



## “How a Bill Becomes a Law: House”

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## Talk - Overview



This “talk”: A walk-through the modern legislative process. Some caveats/warnings:

1. This will come off “pro-politician.” At least I’ll try and convince you they’re less to blame than you think.
2. Process IS substance. People hate process, but you can’t untie it from substance. If you care about health care, taxes, immigration, etc., you need to understand process.
3. Everyone is a hypocrite when it comes to legislative procedure.
4. I will BORE you. Get over it.

## Congress – An Unpopular Institution



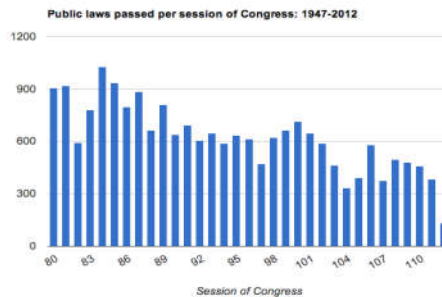
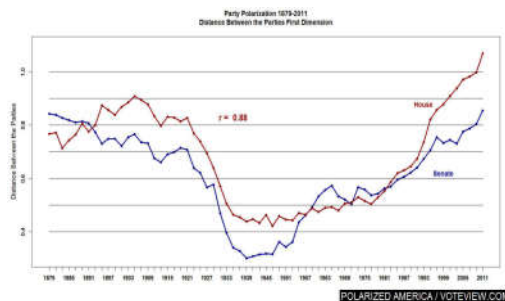
Congress is unpopular.

A 2013 Public Policy Polling survey reported that Congress lagged behind the President, Supreme Court, root canals, head lice and the rock band Nickelback in head-to-head match-ups.

## Congress – An Unpopular Institution

Why does the public dislike Congress?

- General aversion to politics
- Polarized political parties
- Ineffective at legislating
- Too complicated
- Negative in substance and tone



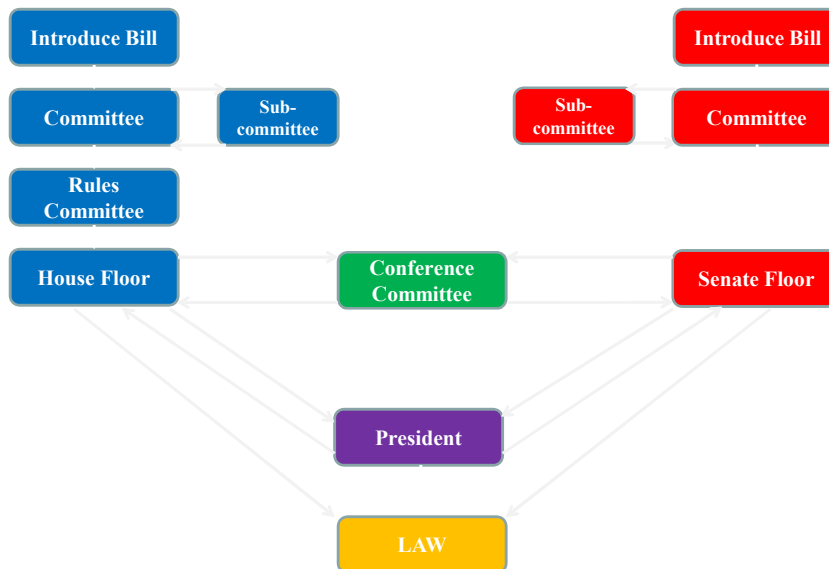
## Congress – An Unpopular Institution

Other explanations?

- We have done a poor job explaining how the legislative process works.
- Failing to understand the complex trade-offs necessary in the American legislative process breeds cynicism and disinterest.
- This is important, as campaigns and interest groups have seemingly gotten better and better at exploiting this lack of understanding during elections.
- Roll call votes, member effectiveness at passing legislation, partial statements, campaign contributions, member and staff salary information, etc., are frequently used in attack ads with no additional context or background.



## Basic Bill Becomes a Law



## Step #1 – Introduce Bill

### House

Introduce Bill

## Step #1 – Introduce Bill

Who introduces the bill? Sometimes strategic...

Why? Many reasons...Reelection, policy concerns, reelection, ambition, campaign fundraising, reelection, reauthorization, reelection, etc.

Who writes it? Committee staff, personal staff, interest groups, party leaders, executive branch officials. Will have input from CRS, CBO and the Office of Legislative Counsel.

Bill title: PATRIOT Act, DISCLOSE Act, etc....

Types: Concurrent resolutions (HCR, SCR); Joint resolutions (HJR, SJR), bills (HR, S), simple resolutions (Hres, Sres)



## Step #1 – Introduce Bill

Supplemental information (federal): committee reports, CRS, congress.gov, CQ Almanac and govtrack

Supplemental information (state): NCSL, local news sources and Ballotpedia

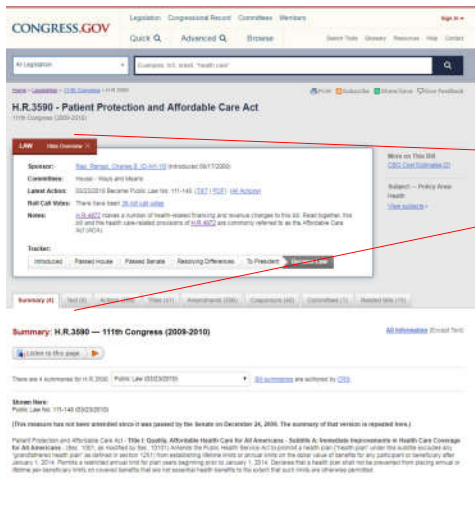
Cautionary points – An enactment is not necessarily “a” bill.

Congress.gov – Bill number and title

Summary of the bill. Other subheadings include text, actions, amendments, cosponsors, committee, related bills, etc...

Will also list the sponsor and public law number.

Be wary of reading too much into “sponsorship”



## Step #1 – Introduce Bill

Action tab will give you an up to date summary of where the bill is at.

American Health Care Act of 2017

Considered in the House under a special rule here

Passes the House 217-213

Senate substitute amendment (skinny bill) defeated

H.R.1628 - American Health Care Act of 2017		
115th Congress (2017-2018) <a href="#">Get alerts</a>		
07/28/2017	Senate	<a href="#">S.Amdt. 667</a> Amendment <a href="#">SA 667</a> not agreed to in Senate by Yea-Nay Vote. 49 - 51 <a href="#">Record/Vote Number 179</a>
06/07/2017	Senate	Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
05/04/2017-2:19pm	House	Motion to reconsider laid on the table Agreed to without objection.
05/04/2017-2:19pm	House	On passage Passed by recorded vote: 217 - 213 ( <a href="#">Roll no. 256</a> ).
05/04/2017-2:11pm	House	Considered as unfinished business. (consideration: <a href="#">CR H4171-4172</a> )
05/04/2017-1:51pm	House	POSTPONED PROCEEDINGS - At the conclusion of debate on <a href="#">H.R. 1628</a> , the Chair put the question on passage and by voice vote announced that the ayes had prevailed. Mr. Scott (VA) demanded a recorded vote, and the Chair postponed further proceedings on passage of the bill until later in the legislative day.
05/04/2017-1:50pm	House	The previous question was ordered pursuant to the rule.
05/04/2017-12:29pm	House	DEBATE - The House resumed debate on <a href="#">H.R. 1628</a> .
05/04/2017-12:28pm	House	Pursuant to <a href="#">H.Res. 308</a> , further amendments printed in House Report 115-109 are considered as adopted. (consideration: <a href="#">CR H4149-4170</a> )
05/04/2017-12:28pm	House	Pursuant to clause 1(c) of rule 19, the House resumed with further consideration of <a href="#">H.R. 1628</a> .
05/03/2017-10:15pm	House	Rules Committee Resolution <a href="#">H.Res. 308</a> Reported to House. Rule provides for consideration of <a href="#">H.R. 2192</a> and <a href="#">H.R. 1628</a> . Rule provides for consideration of <a href="#">H.R. 2192</a> under a closed rule, with one hour of general debate and one motion to reconsider. Rule also provides for further consideration of <a href="#">H.R. 1628</a> and provides that further amendments printed in House Report 115-109 be considered as adopted.
04/06/2017-2:39pm	House	Rules Committee Resolution <a href="#">H.Res. 254</a> Reported to House. Rule provides for consideration of <a href="#">H.R. 1628</a> . The rule provides for further consideration of <a href="#">H.R. 1628</a> . The rule also provides that the further amendment printed Rules Committee Report 115-88 shall be considered as adopted.
03/24/2017-3:30pm	House	POSTPONED PROCEEDINGS - Pursuant to clause 1(c) of rule 19, further consideration of <a href="#">H.R. 1628</a> is postponed.
03/24/2017-11:20am	House	DEBATE - The House proceeded with four hours of debate on <a href="#">H.R. 1628</a> .
03/24/2017-11:19am	House	Considered under the provisions of rule <a href="#">H.Res. 228</a> . (consideration: <a href="#">CR H2393-2441</a> )

## Step #1 – Introduce Bill

Reading bill text

PUBLIC LAW 111-148--MAR. 23, 2010

124 STAT. 119

- Public law # and date
- Statute number

Public Law 111-148  
111th Congress

An Act  
Entitled The Patient Protection and Affordable Care Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Patient Protection and Affordable Care Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—QUALITY, AFFORDABLE HEALTH CARE FOR ALL AMERICANS**

Subtitle A—Immediate Improvements in Health Care Coverage for All Americans

Sec. 1001. Amendments to the Public Health Service Act.

\*PART A—INDIVIDUAL AND GROUP MARKET REFORMS

\*SUBPART D—IMPROVING COVERAGE

\*Sec. 2711. No lifetime or annual limits.

\*Sec. 2712. Prohibition on rescissions.

\*Sec. 2713. Coverage of preventive health services.

\*Sec. 2714. Extension of dependent coverage.

\*Sec. 2715. Development and utilization of uniform explanation of coverage documents and standardized definitions.

\*Sec. 2716. Prohibition of discrimination based on salary.

\*Sec. 2717. Ensuring the quality of care.

\*Sec. 2718. Bringing down the cost of health care coverage.

\*Sec. 2719. Applicable premium.

Sec. 1002. Health insurance consumer information.

Sec. 1003. Ensuring that consumers get value for their dollars.

Sec. 1004. Effective dates.

\*Subpart B—Immediate Actions to Preserve and Expand Coverage

Sec. 1101. Immediate access to insurance for uninsured individuals with a pre-existing condition.

Sec. 1102. Reinstatement for early retirees.

Sec. 1103. Immediate information that allows consumers to identify affordable coverage options.

Mar. 23, 2010  
(H.R. 3580)

Patent Protection and Affordable Care Act.  
42 USC 18001 note.

- Date and bill #
- Enacting clause
- Short title—bill will have a number of subtitles
- A few points on bill length...

As a staffer, you'll be tasked with more work on amendments than bills

Most bills will amend some existing statutes.

## Step # 2 – Committee/Subcommittee

### House

Introduce Bill

Committee

Sub-committee

## Step # 2 – Committee/Subcommittee



Most bills will die in Committee.

Referred by the Speaker which can be complicated. May also go to a subcommittee...Why? Specialization.

Committee marks up (or amends) the bill, holds hearing, invites witnesses. In short, the text of the bill WILL often change at the committee stage.

How do members get on committees? Who is the chair? Gets out of committee by a simple majority vote.

## Step # 2 – Committee/Subcommittee

Changes in committee will be discussed and key aspects of the bill will be summarized in the committee reports. In recent decades, the minority and majority views are included in the same report, though historically, they have been reported separately.



**H.R.1628 - American Health Care Act of 2017**  
115th Congress (2017-2018) | [Get alerts](#)

**BILL** Hide Overview ×

**Sponsor:** [Rep. Black, Diane \(R-TN-6\)](#) (Introduced 03/20/2017)

**Committees:** [House - Budget](#)

**Committee Reports:** [H. Rept. 115-53](#)

**Latest Action:** Senate - 09/14/2017 Considered by Senate. ([All Actions](#))

**Roll Call Votes:** There have been [13 roll call votes](#)

**Tracker:**

Introduced **Passed House** → Passed Senate → To President → Became Law

Using Congress.gov, the committee reports can be found here.



## Step # 2 – Where the Find Committee Reports

ProQuest | Legislative Insight

Home Quick Search Guided Search Search by Number Timeline Browse Legislative Proc

PDF | Print | Export | Legislative Process

Options | Sort by pub type | Publication Filter | Show all

PL95-504 contains 89 publications. Tip: Begin your research with reports marked with

Find terms on this page:  Go

Find terms in full text publications:  Go

Airline Deregulation Act of 1978

Publication Type: Legislative History

DIGITAL PDF ID: PL95-504  
 PUBLIC LAW PDF ID: PL95-504FT  
 DATE: Oct. 24, 1978  
 ENACTED-BILL: 95 S 2403  
 STATUTE AT LARGE: 92 Stat. 1705  
 CONG-BESS: 95-2  
 USCS: 15 USCS § 1511, 18 USCS § 112, 18 USCS § 878, more...  
 DURABLE URL: <https://congressional-proquest-com.proxy-remote.gateb.uga.edu/legisinsight/?id=>

SUMMARY:  
 To amend the Federal Aviation Act of 1958, to encourage, develop, and attain an air transporta  
 to determine the quality, variety, and price of air services, and for other purposes.

REGULATORY HISTORY:  
 View the administrative rule-making process related to this public law.  
 Open in Regulatory Insight: [Regulatory History of P.L. 95-504](#)

SUPREME COURT CASE HISTORY:  
 View Supreme Court cases related to this public law, and their associated documents.  
 Open in Supreme Court Insight: [American Airlines, Inc. v. Wolens \(92-249\)](#); [Johnson v. American Airlines, Inc. \(94-1170\)](#); [Alaska Airlines, Inc. v. Brock \(85-920\)](#); [American Airlines, Inc. v. Wolens \(93-1286\)](#); [Northwest, Inc. v. Ginsberg \(12-462\)](#)

Legislative History of the Airline Deregulation Act > LibGuide

Legislative History of the Airline Deregulation Act of 1978, P.L. 95-504  
 9v. Washington: Covington & Burling, 1978  
 Washington: Covington & Burling.

Search this title  Q

Cumulative Contents

1 (Doc. Nos. 1-8, 1978)  
 -- Contents --  
 Table of Documents  
 Page 1

In addition to Congress.gov, committee reports can be found in other places.

Scrolling down on ProQuest Congressional will give you Committee Hearings transcripts as well as committee reports.

Hein's Legislative History library will also have some reports.

Other sources to identify what happened in Committee: Historical newspapers, CQ Almanac.

## Step # 3 – Rules Committee

### House

Introduce Bill

Committee

Sub-committee

Rules Committee



## Step # 3 – Rules Committee

Why a Rule? Priority.

Who serves on the Rules Committee? How does one become Chair?

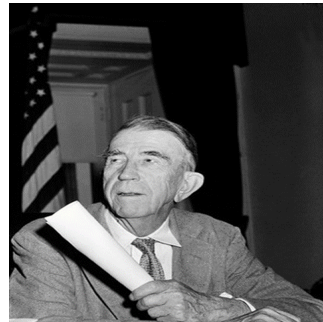
9 to 4 majority party advantage on Rules...

History: Power stems from reforms in the late 19<sup>th</sup> Century.

Rules can block germane amendments, provide time limits.

Types of rules: closed, open, structured. Why is it so important to control the amending process?

Minority input on Rules?



## Step # 3 – Rules Committee

Mr. BANKHEAD. Mr. Speaker, by direction of the Committee on Rules I call up a resolution (H.Res. 61) and ask for its consideration.

The Clerk read as follows:

### House Resolution 61

*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H.R. 3835, and any points of order against said bill or any provisions contained therein are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Mr. BRITTEN. The gentleman has repeatedly referred to the bill as being an experiment, to which we all agree. The gentleman has also expressed the hope that the Republican side of the House may help in the passage of the bill. How can we help when the gentleman's rule forbids us from even offering an amendment to the bill?

Mr. BANKHEAD. I have explained that to the gentleman. The gentleman has been here a long time. The gentleman knows how the game is played here in the House of Representatives [laughter and applause];



SEC. 6. SPECIAL ORDERS OF BUSINESS.

(a) LILLY LEDBETTER FAIR PAY ACT.—Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 11) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b)(1) PAYCHECK FAIRNESS ACT.—Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 12) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(2) In the engrossment of H.R. 11, the Clerk shall—

(A) add the text of H.R. 12, as passed by the House, as new matter at the end of H.R. 11;

(B) conform the title of H.R. 11 to reflect the addition to the engrossment of H.R. 12;

(C) assign appropriate designations to provisions within the engrossment; and

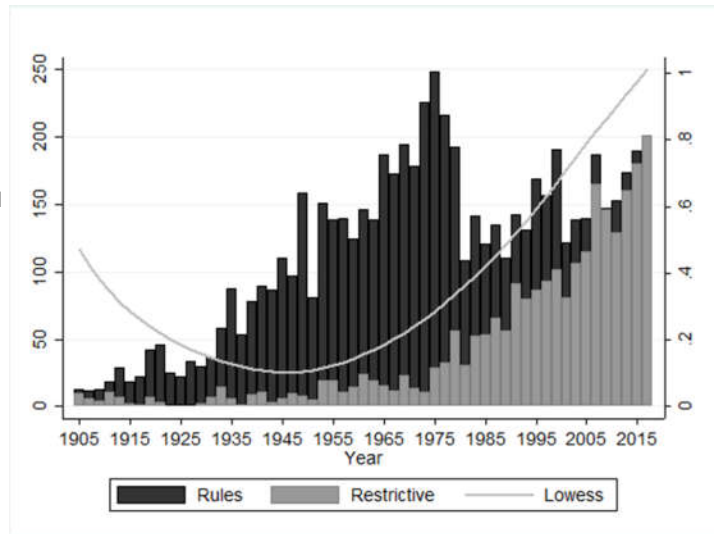
(D) conform provisions for short titles within the engrossment.

(3) Upon the addition of the text of H.R. 12 to the engrossment of H.R. 11, H.R. 12 shall be laid on the table.

## Rules over Time; Other Provisions

1. Waiver only
2. Special Order
3. King-of-the-Hill
4. Queen-of-the-Hill
5. Self-executing
6. Martial Law
7. Bifurcated

Other floor options:  
Suspension;  
Unanimous consent.



## Step # 4 – House Floor

### House

Introduce Bill

Committee

Sub-committee

Rules Committee

House Floor

## House Floor



First vote may be to order the previous question motion on the Rule, followed by a vote on the Rule itself.

Debate here is structured by the rule. Generally, the floor is empty and the outcome is pre-determined.

Note: Not all votes are recorded!

This is often followed by debate on the bill, votes on any amendments (may not be recorded), a motion to recommit with instructions, potential votes on points of order and a vote on the bill.

What influence member votes? Reelection, policy goals, reelection, party loyalty, reelection. Priorities are often as important as policy goals.

Minority input in the House?

## Step # 4 – House Floor



**LILLY LEDBETTER FAIR PAY ACT AND THE PAYCHECK FAIRNESS ACT**  
(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)  
Ms. TSONGAS. Mr. Speaker, I rise to express my strong support for two important bills that we will consider later today. The Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act both advance the fight to ensure equal pay for women in the workforce.  
According to the U.S. Census Bureau, women make 79 cents for every dollar earned for similar work by their male counterparts. This form of discrimination is unacceptable, and it not just a women's issue, it is a family issue. The Institute of Women's Policy Research found that this wage disparity will cost an individual woman anywhere from \$60,000 to \$1 million over a lifetime in lost wages. We can easily imagine the impact on a woman's life, as well as her children's.  
I am proud to support these important measure which make the American promise of opportunity more accessible to women and to their families.



Mr. PRICE of Georgia. Mr. Speaker, it's a new Congress and, yes, it's a new day. But what we're debating isn't that new. It's, in fact, a recycled campaign promise to a favored special interest, and a sad reminder of the path this majority continues to take this country.  
As most folks already know, equal pay for equal work is the law of the land and it has been since the passage of the Equal Pay Act of 1963. Generally, businesses do a tremendous job paying employees fairly, regardless of gender. But the bill before the House today treats wage discrimination as if it were systematic. And in the midst of economic challenges, we're failing to address the real challenges affecting Americans' wages and the purchasing power of their paychecks.  
If this measure becomes law, power will be turned over to bureaucrats and trial lawyers to interject, distort and oversee how wages are determined through lawsuits and through regulations.

So the motion to recommit was rejected.  
The result of the vote was announced as above recorded.  
The SPEAKER pro tempore. The question is on the passage of the bill.  
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.  
[Unrecorded vote]  
Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.  
A recorded vote was ordered.  
The SPEAKER pro tempore. This will be a 5-minute vote.  
The vote was taken by electronic device, and there were—ayes 256, nays 163, not voting 14, as follows:  
[Roll No. 8]  
AYES—256  
Aberrant  
Ader (NJ)  
Albright  
Andrews  
Arout  
Grayson  
Green, NJ  
Green, Ohio  
Guthrie  
Gutierrez  
Hall (NY)  
Neal (MA)  
Noe  
Oberstar  
Ohey  
Gutierrez  
Other  
Ortiz

Lilly Ledbetter Fairpay Act (2009) -- After debate on H.R. 11, Representative Tom Price (R-GA) offered a motion to recommit with instructions. Price argued that "One of the distinctive changes being made today to the Equal Pay Act is the inclusion of unlimited compensatory and punitive damages in a lawsuit." This provided a "boondoggle for trial lawyers" and he sought to address this by capping hourly attorney fees at \$2,000 an hour (*Congressional Record*, 111th Congress, January 6, 2009, H126)."

The motion was defeated 178-240. The bill (HR 12) then passed 256-163, with ten Republicans ayes and three Democrats voting nay. Pursuant to H.Res. 5, the text of H.R. 12 was appended to H.R. 11 and the bill was laid on the table. The amended H.R. 11 was then adopted 247-171 with three Republican ayes and five Democrats voting nay.

## Conclusion



Questions? Concerns? Angry rants?