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WALTER J. OLESZEK



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Congressional Procedures and the Policy Process

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Congressional Procedures and the Policy Process

For Janet, Mark, and Eric

About the Author

Walter J. Oleszek is a senior specialist in the legislative process at the Congressional Research Service. He has served as either a full-time professional staff aide or consultant to every major House and Senate congressional reorganization effort, beginning with the passage of the Legislative Reorganization Act of 1970. In 1993, he served as policy director of the Joint Committee on the Organization of Congress. A longtime adjunct faculty member at American University, Oleszek is a frequent lecturer before various academic, governmental, and business groups. He is the author or coauthor of several books, including *Congress under Fire: Reform Politics and the Republican Majority* (with C. Lawrence Evans) and *Congress and Its Members*, 12th Edition (with Roger H. Davidson and Frances E. Lee).

Preface

CONGRESS IS constantly adapting to change. New procedures, processes, and practices come about in response to developing conditions and circumstances. Some procedural innovations are incorporated formally into the rules of the House or Senate; others evolve informally. For all their variability over time, the rules of the House and Senate are constant in this sense: they establish the procedural context within which individual members and the two chambers raise issues and make—or avoid making—decisions. Members of Congress must rely on rules and procedures to expedite or delay legislation, to secure enactment of a law, or to defeat a bill.

Congressional Procedures and the Policy Process was first published in 1978, in the aftermath of major changes that affected legislative decision making and the political system. Many of these developments on Capitol Hill diffused policymaking influence widely throughout Congress. Six years later, when the second edition appeared, the House and Senate had undergone further procedural transformations. The House, for instance, began gavel-to-gavel television coverage of its floor proceedings. The third edition was published in the late 1980s. By then, the Senate also had begun gavel-to-gavel television coverage of its floor proceedings. Furthermore, Congress had revamped its budgetary practices with the enactment of Gramm-Rudman-Hollings I and II; the House Rules Committee had crafted unique new rules for regulating floor decision making; and greater use had been made of comprehensive bills, or packages, to process much of Congress's annual workload. One effect of these and other changes was to recentralize authority in fewer legislative hands.

The fourth edition was updated during another time of momentous change on Capitol Hill. After forty years as the “permanent minority,” Republicans captured control of the House in the November 1994 elections and reclaimed control of the Senate as well. The fifth edition, published in 2001, examined many of the rules and practices introduced on Capitol Hill by the Republican majority and the new fiscal environment of surpluses, not deficits. The sixth edition, published in 2004, focused on a number of significant procedural and political developments that shaped the lawmaking process, such as the return of fiscal deficits, innovative rules from the House Rules Committee, and attempts to change the Senate's cloture rule.

The seventh edition was published at a time of major change on Capitol Hill. For the first time in a dozen years, congressional Democrats took charge of both chambers as a result of the November 2006 elections. What

made the 110th Congress (2007–2009) especially significant, in addition to important procedural and agenda changes, was the election of the first woman in congressional history—Nancy Pelosi of California—to be Speaker of the House, the highest elective post ever held by a woman in American history. As a history-maker, Speaker Pelosi has been under intense scrutiny from her colleagues, the minority party, the president, the media, and many others as she employs the formidable procedural and political resources of her high office to address the country's pressing issues. The November 2008 elections also proved momentous. Barack Obama became the first African American to be elected president. As he said, "I don't look like all those other presidents" on our currency. Further, the 111th Congress (2009–2011) saw Democrats expand their number of seats in the House by double-digits, just as they did in the prior election. Back-to-back electoral successes of this magnitude have not occurred for more than fifty years. Democrats also gained seats in the Senate. The return of unified government means that Democrats confront the challenge and responsibility of advancing an ambitious agenda that includes major health care reform and measures to revive an ailing economy. In the face of factional disputes within their own ranks and stiff opposition from the minority party, congressional Democrats adapted procedurally and politically to maximize their chances of winning passage of their governing program. This new edition highlights many of these procedural adjustments, such as the marked decline, if not the end, of open rules in the House and the surge in the use of a sixty-vote threshold to pass bills and amendments in the Senate.

The fundamental objective of *Congressional Procedures and the Policy Process* is to discuss how Congress makes laws and how its rules and procedures shape domestic and foreign policy. The theme of the book is that the interplay of rules, procedures, precedents, and strategies is vital to understanding how Congress works. I emphasize the rules and procedures most significant to congressional lawmaking; I do not attempt to survey all the rules and procedures used by Congress.

Every chapter of the eighth edition has been revised to incorporate new developments and insights. Chapter 1 presents an overall view of the congressional process. Chapter 2 examines Congress's budget process, which shapes much legislative decision making.

Chapter 3 turns to the initial steps of the legislative process—the introduction of legislation, referral of bills to House and Senate committees, and committee action on measures. Chapter 4 explains how legislation that has emerged from committee is scheduled for floor consideration in the House. Chapter 5 then examines the main features of floor decision making in the House. Chapter 6 puts the spotlight on the Senate, with discussion of how legislation is scheduled in that chamber. Senate floor action is the subject of Chapter 7.

Chapter 8 describes how House-Senate differences are reconciled when each chamber passes a different version of the same bill and then discusses

the president's veto power. Chapter 9 deals with how Congress monitors the implementation of the laws it has passed. Finally, Chapter 10 reexamines the legislative process, pulling together the major themes of the book.

Anyone who writes eight editions of a book is intellectually indebted to numerous scholars and colleagues, and I welcome the opportunity to acknowledge their generous advice and assistance. Let me start with the talented and consummate professionals associated with CQ Press. Nancy Matuszak served as development editor for this edition and did a careful and thorough job of reviewing the entire manuscript. Anna Socrates, copyeditor, used her exemplary editorial skills to improve the manuscript. Belinda Josey handled production, putting the final polish on this edition. Charisse Kiino, editorial director of the College Publishing Group, is a person whom I have had the great privilege of working with over the years on various book projects. She was in charge of ensuring that deadlines were met and carried out her assignment in a helpful and effective manner. Finally, my sincere appreciation goes to Brenda Carter, director of the College Publishing Group, who encouraged and helped me with this book over the years.

Much credit for whatever understanding I have of the congressional process goes to my colleagues at the Congressional Research Service (CRS). Over the years I have learned the intricacies of the House and Senate from scores of current and former CRS associates. Their research endeavors have expanded my understanding of Congress's role and responsibilities. I especially want to acknowledge Stanley Bach, Richard Beth, Colton Campbell, Curtis Copeland, Christopher Davis, Louis Fisher, Valerie Heitshusen, William Heniff, Frederick Kaiser, Robert Keith, Michael Koempel, Megan Lynch, Betsy Palmer, Morton Rosenberg, Paul Rundquist, Elizabeth Rybicki, James Saturno, Judy Schneider, Stephen Stathis, and Sylvia Streeter. CRS, I should note, bears no responsibility whatsoever for the views or interpretations expressed within these pages. I must also emphasize that whatever errors remain in this book are mine alone.

I also want to gratefully acknowledge the legislative contributions and accomplishments of my late colleague, Thomas P. Carr, whose untimely passing is a major loss to CRS and to the U.S. Congress. Tom was an outstanding researcher, a colleague always willing and able to offer superb professional advice and assistance, a gifted teacher and raconteur, and someone who brought friendship, fellowship, and good humor to all those fortunate to know and work with him. The legacy of his many CRS reports remains a treasure trove of valuable insight and analysis to everyone interested in the workings of the congressional process.

I am indebted also to scores of past and present House and Senate members and professional congressional aides who have shared ideas and observations and deepened my understanding of the legislative process. My deep gratitude goes to all the past and present official parliamentarians of the House and Senate for trying to improve my understanding of Congress's procedural intricacies.

In addition, I am grateful to numerous colleagues in academia who have created, with their research studies, a reservoir of knowledge about congressional activities and operations. Here I would like especially to acknowledge my collaborators in various projects—Roger H. Davidson, C. Lawrence Evans, Frances E. Lee, and James Thurber—who are always generous with their time and who provide excellent suggestions. My intellectual debt also extends to Donald R. Wolfensberger, director of the Congress Project at the Woodrow Wilson International Center for Scholars and former staff director of the House Rules Committee, and veteran House staffer Matt Pinkus, for their parliamentary advice over the years. I would also like to thank the reviewers of this edition: Jamie Carson, University of Georgia; Jennifer Clark, University of Houston; Brad Gomez, Florida State University; Emily S. Ihara, George Mason University; and David King, Harvard University.

Finally, I dedicate this eighth edition to family members—Janet, Mark, and Eric. They provided a loving and encouraging home environment, patience, and support throughout preparation of every edition.

Walter J. Oleszek
Fairfax, Virginia

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