

HOW A BILL BECOMES LAW

Introduction of Legislation

There are two basic types of legislation: bills and resolutions. Bills are used to create public policy. There are three types of resolutions – joint, concurrent, and simple – that can be used to appropriate money or express a sentiment of Congress. Constitutional amendments originate in Congress as joint resolutions.

Ideas for bills can come from anyone, although only a Member of Congress can introduce legislation. All bills are assigned an identifying number. Those introduced in the House begin with H.R., and those in the Senate begin with S. Legislation appropriating money must originate in the House.

Committee Action

Once legislation is introduced, it is referred to the committee that has jurisdiction over its subject. A bill may be sent to a single committee (single referral), several committees at once (multiple or joint referral), from one committee to another (sequential referral), or different parts of a bill may be sent to different committees (split committees).

Because most of the work done on a bill is at the committee level, committees have a great deal of power to decide which bills will receive the most attention. The more support a bill has, especially from congressional or committee leadership or from the President, the greater the chance of receiving consideration.

Subcommittee Action

After it receives a bill, a committee will generally refer it to the proper subcommittee. Subcommittees have a more narrow focus than committees. Three main steps occur at this stage:

- **Hearings.** Witnesses are called to testify about the merits and shortcomings of a piece of legislation. Questions from committee members and testimony of witnesses are generally prepared in advance to support a particular position on a bill.
- **Mark up.** At this stage, committee members may offer their own views on a bill and suggest amendments. Amendments do not have to be related to the subject of the overall bill at this stage.
- **Reporting out.** When the mark up is complete, a final draft of the legislation is voted on for approval. If a majority supports the bill, it is “reported out.” If the legislation does not receive majority support, the bill dies.

After a subcommittee reports out legislation, the full committee will go through the same consideration process. If the committee approves the bill, it is reported out to the full House or Senate.

Publication of a Written Report

After a committee votes to report a bill, the committee chair instructs the committee staff to prepare a report on the bill. This report describes the intent of the legislation, its impact on existing laws and programs, and views of dissenting members.

Floor Action

Next, legislation is placed on the House or Senate calendar for debate by the full chamber. In the House, the Rules Committee sets the terms of the debate. This Committee may place limits on the time for debate or on the number and type of amendments that may be offered. If the Committee does not place a rule on the bill, there is little chance of it being debated, and the bill dies. Once a bill comes to the floor, supporters and opponents are given a chance to speak. Any amendments offered on the floor must be germane, or related to the main subject of the legislation.

The Senate places fewer restrictions on debate. The terms of the debate are often set by Unanimous Consent Agreement, which is approved by party leaders. Any Senator may filibuster, or speak against a particular piece of legislation, for as long as he or she wishes. A filibuster may only be ended by invoking cloture, which requires that 60 Senators vote to end debate.

When debate concludes in either chamber, a vote takes place to approve or defeat a bill.

Conference Committee

Bills may originate in one chamber, and upon passage, move to the opposite chamber to repeat the approval process. Often, however, similar bills work their way through both the House and Senate at the same time. Both chambers must pass identical bills in order for the legislation to be sent to the President for approval, so the House and Senate will form a conference committee to reconcile any differences between their bills. Both chambers may instruct their conferees on acceptable compromises. Once differences are resolved and a conference report is generated, both chambers must once again vote to approve legislation.

Action by the President

The President has four choices upon receiving legislation. He may:

- sign the bill into law;
- veto the bill and send it back to Congress with suggestions for reconsideration;
- take no action while Congress is in session, in which case the bill will become law in ten days;
- take no action and let the bill die after Congress has adjourned for session. This is called a “pocket veto.”

Overriding a Veto

If the President vetoes a bill, Congress may override his decision. A two-thirds vote in both chambers is required to overturn a veto.