



NMA REPORT # R-203

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Asserting our right "...to petition the Government for redress of grievances."

Amendment 1, U.S. Constitution, Dec. 15, 1791

HOW A BILL BECOMES A LAW

Bill (definition) - a statute (i.e., law) in draft form before it becomes law; "they held a public hearing on the bill"

Our letterhead (above) now asserts our right "to petition the Government for redress of grievances." In our role of advocating health, safety, and welfare matters for approximately 126,000 "limited-tonnage" mariners, we often write letters or petition the U.S. Coast Guard, an Executive Branch agency within the Department of Homeland Security to revise, change, or modify rules, regulations, policies, instructions or guidelines that unfairly impact our mariners.

When our efforts in making changes we believe are necessary to protect our mariners in the workplace are not (or cannot be) acted upon in a reasonable and timely manner, on occasion we must look to Congress, either the U.S. House of Representatives or the U.S. Senate or both or to change the underlying law or statute upon which Coast Guard regulations are based. In "looking to Congress," we must identify those individual members or committees that have oversight on the particular issue we are concerned about and then write or petition those members and/or committees in specific terms.

The first hint that our individual letters, phone calls, visits with legislators, testimony before Congressional committees etc. are being acted upon is when a Member of Congress introduces a "Bill" in either the House or Senate that addresses the issues our mariners believe is important. If we as individuals or as an Association like or dislike a particular "Bill" or any "provision" within that bill, we should write (mail, fax, e-mail) to support, oppose, or suggest changes to that Bill.

Our Association has outlined the principal issues we would like to see Congress address. We collected these issues in January 2009 in our Report #R-350, Rev. 4, Mariners Seek Legislative Assistance from Congress on Marine Safety, Health, and Work-Related Problems. Please review this report to identify these issues.

There is no guarantee that any "Bill" will ever become law.

This report (#R-204) explains the step that a "Bill" must take before it becomes a law.

Other reports in our #R-204 (series) examine specific "Bills" currently being considered by Congress.

Each Congress starts afresh. The 111th Congress was sworn in January 2009 and lasts for two years. If a bill does not pass both houses of the Legislature (i.e., Congress) at the end of the two-year period and is signed by the President into law, it is dead.

GOVERNMENT 101: How a Bill Becomes Law

A. Legislation is Introduced - Any member can introduce a piece of legislation

House - Legislation is handed to the clerk of the House or placed in the hopper.

Senate - Members must gain recognition of the presiding officer to announce the introduction of a bill during the morning hour. If any senator objects, the introduction of the bill is postponed until the next day.

- The bill is assigned a number. (e.g. HR 1 or S 1)
- The bill is labeled with the sponsor's name.
- The bill is sent to the Government Printing Office (GPO) and copies are made.
- Senate bills can be jointly sponsored.
- Members can cosponsor the piece of Legislation.

B. Committee Action - The bill is referred to the appropriate committee by the Speaker of the House or the presiding officer in the Senate. Most often, the actual referral decision is made by the House or Senate parliamentarian. Bills may be referred to more than one committee and it may be split so that parts are sent to different committees. The Speaker of the House may set time limits on committees. Bills are placed on the calendar of the committee to which they have been assigned. Failure to act on a bill is equivalent to killing it. Bills in the House can only be released from committee *without* a proper committee vote by a discharge petition signed by a majority of the House membership (218 members).

Committee Steps:

1. Comments about the bill's merit are requested by government agencies.
2. Bill can be assigned to subcommittee by Chairman.
3. Hearings may be held.
4. Subcommittees report their findings to the full committee.
5. Finally there is a vote by the full committee - the bill is "ordered to be reported."
6. A committee will hold a "mark-up" session during which it will make revisions and additions. If substantial amendments are made, the committee can order the introduction of a "clean bill" which will include the proposed amendments. This new bill will have a new number and will be sent to the floor while the old bill is discarded. The chamber must approve, change or reject all committee amendments before conducting a final passage vote.
7. After the bill is reported, the committee staff prepares a written report explaining why they favor the bill and why they wish to see their amendments, if any, adopted. Committee members who oppose a bill sometimes write a dissenting opinion in the report. The report is sent back to the whole chamber and is placed on the calendar.
8. In the House, most bills go to the Rules committee before reaching the floor. The committee adopts rules that will govern the procedures under which the bill will be considered by the House. A "closed rule" sets strict time limits on debate and forbids the introduction of amendments. These rules can have a major impact on whether the bill passes. The rules committee can be bypassed in three ways: 1) members can move rules to be suspended (requires 2/3 vote) 2) a discharge petition can be filed 3) the House can use a Calendar Wednesday procedure.

C. Floor Action

1. Legislation is placed on the Calendar

House: Bills are placed on one of four House Calendars. They are usually placed on the calendars in the order of which they are reported yet they don't usually come to floor in this order - some bills never reach the floor at all. The Speaker of the House and the Majority Leader decide what will reach the floor and when. (Legislation can also be brought to the floor by a discharge petition.)

Senate: Legislation is placed on the Legislative Calendar. There is also an Executive calendar to deal with treaties and nominations. Scheduling of legislation is the job of the Majority Leader. Bills can be brought to the floor whenever a majority of the Senate chooses.

2. Debate

House: Debate is limited by the rules formulated in the Rules Committee. The Committee of the Whole debates and amends the bill but cannot technically pass it. Debate is guided by the Sponsoring Committee and time is

divided equally between proponents and opponents. The Committee decides how much time to allot to each person. Amendments must be germane to the subject of a bill - no riders are allowed. The bill is reported back to the House (to itself) and is voted on. A quorum call is a vote to make sure that there are enough members present (218) to have a final vote. If there is not a quorum, the House will adjourn or will send the Sergeant at Arms out to round up missing members.

Senate: debate is unlimited unless cloture is invoked. Members can speak as long as they want and amendments need not be germane - riders are often offered. Entire bills can therefore be offered as amendments to other bills. Unless cloture is invoked, Senators can use a filibuster to defeat a measure by "talking it to death."

3. Vote - the bill is voted on. If passed, it is then sent to the other chamber unless that chamber already has a similar measure under consideration. If either chamber does not pass the bill then it dies. If the House and Senate pass the same bill then it is sent to the President. If the House and Senate pass different bills they are sent to Conference Committee. Most major legislation goes to a Conference Committee.

D. Conference Committee

1. Members from each house form a conference committee and meet to work out the differences. The committee is usually made up of senior members who are appointed by the presiding officers of the committee that originally dealt with the bill. The representatives from each house work to maintain their version of the bill.
2. If the Conference Committee reaches a compromise, it prepares a written conference report, which is submitted to each chamber.
3. The conference report must be approved by both the House and the Senate.

E. The President - the bill is sent to the President for review.

1. A bill becomes law if signed by the President or if not signed within 10 days and Congress is in session.
2. If Congress adjourns before the 10 days and the President has not signed the bill then it does not become law ("Pocket Veto.")
3. If the President vetoes the bill it is sent back to Congress with a note listing his/her reasons. The chamber that originated the legislation can attempt to override the veto by a vote of two-thirds of those present. If the veto of the bill is overridden in both chambers then it becomes law.

F. The Bill Becomes A Law - once a bill is signed by the President or his veto is overridden by both houses it becomes a law and is assigned an official number.

GLOSSARY OF TERMS

House Legislative Calendars

The Union Calendar - A list of all bills that address money and may be considered by the House of Representatives. Generally, bills contained in the Union Calendar can be categorized as appropriations bills or bills raising revenue.

The House Calendar - A list of all the public bills that do not address money and maybe considered by the House of Representatives.

The Corrections Calendar - A list of bills selected by the Speaker of the House in consultation with the Minority leader that will be considered in the House and debated for one hour. Generally, bills are selected because they focus on changing laws, rules and regulations that are judged to be outdated or unnecessary. A 3/5 majority of those present and voting is required to pass bills on the Corrections Calendar.

The Private Calendar - A list of all the private bills that are to be considered by the House. It is called on the first and third Tuesday of every month.

Types of Legislation

Bills - A legislative proposal that if passed by both the House and the Senate and approved by the President becomes law. Each bill is assigned a bill number. HR denotes bills that originate in the House and S denotes bills that originate in the Senate.

Private Bill - A bill that is introduced on behalf of a specific individual that if it is enacted into law only affects the specific person or organization the bill concerns. Often, private bills address immigration or naturalization issues.

Public Bill - A bill that affects the general public if enacted into law.

Simple Resolution - A type of legislation designated by H Res or S Res that is used primarily to express the sense of the chamber where it is introduced or passed. It only has the force of the chamber passing the resolution. A

simple resolution is not signed by the President and cannot become Public Law.

Concurrent Resolutions - A type of legislation designated by H Con Res or S Con Res that is often used to express the sense of both chambers, to set annual budget or to fix adjournment dates. Concurrent resolutions are not signed by the President and therefore do not hold the weight of law.

Joint Resolutions - A type of legislation designated by H J Res or S J Res that is treated the same as a bill unless it proposes an amendment to the Constitution. In this case, 2/3 majority of those present and voting in both the House and the Senate and ratification of the states are required for the Constitutional amendment to be adopted.

Other Terms

Calendar Wednesday - A procedure in the House of Representatives during which each standing committees may bring up for consideration any bill that has been reported on the floor on or before the previous day. The procedure also limits debate for each subject matter to two hours.

Cloture - A motion generally used in the Senate to end a filibuster. Invoking cloture requires a vote by 3/5 of the full Senate. If cloture is invoked further debate is limited to 30 hours, it is not a vote on the passage of the piece of legislation.

Committee of The Whole - A committee including all members of the House. It allows bills and resolutions to be considered without adhering to all the formal rules of a House session, such as needing a quorum of 218. All measures on the Union Calendar must be considered first by the Committee of the Whole.

Co-Sponsor - A member or members that add his or her name formally in support of another members bill. In the House a member can become a co-sponsor of a bill at any point up to the time the last authorized committee considers it. In the Senate a member can become a co-sponsor of a bill anytime before the vote takes place on the bill. However, a co-sponsor is not required and therefore, not every bill has a co-sponsor or co-sponsors.

Discharge Petition - A petition that if signed by a majority of the House, 218 members, requires a bill to come out of a committee and be moved to the floor of the House.

Filibuster - An informal term for extended debate or other procedures used to prevent a vote on a bill in the Senate.

Germane - Relevant to the bill or business either chamber is addressing. The House requires an amendment to meet a standard of relevance, being germane, unless a special rule has been passed.

Hopper - Box on House Clerk's desk where members deposit bills and resolutions to introduce them.

Morning Hour - A 90 minute period on Mondays and Tuesdays in the House of Representatives set aside for five minute speeches by members who have reserved a spot in advance on any topic.

Motion to Recommit - A motion that requests a bill be sent back to committee for further consideration. Normally, the motion is accompanied by instructions concerning what the committee should change in the legislation or general instructions such as that the committee should hold further hearings.

Motion to Table - A motion that is not debatable and that can be made by any Senator or Representative on any pending question. Agreement to the motion is equivalent to defeating the question tabled.

Quorum - The number of Representatives or Senators that must be present before business can begin. In the House 218 members must be present for a quorum. In the Senate 51 members must be present however, Senate can conduct daily business without a quorum unless it is challenged by a point of order.

Rider - An informal term for an amendment or provision that is not relevant to the legislation where it is attached.

Sponsor - The original member who introduces a bill.

Substitute Amendment - An amendment that would replace existing language of a bill or another amendment with its own.

Suspension of the Rules - A procedure in the House that limits debate on a bill to 40 minutes, bars amendments to the legislation and requires a 2/3 majority of those present and voting for the measure to be passed.

Veto - A power that allows the President, a Governor or a Mayor to refuse approval of a piece of legislation. Federally, a President returns a vetoed bill to the Congress, generally with a message. Congress can accept the veto or attempt to override the veto by a 2/3 majority of those present and voting in both the House and the Senate.