Passage of a Bill

Route of a Bill through Congress

A bill is a piece of legislation that has been proposed but has not been passed. Bills come from many sources, such as politicians, private citizens, special interest groups, and the president. However, only members of Congress have the right to introduce a bill for consideration. While Congress is in session for a two-year term, its members introduce between 10,000 and 11,000 bills. However, Congress passes only around five or six percent of the bills that are introduced.

There are two different types of bills: public and private. Public bills affect all citizens and encompass such issues as taxes and how government money is spent, or appropriated. Public bills also deal with things that benefit citizens, such as public transportation, trade, and education. Tax bills cannot originate in the Senate—all tax bills must first be introduced in the House of Representatives.

Private bills affect small groups, individuals, or places. For example, these bills may appropriate money owed to citizens, or they may provide for other acts that impact a limited number of people. Today, citizens rely on government bureaucracy and the courts to handle grievances, so private bills are not as common as they once were.

In addition to passing bills, Congress passes resolutions. The House and Senate use resolutions to state opinions on matters, change the procedures of their individual bodies, and address issues within the houses. For example, Senate Resolution 301 was passed in December 1954 to censure Joseph McCarthy for instigating what amounted to a witch hunt for Communists in the early 1950s. Since resolutions pertain to the houses of Congress, they are not laws, and the president does not need to sign them.

There are also joint and concurrent resolutions. Joint resolutions are employed to address incidental or short-term matters. For example, in February 1987, a joint resolution was introduced to make the third Sunday of August "National Senior Citizens Day." Once passed by both houses of Congress, a joint resolution becomes law, so the president does need to sign it.

Concurrent resolutions address situations in which the houses of Congress must act together. For example, Congress issues concurrent resolutions to state its position on matters of foreign policy, as well as to approve congressional budgets. Concurrent resolutions differ from joint resolutions in that once passed, they do not become law. They are similar to the resolutions passed by the House or Senate, and the president does not need to sign them.

When a bill originates in the House of Representatives, a clerk assigns it a number. For example, the number H.R. 2102 signifies that it is the 2,102nd bill introduced in that session. The clerk also gives the bill a descriptive title and enters it in the House Journal and Congressional Record.

After the bills have been logged, the Speaker of the House assigns them to committees based on the nature of the bills. The goal is to match each bill's content to a committee for consideration. For example, a bill concerning public school achievement would go to the Education Committee.

Assigning bills to committees can be difficult when bills have overlapping areas of concern. For example, a bill concerning subsidies to corn farmers and trading that corn overseas could be sent to the
Agriculture Committee, Appropriation Committee, or Commerce Committee.

The committee assignment can be critical because the committees sort through bills and determine which ones will be considered. A majority of bills never make it to the floor of either house of Congress because committees throw them out or file them.

Once in committee, a bill moves to a specialized subcommittee for consideration. The subcommittee examines the bill carefully, holds hearings about it, and adds amendments. The subcommittee members might also make a junket—a trip to the area that will be affected by a bill—to see if the bill will accomplish its intended goals.

Eventually, the subcommittee votes on the bill. If approved, the bill returns to the full committee for final discussion and approval. However, if the subcommittee issues an unfavorable report about the bill, the bill's journey through the legislative process ends.

After the full committee passes along a bill, the bill goes to the Rules Committee. This committee acts as the legislative clearinghouse. It assigns a calendar date for the bill, as well as rules that will limit how long the bill can be debated, how many amendments can be made to the bill, and other housekeeping aspects. The Rules Committee can also decide not to assign rules for bills, thus ending the bills' journey through the legislative process.

When a bill has passed through the Rules Committee, it travels to the House floor. At this point, one of two things can happen. The House can act as a Committee of the Whole, or the House can debate, amend, and put the bill to a vote.

In the Committee of the Whole, members of the House become one large committee. This occurrence accelerates the legislative process because only 100 members need to be present, and the Committee has fewer rules than the House does.

When the House converts to the Committee of the Whole, the Speaker becomes a member of the committee, and a different Representative acts as the committee chair. Another member reads through the bill, and then the bill's advocates and proponents get five minutes to voice their opinions on it.

The Committee of the Whole cannot pass a bill, so after the Committee finishes discussion on a bill, its members disband. The Speaker of the House resumes his or her post, and the House is again session. At this point, a quorum, or 218 members of the House, must be present in order for a vote to proceed.

Members of the House use several methods of voting. One is the voice vote, in which members shout, "yea," or "nay." The Speaker then declares the outcome, but how individual members voted (for or against) is not recorded.

Sometimes one or more members disagree with the Speaker's tally from the voice vote. When this happens, the House holds another vote, by division, or standing. This method requires members voting "yea" to stand while the clerk counts them, followed by the members voting "nay." As with voice votes, how individuals vote is not recorded.

House members might also use the teller vote, in which they walk between two "tellers" appointed by the Speaker. Those voting in favor of a bill go first, followed by those who are opposed, and the tellers count the votes. This method is used if 20 members of the Committee of the Whole or 44 members of the House request it. With today's electronic voting capabilities, teller votes are uncommon.
A fourth method of vote, used when one-fifth of the House is present, is the roll-call vote. Members respond individually with “yea” or “nay” when their names are called. Since the 1970s, however, roll-call votes have been conducted electronically, and they are always recorded.

If the whole House approves a bill, the bill moves to the Senate. The Senate then acts on legislation much like the House does. The bill is assigned to a committee for consideration, debate, hearings, and vote. Votes in the Senate are conducted using the same methods as in the House: voice vote, division, and roll call. Since the Senate has fewer members than the House, roll-call votes are done manually rather than electronically.

Voting methods aside, there are four main differences between how the Senate and House handle bills. First, the Senate does not have a Speaker of the house, so the Majority Leader confers with the Minority Leader to decide which committee will handle a bill.

Secondly, Senators can add unlimited amendments, or riders, to a bill, including ones that are non-germane—that do not relate specifically to the context of the bill. Before passing homeland security legislation, some Senators wanted to add 40 amendments to the bill. Of those amendments, 10 were deemed non-germane.

Another difference between how the House and Senate handle bills is that while Representatives can serve on only one major committee at a time, Senators typically serve on two or more major committees. This expanded role makes Senators more policy generalists than the House members.

A fourth difference is that the Senate does not have a Rules Committee to limit debate time. The technical term for unlimited debates on the Senate floor is filibuster. Filibusters can be used as a strategy to delay and in some cases prevent the Senate from voting on a bill. Senators who take the floor can debate a bill for hours, or they might ramble on about things that have nothing to do with the bill. Either way, Senators typically use a filibuster when they want to kill a bill or force compromise.

There are two ways a filibuster might end. One occurs when the people backing a bill decide to let it go. The other occurs when Senators invoke cloture, which limits the length of debate on a bill. To invoke cloture, 60 Senators must sign a petition, and they must pass it by a three-fifths majority. In other words, 60 Senators must vote for cloture. Few Senators use this strategy, however, because they do not want someone else to invoke it against them when they want to conduct a lengthy debate.

If the Senate approves a bill that originated in the House, the bill moves to a Conference Committee. This committee makes sure all bills from the House and Senate are identical. To achieve this, the committee includes members from both houses, as well as members from both political parties.

The Conference Committee members must haggle out compromise solutions to any differences in the bills. In the end, the committee produces a piece of legislation for final approval by both houses. Both the House and Senate must approve the bill in identical form for it to move on for the president’s action.