

SECTION 2

Civics 101

For most of us, the last time we really needed to understand the process of how a bill becomes a law was in our high school civics class. No need to dust off your old textbooks; this section offers a quick refresher of the basics. It is important to be educated about the political process, but you do not need a PhD in political science to become involved and bring about change.

The United States Congress

- The U.S. Congress consists of two bodies called chambers: the Senate and the House of Representatives.
- The House has 435 members who are elected to two-year terms; the Senate has 100 members who serve six-year terms.
- National elections are held every two years (in even numbered years) on the first Tuesday of November during which all 435 House members are up for reelection, and 33 members (one third) of the Senate are up for reelection¹.

Congressional Districts

- Congressional districts are established by state legislatures and are based on population density—districts may be parts of a city, multiple cities or towns, or entire counties.
- The number of House members is set at 435 by the U.S. Constitution and the total number of House members per state (the state delegation) is based on population and determined every ten years by the census.
- Some states—Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, and Wyoming—do not have enough people to qualify for a representative, however, the Constitution requires that every state have at least one representative.
- All states have two Senators regardless of the population of the state.
- Every person in America (except residents of the District of Columbia) is represented in the U.S. Congress by two Senators and one Member in the House of Representatives.

Timing and Schedule

A new Congress starts every two years, beginning the January following a November federal election, and a year of which is a separate session of the same Congress. When policymakers are working in Washington, Congress is referred to as being “in session.” When policymakers are in their home states and districts meeting with their constituents and conducting business locally, Congress is referred to as being “in recess” also known as “district work periods.” Although the Congressional schedule is different each year, some regularly scheduled breaks occur annually. These usually coincide with special weekends, holidays, and the election cycle. Typical Congressional recesses fall during the weeks containing Martin Luther King Jr.’s Birthday, President’s Day, Passover, Christmas, Memorial Day, the Fourth of July, Labor Day, and Thanksgiving. Additionally, Congress usually is out for recess both the week before and after Easter, as well as the entire month of August.

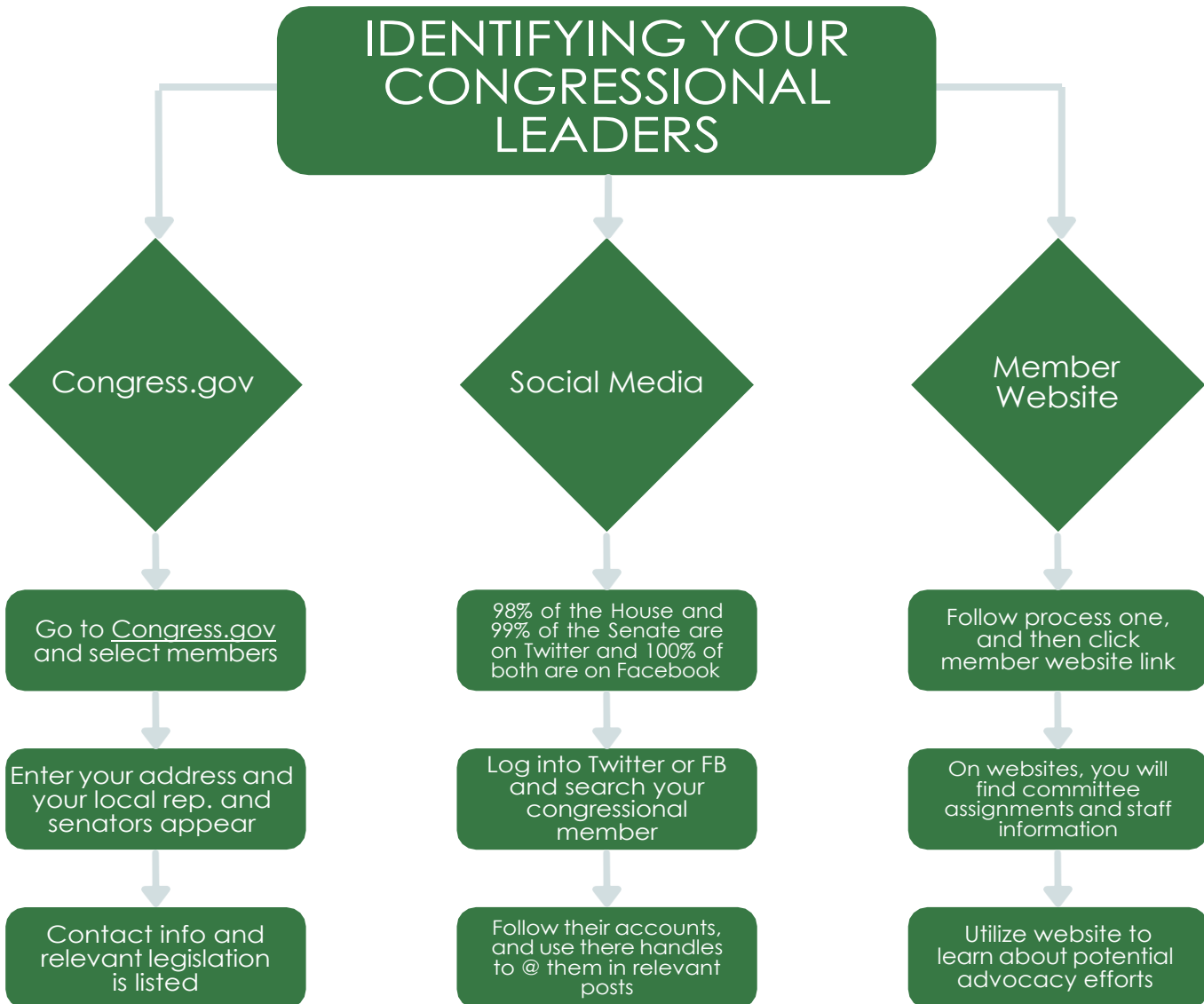
Leadership

Because the United States principally has a two-party system consisting of Democrats and Republicans, each chamber has two groups: a majority party and a minority party. The party with the greatest number of members in a chamber is considered the “majority” party, and the party with the smaller number of members is called the “minority” party. The few members of Congress who are not affiliated with a national political party and identify themselves as “Independents” typically choose a party affiliation for organizational purposes.

¹ Every six years, 34 Senate seats are up for re-election.

Finding Your Congressional Leaders

There are several easy ways to identify and engage with your congressional leaders. Below are outlined some key methods for finding out who your congressional members are, what committees they are a part of, and how to best contact their offices.



Senate Leadership Key Leaders

Senate Majority Leader

Senate Majority Whip

Senate Minority Leader

Senate Minority Whip

Senate Committee Chair

Senate Committee Ranking Member

House Leadership Key Leaders

Speaker of the House

House Majority Leader

House Majority Whip

House Committee Chairs

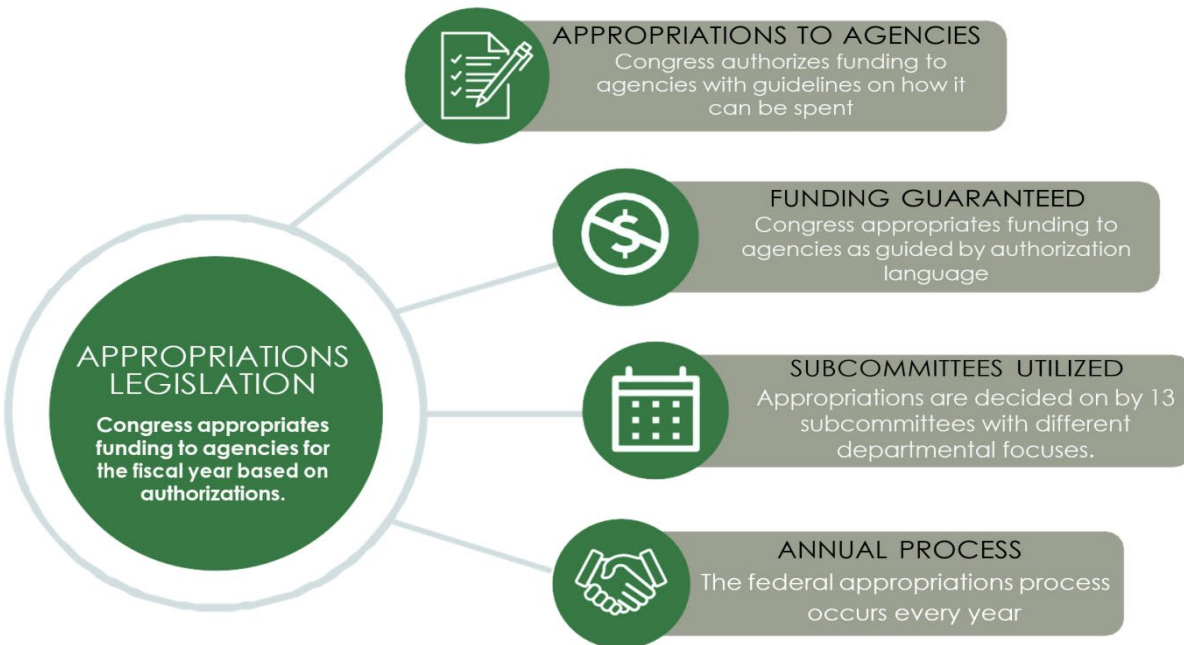
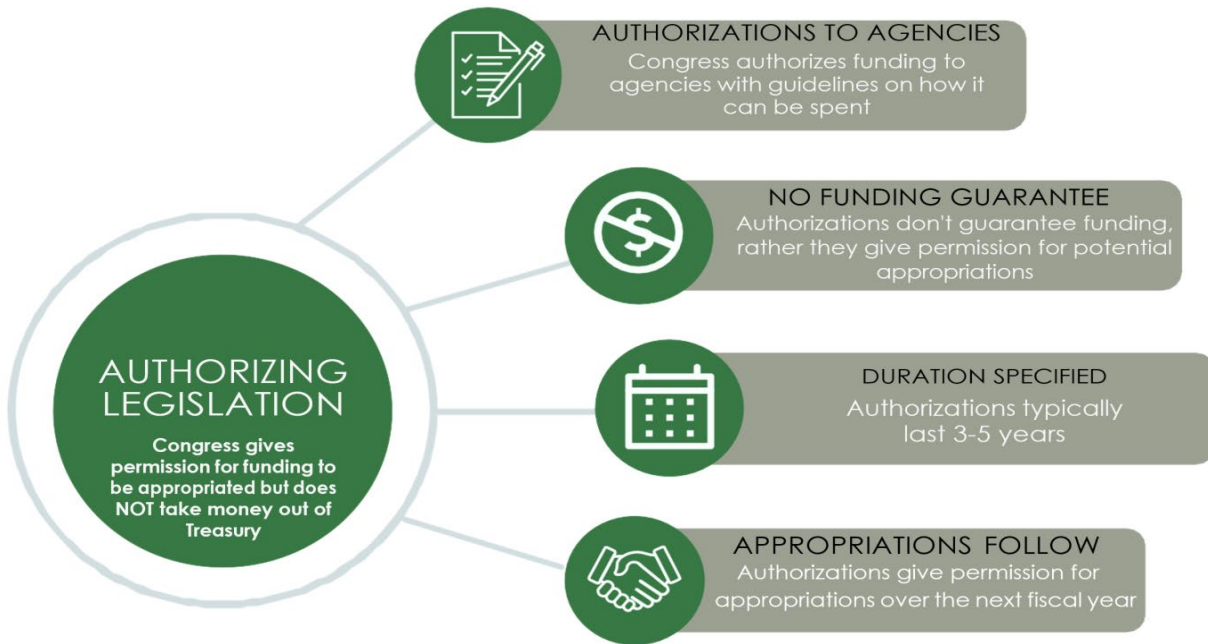
House Committee Ranking Members

House Minority Leader

House Minority Whip

Key Types of Legislation

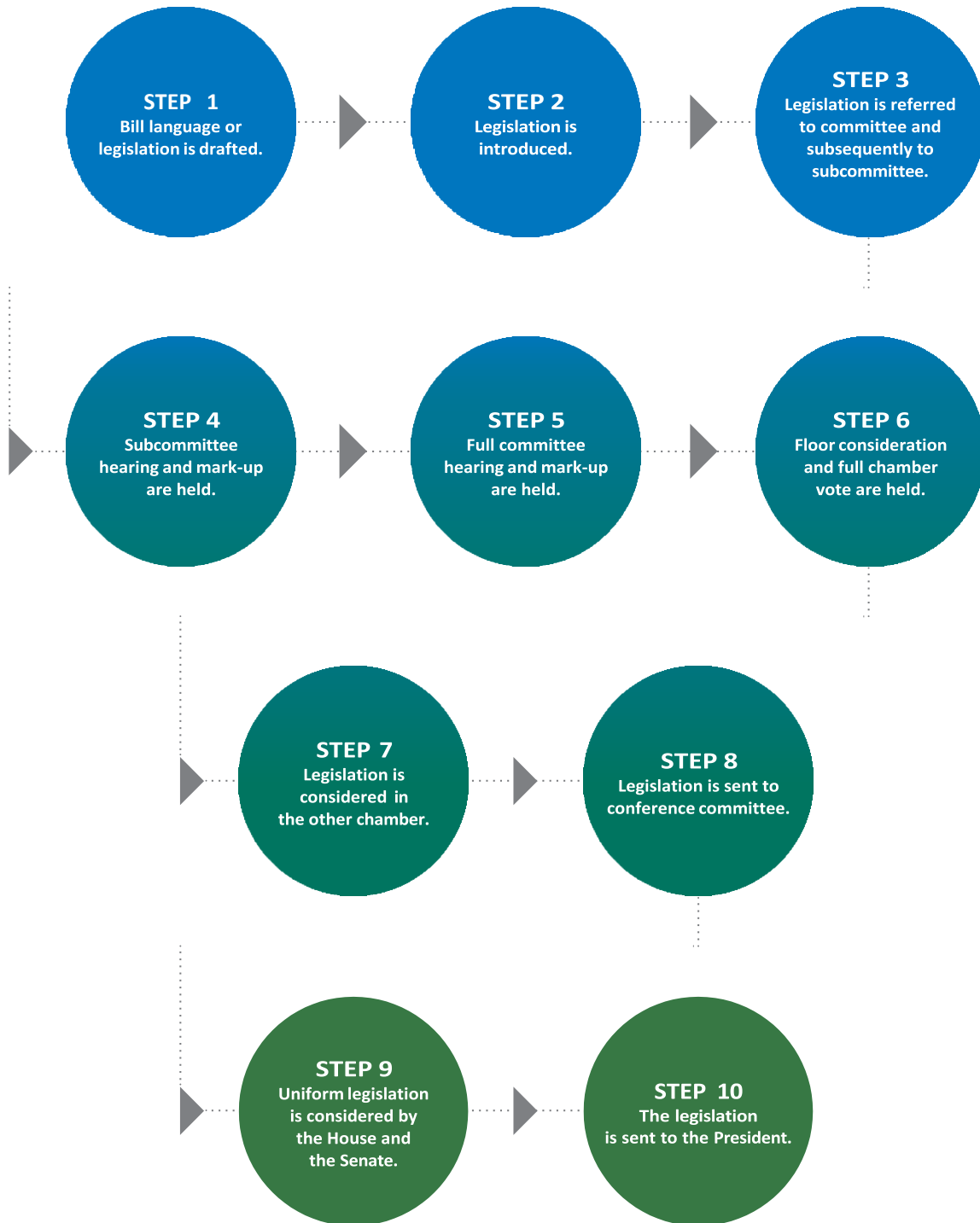
In general, there are two main types of legislation: authorizing legislation and appropriations legislation.



Just because funding has been authorized for a program or initiative does not mean it will be appropriated. Both steps are critical. There are numerous programs that have been created by an Act of Congress but have failed to secure appropriations for their implementation and support. In these cases it is critical for advocates to take action to help secure much-needed funding to have important programs implemented as envisioned by the enacted authorizing bill.

How a Bill Becomes a Law

The chief function of Congress is making laws and providing oversight. While Congress is in session, any member of Congress can introduce a bill. Below are the specific steps a bill goes through to become a law.



Step 1: Bill language or legislation is drafted. Anyone can draft a bill and take it to Congress for introduction. The President of the United States, a private citizen, a business or trade association, or an organization may request that a bill be prepared and may even assist in drafting the proposed legislation.

Step 2: Legislation is introduced. Bills can originate in either the House or the Senate with introduction by a sponsoring member of that chamber. They are then assigned a number. In the Senate, all bills start with “S.” followed by a number (e.g., S. 1234); all bills in the House start with “H.R.” (e.g., H.R. 5678). The bill’s title, **sponsors** and **cosponsors** (i.e., members who join with the sponsor in official support of the measure), and introductory remarks are published in the **Congressional Record**, an official account of the daily proceedings of the House and Senate chambers:

Step 3: Legislation is referred to committee and subsequently to subcommittee. The Secretary of the Senate and the Clerk of the House assign, or refer, a bill to the committee(s) with the appropriate jurisdiction. Senate and House committees have subcommittees, or smaller groups of members who focus on policy matters in particular issue areas. A bill usually is referred to the subcommittee with the most appropriate jurisdiction under the committee rules.

Step 4: Subcommittee hearing and mark-up are held. Subcommittees have the option to hold hearings on a bill and invite testimony from public and private witnesses. Individuals or organizations can make their views known by testifying before the subcommittee, submitting a written statement to be included in the official record of the hearing, or disseminating a press statement or other materials at the hearing. Once subcommittee hearings are completed, the subcommittee usually meets to “mark-up” a bill—to consider changes and amendments to the text of the legislation. The subcommittee members literally go through the measure, line-by-line, marking it up with the agreed upon changes. The members then vote on whether to report the bill favorably to the full committee. If the bill is not reported favorably, or no vote is held, the bill will likely sit in committee and not move any further through the legislative process; in other words, it dies.

Step 5: Full committee hearing and mark-up are held. Once a bill is reported to the full committee, or, if the subcommittee has abdicated its jurisdiction and deferred to the full committee, the full committee may repeat any or all of the subcommittee’s procedures, which include **hearings**, **mark-up**, and a vote. Advocates again have the opportunity to testify or otherwise express their views, at

the subcommittee level. If the committee votes favorably on a bill, it is reported out of committee and sent—along with the **committee report**—to either the full Senate or full House for consideration by all of the members in the chamber. The committee report includes the origin, purpose, content, impact, and estimated cost of the legislative proposal.

Step 6: Floor consideration and full chamber vote are held. Once the bill is reported out of committee, it is placed on the respective chamber’s calendar for consideration and additional debate. Prior to reaching the House or Senate floor, members of the leadership in the chamber discuss and determine the parameters for debate (e.g., how long the debate will last, how many **amendments** may be offered). Once the debate parameters have been determined, the measure is brought before the chamber for consideration by all 435/100 members. At this stage, the bill may be amended, voted up or down, referred back to committee, or tabled. Should either of the two latter options occur, the bill typically dies. A majority vote (half of all members present voting in the affirmative, plus one) is necessary for the legislation to be passed, or enacted, in a chamber.

Step 7: Legislation is considered in the other chamber. After a bill is passed by the Senate or House, it is referred to the other **chamber**. Each chamber considers the legislation under its respective parameters and rules.

Step 8: Legislation is sent to conference committee. Often, after legislation has passed both the House and Senate, there are differences between the two bills. If differences exist between the Senate and House versions of a bill, an ad hoc “**conference committee**” is appointed by the President of the Senate and the Speaker of the House to resolve the differences. Conference committees usually are composed of Senators and Representatives on the committees that considered the legislation and usually include the **Chair** and **Ranking Member** from that committee. Conferees meet to discuss and debate the differences between the two bills and develop uniform legislation. If conferees are unable to reach agreement, the bill could die here.

Step 9: Uniform legislation is considered by the House and the Senate. If the conferees reach agreement on the bill, the revised bill (now a uniform measure) and a conference report are sent back to the Senate and the House for a final vote. For the measure to be sent to the President, both the Senate and House must approve the compromise conference committee bill (without any modifications) by a majority vote.

Step 10: The legislation is sent to the President. If the bill has made it this far (which is not common) the bill then goes to the President for consideration. The President has four options: (1) sign the bill, which will make it a law; (2) take no action for 10 days while Congress is in session, which also will make it a law; (3) take no action either when Congress is adjourned or at the end of the second session of a Congress, resulting in a “pocket veto” which cannot be overridden by Congress and, therefore, kills the bill; or (4) veto the bill. If the President vetoes a bill, Congress may attempt to override the veto. This requires a two-thirds vote by both the Senate and House. If either

chamber fails to garner a two-thirds vote, the bill is dead. If both succeed, the bill becomes law.

Thousands of legislative proposals are introduced in the Senate and House during each session of Congress. However, typically fewer than five percent of the bills introduced in Congress are enacted into federal law.⁴ Bills not acted upon over the course of the two-year session of Congress die at the end of the session and must be reintroduced in the next session of Congress. Any co-sponsors of the bill must be re-collected when the measure is reintroduced.

Key Congressional Committees for Health Care Issues

Like most large organizations, Congress does much of its work by committee. Both the Senate and House have numerous standing (permanent) committees; members receive committee assignments at the start of each new Congress. Unless something unusual happens (such as the death or midterm retirement of a member), committee assignments for members last an entire Congress (two years) and members usually serve on the same committees for multiple terms. Committee assignments are made by the leadership of each respective party and the committee ratios (i.e., number of majority members to minority members) are determined by the overall make up of majority to minority members in the chamber as a whole. Each committee has two key leaders: a “chairperson,” who is a member of the majority party, and a “ranking member,” who is the most senior minority party member on the committee.

House and Senate

House/Senate Appropriations Committee

The committee that controls the federal “purse strings” and allocates federal funding for all government functions, from defense to biomedical research comprised of 12 subcommittees.

House/Senate Labor, Health and Human Services and Education Appropriations Subcommittee (LHHS)

The specialized appropriations subcommittee that determines federal funding for the Departments of Health and Human Services, Labor, and Education and all of their agencies and programs (e.g., National Institutes of Health, Centers for Disease Control and Prevention, and the Agency for Healthcare Research and Quality).

House

Energy and Commerce/Health Subcommittee

The authorizing committee with policy jurisdiction over the Medicaid program, Part B (outpatient services) of the Medicare program, and most non-Medicare and non-Medicaid health care issues such as biomedical research and the FDA.

Ways and Means Committee/Health Subcommittee

The authorizing committee with policy jurisdiction over the Medicare program (shares jurisdiction over certain parts of Medicare with the House Energy and Commerce Committee).

Senate

Health, Education, Labor, and Pensions (HELP) Committee

The authorizing committee with jurisdiction over most non-Medicare and non-Medicaid health care policy issues (e.g., establishing and providing oversight to various programs at the Centers for Disease Control and Prevention, policy issues related to the National Institutes of Health).

Finance Committee/Health Care Subcommittee

The authorizing committee and subcommittee with policy jurisdiction over the Medicare and Medicaid programs.

⁴ Govtrack.us/congress/bills/statistics