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# LEGISLATIVE PROCESS 101

*Understanding the Legislative Process:  
Authorization and Appropriations*



## How a Bill Becomes Law

**I**n the authorizing process, any legislator can introduce a piece of legislation, which is known as a bill. A bill is introduced in a given chamber of a legislature-either the U.S. Senate or U.S. House. A bill is given a number by the clerk of the chamber in which it is introduced, such as “S.1” for the first bill introduced in the Senate, or “H.R.92” for the 92<sup>nd</sup> bill introduced in the House of Representatives.

## **AUTHORIZING COMMITTEES AND SUBCOMMITTEES**

## **MOVING BILLS THROUGH THE CHAMBERS**

**BY  
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The bill is then referred to the appropriate committee for consideration. The committee system is intended to provide specialized consideration of a bill covering a specific topic. By concentrating on specific areas of national interest, the members of the committee and their staff become experts on the topics within their jurisdictions.

Most committees have subcommittees, which focus on a subset of areas within the jurisdiction of the full committee. Thus, the bill is first referred to the appropriate subcommittee, where hearings may be held. Interested organizations and individuals may testify at these hearings, stating the reasons for their support or opposition, and suggesting ways in which the bill can be improved. Committee staff may then draft modifications to the bill.

After hearings, the subcommittee is likely to mark-up the bill, a process where changes, called amendments, may be made to legislation. The bill is then reported to the full committee, where yet another mark-up takes place.

Next, the full committee then votes whether to report out the bill to the full chamber of the legislative body for consideration. The bill is accompanied by a report written by the committee that explains the purpose of the bill and the changes approved by the committee.

In the U.S. House of Representatives, most legislation is referred to the Rules Committee after being reported from a full committee. The Rules Committee votes to give the bill a rule, which sets the time limits for debate and the manner in which amendments to the bill will be considered. If a bill can be amended by the full legislative body, it is given an open rule. If it cannot be amended, it is said to have been given a closed rule. These are the basic parameters of the rule process. More detailed rules exist and are used occasionally.

The Senate does not rely on rules; its practice is to accommodate individual senators. Some measures (bills) can be raised for consideration or passed without debate by unanimous consent; however, a single objection can derail the process.

The legislative chamber's leadership, such as the Speaker of the House in the U.S. House of Representatives or the Majority Leader in the U.S. Senate, has significant power over the scheduling of votes on a bill before the full chamber. The leadership may decide to move action on the bill quickly, or they may try to keep the legislation from ever being voted upon, depending on the politics surrounding the piece of legislation.

Once the bill reaches the full chamber, it is debated on the floor of that chamber by all interested legislators. If permitted, Members can propose amendments and request votes on them. Finally, the bill, as amended, is voted on, and either passes or fails to pass out of that chamber of the legislature.

In the U.S. Congress the bill is then sent to the other chamber of the legislature. For example, a bill passed in the U. S. House of Representatives is then sent to the U.S. Senate for its consideration. Generally, the same process of legislation is repeated in this other chamber.

The bill is referred to committee and subcommittee, hearings and markups are held, and it is then reported out to the full chamber for a vote.

### **CONFERCING THE BILL**

By the time the bill is voted on in the second chamber, it has usually been modified by amendments and is somewhat different than the bill passed by the first chamber. Thus, the bill must now be referred to a conference committee, made up of several members of each chamber, where differences between the two versions are eliminated by compromise and reconciliation. This committee issues a conference report containing the bill with its agreed-upon compromises that is then sent to both chambers for final approval. Sometimes each house originates its own bill and then both are negotiated (known as reconciling differences) at a conference, which usually results in parts of each bill being included in the conference report.

The process described above for authorizing legislation can take one session of Congress (one year), a Congress (two years) or numerous years such as the Health Professions Education Partnership Act of 1988 that took six years to complete.

### **THE PRESIDENT'S ROLE**

Once both chambers have passed the identical legislation, the bill is then sent to the President to be signed into law. The signature of the Chief Executive is generally the final step in enactment of a new law. If the President does not approve of the bill, the President may veto the legislation and

send it back to the legislature.

If a bill receives a veto, it will not become law unless each chamber of the legislature votes (by a two-thirds margin) to override the veto. If the legislature overrides the veto, then the bill gains passage and becomes law.

### **THE APPROPRIATIONS PROCESS**

Once a bill becomes law, its programs require an appropriation (funding). In the process described above, legislation is authorized. A bill is passed establishing a program (or function), setting standards, time limits, reporting requirements, and the maximum dollar amount that may be appropriated (spent) by Congress for the program or function. The funding is provided through the Appropriations Committee in each chamber.

### **APPROPRIATIONS COMMITTEE AND SUBCOMMITTEES**

Through an annual process, identical House and Senate Appropriations Committees (with thirteen subcommittees) appropriate monies for the federal discretionary programs. [Entitlements, such as Medicare, Medicaid and Social Security, are automatically provided annual funding.] Of particular importance to APA Education Advocacy initiatives are the House and Senate Appropriations Labor, Health and Human Services, and Education subcommittees, which fund most of the domestic health and education programs.

In summary, to create (or renew) and fund legislation, two different bills, with different time constraints, need to be steered through both the legislative and appropriations process.

**AUTHORIZING LEGISLATION CAN TAKE ONE SESSION OF CONGRESS (ONE YEAR), A CONGRESS (TWO YEARS) OR NUMEROUS YEARS SUCH AS THE HEALTH PROFESSIONS EDUCATION PARTNERSHIP ACT OF 1988 THAT TOOK SIX YEARS TO COMPLETE.**

## *Congressional Committees and Subcommittees that Affect Education and Training Programs*

### **U.S. House of Representatives**

In the U.S. House of Representatives, responsibility for the agencies that contain most of the training programs for which psychologists are eligible fall within the jurisdiction of the House Committee on Energy and Commerce. More specifically, this committee's Subcommittee on Health and the Environment develops legislation to reauthorize or continue training programs including those in the Health Resources and Services Administration (e.g., National Health Service Corps and Health Professions Education Programs).

The subcommittee also has jurisdiction over training components in most health care legislation. Another very important House committee that oversees education legislation is the House Committee on Education and the Workforce. Its Subcommittee on 21st Century Competitiveness has jurisdiction, for example, over the Higher Education Act.

In addition, as noted earlier, the House Appropriations Subcommittee on Labor, Health and Human Services and Education oversees funding of Federal programs of interest to psychologists.

### **U.S. Senate**

In the U.S. Senate, legislation for most education and training programs and activities falls within the jurisdiction of the Senate Health, Education, Labor and Pensions (HELP) Committee. For example, it is the full Committee that oversees programs under the Public Health Service Act, including the Health Professions Education Programs (e.g., GPE) and the National Health Service Corps. The Senate HELP Committee also has jurisdiction over other education and training programs, including those under the Higher Education Act. Unlike the House,

most all education and training issues in the Senate are handled by the full committee. As also noted earlier, the Senate has a companion appropriations subcommittee – the Senate Labor, Health and Human

Services and Education Subcommittee that appropriates funds for the federal education and training programs.



## *The Regulatory Process (In Federal Agencies)*

After a bill is passed by Congress and becomes law, it is referred to the appropriate federal agency for the development of implementing regulations. While laws outline the general intent of Congress, regulations spell out the specific details on how the law will be applied. To determine how to best implement a new law “a call for public comment” is published in the *Federal Register*. The agencies then take these comments and develop their “proposed rules”, giving the public another opportunity to comment on the agency’s implementation plans. The comment and review process may be repeated several times, with the agencies extending the comment time periods and/or publishing “interim final rules”; and concluding with a “final rule.” During each phase of the process, it is important to watch for the date by which comments must be received, as comments

will not be accepted after this date.

Federal regulations are published in proposed and final forms in the *Federal Register* and are listed by subject in the *Code of Federal Register*. You can obtain a copy of the *Federal Register* at <http://www.access.gpo.gov>.

Presently, Congress and the Executive Branch face increasing opposition to Federal regulations. Consequently, regulations are now being promulgated (developed) only when it is essential for implementing a Federal program.



## *How a Legislator Decides How to Vote<sup>1</sup>*

One lawmaker, U.S. Representative Lee Hamilton of Indiana, has described the process by which he and his colleagues decide how to cast their votes on legislation. Representative Hamilton begins with the statement:

“A question that has intrigued me is how various Members of Congress decide how to vote. Members cast about 400 votes a year on the most difficult and controversial issues on the national agenda. My impression is that in deciding how to vote, Members weigh three goals: They want to make good policy, gain respect inside Congress, and get re-elected.”

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<sup>1</sup> This summary was extracted from the Congressional Record and reprinted with the permission of AARP/VOTE.

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Representative Hamilton then goes on to explain the major forces that mold his thinking on a given issue:

**CONSTITUENTS**

*“Constituents are the most important influence on a Member’s voting decision. Whether Members are agents of their constituents’ wishes or free to exercise their own judgment is a classic question in a representative democracy. But all Members ask themselves on each vote where their constituents stand on the issue. On those issues where the constituency express strong preferences, the Member is almost certain to favor them.”*

**COLLEAGUES**

*“Other Members of Congress are important sources of information because, as professional politicians, they will tailor their advice to a Member’s needs; they are often well-informed on the issue; and they are available at the time of the vote. Members also pay special attention to the other Members of their state delegation, because they share common interests and problems.”*

**LOBBYISTS**

*“Interest groups are neither the most nor least important influence on Congress. Lobbyists can help or hinder a Member’s work. They can provide Members with easily digested information and innovative proposals.”*

**EXECUTIVE BRANCH OFFICIALS**

*“The President is, in many respects, the*

*chief legislator. With his excellent sources of information, his ability to initiate legislation, to appeal to all Americans, and to set the legislative agenda, the President has formidable power in the legislative process.”*

**PARTY LEADERSHIP<sup>2</sup>**

Membership most often hear from the leadership of their party in Congress (i.e., the Speaker and Majority and Minority Leaders) on specific votes. On key or close votes, Members will be contacted by their party Whip, a Member responsible for counting and getting a set number of votes. However, it is important to note that both local and national political party leadership have an immense effect on a Member’s decisions on specific votes. Therefore, if you belong to a political party and are concerned about a vote, don’t hesitate to contact your local party “chair” or the national office and tell them you want them to contact your Member to let him or her know someone from their party in their district wants them to vote on this issue.

**MEDIA**

*“News media may have their greatest effect on Congress as agenda setters. By focusing attention on a particular issue, they can get the American people and the Congress to deal with it. In considering a vote, Members must anticipate how that vote will be played by the media.”*

**CONGRESSIONAL STAFF**

*“It is a mistake to underestimate the importance of congressional staff in the legislative process. Because of Members’ hectic schedules, they rely on staff to help them*

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<sup>2</sup>This section has been altered by PPO staff to reflect the change in political party leadership since Congressman Hamilton’s original presentation.

evaluate legislation. Today's staffers usually have a good appreciation of political processes, but their main strength is substantive technical knowledge."

"Members of Congress vote several times every legislative day on diverse and complex issues. Usually they have more information than they can

assimilate, so they need and seek help. It is then that decision-making becomes a very personal matter. When the voting clock is running down, the Member must make a decision. The Member knows that in our democracy he or she alone will be held accountable for it."

## *How to Obtain Laws, Bills, and Other Congressional Documents (Locating Information on the Web)*

You can easily find the text of laws, bills, testimony and other congressional documents, as well as contact information for your members of Congress on the Internet. One way to locate information on current and past legislation is through the online database known as THOMAS. THOMAS (<http://thomas.loc.gov/>) was created by the Library of Congress under the directive of the leadership of the 104<sup>th</sup> Congress to make Federal legislative information freely available to the public on the Internet. The information in THOMAS goes back to the 101<sup>st</sup> Congress (1989-90). THOMAS allows you to search for public laws, bill summary and status, bill text, roll call votes and reports made by congressional committees.

### **HOW TO LOCATE A BILL ONLINE USING THOMAS**

You can run a quick search using the two search fields on the top of the THOMAS homepage. If you do not know the number of the bill you are searching for, you can enter keywords in the box to the right of "Word/Phrase" to search for the bill. If the

search results do not yield the legislation you are in search of, click on the "Help" link at the top of the search results page for assistance on how to best search by keywords.

Otherwise, if you already know the bill number of the bill, simply type it in the box (e.g., H.R. 3593 or S. 1811) to the right of "Bill Number" and click on the search button.

If you would like to define a more detailed search, click on "Bill Text" (under the "Legislation" heading on the THOMAS homepage.) These searches may be limited to only those bills receiving floor action, enrolled bills (i.e., the final copy of the bill that has been passed in identical form by both the House and Senate and sent to the President), or to House or



Senate bills. You can also search by date or session or browse lists of bill text by bill type and number. To browse, click on the word “View” in the phrase “View Complete List of Bills in this Congress by Type and Bill Number” under the “Bill Number” search box.

Once you have accessed the bill in question, you can choose to view a printer-friendly version, click on a link to view references to the bill in the Congressional Record, follow a link to the Bill Summary & Status file or view an Adobe Portable Document Format (PDF) version of the bill from the web site of the Government Printing Office (GPO). (Following the link for the GPO’s PDF version will redirect you to the GPO web site.) Once the PDF has opened in your browser window, you can save a copy to your computer by clicking on the floppy disk

Note: You must have Adobe Acrobat Reader to view PDF files. If you do not have Acrobat Reader, you can download a free copy from <http://www.adobe.com>.

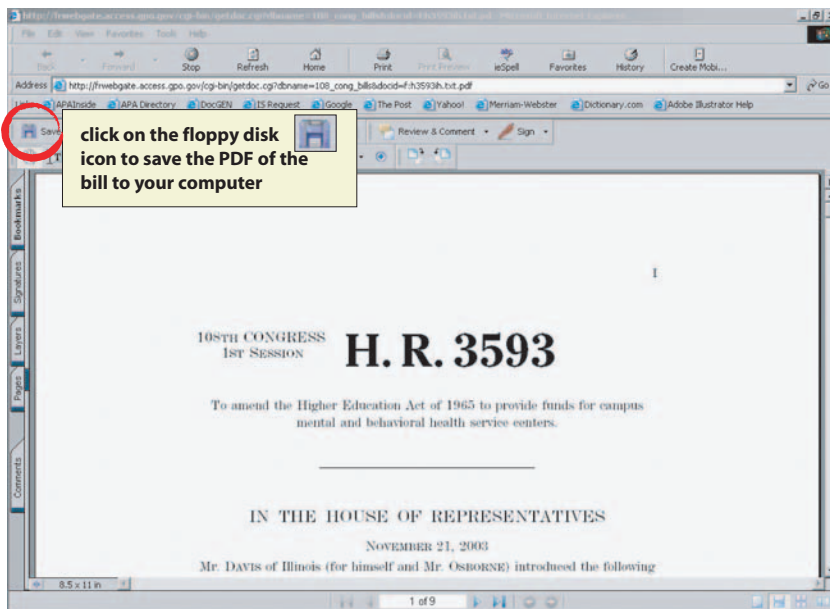
## GPO-ACCESS

Alternatively, GPO Access (<http://www.gpoaccess.gov>) is another federal web site that lets you search for and retrieve bills online. To search for bills, go to <http://www.gpoaccess.gov/bills/index.html> and type in the bill number in the field next to “Quick Search” or browse bills by Congress. GPO Access contains information dating back to the 104th Congress (1995-96) and is similar to THOMAS, in that you can search not only for bills, but also for public laws, committee reports and the Congressional record. It also contains information beyond the legislative sphere – including links to federal regulations, presidential materials and judicial resources.

## HOW TO FIND YOUR MEMBERS OF CONGRESS ONLINE

The ZIP+4 Lookup service provided by the United States Postal Service allows you to find your complete 9-digit Zip code at <http://www.usps.com/zip4/>. Simply fill out the forms with your address information to retrieve your zip code. *You will need this complete zip code to determine your Congressional district and find your Members of Congress.*

While there is no central listing of Member office public e-mail addresses, you can find your Representative’s web site and also learn more about how to write to your Representative by visiting the following site provided by the U.S. House of Representatives: <http://www.house.gov/writerep/>. Some Representatives do have their e-mail addresses posted or else have forms linked



icon near the top of your screen (under the URL address line.) You can then easily e-mail the saved PDF of the bill, if necessary, to colleagues.



from this site that allow you to send an e-mail to their offices.

If you know who your Representative is but you are unable to contact them using the Write Your Representative service listed above, then you may want to visit the site of the Clerk of the House (<http://clerkweb.house.gov/mbrcmtee/mbrcmtee.htm>). The Clerk of the House maintains addresses and phone numbers of all House Members and Committees, or you may call (202) 225-3121 for the U.S. House switchboard operator.

Similarly, you can locate the web sites and contact information of your Senators on the U.S. Senate web site: [http://www.senate.gov/general/contact\\_information/senators\\_cfm.cfm](http://www.senate.gov/general/contact_information/senators_cfm.cfm)

### **HOW TO FIND TESTIMONY FROM COMMITTEE HEARINGS**

Many committees post witness testimony on their web sites shortly after a hearing takes place. However, the transcripts are generally the prepared statements submitted by each witness, so they will not contain the question-and-answer portion. You can find committee web pages through the main Senate and House Committee web pages. Most committees organize their hearing transcripts by date, and sometimes by subcommittee. Generally, testimony is only available for witnesses who submitted their statements electronically. You can also access information regarding committee hearings, including links to live and archived streaming coverage via the Capitol Hearings site (<http://www.capitolhearings.org/>).

Hearing rooms require the use of the Real Player, available for free download from <http://www.real.com>. This site is provided as a public service by C-SPAN.

### **Senate Committees:**

[http://www.senate.gov/pagelayout/committees/d\\_three\\_sections\\_with\\_teasers/committees\\_home.htm](http://www.senate.gov/pagelayout/committees/d_three_sections_with_teasers/committees_home.htm)

**House Committees:** <http://www.house.gov/house/CommitteeWWW.html>.

### **CONGRESSIONAL BIOGRAPHICAL DIRECTORY**

By entering the required search terms, including the first and last name of Congressperson, party affiliation, position and state, you can retrieve a brief biographical sketch and picture of any elected member of Congress, from 1774 through the present time at <http://bioguide.congress.gov/biosearch/biosearch.asp>.

### **THE CONGRESSIONAL BUDGET OFFICE (CBO)**

The CBO provides Congress with the objective, timely, nonpartisan analyses needed for economic and budget decisions. For example, it provides Congress with reports detailing a cost estimate of continuing current Federal spending and taxation, or budget projections to measure the effects of proposed changes in tax and spending laws. Congressional committees refer to CBO's cost estimates to determine whether committees are

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TESTIMONY ON  
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complying with the annual budget resolutions and reconciliation instructions. All CBO reports are available to the public and may be accessed via the CBO web site:

<http://www.cbo.gov/>.

### **REPORTS FROM THE GOVERNMENT ACCOUNTABILITY OFFICE (GAO)**

The GAO is the audit, evaluation, and investigative arm of Congress. It examines the use of public funds, evaluates federal programs and activities, and provides analyses, options, recommendations, and other assistance to help Congress make effective oversight, policy, and funding decisions. Studies are not limited to financial evaluations of government programs, but cover a wide range of issues, including policy, performance of programs, and how programs contribute to agency and general government objectives. Reports from the GAO are available for downloading at <http://www.gao.gov/>.

### **THE WHITE HOUSE AND FEDERAL AGENCIES**

Federal agencies are the administrative units of the U.S. government and are tasked with implementing laws and regulations, and also administering federally sponsored programs. For instance, the Health Resources and Services Administration is within the Department of Health and Human Services, and has a number of agencies within it, including the Bureau of Health Professions. Use the links below to learn more about some federal agencies that administer programs of interest to education policy advocates. Information on federal grants and instructions on how to apply for these grants can be found at some of these sites, as well.

#### **The White House:**

<http://www.whitehouse.gov>

#### **Department of Health and Human Services:**

<http://www.hhs.gov/>

#### **Health Resources and Services Administration:**

<http://www.hrsa.gov/>

#### **Bureau of Health Professions:** <http://bhpr.hrsa.gov/>

#### **National Health Service Corps:** <http://nhsc.bhpr.hrsa.gov/>

#### **Department of Education:**

<http://www.ed.gov>

#### **National Institutes of Health:** <http://www.nih.gov>

### **APA WEB SITE LINKS OF NOTE**

Individual members and students can keep up to date on the latest legislative and regulatory activity of importance to the field of psychology by visiting the homepage of the APA's Public Policy Office: <http://www.apa.org/ppo>. Be sure to also bookmark <http://www.apa.org/ppo/edppo.html> to follow APA's advocacy to increase federal support for psychology education and training and to promote the application of psychology to education and training. You can also get involved in APA's federal policy advocacy initiatives by joining the Federal Education Advocacy Coordinators (FEDAC) grassroots network at <http://www.apa.org/ppo/ppan/fedac.html> Or, you may also join the Public Policy Advocacy Network (PPAN) <http://www.apa.org/ppo/forms/joinppan.html>.