Legislation Process in the House

1. Forms of Legislation

Bills and joint resolutions may become law if enacted during the two-year Congress that they were introduced. Simple resolutions and concurrent resolutions cannot make laws, but may be used by the House, or both the House and Senate, to accomplish internal administrative or organizational tasks, such as establishing rules for proceeding.

1. Introduced in House

Only members of the House may introduce legislation, occasionally by request of the President. They usually consult with nonpartisan attorneys in the House to write the proposal in legislative language. Members may go over a bill and sign on it as original co-sponsors of the bill. A bill is introduced when it is dropped in the hopper, a wooden box on the House floor. After introduction, the bill is assigned a type (H.R. or H.J.Res.) and a number, which is usually the next number available during the Congress term.

1. Referred to Committee

The Speaker of the House then often takes advice of the nonpartisan parliamentarian, to refer the bill to all committees that have jurisdiction over the provisions in the bill. This is usually based on the standing rules of the House and past decisions. Most bills are referred to one committee, but if several committees are involved, each may only work on the portion under its jurisdiction.

Note: Traditionally, though not exclusively, the chair of a committee has been selected by seniority, so that the longest-serving members of the committee from the majority and minority parties become the chair and ranking member.

1. Committee Action

Bill can be assigned to subcommittee by the chair, and subcommittees report their findings to the full committee. The first committee action may be a hearing where committee members and the public can learn the strengths and weaknesses of a proposal from selected parties. A hearing is not required for a bill to receive further action. A markup session is the key step: committee members offer and vote on amendments to the proposal, including possibly a complete substitute for its text. A markup ends when the committee agrees by majority vote to report the bill, so a markup is rarely held unless the bill is likely to receive majority support. Other than a referred bill, it is also possible that a clean bill is written during the markup from a draft proposal, to be reported. After the bill is reported, the committee prepares a written report explaining why they support the bill and why they recommend the amendments, if any adopted during the markup.

Note: Bills in the House can only be released from committee without a proper vote by a discharge petition signed by a majority of the House membership.

1. Before Floor Consideration: Rules to use

Once reported, a bill is placed on one of the calendars, but it is not guaranteed floor consideration because it may never be brought up during the Congress term. If a bill is now up the calendar and to be considered, then a procedure needs to be determined on how the bill is going to be considered.

* 1. Suspension of the Rules

Most bills are considered under this procedure, which limits debate to 40 minutes and does not allow amendments to be offered by members on the floor. Under this procedure, it requires 2/3 of members voting to agree for the House to pass the bill, so this procedure is not designed for bills that do not have supermajority support in the House.

* 1. Special Rule

Bills not considered on the House floor under suspension of the rules are normally considered instead under terms tailored for each bill. The Rules Committee reports a simple House resolution called a special rule to determine how the bill will be considered. Common provisions in a special rule include selection of the text to be considered, limitations on debate, and limits on the amendments that can be offered on the floor. (This special rule can be bypassed by either suspension of the rules, or a discharge petition)

Note: We say the Speaker decides which bills to consider and in what order because he may schedule a bill for expedited floor consideration after consulting with committee leaders (through suspension of the rules). The Speaker may as well ask for lengthy floor consideration because the Rules Committee is heavily dominated by the majority party and works closely with House majority party leadership on the main elements of each special rule. The Rules Committee is commonly known as “the Speaker’s Committee”.

* 1. After the Special Rule is reported

The House first considers that simple resolution itself on the House floor, for approximately one hour. After debate, the House votes on adopting the simple resolution. After its adoption, the House typically will consider the bill under Committee of the Whole, which allows members an efficient way to consider and vote on amendments. After any amendments are offered and debated, members vote on approval, and amendment requires a simple majority to be agreed to. Committee of the Whole then rises and reports to the full House any recommended amendments, which are then usually approved by the House by voice vote. Before voting on final passage of the bill, members will debate briefly and then vote on a motion to recommit, which gives the minority party a chance to propose its own amendment.

Note: In our dataset, the actions describing the detailed process of considering the special rule on the House floor, “Rule provides for consideration of H.R. 2621 with 1 hour of general debate” (as an example), appear in the lists of actions of both the bill and its reported simple resolution, and the texts are the same, but with different date or time.

1. Final Passage Vote

At the end of the debate, when bringing a measure to a final passage vote, the Speaker is required to first put the question to a voice vote, and then makes the call on which side prevails. Whenever a quorum (218 Members) is not present, yeas and nays vote can be requested, which requires that one-fifth of those Members present stand up to order the vote. Once the Chair determines that one-fifth of those present support the demand, the vote is ordered. When a quorum is present, a member can request a recorded vote, which requires only one-fifth of a quorum in the House (44 Members) to stand and support the request.

Note: In the case when a bill is considered under suspension of the rules, there is a single vote on suspending the rules and passing the bill. The House does not vote first on whether to suspend the rules and then on whether to pass the bill. Both questions are decided by one vote. Therefore, a voice vote is not taken because this procedure requires 2/3 of members voting to agree, and a voice vote is not suitable. A yeas and nays vote is automatically in effect under this circumstance, so a member does not need to request a record vote.