Congressional Dynamics and the Legislative Process

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What Shapes Public Views of Congress?

- Machinery of Congress is slow and duplicative
- Congress is a collegial decision-making body
- Deliberative process take place in the open
- Institution speaks with many different competing voices
- Does a poor job of long-term planning and easily overreacts
- Congress and its members are POLITICAL
Two Different Chambers

- The U.S. House of Representatives
  435 districts based on population
  Two-year term
  At least 25 years of age
  Originates revenue legislation

- The U.S. Senate
  100 Senators, two from each state
  Six-year term, staggered
  At least 30 years of age
  Executive business (Treaties by 2/3, nominations)

Lawmaking Requirements

Basic Constitutional Requirement

- Both House and Senate must
- pass the same text
- in the same vehicle
- (bill number)
- and present it to the
- President for action
House Fundamentals

- Majority rule vs. minority rights
- Limits on debate
- Power of recognition
- Germaneness
- Decision vs. deliberation
- Rules adopted each Congress

Senate Fundamentals

- Equality of Senators
- Few limits on debate and amendment
- No general germaneness rule
- Emphasis on deliberation
- Rules continuously in effect
  First-come, first-served for speakers
  Presiding Senator has no power—its procedural
House Administration and Senate Rules and Administration Committees

**House**
- Candice Miller (R-MI)
- Robert Brady (D-PA)

**Senate**
- Charles E. Schumer (D-NY)
- Pat Roberts (R-KS)

Legislative Branch Subcommittees

**House**
- Rodney Alexander (R-LA)
- Debbie Wasserman Schultz (D-FL)

**Senate**
- Jeanne Shaheen (D-NH)
- John Hoeven (R-ND)
**Important Players in Congress**

- Presiding Officers
  - Speaker
  - Vice President
  - President Pro Tempore
- Floor Leaders
  - Majority Leader
  - Minority Leader
- Whips

**Administrative**
- Clerk of the House
- Secretary

**Rules Advisors**
- Parliamentarians
  - Help with referral to committee

**Drafters**
- Legislative Counsel

**Legal Advisors**
- General Counsel

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**Annual Flow of Business**

- **Even year, Nov.**
  - Elections
- **Even year, Dec.**
  - Early organization
- **Odd year, Jan.**
  - 1st session convenes
- **Odd year, Oct./Dec.**
  - 1st session adjourns *sine die*
- **Even year, Jan.**
  - 2nd session convenes
- **Even year, Oct.**
  - 2nd session adjourns *sine die*
  - or recesses for election
- **Even year, Nov./Dec.**
  - "Lame duck" session?
Recesses and Activity

<table>
<thead>
<tr>
<th>Jan.</th>
<th>Congress convenes</th>
<th>State of the Union</th>
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</thead>
<tbody>
<tr>
<td>Feb.</td>
<td>Presidents’ Day recess</td>
<td>Budget submitted</td>
</tr>
<tr>
<td>Mar.</td>
<td>Easter recess</td>
<td>Budget resolution</td>
</tr>
<tr>
<td>April</td>
<td>Memorial Day recess</td>
<td>Authorization bills</td>
</tr>
<tr>
<td>May</td>
<td></td>
<td>Appropriations</td>
</tr>
<tr>
<td>June</td>
<td></td>
<td>Reconciliation?</td>
</tr>
<tr>
<td>July</td>
<td>Independence Day recess</td>
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<tr>
<td>Aug.</td>
<td>Summer recess</td>
<td></td>
</tr>
<tr>
<td>Sept.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct.</td>
<td>Sine die adjournment?</td>
<td>Fiscal year begins</td>
</tr>
</tbody>
</table>

The “Circular” Process

- Authorization
- Reauthorization
- Appropriations
- Congressional Oversight

Authorize & Reauthorize → Appropriation

Conduct Oversight
### Weekly Cycle

<table>
<thead>
<tr>
<th>S</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>T</th>
<th>F</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel</td>
<td>Travel</td>
<td>Committee</td>
<td>Committee</td>
<td>Committee</td>
<td>Travel</td>
<td>Floor?</td>
</tr>
<tr>
<td>Floor?</td>
<td>Floor votes</td>
<td>Floor votes</td>
<td>Floor votes</td>
<td>Floor?</td>
<td>Travel</td>
<td></td>
</tr>
</tbody>
</table>

### Daily Order of Business

- Prayer by Chaplain
- Announcement of approval of Journal (House) - May vote on bill use as it is
- Pledge of allegiance
- Appointment of Presiding Officer (Senate)
- Non-legislative debate? 10 minute speeches, 5 minute morning hour, debate/business
- BUSINESS
- More non-legislative debate? 5 minute morning hour, business
- Wrap-up
### Four Forms of Legislation

<table>
<thead>
<tr>
<th>FORM</th>
<th>DESIGNATION</th>
<th>USE</th>
</tr>
</thead>
</table>
| Bill               | H.R. #  
S. #             | Lawmaking                               |
| Joint Resolution   | H.J.Res. #  
S.J.Res. #         | Lawmaking (or constitutional amendment, CRs) |
| Simple Resolution  | H.Res. #  
S.Res. #          | Internal business of one chamber        |
| Concurrent Resolution | H.Con.Res. #  
S.Con.Res. # | Internal business of both chambers       |
**Bills**

**H.R. 1040**

Official Title

**A BILL**

To amend the Internal Revenue Code of 1986 to provide
benefits and credits to individuals for certain eco-

dentric expenditures.

**Date Sponsors, Cosponsors & Committee Referrals**

- **IN THE HOUSE OF REPRESENTATIVES**
  - March 2, 2023
  - Mr. Johnson (for himself, Mr. Smith, Mr. Rodriguez, Mr. Wilson of Texas), and Mr. Williams of Texas introduced the following bill, which was referred to the Committee on Ways and Means.

**Enacting Clause**

**Short Title**

**S. 172**

To amend the Federal Food, Drug, and Cosmetic Act to provide for the registration of all animal drugs in medical use, and for other purposes.

**IN THE SENATE OF THE UNITED STATES**

January 1, 2023

Mr. Fletcher, Mr. Smith, and Mr. Gilroy introduced the following bill, which was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

**A BILL**

To amend the Federal Food, Drug, and Cosmetic Act to provide for the registration of all animal drugs in medical use, and for other purposes.

**Enacting Clause**

**Short Title**

**Joint Resolutions**

**H. J. RES. 68**

Making continuing appropriations for the fiscal year 2024, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

November 4, 2023

Mr. Lewis of California introduced the following joint resolution, which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

**JOINT RESOLUTION**

Making continuing appropriations for the fiscal year 2024, and for other purposes.

1. Resolved by the House and Senate of the United States, in Session:

- **S. J. RES. 12**

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

**IN THE SENATE OF THE UNITED STATES**

January 1, 2023

Mr. Johnson (for himself, Mr. Smith, Mr. Jones, Mr. Rodriguez, Mr. Williams of Texas), Mr. Smith, Mr. Rodriguez, Mr. Wilson, Mr. Johnson, Mr. Smith, and Mr. Rodriguez introduced the following joint resolution, which was read twice and referred to the Committee on the Judiciary.

**JOINT RESOLUTION**

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

1. Resolved by the House and Senate of the United States, in Session:

- 2. The following votes were taken: none.

- 3. The joint resolution is approved by the President.
Simple Resolutions

H. Res. 513

In the House of Representatives, U.S.,
October 16, 1999.

Resolved, That the following named Member(s), and he is hereby, elected to the following standing committees of the House of Representatives:

Committee on Education and Commerce: Mr. Barrett of South Carolina.

Resolved.

S. Res. 222

IN THE SENATE OF THE UNITED STATES
June 24, 2003

This measure the Motion of Sen. George, Mr. Zavala, and Mr. Graham entitled the following resolutions, that encouragement and support be:

RESOLUTION

Honor the Veterans of Fort Jackson and American military, Master Jannetton and George Jannetton in the 2003 Tour de France.

Whereas Fort Jackson included 400,000 Veterans of the United States armed forces, including 215,000 Veterans of the United States forces, the United States, and American military, Master Jannetton and George Jannetton have donated 215,000 Dollars to the United States and American military, Master Jannetton and George Jannetton.

Whereas Fort Jackson was the 2003 Tour de France under the leadership of Master Jannetton, who made it possible by completing the 215,000 Dollar race in 50 days, 10 hours, and 59 minutes, and 7 seconds, finishing 2 minutes, 30 seconds ahead of the second competitor.

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Concurrent Resolutions

S. Con. Res. 61

CONCURRENT RESOLUTION

Passed by the Senate, the House of Representatives

1. Resolved by the Senate, the House of Representatives
2. Resolved, That in recognition of the historic compromise
3. between the States, the Senate shall resume
4. its consideration of the State of the Union
5. presented by the President on October 19, 2003
6. as follows:
7. the Senate shall resume the consideration of the State of the Union
8. presented by the President on October 19, 2003.

Signed.

H. Con. Res. 20

CONCURRENT RESOLUTION

Passed by the House of Representatives

1. Resolved by the House of Representatives
2. Resolved, That the two Houses of Congress are assembled
3. to the call of the Speaker of the House at
4. 2:00 p.m., on the 25th day of January, two thousand
5. for the purpose of
6. hearing such observations as the President of the United
7. States may be pleased to make to them.

Signed.

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**Constitutional Authority Statement**

- Clause 7 of Rule XII requires Member to cite Constitutional authority when introducing a measure.
- Rule applies to bills and joint resolutions.
- Statements noted in the Congressional Record and made available electronically.

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**Bill Referral**

- House Rule X, Senate Rule XXV establishes jurisdiction of committee.
- Multiple referrals; sequential, split referrals.
- Senate Rule XIV and Non-germane amendments.
- To stop referral to committee, petition on calendar, usually leaders.

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H. R. 3580

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for long-term budgeting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2011

Mr. Mulvaney (for himself, Mr. Ryan of Wisconsin, Mr. Hensarling, Mr. Rohrabacher, Mr. Stutzman, Mr. Chaffetz, and Mr. Lamborn) introduced the following bill which was referred to the Committee on the Budget, and in addition to the Committees on Rules, Agriculture, Ways and Means, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

The Work of Committees

- Gathering information
- Making legislative recommendations
- Performing oversight
Hearing Procedures

- Public notice of a hearing is given one week in advance.
- Hearings are open to the public and the press unless a quorum votes to close it for specified reasons.
- The number and appearance of witnesses is structured by the committee chair. Minority witnesses may be called.
- The focus of a hearing is on questions.
- Witnesses submit their written testimony in advance and summarize it when appearing at the hearing. ≤5 min.
- Members question witnesses under the five-minute rule, generally by party and seniority. Senate committees commonly structure rounds by unanimous consent.

Committee Markup

- Meeting at which committee members propose and vote on amendments to a bill or the draft of a bill
Committee Markup: Choosing a Text

- Referred bill
- Draft bill i.e. "staff draft," "chairman's mark," "committee print"
- Amendment in the nature of a substitute

Committee Markup: Offering and Debating Amendments

- In House, bills are "read for amendment," usually by section or paragraph.
- In the Senate, measure is considered read and open to amendment at any point.
- Chair recognizes Members to offer amendments, most often by party and seniority, or perhaps in an order structured by unanimous consent.
- Amendments must be in writing and must be read aloud, unless consent is given to waive the reading.
- In the House, amendments must be germane to the underlying text. Senate Rule XV.
- Members may yield to other Members in debate.
Committee Reports

- Required in House, encouraged in Senate
- Contents are dictated by rules & statute
- Committee members may add views
- Uses of committee report language
- Availability ("layover") requirements

109th Congress
1st Session
HOUSE OF REPRESENTATIVES
Report 109-32

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

March 7, 2005—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Young of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

REPORT

To accompany H.R. 3

The Committee on Transportation and Infrastructure, to whom was referred the BILL 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having considered the same, reports favorably thereon with an amendment and comments that the bill as follows:

The amendment is as follows:

Strike all after the enacting clause and insert the following:

[Text of amendment]

The report of the Committee on Transportation and Infrastructure is as follows:

[Text of report]

The Committee recommends that the bill be enacted into law.

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Transportation, to be financed primarily through the Federal Highway Trust Fund.

Explanations and Notes on the Legislation

Explanations of H.R. 1367 (The Transportation Equity Act for the 21st Century) are contained in the Committee's Report that accompanies this bill. This legislation will set the agenda for highway development, highway finance, and transportation research and development for the next decade. As the nation's traffic increases, so too will the demands placed on our roads and highways. This bill will provide the framework for addressing these challenges.

The transportation system is critical to our nation's economic growth and competitiveness. It enables the movement of people and goods across the country, supporting job creation and economic development.

One of the key provisions of this legislation is the establishment of the Transportation Equity Act for the 21st Century Fund (TEA-21). This fund will provide a significant infusion of federal funds for highway and mass transportation projects across the country.

The TEA-21 fund will be used to address critical needs in the transportation system, such as improving safety, reducing congestion, and promoting efficiency.

In addition to the TEA-21 fund, the legislation contains provisions for improving mass transportation systems, enhancing intermodal connectivity, and supporting research and development.

The transportation system is in a state of constant evolution, and this legislation recognizes the need for a comprehensive and strategic approach to addressing our transportation challenges.

The Committee's Report provides a detailed analysis of the legislation, including its goals, objectives, and potential impacts. It is available for review and consideration by all stakeholders in the transportation sector.

In conclusion, the transportation system is a cornerstone of our nation's economic growth and competitiveness. The TEA-21 legislation provides a strong foundation for addressing the challenges facing our transportation system, ensuring that it remains a critical component of our nation's infrastructure.
H. Rept. 109-12

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ACTION ON TRANSPORTATION AND INFRASTRUCTURE AND THE COMMITTEE ON THE BUDGET TO ADDRESS THESE ISSUES.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 3 was introduced by Representative Joe Barton, Ranking Member
William J. Jefferson, Representative Ed Pastor, and Representative James Oberstar, and referred to the Committee
on Transportation and Infrastructure on March 29, 2005 and amended by
veto vote, a major policy amendment offered by Committee Chairman
Jim Oberstar. The Committee adopted an amendment offered by Representative
Joe Barton, which was in addition to an amendment offered by Representative
William J. Jefferson. The Committee also adopted a motion to instruct the
Chairman to make any necessary amendments to the text of the report as
necessary. Subsequently, the Committee ordered the bill as amended reported
in the House by voice vote.

ROLL CALL VOTES

A motion to adopt the report by a roll call vote was agreed to by
voice vote, a major policy amendment offered by Committee Chairman
Jim Oberstar. The Committee ordered the bill as amended reported
in the House by voice vote.

ROLL CALL VOTES

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voice vote, a major policy amendment offered by Committee Chairman
Jim Oberstar. The Committee ordered the bill as amended reported
in the House by voice vote.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 501 of rule XIII of the Rules of the House of Representatives, the Committee oversight findings and recommendations are referred to this report.

COST OF LEGISLATION

With respect to the requirements of clause 503 of rule XIII of the Rules of the House of Representatives, the Committee's findings and recommendations are referred to this report.

COMPLIANCE WITH HOUSE RULE XIII

With respect to the requirements of clause 505 of rule XIII of the Rules of the House of Representatives, the Committee's findings and recommendations are referred to this report.

CONGRESSIONAL AUTHORITY STATEMENT

Pursuant to clause 4 of rule XIII of the Rules of the House of Representatives and section 701 of the Congressional Budget Act of 1974, the Committee desires to solicit the advice and counsel of the Congress on the policy and legislative issues concerning the budgetary and economic issues.

FUNDING MANDATORYꝥ

The Committee desires to solicit the advice and counsel of the Congress on the policy and legislative issues concerning the budgetary and economic issues.

EXECUTIVE CLARIFICATION

Section 422 of the Congressional Budget Act of 1974, provides the report of any Committee on a bill or joint resolution to include a description of the policy and legislative issues concerning the budgetary and economic issues.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee desires to solicit the advice and counsel of the Congress on the policy and legislative issues concerning the budgetary and economic issues.

TITLE 25, UNITED STATES CODE

25 U.S.C. 321

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. Yarmuth of Kentucky, from the Committee on Transportation and Infrastructure, submitted the following

SUPPLEMENTAL REPORT

H. Rept. 109-431

This supplemental report shows the post passage of the Congressional Budget Office report to the Bill HR 3031. As reported, H. Rept. 109-431, the official roll call votes are presented at the back of the report. The complete report is available at http://thomas.loc.gov/]

U.S. CONGRESS
CONGRESSIONAL BUDGET OFFICE

Bill, Mr. Yarmuth,
Chairman, Committee on Transportation and Infrastructure.

House of Representatives, Washington, DC.

Dear Mr. Chairman:

The Congressional Budget Office has prepared an analysis of the Transportation Equity Act: A Legacy for Users, as reported by the House Committee on Transportation and Infrastructure on March 3, 2005. Although CBO has not yet completed a cost estimate for the entire bill, this report provides preliminary cost estimates of the HIA major provisions. CBO has not had time to estimate the effects of other provisions, such as fees for highway trust fund expenditures or safety programs. However, the analysis, which provides an overview of the provisions of the bill, offers important insights into the overall costs and benefits of the legislation. This report is intended to support the Committee's consideration of the legislation under consideration. The complete report is available at http://thomas.loc.gov/]

Madam Chairwoman:

J. J. van Deventer, Director

Enclosures:

[37]

Post Committee Duties

- Help determine the terms of floor consideration
- Manage the bill on the House or Senate floor
- If necessary, represent the chamber in bicameral negotiations

The House Floor

Main ways bills come up on house floor

First tho...

Four House Calendars

- Union Calendar
  - B, property, tax appr.
- House Calendar
  - Not a calendar
- Private Calendar
  - For private leg.
- Discharge Calendar
  - Majority of house could sign to get on floor without speaker's placing there
Suspension of the Rules

Expedites "Non-Controversial" Business
- Mondays, Tuesdays, Wednesdays
- 40 minutes of debate, evenly divided maj/min.
- 2/3 vote required for passage
- All points of order are waived
- No floor amendments permitted
- If motion is defeated, that does not defeat bill
- Measures do not have to be introduced or reported
- Votes can be postponed and clustered
- http://docs.house.gov

Maintained by clerk of house

House Committee on Rules

- Will produce a resolution for how to proceed
  = 1+ Res.
  = "Special Rule"

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What Can Special Rules Decide?

- Which base text will be considered?
- How long will debate last and who will control it?
- Who (if anyone) will get to offer amendments?
- In what order will amendments be offered?
- What rules of the House apply (if any) to the consideration of a bill or part of a bill?
- Rules can also write, rewrite, or merge legislative text

Open, Closed, Structured Rules

**Open Rule**
Any germane amendment permitted

**Closed Rule**
No amendments permitted

**Structured Rule**
Some amendments permitted, with process structured to greater or lesser degree
The Committee of the Whole

- Facilitates consideration of complex legislation
- General debate shortened
- Amendments considered under the 5-minute rule
- Committee rises and reports to the House
- Motion to recommit and final passage

The Senate
Two Senate Calendars

Calendar of Business
- Bills reported by committee or placed there under Rule XIV

Executive Calendar
- Treaties and nominations reported by Senate committee

Raising Measures in the Senate

Central role of the Majority Leader
1. Unanimous consent agreement
2. Motion to proceed to consider
Motion to Proceed

- By tradition, made by the Majority Leader or his designee
- Normally debatable
- Non-debatable for conference reports, nominations, treaties, legislation in certain special categories defined by statute, or when made during the Morning Hour (rarely)
- Adoption of the motion only raises measure or matter – it does not pass it

Filibuster to block vote on bill

General Features of U.C. Agreements

- A negotiated "contract" accepted by all Senators
- May suspend Senate rules in whole or in part
- Limits debate and motions – "time agreement"
- In effect until changed by another U.C. agreement
- May be partial or comprehensive
- May structure the amendment process
- May waive all or only some points of order

Process doesn't match Senate Rules, b/c rule often waived e.g. Rules & mem

House procedure is known b/c rule procedure tells you, vs S, as S unpredictable

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PENDING BUSINESS

S. 2574 (ORDER NO. 30)

UNANIMOUS CONSENT AGREEMENTS

S. 2574 (ORDER NO. 30)

1—Ordered, That on Monday, February 27, 2006 at 3:37 p.m., the Senate receive consideration of S. 2574, a bill to clarify that individuals who receive ESA orders are not subject to new or changing standards or regulations that individuals who receive similar benefits from other covered programs are subject to, and not to return the same to the order of the day.

H. R. 12

S—Ordered, That the bill proceed to a vote on the bill, without intervening action or debate. (Feb. 28, 2006)

H. R. 12

S—Ordered, That the bill proceed to a vote on the bill, without intervening action or debate. (Feb. 28, 2006)

H. R. 12

S—Ordered, That the bill proceed to a vote on the bill, without intervening action or debate. (Feb. 28, 2006)

Executive Business

- Treaties and nominations
- Executive Calendar
- Executive Session
- Motion to Proceed / Unanimous consent agreement
**Factors in Senate Scheduling**

- "Holds" - Senator says will filibuster any UC request
- Filibuster to block vote
- Cloture motions

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**Senate Floor: Business on "Hold"**

- A "hold" is a public or private communication from a Senator to their party leader notifying them that they intend to object to a U.C. request to schedule certain business
- "Holds" may be temporary or permanent
- There may be different motivations for placing a "hold"
- P.L. 110-81 established a multi-step procedure intended to provide transparency to who is placing a "hold." Procedure revised by standing order in 112th Congress
Senate Floor: Filibuster

- Intent to block measure or matter by preventing a vote on it
- Extended debate
- Extended amendment
- Other procedural delaying tactics
- Debatable motion to proceed raises the potential of two filibusters on one measure
- Limited leadership control
- Ending by cloture or by unanimous consent
- Why are there no more “Mr. Smith Goes To Washington” filibusters?

Senate Floor: Invoking Cloture

- May be filed on any pending debatable question
- May be filed on different questions on the same matter
- Petition signed by at least 16 Senators
- Roll call vote two days of session later after a mandatory live quorum call
- Approval requires 3/5 of all Senators (2/3 of those present and voting for rules changes)
- May be moved multiple times on same question

Nuclear option - change cloture rule w/ simple major (not following rules)
Procedures Under Cloture

- Question remains unfinished business
- 30-hour cap on post-cloture consideration
- One hour maximum per Senator -- May yield part of time to managers/leaders
- Presiding officer may count for a quorum and rule out dilatory motions
- Amendments must be germane and filed by specific deadlines

Resolving Legislative Differences
Bicameralism

Basic Constitutional Requirement

Both House and Senate must

- pass the **same text**
- in the **same vehicle**
- *(bill number)*
- and present it to the
- President for action

Resolving Differences

- **Amendments between the houses**
  “Ping-Pong”

- **Conference Committee**
  “The third chamber of Congress”
Amendments Between the Houses

**HOUSE ACTION**

- H.R. 1
  - PASS
  - transmit

**SENATE ACTION**

- S. 2
  - PASS

- Text of S. 2
  - PASS, WITH AMENDMENT (hookup)

- H.R. 1
  - CONCUR, WITH AMENDMENT
  - transmit

- H.R. 1
  - S. amend.
  - H. amendment

- S. amend.
  - H. amendment

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- TO PRESIDENT

Advantages of Amendment Exchange

- Process of going to conference gives minorities ample opportunities to delay
- Amendment exchanges can be an informal alternative to conference.
- Motions to concur with an amendment can resolve differences informally negotiated in advance

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Disadvantages of Amendment Exchange

- Resolving large, complex, or controversial differences may require a "face-to-face" negotiation
- In the House, motions to concur are not generally privileged for consideration. They come up most often by unanimous consent, special rule, or by the suspension of rules procedure

Conference Committee

- Appointing conferees
- Motions to instruct managers
- Conference negotiations and strategies
- "Side-by-sides"
- Limitations on conferees
- Floor consideration of conference reports in House and Senate
### "Scope" of Legislative Differences

<table>
<thead>
<tr>
<th>Provision of 1st Chamber</th>
<th>Provision of 2nd Chamber</th>
<th>Contents Permitted in Conference Report</th>
</tr>
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<tbody>
<tr>
<td>Nothing</td>
<td>Nothing</td>
<td>Nothing</td>
</tr>
<tr>
<td>A</td>
<td>A</td>
<td>A or B or in Between</td>
</tr>
<tr>
<td>A</td>
<td>B</td>
<td>A or Current Law or in Between</td>
</tr>
<tr>
<td>A</td>
<td>Nothing</td>
<td>A or Current Law or in Between</td>
</tr>
</tbody>
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### Presidential Action

<table>
<thead>
<tr>
<th>ACTION BY PRESIDENT</th>
<th>ACTION BY CONGRESS</th>
<th>RESULT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign</td>
<td></td>
<td>Law</td>
</tr>
<tr>
<td><strong>Veto</strong> (and return to Congress)</td>
<td>Both houses override by 2/3 vote</td>
<td>Law</td>
</tr>
<tr>
<td></td>
<td>No override vote by both chambers</td>
<td>No law</td>
</tr>
<tr>
<td><strong>Do nothing</strong></td>
<td>Congress remains in session</td>
<td>Law</td>
</tr>
<tr>
<td></td>
<td>Congress adjourns <em>sine die</em></td>
<td>No law (pocket veto)</td>
</tr>
</tbody>
</table>
Some Common Versions of Legislation

- Introduced
- Reported
- Engrossed
- As received in second chamber
- Conference report
- Enrolled
- Public law

Progression of Published Law

- Office of the Federal Register
- "Slip" law
- United States Statutes at Large
- U.S. Code
The Legislative Process: Decision Points

House
- Introduction
- Markup & committee report
- Pre-Floor (Suspension, Special Rule, U.C.)
- Floor (including colloquy & motion to recommit)
- Resolving differences (amendment exchange, conference & J.E.S.)

Senate
- Introduction (Rule XIV / Non-germane amendments)
- Markup & committee report (original bill)
- Pre-Floor (U.C.)
- Floor (colloquy)
- Resolving differences (amendment exchange, conference & J.E.S.)