How a Bill Becomes a Law

1. Proposals, or ideas, for legislation—be they about health care, education, immigration, the

environment, or tax policy—can come from the president, executive agencies, committee

staffs, interest groups, or even private individuals. Only members of the House or Senate,

however, can formally introduce a bill for congressional consideration.

2. Relatively few bills that are introduced actually become law. In the 110th session of

Congress, approximately 10,000 bills were introduced, less than 5% were made into law.

􀂃 There are multiple points during the process of a bill becoming a law where a bill can

fail.

3. The House and Senate have parallel processes for making a bill into law, and often the same

bill is introduced in each chamber at the same time.

4. A bill must be introduced by a member of Congress, who is referred to as the bill’s sponsor.

5. Once introduced, a bill is sent to the clerk of the chamber, who gives it a number (H.R. 10 or

S. 10—indicating House or Senate bill number 10).

6. The bill is then printed, distributed, and sent to the appropriate committee or committees for

consideration after it is referred there by the Speaker of the House or Senate majority leader.

􀂃 Note the power held by the Speaker and the majority leader to control the referral of

bills to committees, and who also schedule all legislation for consideration.

7. The first action on a bill takes place within the committee. The committee usually refers the

bill to one of its subcommittees, which researches the bill and decides whether to hold

hearings on it.

􀂃 The subcommittee hearings provide the opportunity for those on both sides of the

issue to voice their opinions.

􀂃 Most subcommittee hearings are open to the public.

8. After the hearings, the bill is revised in subcommittee, and then the subcommittee votes to

approve or defeat the bill.

􀂃 If the subcommittee votes in favor of the bill, it is returned to the full committee.

9. In the committee, the bill goes through the **markup** process, when committee members can

add items to the bill.

􀂃 After markup, the committee will either send the bill to the floor with a favorable

recommendation or reject it.

10. Next, the bill goes to the House or Senate floor to be debated by the entire chamber.

􀂃 In the House, before a bill can be debated, it must be approved by the Committee on

Rules, where it is given a rule and placed on the calendar.

􀂃 The rule determines the time allowed for debating the bill on the floor, and

specifies what amendments, if any, may be attached to the bill.

11. On the House floor, the bill is debated, amendments are offered, and a vote is ultimately

􀂃 A bill passes by obtaining a majority of the votes cast by the full House.

􀂃 A majority is 218 votes.

􀂃 In the House following the 2012 elections, there were 200 Democrats and 233

Republicans, with two vacancies.

12. If the bill passes, then it is sent to the Senate for consideration, if it was not already

considered there simultaneously.

13. Unlike the House, where the time allowed for debating a bill is necessarily limited given the

size of the body, in the Senate there is no time limit put on debate.

14. After a bill is debated, a vote is eventually taken by the full Senate membership to determine

passage.

􀂃 A bill passes by obtaining a majority of the votes cast by the full Senate.

􀂃 A majority is 51 votes.

􀂃 If there is tie—50 votes for, 50 against—then the Vice-President of the United

States, as the constitutional President of the Senate, can cast the tie-breaking

vote. This is the only time the Vice-President may cast a vote.

15. Under Senate rules, however, a bill is subject to a tactic known as the **filibuster**, which is the

act of purposely engaging in, or threatening to engage in, unlimited debate in order to prevent

a bill from being voted on under normal rules that allow only a simple majority to prevail.

􀂃 In the Senate, following the 2012 elections, there were 53 Democrats, 45

Republicans, and 2 Independents.

􀂃 If a filibuster tactic is used, however, the only way to stop it, and to force the bill to

the floor for a majority vote, is to invoke **cloture**, a procedural rule that automatically

cuts off debate so a vote can be taken.

􀂃 It takes 60 senators to successfully pass a motion to invoke cloture.

􀂃 Once cloture is invoked, senators may spend no more than thirty additional

hours debating a bill before moving to a floor vote.

􀂃 It then takes a majority vote to pass a bill on the floor of the Senate.

16. When two different versions of the same bill pass in the House and Senate, then a conference

committee is established to work out the differences and to forge a compromise bill.

􀂃 The bill is then returned to each chamber for a final vote

􀂃 No changes or amendments to the compromise version are allowed.

􀂃 If the conference committee fails to achieve a compromise version, or if the bill is not

passed in either of the houses, then the bill dies.

17. If the bill is passed in both chambers, then it is sent to the president, who either signs it or

**vetoes** it.

18. If the president signs the bill, then it becomes law.

19. If the president vetoes the bill, Congress can override the president’s veto with a two-thirds

majority vote in each chamber and the bill will become law.

􀂃 A successful override requires 288 votes in the House and 67 votes in the

Senate.