



“How a Bill Becomes a Law: Senate”

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Step # 5 – Senate Introduction

House

Introduce Bill

Committee

Rules
Committee

House Floor

Sub-
committee

Senate

Introduce Bill

Step # 5 – Senate Introduction



There will often be a Senate companion bill introduced around the same time as the House.

Generally though, the Senate will wait for the House bill before it moves out of Committee.

Committee consideration can be bypassed in the Senate via Rule XIV.

Step # 6 – Senate Committee/Subcommittee

House

Introduce Bill

Committee

Rules
Committee

House Floor

Sub-
committee

Senate

Introduce Bill

Sub-
committee

Committee

Step # 6 – Senate Committee/Subcommittee

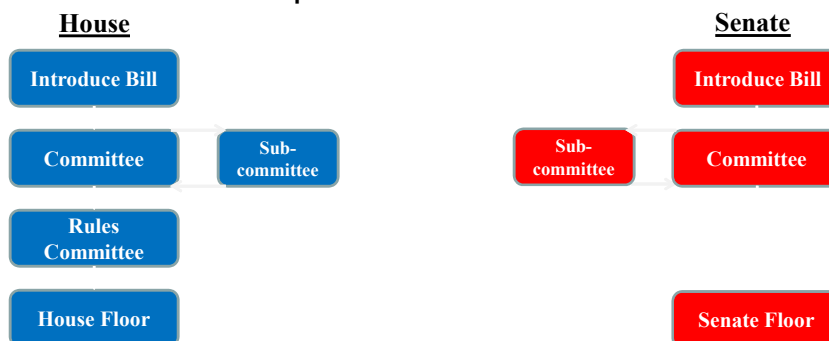


Referred by the Majority Leader (with assistance). This can also be complicated. Additionally, the Majority Leader can put a bill directly on the calendar (bypassing the committee stage).

Similar to House Committee consideration...It may go to a subcommittee as well. Committee marks up the bill, holds hearing, invites witnesses.

Full text substitutes are common.

Step # 7 – Senate Floor



Step # 7 – Senate Floor

Here's where the process generally gets weird.

No feature comparable to the House Rules Committee. Lack of a simple-majoritarian method for ending debate makes the Senate extremely unique. So how does a bill get to the Senate floor? Leader will offer a motion to proceed. But ending debate on that is difficult.



Primarily two options:

(1) Cloture. 60 votes and extremely time-consuming. May need cloture on the motion to proceed and then on the bill itself.

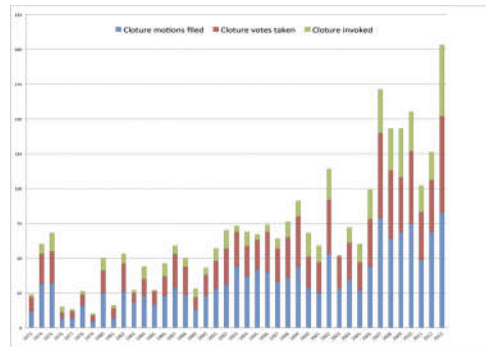
(2) Unanimous Consent. Necessitates even more compromises than cloture.

Step # 7 – Senate Floor

Understanding the filibuster

The Senate “filibuster” is not a rule in the Senate (sorry, Mr. President). It owes its existence to the absence of a rule allowing a simple majority to end a debate.

Rule XXII, or cloture, established in 1917, provides for a supermajority to end debate.



Historically, floor time is so valuable in the Senate that measures subject to filibusters are not brought to the floor and cloture votes are not taken.

Because of this, determining when a filibuster has taken place—or providing a count of filibusters—is almost completely arbitrary.

Step # 7 – Senate Floor



Understanding the filibuster

Often times, obstruction through long speeches on the Senate floor are for “show.” See recent speeches by Senators Paul (R-KY), Cruz (R-TX) and Merkley (D-OR).



Even when cloture is not invoked, the Senate’s debate rules have an effect on policy output. See Senator Tom Coburn (R-OK) and the Zadroga Health Compensation Act of 2010.

Because of workload and time demands, the modern U.S. Senate is largely run by unanimous consent.

Want a longer discussion? E-mail me...

Step # 7 – Senate Floor

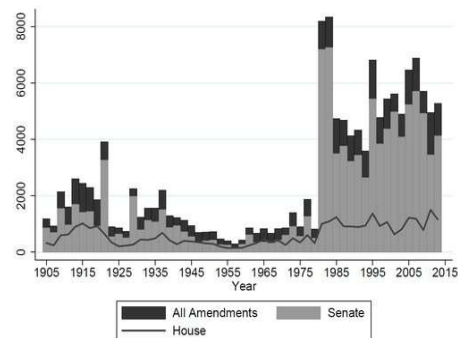
The amending process on the Senate floor is crazy.

Individual members have a great deal of leverage, so we see a large number of amendments offered and voted on in the Senate.

Most are of the position-taking variety. Why do this?

Some will be bills offered “as amendments.”

Can be offered as motions to strike, strike and insert, etc....A major job for staffers and interns is summarizing amendments and writing vote recommendations for their members. Unlike bills, where members have a great deal of notice and information from committee mark-ups, introductory speeches, lobbyists and party leaders, amendments are often offered with no supplemental information and very little time to process.



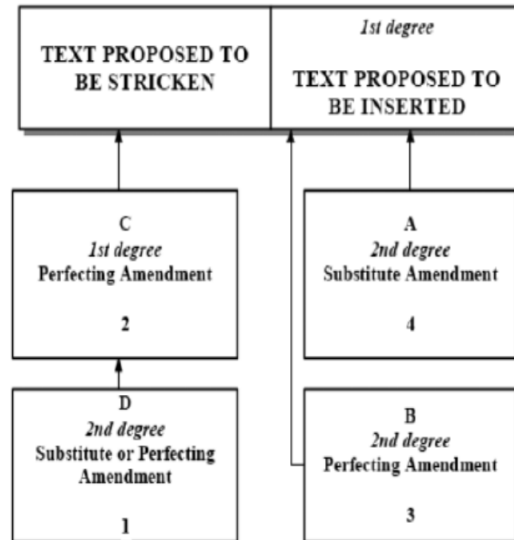
Amendment Tree

Depending on the kinds of amendments that members offer and the order in which they are recognized to offer their amendments, members can offer anywhere from three to 11 amendments before the Senate has to vote on any of them.

As a general rule, a measure being considered on the House or Senate floor is open to amendment in only two degrees.

Amendment trees are the graphic ways of depicting these possible situations.

One such tree is presented in the adjacent Figure.



Step # 8 – Resolving Differences/Conference



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Passes both Houses in different forms...Going to Conference be agreed to by both chambers. Can result in more votes.

Waning in usage. Amendment trading is more popular in unified congresses.

Who serves on a conference committee? Conferees have a great deal of freedom.

Up or down vote on the conference report.



"I say to my colleague from Wyoming, I used to teach political science classes. I have to tell you. You know, I feel guilty. I need to refund tuition to students for those 2 weeks I taught classes on the Congress. I was so off in terms of a lot of the decision-making. I should have focused on the conference committees as the third House of the Congress, because these folks can do any number of different things. And the thing that drives me crazy is you can have a situation where the Senate did not have a provision in the bill, the House did not have a provision in the bill, and the conference committee just puts it in the bill. Then it comes back for an up-or-down vote. No opportunity to amend." – *Sen. Paul Wellstone (D-MN)*

Step # 9 – President and Enactment



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Veto is possible, override requires 2/3rds of both chambers.

The President is usually involved earlier in the process. The threat of a veto is usually enough to lead to policy concessions (assuming a policy motivation).

Vetoes have been used rarely. Last three presidents have vetoed 51 bills. Only 6 overrides. Ford had 48 vetoes in his nearly two years in office.

Conclusion

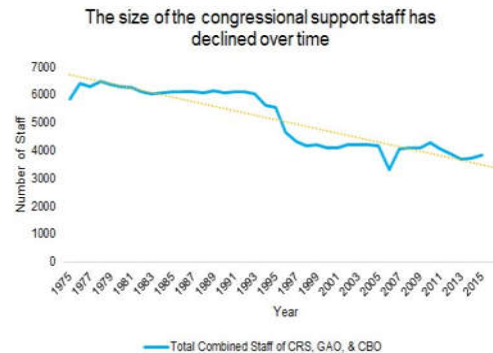
System was designed to make action difficult. It has evolved in a way that makes action even more challenging. Opponents need only to win at one stage in a process that is more complex than I've presented.

Policy status quos have shifted in such a way that this is problematic for both liberals and conservatives.

Electoral concerns present challenges for even the most well-intentioned members. This also diverts dwindling staff resources from policy formulation. Recent poll found that almost "two-thirds of DC staff" stated they were likely to look for another job in the next year.

Be wary of "sticking it" to Congress.

While polarization is a problem, institutions that provide expansive minority party rights further exacerbate it and reform should be considered.



Conclusion



Questions? Concerns? Angry rants?