

A Passage of a Bill Through the American and Canadian Governments

In various states legislative duties and powers are distributed differently, despite the fact that all democratic legislatures share similar functions: representation, formulation, initiation and enacting of laws, control of public finance, checks and balances on the executive branch of government, a judicial role and amending constitutions. In some of the states power is very decentralized (U.S.), while in others it ends up being concentrated in the hands of certain individuals (Canada and Gt. Britain, where Parliament is dominated by majority parties that control all cabinet posts). Mr. James Guy states that because legislatures are a product of the unique political culture found in every polity, they differ in organization, power, and structure.

In the world's two major types of democratic political systems, the parliamentary and presidential, the support of executive branch must accompany the legislature in the lawmaking. The parliamentary system is exceptionally well suited to executive leadership of Prime Minister and the Cabinet in the legislature. The presidential system is much more complicated because the President and the Cabinet are not present in the congress.

Both House of Commons in Canada and House of Representatives in U.S. have the same main function: converting of a proposed bill into law. Mr. James Guy identifies it as "the passage of legislation". However, this procedure in Canada is quite different from the one taking place in United States. To recognize the distinction let's have a look at the process in both U.S. and Canadian legislatures.

A bill is not a law. It is a proposal placed before an assembly, which may either become a law or get rejected in full.

On the first stage of the long life of a law it is specified as a bill. This law-child is factually a proposal placed before an assembly. It is up to the assembly either to accept the law-child and let it grow up to become a real law, or to kill it right on the spot by rejecting it. In Canada, there are two ways for the law-child to be born: to be proposed and introduced to the House of Commons as a private-member's bill or as a government bill. A private-member's bill may be introduced by any member of Parliament on either the government or opposition side of the House. These law-children are the most unfortunate in the whole legislature of Canada, for they usually get executed as soon as the leading party learns about their existence. The government does not support its "foster children". Guy commentates in his *People, Politics and Government* that even though Opposition members who introduce private-member's bills recognize these facts, they use the opportunity to generate public opinion that will influence the direction of a particular government policy.

A government bill is a money bill or a policy proposal that is introduced in the House of Commons by a cabinet minister. Let's trace the progress of this law -

child through the government, since it is the one that has all the chances to survive the danger of getting rejected - its parents, the leading party, will make sure it becomes a law.

So, the first step in the life of a law is to "be born", or to get introduced to the government. Usually a bill gets proposed by a cabinet minister. The responsible minister calls for the drafting of legislation by the Department of Justice. After the draft is approved by the same minister, it is presented to the Cabinet Committee on Legislation and House Planning. Once this committee has approved the draft bill, it is then signed by the prime minister and introduced in the House of Commons in its first reading by the responsible minister. The law-child is born.

During first reading the title of the bill is read. As a rule, it is followed by a short explanation of its contents.

At the second reading, the bill is debated. Then a vote is taken on principle to approve or reject it in total. If it is "approved in principle," and it usually is, Guy remarks, the "child" is then considered by the appropriate standing committee, where it is given a clause-by-clause examination. It should be noted that money bills, unlike other bills, are not considered by standing committees, but go before the Committee of the Whole. After the committee has examined the "child", it sends it with all recommended amendments back to the House of Commons. During this period of the kid's life, known as a report stage, the opposition will debate the bill and try to change the amendments coming from the committee stage. All the final changes the government party wishes to make must also be made at this time, before the bill goes to its third reading.

During third reading Members of Parliament debate and vote on the bill. In case if revisions made during the committee stage are unacceptable to the government party, the bill can be rejected or the changes made to it can be disregarded. In almost all instances, however, the bill passes quickly through the House of Commons at its third reading and passes into the next period of its life.

On the following stage the child gets introduced in the Senate. In the Upper House of Parliament the bill proceeds through all the stages it had passed through in the lower House. The only difference between these two seemingly identical processes is that the second one is almost absolutely fake. In this case the Senate is expected to play a legislative -review role by acting as a check against the House of Commons. Yes, technically, the appointed house can reject any bill. Yet, it has usually not been able to do it effectively for a simple reason that even if the appointed body of Parliament rejects a bill once, the next time the House of Commons can pass the bill ignoring the Senate.

The last step in the "teen years" of the law-child is to be given Royal Assent. Once the bill is passed by both houses of Parliament, it is presented to the governor general who confers royal assent by signing it into a law. Many years ago this step used to be important, for the governor general had every right to refuse any bill to pass in the name of the British sovereign. Nowadays,

however, this official act has become a habitual formality. The royal assent is followed by proclamation which is an authorized publication under the Great Seal of Canada. A new Canadian law has finally been established.

In the American system there are also two ways for the law-child to be born. First, is to be introduced by any member of either House of the Congress. This kind of bill may be sponsored by any number of members of Congress. Second way is to be born as a Presidential bill, which means to be proposed by a member of the president's party who has seniority on the standing committee that will hold hearings on the bill.

The bill is assigned by the presiding officer to the appropriate standing committee immediately after being introduced and read on the floor. The parent committee gives the bill to subcommittees to investigate its purposes and determine its value. Then the law-child goes back to the parent committee. This is normally followed by hearings of the parent committees and subcommittees. This assists congresspersons in collecting information about the bill, which by the end of this stage may be severely different from the original draft.

The Rules Committee schedules the law-child for the second reading once the House of Representative's committee returns it to the legislature. If the bill survives the second reading, which includes debate and voting on the floor of the House, it is engrossed, which means copying its rude draft by printing the amendments in final form. Then the bill is given its third reading.

The third reading is by title only, unless a congressman requests that the bill is read again in full. Then the speaker asks for a vote, during which the bill is either defeated or passed.

All the bills, except the revenue (or money) bills, may be created in either the House or the Senate. All revenue bills are required to originate in the House of Representatives. Once on House passes the bill, it goes to the other House, where it goes through the same procedure. Bills must eventually pass both Houses in exactly the same form before being sent to the president for signing.

The president has three choices of how to react at a bill given to him to sign. First option is to sign it. The second alternative is to defeat the bill. Or the president can decide to put a so-called "pocket veto" on it. He does it neither signing nor by defeating the bill, but ignoring it. This way it automatically becomes a law within 10 days. A question rises: why would a president do something like that? Yet, in case if he is not very fond of an idea of letting the bill pass into law, but does not feel strong enough about it, he may consider the "pocket veto" as an option to show his silent confrontation.

As comparing the American and Canadian legislation systems, we might notice several distinctions. First, the bill-child in United States can be introduced by any member of either House of the Congress, while in Canada it can be originated only in the House of Commons. Admitting that technically it is any Canadian MP who can introduce a bill before the Assembly, only the

bills proposed by Prime Minister and his Cabinet Ministers will actually pass. Second, a report of House of Commons (if not liked by the Minister who introduced the bill) may be waived. The investigations of the Congress committees, however, are considered important, and cannot be simply ignored.

As Guy notes, in Canada a third reading is merely pro forma, because the sentiments of the House have been expressed in the Committee of the Whole, where the entire legislative body sits as one large committee. As a distinct from Canada, in United States the third reading concludes the final vote and is the decisive one.

But the main difference between Canadian and U.S. legislatures is that in United States members of Congress actually have a certain impact on the passage of a bill, while in Canada every bill will be passed as long as the government votes together. Since in the Parliamentary system, the party caucus is expected to behave as a block, the MP's have no individual impact.

The House of Commons (especially the Cabinet) in Canada turned out to be much more influential than the House of Representatives in U.S. It has the power to lead its bill through the elected body of Parliament without almost any changes made to it. Even if it gets rejected by the Senate, the House of Commons can simply neglect it, and let the bill pass the next time disregarding the opinion of the appointed legislative body. The House of Representatives, though, does not have such an authority. Once a bill is introduced, the congressman who proposed it has no power over it.

The Senate can reject the bill and send it back to the House of Representatives to overlook. It will have to make certain changes to it and sent it back to the Senate, which can either approve it or reject and send the bill back. This may last for months and even years, which never occurs to the Canadian legislative process, while in Canada it never takes that long to reach an agreement on a bill and pass it. The agreement is usually reached at the very beginning when the bill is introduced to an assembly. The same people who proposed the bill will have the main impact on the subject of making changes and passing it. This is why the final version of a law is more likely to please the original drafter of the measure in Canada than in U.S.

The Presidential system, however, will be more likely to please publicity, since it gives its members more power to decide issues on their own. On the other hand, people may not really care about which system is better as long as it is democratic and there is no dictatorship and totalitarianism involved. Ordinary people are not too concerned about giving their government the real power to be free to make decisions. Moreover, that they don't usually know that some of the politicians are missing this power.