

How Our Federal Laws Are Really Made

We receive frequent inquiries from TIA members as to the legislative process and recognize there are some misconceptions about how federal laws are made in the United States. To that end, this is the first installment of a series of periodic articles about the intricacies of the legislative process.

There are many elements to the legislative process that can be confusing if you are not directly involved in the process on Capitol Hill. Consider for example:

- There are typically 5,000 + pieces of legislation introduced each Congress and only a very small fraction make it all the way to the President's desk to be signed into law.
- There is an elaborate maze in the legislative process and legislation can get tripped up at any one of those turns.
- Often, it can take years for a piece of legislation to pass. A Congress only lasts for two years and if the bill has not completed its legislative dance in that time frame, it starts from scratch at the beginning of the new Congress.

In this series, we hope to combine the textbook version of "I'm a Bill on Capitol Hill" with real-world examples to share with you both the inside pressures as well as the outside pressures in the legislative process.

To set the table, let's begin with some very basic information; there are two Houses of Congress: the Senate and the House of Representatives. The Senate is occasionally referred to as the "upper house" and the House of Representatives as the "lower house".

The Senate is composed of two Senators from each of the 50 states for a total of 100, while the House is made up of 435 Representatives apportioned throughout the 50 states based on population. All states have at least one Member of the House of Representatives while California the most populated state, has 53.

Every ten years, per the U.S. Constitution, the nation conducts a census to determine the population. Based on the decennial census states are apportioned their Congressional delegations. Some states gain or lose seats, while many remain the same. That process will begin in earnest on April 1, 2011 when U.S. Census officially reports the population of the states. The respective state legislatures will, in turn, go through the extensive process of drawing new Congressional District lines as well as their own state legislative district lines.

U.S. Senators serve six-year terms and generally 1/3 of the Senate stands for election

every two years.

Members of the House of Representatives serve two- year terms and all Members of the House stand for election in November of even numbered years.

Congresses are numbered. The current Congress is the 111th and was elected to office in November 2008. The Congress that will be elected on November 2, 2010 will be the 112th and will be sworn into office in January 2011.

The partisan alignment in the 111th Congress is 57 Democrats to 41 Republicans in the Senate. There are also two “Independent” Senators who generally caucus with the

Democrats. In the House, the Democrats outnumber the Republicans by 254 to 178. There are currently 3 vacancies in the House of Representatives.

Majority in the U.S. Senate is 51 seats. In the House, majority is 218. The party in the majority “organizes” the chamber, meaning they appoint all presiding officers, committee chairmen, determine the legislative priorities and schedule of hearings and floor votes.

In the next installment, we’ll discuss the sources of legislation and the procedural actions that Congress takes once a bill is introduced, such as S. 3483, “The Motor Carrier Protection Act”.