Legislative Advocacy: A review of U.S. Congress and the legislative process

ACOG Junior Fellow Congress Advisory Council Legislative Advocacy Committee
Outline

• Structure of the U.S. Congress

• Timing

• Legislative Process 101

• Committees affecting healthcare
Structure of U.S. Congress

- **U.S. House of Representatives**
  - 435 members
  - 2 year terms
  - Re-election every even-numbered year

- **U.S. Senate**
  - 100 members
  - 6 year terms
  - 1/3 of senators up for re-election each election year
Structure of U.S Congress

- Speaker of House and Senate Majority Leaders:
  - Elected by members of Congress
  - Determine which legislation will be brought to the floor

- Speaker of the House:
  - Voted on by the whole house
  - Technically does not represent the majority party
  - Appoints Committee Chairs, calls votes, and signs all bills and resolutions passed by the house

- Senate Majority Leader:
  - Party’s chief spokesperson in the Senate
  - Controls the floor agenda
  - Schedules debates and votes
Other important positions in the U.S. House

- **Majority Leader**
- **Minority Leader**
- **Majority Whip**
  - Maintains communication between party members and leadership
  - Counts votes on key legislation before a vote
  - Persuades wavering Members to vote with party
- **Minority Whip**
  - Keeps party members in line on key votes
- **Caucus Chair (Majority party)**
  - Unites members around policy goals
- **Conference Chair (Minority party)**
  - Translates party’s priorities into legislation
Structure of U.S Congress

Other important positions in the U.S. Senate

• President
  ▫ U.S. Vice president
  ▫ Can only vote in the Senate to break ties

• President Pro Tempore
  ▫ Second-ranking position in the Senate
  ▫ Largely honorific
  ▫ Title usually held by the most senior Senator of majority party

• Majority Leader
  ▫ Controls floor agenda
  ▫ Schedules debates and votes

• Minority Leader

• Majority Whip
  ▫ Ensures party discipline in voting

• Minority Whip
Structure of U.S Congress: Committees

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Majority party in each house has control over Committee Chairmanships
Timing

- Congress convenes every odd year for a 2 year period
  - First and Second sessions

- Legislation introduced during first session carried over to second session

- Slate wiped cleaned and unfinished bills at end of second session must be reintroduced

- Majority party in each house has control over that chamber’s schedule
Legislative Process 101

Bill Introduction and Committee Action

- Any Senator or Representative can develop a legislative proposal
- Once introduced → becomes a bill
- Bill sponsors can recruit other Members to support and cosponsor legislation
- House bills begin with *H.R.*
- Senate bills begin with *S.*
- Majority of bills introduced are not passed
- Committee Chairs:
  - Can choose to hold a hearing on a bill
  - Can schedule a mark-up of a bill when Committee members can offer amendments, change the bill, and send the bill to the full House or Senate for floor vote
  - Can take no action a bill
- House Speaker or Senate Majority Leader may choose to bypass Committees and bring legislation directly to floor
Legislative Process 101

Floor Debate and Votes

- Passage of most bills in the House requires simple majority.

- House has rules:
  1. Limit number of amendments that can be offered on the floor.
  2. Specify how long bill can be debated.

- Senate has very few rules regarding consideration of a bill:
  1. Any 1 Senator can amend, slow down or stop a bill at any time.
  2. Filibuster: Senator stands on Senate floor and speaks without resting for the entire time he or she wants to delay action on a bill.
  3. Only a cloture vote, requiring 60 votes can end filibuster.
  4. If 60 votes not obtained, bill pulled from floor with no further action.
**Floor Debate and Votes**

- When House and Senate pass different versions of same bill:
  1. Conference: Process for reconciling 2 bills into a common text that can be voted on again by both bodies
  2. House and Senate leaders of both parties appoint Members to the Conference Committee

- Only when passed in identical form by both chambers does a bill go to the President for signature
  - President has 10 days except Sundays to sign a bill into law or to veto the bill
Legislative Process 101

Floor Debate and Votes

- Vetoing a bill
  - A vetoed bill is sent back to Congress
  - Can become a law if it wins 2/3’s approval from the House and Senate
Committees affecting healthcare: House of Representatives

- Health legislation typically goes through Energy and Commerce and/or Ways and Means
- **Energy and Commerce Committee**
  - Health Subcommittee
  - Jurisdiction over Medicare Part B which includes physician payment, Medicaid, food and drug safety, and public health
- **Ways and Means Committee**
  - Jurisdiction over taxes
  - Health Subcommittee
    - Medicare Part A (hospitals) and Part B (physician payment)
    - Provisions of the IRS dealing with health insurance premiums and health care costs
- **Budget Committee**
  - Sets federal spending goals and limits
- **House Appropriations Committees**
  - Directs government spending to particular programs
Committees affecting healthcare: Senate

- Health legislation typically goes to the Senate Finance Committee or the Health, Education, Labor and Pensions (HELP) Committee

- Senate Finance Committee
  - Jurisdiction over Medicare, Medicaid, and the State Children’s Health Insurance Program (SCHIP)
  - Jurisdiction over health programs financed by specific tax or trust funds

- HELP Committee
  - Jurisdiction over public health and health insurance
  - Jurisdiction over most of the agencies, institutes, and programs of the DHHS, including the FDA, the CDC, and the NIH

- Budget and Appropriations Committees also important to health care issues
Acknowledgement

- Jeannine Miranne, MD, Washington Hospital Center
- Review and Editing by members of the 2014-2015 ACOG JFCAC Legislative Work Group