

United States Government 101 – A Refresher Course

Most of us learned the process of how a bill becomes a law in school civics classes. You don't need a PhD in political science to become involved and bring about change in public policy. Although the information which follows pertains to the U.S. Congress, most state legislatures are structured and function similarly. For more information on state public processes, visit the [National Conference of State Legislatures](#)

United States Congress

The U.S. Congress consists of two bodies, called chambers or houses: the *Senate* and the *House of Representatives*. Every person in America is represented by a Congressional delegation consisting of 3 members: 2 Senators and 1 Representative.

House of Representatives

There are 435 House members, as specified in the U.S. Constitution. Congressional districts for each state are circumscribed by the state legislature and based on population density. The total number of House members per state is determined by the Federal Census and is reviewed and changed every ten years when new census results are available. Although Alaska, Delaware, North Dakota, South Dakota, Vermont and Wyoming do not have enough residents to qualify for one representative, Congress specifies that every state must have at least one representative. Members serve two-year terms. A House Member must be at least 25 years old, a U.S. citizen for at least 7 years, and a resident of the district they represent.

Senate

There are 100 Senators, two for each state. These Senators represent their entire state. Senators serve six-year terms. Senators must be at least 30 years old, a U.S. citizen for at least 9 years, and a resident of the state they represent.

Elections

- National elections are held every two years on the first Tuesday of November in even numbered years (2010, 2012, 2014, etc.)
- In every national election, 33 senate seats whose six-year terms are expiring, and all 435 House seats are open for election.

- Elections held in non-presidential election years (2010, 2014, etc.) are known as "mid-term elections" because they are held in the middle of a President's four-year term.

Key Types of Legislation

Two main types of legislation exist: authorizing and appropriations.

Authorizing bill or legislation provides a federal agency with the general authority to conduct programs and obligate funds. This type of bill does not guarantee funding; rather, Congress must appropriate funds as part of the annual appropriations process. For example, Congress enacted the Nurse Reinvestment Act in 2002 to support loan repayment, scholarship, and other nursing workforce development programs. This legislation authorizes the Health Resources and Services Administration (HRSA) within the U.S. Department of Health and Human Services (HHS) to operate such initiatives. In other words, by enacting this legislation, Congress authorized, or permitted, funding to be allocated by Congress over the course of five subsequent fiscal years to support this effort.

However, unless Congress provides a specific allocation each year for the Nurse Reinvestment Act in the appropriations bill that contains funding for HHS and HRSA, the nursing workforce development programs receive no resources for the coming year. Just because the funding has been authorized does not mean it will be appropriated. For nursing research and workforce programs, funding is included in the Labor-Health and Human Services-Education appropriations bill, one of 12 different funding bills drafted each year.

There are numerous programs that have been created by an Act of Congress, but have failed to secure appropriations for their implementation and support. It is critical for advocates to take action to help secure much needed funding to have important programs enacted and implemented.

How a Bill Becomes Law

The chief function of Congress is the making of laws. While in session, any member of Congress can draft and introduce a bill. Below are the steps a bill (authorization or appropriations) goes through to become a law.

Step 1: *Bill language or legislation is drafted.* An individual senator or representative may develop original legislation. The President, a private citizen, a business, or an organization such as NANN or NANNP may request that a bill be prepared and may even assist in drafting the proposed legislation.

Step 2. *Legislation is introduced.* A bill is introduced in the Senate by a sponsoring senator or in the House by a sponsoring representative, and 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 "HR" (e.g. HR 5678). The bill's title, sponsors, and co-sponsors (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 both chambers.

Step 3: *Legislation is referred to committee and subcommittee.* The Secretary of the Senate and the Clerk of the House assign, or refer, a bill to 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. For example, a bill that assures private health insurance coverage for colorectal cancer screening might be referred to the House Energy and Commerce Committee and subsequently referred to its Health Subcommittee.

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, such as NANN, may make their views known by testifying before the subcommittee, or submitting a written statement to be included in the official record of the hearing. Once subcommittee hearings are completed, the subcommittee usually meets to "mark-up" the bill; that is, 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 adopted changes. The members then vote on whether to report the bill favorably to the full committee. If not favorably reported, the bill usually 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. 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 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). Then the measure is brought before the chamber for consideration by all 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 usually dies. A majority vote (half of all members present plus one voting in the affirmative) 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. (For more information about how each chamber handles legislation, visit the [House](#) or [Senate](#) web pages.

Step 8: *Legislation is sent to conference committee.* To be sent to the President for enactment into law, a bill has to pass both the House and Senate in *identical form*. If differences exist between the Senate and House versions of a bill, an ad hoc "conference committee" usually 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 originally considered the legislation. If conferees are named, they meet to discuss and debate the differences between the two bills and develop uniform legislation. If the conferees are unable to reach agreement, or if no conferees are named, the bill usually dies.

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 House for a final vote. For the measure to be sent to the President, both chambers 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 rare), the bill then goes to the President for consideration. The President has 4 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, which will result in the bill being "pocket vetoed" and therefore dying, or (4) veto the bill. If the President vetoes a bill, Congress may attempt to override the veto with a two-thirds vote by both the Senate and House. If either chamber fails to garner a two-thirds vote, the bill dies. If both succeed, the bill becomes law.

Thousands of legislative proposals are introduced in the Senate and House during a Congressional session. However, typically fewer than 5% of the bills introduced in Congress are enacted into federal law. 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 recollected when the measure is reintroduced.

The following 2 examples illustrate varying ways bills may go through the legislative process.

Example 1: Nurse Reinvestment Act in the 107th Congress

The Nurse Reinvestment Act is an authorizing bill. It creates new programs, expands existing programs, and grants authority to HRSA within HHS regarding activities in which it can engage to address the nursing shortage. The bill does not contain any funding, so separate appropriations are necessary to support the programs and activities contained in the new law.

<u>House</u>	<u>Senate</u>
HR 3487, the “Nurse Reinvestment Act” was introduced.	S1864, the “Nurse Corps Recruitment Act” was introduced.
HR 3487 was passed by voice vote at the close of Congress.	S1864 was passed by unanimous consent at the close of Congress.

The two versions of the legislation differed in many respects. A formal conference committee was never convened, but members and staff of House and Senate met for approximately 6 months in the second session of Congress to craft a single consensus measure on which all members could agree. A revised, consensus version of the "Nurse Reinvestment Act" was developed and sent to both chambers for consideration.

Upon receipt of HR 3487 from the Senate, the House agreed to the measure by voice vote.	The Senate passed the consensus version by unanimous consent and sent it to the House for consideration
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HR 3487 was sent to the White House for presentation to the President, who signed the measure into law. It then became Public Law 107-205. Finding has been included in each of the Labor, Health and Human Services- Education appropriations bills fro FY 2003-2007.

Example 2: Patient's Bill of Rights in the 107th Congress.

Patient's Bill of Rights legislation seeks to ensure that patients – particularly those in HMOs have access to and coverage of certain types of care and health care providers. Examples of such guarantees or "rights" include: direct access to specialists, continuity of care protections so that patients will not have to change doctors in the middle of their treatment, and access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances.

House

Senate

The House passed HR 2563, the “Bipartisan Patient Protection Act” by a vote of 226-203.	The Senate passed S1052, the “Patient’s Bill of Rights/Bipartisan Patient Protection Act” by a vote of 59-36.
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Although identical in many respects, the House bill contained provisions regarding patients' right to sue their HMOs that differed from those in the Senate bill. Therefore, the bills needed to be sent to conference committee to craft a single, uniform measure.

The House named conferees – members who served on committees with jurisdiction over the legislation.	The Senate did not name conferees. Unless conferees are named by both chambers, the bill dies.
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Therefore, because a conference committee was never convened, both versions of the "Patient's Bill of Rights/Bipartisan Protection Act" died at the close of the 107th Congress.