

Government of the people, by the people, for the people... – Abraham Lincoln

SECTION 3 THE LEGISLATIVE PROCESS

Generally speaking, the policies governing various public systems stem directly or indirectly from the laws passed by legislative bodies, implemented by administrative entities, and interpreted by the courts. Those interested in influencing public policy should have a basic understanding how laws are crafted and passed. The national and state legislative processes — determining “how a bill becomes a law” — are similar, relatively straightforward, and filled with many opportunities along the way to influence the outcome. This section of the Advo-Kit provides a “Congressional 101” overview, a brief step-by-step primer on how a bill becomes a law, a list of key Congressional Committees, a description of the budget process, and some notes on state-level processes.

Congress 101: Structure, Members & Control

Structure: As the legislative body at the Federal level, The U.S. Congress is made up of two chambers: the House of Representatives (the House) and the Senate. The House has 435 members, each serving two-year terms. The number of representatives from each state is determined by the state’s population. The Senate has 100 members, two from each state, who serve six-year terms that are staggered (so that one third of the Senate is up for re-election every two years).

Members: While nearly all members of Congress belong to one of the two dominant political parties (the Democratic Party or the Republican Party), the partisan affiliation of a particular Member of Congress does not always predict how that individual will vote on a given issue. Homeless services and health centers historically have been supported by both dominant parties (as well as by less prominent political parties and independents), so do not despair if your elected officials have a different political orientation than you do—there are still many opportunities to find common ground. Party affiliation is important because members often are encouraged by party leadership to vote with other members of the party (called ‘voting along party lines’). Sometimes members of both parties will join together on a specific issue as a way of making it more popular among both parties (called bipartisanship).

Control: The House and the Senate have different ways of dividing power and control. In the House, the Majority Party (the party with the most seats) determines which bills get a hearing, what amendments can be offered, and when a vote can be taken. The Minority Party does not have many opportunities to get bills considered without some help from the Majority. Most importantly, a bill in the House can be passed with a simple majority vote, so the Majority Party does not need any support from the Minority Party if the vote is along party lines.

In the Senate, any Member can introduce a bill or amendments, but, at the same time, any Member also can block a bill from coming to a vote. Hence, each individual Senator has a significant amount of individual power. Various rules govern how hearings and testimony will proceed, but at least 60 votes are required to pass legislation. Because of these differences in procedure, the majority party generally has much more power in the House, and a “super majority” of 60 Senators is needed to pass legislation in the Senate – often requiring some degree of bipartisan support. These considerations are important in developing an advocacy strategy.

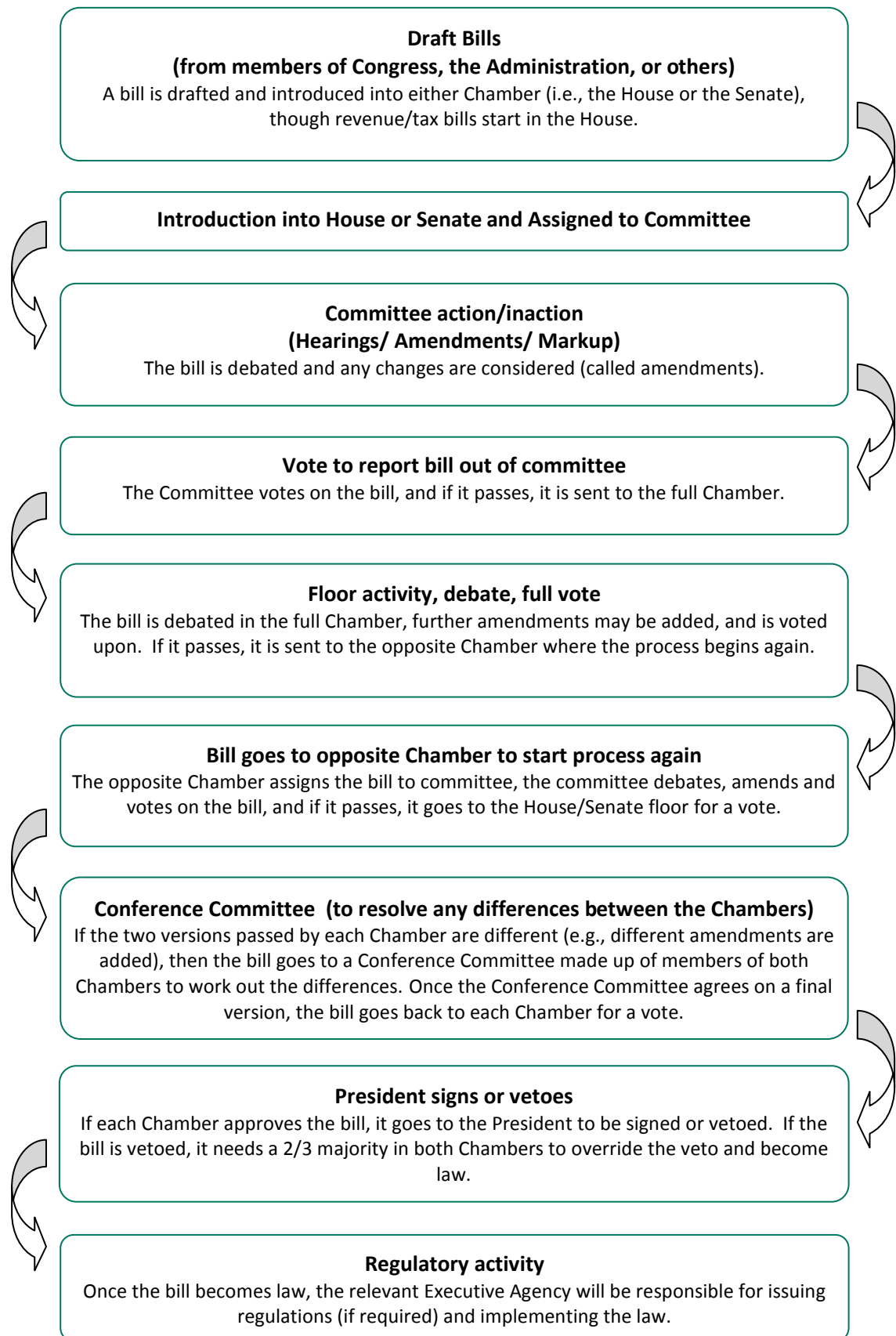
How a Bill Becomes Law

The Constitution sets up a system of “checks and balances” to ensure that no one area of government – Executive, Legislative, or Judicial – has undue power. Power is divided similarly within the Legislative branch between the two houses (or “Chambers”) of Congress – the House and the Senate. While there are a myriad of specific rules for certain circumstances, the basic process for considering and passing legislation remains the same and is outlined in figure 1.

While this lengthy, multi-step process allows for the careful consideration of public policy, it also provides many opportunities for conflict, compromise, and even confusion. If a bill fails at any step along the way, it does not become law. The earlier you engage in advocacy, the better. Ideally, meet with Members of the Committee considering the legislation you wish to influence. Nonetheless, don’t underestimate the importance of broader Congressional education. Any time is a good time to educate your legislators about the issues important to you and those you represent.



Figure 1. The Lawmaking Process



Committee Structure

Each Chamber of Congress is divided into many committees and subcommittees, each with specific authority (called “jurisdiction”) over specific issues. Those most important to the HCH community are listed below:

- **House and Senate Appropriations:** allocates funding for most health and housing programs
- **House Ways and Means:** jurisdiction over taxes, tax provisions of Medicare and Medicaid, Social Security disability payments, unemployment payments, TANF, and Food Stamps
- **Senate Finance:** similar to House Ways and Means with jurisdiction over taxes but also jurisdiction over all provisions of Medicare, Medicaid, Social Security, and other income supports
- **House Energy and Commerce:** jurisdiction over health center legislation, Medicare and Medicaid structure and policy, and health insurance markets
- **Senate Health, Education, Labor and Pensions (HELP):** similar to House Energy and Commerce with jurisdiction over health center legislation but no jurisdiction over Medicaid/Medicare
- **House Financial Services:** jurisdiction over affordable housing programs, the Department of Housing and Urban Development, and housing finance
- **Senate Banking, Housing and Urban Affairs:** similar to House Financial Services

The Chair of each committee has a great deal of influence over other committee members and the issues the group will consider. Gaining a committee Chair’s support is critical to any advocacy effort that falls under the jurisdiction of a given committee. The “Ranking Member” on the committee is the highest ranking member of the minority party. While this individual’s power is limited (especially in the House), obtaining minority support for a proposal nonetheless can be advantageous.

Budget Process

Many of the policy positions taken by the HCH community address established programs that prevent and end homelessness. Hence, the budgets for the Departments of Health and Human Services (HHS), Housing and Urban Development (HUD), Education, and other agencies are vitally important. The process for passing the federal budget is a little different than that used for non-budgetary legislation.

The federal government is required to determine funding levels for most programs each fiscal year, which runs from October 1 through September 30. Spending for some programs (such as Social Security, Medicare, and Medicaid) is considered mandatory and does not require Congressional approval each year. Most other programs (to include health centers, housing programs, and block grants) are considered discretionary and must be funded annually.

Process: The budget process begins with the Administration (the President) submitting to Congress a budget proposal for the upcoming fiscal year. This generally happens in early February (see Figure 2). The proposal reflects the President’s fiscal and policy priorities, but the House and Senate will have their own ideas as well. Sometimes funding levels or specific programs from the President’s proposal are carried over into the House and/or Senate versions, and sometimes the President’s ideas are rejected. Congress will hold hearings and pass “Budget Resolutions,” which are statements of principles and funding targets. Though often confused by the general public with the actual budget, “Budget Resolutions” declare the intent of Congress but do not have the force of law.

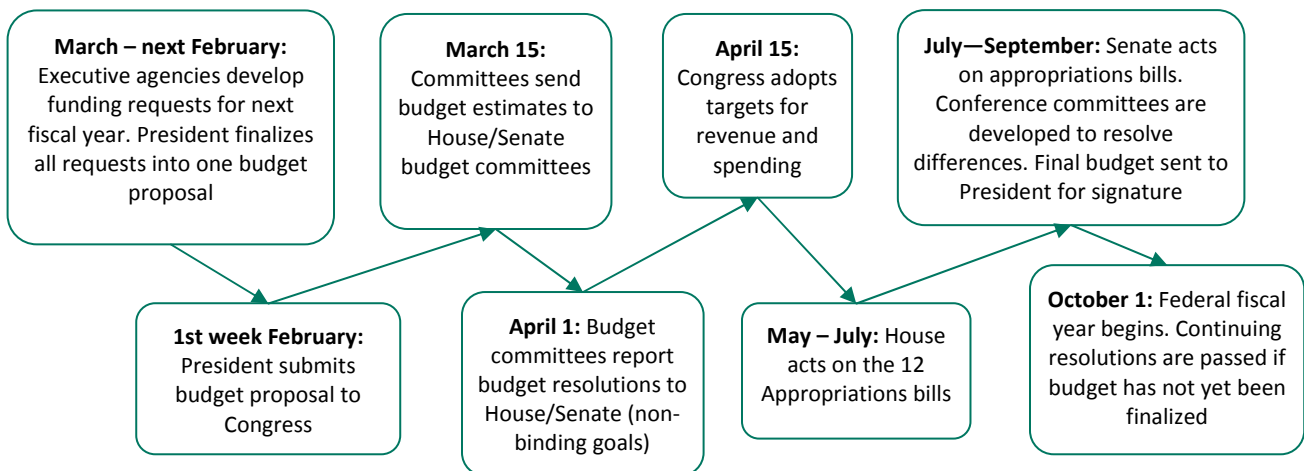
Decision-making: The legally binding funding levels are not determined until both the Senate and House vote on the Appropriations Bills passed out of Subcommittees. Two of these Subcommittees are especially important for the HCH community:

- **Labor, Health and Human Services, and Education (Labor – H):** Subcommittee which governs health and human service programs (like health centers)
- **Transportation – Housing and Urban Development (T – HUD):** Subcommittee which governs housing programs

Final funding levels for federal programs are derived from a combination of the President’s Budget proposal, the Budget Resolutions passed by the House and Senate, requests by other members, testimony at hearings, and constituent feedback. At this point in the process, Appropriations Bills follow a structure very similar to that used for other bills – from the subcommittee to the full committee to the full Chamber. Once each Chamber has passed its version, a Conference Committee is established to work out the differences, and the agreed-upon version is submitted back to each Chamber for a final vote. Once appropriations bills are passed, they are sent to the President for signature.

Simple, right? Not quite.

Figure 2. The Federal Budget Process



Going into Overtime: This entire process is intended to be completed prior to October 1, the start of the fiscal year. Should the Senate and House not reach agreement, they may issue a “Continuing Resolution,” which keeps the government funded for a specified time at the previous year’s levels. Failure to pass a budget or adopt a Continuing Resolution could lead to a “government shutdown,” as resources are no longer available to fund certain government operations.

State and Local Legislatures

State level policy decisions also are incredibly important. Each state legislature operates slightly differently, but the general structure is similar. Like at the national level, committees are very important as are leadership positions. Generally, both Houses must pass a bill and get the Governor’s signature in order for something to become law. Also, legislative and budgetary matters follow separate processes. For more information on your particular state legislature, the National Conference of State Legislatures is a good central resource with information for each state (see www.ncsl.org/?tabid=17173).

Key considerations when working at the state or local level:

- ❖ Most state legislatures do not meet year-round. Determine when yours is in session.
- ❖ Nearly all states are required to have a balanced budget.
- ❖ Medicaid is jointly funded by the federal government and states. Despite this partnership, Medicaid remains one of the largest budget items for all states.
- ❖ States have many options to expand eligibility and services within their Medicaid programs and often are the best targets of your Medicaid-related advocacy efforts.
- ❖ Education, criminal justice, disability assistance, mental health, and substance abuse services fall mostly within the jurisdiction of states.
- ❖ At the local level, Housing Authorities, jails and detention centers, and local health initiatives are all ideal subjects for policy advocacy.
- ❖ Party affiliation remains important, although less so than at the federal level.
- ❖ State and local level officials often are more accessible than federal officials. Build effective working relationships with them.



Next Steps

Hopefully this information has oriented you to the Legislative Process. Section 4 of the Advo-Kit provides strategies for developing your advocacy plan and putting that plan into **ACTION**.