member of the Committee on Appropriations. On January 27, the Rules Committee reported, by a vote of 9-2, a resolution *H. Res. 92* providing for further consideration of H.R. 1 under a structured rule. The resolution, which was adopted on the House floor by a vote of 243-185 the following day, outlined the parameters of debate, established an amendment to be considered as adopted, provided for an additional hour of general debate, and made eleven floor amendments in order with ten minutes of debate a piece,¹² including the Camp-Cantor tax amendment in the nature of a substitute with 60 minutes of debate.¹³ Republicans complained this was a mere five percent of the total of 206 amendments submitted to the Rules Committee and that three Republican amendments adopted by one committee had not been made in order.¹⁴

On January 28, the House adopted *H. Res. 92* by recorded vote of 243-185, and proceeded to debate the 11 amendments. Following debate the House held recorded votes on the amendments including the Republican substitute offered by Rep. Dave Camp (R-MI), which was rejected by a vote of 170-266. The amendments approved by the House were then adopted *en gross*. Rep. Jerry Lewis (R-CA), Ranking Member on Appropriations, moved to recommit “forthwith” with instructions to the Appropriations Committee, a motion used to make various amendments to the bill before sending it to conference negotiations with the Senate.¹⁵ This is an example of how the change in the rules for the 111th Congress on motions to recommit “forthwith” instead of “promptly”

has further curtailed minority powers by eliminating the use of these motions as a tactic to delay or kill legislation by sending it physically back to committee. The motion to recommit with instructions failed by a vote of 159-270. The House then passed H.R. 1 as amended by a vote of 244-188 with no Republican support and sent the bill to the Senate.

Senate Legislation

The Senate committees of jurisdiction began consideration of the economic recovery bill shortly after their House counterparts. On January 23, Senate Appropriations Committee Chairman Daniel Inouye (D-HI) released highlights of his committee's portion of the economic recovery bill (*S. 336*) totaling \$365 billion in new investments. The committee reported out the bill on January 27 on a bipartisan vote of 21-9 with the support of four Republicans (Senators Cochran, Collins, Specter, and Bond).

Senate Finance Committee Chairman Baucus (D-MT) unveiled his committee's recovery package on January 23 including \$275 billion in tax cuts and investments and \$180 billion in additional investments to help Americans who have lost their jobs keep their health care coverage.¹⁶ On January 27, the Finance Committee approved a package of approximately \$522 billion (*S. 350*) by a vote of 14-9 for inclusion in the Senate economic recovery bill. A number of amendments were added to the Chairman's Mark, most notably a \$69.8 billion measure to protect as many as 24 million families from the Alternative Minimum Tax this year. On January 30, Senate Majority Leader Reid offered *S. Amdt. 98*, in the nature of a substitute to H.R. 1, and the measure was laid before the Senate on February 2 by unanimous consent.

Over 450 amendments were offered to S. Amdt. 98 while Democratic leadership worked to develop a compromise proposal that could achieve enough support to gain cloture. By February 6, a proposal totaling \$787 billion was the center of an agreement negotiated by Senate Democrats and the Obama Administration with Republican Senators Collins, Snowe and Specter. On February 7, S. Amdt. 98 was withdrawn, and the Collins-Nelson amendment *S. Amdt. 570* was offered, in the nature of substitute.

On February 9, in accordance with Senate Rule XXII, 17 Senators submitted a motion to bring a close to debate on the Collins-Nelson amendment *S. Amdt. 570* to H.R. 1. The Senate moved to invoke cloture on the Collins-Nelson amendment, with three-fifths of Senators duly chosen and sworn voting in the affirmative, the motion was agreed to by a vote of 61-36. On February 10, the Senate passed a motion to raise the budget deficit (waiving section 201(a), *S. Con. Res. 21*, the concurrent resolution on the budget for fiscal year 2008) with respect to the Collins-Nelson amendment, which was agreed to by a vote of 61-37. The bill, *S. Amdt. 570*, was then passed by the Senate with an amendment by a vote of 61-37.

Conference Committee

“We can’t afford to make perfect the enemy of the absolutely necessary.” – Barack Obama, weekly radio address.

Following passage, on February 10 the Senate insisted on its amendment to H.R. 1 and requested a conference with the House to address differences in the two bills. Chairman Obey moved that the House disagree with the Senate amendment, and the House by voice vote agreed to a conference with the Senate. Mr. Lewis then moved that the House instruct conferees not to record their approval of the conference agreement unless the text of the agreement was available for at least 48 hours. Lewis’s motion to

conferees was agreed to by a vote of 403-0. As noted by Sinclair, “‘layover’ requirements that stipulate that members have the conference report available for a period of time before floor consideration often are waived,” or in some cases are ignored due to their non-binding nature.¹⁷

The House and Senate appointed conferees including Inouye, Baucus, Reid, Cochran, and Grassley on the Senate side and Obey, Rangel, Waxman, Lewis, and Camp on the House side. In an indication of how the conference process would be handled, Senator Reid appointed himself to the conference committee. As noted by Davidson et al, this usually signals as one Senator described it a “majority-party driven” conference.¹⁸ The conferees included each of the key committee chairmen and ranking members so that they could negotiate the sections of the bill their committees were responsible for writing. However, the role of the three Senate Republican moderates in negotiating the conference agreement was probably as influential, if not more so, as Democrats worked to craft an agreement that would retain their support while not alienating their own caucus. This role was articulated in press release from Senator Olympia Snowe on Tuesday, February 10 in which she said, “After speaking with the Vice President and the Majority Leader Monday morning, I’ve been assured that I’ll be directly involved in the Senate-House conference committee process.”¹⁹

On Tuesday and Wednesday, Democrats worked to reconcile spending in the two bills. The House-Senate Conference Committee adjourned Wednesday evening, with conferees confirming that a deal had been reached that would make further spending cuts in the economic recovery bill and maintain the support of the three Senate moderates. Earlier Wednesday afternoon, Majority Leader Reid held a press conference to announce

that a deal had been reached, even before Speaker Pelosi was able to brief her caucus on the terms of the deal. While Speaker Pelosi briefed her caucus, the first official meeting of the conference committee scheduled for 3 p.m. was delayed after Republican conferees were kept waiting for thirty minutes, forcing Conference Chairman Inouye to postpone the conference committee meeting for two hours.²⁰

Ranking Member Lewis made the following remarks after being informed that the conference meeting was being postponed illustrating Republican disfavor with how they perceived the conference process was being handled.

After meeting in secret throughout the night to come to an ‘agreement’ on the stimulus package, the Democrats now need to be briefed again on the agreement that they themselves wrote? Lewis said. Why not have these briefings and negotiations in public, in conference committee, which is the proper place? How about we brief the American people who are footing the bill for this legislation?²¹

Earlier in the day, White House Chief of Staff Rahm Emanuel, Office of Management and Budget Director Peter Orszag, Senators Ben Nelson and Joe Lieberman (I-CT), and the three Senate moderates who voted for the economic recovery bill met in Senator Reid’s office to go over details of a bicameral deal on a \$787 billion economic recovery bill. When the formal Conference Committee meeting was held it was more a formality than a negotiations meeting, and it focused more on making political points than discussing the substance of the conference agreement. In fact, Democrats did not allow any amendments in conference, did not describe the contents of the bill, and there was no discussion other than opening statements.²²

Republican conferees raised objections about not being given adequate opportunity to provide input as the final deal was reached and cited concerns over how the economic recovery bill would lead to budget deficits. Democrats responded that the deficits were the result of Republican spending and that they had held committee mark-

ups, allowed floor amendments, and the bill was debated extensively on the floor given the time constraints for taking action.²³ These Republican objections parallel those made by the Democrats when the Republicans were in power when they were excluded from conference negotiations on major legislation, such as the Medicare prescription drug bill.²⁴

On Thursday February 12, House and Senate appropriators started to release the details of the conference agreement as the conference report was being prepared to be filed. Under the conference agreement, some of the funding that was cut in the Senate was restored providing \$311 billion in discretionary funding as compared to the Senate-passed measure of \$289.8 billion and the House-passed measure that included \$361 billion. One of the most contentious issues that negotiators had to reach agreement on was whether to provide funding that the House adopted for school construction in the amount of \$14 billion. Senate Republican moderates objected that this was not an area that the federal government should get involved in. Senator Collins said that she was “very concerned about the precedent of establishing a new federal program for school construction.”²⁵

As part of the compromise, it was agreed that \$8.8 billion of a larger \$53.6 billion state stabilization fund for education programs (compared to \$79 billion in the House bill and \$39 billion in the Senate bill) could go toward “modernization, renovation and repairs to school facilities,” according to a release from the House and Senate Appropriations Committees.²⁶ Additionally, negotiators scaled back several tax relief provisions, including President Obama’s signature “Making Work Pay” tax credit, to keep the overall cost of the bill within the spending threshold set by Senate Republican

moderates that they could accept. The final conference report was filed late Thursday night (10:25 p.m.). The conference report was signed by only the Democratic conferees constituting the majority of the House and Senate conferees needed for consideration.

Final Passage

At 10:45 on Thursday night, the House Rules Committee reported *H. Res. 168* by a vote of 9-4, waiving all points of order (except clause 9 of rule XXI related to designation of an emergency for pay-as-you go) and provided a total of ninety minutes of debate on the conference report to H.R. 1 and one motion to recommit. Friday, February 13, H. Res. 168 was agreed to by a vote of 231-194, and Mr. Obey brought up the conference report for consideration. Since the conference report included an emergency designation for the purposes of pay-as-you-go rules, the Chair put the question of consideration under clause 10(c)(3) of rule XXI, and it was agreed to by a vote of 232-195. Following debate on the conference report, a motion to recommit with instructions to the conference committee was offered by Rep. Candice Miller (R-MI), directing the committee to accept two Senate amendments on above-the-line deductions related to automobile purchases. The motion failed by a vote of 186-244. The conference report was then agreed to by a vote of 246-183.

Following the House's action on the conference report, it was considered in the Senate. With Senator Kennedy (D-MA) unable to participate in the vote and only three Republican Senators willing to support the legislation, Democrats had to keep the roll call open for several hours in order to garner the sixty votes needed for passage. They began the vote in the early afternoon so that Senator Joseph Lieberman (I-CT), an orthodox Jew, could cast his vote before sundown, and kept it open late into the evening so that Senator

Sherrod Brown (D-OH) could return to Washington after attending memorial services for his mother.

A point of order was raised that the conference report's emergency designation violated the Congressional Budget Act (Sec. 201(a)(5)(A) of S. Con. Res. 21 (110th Congress), and the Senate voted to waive the point of order by a vote of 60-38. The Senate then agreed to the conference report by a vote of 60-38 at 10:47 on Friday night—after holding open the longest congressional vote in history (5 hours, 17 minutes)—to allow Senator Sherrod Brown to fly back from Ohio to supply the 60th vote needed for passage, and clear the economic recovery bill for the White House. On February 17, during a trip to Denver, Colorado President Obama signed the economic recovery bill into law (*Public Law No. 111-5*).

Congressional and Administrative Oversight

In passing the economic recovery bill, Congress instituted protocols on how the Obama Administration would distribute the stimulus funds and how project results would be tracked and reported. The economic recovery bill provides \$350 million for federal oversight functions including approximately \$253 million for inspectors general, \$84 million for a new transparency board, and \$25 million for the Government Accountability Office (GAO) to hire about one hundred staffers to follow stimulus-funded projects.²⁷ Additionally, congressional oversight committees began holding hearings in March to highlight efforts to implement the economic recovery bill provisions and they plan to conduct their own investigations to ensure that the Administration and its oversight personnel charged with monitoring stimulus funding maintain their independence.²⁸

The law calls for the establishment of a Recovery Accountability and Transparency Board to oversee the disbursement of stimulus funds and the creation of a public web site to track the spending. On February 6, the President issued an executive order establishing within the Department of Treasury a new economic recovery advisory board to provide the President with “independent, nonpartisan information, analysis, and advice... as he formulates and implements his plans for economic recovery.”²⁹

On February 18, the Office of Management and Budget (OMB) issued a fifty-page memorandum providing initial implementation guidance to federal agencies. The guidance outlines daily, weekly, and monthly reporting requirements on stimulus spending and requires agencies to submit complete spending plans by May 1. The OMB memo also gives agencies direction on how to carry out contracts, grants, and loans under the economic recovery bill and directs agencies to report on stimulus funds separately from other funding programs.

On February 23, President Obama announced that Vice President Joe Biden would oversee the Administration’s implementation of the economic recovery bill provisions and his appointment of Earl Devaney, Interior Department Inspector General, to chair the Recovery Accountability and Transparency Board.³⁰ In accordance with the law, the Administration launched recovery.gov on February 17 to serve as a “portal or gateway to key information” on the economic recovery bill provisions, including “data on relevant economic, financial, grant, and contract information;” “detailed data on contracts awarded by the Government; [and] a means for the public to give feedback on the performance of contracts.”³¹

On March 12, President Obama and Vice President Biden addressed state officials from around the country who will be responsible for spending stimulus funds, and made it clear that waste, fraud, and abuse would not be tolerated.

Vice President Biden expressed the Administration's concern that the money be spent wisely saying, 'Six month from now, if the verdict on this effort is that we've wasted the money, we built things that were unnecessary or we've done things that are legal but make no sense, then, folks, don't look for any help from the federal government for a long while.'³²

Over the course of March and early April, federal agencies worked to put together their implementation plans and states have developed lists of projects that are "shovel ready." Some Republican state governors have decided to reject some economic recovery bill funds, in particular funds to expand to unemployment benefits, while accepting other funds directed to infrastructure spending such as for transportation projects.³³

Economic recovery bill funds have been slow to reach states as officials work through the process of applying for several programs with different funding streams, meeting program guidelines, and the additional reporting requirements to account for how stimulus money is spent. The White House projects that the bulk of the money will reach recipients later this year and early next year, with the goal of spending 70 percent of stimulus funds by the summer of 2010.³⁴ As of April 7, \$54 billion from the economic recovery bill has been obligated to states, cities, and other recipients, and \$11.7 billion of that had been spent.³⁵ In an April 13 appearance at the Department of Transportation, President Obama announced the 2,000th project under the economic recovery bill, and highlighted how competition for construction projects and lower bids were allowing states to make more efficient use of the stimulus funds and as a result expand their list of projects.³⁶

Most recently, on April 23 the GAO issued its first bi-monthly report required under the economic recovery bill highlighting concerns over a lack of resources on the part of states to adequately track and oversee stimulus funds.³⁷ In response to the GAO report, Vice President Biden sent a letter to the Senate Homeland Security and Government Affairs Committee summarizing new rules that offer states flexibility to use some stimulus funds to support oversight and accounting functions and clarification on state auditing requirements. The administration has said it will begin releasing the rules to states in early May.³⁸

Conclusion

The economic recovery bill could have broad implications not only for the remainder of the 111th Congress, but President Obama's first term legislative agenda. Although each legislative initiative is unique in its own way, it is not difficult to imagine other top priorities following a similar path as the economic recovery bill. While President Obama has tried to set a new tone of inclusiveness in his dealings with Congress, the White House and Democratic leaders were forced to abandon the goal of bipartisanship in order to meet their immediate challenge of enacting an economic recovery bill quickly. Democrats now have to contend with Republicans and fiscal conservatives in their own party, who are concerned about a growing dependency by states on federal aid to maintain programs and balance their budgets.³⁹ This is expected to be an ongoing theme as Democrats and the Obama Administration calculate how to enact a health care system overhaul estimated to cost between \$800 billion and \$1 trillion that can receive broad support.

Following the economic recovery bill, Senate Majority Leader Reid and Speaker Pelosi gave their committee chairs the authority to develop major legislation on health care reform and global climate change through regular order including committee mark-ups and floor votes.⁴⁰ However, Democrats have indicated their willingness to move high priority legislation under a reconciliation bill, if needed, which would provide protections against Senate filibusters and require only a simple majority for Senate approval instead of the usual sixty votes.

Even as each of the parties extol the virtues of a more open, bipartisan process, they have not committed to taking the steps necessary to work together on the issues that separate them. Many observers believe that for major legislative initiatives such as health care reform to succeed, the White House will have to broker compromises with influential Senate moderates much like they did on the economic recovery bill. That task was made a little easier on April 28 when Senator Arlen Specter announced his decision to switch parties, moving the Democrats one step closer to a 60-vote supermajority.⁴¹ It seems talk of bipartisanship is good fodder for political campaigns and floor speeches, but the parties are unwilling to set aside their political differences to address the “kitchen table” issues faced by everyday people. This conflict has isolated Congress making it less responsive to the needs of the public and has fostered a polarized atmosphere that prevents Members from working across party lines to forge policy solutions. The polarized atmosphere has also shortened the policy window for acting on legislation as party leaders try to limit tough votes for Members as they look ahead to the next election.

TABLE 1: The following information is adapted from the Library of Congress THOMAS web site with additional information from the web sites of key House and Senate committees.⁴²

Date	Congressional Actions: H.R. 1, the American Recovery and Reinvestment Act of 2009
1/21	House Committee on Appropriations reports H.R. 679.
1/22	House Committee on Energy and Commerce and House Committee on Ways and Means report H.R. 629 and H.R. 598.
1/23	Senate Appropriations and Finance Committees unveil their recovery packages.
1/27	Senate Appropriations and Finance Committees report S. 336 and S. 350.
1/26:	Rules Committee Resolution H. Res. 88 reported to House.
1/27:	H. Res. 88 passed House. Agreed to: 224 - 199 (Roll no. 38). General debate of H.R. 1. H. Res. 92 reported to House.
1/28:	<p>Rule H. Res. 92 passed House. General debate of H.R. 1. Pursuant to H. Res. 92, an amendment printed in part A of House Report 111-9, is considered as adopted.</p> <p>Amendments debated. The House adopts amendments en gross. Mr. Lewis (CA) moved to recommit with instructions to Appropriations. Motion failed by recorded vote: 159 - 270 (Roll no. 45).</p> <p>On passage, passed 244 - 188 (Roll no. 46).</p>
1/29:	Received in the Senate.
1/30:	S.Amdt.98 in the nature of a substitute ordered to be printed.
2/2 – 2/6:	Measure laid before Senate by unanimous consent. Considered by Senate.
2/7:	S. Amdt. 570 in the nature of a substitute order to be printed.
2/7 – 2/10:	Considered by Senate.
2/10:	<p>Passed Senate with an amendment. Vote. 61 - 37. Record Vote Number: 61. Senate insists on its amendment, asks for a conference. Appoints conferees: Inouye, Baucus, Reid, Cochran, and Grassley. Message on Senate action sent to the House.</p> <p>Mr. Obey moved that the House disagree to the Senate amendment, and agree to a conference. Debate. Motion agreed to by voice vote.</p> <p>Mr. Lewis (CA) moved that the House instruct conferees. Debate. Motion that the House instruct conferees agreed to: 403 - 0 (Roll no. 54). The Speaker appointed conferees: Obey, Rangel, Waxman, Lewis (CA), and Camp.</p>
2/12:	Conference report H. Rept. 111-16 filed.
2/13:	<p>Rules Committee Resolution H. Res. 168 reported and passed by House. Mr. Obey brought up conference report H. Rept. 111-16 under H. Res. 168. On question of consideration of conference report, agreed to 232 - 195 (Roll no. 68). Debate.</p> <p>Mrs. Miller (MI) moved to recommit with instructions to the conference committee. Failed: 186 - 244 (Roll no. 69). Conference report, agreed to: 246 - 183, 1 Present (Roll no. 70).</p> <p>Conference report considered in Senate. Point of order. Motion to waive the Budget Act, agreed to. 60 - 38. Record Vote Number: 63.</p> <p>Senate agreed to conference report: 60 - 38. Record Vote Number: 64. Message on Senate action sent to the House. Cleared for White House.</p>
2/16:	Presented to President.
2/17:	Signed by President. Became Public Law No: 111-5.

Notes

¹ Jackie Calmes and Jeff Zeleny, “Obama Vows Swift Action on Vast Economic Stimulus Plan,” *The New York Times*, November 23, 2008. <http://www.nytimes.com/2008/11/23/us/politics/23obama.html>.

² In the Senate 60 votes are needed to close off debate. The cloture rule—Rule 22—is the only formal procedure that Senate rules provide for breaking a filibuster, or an attempt to block or delay Senate action on a bill. Under cloture, the Senate may limit consideration of a pending matter to 30 additional hours of debate. http://www.senate.gov/reference/reference_index_subjects/Cloture_vrd.htm.

³ Following a statewide hand recount and state Supreme Court ruling, Al Franken (Democratic-Farmer-Labor) was confirmed as the Senator from Minnesota and sworn in July of 2009.

⁴ Peter Baker, “Bipartisanship Isn’t So Easy, Obama Sees,” *The New York Times*, February 14, 2009, <http://www.nytimes.com/2009/02/14/us/politics/14obama.html>.

⁵ Paul Kane, “Key GOP Senator in Stimulus Deal Is Known for Centrist Approach,” *The Washington Post*, February 12, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/11/AR2009021104078.html>.

⁶ David Rogers, “Stimulus Gut Check: Will Voters Buy It?” *Politico*, February 6, 2009, <http://www.politico.com/news/stories/0209/18570.html>.

⁷ Speaker Nancy Pelosi, “Pelosi: ‘We Are Making Great Progress’ On Economic Recovery Package,” January 13, 2009, <http://speaker.house.gov/newsroom/pressreleases?id+0957>.

⁸ White House Statement of Administration Policy, <http://georgewbush-whitehousearchives.gov/omb/legislative/sap/110-2/saphr7110-h.pdf>.

⁹ See <http://appropriations.house.gov/pdf/FullCMtvotesJan25.pdf> for a record of proposed amendments and roll call votes. For the committee report of the Chairman’s Mark released January 15, see <http://appropriations.house.gov/pdf/RecoveryReport01-15-09.pdf>.

¹⁰ For a summary of the Energy and Commerce Committee’s actions on H.R. 629 during the mark-up session, see http://energycommerce.house.gov/Press_111/20090122/markupaction.pdf. For additional information on the Ways and Means Committee mark-up of H.R. 598, see <http://waysandmeans.house.gov/legis.asp?formmode=item&number=652>.

¹¹ H.R. 1 as introduced was scored at a total cost of \$816 billion over the period of 2009-2019 by the Congressional Budget Office and the Joint Committee on Taxation, see <http://www.cbo.gov/ftpdocs/99xx/doc9968/hr1.pdf>.

¹² For a House Rules Committee summary of amendments submitted for H.R. 1, see http://www.rules.house.gov/amendment_details.aspx?NewsID=4133.

¹³ See http://www.rules.house.gov/bills_details.aspx?NewsID=4128 for the Rules and Committee Reports for H. Res. 88 and H. Res. 92.

¹⁴ Don Wolfensberger, “Debate on Adopting Rules Offers Clues to Majority’s Intentions,” *Roll Call*, Procedural Politics, February 2, 2009, <http://www.rollcall.com>.

¹⁵ See *Congressional Record* H746 to H748, <http://thomas.loc.gov/cgi-bin/query/R?r111:FLD001:H00748>.

¹⁶ For a summary of the Senate Finance Committee recovery package, see <http://www.finance.senate.gov/sitepages/Baucus.htm> Press Releases.

¹⁷ Barbara Sinclair, *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress* (Washington, D.C.: CQ Press, 2007), 87.

¹⁸ Roger H. Davidson, Walter J. Oleszek, Frances E. Lee, *Congress and Its Members* (Washington, D.C.: CQ Press, 2008), 268.

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- ¹⁹ Olympia Snowe, “Snowe Supports Senate Stimulus Package and Engages Senate-House Conference Process,” February 10, 2009, <http://snowe.senate.gov/public/index.cfm?FuseAction=PressRoom.PressReleases&Content...>
- ²⁰ Emily Pierce, “Stimulus Totters Home: Party Differences Mar Bill From Start to Finish,” *Roll Call*, Vol.54, No. 88, February 12, 2009, http://www.rollcall.com/issues/54_88/news/32335-1.html.
- ²¹ Ibid.
- ²² Joseph J. Schatz and David Clarke, “Congress Clears Stimulus Package,” *CQ Weekly*, Economic Affairs, February 16, 2009, p. 352. <http://library.cqpress.com/cqweekly/weeklyreport111-000003052482>.
- ²³ Ibid.
- ²⁴ Davidson et al, 268-69.
- ²⁵ Joseph J. Schatz and David Clarke, “Congress Clears Stimulus Package,” *CQ Weekly*, Economic Affairs, February 16, 2009, p. 356.
- ²⁶ Joseph J. Schatz and Paul M. Krawzak. “Vote Timing Uncertain as Conferees Work to File Stimulus Report,” *CQ Politics*, February 12, 2009, http://news.yahoo.com/s/cq/20090212/pl_cq_politics/politics3030768.
- ²⁷ David M. Herszenhorn, “Stimulus Plan Ensures Boom Sector: Oversight,” *The New York Times*, February 20, 2009, <http://www.nytimes.com/2009/02/20/us/politics/20stimulus.html>.
- ²⁸ Tory Newmyer. “Democrats Launch Stimulus Road Show,” *Roll Call*, March 5, 2009, http://www.rollcall.com/issues/54_97/news/32884-1.html.
- ²⁹ The White House Office of the Press Secretary. “Presidential Executive Order Establishing the President’s Economic Recovery Advisory Board.” February 6, 2009, http://www.whitehouse.gov/the_press_office/PresidentialExecutiveOrderEstablishingthePr...
- ³⁰ The White House Office of the Press Secretary. “Vice President Biden to Oversee the Administration’s Implementation of the Recovery Act’s Provisions.” February 23, 2009, http://www.whitehouse.gov/the_press_office/Vice-President-Biden-to-Oversee-the-Admin...
- ³¹ OMB Watch, “Stimulus Becomes Law; Implementation Begins,” February 24, 2009, <http://wwwombwatch.org/print/9725>.
- ³² Darlene Superville, “Obama to States: Spend Stimulus Wisely--Or Else,” *Associated Press/The Washington Post*, March 12, 2009, 4:38 p.m. http://www.washingtonpost.com/wp-dyn/content/article/2009/03/12/AR2009031200147_p...
- ³³ Robert Pear and J. David Goodman, “Governors’ Fight Over Stimulus May Define G.O.P.,” *The New York Times*, February 23, 2009, <http://www.nytimes.com/2009/02/23/us/politics/23governors.html>.
- ³⁴ Alec MacGillis, “Stimulus Aid Being Doled Out, Slowly: Meeting Guidelines is Taking Time,” *The Washington Post*, April 10, 2009, A01. http://www.washingtonpost.com/wp-dyn/content/article/2009/04/09/AR2009040904545_p...
- ³⁵ Ibid.
- ³⁶ Colby Itkowitz, “Weak Economy Helps Stimulus Dollars Go Longer Way,” *CQ Today Online*, April 13, 2009, 1:43 p.m., <http://www.cq.com>.
- ³⁷ General Accountability Office, “As Initial Implementation Unfolds in States and Localities, Continued Attention to Accountability Issues Is Essential,” GAO-09-580, April 2009, <http://www.gao.gov/products/GAO-09-580>.
- ³⁸ Brett J. Blackledge, “Biden: States To Use Recovery Money To Manage Aid,” *Associated Press/The Seattle Times*, April 23, 2009, <http://seattletimes.nwsourc.com>.

³⁹ David M. Drucker, “GOP Charges Bill Will Make States Dependent on Federal Money,” *Roll Call*, April 23, 2009, 3:44 p.m., <http://www.rollcall.com/news/34238-1.html>.

⁴⁰ Alan K. Ota, “A Renewed Search for Bipartisanship,” *CQ Today Online*, March 16, 2009, 7:46 p.m., <http://www.cq.com>.

⁴¹ Kathleen Hunter and Bart Jansen, “Specter Switches Parties in Preparation for 2010 Campaign,” *CQ Today Online*, April 28, 2009, updated 3:59 p.m., <http://www.cq.com>.

⁴² <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:h.r.00001>.

Bibliography

- Allen, Jared. "House Dems eyeing another stimulus bill," *The Hill*, March 10, 2009.
<http://thehill.com/leading-the-news/house-dems-eyeing-another-stimulus-bill-2009-03-10.html>.
- Associated Press. "Stimulus bill far from perfect: Despite cuts president urges lawmakers to act with urgency," February 7, 2009.
<http://www.msnbc.msn.com/id/29050187/>.
- Baker, Peter. "Bipartisanship Isn't So Easy, Obama Sees," *The New York Times*, February 14, 2009.
<http://www.nytimes.com/2009/02/14/us/politics/14obama.html>.
- Binder, Sarah A., Thomas E. Mann, Norman J. Ornstein and Molly Reynolds. *Mending the Broken Branch: Assessing the 110th Congress, Anticipating the 111th*. Brookings Institution Governance Studies Program, Vol. 3, January 2009.
http://www.brookings.edu/papers/2009/0108_broken_branch_binder_mann.aspx.
- Binder, Sarah A. and Steven S. Smith. *Politics Or Principle? Filibustering in the United States Senate*. Washington, D.C.: Brookings Institution Press, 1997.
- Blackledge, Brett J. "Biden: States to use recovery money to manage aid," *Associated Press/The Seattle Times*, April 23, 2009. <http://seattletimes.nwsourc.com>.
- Calmes, Jackie and Jeff Zeleny. "Obama Vows Swift Action on Vast Economic Stimulus Plan," *The New York Times*, November 23, 2008.
<http://www.nytimes.com/2008/11/23/us/politics/23obama.html>.
- Collins, Susan. Press Release: Oversight Hearing Planned on Stimulus Funding, February 17, 2009. <http://collins.senate.gov/>.
- Collins, Susan. Press Release: Senators Collins and Nelson Negotiate Bipartisan Economic Stimulus Agreement, February 6, 2009. <http://collins.senate.gov/>.
- Congressional Budget Office. CBO Cost Estimate of H.R. 1, the American Reinvestment and Recovery Act of 2009, as introduced January 26, 2009.
<http://www.cbo.gov/ftpdocs/99xx/doc9968/hr1.pdf>.
- Davidson, Roger H., Walter J. Oleszek, Frances E. Lee. *Congress and Its Members*. Washington, D.C.: CQ Press, 2008.
- Drucker, David. "Stimulus Conferees Adjourn, Proclaim Deal Done," *Roll Call*, February 11, 2009, 7:12 p.m. <http://www.rollcall.com/news/32313-1.html>.
- "GOP Charges Stimulus Bill Makes States Dependent on Federal Money," *Roll Call*, April 23, 2009, 3:44 p.m. <http://www.rollcall.com/news/34238-1.html>.
- Herszenhorn, David M. "Economic recovery bill Gets Final Approval," *The New York Times*, February 14, 2009.
<http://www.nytimes.com/2009/02/14/us/politics/14web-stim.html>.

- “Stimulus Plan Ensures Boom Sector: Oversight,” *The New York Times*, February 20, 2009.
<http://www.nytimes.com/2009/02/20/us/politics/20stimulus.html>.
- House Committee on Appropriations. <http://appropriations.house.gov/>.
- House Committee on Energy and Commerce. <http://energycommerce.house.gov/>.
- House Committee on Ways and Means. <http://waysandmeans.house.gov/>.
- Hoyer, Steny. News from the House Majority Leader: Hoyer Speaks on Bipartisanship, Regular Order at Georgetown University’s Transition Conference, February 12, 2009.
<http://democraticleader.house.gov/media/statements.cfm?pressReleaseID=2794>.
- Hulse, Carl. “Frustrated G.O.P. Tries to Drive Wedge Between Obama and Pelosi,” *The New York Times*, March 1, 2009.
<http://www.nytimes.com/2009/03/01/us/politics/28web-hulse.html>.
- Hunter, Kathleen and Bart Jansen. “Specter Switches Parties in Preparation for 2010 Campaign,” *CQ Today Online*, April 28, 2009, updated 3:59 p.m.
<http://www.cq.com>.
- Itkowitz, Colby. “Weak Economy Helps Stimulus Dollars Go Longer Way,” *CQ Today Online*, April 13, 2009. <http://www.cq.com/>.
- Galston, William A. “Congress and Administration Reach Deal on Economic Stimulus Plan,” The Brookings Institution, February 12, 2009.
http://www.brookings.edu/opinions/2009/0212_stimulus_galston.aspx.
- General Accountability Office. “As Initial Implementation Unfolds in States and Localities, Continued Attention to Accountability Issues Is Essential,” GAO-09-580, April 2009. <http://www.gao.gov/products/GAO-09-580>.
- Kane, Paul. “Key GOP Senator in Stimulus Deal Is Known for Centrist Approach,” *The Washington Post*, February 12, 2009, A08. <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/11/AR2009021104078.html>.
- Krawzak, Paul M. and Joseph J. Schatz. “Senate Clears Stimulus Package Without a Vote to Spare,” *CQ Today Online*, February 15, 2009. <http://www.cq.com>.
- Lightman, David. “GAO: States worried about tracking funds,” *McClatchy Newspapers/The Philadelphia Inquirer*, April 24, 2009.
http://www.philly.com/inquirer/world_us/20090424_GAO_States_worried_about_tracking_funds.html.
- MacGillis, Alec. “Stimulus Aid Being Doled Out, Slowly,” *The Washington Post*, April 10, 2009, A01. <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/09/AR2009040904545.html?nav=hcmodule>.
- Montgomery, Lori and Amit R. Paley. “Democrats Back Shortcut on Budget: As GOP Blasts Tactic, Obama Welcomes Fight on Health and Education Initiatives,” *The*

- Washington Post*, April 25, 2009. http://www.washingtonpost.com/wp-dyn/content/article/2009/04/24/AR2009042403611_p...
- Nelson, Ben. Press Release: Nelson Statement on Senate Passage of American Recovery and Reinvestment Act," February 10, 2009. <http://bennelson.senate.gov/news/details.cfm?id=308058&&>.
- Press Release: Senators Nelson and Collins Negotiate Bipartisan Economic Stimulus Agreement," February 7, 2009. <http://bennelson.senate.gov/news/details.cfm?id=307919&&>.
- Newmyer, Tory. "Democrats Launch Stimulus Road Show," *Roll Call*, March 5, 2009. http://www.rollcall.com/issues/54_97/news/32884-1.html.
- O'Connor, Patrick and John Bresnahan. "Hoyer to Pelosi: Stand up to Senate," *Politico*, February 17, 2009. <http://www.politico.com/news/stories/0209/18925.html>.
- OMB Watch, "Stimulus Becomes Law; Implementation Begins," February 24, 2009. <http://www.ombwatch.org/node/9725>.
- Ota, Alan. "A Renewed Search for Bipartisanship," *CQ Today Online*, March 16, 2009. <http://www.cq.com>.
- Pierce, Emily. "Conferees Strike Deal on Stimulus," *Roll Call*, February 11, 2009, 12:55 p.m. <http://www.rollcall.com/news/32283-1.html>.
- "Stimulus Totters Home: Party Differences Mar Bill From Start to Finish," *Roll Call*, February 12, 2009. http://www.rollcall.com/issues/54_88/news/32335-1.html.
- "Reid Reopens Senate Debate," *Roll Call*, March 12, 2009. http://www.rollcall.com/issues/54_94/news/32740-1.html.
- Richert, Catharine. "Senate Moderates' Primary Concerns," *CQ Weekly Online*, February 23, 2009, 392-393. <http://library.cqpress.com/cqweekly/weeklyreport111-000003058038>.
- Rogers, David. "Stimulus gut check: Will voters buy it," *Politico*, February 8, 2009. <http://www.politico.com/news/stories/0209/18570.html>.
- Schatz, Joseph J. and Paul M. Krawzak. "Vote Timing Uncertain as Conferees Work to File Stimulus Report," *CQ Politics*, February 12, 2009, 6:14 p.m. http://news.yahoo.com/s/cq/20090212/pl_cq_politics/politics3030768.
- Schatz, Joseph J. and David Clarke. "Congress Clears Stimulus Package," *CQ Weekly Online*, Economic Affairs, February 16, 2009, 352-356. <http://library.cqpress.com/cqweekly/weeklyreport111-000003052482>.
- Senate Committee on Appropriations. <http://appropriations.senate.gov/news/>.
- Senate Committee on Finance. <http://finance.senate.gov/sitepages/baucus.htm>.
- Silvassy, Kathleen. "Partisans Still Squabbling Over Stimulus," *CQ Today Online*, February 15, 2009. <http://www.cq.com>.

- Sinclair, Barbara. *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress*. Washington, D.C.: CQ Press, 2007.
- Senate Majority Leader Harry Reid. Statement on Progress of Economic Recovery Act, February 9, 2009.
<http://democrats.senate.gov/newsroom/record.cfm?id=311120&>.
- Snowe, Olympia. Press Release: Snowe Supports Senate Stimulus Package and Engages Senate-House Conference Process, February 10, 2009.
<http://snowe.senate.gov/public/>.
- Speaker Nancy Pelosi. "Pelosi: Today, We Have Passed Legislation That Takes 'Swift, Bold Action' on Behalf of the American People," February 13, 2009.
<http://speaker.house.gov/newsroom/pressreleases?id=1008>.
- "Pelosi: 'We Are Making Great Progress' On Economic Recovery Package," January 13, 2009. <http://speaker.house.gov/newsroom/pressreleases?id=0957>.
- Superville, Darlene. "Obama to states: Spend stimulus wisely_or else," *The Associated Press/The Washington Post*, March 12, 2009.
http://www.washingtonpost.com/wp-dyn/content/article/2009/03/12/AR2009031200147_p...
- The White House, Office of the Press Secretary, Presidential Executive Order Establishing the President's Economic Recovery Advisory Board, February 6, 2009.
http://www.whitehouse.gov/the_press_office/PresidentialExecutiveOrderEstablishingthePr...
- Statement on Recovery and Reinvestment Act Agreement, February 11, 2009.
http://www.whitehouse.gov/the_press_office/StatementonRecoveryandReinvestmentActA...
- Vice President Biden to Oversee the Administration's Implementation of the Recovery Act's Provisions, February 23, 2009.
http://www.whitehouse.gov/the_press_office/Vice-President-Biden-to-Oversee-the-Admin...
- Wayne, Alex. "Key Players on Health Care Deeply Entwined in Partisan Budget Bickering," *CQ Today*, April 27, 2009, 5:14 p.m. <http://www.cq.com>.
- Wolfensberger, Don. Procedural Politics: Debate on Adopting Rules Offers Clues to Majority's Intentions," *Roll Call*, February 2, 2009.
http://www.rollcall.com/issues/54_81/procedural_politics/31897-1.html.