

How a Bill Becomes a Law – Federal Process

Important Terms

Cloture

A procedure in the Senate that allows the Majority leader to stop all debate on a bill, including a filibuster. Cloture requires three-fifths of the Senate – 60 votes – to approve.

Conference Committee

A committee called with a set number of members from the House and Senate that are tasked with reconciling differences between different versions of legislation passed by each chamber. The number of conferees from each chamber need not be equal. Once the differences have been worked out, a majority of both House and Senate delegations to the conference committee must sign the conference report which contains the negotiated version of the bill.

Filibuster

A procedure unique to the Senate that allows any member to speak on a bill for as long as they would like, as long as they continue without stopping or sitting down. This is used to halt debate or block measures from being voted on. Cloture is required to halt a filibuster.

Riders

A legislative amendment or measure attached to a bill that is non-related. This can happen in the Senate because amendments are not required to be germane to the measure being debated or voted on.

Rules Committee

A committee unique to the House of Representatives that is responsible for assigning each bill introduced in the House a "rule" determining how much debate and/or which amendments will be allowed on the measure when it comes to the House floor. A two-thirds vote is required to override the rule attached to a bill, or to allow it to be brought to the House floor without a rule.

Introducing the Bill and Referral to a Committee

Any member of Congress may introduce legislation. Each bill that is introduced is assigned a number – an "H.R." number is assigned to bills originating in the House and an "S." number for bills originating in the Senate. After a bill has been introduced and assigned a number, it is referred to the committee which has jurisdiction over the issue. For example, an education bill would be referred to the U.S. House Committee on Education and the Workforce or the U.S. Senate Committee on Health, Education, Labor, and Pensions.

After the bill has been referred to the appropriate committee, the chairman of the committee will decide whether or not to hold a hearing or a "mark-up" on the bill. If there is a hearing, members of the committee gather information about the bill and its effects from a number of people who are knowledgeable about the issue and individuals may be invited to provide expert testimony during the hearing. If there is a mark-up, members of the committee may amend the original text of the bill. After the mark-up is complete, the committee will vote the bill out.

Floor Debate and Votes

In the House of Representatives, the Speaker of the House determines if and when a bill will come before the full body for a vote. In the Senate, this is the function of the majority leader. Each chamber has a different process for voting on and amending bills after they are introduced.

In the House, the [Rules Committee](#) sets the time allotted for debate and rules for offering amendments. In the House, all amendments must be approved by the Rules Committee and must be germane. After proponents and opponents debate a bill, the bill is reported back to the House for a vote. A quorum must be present – 218 Representatives – to have a final vote. If a quorum is not present, the Sergeant at Arms is sent out to round up missing members. For non-controversial bills, the Speaker of the House may make a motion to suspend the rules and pass the bill.

In the Senate, there are no time restrictions for debate, unless [cloture](#) is invoked. Senators can offer amendments, including amendments that are not germane ([riders](#)). Bills pass the Senate by a majority vote or unanimous consent. Senators can obstruct passage of a bill by prolonging the debate ([filibuster](#)) or by placing a hold on the bill. A majority of non-controversial bills passed by the Senate are "hotlined," meaning they pass without an actual voice or recorded vote, but by unanimous consent, without any debate or amendments. "Holds" are placed when a Senator wants to object to a unanimous consent request or to simply review and negotiate changes to the bill.

Referral to the Other Chamber

After a bill has been passed by one chamber of Congress it is then referred to the other chamber. Upon receiving a referred bill, the second chamber may consider the bill as it was received, reject it, or amend it.

Conference on a Bill

If the House and Senate versions of a bill vary after passing both chambers, a [conference committee](#) is created to reconcile the two different versions of the bill. If no agreement can be reached, the bill dies. If the conference committee is able to come to a consensus, both the House and Senate must pass the new version of the bill. If either chamber does not pass this version, the bill dies. Often, the House and the Senate committees of jurisdiction will negotiate provisions of non-controversial bills to avoid conference.

Action by the President

After the final version of the bill is passed in both chambers of Congress, it is sent to the president. If the president supports the measure, s/he usually signs it into law. If the president does not sign the bill, the bill will become law automatically after 10 days **IF** Congress is in session. If the president does not support the measure, s/he may veto it. The president may also "pocket-veto" a bill by taking no action on it for ten days after Congress has adjourned. In either case, Congress may override the veto by a two-thirds vote in each chamber. If Congress overrides the veto, the bill becomes a law.