

How Laws Are Made

The federal lawmaking process can be initiated in either the House of Representatives or the Senate, although revenue-related bills must originate in the House of Representatives. Legislators initiate the lawmaking process by crafting a bill or a joint resolution. There is no practical difference between a bill and a joint resolution; joint resolutions are typically used in proposed amendments to the Constitution, and for continued or emergency appropriations. Although members of Congress introduce bills and help maneuver legislation through the lawmaking process, congressional staff also play an essential role in the process. All members of Congress have staff working in their personal offices, and members who serve as Chair or Ranking Members of committees or subcommittees have separate committee staff as well. Both personal and committee staff have significant input in the legislative process.

The following steps, adapted from the Government Printing Office (GPO), describe the process of enacting a bill into law that is introduced in the House of Representatives. Enacting a joint resolution into law requires the same steps as a bill.

ENACTING A BILL INTO LAW

1. When a representative wants to propose a new law, they work with their staff, advocates, legislative counsel, and stakeholders to draft bill text. They sponsor the bill and introduce it by submitting it to the clerk of the House of Representatives, or by placing it in a box called the “hopper.” The clerk assigns a legislative number to the bill, with H.R. for bills introduced in the House of Representatives (and S. for bills introduced in the Senate). GPO then prints the bill and distributes copies to each representative.
2. The bill is assigned to a committee by the Speaker of the House so that it can be studied. The House has standing committees, each with jurisdiction over bills in certain areas. The standing committee, or often a subcommittee, studies the bill and hears testimony from experts and people interested in the bill. The committee then may release the bill with a recommendation to pass it, or revise the bill and release it, or lay it aside so that the House cannot vote on it. Releasing the bill is called “reporting it out,” while laying it aside is called “tabling.”
3. If the bill is released, it then goes on a calendar, which is a list of bills awaiting consideration on the House floor. Once on the calendar, the bill may be called for a vote quickly by the House Rules Committee, or the Committee may limit debate on the bill, or may limit or prohibit amendments. Undisputed bills may be passed by unanimous consent or by a two-thirds majority vote if members agree to suspend the rules.
4. The bill then goes to the floor of the House for consideration and begins with a complete reading of the bill. Sometimes this is the only complete reading. A third reading of the title only occurs after any amendments have been added. If the bill is passed by simple majority (218 of 435), the bill moves to the Senate.
5. For a bill to be introduced in the Senate, a senator must be recognized by the presiding officer and announce the introduction of the bill. Sometimes, when a bill has passed in one chamber, it becomes known as an act; however, this term usually means a bill that has been passed by both chambers and becomes law.
6. Just as in the House, the bill is then assigned to one of the Senate’s standing committees by the presiding officer. The relevant Senate committee or subcommittee studies and either releases or tables the bill, just like in the House.

7. Once released, the bill goes to the Senate floor for consideration. Bills are voted on in the Senate based on the order in which they come from committees; however, an urgent bill may be pushed ahead by leaders of the majority party. There is no time limit on debate when the Senate is considering a bill; once debate concludes, Senators vote on the bill. Under regular order, the Senate requires 60 votes to overcome the threat of a filibuster and pass a bill, rather than a simple majority (51 of 100).
8. Having passed both the House and the Senate, the bill now moves to a conference committee, which is made up of members from both the House and Senate. The conference committee works out any differences between the House and Senate versions of the bill. The revised bill is sent back to both chambers for a final vote. Once approved, the bill is printed by the Government Publishing Office (GPO) in a process called “enrolling.” The clerk from the introducing chamber certifies the final version.
9. The enrolled bill is now signed by the Speaker of the House and then the vice president, who serves as the President of the Senate. Finally, it is sent for presidential consideration. The president has 10 days to sign or veto the enrolled bill; if the president vetoes the bill, it can still become a law if two-thirds of the Senate and two-thirds of the House then vote in favor of the bill, overriding the presidential veto.

FOR MORE INFORMATION

The Legislative Process, from the U.S. House of Representatives: <https://www.house.gov/the-house-explained/the-legislative-process>.

Ben's Guide to the U.S. Government: <https://bensguide.gpo.gov/how-laws-are-made>.