

Legislative Process & NGOs in the United States

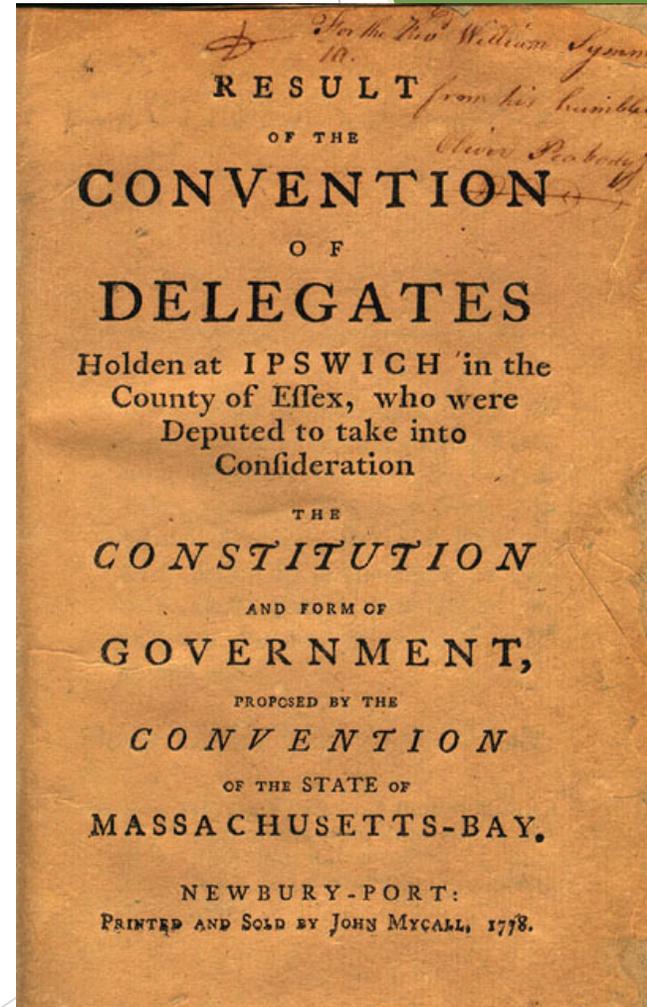
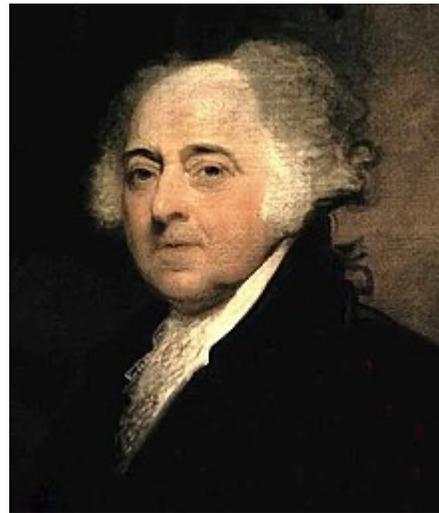
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29.5.2018

Overview

- ▶ Three Branches of Government: Legislative, Executive, Judicial
- ▶ Idea for a bill
- ▶ Constituents, lobbyists, industry groups pro/anti bill
- ▶ File the bill
- ▶ Committee Hearings
- ▶ Floor Vote/Debate
- ▶ Conference Committee with both chambers
- ▶ Final Legislative Vote
- ▶ Executive Approval or Veto
- ▶ Potential Legislative Override of Executive Veto
- ▶ Future potential judicial challenges on Constitutionality grounds
- ▶ NGOs

Three Branches of Government

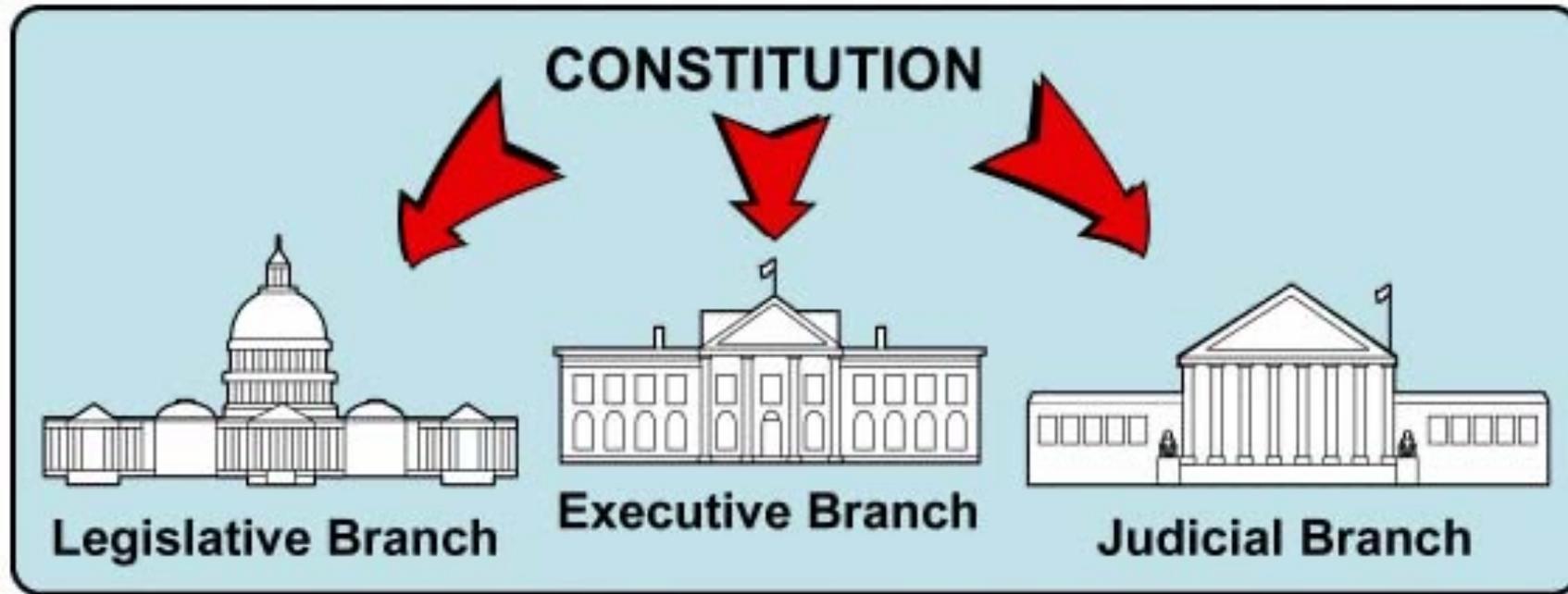
- ▶ The separate but equal branches of government was derived from the Massachusetts Constitution, approved in 1780 and drafted by John Adams. It is the oldest written constitution in continuous effect in the world.
- ▶ The U.S. Constitution was based on the MA Constitution in which there were to be three equal branches of government: The legislative body (Senate and the House of Representatives), the Executive Branch and the Judicial Branch.



Three Branches of Government

- ▶ Legislative Branch (Federal: U.S. Congress; State: legislature or General Court)
Function: Write and propose laws and send to the Executive for final approval
 - ▶ Upper Chamber: Senate
 - ▶ Lower Chamber: House of Representatives
- ▶ Executive Branch (Federal: President; State: Governor)
Function: Signs bills into law or can veto/revise bills; enforces the law
- ▶ Judicial Branch (Federal: U.S. Supreme Court, Federal Courts; State: Supreme Courts, etc.)
Function: Determine the constitutionality of said laws once approved and if challenged in Court

Three Branches of Government



Idea for a Bill

- ▶ Someone will have an idea for a bill as a result of a public policy need or a need to update or repeal a current law already in existence
- ▶ Often times members of the legislature and their staff (House or Senate) will have the idea
- ▶ Other times, a constituent, a citizen of the district will have an idea based on a societal or individual need
- ▶ NGOs, lobbyist, businesses, non-profits, health care, industry, education, transportation and other groups will have an idea for the bill and propose it to a member of the legislature



Advocates, Constituents

- ▶ NGOs (to be discussed later), lobbyists, constituents, non-profit organizations and industry groups can represent a wide variety of issue areas including but not limited to
 - ▶ Transportation
 - ▶ Health Care
 - ▶ Senior Citizens and Disabled
 - ▶ Education
 - ▶ Energy and Environment
 - ▶ Criminal Justice
 - ▶ Global Warming
 - ▶ Agriculture
 - ▶ Vocations and the Trades
 - ▶ Consumer Protections and Licensing
 - ▶ Women's, children, ethnic, LGBTQ and other advocacy areas
 - ▶ Defense (military)

Constituents

- ▶ Constituents play the most important role in advocating positions to their elected officials because they are the voters who elect them. Elected officials often prioritize the will of their district's wishes but often times will disagree with a constituent as well
 - ▶ Constituents also represent a wide array of groups in their communities such as:
 - ▶ Senior Citizens
 - ▶ Parents for Education
 - ▶ Disability Organizations
 - ▶ Women's League of Voters
 - ▶ Veterans
 - ▶ Environmentalists
 - ▶ Manufactures and farmers
 - ▶ Teachers
 - ▶ Etc...

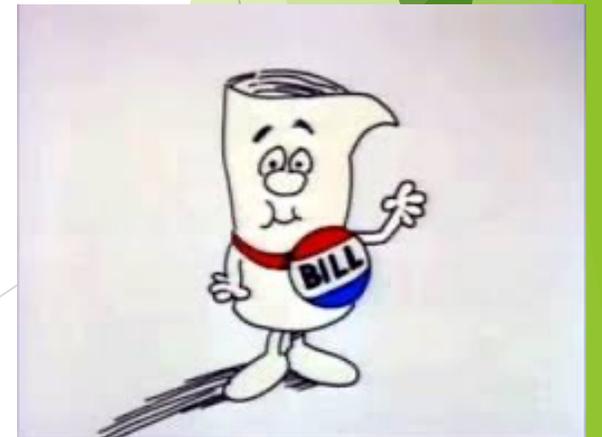


Pro/Anti-bill idea

- ▶ Generally, NGOs, lobbyists, constituents and organizations will directly lobby their Representative or Senator. Often times, larger organizations will lobby many legislators to get the necessary support for or opposition to a bill.
- ▶ Depending on the issue, and in many cases, just as many people are for a bill as are against the same bill. In this case, a particular legislator must weigh the pros and cons to voting 'yes' or 'no' for the bill.
- ▶ Considerations include how their particular district feels about the bill and the prospects of re-election during the next cycle; special interest political funding; personal relationships with the particular parties lobbying; the merits of the bill and the likelihood of legislative success; influence from party leadership in the legislature

1. File the Bill

- ▶ Once a legislator receives the idea for the bill, he or she will generally have their staff draft the language for the bill. (See legislative drafting manual)
- ▶ Both members of the Senate and the House of Representatives may file bills in their respective chambers
- ▶ The Executive (President or Governor) may also file a bill that can be sent directly to the legislature for consideration.
- ▶ Some bills are as short as one sentence. Other bills can be over 2,000 pages in length, depending on the complexity and subject matter.
- ▶ The sponsor of the bill can seek legislative colleagues to co-sponsor the bill.



2. Committee Hearings

- ▶ Many bills that are filed never make it to a hearing. In some states, every bill filed must have an opportunity to be assigned to a committee for public testimony.
- ▶ Bills are assigned to committees based on issue areas. For example, if a legislator files a bill related to mandatory seat belt laws for passengers in automobiles, the bill is likely to be assigned to the Transportation Committee. Likewise, if a legislator files a bill related to farm funding, it is likely that the bill will be assigned to an Agricultural Committee. There are exceptions if a bill has mixed jurisdiction.
- ▶ Committees are generally made up of some House members or some Senate members. Joint Committees are made up of both House and Senate members.



2. Committee Hearings

- ▶ Once a bill has been assigned to a committee, the committee leadership will schedule a hearing on the bill sometime during the legislative session.
- ▶ Hearing rules are determined by committee membership.
- ▶ Generally, experts and concerned parties will be allowed to testify to the committee on the bill at hand, either for the bill or against the bill.
- ▶ Depending on the bill, testimony can range from zero people testifying to hundreds of requests to testify on the bill.
- ▶ People who aren't able to testify before a committee in person may generally also submit written testimony to the committee for the record
- ▶ Members of the committee, especially leadership and staff will take all testimony into account before taking any action.
- ▶ Fellow legislators may also testify before committees for or against a bill.

2. Committee Hearings



2. Committee Hearings

- ▶ After a bill has been heard at a committee hearing and all testimony has been submitted, the Committee will often take a private poll of the members and leadership to determine the level of support for the bill.
- ▶ The fate of a bill will be either three options:
 - ▶ Favorable vote: bill is sent to the next step in the legislative process, typically a floor vote.
 - ▶ Unfavorable Vote: the bill is killed.
 - ▶ Study: A bill will be put to ‘study.’ This is another way of killing the bill without voting ‘No.’

Most Bills ‘die’ in committee.

3. Floor Votes/ Debates

- ▶ In the rare instance a bill is voted out of a committee favorably, it will be scheduled for a reading on either the House or Senate floor
- ▶ At this point, the entire House or Senate will have an opportunity to debate the bill, offer amendments to the bill, and ultimately vote for the bill
- ▶ Representatives and Senators in their respective chambers will either vote Yes, No, or Present once the final bill is put forth for a vote
- ▶ If the bill passes by a simple majority, it moves to the other branch. (ex: From House over to Senate)
 - ▶ At this stage, the bill would be assigned to a Senate committee (see previous section on committee process)
 - ▶ The Senate committee must then vote the bill out favorably before it reaches the floor of the Senate.
 - ▶ If the Senate makes changes to the bill, it must be sent back to the House for concurrence (or a conference Committee in the state legislature).

3. Floor Votes/ Debates



4. Conference

- ▶ In the U.S. Congress, there are 435 members of the House of Representative apportioned by population throughout the states
- ▶ There are 100 U.S. Senators in the upper chamber, each state getting equal representation in this body, 2 Senators per state.
- ▶ In State Legislatures, the number of House and Senate members may vary. In Massachusetts, there are 40 Senators and 160 Representatives.
- ▶ Generally, simple majorities are required for bill approval however there are hundreds of procedures and rules in each body that could lift the requirements for particular actions.

5. Final Legislative Vote

- ▶ Once a bill has finally passed both chambers for final approval after conference, the House and the Senate, it is sent to the Executive Branch.



6. Executive Approval/Veto

- ▶ Again, for the Federal Government, this is the President of the United States.
- ▶ In any of the state governments, the executive is the Governor.
- ▶ The Executive is prescribed a certain amount of time to sign a bill in to law. The President has 10 days to sign the bill in to law or veto.
- ▶ Many governor's have line-item veto power which allow them to change only portions of the bill or budget.
- ▶ The President does not have line-item veto power. The President must sign the entire bill in to law, or veto it, sending it back to the Congress for reconsideration.
- ▶ The President can also refuse to sign a bill but still allow it to become law.



7. Legislative Override of Veto

- ▶ Usually, if the Executive fails to sign a bill, the bill is automatically vetoed.
- ▶ If the legislature disagrees with the executive's veto, both chambers must re-vote to override the veto (usually by a 2/3 majority in each chamber). This is a very tough task and high threshold at the federal government level and in many states.



8. Constitutional Challenges

- ▶ Once a bill becomes a law, citizens, members of the legislature and even the executive may challenge the law on constitutional grounds.
- ▶ The third, and often times most important branch of the U.S. government, the Judicial branch will decide if the law is to remain valid and if people's constitutional rights are violated.
- ▶ The Federal Court system includes the U.S. District Courts, U.S. Appellate Courts, specialty courts like the U.S. Bankruptcy Courts, and the U.S. Supreme Court. The U.S. Supreme Court will hear state cases that have been appealed after reaching their highest courts as well as federal cases.
- ▶ Some laws are struck unconstitutional, others remain valid.
- ▶ At the state level, once a governor signs a law, a state court will have the ability to hear that case.

8. Constitutional Challenges



NGOs



NGOs

- ▶ Article 71 of the Charter of the newly formed United Nations first defined 'non-governmental organization' in 1945.
- ▶ An NGO can be any kind of organization so long as it is independent from government influence and it is not-for-profit.
- ▶ There are approximately 10 million NGO organizations world-wide. Global Journal.
- ▶ There are 1.5 million NGOs in the United States that employ approximately 11.4 million Americans.
- ▶ According to the CAAF World Giving Index, nearly 31.5 percent of people worldwide donated to a charity/NGO in 2015 and 24 percent volunteered for one.
- ▶ According to the Charities Aid Foundation, the number of people worldwide donating money to NGOs increased from 1.2 billion people in 2011 to 1.4 billion people in 2014. By 2030, the number is expected to grow to 2.5 billion people.

NGOs

- ▶ NGOs have a growing presence across the globe as economic, cultural, humanitarian, and social needs continue to arise
- ▶ Total giving in the U.S. to NGOs was \$358.38 billion, or about 2% of U.S. GDP
- ▶ In the U.S., 7.7 billion hours of volunteer work performed by 62.6 million Americans in 2013 valued at \$173 billion
- ▶ According to Walden University, 80 percent of citizens across the globe believe that NGOs make it easier to be involved in positive social change



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- ▶ NGOs address a variety of issues including women's rights, human rights, economic development, political rights, health care, environmental regulation, the battling of disease, and increasing the standards of living for the most vulnerable populations.

NGOs

- ▶ NGOs in the U.S. vary; many work on issues that impact people in the U.S. while other NGOs in the United States focus on international causes including many underdeveloped countries.
- ▶ Examples of NGOs in the United States:
 - ▶ Transparent Hands Foundation: Crowdfunding to conduct surgeries for deserving patients free of cost at private hospitals in Pakistan
 - ▶ Compassion International: Child Development with a focus on children in poverty; specializing in spiritual, physical, social, and economic well being
 - ▶ Direct Relief: Humanitarian aid organization active in all 50 U.S. States and more than 80 countries with a mission to improve the health and lives of people affected by poverty or emergencies.
 - ▶ Americares foundation: Focus on poverty and health care
 - ▶ American Heart Association: focus on fighting heart disease and stroke; 156 local offices and more than 3,000 employees. Provide public health education, CPR training, healthy lifestyle choices and the education and advocacy of lawmakers.
 - ▶ Habitat for Humanity: Shelter as a basic human right; build, rehabilitate and repair affordable homes

NGOs

- ▶ Examples of NGOs in the United States:
 - ▶ World Vision: International partnership of Christians whose mission is to provide development in communities, emergency relief for disaster, promote justice, partnerships with churches, and increase public awareness to help the poor
 - ▶ American Cancer Society: mission to free the world from cancer; work in the U.S. and in countries across the globe: fundraise, help patients, advocate for life-saving change

World Vision



Honolulu
Habitat
for Humanity[®]



American
Heart
Association[®]



NGOs

- ▶ NGOs play a critical role in advocating for changes in law, policy, procedure and administrative rules
- ▶ NGOs are effective in highlighting the stories of individuals they serve.
- ▶ This direct contact and evidence gives elected officials an important perspective that policy on paper often cannot.



NGOs

- ▶ NGOs must determine the ability of its organization to be a successful advocate for its cause
- ▶ NGOs must strategically ‘pick their battles’ to determine if a cause should become a legislative priority (considerations are timing, funding, will of Congress, current events, and likelihood at success)
- ▶ NGOs determine how they can impact efforts already in place as well as new efforts
- ▶ With regards to policy advocacy, NGOs may lead, support, remain neutral, or even oppose particular pieces of legislation
- ▶ NGO leadership and members/boards determine the strategic direction of the organization and policy initiatives it wishes to pursue

NGOs

- ▶ Other strategic Considerations an NGO must consider before beginning advocacy:
 - ▶ Legal limitations to NGO participation in legislative advocacy (versus lobbying; government affairs)
 - ▶ Practical limitations for the organization (funding, relationships)
 - ▶ Draft legislation must be submitted to an member of the legislature to sponsor
 - ▶ Extent to which NGOs may advocate for laws
 - ▶ Identifying allies and leaders who may introduce legislation and lead the public relations campaign (celebrities, victims, former elected officials: US Presidents, Movie Stars, Athletes)
 - ▶ Ascertaining political opportunity
 - ▶ Barriers to entry in the NGO world for effective advocacy
 - ▶ Formation of an NGO: In the United States an NGO generally may register with each state in which it does business with the legislature
 - ▶ Submission of paperwork to the Secretary of State
 - ▶ Generally any non-profit entity (example: 501(c)3 tax exempt
 - ▶ Educational; non-political

NGOs

- ▶ NGOs that advocate are generally taking part in an activity commonly referred to as “lobbying”
- ▶ Each state and the federal government have different regulations that determine if an advocacy activity is considered lobbying
- ▶ Inside lobbying refers to pushing an agenda within the government, meeting with officials in the executive branch and the legislative branch directly
- ▶ Outside lobbying refers to mobilizing citizens through advertising and public relations to pressure their elected officials by visiting them, calling their legislative office, or most commonly, through e-form websites that email the official directly
- ▶ Often times advocacy and lobbying are conducted by lawyers, consulting/public relations groups, former officials, but most importantly, by individuals with influence, knowledge, and communication skills (one on one meetings is very common)
- ▶ Strict ethics laws are now in place across the United States to limit the type of activities conducted by lobbyists including limits on gifts to officials including trips, dinners, concerts and the imposing of dollar limits on gifts
- ▶ NGOs advocacy efforts are determined by internal goals, objectives, and performance

Questions and Discussion

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