

Executive Summary

This report introduces the main steps through which a bill (or other item of business) may travel in the legislative process—from introduction to committee and floor consideration to possible presidential consideration. However, the process by which a bill can become law is rarely predictable and can vary significantly from bill to bill. In fact, for many bills, the process will not follow the sequence of congressional stages that are often understood to make up the legislative process. This report presents a look at each of the common stages through which a bill may move, but complications and variations abound in practice.

Throughout, the report provides references to a variety of other CRS reports that focus on specific elements of congressional procedure. CRS also has many other reports not cited herein that address some procedural issues in additional detail (including congressional budget and appropriations processes). These reports are organized by subject matter on the Congressional Operations portion of the CRS webpage, a link to which is on the main CRS homepage, but can also be found at <http://crs.gov/analysis/Pages/CongressionalOperations.aspx>.

Congressional action on bills is typically planned and coordinated by party leaders in each chamber, though as described in this report, majority party leaders in the House have more tools with which to set the floor agenda than do majority party leaders in the Senate. In both chambers, much of the policy expertise resides in the standing committees, panels of Members who typically take the lead in developing and assessing proposed legislation within specified policy jurisdictions.

Introduction and Referral of Legislation. Once a Member of the House or Senate introduces a bill, it is typically referred to the committee (or committees) in that chamber with jurisdiction over its elements. Committees do not formally consider each of these referred bills. The committee chair has the primary agenda-setting authority for each committee and identifies which bills will receive formal committee attention during the course of the two-year Congress. (Committees are not limited, however, to consideration of measures referred to them and may initiate legislative action on their own.)

Committee Consideration. A committee may conduct hearings on a bill to provide committee members and the public an opportunity to hear from selected parties (e.g., a federal agency or organized interest) about the bill's strengths and weaknesses. If the committee wants to formally recommend that the bill receive consideration from its parent chamber, it will hold a markup on the bill, at which committee members vote on any proposed amendments. The markup concludes when the committee agrees, by majority vote, to report the bill (with any recommended changes adopted in the markup) to its chamber.

Floor Scheduling. In the House, majority party leaders generally decide which bills will receive floor consideration; typically, they schedule a bill for a type of streamlined floor consideration, or instead ask the Rules Committee to propose a set of tailored parameters for floor consideration. In the Senate, bills are brought to the floor only after the Senate agrees to a motion (typically offered by the majority leader) to proceed to a specific bill or, alternatively, if no Senator objects to a unanimous consent request to bring it up.

House Floor Consideration. In the House, most bills that receive consideration do so under a procedure called “suspension of the rules,” which limits debate to 40 minutes and prohibits floor amendments, but requires two-thirds of Members voting to agree. Most other bills are considered under tailored debate and amending parameters set by the terms of a special rule reported by the House Rules Committee (which effectively operates as an arm of the majority party leadership). The House first votes to adopt the special rule and then can proceed to debate and potentially amend the bill (typically accomplished in a setting called Committee of the Whole). After any debate and amending process is complete, the House then typically votes on a minority party alternative (through a vote on a motion to recommit) before proceeding to a final vote on passage.

Senate Floor Consideration. In the Senate, once the chamber has agreed to bring up a bill, it is typically considered under rules and practices that allow for a wide-ranging debate and amendment process. A defining feature of Senate floor consideration is that no rule permits a numerical majority to end debate and proceed to a final vote on most questions (e.g., a bill or amendment). Thus, Senators may wage a filibuster, effectively threatening extended debate or other actions that would delay or prevent a final vote. The Senate’s cloture rule provides a process, however, by which a supermajority of the Senate (usually three-fifths) can, over a series of days, place a limit on debate (as well as limits on amendments) and eventually reach a final vote. These rules and practices provide extraordinary leverage to individual Senators, but frequently the Senate decides it can more effectively act by putting aside the formal rules and instead agreeing —by unanimous consent— to tailored parameters on debate and amending.

Executive Business in the Senate. The Senate has the unique responsibility to confirm certain presidential nominations and to approve treaties. Nominations and treaties are treated very much like bills: they are referred to committees, where they may be considered and reported to the chamber. On the floor, a ratification of a treaty requires the support of two-thirds of voting Senators. Nominations considered on the floor may be confirmed by a numerical majority, but they are subject to debate, such that reaching a final vote may require a successful cloture process.

Resolving Differences Between the Chambers. At some point in the legislative process, either the House must act on a Senate bill or the Senate must act on a House bill, because only one can be presented to the President. One chamber frequently agrees to a bill —without changes—that was sent to it by the other, but sometimes each chamber proposes changes to a bill sent to it by the other. The chambers resolve their differences on the competing proposals either through a back-and-forth trading of alternative proposals (called amendments between the houses) or by convening an ad hoc conference committee in which House and Senate members from the relevant committees are appointed to hammer out a compromise called a conference report. After both chambers have agreed to identical text (either by agreeing to the other chamber’s proposal during amendments between the houses or by agreeing to the conference report), the bill can be presented to the President.

Presidential Action. The President has 10 days, excluding Sundays, to sign or veto a bill. If it is vetoed, it can only become law if Congress agrees —by two-thirds in each chamber, separately—to override the veto. Successful overrides of presidential vetoes are rare, so Congress typically must accommodate the President’s position earlier in the process.