

## The Policymaking Process

This is a long process, and given the multiple steps and players involved, it is no surprise that most proposed legislation tends to die in the early stages of the process.

Drafting/Sponsoring: Traditionally, a bill starts its way to becoming a law by being drafted by a Congressman, the President or another federal agency and then submitted by a rep or a Senator to the leader (Speaker in the House, President in the Senate) of his body. The bill is then referred to a committee for consideration. There are exceptions in the form of *omnibus bills*, where multiple areas of policy may be covered to gain as much support from policy makers as possible. Some bills (especially in emergency situations) may also be expedited through this process to a quick vote on both floors of Congress, without going through all of the stages we're going to consider below.

Committees: Both Congress and the Senate have a set of *standing committees* that have permanent status in the body, covering major policy areas such as Agriculture, Armed Forces and others. Legislation is forwarded to the committee that covers its jurisdiction; if it is an omnibus bill, it may go to more than one. In turn, the committee may refer the bill to a *subcommittee* that concentrates on the specific area of the bill. Both of these bodies have tremendous power in that they can destroy the ability of legislation to move forward, through *gatekeeping authority*. A committee can decide to "table" a bill, which does not kill it but basically stalls it. After consideration, it can also be voted down by the committee. Most bills do not get past this stage, due to lack of interest, refusal to agree on how to handle the issue, or conflicting interests at the committee stage.

Rules Committee (House)/Unanimous Consent Agreement (Senate): In the House, after a bill is forwarded from the committee, it is sent to *Rules Committee* to be scheduled for consideration in the full body. The Senate uses a *unanimous consent agreement* to send bills to the floor for discussion and vote; all members must agree to allow debate on a bill before it can reach the floor, and then the form of debate and vote is settled. If an *open rule* is permitted in debate, the bill can be debated and amended openly. If a bill is unpopular with one or another party, open rule discussions can be fierce and result in massive changes, or destruction, of a bill. A *closed rule* allows debate, but no amendments. The House generally has greater control over debate, but the Senate has the ability to *filibuster* if a closing of debate and a vote is imminent. A filibuster is a constant speech by a Senator that can only be ended through *cloture* (3/5, or sixty votes) to push an end to debate and then a vote. Senators can also put "holds" on bills to stall or force reconsideration later, or call for more amendments.

Floor Vote and Conference Committees: Once a vote is taken, a bill dies or is forwarded to the other body for consideration. Frequently, both bodies consider different versions of a bill at the same time. If both versions pass, a *conference committee* must be called to reconcile the two versions; this committee is made up of the leaders of the standing committees that drafted the original bills. If the two sides can reach a compromise on their versions, they create a bill to resubmit to their respective houses. The changed bill then must be submitted for another vote in both bodies, with a simple majority vote needed in both to send the bill to the Executive.

Executive Veto/Signing: The President may sign the law or veto it within ten days of its being passed in the Legislature. A veto requires a 2/3 vote from both houses of Congress to override. If the President chooses to do nothing with a bill within the ten days and Congress is in session, the law will go into effect without the signature. But if Congress is out of session and the President chooses to do nothing, the bill dies (also known as a *pocket veto*).