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How A Bill Becomes A Law; Writing Your Congressman

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1978

Mr. MICHEL. Mr. Speaker, those of us in Congress are so close to the legislative process that we sometimes forget that the way in which a bill becomes law is not clearly understood by many of our fellow Americans. I receive inquiries from time to time about this question. I have prepared a brief summary of the process in the hope it may be useful to anyone who is interested in the machinery of Government.

How A Bill Becomes Law

Ours is a government "of the people, by the people, for the people." It is not a pure democracy. It is a republic in a democracy. It is a representative democracy.

Our laws are the embodiment of the wishes and wants, the ideas and ideals of the American people as expressed through their representatives in the Congress: 435 in the House of Representatives and 100 in the Senate. Any Member of the House or Senate may introduce a bill embodying a proposed law or revision of existing laws, at any time when his respective house is in session. When introduced the bill will be entered in the Journal of the house, and the title and sponsors of it printed in the Congressional Record of that day.

Each Bill Numbered

Each bill introduced is assigned a number by the Clerk of each house and referred to the Committee having jurisdiction over the subject matter by the presiding officer, i.e., the Speaker of the House or the President of the Senate. Copies of the bill are printed by the Government Printing Office and made publicly available from the Congressional document rooms.

Acting through its Chairman, the Committee decides whether a bill should be taken up by the

full Committee or referred to a subcommittee for its initial consideration.

The Deliberative Stage

The Committee's deliberations are the most important stage of the legislative process. It is here that detailed study of the proposed legislation is made and where people are given the right to present their views in public hearings. When the Chairman has set a date for public hearings it is generally announced by publication in the Congressional Record.

Copies of the bill under consideration by the Committee are customarily sent to the Executive Departments or agencies concerned with the subject matter for their official views to be presented in writing or by oral testimony before the Committee. The number of witnesses, pro and con, heard by the Committee is largely dictated by the importance of the proposed legislation and degree of public interest in it.

Testimony Heard

The transcript of the testimony taken is available for inspection in the individual Committee offices. Quite frequently, dependent on the importance of the subject matter, the Committee hearings on a bill are printed and copies made available to the public.

After conclusion of the hearings the Committee proceeds to meet in Executive Sessions (sometimes referred to as "mark-up" sessions) to discuss the bill in detail and to consider such amendments as any member of the Committee may wish to offer. Each Committee has its own rules of procedure but they generally conform to the rules of the House itself.

The Committee Vote

By a formal vote of the Committee, it decides whether to report favorably to the House the bill with or without Committee amendments. A Committee report must accompany the bill, setting forth the nature of the bill and

reasons for the Committee's recommended approval. The report sets forth specifically the Committee amendments and, in compliance with the rules of each house, indicates all changes the bill would make in existing law. Any Committee member, individually or jointly, may file additional supplemental or minority views to accompany the majority Committee Report. The Committee Report, accompanying the bill, is viewed by the courts and the administrative agencies as the most important document as to the intent of the Congress in the proposed legislation.

After Reporting

When a bill is reported by the Committee it is placed on the appropriate calendar. The Majority Leadership decides how and when the bill will be considered on the Floor. In general the bill is allowed to remain on the Calendar for several days to enable members to become acquainted with its provisions.

In both the House and the Senate innumerable measures of relatively minor importance are disposed of by unanimous consent. In the Senate, where debate is unlimited, major bills are brought up on motion of the Majority leader and in the House are called up under a privileged resolution reported from the Rules Committee which fixes the limits of debate and whether amendments may be offered from the Floor. The Rules Committee resolution is called a "rule" for consideration of a bill: a "closed rule" if no amendments are allowed, as is generally the case in tax bills, and an "open rule" if amendments can be offered.

Reaching Consensus

While there are distinct differences between the House and Senate procedures, in general a bill is debated at length with the proponents and opponents presenting their views to acquaint the membership, as well as the general public, with the issues involved, and all with a view to

arriving at the consensus. Amendments are frequently offered to make the measure more in conformity with the judgment of the majority. In the course of consideration of the bill there are various parliamentary motions, in both the House and the Senate, which may be offered to determine the sentiment of the members with respect to the pending legislation. The measure may be postponed to some future date or referred back to the Committee which reported it.

With the conclusion of general debate and the reading of the bill for amendments, the question becomes whether the House or Senate, as the case may be, will pass the bill in its final form. The Congressional Record of the day the bill was under consideration will set forth the verbatim debate on the bill and the disposition made of such amendments as were offered.

After Passage

With the passage of a bill by either body it is messaged to the other with the request that they concur. If no action has been taken on the like measure by the body receiving the message the bill is usually referred to the appropriate committee of that body for consideration. Hearings are again held and the bill reported for Floor action. On relatively minor or non-controversial matters the Senate or the House accepts the measure as messaged to it by the other body.

If there are substantial differences between the House and Senate versions of a given bill, the measure is sent to a Conference Committee which is appointed by the Speaker and the President of the Senate from the ranking Committee members of each body having original jurisdiction over the bill. The object of the Conference Committee is to adjust the differences between the two bodies, and to report back to each its agreement. The report of the Conference

Committee must be in writing and signed by those agreeing thereto and must have the signature of the majority of the conferees of each house.

Conference Report

The report of the Conference Committee cannot be amended and must be accepted or rejected by each house as it stands. If either house finds itself unable to accept the Conference Committee report a further conference is usually requested.

When the bill has been agreed to in identical form by both bodies a copy of the bill is enrolled, signed by the Speaker and by the President of the Senate, for presentation to the President. The bill becomes law with the President's signature of approval, or it may become law without his signature if he does not return it, with his objections, to the Congress within 10 days of its presentation to him.

If the President should return the bill, with his objections, to the originating body of the Congress, his veto may be overridden by two-thirds of both the House and Senate respectively voting to have the measure become law the President's objections to the contrary notwithstanding. Both the President's veto message and a record of the vote of the individual members in the motion to override are required by the Constitution to be set forth in the Congressional Record.

Writing Your Congressman

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1977

Mr. UDALL. Mr. Speaker, surprisingly few people ever write their Congressman. Perhaps 90 percent of our citizens live and die without ever taking pen in hand and expressing a single opinion to the man or woman who represents them in Congress — a person whose vote may decide what price they will pay for the acts of Government, either in dollars or in human lives.

This reluctance to communicate results from the typical and understandable feelings that Congressmen have no time or inclination to read their mail, that a letter probably will not be answered or answered satisfactorily, that one letter will not make any difference anyway. Based on my own 16 years' experience, and speaking for myself, I can state flatly that most of these notions are wrong. On several occasions a single, thoughtful, factually persuasive letter did change my mind or cause me to initiate a review of a previous judgment. Nearly every day my faith is renewed by one or more informative and helpful letters giving me a better understanding of the thinking of my constituents.

Mail Is Important

Mail to today's Congressman is more important than ever before. In the days of Clay, Calhoun, Webster, and Lincoln, Congressmen lived among their people for perhaps nine months of the year. Through daily contacts in a constituency of less than 50,000 people — I represent ten times that many — they could feel rather completely informed on their constituents' beliefs and feelings. Today, with the staggering problems of Government and increasingly long sessions, I must not only vote on many more issues than early-day Congressmen but I rarely get to spend more than 60 days a year in

Arizona. Thus my mailbag is my best "hot line" to the people back home.

Some Fundamentals

Here are some suggestions that apply to all congressional mail:

Address it properly: "Hon. _____, House Office Building, Washington, D.C. 20515." Or "Senator _____, Senate Office Building, Washington, D.C. 20510." This may seem fundamental, but I once received a letter addressed like this: "Mr. Morris K. Udall, U.S. Senator, Capitol Building, Phoenix, Arizona. Dear Congressman Rhodes . . ."

Identify the bill or issue: About 20,000 bills are introduced in each Congress; it's important to be specific. If you write about a bill, try to give the bill number or describe it by popular title ("clean air," "minimum wage," etc.).

The letter should be timely. Sometimes a bill is out of committee, or has passed the House, before a helpful letter arrives. Inform your Congressman while there is still time to take effective action.

Write The Right People

Concentrate on your own delegation. The representative of your district and the senators of your State cast your votes in the Congress and want to know your views. However, some writers will undertake to contact all 435 Members of the House and 100 Senators, who cast votes for other districts and other States. If you happen to be acquainted personally with a Member from Nebraska, he might answer your letter, but there is a "Congressional courtesy" procedure which provides that all letters written by residents of my district to other Congressmen will simply be referred to me for reply, and vice versa.

Be Brief

Be reasonably brief: Every working day the mailman leaves some 150 or more pieces of mail at my office. Tomorrow brings another batch. All of this mail must be answered while I am studying legislation, attending committee meetings and participating in debate on the House floor. I recognize that many issues are complex, but your opinions and arguments stand a better chance of being read if they are stated as concisely as the subject matter will permit. It is not necessary that letters be typed — only that they be legible — and the form, phraseology and grammar are completely unimportant.

In the course of my years in Congress I have received every kind of mail imaginable — the tragic, the touching, the rude, the crank; insulting, persuasive, entertaining, and all the rest. I enjoy receiving mail, and I look forward to it every morning; in fact my staff people call me a "mail grabber" because I interfere with the orderly mail-opening procedures they have established. Whatever form your letter takes I will welcome it. But to make it most helpful I would suggest these "do's" and "don't's".

Do: Write Your Own Views

Write your own views — not someone else's. A personal letter is far better than a form letter or signature on a petition. Many people will sign a petition without reading it just to avoid offending the circulator. Form letters are readily recognizable — they usually arrive in batches — and usually register the sentiments of the person or lobbying group preparing the form. I regret to report that form letters often receive form replies. Anyway, I usually know what the major lobbying groups are saying, but I don't often

know of your experiences and observations, or what the proposed bill will do to and for you. And I often am not fully aware of new conditions and developments in Arizona. A sincere, well-thought-out letter from you can help fill this gap.

Do: Give Your Reasons

Give your reasons for taking a stand. Statements like "Vote against H.R. 100; I'm bitterly opposed" don't help me much. But a letter which says "I'm a small hardware dealer, and H.R. 100 will put me out of business for the following reasons . . ." tells me a lot more. Maybe I did not know all the effects of the bill, and your letter will help me understand what it means to an important segment of my constituency.

Do: Be Constructive

Be constructive. If a bill deals with a problem you admit exists, but you believe the bill is the wrong approach, tell me what the right approach is.

If you have expert knowledge, share it with your Congressman. Of all the letters pouring into a Congressman's office every morning, perhaps one in a hundred comes from a constituent who is a real expert in that subject. The opinions expressed in the others are important, and will be heeded, but this one is a real gold mine for the conscientious Member. After all, in the next 9 to 10 months I will have to vote on farm bills, transportation bills, space, health, education, housing, and veterans' bills, and a host of others. I can't possibly be an expert in all these fields; many of my constituents are experts in some of them. I welcome their advice and counsel.

Do: Say "Well Done"

Say "well done" when it's deserved. Congressmen are human, too, and they appreciate an occasional "well done" from people who believe they have done the right thing. I know I do. But even if you think I went wrong on an issue, I would welcome a letter telling me you disagreed: it may help me on another issue later.

My list of "don'ts" would include these:

Don't: Threaten or Promise

Don't make threats or promises. Congressmen usually want to do the popular thing, but this is not their only motivation. Nearly all the Members I know want, most of all, to do what is best for the country. Occasionally a letter will conclude by saying, "If you vote for this monstrous bill, I'll do everything in my power to defeat you in the next election." A writer has the privilege of making such assertions, of course, but they rarely intimidate a conscientious Member, and they may generate an adverse reaction. He would rather know why you feel so strongly. The reasons may change his mind; the threat probably won't.

Don't: Call Names

Don't berate your Congressman. You can't hope to persuade him of your position by calling him names. If you disagree with him, give reasons for your disagreement. Try to keep the dialogue open.

Don't pretend to wield vast political influence: Write your Congressman as an individual — not as a self-appointed spokesman for your neighborhood, community, or industry. Unsupported claims to political influence will only cast doubt upon the views you express.

Don't: Become a "Pen Pal"

Do not become a constant "pen pal". In a newsletter appealing for more constituent mail I do not want to discourage letters, but quality, rather than quantity, is what counts. Write again and again if you feel like it, but do not try to instruct your Congressman on every issue that comes up. And do not nag him if his votes do not match your precise thinking every time. Remember, he has to consider all his constituents and all points of view. Also, keep in mind that one of the pet peeves on Capitol Hill is the "pen pal" who weighs the mail down every few days with long tomes on every conceivable subject.

Don't: Demand Commitments

Do not demand a commitment before the facts are in. If you have written a personal letter and stated your reasons for a particular stand, you have a right to know my present thinking on the question. But writers who "demand to know how you will vote on H.R. 100" should bear certain legislative realities in mind:

On major bills there usually are two sides to be considered, and you may have heard only one.

The bill may be 100 pages long with 20 provisions in addition to the one you wrote about, and I may be forced to vote on the bill as a whole, weighing the good with the bad.

It makes little sense to adopt a firm and unyielding position before a single witness has been heard or study made of the bill in question.

A bill rarely becomes law in the same form as introduced. It is possible that the bill you write me about you would oppose when it reached the floor.

Remember: Bills Change

The complexities of the legislative process and the way in which bills change their shape in committee is revealed by a little story from my own experience. One time a few years ago I introduced a comprehensive bill dealing with a number of matters. I was proud of it, and I had great hopes for solving several perennial problems coming before Congress. However, after major confrontations in committee and numerous amendments I found myself voting against the "Udall bill."

Finally ...

It is now November 1977, approaching the half-way point of the 95th Congress. Before 1978 is history the House clerk will record my votes on more than 450 issues. But in a very real sense these will not be "my" votes alone: they will be yours too. There are more than 500,000 Americans in the Second Congressional District of Arizona but when the clerk calls the roll he calls only my name. Thus these 250 votes I cast will speak for you in the decisions our country must make in the next two years.

I need your help in casting these votes. The "ballot box" is not far away. It is painted blue and it reads "U. S. Mail."