

The Center on Congress at Indiana University

How a Bill Really Becomes Law

By Lee Hamilton

When I visit with students in American government classes, I always make a point of flipping through their textbooks to see the diagram illustrating "How a Bill Becomes a Law" in Washington. The diagram explains that a piece of legislation, once introduced, moves through subcommittee and committee, then to the House and Senate floors, then to a House-Senate conference, and finally to the President for his signature or veto.

In a technical sense, of course, the diagram is accurate. But it gives a woefully incomplete picture of how complicated and untidy the legislative process can be, and it barely hints at the multitude of difficult things that a Member of Congress must do to shepherd an idea into law. For a U.S. Representative, the most-time consuming aspect of moving legislation is conversation: the scores - even hundreds - of one-on-one talks that an astute Member will have with colleagues to make the case for a particular bill, to learn what arguments opponents will use to try to block it, and to get a sense of what adjustments might be needed to move it along.

There was a time when it didn't take so many conversations to advance a proposal through Congress. If you could sell your idea to the top leadership and a key committee chairman or two, their clout would carry a bill well down the road to passage. Nowadays, though, more people on Capitol Hill have legislative power, including subcommittee chairmen, party leaders, leadership-appointed task forces, and individual Members, especially those who are skilled at attracting media attention. People outside Congress also need to be consulted, including key special interest groups who have much to gain or lose depending on the precise language of a bill and who have influence with Members.

The soundings from this smorgasbord of conversations generally end up posing a dilemma to a Member pushing a bill: altering the proposal to accommodate skeptics might broaden its appeal, but compromising too much could alienate core supporters. A successful legislator must constantly be counting votes to assure he has a majority of support and must be strategically savvy enough to gauge accurately whether to try to mollify the opposition, or to push ahead and hope to defeat it. He needs to check with the parliamentarian to assure that technical objections do not block the bill, and be prepared to debate with his colleagues every line of the bill and to find the arguments that are most persuasive. And through it all, the Member must always weigh the political impact of the bill, especially with his constituents and his contributors.

If, with conversation, persuasion, persistence and luck, a House Member clears the many hurdles and gets a bill passed through that chamber, the reward is to begin the difficult journey anew in the Senate, where the threat of a filibuster immensely complicates the legislative process. Unless 60 of 100 Senators vote to close off debate on a measure, it is effectively blocked; the Senate on many issues no longer operates by simple majority rule.

The fate of a legislative proposal is also influenced by the preferences of the President and the executive branch bureaucracy. A Member of Congress trying to advance a bill must be taking constant readings from the President to learn if he will veto it or sign it into law.

The workings of Washington sometimes appear to be a tangled and contentious mess, but there is a framework in which the action takes place. Granted, it is not as tidy as the textbook diagrams suggest; the legislative process is increasingly complex and dynamic, and thoroughly political from beginning to end. But it is a process that takes into account the need to hear from all points of view and to build consensus in our large, diverse and complicated country. Rarely is that quick or neat work, but it is the fundamental stuff of democracy, and it has served our country well.

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