
OAC Advocacy Guide

Understanding the Nuts & Bolts of Policymaking

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THE BASICS: HOW THE LEGISLATIVE PROCESS WORKS

The more you understand about the legislative process, the more effective you can be in working with your state and national legislators. While the following provides a brief overview of how the U.S. Congress operates, there are strong similarities in structure and function when working with most state legislatures.

Overview: U.S. Congress

The Congress is bicameral, consisting of two legislative bodies: the House of Representatives (commonly referred to as the House) and the Senate.

The membership of the House is based on population and has 435 voting members and four non-voting delegates from the District of Columbia, Guam, the Virgin Islands and American Samoa, as well as one non-voting Resident Commissioner from Puerto Rico. The Delegates and the Resident Commissioner cannot vote on the House floor, but they can vote in the committees on which they serve. Representatives are elected for two-year terms. Consequently, every two years the entire House is up for re-election.

The Senate has 100 members, two from each state. Senators are elected for six-year terms. Their terms are staggered so that about one-third of Senators are up for election every two years and both Senators from a state are never up for election in the same year.

The congressional session begins in the January of odd numbered years, with a two-year time frame and that is referred to as a Congress. The Congresses are numbered sequentially; for example, the Congress in session from January of 2011 through December 2012 is the 112th Congress and the first Congress was convened in 1789.

The U.S. political structure has tended to be a two party-system. Most elected representatives are members of the Republican or Democratic parties. The

party with the most members in a house of Congress is called the majority party and the other is called the minority party. Majority and minority status is reflected throughout the structure of Congress and is a central factor in its procedure.

The House

The Speaker of the House has tremendous power – both formally and informally. This individual is chosen by a party vote followed by a majority vote of the full House. The Speaker is the presiding officer of the House, exercises substantial influence over the proceedings of the House, and schedules votes and recognizes the order of those who will speak on the floor. The Speaker also has responsibility for referring bills to the appropriate committee, appointing members to conference committees, appointing the chairman of the committee on committees, which makes party assignments and nominates committee chairmen. Committee chairmen must be approved by a vote of that party's members.

The House Majority Leader has major influence as well, usually serving as the party's major spokesperson for its legislative agenda. Working with the Speaker, the House Majority Leader develops and coordinates the party's legislative platform for the Congressional session.

The House Majority Whip is responsible for winning party support for legislation supported by the majority leadership. With the help of Deputy and Assistant Whips, s/he conducts —head count|| votes to determine the level of support for a bill before an actual vote. These head counts are critical because they help the leadership determine which members need additional “persuasion” and whether or not a vote needs to be postponed in order to ensure a successful outcome for the majority party. The minority party also has identical positions – called the House Minority Leader and the House Minority Whip.

The Senate

The highest leadership position is the President of the Senate, constitutionally filled by the Vice President of the United States, although traditionally he or she rarely presides over the Senate. The second highest position is the President Pro Tempore, who is the Senator with the most seniority in the majority party. However, since this position is also somewhat ceremonial, the

Senate Majority Leader frequently assigns different Senators on a rotating basis to serve as Presiding Officer over Senate sessions.

The Senate Majority Leader is elected by members of the majority party, and guides the process of determining the flow of debate over legislation. Unlike the House, where the powerful House Rules Committee formally decides when and how bills will be allowed to come to the floor, the Senate has no such committee and relies on its leaders to work together informally to determine such issues.

The Senate Majority and Minority Whips have the same functions as the House Whips. In addition, the Senate Minority Leader is chosen by his or her party and works with the majority leadership to see that his party's interests are considered. The congressional leaders chosen by their parties exert tremendous influence over the course of legislation.

Congressional Committees:

Committee Chairs hold some of the most important powers in Congress since the real work of making legislation happens in committees. Committees, and their subcommittees, are set up to deal with specific areas of legislation. The names of the committees and their structures are different for the House and Senate, although they cover the same issues areas.

After being introduced on the floor, bills are referred to committee, where they are researched and debated. Several thousand bills are introduced in each session, with varying degrees of importance. A committee can bring a bill to a vote quickly or let it languish with no action. Committees hold all-important hearings while they debate a specific bill, which often provides the opportunity for expert and public testimony. Committee staff members do research to determine who would be authoritative, informative and powerful speakers at a hearing.

For each committee, a staff of legal and technical experts and other aides advise legislators on the issues. These staff members look to outside sources when doing their research, so it is important to build relationships with staff members. It is helpful to identify staff technical experts who can understand your organization's issue in-depth. For data on the economic impact of legislation, committee staff members rely on studies from the U.S. Government Accounting Office (GAO), the Congressional Budget Office (CBO) and other sources deemed to be objective. It is always essential to have some

knowledge of the economic impact of any proposed legislation to speak about it effectively.

Refresher Course: How a Bill Becomes a Law

Introduction of the bill: To begin the process, a Member of Congress, or a group of Members, introduces a bill. It is assigned a number (with H.R. preceding bills introduced in the House and S. preceding bills introduced in the Senate) and a name. It is then referred to a committee, printed and made available to all legislators and the public. Then, the committee work begins. The original sponsor or co-sponsors of the bill take the responsibility for guiding a bill through the legislative process.

The Committee Process: The committee process is thorough and usually determines whether a bill is passed, defeated or ignored. When a committee selects a bill for consideration, the staff begins by doing preliminary research to determine how to proceed in the subsequent phases of consideration. If the bill is recommended for further committee action, public hearings are held to solicit varying opinions about the bill. Following hearings, the bill is scheduled for "mark up" where committee members discuss the bill line by line, making any changes they agree upon. After mark up is completed, the committee decides whether or not to —report|| the bill out of committee to the Senate or House for a vote.

The committee issues a report on each bill that proceeds to mark up. The report includes an explanation of the bill, its implications and a full range of opinions expressed about the bill. This report is important because it is used for reference by other legislators during consideration of a floor vote.

Floor Action: The rules for debate of a bill on the floor are subject to a complex set of variables and in the House the powerful House Rules Committee determines how a bill is treated. They have many options, including designating how amendments can be proposed, limiting the time for floor debate and controlling the timing of the vote. On the Senate side, the Senate Majority Leader, absent a rules committee, works informally with other leaders to determine the process for floor consideration. After a bill is debated on the floor of the chamber, it is put to a formal vote. If the bill fails, a legislator can make a motion to reconsider, but most bills will not survive if they do not pass on the first vote. Once both chambers of Congress pass the same version of a bill, it is sent to the President for action.

The President's Options: The constitution gives the President three options in responding to congressional approved legislation: The President can: sign the bill into law; leave the bill unsigned for ten days, after which it will become law automatically, without a Presidential signature; or veto the bill. Congress can then override a veto by a two-thirds majority of all Members of Congress.

Implementation of a New Law

After legislation is approved by Congress and signed by the President, that law is usually referred to a federal agency, which is then charged with writing rules and regulations governing the law's implementation and enforcement.

Working with Legislative Staff: Who's Who

When contacting the offices of elected officials, be sure to establish good relationships with all staff members because they provide access to the elected official. They also have significant influence on the legislator's schedule, priorities and positions. The titles may vary from one office to another, so try to clarify titles and responsibilities when working with staff members. Some of the more common titles follow:

Administrative Assistant (AA) or Chief of Staff: The AA acts as the executive assistant or chief of staff and often is in charge of all office operations. This person is usually involved in many of the major political and policy decisions.

Legislative Director (LD): The LD is the head Legislative Assistant (LA) and oversees the policy work of the other legislative aides in the office.

Legislative Aide or Assistant (LA): The LA focuses on particular policy issues, such as health, education or taxes. Duties include keeping the elected official up to date on developments in a specific legislative area. LAs often write the elected officials' speeches and position papers. Congressional Senate offices have a team of several LAs, while the Representatives' offices generally have fewer.

Legislative Correspondent (LC): The Legislative correspondent answers letters and calls from constituents.

Press Secretary: The press secretary serves as the elected official's chief spokesperson to the media.

Scheduler: The scheduler makes all appointments for the elected official. In Congress, to gain access to a Senator or Representative, you will often be referred to this person.

Other Aides: There may be other specialists on staff who focus on single issues, such as health care or foreign policy.

Receptionist/Front Office staff: The receptionist/front office staff serves as the first point of contact in a Legislative office.

Similarly, committee staffs have varying titles and responsibilities, with policy analysts, experts and legal counselors playing key roles. Contact each committee directly to determine titles, names and roles.

What About My State Legislature?

Most state legislatures have strong similarities to Congress, although the terminology may be different. Most have a bi-cameral, or two-chamber structure, with committees doing most of the work once a bill is introduced. The leadership structure is often similar, as well.

Significant differences occur in timing and staffing. Most state legislatures have much shorter sessions than at the national level and some meet only every other year. In addition, most state legislators hold other full-time or part-time jobs, giving them a significantly different perspective on issues in their jurisdiction.

Pointers for Participating in the Legislative Process

Be patient: Our constitution was crafted so that it is not easy to pass new laws – and that is to our advantage. Creating new legislation should be a careful, deliberative process so that everyone’s best interests are considered. Join in the process and don’t expect instant results.

Build relationships: In every interaction with an elected official, a staff member, a potential ally or a political adversary, remember that there will be other issues and another day. In our democratic process, it’s never really over. Always be helpful and constructive. Look toward the future and never burn bridges.

Put yourself in their shoes: Before every contact with an elected official, staff member, federal regulator or ally, try to imagine what they need to hear, what

their point-of-view is likely to be. Consider their schedule and what else is going on for them at the time. This will help you prioritize your messages, relate on a personal level and build a long-term, effective strategy for influencing their actions.

WORKING WITH YOUR ELECTED OFFICIALS

The key principle to remember in working with elected officials, whether they are your representatives in Washington or your state capitol, is that they are driven by their perceptions of what their voters want. These perceptions are formed by a combination of what they observe in:

- letters, e-mails and phone calls from constituents
- meetings with constituents
- town meetings or other public forums with constituents
- meetings with political allies
- meetings with lobbyists
- media coverage
- research conducted by their staff members
- their own surveys of voters
- events such as fundraisers

Understanding a few core principles about communicating with elected officials will mean that every opportunity is used to the fullest.

All politics is local: As mentioned earlier, this cardinal rule was often repeated by a life-long political player, former Speaker of the House Tip O'Neill. It means that local examples have more meaning than national statistics. It also means that the involvement of local people and organizations will get the attention of the official more effectively than a contact in Washington. Additionally, local voters, local newspapers and local TV stations are far more important to an elected official than party leaders or political power brokers. Every communication with your elected official should contain local information.

A picture is worth a thousand words: Another aspect of this personal style of grassroots activism is the power of visual images. Be sure to bring “before and after” pictures illustrating your weight loss or a brief overview of how your healthcare costs have declined since accessing obesity treatment services. Finally, share with your legislators how having treatment tools to address your weight has improved your quality of life.

Be open and honest in all communications: Your credibility is essential. If elected officials find that they cannot completely trust your information, your days of being a valued resource to that legislator or staff person are over! Do not let your passion for the subject matter lead to exaggeration. If you do not know an answer, just be honest and get back to them with more information promptly.

The power of the personal appeal: Learn as much as possible about the personal links to obesity and health issues of the people you want to influence. For example, making a connection through an elected official's or staff member's personal or family member's struggle with obesity can make your message much more powerful and memorable. By identifying these personal experiences, you often tap an emotional nerve and awaken a dormant source of strong support.

Know the issue: Before you make any contact with an elected official, study the issue carefully and be prepared to answer potential questions. If it is regarding specific legislation, know where the bill stands (e.g. Is it in committee, awaiting a floor vote or in conference?).

It all adds up: The core principle here is that every additional letter, phone call and contact creates a stronger perception that those affected by obesity are a force that can no longer be ignored. Staff of an elected official will take notice when the office receives several letters or calls on a topic. When they receive hundreds or thousands, they know it is an issue they must confront. In short, quality and quantity matter.

ADDITIONAL RESOURCES:

[Obesity Action Coalition's Policy Platform](#)

[Obesity Action Coalition's Public Policy Statements](#)