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The Legislative Process

While many people may participate in the drafting on a bill, only a Member of Congress can introduce legislation. In doing so, he or she becomes the sponsor of that bill. There are four basic types of legislation:

- Bills (H.R. signifies a House bill, S. signifies a Senate bill)
- Joint resolutions
- Concurrent resolutions
- Simple resolutions

The legislative process officially begins when a bill or resolution is assigned a number, is referred to a Committee and is 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. In many cases, the bill is referred to a Subcommittee. Most bills never get beyond this point. Failure of a Committee to act on a bill is the equivalent of “killing” it.

Step 2: Committee Action

Once a bill is referred to a Committee, it may be placed on the Committee’s calendar for consideration. It is at this point that a bill is examined carefully and its chances for passage are determined.

Step 3: Committee/Subcommittee Review

Bills are often studied in greater depth by a subcommittee or the whole committee, and hearing may be held. Hearings provide the opportunity to put on 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 in the form of a written statement.

Step 4: Mark Up

When and if the hearings are completed, the subcommittee or whole committee may meet to “mark up” the bill, that is, to make changes and amendments prior to recommending the bill to the full Committee to the House or Senate as a whole. If a subcommittee votes not to report legislation to the full Committee, the bill dies.

Step 5: Committee Action to Report a Bill

If required, 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 recommendations 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 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 and procedures governing the debate on the legislation. These rules determine the conditions and amount of time allocated for general debate.

Step 9: Voting

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

Step 10: Referral to the 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.

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 Senate must approve of the conference report.

Step 12: Final Actions

After a bill has been approved by both the House and Senate in identical form, it is sent to the President. If the President approves of the legislation, he signs it and it becomes law. Alternatively, 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” it. This requires a two thirds roll call vote of the members who are present in sufficient numbers for a quorum.