

American Recovery and Reinvestment Act: Bipartisan, Open and Transparent Legislative Process

This week, the House will consider the American Recovery and Reinvestment Act to create and save 3 to 4 million jobs over the next two years, get our economy moving again, and transform it for the long-term. After the 2.6 million job loss just in the last year of President Bush's watch, the need for action is urgent. Simply following the same economic approach as President Bush will not work—but where new ideas are put forward, bipartisan input is critical.

The process to craft this critical legislation has been far more open, inclusive, and transparent than has often been past practice.

Extensive Committee Markups/Full Debate: Despite the urgency of completing action on this bill, the Congress marked-up this bill in three committees last week for a total of 24 hours (Appropriations 6 hours; Ways and Means 6 hours; Energy and Commerce 12 hours). Additionally, committees have held many hours of hearings since last September on economic recovery prior to this specific bill. The full House is debating the measure -- including rules, the bill, and amendments -- for more than 8 hours. The Senate Committees are marked up the legislation yesterday.

Many Republican Amendments: At these markups, more than 100 amendments were offered, 80 from Republicans. A total of 13 Republican amendments were accepted and incorporated into the legislation in committee, with 10 in the final bill going to the floor. In the Appropriations Committee, 24 amendments were offered, including 18 from Republicans – one-third of which (6) were adopted or accepted. In the Ways and Means Committee, 22 amendments were offered include 19 from the GOP – 1 of which was accepted. In the Energy and Commerce Committee, 57 amendments were offered, 43 by Republicans – 6 of which were adopted and incorporated into the bill as reported (3 of which remain in the final bill).

Public Disclosure/Posted Online: The final bill—with bipartisan amendments--was posted online Friday, January 23 – 3 days before Rules Committee review and 4 days before debate on the bill began on the Floor of the House of Representatives. Additionally, as each committee prepared for its markup, it posted a draft of the bill days before (Appropriations 5 days; Ways and Means, 6 days; Energy and Commerce 6 days) so that the American public could read the bill and all Members could actively and effectively participate in the markup.

Republican Floor Amendments: Republicans will be able to offer a full substitute to the American Recovery and Reinvestment Act, as well as three amendments and one bipartisan amendment on the Floor. This has rarely been done in the past, particularly with tax measures.

Original Draft Incorporated Bipartisan/Republican Ideas: The original draft of the Recovery legislation already incorporated key components supported by Republican Members, including:

- Business-friendly Tax Incentives, that represent the top three priorities of House Republicans in bipartisan negotiations over last year's stimulus bill with a combined cost of \$20 billion over 10 years:
 - bonus depreciation to spur business investment by businesses, large and small, all across America;

- a Net Operating Losses provision allowing businesses to write off current losses against a longer period of past profits, to get cash flowing immediately to businesses during this credit crunch;
 - extending small business expensing, which doubles of the amount that small businesses can immediately write off on their taxes for capital investments and for purchase of new equipment in 2009.
- **No Earmarks:** Democrats, Republicans and President Obama agreed that this legislation will not contain any earmarked project requested by a specific Member, and it does not.
 - **Strong Accountability Measures:** Members of both parties have called for strict accountability in how taxpayer funds are invested in tax cuts, job creation, or vital services. This legislation has unprecedented levels of accountability, oversight, and transparency, including a dedicated website, **recovery.gov**, which will allow citizens to track every penny and hold federal, state, and local officials accountable for performance.

Major legislation in past Congresses has often been handled quite differently. Some examples include:

2003 Bush Tax Cuts: The House Ways and Means Committee acted on President Bush's tax cuts on May 6th. Two days later, the Rules Committee met in emergency session at 9:00 p.m. and reported a closed rule, waiving all points of order against the bill. There were no offsets included to pay for this bill, estimated to cost taxpayers \$550 billion over three years. The bill was quickly rammed through the House, with only 1 hour of debate and no amendments permitted -- even though 15 Democratic amendments were submitted, including more at the committee level.

2003 Pension Bill: The Democratic Minority protested the lack of advance notice of a markup of a bipartisan pension bill that was dramatically rewritten the night before by calling for the reading of the bill, and leaving the committee en masse to the committee library nearby. In response, Ways and Means Chairman Bill Thomas (R-Calif.) called the Capitol Police to evict the Democrats from the library and took away the minority's ability to delay by dispensing with the reading of the bill -- gaveling down the hearing before Rep. Pete Stark (D-Calif.) could speak.

2004 Corporate Tax Bill: The Ways and Means Committee reported H.R. 4520, FSC/ETI Tax bill, and the Rules Committee met at 7 a.m. the next morning so the bill could be considered by the full Congress less than 24 hours after committee action. The bill was sped through the House, with only 1 hour of debate and no amendments permitted to be offered (except for a manager's amendment). Twenty-one amendments had been requested by the Democratic minority, and even more at the committee level.