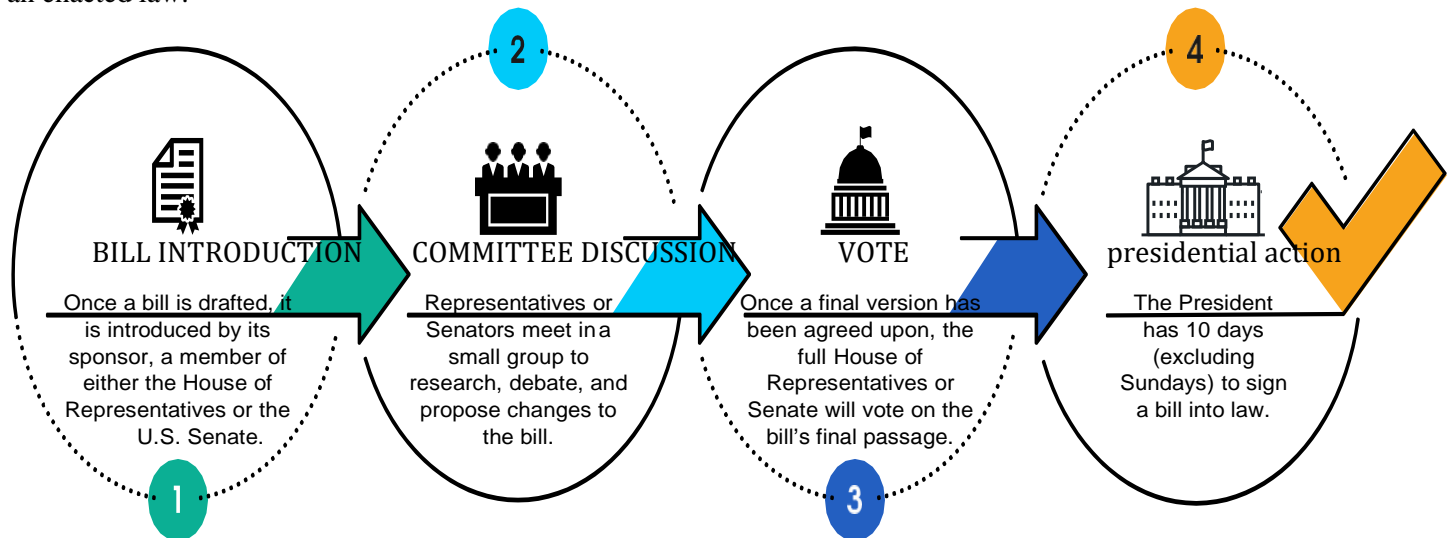




HOW A BILL BECOMES A LAW

It may be exciting to hear about Congress introducing immigration bills, particularly if it may benefit you, your family members, or friends, however, it's important to have realistic expectations about the legislative process. Most immigration bills introduced in Congress never become laws. Moreover, Congress has not passed major immigration-reform legislation in decades. Below we will explain the multi-step process that a bill must go through before it becomes an enacted law.



▶ WHAT IS A BILL?

A “bill” is proposed legislation that has not yet become a law.

1 THE BILL IS INTRODUCED

Once a bill is drafted, it is introduced by its sponsor, a member of either the House of Representatives or the U.S. Senate, and given the corresponding legislative number of either ‘H.R.’ or ‘S’. Once introduced, bills can be found at <https://www.congress.gov>.

2 THE BILL GOES TO COMMITTEE

Representatives or Senators meet in a small group to research, debate, and propose changes to the bill. They vote to accept or reject the bill and its changes before sending it to the House or Senate floor for debate, or to a subcommittee for further research. Each piece of legislation is referred to the committee that oversees the specific area affected by the bill. For immigration issues, that usually is a homeland security, judiciary, or appropriations committee.

A public hearing is often conducted in which members hear testimony from witnesses who are subject matter experts. The bill is typically then considered in a “mark-up” session where members of the committee review the bill in great detail. Amendments to the bill may be offered, and committee members will vote to accept or reject the changes.



CONT.

At the end of the mark up, a vote is taken to determine whether the bill will be reported out of the committee or whether no further action will be taken. If a bill is reported out of the committee, a report is written which describes the purpose and scope of the measure as well as the committee's reasons for recommending approval.

3 CONGRESS VOTES ON THE BILL

Once a final version has been agreed upon, the full House of Representatives or Senate will vote on the bill's final passage. Typically, bills must pass with a majority vote. If one chamber passes the bill, it moves to the other chamber (either the House of Representatives or the Senate) to go through a similar process of committee review, debate and amendment. When a bill has been approved by the House and Senate with different provisions, it must go to a conference committee consisting of a select group of both House and Senate members who are responsible for resolving the differences and reporting the bill back to both chambers for a vote.

BUT: What is the Filibuster: While only a majority vote is required for a Bill to pass both legislative bodies, the Senate has a rule that the party opposing the Bill can delay a vote indefinitely unless 60 senators (60%) vote in favor of the Bill (called the Filibuster). This is an extremely powerful weapon for the minority party as that they can prevent the Senate from ever voting in favor of a Bill unless the Bill gets 60 votes. Since often neither party (Democrat or Republican) has 60 Senators, as is the case now, it is extremely hard for the Senate to pass legislation where the parties are deeply divided, as is the case for immigration reform. There is a mechanism to throw out this rule, but even many Democrats have been reluctant to do this so far.

4 THE BILL GOES TO THE PRESIDENT

Once the bill passes both the House of Representatives and the Senate, it goes to the President for approval or veto. The President has 10 days (excluding Sundays) to sign a bill into law.

- If the President approves the bill, they sign it, at which point it becomes law.
- If the President does not agree with the bill:
 - The President vetoes the bill, returns it to Congress with an explanation of the reasons for rejection. If two-thirds of both chambers of Congress then vote for the bill to be passed anyway, they can override the veto and the bill will become law.
 - The President can also choose to take no action. If Congress goes out of session within the 10-day period following the bill's formal delivery to the President, the bill will not become law. This is known as a pocket veto.

RESOURCES

- United States House of Representatives: The Legislative Process: <https://www.house.gov/the-house-explained/the-legislative-process>
- usa.gov: How Laws are Made and How to Research Them <https://www.usa.gov/how-laws-are-made>



WHAT TO LOOK FOR AND WHAT SHAFTEL LAW IS DOING

Our office does not get particularly optimistic about a Bill becoming a law until it passes at least one house AND has a real shot at passing in the other house. Bills are proposed all the time. Many times, the authors of the Bill know there is no chance the Bill will become law, but they propose it anyway for political reasons. When a Bill has passed one legislative body (particularly with a strong vote exceeding a mere majority) our radar perks up and we start looking at the chance of the Bill passing in the other body (the House or Senate). Similarly, if you read or hear that an immigration related Bill has passed one house, feel free to give our law firm, SHAFTEL LAW, a call at 303-872-6985, and we can explain what the Bill includes and whether it effects your situation.