CHAPTER 12

Congress in Action

“It is very easy to defeat a bill in Congress. It is much more difficult to pass one.”
—John F. Kennedy (1942)

Making the nation’s laws is the main job of Congress. Yet, as President Kennedy recognized, that is not an easy task. In trying to reach consensus, members of Congress draw on their own knowledge and experience. They also listen to other points of view, from both experts and ordinary citizens.

You Can Make a Difference

If you believe strongly in a cause, you can make your voice heard in Congress. Jennifer Seuss joined her fight against drunk driving all the way to Washington, D.C. Her idea was simple—print warning labels on alcohol containers. Jennifer began her campaign in her hometown of Hicksville, New York. She worked with several groups that supported a bill proposing the idea. After months of effort, Jennifer testified at a Senate hearing. She told senators about a 17-year-old who had been killed by a drunk driver. The thousands of teens killed each year “cannot speak for themselves,” Jennifer said. A few months later, the Senate approved a bill requiring warning labels for alcohol.

Chapter 12 in Brief

SECTION 1
Congress Organizes (pp. 300–301)
- Congress begins each new term on January 3 of every odd-numbered year, each new term follows the general election in November.
- The Speaker of the House, usually the leader of the majority party, controls the agenda in the House of Representatives, while the Vice President and an experienced senator serve as largely ceremonial presidencies in the Senate.
- After the Speaker, the floor leaders and their whips in both houses are the most powerful members of Congress.
- Committee chairmen, potent in their own domain, are chosen according to the seniority rule.

SECTION 2
Committees in Congress (pp. 300–301)
- Most work in Congress is divided among committees that focus on special areas like national defense, the budget, agriculture, and the like.
- The powerful House Rules Committee can speed, delay, or even prevent House action on a bill.
- Both houses may create select committees, which are special, often temporary, bodies.
- Joint committees are composed of members of both houses.

SECTION 3
How a Bill Becomes a Law: The House (pp. 304–305)
- Only a member can introduce a bill in either house.
- Bills are referred to standing committees, and are usually considered in subcommittees.
- Bills approved by the appropriate committee and the Rules Committee are given floor consideration by the House.
- Measures that win House approval are sent to the Senate.

SECTION 4
The Bill in the Senate (pp. 307–308)
- Debate in the Senate is largely unrestricted.
- The Senate’s tradition to free debate gives rise to the filibuster—the tactic of “talking a bill to death.”
- After both houses approve a bill, it is sent to the President.
- The President can sign the bill, allow it to become law without his signature, veto it, or apply a pocket veto.

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1 Congress Organizes

Section Preview

OBJECTIVES
1. Describe how and when Congress convenes.
2. Compare the roles of the presiding officers in the Senate and the House.
3. Identify the duties of the party officers in Congress.
4. Describe how committee chairmen are chosen and explain their role in the legislative process.

WHY IT MATTERS
How Congress is organized, and how its leaders are chosen and who they are, plays a large part in determining what the nation’s lawmakers can and will do.

POLITICAL DICTIONARY
- Speaker of the House
- president of the Senate
- president pro tempore
- majority party
- minority party
- floor leader
- committee chairman
- seniority rule

Opening Day in the House
Every other January, the 435 men and women who have been elected to the House come together at the Capitol to begin a new term. At that point, they are, in effect, just so many representatives-eleets. Because all 435 of its seats are up for election every two years, the House technically has no sworn members, no rules, and no organization until its opening-day ceremonies are held.

Representative Sherrod Brown (D, Ohio) remembers his first opening day, in 1993, this way:

My first day on the House floor was thrilling—and a little scary. . . . Walking around the chamber . . . I was awed and nervous. . . . Questions grated at me when I walked into that august [majestic] room, where I met several members about whom I had read and whom I had seen on television. And then I thought about the President of the United States coming in to address us—Do I deserve to be here with all these people? How did I get here? Will I measure up? How was I chosen for this privilege?—Sherrod Brown, Congress from the Inside

The clerk of the House in the preceding term presides, or chairs, at the beginning of the first day’s session.4 The clerk calls the chamber to order and checks the roll of representatives-elect. Those members-to-be then choose a Speaker as their permanent presiding officer. By custom, the Speaker is a long-standing member of the majority party, and election on the floor is only a formality. The majority party’s members in the House have settled the matter beforehand.

The Speaker then takes the oath of office. It is administered by the Dean of the House, the member-elect with the longest record of service in the House of Representatives.4 With that accomplished, the Speaker swears in the rest of the members as a body. The Democrats take their seats to the right of the center aisle, the Republicans, to the left.

Next, the House elects its clerk, parliamentary assistant, sergeant at arms, chief administrative officer, and chaplain. None of these people are members of the House, and their elections are also a formality. The majority party has already decided the names.

Then, the House adopts the rules that will govern its proceedings through the term. The rules of the House have been developing for over 200 years, and they are contained in a volume of about 400 pages. They are read aloud, most often with little or no change, at the beginning of each term.

Finally, members of the 20 permanent committees of the House are appointed by a floor vote. With that, the House is organized.

Opening Day in the Senate
The Senate is a continuous body. It has been organized without interruption since its first session in 1789. Recall that only one third of the seats are up for election every two years. From one term to the next, two thirds of the Senate’s membership is carried over. As a result, the Senate does not face large organizational problems at the beginning of a term. Its first-day session is nearly always short and routine, even when the elections have brought a change in the majority party. Newly elected and reelected members must be sworn in, and vacancies in Senate organization and on committees must be filled, and a few other details attended to.
State of the Union Message

When the Senate is notified that the House of Representatives is organized, a joint committee of the two chambers is appointed and instructed to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Within a few weeks—in late January or early February—the President delivers his annual State of the Union message to a joint session of Congress. The speech is a major political event based on this constitutional command:

> He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient. [U.S. Constitution, Article II, Section 3]

From Woodrow Wilson’s first message in 1913, the President has almost always presented his annual assessment in person. The members of both houses, together with the members of the Cabinet, the Justices of the Supreme Court, the foreign diplomatic corps, and other dignitaries, assemble in the House chamber to hear him.

In his address, the President reports on the state of the nation as he sees it, in both domestic and foreign policy terms. The message is televised live, and it is followed very closely, both here and abroad. In fact, the President’s speech is as much a message to the American people, and to the world, as it is an address to Congress. It is, in the President lays out the broad shape of the policies his administration will follow and the course he has charted for the nation. His message regularly includes a number of specific legislative recommendations. It is delivered too, of bills drawn up in the executive branch and introduced in the House and Senate by various members of the President’s party.

With the conclusion of the President’s speech, the joint session is adjourned. Each house turns to the legislative business before it.

The Presiding Officers

The Constitution provides for the presiding officers of each house—the Speaker of the House and the president of the Senate. Article I, Section 2, Clause 5 says "The House of Representatives shall choose their Speaker and other Officers. . . ." And Article I, Section 3, Clause 4 declares: "The President of the United States shall be President of the Senate. . . ."

The Speaker of the House

Of the two positions, the Speaker of the House is by far the more important and more powerful within the halls of Congress. This is primarily so because the Speaker is both the elected presiding officer of the House and the acknowledged leader of its majority party.

Although neither the Constitution nor its own rules require it, the House has always chosen the Speaker from among its own members. Today, the post is held by Nancy Pelosi (D, California). The first woman to serve as Speaker, she was originally elected to the House in 1987 and became Speaker in 2007.

The President of the Senate

The Constitution makes the Vice President the president of the Senate, the Senate’s presiding officer. This fact means that (1) unlike the House, the Senate does not choose its own presiding officer and (2) unlike the Speaker of the House, the Senate’s presiding officer is not in fact a member of that body. Indeed, the Vice President might not even be a member of the party that controls the Senate.

All of this adds up to the major reason why the Vice President plays a much less powerful role in the Senate than that played by the Speaker of the House. Also note this important point: the Vice President’s career path, the route he has traveled to his current post, is a much different path than the one the Speaker has followed. In short, the Vice President has not become the Senate’s presiding officer out of long service in that body. He has, instead, come to the post out of a much different process—as you will see when we take a longer look at the vice presidency in Chapter 13.

The President of the Senate does have the usual powers of a presiding officer: to recognize members, put questions to a vote, and so on. However, the Vice President cannot take the floor to speak or debate and may vote only to break a tie.

Any influence a Vice President may have in the Senate is largely the result of personal abilities and relationships. Several of the more recent Vice Presidents came to that office from the Senate: Harry Truman, Alben Barkley, Richard Nixon, Lyndon Johnson, Hubert Humphrey, Walter Mondale, Dan Quayle, and Al Gore. Each of them was able to build at least some power into the position out of that earlier experience.

The Senate does have another presiding officer, the president pro tempore, who serves in the Vice President’s absence. The president pro tempore, or president pro tempore, is elected by the Senate itself and is always a leading member of the majority party—usually its longest-serving member. Today, the post is occupied by .
Senator Robert C. Byrd (D., West Virginia). Senator Byrd, who was elected to his first term in the upper house in 1938, became president pro tempore in 2007.

The president pro tempore follows the Speaker in the line of presidential succession. Other senators occasionally preside over the Senate, on a temporary basis, newly elected members regularly do so early in their terms.

**Party Officers**

Congress is a political body. This is so for two leading reasons: (1) because Congress is the nation's central policy-making body, and (2) because of its partisan makeup. Reflecting its political complexion, both houses of Congress are organized along party lines. This organization creates some very powerful positions.

**The Party Caucus**

The party caucus is a closed meeting of the members of each party in each house. It meets just before Congress convenes in January and occasionally during a session. In recent years the Republicans have called their caucus in each house the party conference, and the Democrats now use this term in the Senate, too.

The caucus deals mostly with matters of party organization, such as the selection of the party's floor leaders and questions of committee membership. It sometimes takes place on particular issues, but neither party tries to force its members to follow its caucus decisions, nor can it.

The policy committee, composed of the party's top leadership, acts as an executive committee for the caucus. Strictly speaking, that body is known as the policy committee in each partisan's House and in the Republicans' organization in the House. However, it is called the steering and policy committee by the Democrats in the lower chamber.

**The Floor Leaders**

Next to the Speaker, the majority and minority floor leaders in the House and Senate are the most important officers in Congress. They do not hold official positions in either chamber. Rather, they are party officers, picked for their posts by their party colleagues.

The floor leaders are legislative strategists. They try to carry out the decisions of their party's caucuses and steer floor action to their party's benefit. Each of them is also the chief spokesman for his party in his chamber. All of that calls for political skills of a high order.

The majority leader's post is the more powerful in each house—for the obvious reason that the majority party has more seats (more votes) than the other party has. And, the majority leader very largely controls the order of business on the floor in his chamber.

The two floor leaders in each house are assisted by party whips. The majority whip and the minority whip are, in effect, assistant floor leaders. Each of them is chosen by the party caucus, almost always at the floor leader's recommendation. A number of assistant whips serve in the House, and the floor leaders in both houses have a paid staff.

Whips serve as liaisons—a two-way link—between the party's leadership and its rank-and-file members. The whips check with party members and tell the floor leader which members, and how many votes, can be counted on in any particular matter. The whips also see that all members of the party are present for important votes and that they vote with the party leadership. If a member must be absent for some reason, a whip seeks that member is paired with a member of the other party who will also be absent that day or who agrees not to vote on certain measures at that day's session—so one nonvote cancels out another.

**Committee Chairmen**

The bulk of the work of Congress, especially in the House, is really done in committee. Thus, committee chairmen—those members who head the standing committees in each chamber—are the real floor leaders. The chairman of each of

The number of informal groupings of members of Congress most to discuss matters of mutual interest. Some are partisan, others are bipartisan, and general. Some informal groupings are the Congressional Black Caucus, the Hispanic Caucus, the House Republican Study Committee, the Pro-Life Caucus, and the Congressional Hispanic Caucus.
Seniority Rule

The seniority rule is, in fact, an unwritten custom. It dates from the late 1800s, and is still closely followed in both houses today. The seniority rule provides that the most important posts, in both the formal and the party organization, will be held by those party members with the longest records of service in Congress.

The rule is applied more strictly to the choice of committee chairmen. The head of each committee is almost always the longest-serving majority party member of that committee. The rule is also followed quite closely in the selection of those members who chair the several subcommittees into which most standing committees are divided.

Critics of the Seniority Rule

Critics of the seniority rule are many, and they do make a strong case. They insist that the seniority system ignores ability, rewards mere length of service, and works to discourage younger members. Critics also note that the rule means that a committee head often comes from a “safe” constituency—a State or district in which, election after election, one party regularly wins the seat. With no play of fresh and conflicting forces in those places, critics claim, the chairman of a committee is often out of touch with current public opinion.

Defenders of the seniority rule argue that it ensures that a powerful and experienced member will head each committee. They also say that the rule encourages members to stay on a particular committee and so, over time, gain a wide-ranging knowledge of matters that fall within that committee’s jurisdiction. In addition, they note that the rule is fairly easy to apply and that it very nearly eliminates the possibility of fights within the party.

Opponents of the rule have gained some ground in recent years. Thus, the House Republican Conference (caucus) now picks several GOP members of House committees by secret ballot. House Democrats use secret ballots to choose a committee chairman when no member has the “embargo” the caucus requests that procedure.

Whatever the arguments against the seniority rule, it is unlikely to be eliminated. Those members with the real power to abolish the rule are also the ones who reap the largest benefits from it.

Section 1 Assessment

Key Terms and Main Ideas
1. What role does the Speaker of the House play?
2. What role does the President of the Senate play?
3. What are the duties of the party whip?
4. Identify the purpose of a party caucus.

Critical Thinking
5. Making Comparisons Compare the organizational structures of both houses of Congress. Create a visual diagram showing similarities and differences between the two houses.
6. Synthesize Information What factors make committee chairmen so influential?
2 Committees in Congress

Organizing Congressional Committees

Pat Schroeder retired from public office in 1996, after 12 terms in Congress. In her memoir, 24 Years of House Work . . . and the Place Is Still a Mess, she relates her experiences in the House of Representatives. In this excerpt, Schroeder recalls her appointment, as a newly elected representative and a woman, to the powerful House Armed Services Committee.

The setup typical of Congress, where everything is done by committee, was a committee to decide committee assignments for incoming freshmen. In 1973 it was headed by Representative Wilbur Mills of Arkansas. . . .

Considering no senior member was going to fall on his sword for me, I expected to be assigned to something like Merchant Marine and Fisheries. Since my Denver district is landlocked . . . it would have meant sudden death for a new congressional career. I wanted to be on the Armed Services Committee. I wanted to be part of the committee that controlled approximately sixty-five cents out of every dollar appropriated.

The Armed Services chairman, F. Edward Hebert, was a seventy-two-year-old Louisiana Democrat who was dead set against my appointment. . . . Even though Mills chaired the (Assignments) committee, I couldn’t understand why he would override Hebert’s veto. There was an unspoken rule that old congressional barons never cross each other. . . . Unbeknownst to me, Mills’ wife had taken an interest in my career and apparently kept telling her husband that he should do whatever he could to help me. . . . Mills . . . performed the necessary arm-twisting.

Although I was put on the committee, I did not get a seat. Hebert was patricianly contemptuous (lacking respect of women in politics. . . . He objected to the appointment of Congressman Ron Dellums (Democrat from California). Ron had been in the House only one term when it was decided that it was time for an African-American (to be on the Armed Services Committee. Hebert didn’t appreciate the idea of a girl and a black-faced on him. He was outraged that for the first time a chairman’s veto of potential members was ignored. He announced that while he might not be able to control the makeup of the committee, he could . . . control the number of chairs in his hearing room, where he was enthroned on a carpet of stars, surrounded by military flags. He said that women and blacks were worth only half of one “regular” member, so he added only one seat to the committee room and made me and Ron share it. Nobody else objected, and nobody offered to scrape up another chair. . . . Ron and I had two choices: go ballistic, or to hang in. We decided to hang in.

Why IT Matters

The lawmaking process in both houses is built around committees, and these bodies play a major role in shaping the public policies of the United States.

Political Dictionary

- standing committee
- select committee
- joint committee
- conference committee

Committee Assignments

The number of these committees has varied over the years. The graphic on page 330 lists the 20 standing committees in the House and the 16 in the Senate today. Each House committee has from 10 to as many as 75 members, and each Senate committee has from 14 to 28. Representatives are normally assigned to one or two standing committees and senators to three or four. The pivotal role these committees play in the lawmaking process cannot be overstated. Most bills receive their most thorough consideration in these bodies. Members of both houses regularly respect the decisions and follow the recommendations they make. Thus, the fate of most bills is decided in the various standing committees, not on the floor of either house.

More than a century ago, Woodrow Wilson described “Congress in its committee rooms” as “Congress at work,” and that remains the fact of the matter today. Some panels are more prominent and more influential than others. As you would expect, most members try to win assignments to these important panels. The leading committees in the House are the Rules, Ways and Means, Appropriations, Armed Services, Judiciary, International Relations, and Agriculture committees. In the Senate, senators usually compete for places on the Foreign Relations, Appropriations, Finance, Judiciary, Armed Services, Banking, Housing, and Urban Affairs committees. Of course, some of the other committees are particularly attractive to some members. Thus, a representative whose district lies wholly within a major city might want to sit on the . . .

The House Committee on Banking and Financial Services considers bills that affect finance, including the proposal that led to the golden dollar bill.
House Committee on Education and the Workforce. A senator from one of the western states might angle for assignment to the Senate’s Committee on Energy and Natural Resources. Most of the standing committees handle bills dealing with particular policy matters, such as veterans’ affairs. There are three standing committees that do not operate as subject-matter bodies, however: in the House the Rules Committee and the Committee on Standards of Official Conduct, and in the Senate the Committee on Rules and Administration.

When a bill is introduced in either house, the Speaker or the president of the Senate refers the measure to the appropriate standing committee. Thus, the Speaker sends all tax measures to the House Ways and Means Committee; the Senate tax measures go to the Finance Committee. A bill dealing with, say, enrollment in the armed forces goes to the Armed Services Committee in the House and to the Armed Services Committee in the Senate.

Recall that the chairman of each of the standing committees is chosen according to the seniority rule. To see the point, look at the tables on pages 131 and 132. Notice that most committee chairmen have served in Congress for at least 12 years and some much longer. The seniority rule is also applied closely in each house when it elects the other members of each of its committees.

The members of each standing committee are formally elected by a floor vote at the beginning of each term of Congress. In fact, each party has already drawn up its own committee roster before the vote, and the floor vote merely ratifies those party choices.

The majority party always holds a majority of the seats on each standing committee. The other party is well represented, however.

Most standing committees are divided into subcommittees, and each subcommittee is responsible for a particular slice of the committee’s overall workload. There are now some 150 subcommittees in the two houses; nearly 70 in the Senate and 80 in the House.

To illustrate, the Senate’s 25-member Committee on Armed Services does much of its work in six subcommittees. Each member serves on at least two of them, and the subcommittee titles generally describe their focus: the Subcommittee on European Affairs, the Subcommittee on Readiness and Modernization, the Subcommittee on Readiness and Modernization, the Subcommittee on Readiness and Modernization, the Subcommittee on Readiness and Modernization, the Subcommittee on Readiness and Modernization. The House Rules Committee

The House Committee on Rules is sometimes called the “traffic cop” in the lower house. So many measures are introduced in the House each term that some sort of screening device is necessary. Most bills die in the committees to which they are referred. Still, several hundred are reported out every year. So, before most of these bills can reach the floor of the House, they must clear the Rules Committee.

Normally, a bill gets to the floor only if it has been granted a rule—been scheduled for floor consideration—by the Rules Committee. The committee decides whether and under what conditions the full House will consider a measure. As you will see, this means that the most potent 13-member Rules Committee can speed, delay, or even prevent House action on a measure.

In the Senate, where the process is not so closely regulated, the majority floor leader controls the appearance of bills on the floor.

**Select Committees**

At times, each house finds need for a select committee. These groups are sometimes called special committees; they are panels set up for some specific purpose and, most often, for a short time. Only the Interim Select Committee has any legislative powers. The others are in essence task forces, appointed to study a particular issue, report its findings, and then disband. In some instances, however, a select committee can even be given the task of formulating legislation, but after its report is submitted to the full House, the bill is returned to the select committee for further consideration. The only such committee to have acted in this way is the House’s Select Committee on Un-American Activities, which met from 1937 to 1947.

**House Committee Chairs, 2008**

![Image of the House Committee Chairs, 2008]

**Permanent Committees of Congress**

<table>
<thead>
<tr>
<th>House Standing Committee</th>
<th>Joint Committees of Congress</th>
<th>Senate Standing Committee</th>
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<tr>
<td>Agriculture</td>
<td>Economic</td>
<td>Agriculture, Nutrition, and Forestry</td>
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<td>Appropriations</td>
<td>The Library</td>
<td>Appropriations</td>
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<td>Armed Services</td>
<td>Printing</td>
<td>Armed Services</td>
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<tr>
<td>Budget</td>
<td>Taxation</td>
<td>Banking, Housing, and Urban Affairs</td>
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<td>Education and the Workforce</td>
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<td>Budget</td>
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<tr>
<td>Energy and Commerce</td>
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<td>Commerce, Science, and Transportation</td>
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<td>Financial Services</td>
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<td>Government Reform</td>
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<td>Homeland Security</td>
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<td>Finance</td>
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<td>House Administration</td>
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<td>International Relations</td>
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<td>Homeland Security and Government Affairs</td>
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<td>Judiciary</td>
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<td>Indian Affairs</td>
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<tr>
<td>Military</td>
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<td>Natural Resources</td>
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<td>Health, Education, Labor and Pension</td>
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<td>Oversight and Government Reform</td>
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<td>Rules</td>
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<tr>
<td>Science</td>
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<td>Science and Technology</td>
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<tr>
<td>Small Business</td>
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<td>Standards of Official Conduct</td>
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<td>Veterans’ Affairs</td>
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<td>Veterans’ Affairs</td>
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<td>Ways and Means</td>
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**Select Committees**

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limited time. The Speaker of the House or the president of the Senate appoints the members of these special committees, with the advice of the majority and minority leaders. Most select committees are formed to investigate a current matter. The congressional power to investigate is an essential part of the lawmaking function. Congress must decide on the need for new laws and gauge the adequacy of those already on the books. It also must exercise its vital oversight function, to ensure that federal agencies are following the laws it has already passed. At times, a committee may conduct an investigation of an issue—for example, the threat of domestic terrorism—in order to focus public attention on that matter. Most investigations are conducted by standing committees or by their subcommittees. Select committees occasionally do that work, however. Thus, the Senate's Special Committee on Aging conducts an ongoing study of the elderly. It holds hearings in Washington and around the country, issues reports and press releases, and otherwise tries to bring greater public and governmental attention to the problems facing older Americans. At times, a select committee becomes a spectacularly important body. This happened, for example, with the Senate's Select Committee on Presidential Campaign Activities, popularly known as the Senate Watergate Committee. As the Watergate scandal began to unfold in 1973, the Senate created that committee. chaired by Senator Sam Ervin (D., North Carolina), its job was to investigate "the extent, if any, to which illegal, improper, or unethical activities were engaged in by any person ... in the presidential election of 1972." Its sensational hearings riveted the nation for months. Eventually, they formed a key link in the chain of events that led to President Richard Nixon's resignation from office in 1974.

Since then, the most notable instance came in 1987, with the work of two panels: the Senate's Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and the House Select Committee to Investigate Covert Arms Transactions with Iran. These two committees, often referred to as the Iran-Contra Committee, probed the Reagan administration's conduct of two highly secret projects abroad:

the covert sale of arms to Iran and clandestine efforts to give military aid to the Contra rebels in Nicaragua. The operation in Iran was intended, at least in part, as a means for hostages deal, and it failed. The aid to the Contras was funded in part with money from the Iranian arms sales, despite an act of Congress that expressly prohibited such aid by the United States.

Most congressional investigations are not nearly so visible, nor so historic. Their more usual shape can be seen when, for example, the House Committee on Agriculture looks at the spruce barkworm problem, an infestation affecting trees in the Pacific Northwest.

### Senate Committee Chairs, 2008

<table>
<thead>
<tr>
<th>Committee</th>
<th>Name</th>
<th>Rank</th>
<th>Year Elected to Senate</th>
<th>Party Affiliation and State</th>
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<tr>
<td>Agriculture, Nutrition, and Forestry</td>
<td>Tim Johnson</td>
<td>D.</td>
<td>1994</td>
<td>D., Minnesota</td>
</tr>
<tr>
<td>Appropriations</td>
<td>Robert C. Byrd</td>
<td>D.</td>
<td>1991</td>
<td>D., West Virginia</td>
</tr>
<tr>
<td>Armed Services</td>
<td>Carl Levin</td>
<td>D.</td>
<td>1978</td>
<td>D., Michigan</td>
</tr>
<tr>
<td>Banking, Housing, and Urban Affairs</td>
<td>Christopher Dodd</td>
<td>D.</td>
<td>1991</td>
<td>D., Connecticut</td>
</tr>
<tr>
<td>Budget</td>
<td>Kent Conrad</td>
<td>D.</td>
<td>1986</td>
<td>D., North Dakota</td>
</tr>
<tr>
<td>Energy and Natural Resources</td>
<td>Jeff Bingaman</td>
<td>D.</td>
<td>1992</td>
<td>D., New Mexico</td>
</tr>
<tr>
<td>Environment and Public Works</td>
<td>Barbara Boxer</td>
<td>D.</td>
<td>1992</td>
<td>D., California</td>
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<td>D.</td>
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<td>Daniel K. Akaka</td>
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### Interesting Facts: Congress in Action

1. The Library of Congress is the primary library of the U.S. Congress, housing a vast collection of books, manuscripts, and other materials. It serves as a research and reference center for Congress, providing information and resources to support legislative activities.

2. The Library of Congress is also responsible for publishing Congressionally designated materials, such as reports, documents, and histories of legislative activity. It houses the nation's largest collection of books and publications, making it a valuable resource for researchers and scholars.

3. The Library's extensive holdings include more than 130 million items, ranging from books and manuscripts to prints and photographs. The Library also houses a number of special collections, such as the Thomas Jefferson Collection of rare books and the National Postal Museum.

4. The Library of Congress is located on Capitol Hill in Washington, D.C., and is open to the public for research and study. Visitors are encouraged to explore the various exhibits and resources available at the Library, including the American Heritage Center and the Thomas Jefferson Building.

Before a bill may be sent to the President, each house must pass it in identical form. Sometimes, the two houses pass differing versions, and the final bill will reflect the changes either house has made. When this happens, a conference committee—a temporary, joint body—is created to iron out the differences in the bill. Its job is to produce a compromise bill that both houses will accept—as you will see shortly.
These numbers may surprise you. As many as 10,000 measures are introduced in the House and Senate during a term of Congress. Fewer than 10 percent ever become law. Where do all those measures come from? Why are so few of them passed? By what process does Congress make law?

**The First Steps**

A bill is a proposed law presented to the House or Senate for consideration. Most bills introduced in either house do not originate with members of Congress themselves. Instead, most bills—the important as well as the routine—are born somewhere in the executive branch. Business, labor, agriculture, and other special interest groups often draft measures as well. Some bills, or at least the ideas for them, come from private citizens who think “there ought to be a law . . . .” Many others are born in the standing committees of Congress.

According to the Constitution,

> All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.  

—Article I, Section 7, Clause 1

Measures dealing with any other matter may be introduced in either chamber. Only members can introduce bills in the House, and they do so by dropping them into the “hopper,” a box hanging on the edge of the clerk’s desk.  

**Types of Bills and Resolutions**

The thousands of measures—bills and resolutions—Congress considers at each session take several forms. To begin with, there are two types of bills: public bills and private bills.

Public bills are measures applying to the nation as a whole—for example, a tax measure or an amendment to the copyright laws. Private bills are measures that apply to certain persons or places.

Rather than to the entire nation. As an example, Congress recently passed an act to give an Idaho sheep rancher $85,000 for his losses resulting from attacks by grizzly bears, which had been moved from Yellowstone National Park onto nearby public lands on which he grazed his flock.

Joint resolutions are similar to bills, and when passed have the force of law. Joint resolutions must often deal with unusual or temporary matters. For example, they may be used to appropriate money for the presidency inaugurations or to correct an error in a statute already passed. Joint resolutions also are used to propose constitutional amendments and they have been used to annex territories.

Concurrent resolutions deal with matters in which the House and Senate must act jointly. However, they do not have the force of law and do not require the President’s signature. Concurrent resolutions are used most often by Congress to state a position on some matter—for example, in foreign affairs.

Resolutions deal with matters concerning other house alone and are taken up only by that house. They are regularly used for such things as the adoption of a new rule or procedure or the amendment of some existing rule. Like concurrent resolutions, a resolution does not have the force of law and is not sent to the President for approval.

A bill or resolution usually deals with a single subject, but sometimes a rider dealing with an unrelated matter is included. A rider is a provision not likely to pass on its own merit but that is attached to an important measure just in case. Its sponsors hope that it will “ride” through the legislative process on the strength of the main measure.

Most riders are tacked onto appropriations measures, those in which Congress provides the money to pay for something. In fact, some money bills are hung with so many riders that they are called “Christmas trees.” The opponents of those “decorations” and the President are almost always forced to accept them if they want the bill’s major provisions to become law.

The First Reading

The clerk of the House numbers each bill as it is introduced. Thus, H.R. 3430 would be the 3,430th measure introduced in the House during the congressional term. Bills originating in the Senate receive the prefix S—such as S. 210.
The Bill in Committee

The Constitution makes no mention of standing committees. These bodies play an absolutely essential role in the lawmaking process, however—and in both houses of Congress. Indeed, their place is so pivotal that they are sometimes called “little legislatures.”

The standing committees act as slaves. They sift through all of the many bills referred to them—rejecting most, considering and reporting only those they find to be worthy of floor consideration. In short, the fate of most bills is decided in these committees rather than on the floor of either house of Congress.

Most of the thousands of bills introduced in each session of Congress are pigeonholed. That is, they die in committee. They are simply put away, never to be acted upon.

Most pigeonholed bills deserve their fate. Occasionally, however, a committee buries a measure that a majority of the House wants to consider. When that happens, the bill can be bluffed out of the committee with a discharge petition.

A discharge petition enables members to force a bill that has remained in committee 30 days (7 in the Rules Committee) onto the floor for consideration. Any member may file a discharge motion. If that motion is signed by a majority (218) of House members, the committee has seven days to report the bill. If it does not, any member who signed the motion may, on the second and fourth Mondays of each month, move that the bill be discharged from the committee—that is, sent to the floor. If the motion carries, the rules require the House to consider the bill at once. This maneuver is not often tried, and it seldom succeeds.

The process was most recently successful in 2003, however. What went on to become the Bipartisan Campaign Reform Act of 2002 was blasted out of the Committee on House Administration—where the House leadership had managed to bury it for several years. That measure marked the first significant changes in federal campaign finance law in 25 years.

Gathering Information

Those bills that a committee, or at least its chairman, does wish to consider are discussed at times chosen by the chairman. Today, most committees do most of their work through their several subcommittees—divisions of existing committees formed to address specific issues.

There are now some 80 of these committees within committees in the House, and nearly 70 in the Senate.

Where an important or controversial bill is involved, a committee, or more often one of its subcommittees, holds public hearings on the measure. Interested persons, special interest groups, and government officials are invited to testify at these information-gathering sessions. If necessary, a committee can issue a subpoena, a legal order directing a witness to appear under threat of fine or imprisonment.

Occasionally, a subcommittee will make a jaunt (trip) to locations affected by a measure. Thus, several members of the House Judiciary’s Subcommittee on Crime, Terrorism, and Homeland Security may take a five-hour look at conditions in one or more of the several federal penitentiaries. Or, a few members of the Public Lands and Forests Subcommittee of the Senate’s Energy & Natural Resources Committee may spend a few days in northern California to study a proposal to establish a new national wildlife refuge there.

These jaunts are made at public expense, and members of Congress are sometimes criticized for taking them. Some jaunts deserve criticism, but an on-the-spot investigation often proves to be the best way a committee can inform itself.

Committee Actions

When a subcommittee has completed its work on a bill, the measure goes to the full committee. That body may do one of several things. It may:

1. Report the bill favorably, with a “do pass” recommendation. It is then the chairman’s job to steer the bill through debate on the floor.

2. Refuse to report the bill—that is, to pigeonhole it. Again, this is the fate suffered by most measures in both houses.

3. Report the bill in amended form. Many bills are changed in committee, and several bills on the same subject may be combined into a single measure.

4. Report the bill with an unfavorable recommendation. This does not often happen. Occasionally, however, a committee feels that the full House should have a chance to consider a bill but does not want to take the responsibility for killing it.

5. Report a committee bill. This is an entirely new bill that the committee has substituted for one or several bills referred to it.

Scheduling Floor Debate

Before it goes to the floor for consideration, a bill reported by a standing committee is placed on one of several calendars. A calendar is a schedule of the order in which bills will be taken up on the floor.

Calendars

There are five calendars in the House:

1. The Calendar of the Committee of the Whole House on the State of the Union, commonly known as the Union Calendar.

2. The Calendar of the House, which is like a personal organizer for the Speaker and other leadership members. It lists only those bills the Speaker intends to bring to the floor, with estimates of how long they will take. Rules require the Speaker to announce when each bill will be considered. Often, bills appear on this calendar for but a brief time, before being returned to the appropriate committee.

3. The Calendar of the Rules Committee, which lists only those bills referred to the committee to act on before the House can consider them. The Rules Committee may not consider bills on its own.

4. The Daily Calendar of Business, which lists all business that may come before the House for the day. It is published daily and is distributed to members and the public.

5. The Adjournment Calendar, which lists all bills that have not been acted upon before adjournment. These bills are considered only on the final legislative day of each session.

The Calendar of the House, like the Calendar of the Committee of the Whole, is read aloud on the floor. Each bill is read by its sponsor or by the chairman of the committee to which it was referred. Anticipating a floor debate, the sponsor may ask to recite the measure, to which the Speaker or his or her designee may respond. The Speaker or his or her designee may then instruct any member of the House to speak on the measure. If no member asks for the floor, the Speaker or his or her designee may call on any member to speak. If no member is called, the Speaker or his or her designee may proceed to take up the bill and call the House to order.

Committee of the Whole

When a bill is called up for consideration in the Committee of the Whole, the Speaker or his or her designee explains the measure and then turns the floor over to the committee for debate. The committee may then call the bill up for consideration. If the bill is not called up, it automatically dies in the committee.

Once the committee has reported the bill, the Speaker or his or her designee rules on any points of order raised. If the Speaker or his or her designee rules that the bill is open to debate, the committee may debate it. If the Speaker or his or her designee rules that the bill is not open to debate, the Speaker or his or her designee may determine that the bill is not open to debate.

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for all bills having to do with revenues, appropriations, or government property.

2. The House Calendar, for all other public bills.

3. The Private Calendar, for all private bills.

4. The Corrections Calendar, for all bills from the Union or House Calendar taken out of order by unanimous consent of the House of Representatives. These are most often minor bills to which there is no opposition.

5. The Discharge Calendar, for petitions to discharge bills from committee.

Under the rules of the House, bills are taken from each of these calendars for consideration on a regularly scheduled basis. For example, bills from the Corrections Calendar are supposed to be considered on the second and fourth Tuesdays of each month. Measures relating to the District of Columbia can be taken up on the second and fourth Mondays, and private bills on the first and third Tuesdays. On “Calendar Wednesdays,” the various committee chairmen may call up one bill from the House or Union calendars that has cleared their committees.

Rules

None of these arrangements is followed too closely, however. What happens is even more complicated. First, remember that the Rules Committee plays a critical role in the legislation process of the House. It must grant a rule before most bills can in fact reach the floor. That is, before the measures can be taken from a calendar, the Rules Committee must approve that step and set a time for its appearance on the floor.

By granting a rule for a bill, the Rules Committee can effectively kill it. Or, when the Rules Committee does grant a rule, it may be a special rule—one setting conditions under which the members of the House will consider the measure. A special rule regularly sets a time limit on floor debate. It may even prohibit amendments to certain, or even to any, of the bill’s provisions.

Then, too, certain bills are privileged. They may be called up at almost any time, ahead of any other business before the House. The most highly privileged measures include major appropriations (spending) and general revenue (tax) bills, conference committee reports, and special rules from the Rules Committee.

On certain days, usually the first and third Mondays and Tuesdays, the House may suspend its rules. A motion to that effect must be approved by a two-thirds vote of the members present. When that happens, as it sometimes does, the House moves so far away from its established operating procedures that a measure can go through all the many steps necessary to enactment in a single day.

All of these—the calendars, the role of the Rules Committee, and the other complex procedures—have developed over time and for several reasons. In major parts, they have developed because of the large size of the House and the sheer number and variety of bills its members introduce. In their own ways, the calendar, rules, and other complex procedures have developed to help members of the House manage their heavy workload. Without such help, no one member could possibly know the contents, let alone the merits, of every bill on which he or she has to vote.

The Bill on the Floor

If a bill finally reaches the floor, it receives its second reading in the House. Many bills the House passes are minor ones, with little or no opposition. Most minor bills are called from the Corrections Calendar, get their second reading by title only, and are quickly disposed of.

Nearly all the more important measures are dealt with in a much different manner, however. They are considered in the Committee of the Whole—an old parliamentary device for speeding business on the floor.

The Committee of the Whole includes all the members of the House. However, they sit as one large committee of the House, not as the House itself. The rules of the Committee of the Whole are much less strict than the rules of the House, and floor action moves along at a faster pace. For example, a quorum, or majority of the full membership (218), must be present in order for the House to do business. However, only 100 members need be present in the Committee of the Whole.

When the House resolves itself into the Committee of the Whole, the Speaker steps down because the full House of Representatives is no longer in session. Another member presides. General debate begins, and the bill receives its second reading, section by section. As each section is read, amendments may be offered. Under the five-minute rule, supporters and opponents of each amendment have just that many minutes to make their cases. Votes are taken on each section and its amendment as the reading proceeds.

When the bill has been gone through—and many run to dozens and sometimes hundreds of pages—the Committee of the Whole has completed its work. It then rises, that is, dissolves itself. The House is now back in session. The Speaker resums the chair, and the House formally adopts the committee’s work.

Debate

Its size has long since forced the House to impose severe limits on floor debate. A rule first adopted in 1841 forbids any member from holding the floor for more than one hour without unanimous consent to speak for a longer time. Since 1880 the Speaker has had the power to force any member who strays from the subject at hand to give up the floor.

The majority and minority floor leaders generally decide in advance how they will split the time to be spent on a bill. But at any time, any member may “move the previous question.”

That is, any member may demand a vote on the issue before the House. If that motion is adopted, debate ends. An up-or-down vote must be taken. This device is the only motion that can be used in the House to close (end) debate, but it can be a very effective one.

Voting

A bill may be the subject of several votes on the floor. If amendments are offered, as they frequently are, members must vote on each of them. Then, too, a number of procedural motions may be offered, for example, one to table the bill (let it die), another for the previous question, and so on. The members must vote on each of these motions. Those several other votes are very often a better guide to a bill’s friends and foes than is the final vote itself. Sometimes, a member votes for a bill that is now certain to pass, even though he or she had supported amendments to it that, had they been adopted, would have scuttled the measure.

Voices on Government

Carolyn Cheeks Kilpatrick (D., Michigan) was first elected to the House of Representatives in 1996. She believes “America’s problems are all in [Detroit’s] 11th Congressional District” and is more interested in finding solutions than focusing on politics. “The best public policy is bipartisan,” she says. These beliefs are displayed in Representative Kilpatrick’s attitude toward floor debate.

“When I speak during floor debate on a bill, I feel an awesome responsibility to make an accurate and cogent argument. I know that my words will reach millions of Americans. I also know that I may persuade one or more of my colleagues to take a second look at a position that they may have never considered. Floor debate is an exhilarating experience and an important duty.”

Evaluating the Quotation

For what reasons does Representative Kilpatrick find floor debate “exhilarating” and “an important duty?”

Chapter 12 Section 3
The House uses four different methods for taking floor votes:

1. Voice votes are the most common. The Speaker calls for the “ayes” and then the “noes,” the members answer in chorus, and the Speaker announces the result.

2. If any member thinks the Speaker has erred in judging a voice vote, he or she may demand a standing vote, also known as a division of the House. All in favor, and then all opposed, stand and are counted by the clerk.

3. One-fifth of a quorum (44 members in the House or 20 in the Committee of the Whole) can demand a teller vote. When this happens, the Speaker names two tellers, one from each party. The members pass between the tellers and are counted, for and against. Teller votes are rare today. The practice has been replaced by electronic voting, as you will see below.

4. A roll-call vote, also known as a record vote, may be demanded by one-fifth of the members present.19

In 1973, the House installed a computerized voting system for all quorum calls and record votes to replace the roll call by the clerk. Members now vote at any of the 48 stations on the floor by inserting a personalized plastic card in a box and then pushing one of three buttons: “Yes,” “No,” or “Present.” The “Present” button is most often used for a quorum call—a check to make sure that a quorum of the members is in fact present. Otherwise, it is used when a member does not wish to vote on a question but still wants to be recorded as present.20

A large master board above the Speaker’s chair shows instantly how each member has voted. The House rules allow the members 15 minutes to answer quorum calls or cast record votes. Voting ends when the Speaker pulls a button to lock the electronic system, producing a permanent record of the vote at the same time. Under the former roll-call process, it took the clerk up to 45 minutes to call each member’s name and record his or her vote. Before 1973, roll calls took up about three months of House floor time each session.

Voting procedures are much the same in the Senate. The upper house uses voice, standing, and roll-call votes, but does not take teller votes or use an electronic voting process. Only six or seven minutes are needed for a rollcall vote in the upper chamber.

**Final Steps**

Once a bill has been approved at second reading, it is engrossed. This means the bill is printed in its final form. Then it is read a third time, by title, and a final vote is taken. If the bill is approved at third reading, the Speaker signs it. A page—a legislative aide—then carries it to the Senate and places it on the Senate president’s desk.

19The Constitution (Article I, Section 7, Clause 2) requires a roll-call vote on the question of overriding a presidential veto. No roll-call votes are taken in the Committee of the Whole.

20A “present” vote is not allowed on some questions—or example, a vote to override a veto.

Section 3.1 Assessment

Key Terms and Main Ideas

1. Explain the difference between the two types of bills.

2. Why do members of Congress attach riders to bills that are almost certain to pass?

3. Why does the House often use the Committee of the Whole to consider important measures?

4. Why is the purpose of a discharge petition?

Critical Thinking

5. Predicting Consequences. What might happen if all proposed bills were sent directly to the full House for a vote? Choose the pros and cons of such an arrangement.

Progress Monitoring Online

For: Self-check with vocabulary practice
Web Code: mps-3123

6. Understanding Point of View. Why might members of a House committee choose to report a bill with an unfavorable recommendation rather than挑剔? (it)

Go Online PRESCHOOL

For: An activity on how a bill becomes a law
Web Code: mps-31213

Face the Issues

Divided Government

Background. As you know, congressional elections occur every two years and presidential elections every four years. Twenty-eight of those national elections were held in the years 1913-2008. Seventeen of those contests produced divided government—that is, a situation in which one major party occupies the White House and the other party holds a majority of the seats in one or both houses of Congress. Through much of our history, from 1789 to the mid-1950s, the same party almost always held both the presidency and Congress. That has not been the case over much of the period since then, however. Does divided government reflect a weakness in our political system, or, instead, the strength of that system?

Same-Party Control Is Best

The Constitution gives a sizable share of the power to the President and, at the same time, a sizable share of that power to Congress. Given that complex arrangement, conflict between the executive and legislative branches has been inevitable. Historically, the two major parties have been the principal agents through which that conflict has been moderated and compromises reached. Clearly, conflicts can most easily be settled when the same party controls both ends of Pennsylvania Avenue.

Same-party control means that the voters can more readily assign credit or blame (hold the party in power accountable) on election day. In short, same-party control means greater accountability and, therefore, better government.

Divided government intensifies partisan jockeying and can lead to gridlock—to a situation in which government is incapable of acting as it should. In fact, divided government led to a nearly complete shutdown of the Federal Government for several weeks in late 1995 and early 1996.

Exploring the Issues

1. Why did the Framers design a governmental system in which the executive and legislative branches were likely to conflict?

2. Why do you think a majority of the people seem to prefer divided to same-party control of government?

For more information about partisan division in the Federal Government, view "Divided Government."
The Bill in the Senate

Objectives

1. Explain how a bill is introduced in the Senate.
2. Compare the Senate’s rules for debate with those in the House.
3. Describe the role of conference committees in the legislative process.
4. Evaluate the actions the President can take after both houses have passed a bill.

Why It Matters

A bill that survives the legislative obstacle course in one house must still be passed in the other chamber—and face yet more hurdles before it can become law.

Political Dictionary

- filibuster
- cloture
- veto
- pocket veto

Rules for Debate

The major differences between House and Senate procedures involve debate. Floor debate is strictly limited in the House, but almost unrestricted in the Senate. In fact, most senators are intensely proud of belonging to what has often been called “the greatest deliberative body in the world.”

As a general matter, senators may speak on the floor for as long as they please. Unlike the House, the Senate has no rule that requires a senator to speak only to the measure before the chamber; and the Senate’s rules do not allow any member to move the previous question.

The Senate’s consideration of most bills is brought to a close by unanimous consent agreements. That is, discussion ends and the chamber votes at a time previously agreed to by the majority and minority floor leaders. But if any senator objects—and so prevents unanimous consent—the procedure fails.

The Senate does have a “two-speech rule.” Under this rule, no senator may speak more than twice on a given question on the same legislative day. By recessing—temporarily interrupting—rather than adjourning a day’s session, the Senate can prolong a “legislative day” indefinitely. Thus, the two-speech rule can successfully limit the amount of time the Senate spends on some matters on its agenda.

The Senate’s dedication to freedom of debate is almost unique among modern legislative bodies. That freedom is intended to encourage the fullest possible discussion of matters on the floor. But notice, the great latitude it allows also gives rise to the filibuster.

The Filibuster

Essentially, a filibuster is an attempt to “talk a bill to death.” It is a stalling tactic, a process in which a minority of senators seeks to delay or prevent Senate action on a measure. The filibusters try to so monopolize the Senate floor and its time that the Senate must either drop the bill or change it in some manner acceptable to the minority.

Talk—and more talk—is the filibusters’ major weapon. In addition, senators may use time-killing motions, quorum calls, and other parliamentary maneuvers. Indeed, anything to delay or obstruct is grist for the minority’s mill as it works to block a bill that would very likely pass if brought to a vote.

Among the many better known filibusters, Senator Harry Long (D., Louisiana) spoke for more than 15 hours in 1935. He was called by reading from the Washington telephone directory and giving his colleagues his recipes for “potlicker,” corn bread, and turnip greens. In 1947, Glen Taylor (D., Idaho) used more than eight hours of floor time talking of his children, Wall Street, baptism, and fishing. Senator Strom Thurmond (R., South Carolina) set the current filibuster record. He held the floor for 24 hours and 18 minutes in an unsuccessful, one-person effort against what later became the Civil Rights Act of 1957.

No later efforts have come close to matching that one. Still, the practice is often used and to great effect in the Senate. Over the past century and more, well over 200 measures have been killed by filibusters. Just the threat of a filibuster alone has resulted in the Senate’s failure to consider a number of bills and the amending of many more.

The Senate often tries to beat off a filibuster with lengthy, even day-and-night, sessions to wear down the participants. At times, some little-observed rules are quite strictly enforced. Among them are the requirements that senators stand—not sit, lean on their desks, or walk about—as they speak and that they not use “unparliamentary language.” These countermeasures seldom work, however.

The Cloture Rule

The Senate’s real check on the filibuster is its Cloture Rule, Rule XXII in the Standing Rules of the Senate. It was first adopted in 1917, after one of the most notable of all filibusters in Senate history. That filibuster lasted for three weeks, and took place less than two months before the United States entered World War I on April 6, 1917.

German submarines had renewed their attacks on shipping in the North Atlantic, so President Wilson asked Congress for legislation to permit the arming of American merchant vessels. The bill, widely supported in the country, was quickly passed by the House by a vote of 403-12. The measure died in the Senate, however, because twelve senators filibustered it until the end of the congressional term on March 4th.

The public was outraged. President Wilson declared: “A little group of willful men, representing no opinion but their own, has rendered the great Government of the United States helpless
The Number of Bills That Become Laws

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*Statistics represent only measures that can become public laws and do not include joint or concurrent resolutions and private acts.

Public Law

Source: Library of Congress, Washington, D.C. Figures are for the 118th Congress

Interpreting Chart: This chart illustrates the many stages through which a bill must pass before it becomes a law. After which step do most bills die?

Conference Committees

If you have ever watched a marathon, you know that no matter how well a runner covers the first 2.5 miles or so, he or she still has some distance to go in order to finish the race. So it is for bills in the legislative process. Even those that survive the long route through committees and rules and the floor in both houses still face some important steps before they can finally become law.

Some of those final steps can be very difficult.

Any measure enacted by Congress must have been passed by both houses in identical form. Most often, a bill passed by one house and then approved by the other is not amended in the second chamber. When the House and Senate do pass different versions of the same bill, the first house usually concurs in the other’s amendments, and congressional action is completed.

There are times when the House or the Senate will not accept the other’s version of a bill. When this happens, the measure is turned over to a conference committee, a temporary joint committee of the two houses. It seeks to iron out the differences and come up with a compromise bill.

The conference—managers—are named by the respective presiding officers. Mostly, they are leading members of the standing committee that first handled the measure in each house.

Both the House and Senate rules restrict a conference committee to the consideration of those points in a bill on which the two houses disagree. The committee cannot include any new material in its compromise version. In practice, however, the conference often make changes that were not even considered in either house.

Once the conferences agree, their report, the compromise bill, is submitted to both houses. It must be accepted or rejected without amendment. Only rarely does either house turn down a conference committee’s work. This is not surprising, for two major reasons: (1) the powerful membership of the typical conference committee, and (2) the fact that its report usually comes in dedication to the Senate’s tradition of free debate, and (2) their practical worry that the frequent use of cloture will undercut the value of the filibuster that they may some day want to use.

How a Bill Becomes a Law

Introduction

S.1 introduced in Senate.

Committee Action

S.1 referred to standing committee. To subcommittee for study, hearings, measures, approval. Back to full committee for more hearings and revisions. To Rules Committee to set conditions for debate and amendments.

Floor Action

S.1 debated; then passed or defeated. If passed, H.R.1 goes to House.

Conference Committee

Conference Committee resolves differences between House and Senate versions of bill.

Congressional Approval

House and Senate vote on final passage. Approved bill sent to the President.

Presidential Action

President signs, vetoes, or allows bill to become law without signing. Vetoed bill returns to Congress. Vote may be overridden by two-thirds vote of each house.
Resolution, or Vote to which the Consequence of the Senate or House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President. . . .

The Constitution presents the President with four options at this point:
1. The President may sign the bill, and it then becomes law.
2. The President may veto—refuse to sign the bill. The measure must then be returned to the house in which it originated, together with the President’s objections (a veto message). Although it seldom does, Congress may then pass the bill over the President’s veto, by a two-thirds vote of the full membership of each house.
3. The President may allow the bill to become law without signing it—by not acting on it within 10 days, not counting Saturdays, of receiving it.
4. The fourth option is a variation of the third, called the pocket veto. If Congress adjourns its session within 10 days of submitting a bill to the President, and the President does not act, the measure dies.

Congress added another element to the veto power in the Line Item Veto Act of 1996. That law gave the President the power to reject individual items in appropriations bills. The Supreme Court held the law unconstitutional, in Clinton v. New York City, 1998. You will take a closer look at the veto power in Chapter 14.
Chapter 12 - Assessment

Political Dictionary
Speaker of the House (p. 322)
president of the Senate (p. 323)
president pro tempore (p. 323)
party caucus (p. 324)
near leader (p. 324)
whip (p. 325)
committee chairman (p. 325)
seniority rule (p. 325)
standing committee (p. 329)

select committee (p. 331)
joint committee (p. 333)
conference committee (p. 333)
bill (p. 334)
joint resolution (p. 335)
concurrent resolution (p. 335)
resolution (p. 335)
rider (p. 336)
discharge petition (p. 336)

subcommittee (p. 336)
Committee of the Whole (p. 336)
quorum (p. 339)
engrossed (p. 340)
filibuster (p. 343)
debate (p. 344)
vote (p. 346)
ocket veto (p. 346)

Practicing the Vocabulary
Matching: Choose a term from the list below that best matches each description.
1. Selects the party’s leaders in each house of Congress
2. Can force a committee to bring a bill to the floor of the House or Senate
3. The minimum number of legislators needed to conduct official business
4. A provision added to a popular bill because it is unlikely to succeed on its own
5. A legislative committee created for a limited time and specific purpose

Word Relationships: Three of the terms in each of the following sets are related. Choose the term that does not belong and explain why it does not.
6. a. committee chairman b. seniority rule c. party caucus d. resolution
7. a. filibuster b. whip c. debate d. discharge petition
8. a. Speaker of the House b. president of the Senate c. majority party d. committee chairman
9. a. discharge petition b. resolution c. bill d. concurrent resolution
10. a. rider b. bill c. quorum d. resolution

Reviewing Main Ideas
Section 2
11. Who is the opening session of the House each term quite different from the opening session of the Senate?
12. What are the duties of the presiding officers in the House and Senate?
13. a. How does the seniority rule function? b. What are two criticisms of the seniority rule?

Section 4
14. What role do committees play in turning bills into laws?
15. a. What are the different types of committees? b. What are the duties of each type of committee?
16. What are the sources of the bills introduced in Congress?
17. What happens to a bill immediately after its introduction in the House?
18. a. How is a resolution different from a bill? b. Describe the different types of resolutions.
19. What options does a committee have when reviewing a bill?
20. a. How have debate and voting rules in the House changed in the past two centuries? b. What are the benefits of these changes?
21. a. What is the usual purpose of a filibuster? b. How can the Senate defeat a filibuster?
22. What is the purpose of a conference committee?
23. What are the President’s options when he receives a bill from Congress?

Section 5
24. a. If the flowers and gift represent new legislation, what might the piggies represent? b. What legislative practice is represented by tying the piggies to the flowers and the gift?
25. How might a representative respond to the cartoonist to defend this legislative practice?