



## *Where Bills Die in the U.S. Senate*

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Center for Effective Lawmaking Working Paper 2024-09

November 2024

To advance their policy goals in the second Trump administration, Republicans are considering how best to organize Congress. One natural obstacle is the Senate, commonly described as “where bills go to die.” The Senate floor, in particular, presents a significant hurdle – with the possibility of legislative holds and the need for either unanimous consent or a lengthy process of filibusters and securing 60 votes for cloture, barring budget reconciliation procedures.

We examine the extent to which bills died on the floor of the Senate – or achieved other fates – over the past several Congresses. We find that around half of Senator-sponsored bills that reach the Senate floor are sent over to the House. Their ultimate fate then depends in part on whether the House majority matches that in the Senate. For the other half, not sent to the House, a declining number have been dying on the Senate floor, due to a significant increase in their language ultimately being embedded in larger packages that become law. Hence, while these bills are not advancing as standalone measures, their sponsors are successful in moving their ideas into law.

For House-sponsored bills sent to the Senate, their fate also depends somewhat on unified or divided government, with more bills dying in committee under divided government. For those House bills emerging from Senate committees, the vast majority become law either as standalone measures or (increasingly) embedded within other successful lawmaking vehicles.

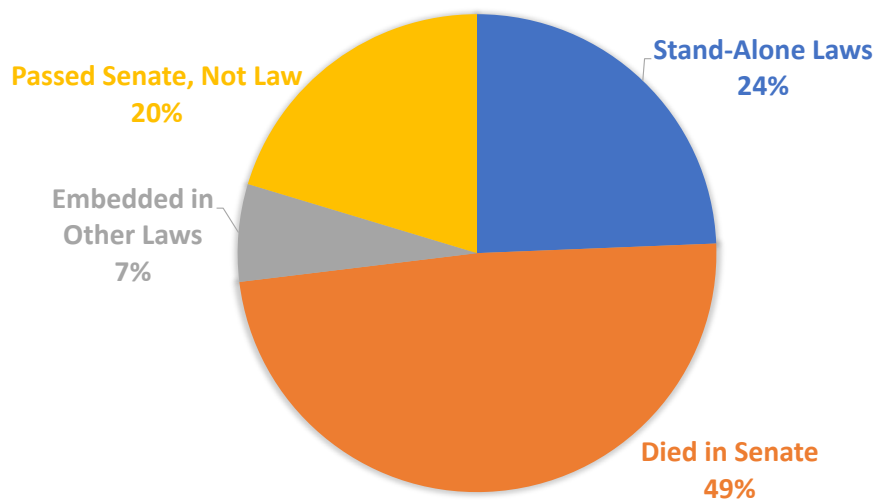
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### ***Senator-Proposed Bills***

We look first at bills proposed in the Senate that received “action beyond committee” – either by passing successfully out of committee or through bypassing committee action but receiving active Senate floor consideration. Across the 115<sup>th</sup> through 117<sup>th</sup> Congresses (2017-2023), about 550 bills per Congress reached this stage of the legislative process.

### Fate of 115<sup>th</sup> Senate Bills Receiving Action Beyond Committee



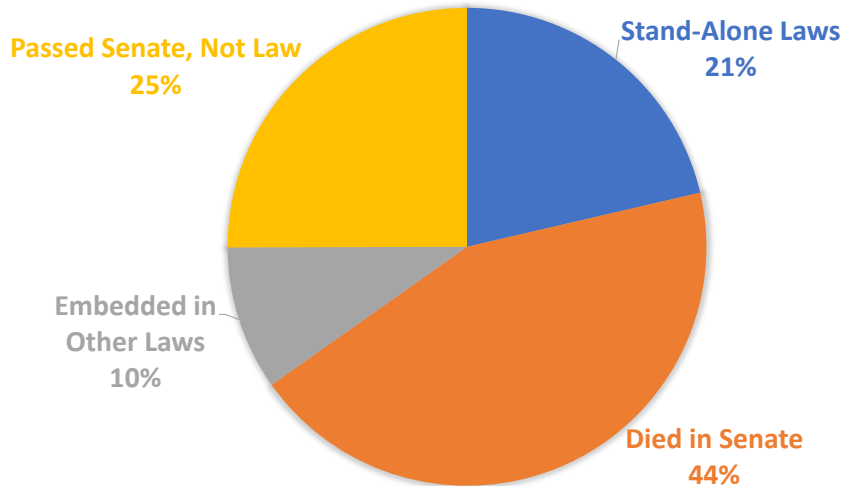
As the figure shows, in the 115<sup>th</sup> Congress, about half of these bills died on the Senate floor, with 44% sent to the House, and another 7% having their language adopted in other measures, such as omnibus budget packages, the Farm Bill, or the National Defense Authorization Act.<sup>2</sup> Of those sent to the House, a little more than half became law, likely due in part to unified Republican government.

The figures below show the breakdowns for Senate bills in the 116<sup>th</sup> and 117<sup>th</sup> Congresses. Once again, in each case about 45% of bills reaching the Senate floor were sent to the House, with more becoming law as standalone measures under unified government in the Biden administration than under divided government at the end of the Trump administration.

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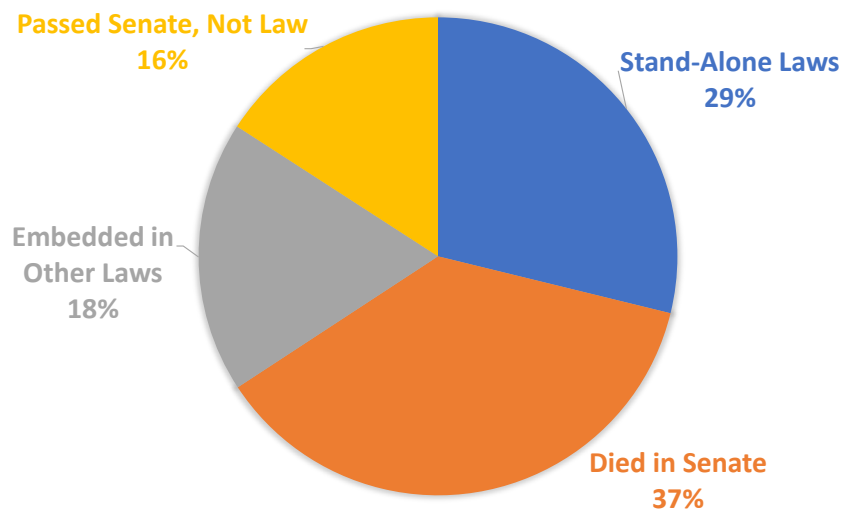
<sup>2</sup> Detecting bill language embedded in other laws involves extensive text analysis techniques and decisions. For details of our approach, see the Center for Effective Lawmaking working paper, “[Effective Lawmaking Behind the Scenes.](#)”

## Fate of 116<sup>th</sup> Senate Bills Receiving Action Beyond Committee



Most remarkably, the percent of bills dying on the floor of the Senate declined across these three Congresses – not because they were sent to the House as standalone measures, but because they found homes in larger legislative packages. Indeed, the number of Senate bills that received “action beyond committee” and then became law through embedding their language in broader packages increased from 36 such bills in the 115<sup>th</sup> Congress to 102 in the 117<sup>th</sup> Congress.

## Fate of 117<sup>th</sup> Senate Bills Receiving Action Beyond Committee



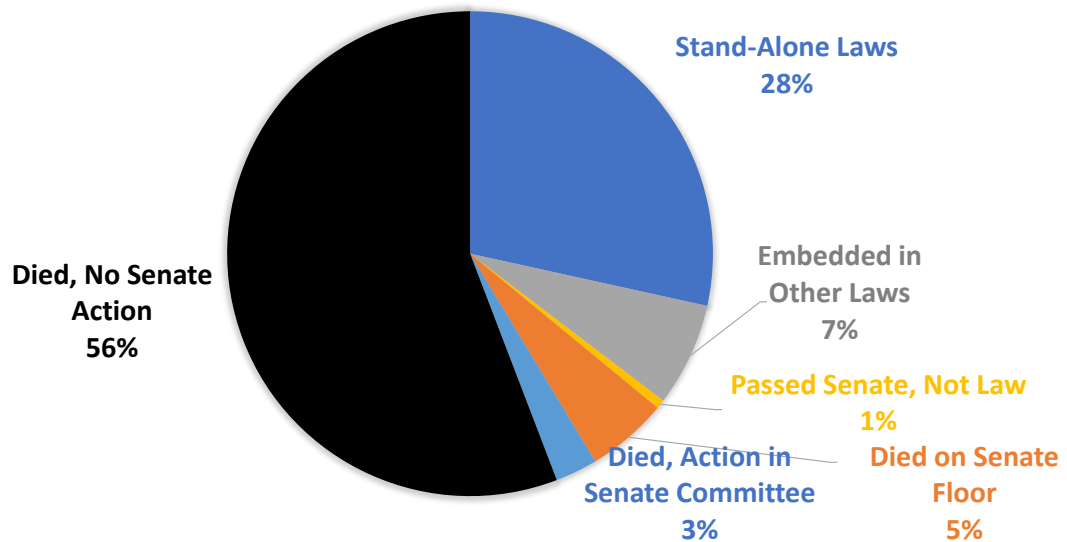
For the remaining 40% or so of bills that reach the Senate floor only to die there, it is an open question as to whether that is too few or too many bills moving forward – and whether rules reforms or other organizational changes would be helpful in facilitating a better lawmaking process. To engage with this issue, the House offers one point of comparison. Over these same Congresses, only about 25% of House-sponsored bills reaching a similar lawmaking stage died on the floor of the House.

### ***Fate of House Bills in the Senate***

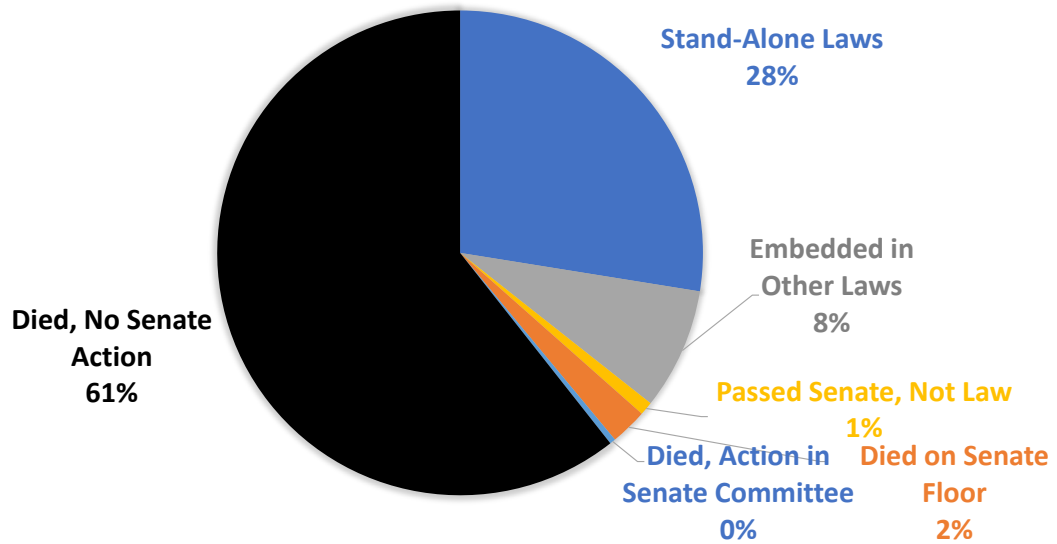
One additional perspective on where in the Senate’s lawmaking process bills thrive or die comes from a focus on those House-passed measures that reach the Senate. Across each of the three Congresses we examine here, more than 700 House bills reached the Senate.

Upon reaching the Senate, more than half of these bills die in committee, without so much as a hearing. As the figures below show, this fate was even more common under the divided government of the 116<sup>th</sup> Congress.

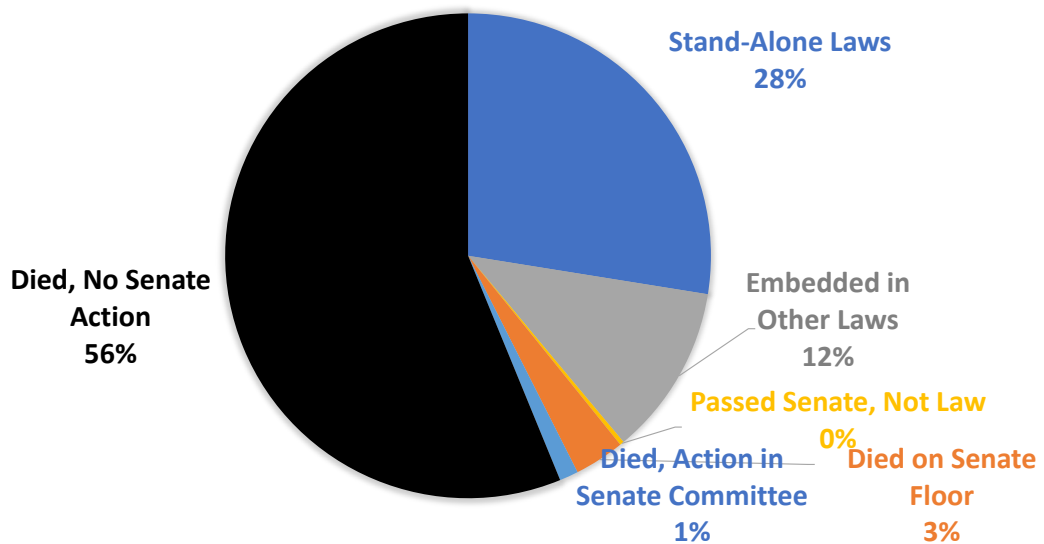
Fate of 115<sup>th</sup> House Bills Reaching Senate



## Fate of 116<sup>th</sup> House Bills Reaching Senate



## Fate of 117<sup>th</sup> House Bills Reaching Senate



With remarkable consistency, in each Congress, 28% of House-passed bills moved through the Senate to become law as standalone measures.

Once again, evidence emerges of a significant growth in the amount of legislation being made behind the scenes upon passing the House. Rising from 7% of House-passed bills embedded elsewhere in the 115<sup>th</sup> Congress, we see 12% of House-passed bills in the 117<sup>th</sup> finding such a home.

Finally, returning to the question about whether too many bills die on the floor of the U.S. Senate, consider the set of bills that pass the House and pass out of committee in the Senate only to die on the Senate floor. Both the rate and the raw numbers declined in this category over time, from 54 such measures in the 115<sup>th</sup> Congress to 24 in the 117<sup>th</sup>. And many such bills crossed the finish line in subsequent Congresses.

### *Implications*

We examine where bills die in the U.S. Senate over the past three fully completed Congresses. Doing so shows the following patterns:

1. Almost half of Senator-sponsored bills reaching the floor are passed on to the House. Their fates in the other chamber depend in part on divided or unified government.
2. For the other half of Senator-sponsored bills reaching the floor, a declining number ultimately die there, as their content is picked up in other legislation, such as omnibus packages.
3. For House-passed bills, their most common fate is death in the Senate's committees, again heightened under divided government.
4. House-passed measures become standalone laws at a steady rate.
5. In contrast, House-passed bills become law embedded in other measures at an increasing rate, similar to the growth in behind-the-scenes advancement of Senate measures.
6. Very few bills die on the floor of the Senate upon passing the House and passing out of Senate committees.

How these facts translate into the best course forward for lawmaking is ultimately a political question. It depends on legislators' goals and preferences. Whether the rate of bills dying on the Senate floor is too high or too low depends on one's views about the proper obstacles and scrutiny needed before changing public policy.

One issue that these findings clearly point to is that much more lawmaking is now being done behind the scenes to produce larger packages of legislative language cobbled together and voted on collectively. Such a process may help overcome various forms of political gridlock, but it lacks the transparency that other approaches – like a more open amendment process on the Senate floor – would offer.