

# VFW Auxiliary Legislative Program

## *A Guide to the Legislative Process*

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The Legislative Branch of the Federal Government of the United States consists of the House of Representatives (the House) and the Senate, which together form the United States Congress. The two branches are also referred to as “chambers.”

- The House of Representatives is made up of 435 elected members, divided among the 50 states in proportion to their total population. In addition, there are six non-voting members, representing the District of Columbia, the Commonwealth of Puerto Rico, and four other territories of the United States. The presiding officer of the chamber is the Speaker of the House, elected by the Representatives. He or she is third in the line of succession to the Presidency.
- The Senate is composed of 100 Senators, two (2) for each state. The Vice President of the United States serves as President of the Senate and may cast the decisive vote in the event of a tie in the Senate.

## **The Legislative Process**

### **A. Legislation is Introduced**

Anyone can write a bill, but only a member of the House or Senate can introduce a piece of legislation.

- House: Legislation is handed to the clerk of the House or placed in the hopper.
- Senate: Members must gain recognition of the presiding officer to announce the introduction of a bill during the morning hour. If any senator objects, the introduction of the bill is postponed until the next day.

### **B. Committee Action**

The bill is referred to the appropriate committee by the Speaker of the House or the presiding officer in the Senate. Most often, the actual referral decision is made by the House or Senate parliamentarian. Bills may be referred to more than one committee and it may be split so that parts are sent to different committees. The Speaker of the House may set time limits on committees. Bills are placed on the calendar of the committee to which they have been assigned. Failure to act on a bill is equivalent to killing it. Bills in the House can only be released from committee without a proper committee vote by a discharge petition signed by a majority of the House membership (218 members).

## Steps in Committee:

1. Comments about the bill's merit are requested by government agencies.
2. Bill can be assigned to subcommittee by Chairman.
3. Hearings may be held.
4. Subcommittees report their findings to the full committee.
5. Finally, there is a vote by the full committee - the bill is "ordered to be reported."
6. A committee will hold a "mark-up" session during which it will make revisions and additions. If substantial amendments are made, the committee can order the introduction of a "clean bill" which will include the proposed amendments. This new bill will have a new number and will be sent to the floor while the old bill is discarded. The chamber must approve, change or reject all committee amendments before conducting a final passage vote.
7. In the House, most bills go to the rules committee before reaching the floor. The committee adopts rules that will govern the procedures under which the bill will be considered by the House. A "closed rule" sets strict time limits on debate and forbids the introduction of amendments. These rules can have a major impact on whether the bill passes. The rules committee can be bypassed in three ways:
  - i. Members can move rules to be suspended (requires 2/3 vote)
  - ii. A discharge petition can be filed
  - iii. The House can use a Calendar Wednesday procedure.

## C. Floor Action

1. Legislation is placed on the calendar
  - House: Bills are placed on one of four House calendars. The Speaker of the House and the Majority Leader decide what will reach the floor and when. (Legislation can also be brought to the floor by a discharge petition.)
  - Senate: Legislation is placed on the Legislative calendar. There is also an Executive calendar to deal with treaties and nominations. Scheduling of legislation is the job of the Majority Leader. Bills can be brought to the floor whenever a majority of the Senate chooses.
2. Debate
  - House: Debate is limited by the rules formulated in the rules committee. The committee debates and amends the bill but cannot technically pass it. Debate is guided by the sponsoring committee and time is divided equally between proponents and opponents. The committee decides how much time to allot to each person. Amendments must be relevant to the subject of a bill. The bill is reported back to the House (to itself) and is voted on. A quorum call is a vote to make sure that there are enough members present (218) to have a final vote. If there is not a quorum, the House will adjourn or will send the Sergeant at Arms out to round up missing members.
  - Senate: Debate is unlimited unless cloture (the closing or limitation of debate in a legislative body especially by calling for a vote) is invoked. Members can speak as long as they want and amendments need not be connected - stipulations are often offered. Entire bills can therefore be offered as amendments to other bills. Unless cloture is invoked, Senators can use a filibuster to defeat a measure by "talking it to death."

### 3. Vote

- The bill is voted on. If passed, it is then sent to the other chamber unless that chamber already has a similar measure under consideration. If either chamber does not pass the bill, then it dies. If the House and Senate pass the same bill, then it is sent to the President. If the House and Senate pass different bills, they are sent to conference committee. Most major legislation goes to a conference committee.

### **D. Conference Committee**

Members from each house form a conference committee and meet to work out the differences. The committee is usually made up of senior members who are appointed by the presiding officers of the committee that originally dealt with the bill. The representatives from each chamber work to maintain their version of the bill.

1. If the conference committee reaches a compromise, it prepares a written conference report, which is submitted to each chamber.
2. The conference report must be approved by both the House and the Senate.

### **E. The President**

The bill is sent to the President for review.

1. A bill becomes law if signed by the President or if not signed within 10 days and Congress is in session.
2. If Congress adjourns before the 10 days and the President has not signed the bill then it does not become law ("Pocket Veto.")
3. If the President vetoes the bill it is sent back to Congress with a note listing his/her reasons. The chamber that originated the legislation can attempt to override the veto by a vote of two-thirds of those present. If the veto of the bill is overridden in both chambers then it becomes law.

### **F. Bill Becomes a Law**

Once a bill is signed by the President or his veto is overridden by both houses it becomes a law and is assigned an official number.