

How To Series: Understanding the Legislative Process

A simplified version of how a bill becomes a law

Introduction

There are two basic types of legislation: bills and resolutions. Anyone may draft a bill; however, only members of Congress can introduce a bill. Bills are used to create public policy.

There are three types of resolutions – joint, concurrent, and simple – that can be used to appropriate money or express a sentiment of Congress. Constitutional amendments originate in Congress as joint resolutions.

Bills are assigned an identifying number, are referred to a committee, or committees that have jurisdiction over its subject and is printed by the Government Printing Office. Those in the House begin with H.R., and those in the Senate begin S. All legislation appropriating money must originate in the House.

Committee Action

When a bill reaches a committee it is placed on its agenda. It is at this point that a bill is examined carefully and may be sent to a subcommittee. If a committee does not act on a bill, it is the equivalent of killing it. Committees therefore have a great deal of power to decide which bills will receive attention. The more support a bill receives from congressional or committee leadership or from the president, the greater its chances are for getting committee attention.

Subcommittee Review

Subcommittees have a more narrow focus than committees. There usually are three steps taken: Hearings, Mark Up and Reporting Out.

- **Hearings.** Expert witnesses, other public officials, supporters and opponents are called to testify and put on the record their views about the merits or shortcomings of the legislation.
- **Mark Up:** When all hearings are completed the subcommittee may meet to *mark up* the bill, that is, make changes and amendments prior to recommending the bill to the full committee. Committee members may offer their own views on a bill and suggest amendments. Amendments do not have to be related to the subject of the overall bill at this stage. If a subcommittee votes not to report the bill dies.
- **Reporting Out:** When the mark up is complete, a final draft of the legislation is voted on for approval. If a majority supports the bill, it is *reported out*. If the legislation does not receive majority support, the bill dies.

After a subcommittee reports out legislation, the full committee will go through the same consideration process. If the committee approves a bill, it is reported out to the full House or Senate.

Publication of a Written Report

After a committee votes to report a bill, the committee chair instructs the committee staff to prepare a report on the bill. This report describes the intent of the legislation, its impact on existing laws and programs, position of the executive branch, and views of dissenting members.

Scheduling Floor Action

After a bill is reported back to the chamber where it originated, it is placed in chronological order on the calendar. In the House there are several different legislative calendars, and the Speaker and majority leader largely determine if, when, and in what order bills come up. There is only one legislative calendar in the Senate.

Debate

When a bill reaches the floor of the House or Senate, there are rules or procedures governing the debate on legislation. In the House, the Rules Committee sets the terms of debate.

The Senate places fewer restriction and terms of debate are often set by a Unanimous Consent Agreement. These rules determine the conditions and the amount of time allocated for general debate.

Voting

After the debate and the approval of any amendments, the bill is passed or defeated by the members present and voting.

Referral to Other Chamber

When a bill is passed by the House or the Senate it is referred to the other chamber where it usually follows the same route through committee and floor action. This chamber may approve the bill as received, reject it, ignore it, or change it.

Conference Committee Action

If only minor changes are made to a bill by the other chamber, it is common for the legislation to go back to the first chamber for concurrence. However, when the actions of the other chamber significantly alter the bill, a conference committee is formed to reconcile the differences between the House and Senate versions.

If the conferees are unable to reach agreement, the legislation dies. If agreement is reached, a conference report is prepared describing the committee members' recommendations for changes. Both the House and the Senate must approve the conference report.

Final Action

After both the House and the Senate in identical form have approved a bill, it is sent to the President. If the President approves of the legislation he/she signs it and it becomes law. Or, the President can take no action for ten days, while Congress is in sessions, and it automatically becomes law. If the President opposes the bill he/she can veto it; or if he/she takes no action after the Congress has adjourned its second session, it is a *pocket veto* and the legislation dies.

Overriding a Veto

If the President vetoes a bill, Congress may attempt to *override the veto*.

This requires a two-thirds roll call vote of the members who are present in sufficient numbers for a quorum.

Note:

1. Rules and Procedures in State Legislatures may differ from the Congress Chambers.
2. Members of Congress receive proposed drafts of bills from constituents, academics, interest groups, lobbyists, any state legislature, a department of the executive branch, federal agencies and the President of the United States.
3. Members of Congress who embrace the concept can introduce it as the sponsor. Or, if they wish to keep some distance from the proposal, can introduce it *by request*, but having introduced the bill does not mean they are necessarily embracing its ideas.
4. Members of Congress may seek support by asking other members to sign-on to the proposed legislation and co-sponsor the bill.
5. Attempts to amend proposed legislation may drastically alter the bill as originally submitted if approved.