

The Federal Legislative Process: An Introduction

Throughout the complex federal legislative process, ASN staff advocate for appropriate policy relating to renal health care, leading the fight against kidney disease on Capitol Hill. This page provides a brief overview of the process and various phases through which proposed bills pass as they are considered for passage into law. It also includes information on how and when ASN members can advocate Congress to ensure appropriate legislation and reviews key advocacy activities of the organization.

The legislative calendar typically begins in early January and adjourns in the fall, though the exact date of adjournment depends on the number and importance of pending legislation at that time. However, Members of Congress may introduce new legislation at any time while the House or Senate is in session.

The Legislative Process

What You Can Do

ASN Action: ASN monitors proposed legislation to identify bills pertinent to renal health care and shares news of these bills via the patient care website; advocates should check the site periodically to remain abreast of these issues. It is important that ASN members contact their congressional representatives to urge them to support the legislation at this and other points throughout the process.

ASN Action: ASN staff as well as ASN committee and advisory group members make themselves available to provide information and expert testimony concerning renal health issues at the request of the GAO and other federal agencies. ASN staff also attend public hearings on bills that may impact kidney disease patients and providers and share

What Congress Is Doing

1. Bill Introduction & Referral to committee

Members in the House of Representatives and Senate may introduce a bill at any time while in session. The Member introducing the bill is known as the primary sponsor. Members who cosponsor a bill upon its date of introduction are original cosponsors, while members who sponsor the bill after legislation are additional sponsors. The President, a member of the Cabinet, or the head of a Federal Agency can also propose legislation.

In the House and Senate, bills are typically read twice and debated on the floor, then referred to the committee with jurisdiction over that particular subject matter for action.

2. Consideration by Committee

Committee activities are one of the most important phases of the legislative process. The committees provide the most intensive consideration to a proposed measure as well as the forum where the public is given their opportunity to be heard.

One of the first actions taken by a committee is to seek the input of the relevant departments and agencies about a bill. Frequently, committees also submit bills to the General Accounting Office (GAO) requesting an official report of views on the necessity or desirability of enacting the bill into law.

pertinent information with advocates via the website.

ASN Action: Advocates should contact members of the committees, urging their support for appropriate legislation or expressing concerns about the bill.

ASN Action: ASN advocates should continue to contact their members of Congress, encouraging them to support appropriate bills or amendments to the legislation.

ASN Action: Again, ASN advocates should contact their members of Congress, encouraging them to support or veto bills or amendments to the legislation as appropriate.

ASN Action: If the President is expected to veto a bill that the Society supports, advocates should contact the White House and urge the President to sign the measure into law. If the President vetoes the legislation, advocates should contact their members of Congress, urging them to override the veto (to override a veto, both chambers of Congress must re-pass the legislation by a two-thirds majority).

ASN Action: ASN monitors proposed regulations issued by Executive Agencies, such as CMS, and provides extensive commentary and feedback in support of salient regulations.

Committees also organize public hearing on bills in which committee members listen to testimony from witnesses representing various viewpoints on the issue. After hearings are completed, committee members consider the legislation and scrutinize presented viewpoints in a session known as the “mark-up.” Amendments may be added to the bill, and voted upon for acceptance or rejection. This may occur at the committee level, the subcommittee level, or both.

3. House Floor Consideration

The approved or revised bill is brought before the House or Senate for approval. Members debate the measure and may often offer additional amendments. At the conclusion of debate and finalization of amendments, Members vote on the bill.

4. Resolving Differences in Legislation

After a bill passes in the House or Senate, it goes to the other body for consideration. A measure must pass both houses in the same form before it can be presented to the President for signature. These negotiations may occur on the House floor, or an appointed conference committee may discuss the differences and report a resolved, identical version back to each body for a vote.

5. Congressional Votes

Members of the House and Senate vote on the final version of the bill. After a measure has been passed in identical form by both bodies, it is sent to the President.

6. Presidential Action

The president has several courses of action available to him upon receipt of a bill from Congress. The President may:

- ❖ Sign the measure into law
- ❖ Veto the measure and return it to Congress
- ❖ Allow the bill to become law with his signature
- ❖ Pocket-veto it at the end of a session

7. Laws Issued

Once signed by the President, laws are given public numbers, and Executive Agencies draft detailed regulations that specify how the laws will be carried out. These proposed regulations are announced in the Federal Register.

Advocates may refer to the website to follow
ASN commentary on such regulations.

Forms of Congressional Action

Congress introduces proposals in one of four forms, described below:

Bills

A bill is the form used for most legislation. Bills originating in the House of Representatives are designated by the letters "H.R." followed by a number retained throughout all parliamentary stages; similarly, bills originating in the Senate are designated by the letters "S." followed by a number retained throughout all parliamentary stages. Bills are presented to the President for action when approved in identical form by both the House of Representatives and the Senate.

Joint Resolutions

There is little practical difference between a bill and a joint resolution. Both are subject to the same procedure, except for a joint resolution proposing an amendment to the Constitution. A joint resolution originating in the House of Representatives is designated "H.J.Res." followed by its individual number; those originating in the Senate are designated by "S." and an individual number. Joint resolutions become law in the same manner as bills.

Concurrent Resolutions

Matters affecting the operations of both the House of Representatives and Senate are usually initiated by means of concurrent resolutions. A concurrent resolution originating in the House of Representatives is designated "H.Con.Res." followed by its individual number. They are not presented to the President for action.

Simple Resolutions

A matter concerning the operation of either the House of Representatives or Senate alone is initiated by a simple resolution. A resolution affecting the House of Representatives is designated "H.Res." followed by its number; similarly, bills originating in the Senate are designated by the letters "S." followed by a number. They are not presented to the President for action.

Please contact ASN's Policy Associate, Rachel Shaffer, at rshaffer@asn-online.org or by phone at (202) 416-0660 for further assistance or more information on this topic.

Sources: U.S. House of Representatives. "Tying It All Together" http://www.house.gov/house/Tying_it_all.shtml;
Columbia University Library U.S. Government Documents. "The Legislative Process."
<http://www.columbia.edu/cu/lweb/indiv/usgd/legproc.html#Bill>