

HOW DOES A BILL BECOME LAW?

THE U.S. LEGISLATIVE PROCESS

STEIN LEGAL

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The process of making a bill into a law can be complex and intricate, involving many procedural aspects and potential variations. As a service to our readers, we take this opportunity to outline the steps necessary in the legislative process.

A piece of proposed legislation, known as a bill, is required. Any person can draft a bill, as it is simply a proposal. Frequently bills are drafted, at least in part, by various interest groups. However, only a member of Congress may formally introduce a proposal as a bill. Congress consists of two legislative bodies, the U.S. House of Representatives (House) and the U.S. Senate (Senate).

A bill can originate in either the House (designated as H.R. with a number) or the Senate (designated as S. followed by a number). Bills are of two primary types – public and private. A bill that affects the public generally is known as a public bill. A bill that affects a specified individual or private entity rather than the population at large is called a private bill. In very rare situations, a bill concerning a single individual in need of extraordinary immigration relief is introduced under the "private bill" category. The basic, step-by-step procedure in the legislative process follows.

STEP 1. BILL GETS INTRODUCED

A member of Congress in either the House or the Senate introduces the bill. The person introducing the bill is known as the sponsor. An unlimited number of members may co-sponsor a bill. Once a bill has officially been introduced, it is referred to the appropriate standing committee/s in the House or Senate, according to carefully delineated rules of procedure. The committees specialize in particular types of policy and legislative matters that come before them. Within the committees, there are more specialized subcommittees. Immigration matters fall under the Judiciary committee in both the House and Senate.

STEP 2. COMMITTEE REVIEW AND ACTION

The clerk of the committee to which the bill has been referred, enters it on the committee's Legislative Calendar. The committee then decides either to refer the bill to a subcommittee or let it be considered by the committee as a whole. At this point the bill is scrutinized and examined most carefully. This is the first stage at which a bill could "die," should a committee choose not act on it at all.

STEP 3. REVIEW BY SUBCOMMITTEE

Once the bill is referred to a subcommittee it undergoes more extensive study and review. The subcommittee often seeks the input of the relevant government departments and agencies. The subcommittee may also conduct one or more hearings. These hearings provide an opportunity for various public officials, experts, and other supporters and opponents of the legislation to express their views by giving testimony on the subject. Subcommittee members may question these expert witnesses on various aspects of the bill. It is required that such hearings are public unless, in the interest of national security, otherwise determined by a majority of the subcommittee.

STEP 4. MARK-UP STAGE

Once the hearings are completed, the subcommittee will usually consider the bill in a "mark-up" session. The bill is either (a) reported favorably to the full committee, with or without amendment, (b) reported unfavorably, or (c) reported without recommendation. The subcommittee may also decide not to report legislation to the full committee, which would effectively "kill" the legislation, as it would not move forward.

STEP 5. FINAL COMMITTEE ACTION

Once the committee receives the subcommittee's report on the bill, it may either conduct further study and review or vote on the subcommittee's recommendations and proposed amendments, if any. The full committee then votes to determine whether it will report the bill favorably to the House or Senate, or "table" it (i.e. postpone action indefinitely).

STEP 6. REPORTED BILLS

If the committee votes to report the bill, the committee chairman instructs the committee staff members to prepare a written report on the bill. The report describes the purpose and scope of the piece of legislation - a detailed point-by-point analysis, the impact of the legislation on existing law and programs, and reasons for its recommended approval.

STEP 7. FLOOR ACTION

Once the bill has been reported to the chamber (i.e. House or Senate) where it originated, it is placed chronologically on that chamber's calendar.

STEP 8. CONSIDERATION OF BILL AND FLOOR DEBATE

When the bill reaches the floor of the chamber it is opened to debate, pursuant to the rules or procedures governing debate on legislation in that chamber. These procedures determine the conditions and amount of time allocated for general debate.

STEP 9. VOTE

Once the debate has concluded, with possible approval of any proposed amendments, the entire chamber votes on the bill. A simple majority is usually required to pass or defeat most bills.

STEP 10. REFERRAL TO OTHER CHAMBER

If the chamber that originated it passes the bill, it is then referred to the other chamber where it usually follows the same route as described above. That is, if the bill was initially submitted in the House and, thereafter, is approved by the House, it will be referred to the Senate for an identical procedure. The second chamber then may approve the legislation as received, reject it, ignore it, or approve amendments to the bill.

STEP 11. CONFERENCE COMMITTEE ACTION

Legislation must pass both the House and the Senate in an identical form. If, after step 10, the second chamber passes the legislation in an amended form, there are two possibilities. If the amendments are minor in nature, the legislation is sent back to the first chamber for concurrence. However, if the amendments are significant, a conference committee with membership from both chambers is formed to reconcile the differences between the House and Senate. If the members of the conference committee (known as conferees) are unable to reach agreement on the proposed legislation, it dies at this point. If an agreement is reached, a conference report is prepared describing the proposed recommendations by the conference committee. Both chambers must approve this report.

STEP 12. FINAL

Once both the House and the Senate have approved the bill in identical form, it is sent to the President. The President can choose to take one of the following courses of action: (a) approve the legislation and sign it, thus enacting it into law, (b) take no action for ten days while Congress is in session, in which case it automatically becomes law, or (c) oppose the legislation and veto it. If the President chooses to veto the bill, Congress may attempt to "override the veto." Such action requires a two-thirds roll call vote of the members of both chambers. The President may also choose to "pocket veto" the bill, i.e. take no action on the bill after Congress has adjourned its second session. In case of a "pocket veto" the piece of legislation dies.

There are many other complex areas within the legislative process. Often, with contentious areas of legislation, there are many different versions of the same bill proposed on both the House and Senate sides, simultaneously. For more information on the legislative process and legislative activity, visit [THOMAS \(Library of Congress\)](#) on the Internet. This is an informational service of the Library of Congress.

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