

**FREQUENTLY ASKED QUESTIONS
OF
AMERICAN GOVERNMENT:
MAKING LAWS**

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FAQ: WHAT IS THE PROCESS FOR A BILL TO BECOME A LAW?

ANSWER: The following is a quick reference chart of how a bill becomes a law:

	HOUSE	SENATE
INTRODUCTION	Placed in hopper or handed to clerk then assigned to a committee.	Read on floor then assigned to a committee.
COMMITTEE ACTION	Usually referred to subcommittee for study, hearings, mark-up and approval. Returned to full committee which also adds mark-up. Full committee decides to refer to House floor recommending approval or kills it.	Usually referred to subcommittee for study, hearings, mark-up and approval. Returned to full committee which also adds mark-up. Full committee decides to refer to Senate floor recommending approval or kills it.
FLOOR ACTION	Usually to Rules Committee for debate rules, then it is placed on calendar. Floor debate, amendments offered, and vote taken.	The leadership places on calendar. Floor debate, amendments offered, and vote taken.
CONFERENCE ACTION	If different versions are passed, the differences must be reconciled. The conference committee bill is returned to each house for a vote.	
PRESIDENTIAL DECISION	Signs, does not sign, or vetoes.	
OVERRIDE	If president vetoes, it is returned to Congress and a 2/3s majority of both houses is required to make the bill a law.	

DETAIL: A bill must be proposed by a representative or a senator. It may then be assigned by leadership to a committee where it will undergo a series of hearings at the committee and subcommittee levels: most bills die within this process. If the bill makes it out of committee, it will be referred to the floor of

the chamber where it was introduced. If passed out of the original chamber, it will be referred to the other chamber where it undergoes the full process once again. If there are differences in the versions of the bill passed by the two chambers, it will go to conference committee where these differences can be reconciled: the conference bill must then be approved by both chambers without changes. It will then proceed to the president who may sign, veto, or not sign and allow it to become law in ten days if Congress is in session or die if they are adjourned. A two-thirds vote of both chambers may override a presidential veto.

ADDITIONAL RESOURCES

This may be for kids, but it's a classic! <https://www.youtube.com/watch?v=tyeJ55o3E10>

FAQ: HOW DOES THE BICAMERAL STRUCTURE OF CONGRESS IMPACT THE LEGISLATIVE PROCESS?

ANSWER: Congress is truly two separate entities. The two chambers have separate powers (e.g., tax bills must originate in House, Senate gives consent and advice concerning presidential appointments). The two have different structures, and they certainly behave differently, and as a result, the bill process varies greatly between the two chambers. The House tends to be very structured and dependent on procedure while the Senate is much more individualized.

DETAIL: The Speaker of the House and the Majority Floor Leader in the House of Representatives, and the Majority Floor Leader in the Senate control the floor calendar of debate in their respective chambers. In the House, the Rules Committee determines the rules of debate on the floor, while debate rules are nearly non-existent in the Senate.

In the House, everything is procedure: the House is larger (435 Representatives as opposed to 100 Senators), so debates are restricted. In the House, the Rules Committee may apply the closed rule (strict debate limit, restricts amendments), the open rule (permits amendments), or the restrictive rule (allows some amendments) when a bill returns to the floor for a vote. In the House, leadership is more powerful, and the Rules Committee has unquestioned power (all committees work for the Speaker): a very different atmosphere than the Senate.

In the Senate, debate is basically open with few restrictions. Senators are allowed to introduce amendments whether they are germane to the receiving bill (relevant to the substance of the bill) or not (these are called riders, and a Christmas tree bill has many riders). They may also have endless debate. In fact, a senator may choose to filibuster (not give up the floor so others may debate). If the Senate discussion continues to proceed without end, it can only be closed through Rule XXII, or cloture, which requires a vote of 60 Senators. The rule closes debate on legislation, but a simple majority is now required to close discussion on federal justices and judges.

The real work of legislation is performed in committees. Committee membership is assigned by the party leaders. These committees consist of four types:

- Standing committees may refer bills to their subcommittees and may or may not report bills back to the floor for consideration;
- Select committees have limited duration and are mostly investigative. Their function is to explore and provide advice;
- Joint committees consist of Senators and Representatives;
- Conference committee specifically review bills and attempt to resolve differences of House and Senate versions. (For a bill to become law, it must be the exact same language and passed by both chambers.)

There are several subcommittees and their responsibility is to drill down into the details of bills before passing them back up to the full committee for possible referral to the floor (you may hear the term, “voted out of committee”). Committee Chairs traditionally have been the most powerful, and continue to have a great deal of power. However, there have been various reforms since the 1970s. Finally, most committee meetings are open to the public (matters of national security are kept behind locked doors).

ADDITIONAL RESOURCES

Committees and actions, <https://www.govtrack.us/congress/committees/>

FAQ: IS THERE A REMEDY IF LEADERSHIP WILL NOT REFER A BILL TO THE FLOOR FOR A VOTE?

ANSWER: Yes, in the House a discharge petition may be used to move a committee bill to the floor calendar. There are fewer restrictions on debate in the Senate, so a senator may offer their bill as an amendment to another bill.

DETAIL: Representatives are more dependent upon the leadership for bill movement than senators. However, the representatives have a remedy if their bills become stuck in committee. The House may use a discharge petition (218 votes) to return a bill from committee, but this is very rare because getting 218 representatives to vote in favor of such an action is difficult. The vote is difficult because if 218 members are in favor of a bill, leadership will most likely move it to the floor. Also, signing the petition will win few friends in leadership which carries repercussions for the future.

ADDITIONAL RESOURCES

Discharge Petition Rules, <http://coninst.org/112th-congress-house-floor-procedures-manual/xvi-discharge-petitions/>

FAQ: HOW DO MEMBERS OF CONGRESS VOTE?

ANSWER: Members of Congress have differing methods of voting. With the advent of electronics, the roll call has become standard. Roll call must be used to override a veto. Another recorded vote is the teller vote: here the members voting yea stand and pass between two tellers, then the nays follow.

There are also unrecorded votes: voice votes are often used on procedural matters. Also, division votes are not recorded: the members stand and the leadership takes a head count.

DETAIL: Beyond recorded and unrecorded votes, Members of Congress must have some basis for casting their votes. Three basic methods are:

- Representational vote: the member votes the way he/she believes constituents themselves would vote. This is known as representing the district.
- Organizational vote: based on belief that it is more important to please fellow members of Congress rather than constituents (based on the belief that Members of Congress pay attention, the folks back home don't).
- Attitudinal vote: the member votes based on personal beliefs.

All of these methods are often employed by various members at various times concerning various topics.

ADDITIONAL RESOURCES

A list of historical roll call votes may be found at, <https://www.congress.gov/roll-call-votes>

Another source is, <https://www.c-span.org/congress/votes/>

FAQ: WHAT ROLE DOES PARTY PLAY IN THE LAWMAKING PROCESS?

ANSWER: Congressional members organize by party, and by caucuses. Parties elect their respective leaders who have considerable power. Caucuses hold their power in numbers, many voices are greater than one.

DETAIL: Parties in Congress caucus together to choose their leadership. Senate leadership is based on the majority leader who holds considerable power: there is also a minority leader. The Democratic Steering Committee and Republican Committee on Committees assign Senators to standing committees (committees that hear bills and have legislative power).

The House leadership is basically the same, but the Speaker is more powerful than the Senate majority leader. Therefore, the gavel of the House is given to the party in the majority. Once elected, the Speaker's power largely results from procedure (the Speaker may recognize other speakers, decide if a motion is relevant, assign bills to committees; appoint members of special and select committees; and nominate majority members of the all important Rules Committee). The party whip takes count on crucial votes and attempts to persuade those who may deviate from leadership.

Party strength is most often revealed in party votes ("The Senate today voted along party lines . . ."); however, when one party has a slim majority, gridlock often becomes a fact of life. For instance, to overturn a presidential veto, the House must have 290 votes and the Senate must have 66.

Several ideological groups and other groups also caucus together. These are based on shared interests, opinions, and/or social factors. The conservative Republican Study Committee, the House Freedom Caucus, the liberal Progressive Forum, the Hispanic Caucus, and the Black Caucus are just a few of these types of groups. Obviously, these groups meet to discuss issues, support their particular policies, and provide mutual support.

Members of Congress are people, and as Aristotle pointed out, people are social animals. They form supporting groups to pursue issues of importance, and caucuses serve this vital function. Even great leaders need support.

ADDITIONAL RESOURCES

A guide to caucuses, [https://ballotpedia.org/List of caucuses in the United States Congress](https://ballotpedia.org/List_of_caucuses_in_the_United_States_Congress)

FAQ: CAN THE EVERYDAY CITIZEN INFLUENCE LEGISLATION?

ANSWER: Yes, under the First Amendment, American citizens have the right to petition their government. It is certainly not feasible for every American to personally petition the government every single day, so many join interest groups, in turn hiring lobbyists who keep tabs on the group's interest in all legislation. Finally, public opinion places pressure upon politicians because ultimately they need the majority of the voters' approval to remain in office.

DETAIL: Under the First Amendment Americans are afforded the right to petition their government. Obviously, there are effective ways to do this, and there are some methods that are not so effective. In general there are two ways to influence the votes of congressional members, indirect or the more direct method.

Indirect methods may be informal or formal, they may be peaceful or they may become violent. The 1963 March on Washington put the plight of poor Southern blacks on the front burner of American politics. Martin Luther King, Jr. gave his famous, "I Have a Dream" speech, and the peaceful protest won attention and sympathy. Not all marches in Washington are this effective at swaying public opinion, but this one proved to be a high water mark for the civil rights movement of the 1950s and 1960s.

Usually indirect lobbying is not so dramatic. Grassroots organizations such as the National Rifle Association (NRA) can call upon their membership for a contact campaign, know as an "outside" strategy, by email, phone, and other methods, and if the volume is high enough, votes will be turned. Ronald Reagan was the master of this game when he hit a roadblock in Congress. With critical legislation pending, Reagan would ask the Big Three networks (ABC, CBS, and NBC in those days) for air time, explain his position, and ask voters to contact their Member of Congress or Senator. He could be very effective! However, most lobbying is in a more direct manner.

Direct methods are formal types of lobbying, and often include what are known as special interest groups and professional lobbyists. A lobbying group may be formed as an association of professionals, industry interests, labor (unions), or others. A lobbying group may also be what is known as single-issue groups. These are numerous including topics such as abortion, gun laws, gay rights, and many more.

An “inside” strategy includes direct contact from lobbyists who attempt to persuade votes their way and track bills to welcome friendly amendments and avert unfriendly attachments. They also direct money to the campaign funds of lawmakers. Federal political contributions may be made through Political Action Committees (PACs); Super PACs can spend unlimited amounts of money on a campaign, but in an indirect fashion (no coordination with candidate committees). The Super PAC is an “outside” strategy, but the amounts of money make it a very effective tool in today’s political environment.

These expressions of the voters’ will can solidify a group into an iron triangle. An iron triangle consists of elected officials, bureaucrats, and lobbyists with specialties. Such a group makes decisions based on their relationships and knowledge more so than electoral input. An iron triangle tends to be stable, and relatively permanent. An issue network performs in the same manner, but tends to coalesce for an immediate purpose and then disband.

ADDITIONAL RESOURCES

Here’s a look at how much money lobbyists spend,
<http://www.opensecrets.org/lobby/top.php?indexType=l>

FAQ: HOW DO DECISION MAKING GROUPS FORM?

ANSWER: Congress deals with many subjects on a daily basis, and no one can master all of these subject matter areas. Therefore, legislators and their staff depend upon the advice of industry and policy experts. They can form tight groups, the iron triangle type, or networks of association which are developed for specific purposes. In American Government class you will notice that your professor refers to two types of theories to explain how these actors develop policy: these theories are known as elitism and pluralism.

DETAIL: Social scientists love theories, and political scientists are no exception. Social theorists are not merely descriptive, such as defining our system of government, for example, they wish to describe how it operates.

In a representative form of government, we elect others to make the necessary policy decisions. If you have been in a situation where someone is working for you, or should be accomplishing a task for you, you already know that hiring someone else is not the same as doing it yourself. This leads to the principal-agent problem: is the agent really representing the best interest of the principal (the electorate, in this case)? What really happens on a day-to-day basis? These are questions that political scientists ask. To answer these questions, they will often point to two theories, elitism and pluralism.

Elitism is based on the work, *The Power Elite*, by C. Wright Mills (published in 1956). According to Mills, political, military, and business leaders make the crucial decisions that guide our policies (the iron triangle). They are a tight group making all the important decisions. These decisions are then justified to the opinion leaders, including the media and professors in higher education, who transmit the information to the public at large. (The “establishment” became the focal point of protest during the 1960s.) Obviously, the principal (the electorate) may not receive the best service under this system.

Pluralism was first defined by Robert Dahl in 1962 with his book, *Who Governs?* Dahl asserted that groups vie for the ability to make policy: a very competitive concept of the policymaking process (the ephemeral nature of this system leads to the issue networks forming and disbanding). This sounds much more representative of the electorate, but your professors are likely to argue that the elite

compete because they have the resources to be the most organized and effective. There is also something called hyperpluralism, or pluralism gone amiss. In hyperpluralism, so many groups vie to make policy that decisions are virtually impossible to achieve. In the end, the system grinds to a halt. Certainly, our current situation of gridlock in Washington, D.C. could be defined in this manner: so many alternatives for change are being presented that coalitions break down during voting and policies are not effectively changed, but rather just continue to limp along.