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LEGISLATIVE REPORT

How a Bill Becomes Law

I would like to thank Amy Clark for the following article. She had this information in a power point presentation and very graciously converted it to a Word document for me. Thank you, Amy, for sharing this information and changing the format for us.

*Barbara Larson
VP-Legislation*

Come on, let's admit it. It has been a NUMBER of years since we were sitting in our high school civics class, hasn't it? We all know we that *should* remember what we learned about the workings of our government, but sometimes we're a little foggy on the details. For some, the *School House Rock* lyrics of "I'm Just a Bill Sittin' Here on Capitol Hill" might be the most we remember about the federal legislative process! But that's all about to change. If you are willing, take just a moment to read the next few paragraphs and re-educate yourself on the process that is so vital to the future of our country.

"We the people, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

With those simple words began the grandest political experiment known to mankind—a nation unlike any other on the face of the earth. For the first time in history, free men had created a national government. A government contained, *restrained* and provided for within the pages of this Constitution—the oldest written, working constitution in use in the world today.

I highlight the word "restrained" because I believe that is key. Our legislature is duly elected by the people of the various states, and they are sent to Washington, D.C., to represent us. The legislative process is clearly set forth in the Constitution, and few would argue that every step of every bill should be put forth in the light of day. Unfortunately, this was not always the case in 2009. The more the American people understand the process, the more they will be able to stand up for the cause of the country and the Constitution, defending their rights and freedoms every step of the way.

In the Beginning...

Let's begin with the progress of a bill through the House of Representatives. A bill is a piece of suggested legislation that may originate from any member, delegate or even the resident commissioner of Puerto Rico. Bills may be introduced at any time, with no permission required. Bills may not be submitted anonymously--the member introducing the bill must sign it, and then becomes known as the bill's Primary Sponsor. Additionally, other members of the House may serve as cosponsors.

The next step is the bill's entry into the Journal and printing in the Congressional Record. It is assigned a legislative number by the Clerk—in the House, the number will have a "H.R." designation before the number. At this point, copies of the bill is printed in its original form and made available to both Houses, as well as the public.

Bill goes to a House Committee

The bill is then sent to the appropriate House committee by the Speaker of the House. This is where the real work is done on a bill, as well as where public input on a bill may be offered. There are 19

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standing committees in the House, each with a jurisdiction over certain matters. Membership in the committees is divided between the two parties. Generally, a member may only be assigned to two committees and four subcommittees. The Speaker may assign a bill to more than one committee, but he must designate primary jurisdiction over the bill to one committee.

The committee's function is to review the bill, and to seek input from various agencies or departments, or often the GAO. It is important to note, however, that these reports are not binding on the committee when deciding the action they will take on a bill. The committee may also set a date for public hearings on the bill. Committee hearings are required (except in very special circumstances) to be open to the public.

After hearings are completed, the subcommittee reviews both sides of the issue, in what is known as the "markup session." At this point, there must be a vote as to the action of the subcommittee on the bill. Each member has one vote. The proposed actions for the subcommittee are:

- *Report the bill favorably to the full committee (with or without amendment.)
- *Report bill unfavorably.
- *No recommendation.

The subcommittee then makes a report on the bill at the full committee meeting.

Full Committee action on House Bill

The next step is for the bill to return to the full committee. At this point, "germane" amendments may be offered. Note that these amendments remain only "proposals" at this point, as they are still subject to acceptance/rejection by the full House.

The full committee then votes to report the bill favorably, unfavorably or without recommendation. The committee may report the bill to the House without amendments, or submit a "clean bill"—a new bill incorporating all the amendments made in the committee. It may also decide to report the original bill with one "amendment in nature of a substitute," consisting of all the amendments previously adopted. Of course, if a committee tables a bill or takes no further action on it, they can effectively "kill" it.

Bill returns to full House

If a bill passes favorably out of committee, a committee report is written describing the purpose and scope of the bill. All changes in existing law must be indicated in the report and the text of laws being repealed must be set out. Committee amendments also must be set out at the beginning of the report and explanations of them are included. Executive communications regarding the bill may be referenced in the report.

Committee reports are a valuable source of the legislative history of a law. They are used by the courts, executive departments, and the public as a source of information regarding the purpose and meaning of the law.

House Bill is assigned to Calendar

The House has five calendars for use in conducting its business. When a bill passes favorably out of the committee, it is given a calendar number and is assigned to either the Union or the House calendar—the two principal calendars of business in the House. The Union calendar holds the majority of public bills

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and resolutions. The House calendar hosts bill that do not involve a cost to the government (or often resolutions providing special orders of business.) It is important to remember that business is not necessarily conducted in the order the bills were listed on the calendar.

House Bill is considered by the full House

All bills on the Union Calendar must first be considered by the “Committee of the Whole”—a process used to expedite the consideration of the vast numbers of bill appearing before the House. A quorum for the Committee of the Whole is only 100 members. After general debate, the bill undergoes a second reading. At this time, germane amendments may be made to the bill.

When the Committee of the Whole “rises,” it reports back the bill and any amendments that have been adopted. At this point, it once again becomes the full House. Within the full House, the bill undergoes debate, and then is read for the third time (this time, by title only.) The full House votes on the bill. If it passes, it heads to the Senate.

House Bill heads to Senate

An exact copy of the bill as it was passed in the House (“engrossed”) is prepared by the Clerk of the House. At this point, the bill is now referred to as an “Act.” It is sent to a Senate committee (there are 16 standing committees) by the Parliamentarian, acting on behalf of the President of the Senate (the Vice President of the U.S.) The bill is then reported out of committee with or without amendment, favorably or unfavorably. In the Senate, minority reports may also be filed. Again, all committee meetings and hearings are open to the public, with special exceptions.

Senate rules of procedure differ from those in the House. A simple majority vote carries an amendment or passes a bill. Also, there is generally no “germaneness” rule.

A vote is taken after third reading (by title only.) Generally, the voice vote method is employed. A bill is passed either amended or unamended. The original “engrossed” House bill, along with the engrossed Senate amendments (if any) or the original engrossed Senate bill, is returned to the House stating the action taken by the Senate. If the Senate has adopted amendments, there is a request that the House agree to them.

At this point, the amended bill is placed with the Speaker of the House, awaiting House action. Most Senate amendments require the consideration of the House Committee of the Whole. If the bill with Senate amendments is agreed to, it is ready for presentation to the President.

If the Senate amendments to the house bill are numerous or controversial, a conference with the Senate may be requested or agreed upon to resolve the disagreement between the two Houses. The leadership of each house appoints conferees—the size of the committees are not necessarily the same. This conference committee is often referred to as the “Third House of Congress.”

Conference Committee

The rules of the House demand that one conference meeting be open, unless voted in open session to be closed to the public. Four forms of recommendations that are open to the conference committee:

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1. Senate backs away from some or all of its amendments.
2. House backs away from its disagreement to some or all of the Senate amendments (and agrees thereto.)
3. House backs away from its disagreement to some or all of the Senate amendments and agrees thereto with amendments.
4. House backs away from some or all of its amendments to the Senate amendments or its amendments to the Senate bill.

Most often, a compromise results, with one House substituting its own bill as a single amendment. However, if no agreement is reached, the conferees report this back to their Houses and the amendments may be disposed of. Often, new conferees are appointed at this point, and may be given instructions by their Houses as to the positions they are to take.

A Bill becomes a Law

A bill may not become a law until both Houses have approved it in *identical* form. When this happens, it is presented in “enrolled” form for the President, and is signed first by the Speaker of the House, and then the Vice President (President of the Senate.)

The President has a 10-day period in which to take action on a bill—either signing it for approval, or returning it with objections. A bill may become law without presidential signature if the President has not returned it with objections in the 10-day period. The Constitution provides that a 2/3rds affirmative vote in House and Senate can override the Presidential veto.

Now let’s take a quick look at a bill that originates in the Senate...

Bill originating in the Senate

When a bill originates in the Senate, it goes through much the same process as described above, but in reverse. A bill that is eventually passed in Senate (known as S.##) is sent to House for consideration. One exception to this a bill that is held by unanimous consent to become a “vehicle” for a similar House measure when and if passed by House.

Senate Bill is referred to appropriate House committee for consideration or held by Speaker for possible amendment after action on a companion House bill. When the Senate bill is passed out of the committee and into the full House, it is ready for “enrollment” if there are no amendments.

If the House makes amendments to the Senate bill, it is returned back to the Senate for review and action on the House amendments. As in the process mentioned above, the Senate either agrees to the House amendments, or requests a conference committee.

So there you have it — a quick look at our federal legislative process. More information about Congress can be found on the Library of Congress website: thomas.loc.gov.