

FEDERAL POLICYMAKING IN THE U.S.



Congress has two chambers: the **House** (435 members divided by state based on population) and the **Senate** (100 members, 2 per state)



BILL INTRODUCTION

The legislative process kicks off in earnest when a member of Congress writes and introduces a bill. Serious legislative proposals usually come after the relevant committee gathers information on the issue through hearings, letters, roundtables, etc. While any member can introduce a bill, those most likely to advance come from members of the relevant committees. At or after introduction, lawmakers recruit their colleagues to “co-sponsor” their bills. A long list of co-sponsors, bipartisan support, and a companion measure in the other chamber are all good indicators for how serious a bill is.



COMMITTEE CONSIDERATION

Legislation has to go through “markup” in the committee(s) of jurisdiction, which is made up of a small subset of lawmakers who work on the relevant issues and have an opportunity to amend and vote on the legislation during the markup. Sometimes full committee markups are preceded by subcommittee markups, where an even smaller subset of lawmakers consider the proposal.

Key Senate Committees: Banking, Commerce, Finance, Judiciary, Small Business

Key House Committees: Energy & Commerce, Financial Services, Judiciary, Small Business, Ways & Means



FLOOR VOTE

In most instances, the bill goes through the relevant committee(s) and then goes to the chamber’s floor for a vote by all of the lawmakers in that body. Once a bill passes one chamber, it moves to the other.

In the House, the Speaker effectively decides what goes to the floor, then the Rules Committee considers the bill. Normally bills require a simple majority to pass. Sometimes non-controversial bills are passed “under suspension,” which requires a 2/3 vote.

In the Senate, the Majority Leader effectively decides what goes to the floor. Non-controversial bills can pass “by unanimous consent” when no one single Senator will oppose. Otherwise, a bill needs not only a simple majority to pass, but it needs 60 Senators to agree to vote for “cloture” to end debate and vote on the bill. The consequence is that Senate bills effectively need the support of 60 Senators to overcome the “filibuster,” receive a vote, and pass.



Many parts of the executive branch make startup policy and impact the ecosystem, for example:

Federal Communications Commission - telecommunications regulator

Federal Trade Commission - consumer protection and competition agency

Office of Science and Technology Policy - White House office to advise the president on technology issues

Patent & Trademark Office - grants patents and trademarks, adjudicates patent challenges

Small Business Administration - clearinghouse for government information and resources for small businesses

Securities & Exchange Commission - financial services and investment regulator

U.S. Trade Representative - lead trade negotiation agency



BILL SIGNING

Once passed by both chambers, the bill is signed into law or vetoed by the President. Some bills, when signed into law, kick off other steps, such as agency rulemaking processes.



A NOTE ON PROCESS

The path described here is how lawmaking is supposed to work. However, Congress often considers must-pass legislation (such as the annual defense authorization bill and recurring government funding measures) up against predictable but tight deadlines. Often, unrelated policy proposals get attached to these must-pass bills, as it’s difficult for lawmakers to hold up the overall bill over individual provisions.

