



Public Policy: Tools You Can Use

The Legislative Process and Glossary of Legislative Terms

The process of getting a bill through Congress seems straightforward. However, the process does not always play out as planned because of the interplay of policy, process, and politics, along with factors like the volume of legislation pending before Congress, whether it is an election year, whether there is a pandemic or other crisis, and much more. This primer includes the basic reminders for understanding the legislative process to support successful advocacy and a glossary of terms that are often used by policymakers and the Hill staff.

Legislation is grouped into three main categories:

Authorizing legislation. A bill that creates a new federal program, extends the life of an existing program, or repeals existing law. *It does not provide funds to operate the program.*

Appropriations bill. A bill that allocates funding for specific federal programs. Each year, Congress must pass a series of 12 appropriations bills to keep federal departments and agencies operating.

Entitlement legislation. A measure that guarantees a certain level of benefits to persons who meet eligibility requirements set by law. Entitlement programs, such as Medicare, Medicaid, and college student loan programs, typically do not need to be reauthorized, but they often require congressional action to adjust funding levels.

The Role of Individual Members of Congress. Generally speaking, the **earlier** you get involved, the better your chances of having an impact on decision making. The further along a bill advances in the legislative process, the more difficult it becomes to change or modify. This is especially true now that Congress often groups many issues into one bill (omnibus).

The first *formal* step in the legislative process occurs when one or more Members of Congress introduce a bill. But from an advocate's perspective, the work begins much earlier than that. For example, once you have identified an issue or problem that merits special attention, you should identify one or two Members of Congress whose philosophy and voting record indicate that they would be willing to play a leadership role in supporting the issue. After extensive discussions with the senator or representative and their staff, formal legislation is prepared for introduction. Bills introduced in the House are assigned an "H.R." number (e.g. H.R. 670 -Special Needs Trust Fairness Act) and bills introduced in the Senate are given an "S." number.

Of course, having legislation introduced and getting it enacted into law are two different things. To achieve success legislatively, a bill usually must have broad support from many legislators (or at least little opposition). Members of Congress may “co-sponsor” the legislation to show their support. Constituents or staff for an organization/association may ask senators and representatives to write or co-sponsor a bill, that is, to add their names to the list of bill supporters.

The Importance of the Committee System. Congressional committees are the “workhorses” of Congress. As the number of issues brought before Congress grows, lawmakers increasingly rely on the committee system to sift through the facts and determine how issues should be resolved. Congress is made up of both standing committees and select committees. Generally, standing committees have the power to generate and pass legislation in their particular areas of jurisdiction, such as tax writing or appropriations. Select committees, such as the Senate Special Committee on Aging, are primarily investigative and advisory in nature, but their members often introduce legislation based on the committee’s work.

Most committees have delegated specific issues under their jurisdiction to subcommittees, whose job is to analyze each issue and eventually make a recommendation to the full committee. In their earliest stages of review, subcommittees welcome input from interested organizations and individuals. At this point, e-mails, letters, and personal visits with members of the subcommittee and their staff can have a significant effect on the panel’s recommendations. In many instances, a subcommittee or full committee will hold public hearings in Washington, D.C., where experts and stakeholders are invited to testify. Hearings and town hall meetings in the district are also forums for advocacy on your issues.

If your senator or representative is not on the relevant subcommittee/committee, does that mean you have no influence over the outcome? It is true that members of a subcommittee/committee are regarded as more knowledgeable and involved by their colleagues and, therefore, can wield considerable power in deciding whether or not an issue will be advanced through the legislative process. However, your own senators or representatives, whether or not they are on the subcommittee/committee, often can be effective intermediaries, depending on their personal or political relationships with the subcommittee/committee members.

Floor Action. Once a committee has considered, amended or “marked-up,” and approved legislation, it becomes eligible for debate on the House and Senate floors, where it may be passed, defeated, or amended. The leadership decides which bills come to the floor. Because floor debates often are scheduled on short notice, you should prepare your messages (e.g., e-mails, phone calls, etc.) well in advance. However, keep in mind that **timing** can be extremely critical. Any communication about legislation that is coming up for floor debate should arrive close enough to the vote to be included in the tally the staff keep for Members.

Conference Action. It is usually the case that the House and Senate pass different versions of the same bill. When that occurs, a handful of members from each chamber are appointed to serve on a conference committee that attempts to work out a compromise. A conference committee usually consists of selected members of the House and Senate subcommittees and full committee that originally developed the legislation. In some instances, conference

committees may need to resolve only a few issues; in the case of appropriations bills, there may be several hundred to be reconciled. Constituents whose senators or representatives happen to be on a conference committee can play a crucial role in the deliberations. The end product of the meetings is a conference report and a compromise bill and a section-by-section explanation of the agreed-upon compromise. Once both the House and Senate agree to the conference report and bill, the measure is sent to the President for approval (or veto).

Glossary of Legislative Terms. The following is a list of terms commonly used in connection with the legislative process:

Act. The term for legislation that has been passed by Congress and signed into law by the President. Also used in the titles of legislation.

Amendment. The proposal of a Member of Congress to alter the wording of a bill being considered by a subcommittee, committee, or on the House or Senate floor. Amendments can also be offered to add or delete entire sections of a bill.

Appropriation. Legislation that directs the spending of funds from the federal treasury for a specific purpose, e.g., funding for the Department of Health and Human Services. By custom, an appropriations bill originates in the House, where it is assigned an H.R. number (e.g., H.R. 5027) until it becomes law or is vetoed by the President. Typically, each appropriations bill includes funding for several hundred federal programs.

Authorization. A law creating a new federal program or extending the life of an existing program. An authorization establishes the framework for operating a federal program, and usually sets the maximum amount of funds that can be given to a program for a period of three to five years.

Bill. A proposed law introduced by a Member(s) of Congress.

Budget. The document the President sends to the Congress each year outlining federal expenditures and revenues for the upcoming fiscal year. The President's budget is usually submitted to the Congress in late January or early February.

Budget Resolution. Legislation passed by Congress each year which sets overall limits on spending and revenues. Congressional committees use the budget resolution as a guide for allocating funds to specific federal programs. The budget resolution does not require the President's approval.

Conference. A meeting between House and Senate members to reconcile differences between bills passed by their respective chambers of Congress. Once a compromise has been ironed out, a conference report is issued and voted on by the full House and Senate. The measure is then sent to the President for approval.

Continuing Resolution. An emergency appropriations bill that provides funding for federal agencies whose regular appropriations bills have not been passed before the end of the federal government's fiscal year (September 30).

Entitlement. A federal program that guarantees a certain level of benefits to persons who meet requirements set by law, such as Social Security and unemployment benefits. Congress and the President generally have little discretion over spending by these programs.

Fiscal Year. For the federal government, the fiscal year runs from October 1 through September 30.

Hearings. Committee meetings where testimony is taken from witnesses representing government agencies, the private sector, organizations, and the public. Most congressional hearings are accessible to the public. Hearings may be held in Washington, DC, or in local communities.

Mark-Up. A subcommittee or committee meeting for the purpose of writing legislation. Once completed, the measure is ready for debate on the floor of the House or Senate.

Public Law. A bill after it has been passed by the House and Senate and subsequently approved by the President, e.g., P.L. 116-136 (CARES Act).

Reconciliation Bill. Legislation that contains changes (usually spending cuts) to existing laws so as to conform – or reconcile – with policies adopted in the budget resolution.

Rescission. The act of canceling appropriations already enacted into law.

Standing Committee. A committee that is permanently established by House and Senate rules. Standing committees are empowered to prepare and review legislation (as opposed to *select* committees, which serve only to advise the Congress on a limited range of issues).

Veto. The President's formal disapproval of legislation passed by Congress. When Congress is in session, the President must veto a bill within 10 days after receiving it from Congress; otherwise it becomes law without his approval. A bill can become law after a presidential veto if two-thirds of the Congress votes to override the veto.

Prepared by Brian W. Lindberg from various sources for SNA 2020.