

THE BORGES PROJECT



How a Bill Becomes a Law

Making and enacting laws is Congress's greatest responsibility. The legislative process officially begins with a proposal in one of four forms:

- **Bill:** Originating in either the U.S. House of Representatives or the U.S. Senate, there are two types of bills—public and private. Public bills affect the general public while private bills affect a specific individual or group. In order to become law, bills must be approved by both Chambers and the President.
- **Joint resolution:** Similar to a bill, joint resolutions originate in either the U.S. House of Representatives or the U.S. Senate, but, contrary to what the name suggests, never jointly in both Chambers. Also like bills, joint resolutions require the President's approval to become law.
- **Concurrent resolution:** Legislation addressing a matter affecting the operations of both the U.S. House of Representatives and the U.S. Senate, concurrent resolutions are voted on by both Chambers of Congress and do not need the President's signature to pass.
- **Simple resolution:** Legislation addressing a matter affecting the operations of either the U.S. House of Representatives or the U.S. Senate, simple resolutions only need to pass in the Chamber it is affecting.

Bills are the most common form of legislation. While most bills can originate in either Chamber, bills regarding revenue always begin in the U.S. House of Representatives.

Beginning of the Bill

Although a bill's sources are unlimited, the two most common points of origin are Members and their constituents. For example, a bill may be inspired by campaign promises made by Members. Or constituents with ideas for laws may contact their Congressional Representatives. The Constitution guarantees a constituent's right to submit ideas for legislation to his or her Representative in Congress.

Introduction of the Bill

The Hopper

In the U.S. House of Representatives, any Member, Delegate, or Resident Commissioner may introduce a bill any time the House is in session. In order to officially introduce the bill, the Member places it in the "hopper," a wooden box on the side of the Clerk's desk. The Member introducing the bill is known as its primary sponsor, and an unlimited number of Members can cosponsor a bill. When a bill is introduced, the title of the bill is entered in the *House Journal* and printed in the *Congressional Record*. The Clerk assigns the bill a legislative number and the Speaker of the House assigns the bill to the appropriate committee.

The Bill Goes to Committee

Committee Meeting Room

When the Chairman of the committee receives a copy of a bill, the clerk of the committee places the bill on the committee's legislative calendar. While the bill is in committee, the committee members will seek expert input, hold "mark-up" sessions to make any changes or updates deemed important, and, if necessary, send the bill to a subcommittee for further analysis through research and hearings.

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When the committee is satisfied with the content of the bill, it is sent back to the House for debate. It is also possible for a bill to die in committee if the legislation is deemed unnecessary.

Consideration and Debate

During the general debate on a bill, the House typically breaks into the Committee of the Whole. Breaking into the Committee of the Whole speeds up the consideration of bills as the Committee is allowed to debate the bill with 100 Members rather than the quorum required of the full House. In the Committee of the Whole, the bill is read aloud, section by section and Members may offer amendments as each section is read. Both the Member proposing and a Member opposing the amendment are given five minutes to explain their opinions, as allowed by the "five-minute rule." The Committee of the Whole then determines if the amendment will be accepted or rejected. At the conclusion of the debate, the Committee of the Whole "rises." By "rising," the committee reverts back to the full House.

Not all bills, however, are considered in the Committee of the Whole. If a bill is sent directly to the House, it is debated in a fashion similar to the Committee of the Whole, however in this instance the "hour rule" applies. The hour rule limits a Member to 60 minutes of debate on a pending question rather than the five minutes allowed in the Committee of the Whole.

Voting

Historical Highlight: Most roll call votes prior to electronic voting October 08, 1968

When debate is over, the Speaker asks "shall the bill be engrossed and read a third time?" If the Members agree, the bill is read by title only.

If deemed necessary by the Speaker, voting on a bill may be delayed up to two days. There are three methods for voting:

- Viva voce (voice vote): The Speaker asks the Members who support the bill to say "aye" and those who oppose to say "no."
- Division: The Speaker says "those in favor, rise and stand to be counted," and then again for those who oppose to stand and be counted.
- Recorded: The most common way to collect votes, Members either slide their electronic voting into the electronic voting machine and select "yea," "nay," or "present," or complete a paper ballot which is handed to the tally clerk to be recorded.

The votes are tallied and, if a majority of the House has voted in favor of the legislation, it passes and is sent to the U.S. Senate. If the bill fails, yet the Speaker feels the bill should become a law, it may be sent back to committee for further research and updates. Otherwise, the bill dies.

Senate Action

If a bill passes in the U.S. House of Representatives, an exact copy is sent to the U.S. Senate. The bill is sent to a Senate committee for review and discussion before proceeding to the Senate floor for a

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vote. The Senate, like the House, considers each amendment separately before the bill is voted on. Unlike the House, the Senate typically votes by voice.

The Bill Returns to the House

If the bill is passed by the Senate, both the House and Senate bills are returned to the House with a note indicating any changes. If the Senate has made amendments, the House must vote on the bill again as both Chambers of Congress must agree to identical legislation in order for it to become law. If the Speaker of the House decides the Senate amendments require further research, the bill can be sent back to committee before the House votes again.

The Bill Is Enrolled

When both Chambers have passed identical legislation, the enrolling clerk prepares the final document for presentation to the President of the United States. The enrolled bill is printed on parchment paper and certified by the Clerk of the House. The Clerk reviews the bill to ensure it is accurate and sends it to the Speaker to be signed. The Speaker then passes the document to the President of the Senate for signature.

Presidential Action

Historical Highlight: The first congressional override of a presidential veto
March 03, 1845

Once the leaders of both Chambers have signed-off, the Clerk of the House delivers the bill to a clerk at the White House and obtains a receipt. When the President receives the bill, he has three options:

- **Pass:** If the President approves the bill he signs it and, usually, writes “approved” and the date, although the Constitution only requires his signature.
- **Veto:** If the President does not approve the bill, he must return it to its Chamber of origin with his objections within 10 days.
- **Pocket Veto:** If the President receives the bill and does not sign or return it to Congress with objections within 10 days—excluding Sundays—it becomes law as long as Congress remains in session. If Congress recesses before the 10 days have passed, the bill dies.

Back to Congress

If the President vetoes the bill, it is sent back to the U.S. House of Representatives. From here, the Speaker may decide not to pursue the bill further, send it back to committee for further consideration, or return to the bill to the House Floor for a vote. In order to override the President’s veto, the bill will need to pass by two-thirds majority in both Chambers of Congress.