

APGoPo Unit 5

THE LEGISLATIVE PROCESS

How Bills Become Laws or Not

As part of its legislative process, the United States Congress considers thousands of bills each session. Yet, only a small percentage of them will ever reach the top of the president's desk for final approval or veto. Along their way to the White House, bills traverse a maze of committees and subcommittees, debates, and amendments in both chambers of Congress.

STEP 1: INTRODUCTION

Only a member of Congress (House or Senate) can introduce the bill for consideration. The Representative or Senator who introduces the bill becomes its "sponsor." Other legislators who support the bill or work on its preparation can ask to be listed as "co-sponsors." Important bills usually have several co-sponsors.

Four basic types of legislation are considered by Congress: Bills, Simple Resolutions, Joint Resolutions, and Concurrent Resolutions. A bill or resolution has officially been introduced when it has been assigned a number (H.R. # for House Bills or S. # for Senate Bills), and printed in the Congressional Record by the Government Printing Office.

STEP 2: COMMITTEE CONSIDERATION

All bills and resolutions are "referred" to one or more House or Senate committees according to their specific rules.

STEP 3: COMMITTEE ACTION

The committee considers the bill in detail. For example, the powerful House Ways and Means Committee and Senate Appropriations Committee will consider a bill's potential impact on the Federal Budget. If the committee approves the bill, it moves on in the legislative process. Committees reject bills by simply not acting on them. Bills that fail to get committee action are said to have "died in committee," as many do.

STEP 4: SUBCOMMITTEE REVIEW

The committee sends some bills to a subcommittee for further study and public hearings. Just about anyone can present testimony at these hearings. Government officials, industry experts, the public, anyone with an interest in the bill can give testimony either in person or in writing. Notice of these hearings, as well as instructions for presenting testimony is officially published in the Federal Register.

STEP 5: MARK UP

If the subcommittee decides to report (recommend) a bill back to the full committee for approval, they may first make changes and amendments to it. This process is called "Mark Up." If the subcommittee votes not to report a bill to the full committee, the bill dies right there.

STEP 6: COMMITTEE ACTION -- REPORTING A BILL

The full committee now reviews the deliberations and recommendations of the subcommittee. The committee may now conduct further review, hold more public hearings, or simply vote on the report from the subcommittee. If the bill is to go forward, the full committee prepares and votes on its final recommendations to the House or Senate. Once a bill has successfully passed this stage it is said to have been "ordered reported" or simply "reported."

STEP 7: PUBLICATION OF COMMITTEE REPORT

Once a bill has been reported (See Step 6:) a report about the bill is written and published. The report will include the purpose of the bill, its impact on existing laws, budgetary considerations, and any new taxes or tax increases that will be required by the bill. The report also typically contains transcripts from public hearings on the bill, as well as the opinions of the committee for and against the proposed bill.

STEP 8: FLOOR ACTION -- LEGISLATIVE CALENDAR

The bill will now be placed on the legislative calendar of the House or Senate and scheduled (in chronological order) for "floor action" or debate before the full membership. The House has several legislative calendars. The Speaker of the House and House Majority Leader decide the order in which reported bills will be debated. The Senate, having only 100 members and considering fewer bills, has only one legislative calendar.

STEP 9: DEBATE

Debate for and against the bill proceeds before the full House and Senate according to strict rules of consideration and debate.

STEP 10: VOTING

Once debate has ended and any amendments to the bill have been approved, the full membership will vote for or against the bill. Methods of voting allow for a voice vote or a roll-call vote.

STEP 11: BILL REFERRED TO OTHER CHAMBER

Bills approved by one chamber of Congress (House or Senate) are now sent to the other chamber where they will follow pretty much the same track of committee to debate to vote. The other chamber may approve, reject, ignore, or amend the bill.

STEP 12: CONFERENCE COMMITTEE

If the second chamber to consider a bill changes it significantly, a "conference committee" made up of members of both chambers will be formed. The conference committee works to reconcile differences between the Senate and House versions of the bill. If the committee cannot agree, the bill simply dies. If the committee does agree on a compromise version of the bill, they prepare a report detailing the changes they have proposed. Both the House and Senate must approve the report of the conference committee or the bill will be sent back to them for further work.

STEP 13: FINAL ACTION - ENROLLMENT

Once both the House and Senate have approved the bill in identical form, it becomes "Enrolled" and sent to the President of the United States. The President may sign the bill into law. The President can also take no action on the bill for ten days while Congress is in session and the bill will automatically become law. If the President is opposed to the bill, he can "veto" it. If he takes no action on the bill for ten days after Congress has adjourned their second session, the bill dies. This action is called a "pocket veto."

STEP 14: OVERRIDING THE VETO

Congress can attempt to "override" a presidential veto of a bill and force it into law, but doing so requires a 2/3 vote by a quorum of members in both the House and Senate.