

## THE LEGISLATIVE PROCESS

*With a national presidential election approaching, and a flurry of political and legislative activity in Washington, we find ourselves more frequently fielding questions regarding the status of legislation and the legislative process itself. Understanding the legislative process is necessary in order to truly appreciate the political maneuvering, which takes place in Congress.*

*The following is a summary of the legislative process prepared by the Government Relations Committee of the National Committee on Planned Giving (“NCPG”). The NCPG is the professional association for people whose work includes developing, marketing, and administering charitable planned gifts. Those people include fundraisers for nonprofit institutions and consultants and donor advisors working in a variety of for-profit settings.*

Anyone may draft a bill; however, only members of Congress can introduce legislation, and by doing so become the sponsor(s). There are four basic types of legislation: bills, joint resolutions, concurrent resolutions, and simple resolutions. The official legislative process begins when a bill or resolution is numbered. H.R. signifies a House bill and S. is a Senate bill, referred to a committee and printed by the Government Printing Office.

**STEP 1 – REFERRAL TO COMMITTEE.** With few exceptions, bills are referred to standing committees in the House or Senate according to carefully delineated rules of procedure.

**STEP 2 – COMMITTEE ACTION.** When a bill reaches a committee, it is placed on the committee’s calendar. A bill can be referred to a subcommittee or considered by the committee as a whole. It is at this point that a bill is examined carefully and its chances for passage are determined. If the committee does not act on a bill, it is the equivalent of killing it.

**STEP 3 – SUBCOMMITTEE REVIEW.** Often, bills are referred to a subcommittee for study and hearings. Hearings provide the opportunity to put on the record the views of the executive branch, experts, other public officials, supporters and opponents of the legislation. Testimony can be given in person or submitted as a written statement.

**STEP 4 – MARK-UP.** When the 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. If a subcommittee votes not to report legislation to the full committee, the bill dies.

**STEP 5 – COMMITTEE ACTION TO REPORT A BILL.** After receiving a subcommittee’s report on a bill, the full committee can conduct further study and hearings or it can vote on the subcommittee’s recommendations and any proposed amendments. The full committee then votes on its recommendation to the House or Senate. This procedure is called “ordering a bill reported.”

*STEP 6 – PUBLICATION OF A WRITTEN REPORT.* After a committee votes to have a bill reported, the committee chairman instructs staff to prepare a written report on the bill. This report describes the intent and scope of the legislation, impact on existing laws and programs, position of the executive branch, and views of dissenting members of the committee.

*STEP 7 – 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. IN the Senate there is only one legislative calendar.

*STEP 8 – DEBATE.* When a bill reaches the floor of the House or Senate, there are rules or procedures governing the debate on legislation. These rules determine the conditions and amount of time allocated for general debate.

*STEP 9 – VOTING.* After the debate and the approval of any amendments, the bill is passed or defeated by the members voting.

*STEP 10 – REFERRAL TO OTHER CHAMBER.* When the House or the Senate passes a bill, 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.

*STEP 11 – 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 of the conference report.

*STEP 12 – FINAL ACTIONS.* After both the House and Senate have approved a bill in identical form, it is sent to the President. If the President approves of the legislation, he signs it and it becomes law. Or, the President can take no action for ten days while Congress is in session and, it automatically becomes law. If the President opposes the bill, he can veto it or, if he takes no action after the Congress has adjourned its second session, it is a "pocket veto" and the legislation dies.

*STEP 13 – 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.