



## FACT SHEET: LEGISLATIVE AND REGULATORY PROCESSES

### LEGISLATIVE PROCESS

#### How Congress is Structured

The United States Congress is a bicameral legislature, meaning that it is divided into two separate chambers - the House of Representatives and the Senate. The House includes 435 members who are apportioned according to state population. The Senate includes 100 senators, or 2 senators for each of the 50 states. Both chambers conduct most of their legislative work through committees. Authorizing committees authorize funding, create and set the terms of federal programs, and conduct federal agency oversight. Appropriations committees write the annual funding bills that contain money for individual programs. Their work is divided among 12 subcommittees in the House and Senate.

#### Basic Pathway from Bill to Law

Once a member of Congress introduces a bill, the bill moves to a committee for consideration. The committee then approves the bill, which then goes to the full House or Senate floor for a vote. The bill then moves to the other chamber and goes through committee and a floor vote again. When both the House and Senate approve the final version of a bill, the President can sign the bill to make it a law. Passing a bill is rare. In the 116th Congress (2019-2020), only 2% (344) of the total number of introduced bills (16,601) became law.

#### Appropriations Process

Congress is supposed to complete the appropriations process from March to October. In reality, the timeline is messier. The President proposes a budget, the House and Senate release their proposals, and they ultimately must pass appropriations bills to keep the government open. When Congress falls behind on appropriations, they often pass a continuing resolution to extend the pre-existing appropriations at the same levels as the previous fiscal year to avoid a government shutdown.

### ADVOCACY

Advocacy is any action taken to promote more informed decision-making at the federal, state, and local levels of government. There are at least two types of advocacy: ongoing (for example, appropriations advocacy) and issue-specific (for example, advocacy for COVID-19 response funding).

Remember to be brief, be clear, and be confident when speaking to a member of Congress or their staff. You have important insights to share! Provide the office with data and stories. Tie your conversations back to what is happening in your community. Make an "ask" (spell out what you want from your member of Congress) and follow-up with their office when possible.

#### Contacting Congress

You can use any of the following methods to contact your members of Congress:

- Schedule a meeting, site visit, or other in-district event;
- Call their office using the Capitol Switchboard (202) 224-3121; or
- Email their office using NAHRO's Action Alert Center ([www.NAHRO.org/advocate](http://www.NAHRO.org/advocate)) or by locating an email form on their website.

## REGULATORY AND RULEMAKING PROCESS

When Congress passes legislation, it often grants regulatory authority to federal agencies to implement the legislation. The regulations that are issued by the agency have the effect of law. When creating these regulations or rules, the agency must follow a set of procedures. These procedures are the federal regulatory and rulemaking process. The term “rule” is used to describe documents published in the Federal Register. The term “regulation” is the term used to refer to “rules” that are codified in the Code of Federal Regulations (CFR).

### Rulemaking Process

The Administrative Procedure Act sets forth the basic requirements for notice and comment rulemaking (also called “informal” rulemaking), the process generally used by agencies to issue legislative rules. Other statutes, executive orders, or agency rules may impose additional requirements. “Formal rulemaking” refers to rules that are developed through a trial-like procedure, which involves hearings that are recorded by transcript.

The steps in the rulemaking process are described below:<sup>1</sup>

- Agency develops a draft of the proposed rule;
- The Office of Management and Budget (OMB) reviews the draft of the proposed rule;
- The agency receives comments and makes changes to the proposed rule;
- OMB reviews a draft of the final rule; and
- The agency publishes the final rule which has the force of law.

The final rule can still be overturned by subsequent legislation from Congress and is subject to judicial scrutiny.

### Writing Effective Comments

The following tips will help you to write effective comments to influence the substance of the final rule:<sup>1</sup>

- Identify the rule name and docket number on your comment;
- Make sure your comments are typewritten, so they can be read easily;
- Submit your comment electronically;
- Organize your comments by the sections of the proposed rule, if applicable;
- Explain your views clearly and provide the basis for assumptions to support your views;
- Support your arguments with data;
- Provide specific alternatives where you disagree with a rule; and
- Provide real world examples.

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<sup>1</sup>Information is taken from <https://sgp.fas.org/crs/misc/IF10003.pdf>.

