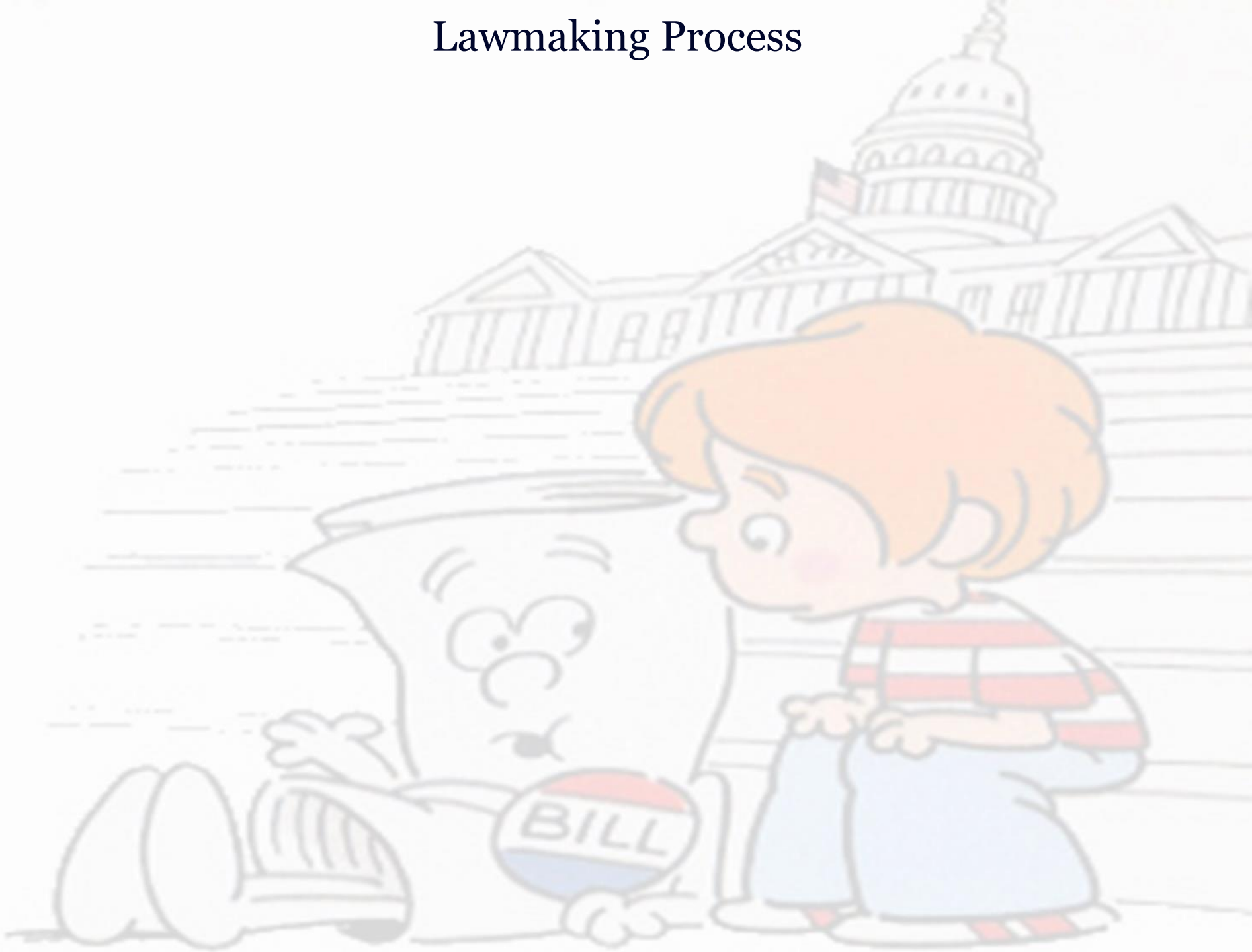
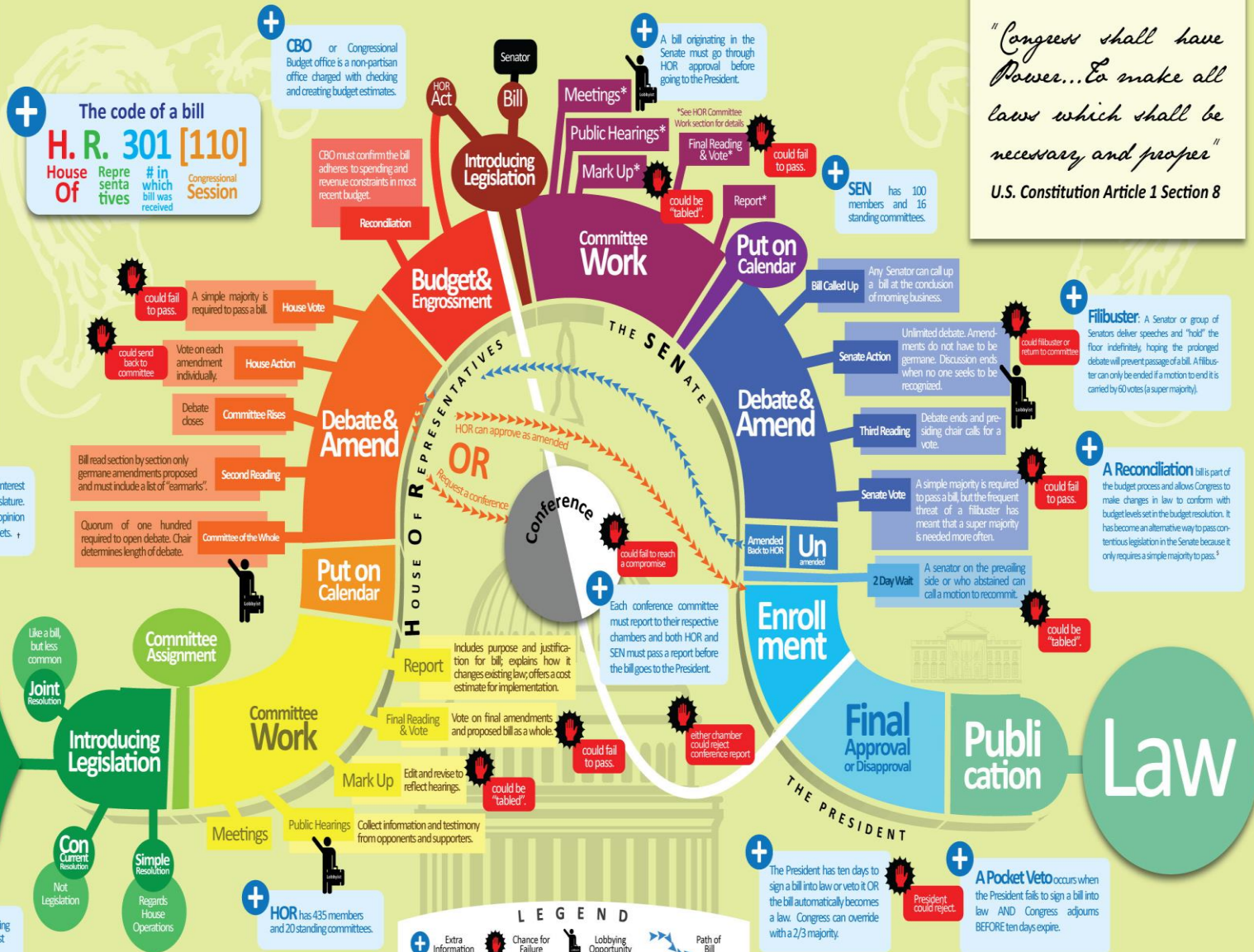


# Lawmaking Process



# HOW OUR LAWS ARE MADE



**Representative**

**A State Legislature**

**The People**

**Executive Branch**

**Bill**

**Like a bill, but less common**

**Joint Resolution**

**Introducing Legislation**

**Con Current Resolution**

**Simple Resolution**

**Not Legislation**

**Regards House Operations**

**All legislation involving appropriations must originate in HOR.**

**Lobbyist**

**A Lobbyist is an activist paid by an interest group to promote their position in the legislature. He/She can also work to change public opinion through advertising and other media outlets.**

**House of Representatives**

**Repeals**

**House Bill**

**House Resolution**

**House Concurrent Resolution**

**House Simple Resolution**

**House Joint Resolution**

**House Amendment**

**House Conference**

**House Conference Report**

**House Conference Committee**

**House Conference Committee Report**

**House Conference Committee Meeting**

**House Conference Committee Public Hearing**

**House Conference Committee Mark Up**

**House Conference Committee Final Reading & Vote**

**House Conference Committee Report**

**House Conference Committee Put on Calendar**

**House Conference Committee Debate & Amend**

**House Conference Committee Senate Action**

**House Conference Committee Senate Vote**

**House Conference Committee Enrollment**

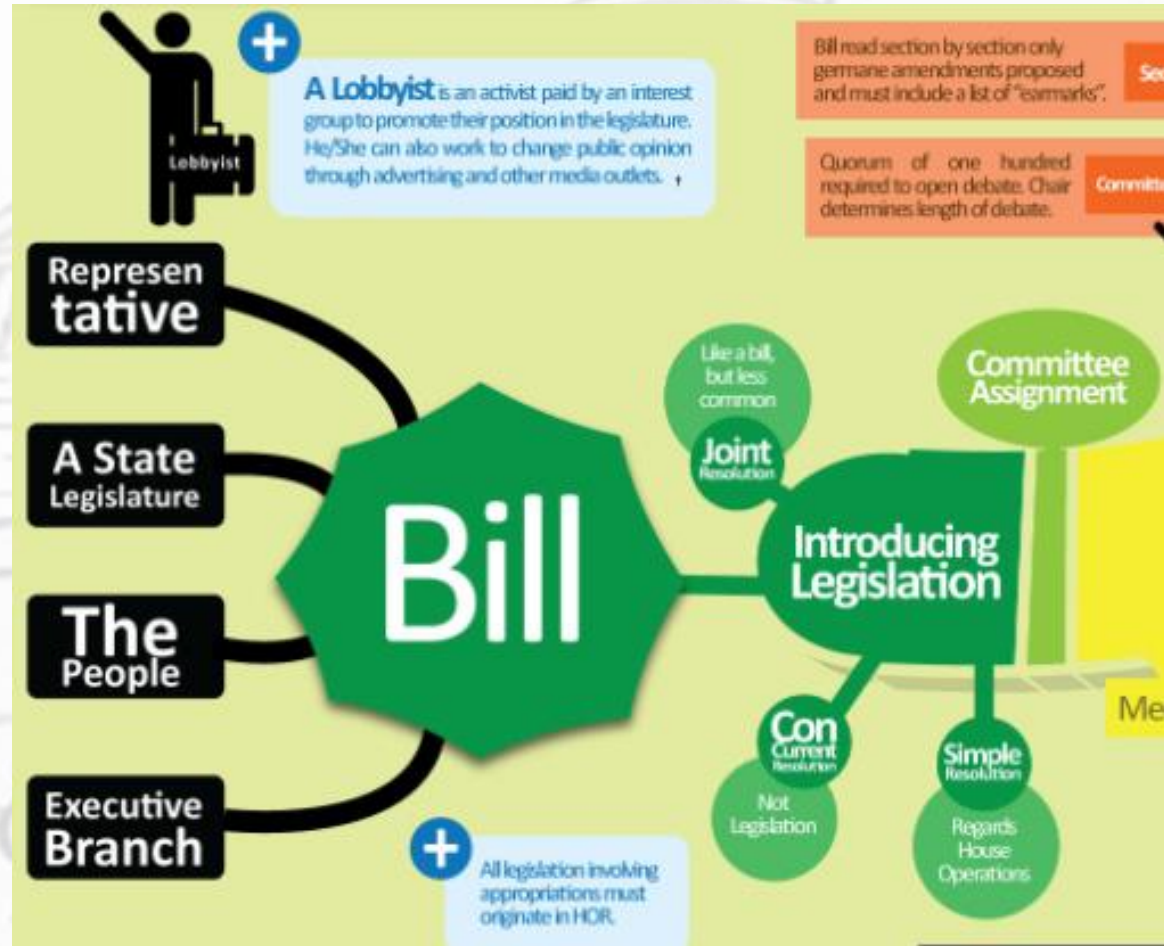
**House Conference Committee Final Approval or Disapproval**

**House Conference Committee Publication**

**House Conference Committee Law**

# The “Traditional Process” of Passing a Bill into Law

- Any bill starts as an idea of an individual citizen, a president, an interest group, or an agenda item of a political party
- It needs to be sponsored by a member of Congress who drafts it for introduction
- The person or persons who introduce a bill are the sponsors; any member of the same body (House or Senate) can add his or her name as a cosponsor after the day of introduction





# Bills vs. Resolutions

## Types of Bills

1. Private bills: deal with people's claims against the government (e.g., armed service decoration issues, veterans' benefit issues, immigration issues)
2. Public bills: of national impact to citizens and involve generic matters (e.g., taxes, healthcare, national security)
3. Appropriations bill: authorizes spending of federal revenue

**FIVE FACTS ON**


## APPROPRIATION BILLS

- 

1 This year Congress extended the appropriations deadline to December 11.


- 

2 Congress is supposed to follow an annual procedure for passing appropriation bills.


- 

3 Since appropriation bills are rarely passed on time, Congress regularly uses continuing resolutions.
- 

4 If congress and the president cannot reach agreement on appropriations or a CR by December 11, the federal government will shut down.
- 

5 Members of Congress have recently held up appropriations to address other policy priorities, since the federal government cannot function without them.

NO LABELS

# Resolutions

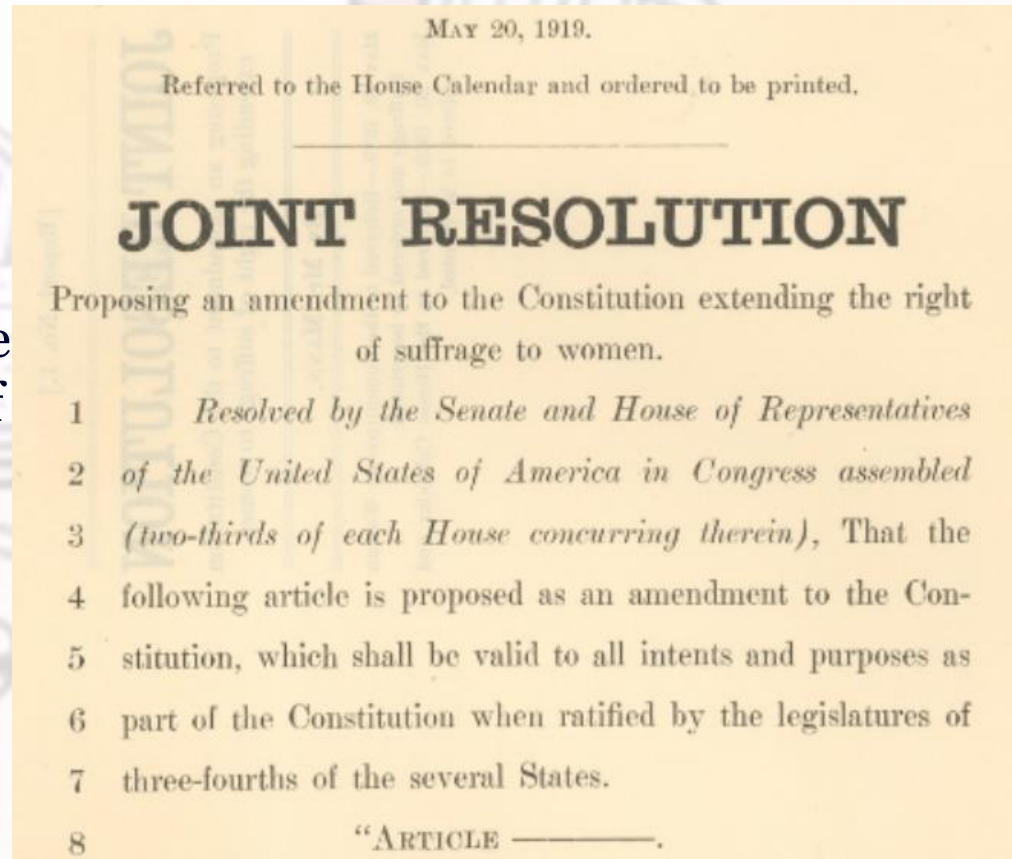
Measure relating to the business of either house or expressing an opinion on a matter

1. Joint resolutions: deal with temporary or unusual matters, also used to propose Constitutional Amendments, or authorize the use of force in another country (in some cases, these require the signature of the president)

These have the force of law when passed

2. Concurrent resolutions: deal with concerns of both houses and does not require the signature of the president

These do not have the force of law when passed



## Becoming a Bill

- The bill must be put into draft form, then given a title and a number (Hopper: box that House members put bills into to be considered on the floor)  
e.g., S.1, H.R.1 if the first bill introduced in that session of that term of Congress
- Must be introduced to the house of Congress it started in
- Bills must pass both houses of Congress in exactly the same form



### The code of a bill

**H. R. 301 [110]**

**House Of** **Repre** **# in** **Congressional**  
**Of** **senta** **which** **Session**  
**tives** **bill**  
**was**  
**received**



# Committee Work

-The bill is then assigned to the standing committee that is related to the subject of the bill

Standing committees have “life-and-death power” over bills

Committee has **5** options:

1. Pass it through sending it on to the next phase
2. Mark it up with changes and suggest it pass in its new form
3. Replace the original bill with a new bill
4. Kill the bill with an outright majority vote
5. “Pigeonhole” the bill (tabling the bill and letting it die in committee)



# Subcommittee

The bill is then referred to the bill's subcommittee for hearings and revisions to be studied further

-Public hearings are held at this point to allow public comments and information to be given to legislative committees

“Mark Up”: the subcommittee may decide to recommend a bill back to the full committee for approval, BUT they can also make changes or amendments to it; if the subcommittee votes not to report a bill to the full committee, the bill dies there

-After the mark up process, they make a decision with the same options as the standing committee does (see page)



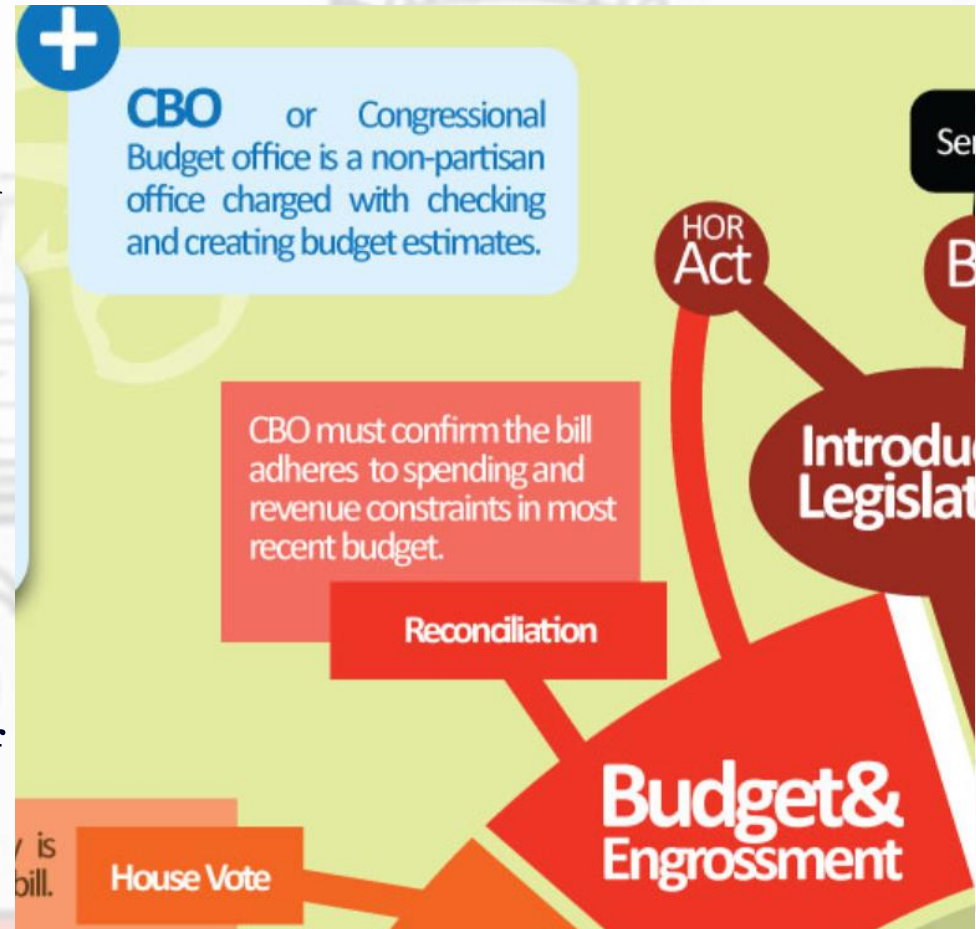


-Once it's back to the full committee to be reviewed for any changes, the committee debates and then votes on its presentation of the bill to the full House or Senate

This is called "ordering the bill to be reported"

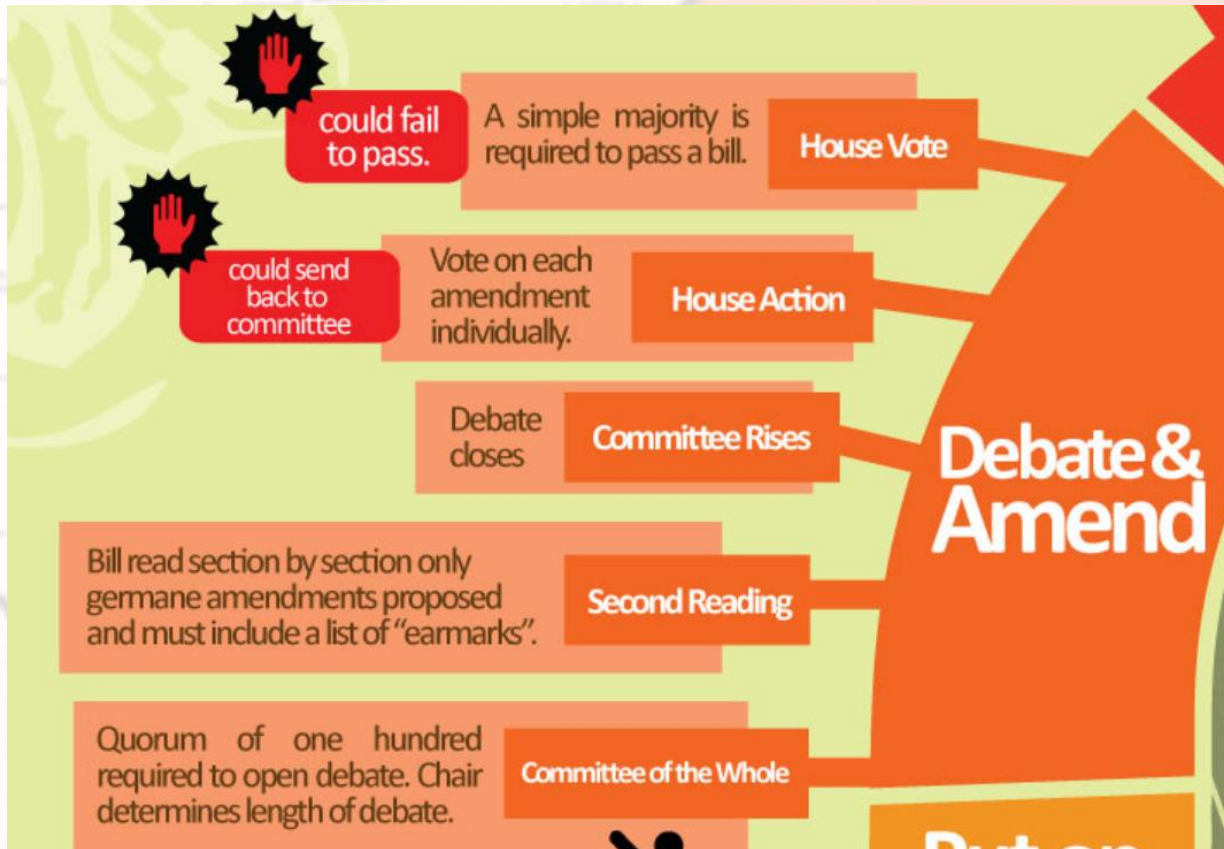
### Tactics of Lawmakers:

- Logrolling: practice of exchanging favors by reciprocal voting for proposed legislation
- Pork-barrel projects: appropriation of government funding for local projects secured solely or primarily to bring money to a representative's district (also known as "earmarking" and was prohibited in 2010)



# Read on Floor

- Bill is read to the full House or Senate (wherever it started) for the first time
- Party leaders try to schedule time for the bill to be debated in advance so members can research the merits of the bill
- Riders: unrelated amendments tacked onto a bill so they pass through with the bill; those who attach these riders are often passing something in favor of their constituents and using the already “along the way” bill for convenience



# Debate

- Time is limited in debates in the House
- Each party is given equal opportunity to speak about the bill
- Senate has no time limits on their debate because they are smaller and have less rules

Senate filibuster: if a senator opposes a bill, they can speak in front of the Senate for as long as they do not yield the floor

This is done to avoid the bill being voted on and hoping it will kill the bill by talking it to death

Can only be ended through a vote of cloture:  $3/5^{\text{th}}$  vote (60 Senators) to end discussion of the bill



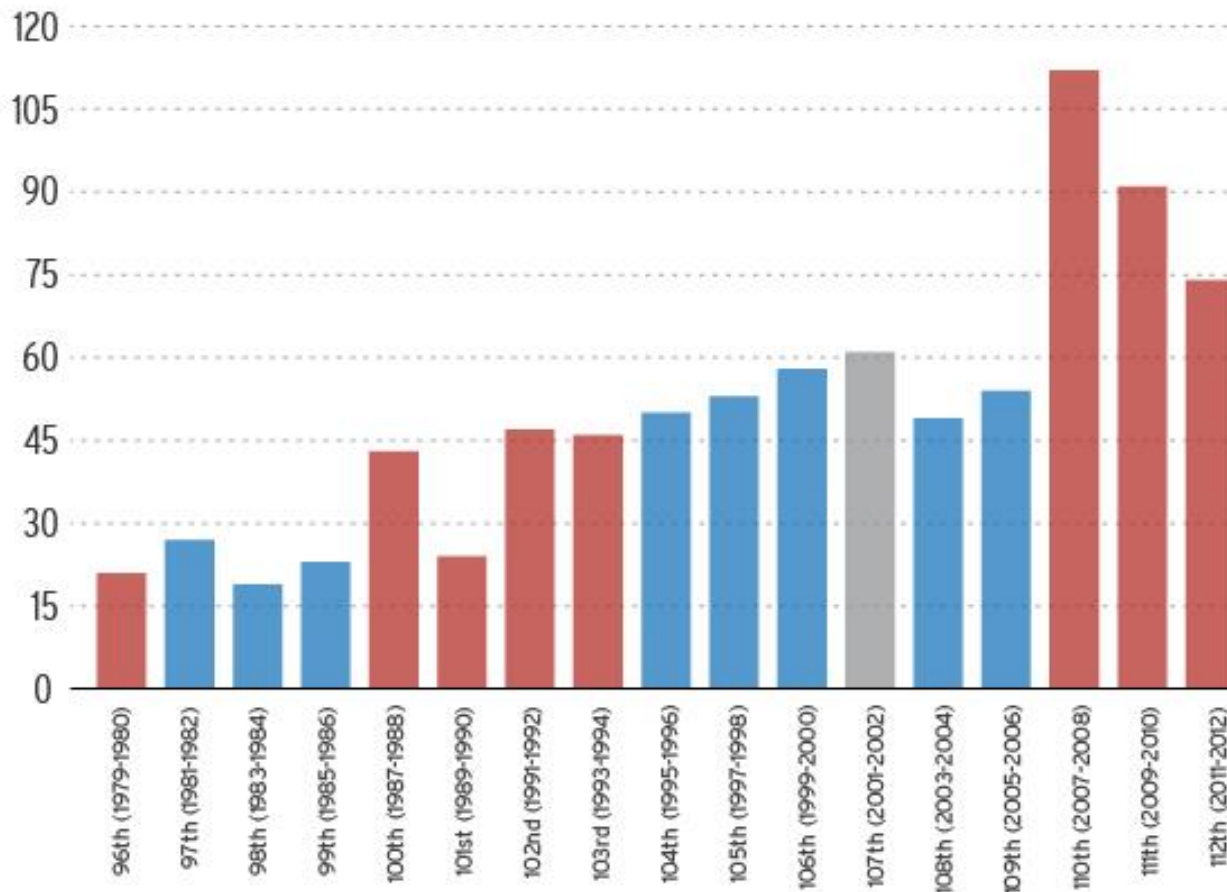


# Attempted Senate cloture votes, 96th - 112th Congress (1979 - 2012)

Bars are colored according to the **minority party** - blue for Democrats, red for Republicans

Avg. cloture votes when **REPUBLICANS** are in minority: **57.25**

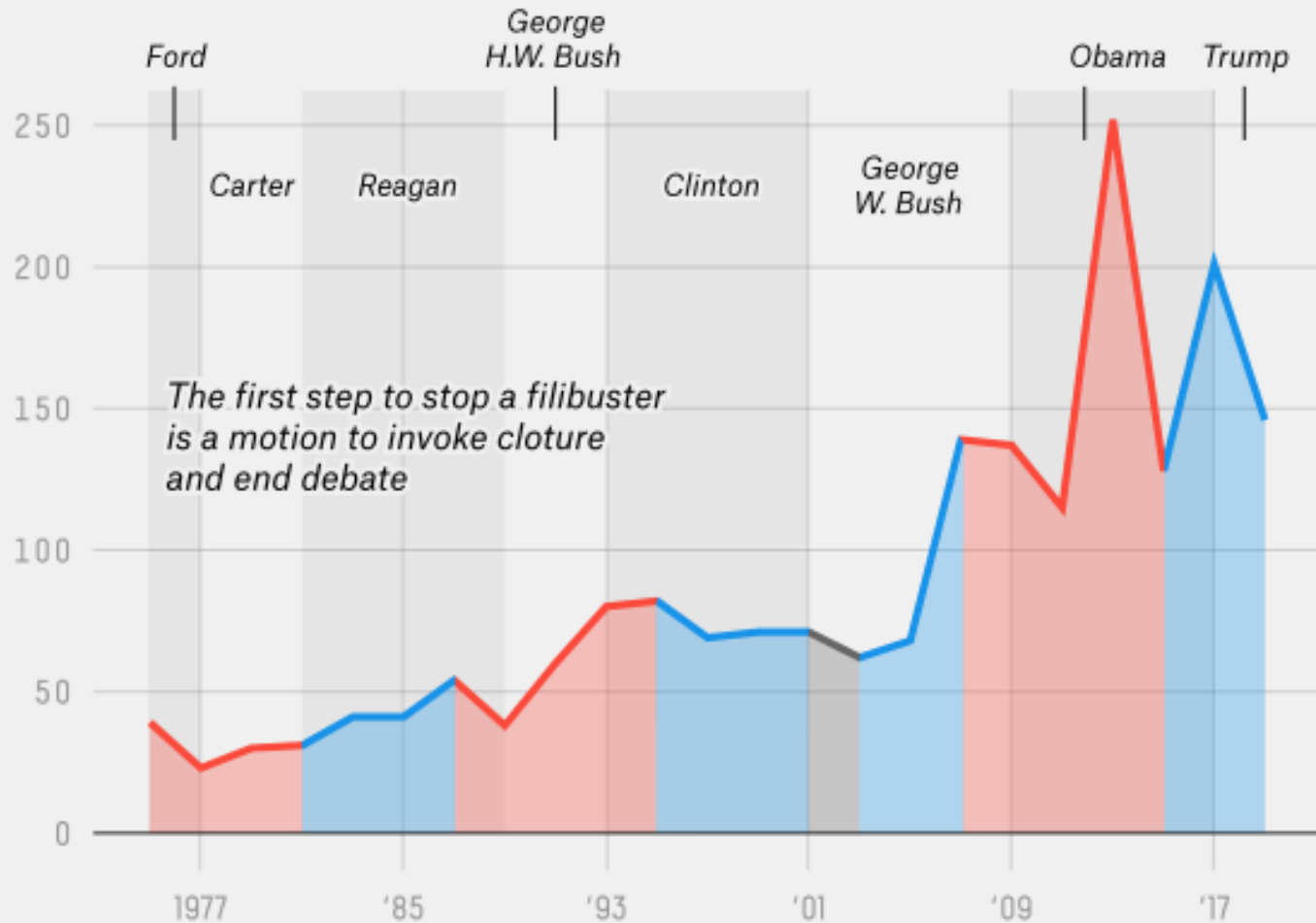
Avg. cloture votes when **DEMOCRATS** are in minority: **41.63**



# The use of filibusters accelerated during Obama's terms

Number of motions filed to invoke cloture, by congressional session

**MINORITY PARTY:** ■ DEMOCRATIC ■ REPUBLICAN ■ DIVIDED



Due to the nature of Senate procedure, the number of cloture motions doesn't correspond perfectly to the number of filibusters. The Senate was "divided" from 2001-03 because Republicans and Democrats both held the majority for some period of time.

# Voting

-After floor debate a vote is scheduled

## Types of votes

1. Voice vote: “yea” or “nay” (how the Senate votes)
2. Roll-call: each legislator is called out and a vote recorded (mostly done electronically today and is how the House votes)

-After a bill is passed by either the House or Senate, it is then referred to the other chamber where it will go through similar committee and floor actions (except when the other chamber is already considering its own similar legislation) →





# Senate Differences in Debate



If there are significant differences between versions of a bill passed in both houses, a bicameral conference committee attempts to reconcile the differences between House and Senate versions - the two houses must approve identical versions

-Conference Committee: special committee made up of legislators from the House and Senate who try to work out differences in bill that passed both houses in different forms

-A report with the committee members' requests for changes is given to both the House and Senate for approval; if they do not agree on approval, the bill "dies"



# Actions by the President

## Actions:

1. Sign it into law

2. Do nothing

A. If Congress is still in session → it defaults to law in 10 days

B. The president does not sign a bill knowing the Congressional session is ending → after ten days the bills dies rather than becoming law (known as a Pocket Veto)

3. Veto: refuse to sign (can come with an explanation); can be overridden with a 2/3rds majority of both houses

William McKinley (1897-1901)	57-55	6	36	42	0
Grover Cleveland (1893-1897)	54-53	42	128	170	5
Benjamin Harrison (1889-1893)	52-51	19	25	44	1
Grover Cleveland (1885-1889)	50-49	304	110	414	2
Chester A. Arthur (1881-1885)	48-47	4	8	12	1
James A. Garfield (1881)	47	0	0	0	0
Rutherford B. Hayes (1877-1881)	46-45	12	1	13	1
Ulysses S. Grant (1869-1877) <sup>3</sup>	44-41	45	48	93	4
Andrew Johnson (1865-1869)	40-39	21	8	29	15
Abraham Lincoln (1861-1865)	39-37	2	5	7	0
James Buchanan (1857-1861)	36-35	4	3	7	0
Franklin Pierce (1853-1857)	34-33	9	0	9	5
Millard Fillmore (1850-1853)	32-31	0	0	0	0
Zachary Taylor (1849-1850)	31	0	0	0	0
James K. Polk (1845-1849)	30-29	2	1	3	0
John Tyler (1841-1845)	28-27	6	4	10	1
William H. Harrison (1841)	27	0	0	0	0
Martin Van Buren (1837-1841)	26, 25	0	1	1	0
Andrew Jackson (1829-1837)	24-21	5	7	12	0
John Q. Adams (1825-1829)	20-19	0	0	0	0
James Monroe (1817-1825)	18-15	1	0	1	0
James Madison (1809-1817)	14-11	5	2	7	0
Thomas Jefferson (1801-1809)	10-7	0	0	0	0
John Adams (1797-1801)	6-5	0	0	0	0
George Washington (1789-1797)	4-1	2	0	2	0
Total <sup>4</sup>		1518	1066	2584	112

President (Years)	Coinciding Congresses	Veto			
		Regular	Pocket	Total	Overridden
Donald J. Trump (2017-2021)	115-116	10	0	10	1
Barack Obama (2009-2017)	114-111	12	0	12	1
George W. Bush (2001-2009)	110-107	12	0	12	4
William J. Clinton (1993-2001)	106-103	36	1	37	2
George H. W. Bush (1989-1993) <sup>1</sup>	102-101	29	15	44	1
Ronald Reagan (1981-1989) <sup>2</sup>	100-97	39	39	78	9
Jimmy Carter (1977-1981)	96-95	13	18	31	2
Gerald R. Ford (1974-1977)	94-93	48	18	66	12
Richard M. Nixon (1969-1974)	93-91	26	17	43	7
Lyndon B. Johnson (1963-1969)	90-88	16	14	30	0
John F. Kennedy (1961-1963)	88-87	12	9	21	0
Dwight D. Eisenhower (1953-1961)	86-83	73	108	181	2
Harry S. Truman (1945-53)	82-79	180	70	250	12
Franklin D. Roosevelt (1933-1945)	79-73	372	263	635	9
Herbert Hoover (1929-1933)	72-71	21	16	37	3
Calvin Coolidge (1923-1929)	70-68	20	30	50	4
Warren G. Harding (1921-1923)	67	5	1	6	0
Woodrow Wilson (1913-1921)	66-63	33	11	44	6
William H. Taft (1909-1913)	62-61	30	9	39	1
Theodore Roosevelt (1901-1909)	60-57	42	40	82	1





# How Lawmaking Has Changed in the Past 35 Years

- Business interests, advocacy groups, media coverage can cause a member of Congress to write a bill
- Committees are less important today: campaign cash, emphasis on issue messaging, the constant news cycle — party leaders decide what goes to the floor for consideration rather than committees
- Lobbyists are incredibly influential: depending on the size and topic of the legislation, dozens — sometimes even hundreds — of lobbyists will be involved, petitioning lawmakers to tweak language and policy points in a bill

