



Legislative Guide

**Southern Association of Student Financial Aid
Administrators**

Revised June 2003

The Legislative Process: How a Bill Becomes Law

It is essential to have a basic understanding of the legislative process if one hopes to have an influence on the content of the bills passed by Congress. For a bill to be passed by Congress, it has to find its way through procedures in both the House and Senate. Only if a bill is successfully processed through the many steps required by both bodies for legislation, will it have the opportunity of becoming a law.

Introduction of Bills

Any House or Senate member may introduce any one of several types of bills or resolutions, at anytime when the respective house is in session. Each bill is numbered consecutively in the order it is introduced and labeled with the sponsor's name. Bills are designated by a number preceded by "H.R." (in the House) and "S." (in the Senate). This is the form for most legislation. Joint Resolutions, designated as "H.J. Res.", are usually subject to the same procedures and statutes that have been initiated as bills by joint resolutions and vice versa. Concurrent Resolutions are labeled "H Con. Res." Or "S. Con Res." And are used to express the opinion of Congress and to take joint action. Resolutions, designated as "H. Res.", or "S. Res.", are used for matters concerning either house alone.

Resolutions

Joint Resolutions

Joint resolutions may originate either in the House or the Senate. There is little practical difference between a bill and a joint resolution and both are generally subject to the same procedures and become law in the same manner as bills.

Concurrent Resolutions

Matters affecting the operations of both the House of Representatives and Senate are usually initiated by means of concurrent resolutions. Once approved by both the House of Representatives and Senate, they are signed by the Clerk of the House and the Secretary of the Senate. They are not presented to the President for action.

Simple Resolutions

A matter concerning the operation of either the House of Representatives or Senate alone is initiated by a simple resolution. They are not presented to the President for action.

Committee Action

The most important phase of the legislative process is consideration by the committee to which the bill is assigned. After the bill is referred to the appropriate committee, the chairman assigns it to a subcommittee.

Usually the first step in this process is a public hearing where the committee members hear witnesses representing various viewpoints on the measure.

After hearings are completed, the bill is considered in a session that is popularly known as the "mark-up" session. Members of the committee study the viewpoints presented in detail. Amendments may be offered to the bill, and the committee members vote to accept or reject these changes.

The committee stage is the point at which it is most effective to contact your Senators or Representatives to inform them of your stand on the legislation. This is when you have the best opportunity to make a difference and to be heard by your representative. The other members of the committee and subcommittee will also be more receptive at this time to concerned opinions from people outside their own district or state.

Essential to the consideration of any bill in the House of Representatives is the opinion of the majority leadership. The Speaker of the House, Majority Leader, and Majority Whip wield tremendous influence over the Committee and Subcommittee Chairmen. The majority leadership exercises its power by setting the legislative agenda and framing the rules governing debate and amendments. In most cases, serious consideration of any legislation can be significantly expedited or impaired by the will of the majority leadership.

The subcommittee's deliberations are the most important stage of the legislative process. Chances for a bill's passage are quickly determined, and failure to act on a bill is equivalent to killing it. If a bill is to proceed very quickly, the subcommittee may request documents from the executive department or agencies. Detailed study of the proposed legislation is made, and hearings are scheduled and interested parties, at the discretion of the Chairman, are invited to testify. The subcommittee then analyzes the bill and reports its amendments and its recommendations for further action to the full committee.

At this point, the full committee meets in "markup" sessions to discuss the bill in detail, consider other amendments, and decide whether or not to report the legislation to the full House or Senate. The committee can recommend the bill with or without amendments, order it unfavorably reported, or table the bill, which effectively kills it.

When the committee sends a bill to the full House or Senate, it explains its reasons in a written statement called a report. This report describes the purpose and scope of the measure and the reasons for recommended approval. Committee members opposing the legislation often include minority or dissenting statements. The committee report is viewed by courts and administrative agencies as an important indication of Congressional intent in the proposed legislation.

Floor Consideration

When the bill is reported by the full Committee, it is placed on the proper calendar for consideration by the full House or Senate. Before floor consideration by the House of

Representatives, the bill must first pass through the Rules committee. This committee determines how long floor debate will be and what type of amendments will be allowed to be proposed. The Senate has no Rules committee and the length of debate on any bill on the Senate floor is unrestricted unless passed by a two-thirds vote of the Senate.

In both Houses, the bill is debated at length. The proponents and opponents present their views to acquaint the members, as well as the public, with the issue involved. Amendments are frequently offered to make the measure more acceptable. While considering a bill, the Congress may enter various parliamentary motions to determine members' sentiments with respect to the pending legislation. The measure may be postponed to some future date or referred again for more consideration to the committee from which it was reported.

After Passage

If the bill is voted on and passed in either house, it is then sent to the other chamber and is referred to the committee having jurisdiction unless it has been unanimously accepted in its current form. The entire committee and subcommittee processes are then repeated.

If there are substantial differences between the House and Senate versions of a given bill, the measure is sent to a conference committee comprised of members of both bodies. The committee tries to adjust differences in the two versions and report its agreement back to the House and Senate. If a compromise cannot be reached, and the bill is rejected in either chamber, it is dead unless it is again sent back to the conference. If, however, the bill is agreed to in identical form by both House and Senate, it is signed by the Speaker of the house and the President of the Senate and is sent to the President.

If the President approves of the bill and signs it, the bill becomes law. It may also become law without his signature if he does not return it, with his objections, to the Congress within ten days. The President can also veto the bill by refusing to sign and returning it within ten days. If Congress takes no further action, the bill dies. Congress, however, can attempt to override the President's veto and enact the bill. With a two-thirds vote of both house and Senate, the veto is overridden and the bill becomes law. Otherwise the bill is dead.

Detailed resources about the legislative process may be found for the Senate at: <http://www.senate.gov/learning/index.cfm> and for the House at: http://www.house.gov/house/Tying_it_all.html.

Appropriation and Authorization Bills

Any legislation that requires federal funding must go through two processes: authorization and appropriation. The first without the second is meaningless. If only limited funds are appropriated by Congress, a program can be so restricted that it cannot get off the ground.

Authorization bills establish, continue or modify federal programs. These bills generally authorize a program for specific length of time, specify its general aim and conduct, and unless "open-ended", puts a ceiling on monies that can be used to finance it. Authorization is usually enacted before an appropriation bill is passed.

Appropriations bills provide funding for the programs that have been authorized each year. Recently the pattern for many actions has been that the President asks for less than has been provided for by the current year, the authorizing committees add to the President's requests and Congress appropriates somewhat less than has been authorized. Some authorization laws provide spending directly. Currently, well over half of federal spending now goes to programs for which the authorizing legislation itself creates budget authority. Such spending is referred to as direct, or mandatory spending and includes funding for most major entitlement programs.

Discretionary spending, which includes most of the federal financial programs, now makes up only about one-third of all federal expenditures. Appropriations are generally for one year in length but can be multi-year.

An appropriations bill grants the actual monies approved by the authorization bill, but not necessarily to the total permissible under the authorization bill.

The Budget Process

The Annual Appropriations Process

Congress plays an important role in formulating the federal budget. The Constitution grants the "power of the purse" to Congress, but it does not establish any specific procedure for budgetary legislation. It is important to understand the process in order to contribute to discussions of national spending priorities.

The federal budget cycle begins each year with the preparation and submission to Congress of the President's budget. The President's budget is only a request to Congress; Congress is not required to adopt the recommendations. Nevertheless, the President's budgetary proposals often guide congressional revenue and spending decisions, though the extent of the influence varies from year to year and depends more on political and fiscal conditions than on the legal status of the budget.

In response to the President's budget proposal, Congress generally holds hearings to question Administration officials about the budget, then proceeds to develop its own budget resolution. The budget resolution is a "concurrent" congressional resolution, not an ordinary bill, and does not go to the President for his signature or veto. It also requires only a majority vote to pass, and is one of the few pieces of legislation that cannot be filibustered in the Senate. The final budget resolution is supposed to be passed by April 15, but it often takes longer.

The congressional budget resolution itself is a very simple document. It consists of a single table of numbers, which states how much Congress is allowed to spend in each of 20 spending categories (known as budget "functions") and how much total revenue the government will collect, for each of the next five or more years. The Congressional Budget Act requires that the resolution cover a minimum of five years; Congress often chooses to develop a 10-year budget. The difference between the spending ceiling and the revenue floor represents the deficit (or surplus) expected for that year.

While it does not have the force of law, the concurrent budget resolution is the central part of the budget process in Congress. It is an agreement between the House and Senate that establishes an outline for all subsequent budgetary actions, and has a coordinating effect on the efforts of other committees.

There is a two-step allocation procedure; first, the spending totals in the budget resolution for the upcoming fiscal year are distributed to 13 appropriations committees; then, each committee divides the amount allocated to it among its programs or subcommittees.

The budget resolution also provides a guideline for the overall level of revenues, but not for their composition. Committees with jurisdiction over revenues, entitlements, or other mandatory spending not directly controlled through the annual appropriations process are

then responsible for reporting any necessary legislation to their respective chamber to insure that revenue and spending conform to these allocations.

By custom, the House initiates all appropriations measures, although the Senate may amend them as it sees fit. These appropriations bills are constrained by the total amount allocated under the budget resolution as well as by the guidelines established separately in authorizing legislation.

In some years, the budget resolution includes reconciliation instructions. All committees receiving such instructions submit their recommendations to the Budget Committee in their chamber, which packages them as an omnibus measure and reports it without substantive revision. The reconciliation process has become the chief avenue for achieving the changes in revenues and entitlements necessary to implement the overall budget plan established in the budget resolution.

Congress must enact these measures prior to the start of each fiscal year (October 1) or provide for the affected programs in a continuing resolution.

Congress passes three main types of appropriations measures. *Regular* appropriations provide budget authority to agencies for the next fiscal year. *Supplemental* appropriations provide additional budget authority during the current fiscal year when the regular appropriation is insufficient or to finance activities not provided for in the regular appropriation. *Continuing* appropriations provide stop-gap (or full-year) funding for agencies that have not received a regular appropriation by the start of the fiscal year.

In a typical session, Congress acts on more than 16 appropriations measures, including 13 regular appropriations bills and at least two supplemental appropriations measures. Because of recurring delays in the appropriations process, Congress typically passes one or more continuing appropriations each year. The scope and duration of these measures depend on the status of the regular appropriations bills and the degree of budgetary conflict between the President and Congress. In some years, a continuing appropriations measure has been turned into an omnibus measure for enactment of regular appropriations bills.

Budget Enforcement Act Procedures

Enforcement of the budget resolution is accomplished by points of order against legislation that would violate its strictures, and through enactment of legislation in response to reconciliation instructions. The main enforcement mechanism that keeps Congress from passing legislation that is not in keeping with the budget resolution is a procedural “point of order” that can be raised on the House or Senate floor.□ In recent years, this budget point of order has not been particularly important in the House, where it can be waived by a simple majority vote on a resolution developed by the leadership-appointed Rules Committee that sets the conditions under which a bill will be considered on the floor.□ However, the budget point of order is very important in the Senate.

Any legislation that exceeds a committee's spending allocation or cuts taxes below the level allowed in the budget resolution, is vulnerable to a budget point of order on the Senate floor.□This point of order requires 60 votes to waive.□

Independent of the Congressional Budget Act, the Senate uses a rule requiring that all entitlement increases and tax cuts be fully offset over ten years.

If legislation providing for new tax cuts or entitlement increases is not paid for, the "PAYGO" rule requires 60 votes in order for the Senate to consider it. This is true even if the budget resolution had assumed these tax cuts or spending increases and allocated the necessary amounts to the relevant committees.

Although the PAYGO rule recently expired, it is still adhered to informally.

Establishment of the Sequestration Process

After a decade of experience with the Congressional Budget Act of 1974, Congress faced persistent high deficits and increasing budgetary deadlock. In 1985, it enacted legislation aimed at bringing the federal budget into balance by the early 1990s. That legislation, the Balanced Budget and Emergency Deficit Control Act of 1985, is commonly referred to as the Gramm-Rudman-Hollings (GRH) Act.

The GRH Act established a series of declining annual deficit targets and created an automatic spending-reduction process (known as sequestration) intended to ensure that the deficit targets are adhered to even if Congress and the President fail to reduce the deficit sufficiently through legislative action. Congress made significant changes in the through the Budget Enforcement Act (BEA) of 1990. The BEA created pay-as-you-go procedures to require that increases in direct spending (spending controlled outside of the annual appropriations process) or decreases in revenues due to legislative action are offset so that there is no net increase in the deficit.

There are currently bills in Congress to extend this legislation through at least fiscal year 2006.

Sequestration involves the issuance of a presidential order that permanently cancels budgetary resources (except for special funds and trust funds) for the purpose of achieving a required amount of outlay savings to reduce the deficit. Once sequestration is triggered by an executive determination, spending reductions are made automatically; this process, therefore, is regarded by many as providing a strong incentive for Congress and the President to reach agreement on legislation that would avoid a sequester.

Budget Time Table

The current timetable for enacting a budget is as follows.

March-January (19 months before the start of the fiscal year), the President formulates his budget.

First Friday in February: President transmits the budget to Congress.

April 15: Congressional budget committees report the first concurrent budget resolution.

May 15: Congress completes action on the first concurrent budget resolution.

March -September, Congress acts on individual appropriations bills. If appropriation action is not completed by September 30, Congress enacts a "continuing resolution" which provides funding authority for the agency until a final bill is approved.

July 15: The President provides Congress with a mid-session update of budget estimates.

October 1: Start of the new fiscal year.

October 1-September 30: Execution of the enacted budget.

LEGISLATIVE ADVOCACY MADE SIMPLE

Overview

On many issues, your legislators and other elected officials hear very little feedback from their constituents. Being contacted by even a few voters is often enough to mold or shift a policymaker's stance on an issue, especially if they have not had much voter contact on that issue before. Every letter, call and visit counts.

To be successful, you must communicate with your Representative on a regular basis, not just when a crisis arises or you want something. A thank you can be as important to your long-range goals as a request for a special vote. If your Representative belongs to an appropriations, budget or education committee or subcommittee, he or she is likely to be aware of issues affecting financial aid. Even so, provide his or her office with written information concerning the proposed legislation that you are addressing. Your lobbying efforts will be better remembered if legislators receive both verbal and written reminders. Never exaggerate. Be accurate, succinct, and thorough.

Finding Your Legislators

A listing of U.S. Senators can be found at:

http://www.senate.gov/general/contact_information/senators_cfm.cfm.

US Representatives can be found at <http://www.house.gov/writerep/>, which will allow you to look up your legislator by ZIP code. There is also a form at the top of the House member web page at <http://www.house.gov/house/MemberWWW.html>. The House site also provides lists of members at <http://clerk.house.gov/members/index.php>.

Sometimes it is important to target members of particular Congressional committees. This information is available for the House at <http://clerk.house.gov/committee/index.php>. The list of Senate members by committee at <http://www.senate.gov/> and clicking on the "committees" link.

Getting Phone and Fax Numbers

For federal legislators, you can call the U.S. Capitol Switchboard at (202) 224-3121 or toll-free 1-800-962-3524 and ask for a particular legislator or committee. House of Representatives' phone numbers are also available at: <http://clerk.house.gov/members/index.php>.

Phone and fax for the White House:

Call 202-456-1414 if you wish to speak to the White House switchboard or call 202-456-1111 if you wish to call and comment on a topic. The White House fax number is: 202-

456-2461.

You can also look on the White House Web site at <http://www.whitehouse.gov/contact/> for contact information.

Your Message's Perceived Priority

When you contact your legislators, be aware that they and their staffers tend to "rank" communiques based on the format, and based on who you are. This is not always fair or just but it is a political reality.

In order of MOST to LEAST effective, these are the means of contacting legislators:

- personal visit to the legislator's Washington DC office or home-state office
- personally handwritten but LEGIBLE short letter
- personally typewritten or word-processed letter
- phone call to a key staffer in the office
- phone call to the reception staffers in the office
- personally written fax
- an obvious form letter or fax
- personally written e-mail
- an obvious form e-mail

Working with Staff Members

Congressional staff members, also known as legislative assistants or aides, are valuable resources. They are experts on issues. Contact staff members who handle education issues. They are usually friendly, helpful and knowledgeable and can help relieve the uncertainty or apprehension many people experience when they plan their first lobbying activities. These experts exert considerable influence on the voting positions of their representatives. Do not be disappointed if most of your contacts are with staff members. A legislator's time is limited and he or she relies heavily on staff members.

Ways of Communicating with Legislators

Personal Appointment

The most effective way to express your views to a member of Congress is through personal contact. It shows that you really care about an issue and are politically active. Personal visits to a Member's office not only can be rewarding, but also will set the stage for future communication. All Members operate at least one office in their local district in addition to their Washington office on Capitol Hill. Members usually visit their local offices throughout the year around regular holidays, and during those periods when Congress is in recess or "district work periods".

You can make an appointment to see a Member by calling or writing to the appointment secretary in his Washington or district office. Always give them as much advance notice as possible and indicate the amount of time needed and the subject matter to be discussed.

Be prepared to discuss the issue you specified and bring supporting material that you can leave with the Member that will strengthen your case. If the Member is not available and you cannot reschedule the meeting, ask to meet with the administrative assistant or staff member who handles education, appropriations, or budget issues.

You will often find that you may know a great deal more about the subject area to be discussed than does the Member or his staff. Do not be put off by their lack of knowledge, and take time to explain the issues clearly and succinctly. Remember that they have to follow many complex issues and can not be an expert on every subject. If you can brief them well and convince them that you are providing them with valuable information, they may call upon you again to obtain your advice on the matter.

Developing a personal relationship with the Member and/or the staff will make it much easier to follow-up on future occasions. The following information is provided to assist you in establishing this valuable contact.

Written Correspondence

Why to Not Send Postal Letters Anymore

Because of the post-9/11 security issues, it can take up to THREE MONTHS for postal mail and package delivery services to get through to legislators and their staffs. All incoming mail and parcels are subjected to thorough analysis for bombs, poisons and biological agents like anthrax. This means that sending physical letters is, in 2002 and for the foreseeable future, practically useless for activism purposes. The same goes for sending mail to the White House.

Generally, faxes are the recommended way to communicate with your legislators, although email is becoming an increasingly common and fast way to express your views.

Much of the following discussion is applicable regardless of whether you are faxing, emailing or sending postal letters to Congress.

Written communication is the mainstay of your relationship with your Representatives. They appreciate receiving written statements and supporting information of constituents' views.

Written correspondence should not only express viewpoints the author believes to be important, but they should also be calculated to maximize the chances for a positive response from the politician. Although the tone of letters to individual representatives should be quite different, each should be truthful and strive to enlist an ally for at least

one important aspect of the overall battle for adequate and sensible student aid legislation.

Writing a convincing letter to your Senators or Representatives is not difficult. These guidelines can increase the impact of your letter.

1. Write on your personal or business stationary, if possible.
2. Sign your name over the typed signature at the end of your message.
3. Write your return address on your letter, not just on the envelope.

When writing to members of Congress, the salutations Dear Senator (last name), and Dear Representative (last name) should be used.

The Senate address designations SR, SD, and SH stand for Russell, Dirksen and Hart Office Buildings respectively. For House offices, three digit office numbers are in the Cannon Building, four-digit numbers beginning with **1** are in the Longworth Building, and four digit number beginning with **2** are in the Rayburn Building. All Senate offices have the zip code 20510 and all House offices have the zip code 20515.

Letters should be addressed as shown below:

The Honorable Jane Doe
xxx Senate Office Building
Washington, D.C. 20510

The Honorable John Doe
xxx House Office Building
Washington, D.C. 20515□

All room and telephone numbers can be verified by calling the Capitol Switchboard at 202-224-3121.

Postal and e-mail addresses and phone numbers for senators are available on-line at: http://www.senate.gov/general/contact_information/senators_cfm.cfm. The same information for Representatives is at <http://www.house.gov/house/MemberWWW.html>

Except for letter to the President, whose letters should be closed with "Very respectfully yours", most letters are closed with "Sincerely yours".

Sample Letter

Date

The Honorable
United States Senate/House of Representatives
Washington DC

Dear Senator/Representative:

Congress will be considering H.R. 246 in the next two weeks. This resolution calls for major cuts in student financial aid programs. The proposal would force students to borrow more money and repay the loans at higher interest rates. The student's college choice will again become a matter of economics. Students will be forced to choose colleges they feel they can afford instead of the educational program they need. This will especially affect students who would like to attend private colleges.

At "Z" College, students would lose about \$850,000 in federal funds. This would affect about 51% of our undergraduate student body. Furthermore, the proposed elimination of in-school interest subsidy on student loans would be a financial burden, especially for students from low income families.

I appreciate your concern for education. Please make higher education funding a priority for our nation's future.

Sincerely yours,

F. A. Administrator
Director of Financial Aid
"Z" College

Style

- Write a personal letter. Avoid stereotyped phrases and sentences that give the appearance of "form" letters. They intend to identify your message as a part of an organized pressure campaign and minimize your impact. Organized letter-writing campaigns, often generated by an interest group, are considered less important by members of Congress than letters from individual constituents. Instead, write your views in your own language.
- Convince without arguing. Make your points as successfully as possible, but remember that you are not debating your Representative. You are trying to persuade him or her on your point of view.

- Be careful in the way you categorize people who disagree with you. Name-calling can distract attention from your point.
- Be reasonable. If you ask for something impossible, threaten, or say "I'll never vote for you unless...", you will not help your cause and will probably harm it.
- Be as brief as possible. Letters should be no longer than one page in length. Many issues are complex, but your opinions or arguments stand a better chance of being read if they are stated as concisely as the subject matter will permit.

Substance

- State your reason for writing. Personal expertise is your best supporting evidence. Explain how the legislation would affect you, your institution or students, or how it would affect your community or state.
- Identify the subject of your letter clearly. State the name of the legislation about which you are writing. Give the house or Senate bill numbers or the short abbreviation of the bill.
- Suggest improvements. If a bill deals with a problem that you admit exists, but you believe that the bill takes the wrong approach toward solving the problem. Explain what you think is the right approach.
- Ask your legislators to explain their positions on the issue. As a constituent, you are entitled to know how and why your members feel as they do.
- Thank you Senators and Representatives when they vote in a way that pleases you to take some other action you like. Your members will appreciate and remember complimentary letters. On the other hand, do not hesitate to communicate displeasure as well, which will also be remembered.
- Share expert knowledge with your Representatives and Senators. They cannot be extremely knowledgeable in all fields, while many constituents are experts in some of them.
- If you have met your member or have some other connection over and above that of constituent, draw attention to it in your letter.

Email

Presently, many legislators still do not fully take email seriously, but it is becoming an increasingly popular way to communicate, especially since the 9/11 anthrax scare has significantly delayed postal mail. Also, the more used to e-mail that Congress gets, the more seriously the medium will be taken.

Consider email as something to do *in addition to* calling, faxing, or visiting. Using email to contact your Representative or Senator is an efficient and quick way to communicate. Using most of the same guidelines as outlined above when letter writing will help ensure that professionalism and quality are not sacrificed at the expense of speed.

To the extent possible, try to use the format and styles for written communications identified above.

Most legislators have chosen to use web forms for their email communications. This often enables them to limit correspondence to individuals who are constituents of that congressperson.

You can also use a free online service such as the Student Aid Alliance to compose an e-mail, or even a postal letter or fax to print out, to your legislators (federal and state) and the president.

Telephone

A well-timed telephone call also can be an effective way to get your point across to a Member of Congress or a legislative staff member just before a key vote, particularly when you have already developed a personal relationship with them. Be prepared and have your facts correct before placing your call. Remember that you can often save the cost of a long distance call by expressing your views to the staff in the Member's district office. If they hear from enough people over a key issue, they will pass the information on to the Member directly.

Timing

Try to contact your Senators or Representatives regarding your position on a bill while it is still in committee. They usually will be more responsive to your views at that time, rather than later on, when the bill has already been approved by a committee. This may not, however, always be the case. Sometimes your legislator may reserve judgment, and his or he vote until constituency sentiment has crystallized.

Targeting

Concentrate communications to your own delegation. Your district's Representatives and your state's Senators cast your votes in Congress and want to know your views. Writing to all 435 Representatives and 100 Senators, who cast their votes in the interest of other districts and states, will have little effect. In particular issues, however, you may want to write to the appropriate committee and subcommittee chairmen, who influence the course of the legislation about which you are concerned.

Federal Government Switchboard 202-655-4000
(All local (DC) government departments and agencies can be contacted through this number.)

White House 202-456-14141
Website <http://www.whitehouse.gov>

LEGISLATIVE ADVOCACY FOR ASSOCIATIONS

Introduction

As a leader of your Association, you will be expected to monitor the legislative activities affect student aid issues and your constituency. Your role will encompass many elements including: knowledge of the basic position of your constituents on each major legislative issue facing the state or nation, your ability to speak for that constituent position at all levels of impact, your communications network within your organizational level, your ability to bring into force your constituent institutional support, your organization's internal communication network for receiving, analyzing, and reacting to legislative information, and your organization's ability to formulate and recommend legislative initiatives.

In order to affect these activities in a positive and effective manner, it is important for you to understand not only the specifics of the legislative process, but also how to interact with your constituency, others in the student aid technical and policy arena, and how to affect public policy on student aid.

Leadership Functions in the Advocacy Process

In terms of results, legislative advocacy is nothing more than an attempt to secure passage of a piece of legislation, or an attempt to stop the passage if the measure is considered to be undesirable. The accomplishment of that end, however, is a sensitive, intricate process at which astute association leadership strives to become skilled. Successful legislative advocacy demands that association leadership be expert in communication, personnel management and administrative organization. It demands of leadership a sensitivity in perception not only of verbal but nonverbal communication as well. Further, it requires association leadership to sort through masses of input data to glean from it the basis for an opinion that is representative of the individuals and groups originating the input.

The determination of constituency opinion is a challenging process. This is not necessarily so because of their reluctance to state their individual opinions but it becomes difficult to assimilate those individual and group opinions into a posture which you can communicate in the attempt at successful legislative action. Certainly constituency opinion may be gleaned from professional meetings, but it may also be necessary for you to establish a communications network within the association you serve. That network may consist of different media for surfacing constituency opinion, for communicating constituency opinion to legislative leaders and for communication to your constituents the actions of various legislative bodies as they deal with issue that relate to your constituency.

Coalition Building

The battle over funding student financial aid programs can be won or lost based on the amount of grassroots pressure brought to bear on Congress. While letters to and visits with Members of Congress by institutional administrators are vital, they may not be sufficient. Members are frank in saying that those programs for which they receive the most letters, calls and visits (especially from constituents) are likely to be the ones that fare best in the funding fights.

The Washington-based educational associations do their best to present to Congress the key arguments, statistics, and other information in support of student aid and postsecondary education from a national perspective. But it is the recipient—students, families and institutions—who provide the vital perspective of how the changes will affect voters in the Congressional districts and in the states. They must be educated and organized to actively address student aid issues that affect them. It is therefore, essential for you to work closely with other institutional administrators to educate students, parents, alumni, and others to organize a coordinated and comprehensive campaign supporting the Federal programs of student assistance.

The following are constituencies you should attempt to work with closely. The list is certainly not comprehensive and will vary from institution to institution.

Students: As the recipients of aid, students are the most directly affected by changes to student aid programs, and they can be one of the most effect lobby groups. Effective methods to inform and work with students are:

- Contact the campus student government and other student groups to share information and strategies. Encourage them to organize letter-writing campaigns to schedule student visits to district offices of Members of Congress, to publish open letters to all students, and to hold local hearings on student aid issues.
- Work with the campus newspaper and radio station to disseminate information. The leaders of the campus student aid organization should perhaps arrange an interview with the station.
- Send a letter from the president and/or the director of student financial aid to all students informing them of proposed changes and suggest they write to Members of Congress.
- Make certain that every student who contacts the financial aid office receives information about changes. A useful idea is to encourage aid recipients to write to their Congressman or Senator thanking them for the aid they are currently receiving or expect to receive and thanking them for their continued support of the program.

- Work through the academic departments to notify students of any changes in student aid. This can be a good method of reaching graduate students who may or may not have participated in an outreach effort of this type previously.

Faculty: Professors are becoming more active in the fight against student aid program changes and as advocates in the fight for additional aid. Faculty can be reached by working with the American Association of University Professors, the local faculty union, faculty senates, etc. Faculty can also be helpful in developing economic impact statements resulting from the loss of aid dollars.

Parents: The parents of many students continue to pay a large share of college costs and thus will be greatly affected by any changes. Parents, more than students, have been more vocal in expressing to Congress their concerns and their support of student aid. You should ensure that parents are fully informed of any changes to student aid programs from which their children may benefit. An open letter from your institutional President may be one way to emphasize this fact. It may also be useful to contact the local or state parent/teacher association chapter to reach parents of secondary school students. In a political sense, parents have a potentially great influence since they best represent the voice of the Congressman's voting district.

Alumni: Alumni potentially can be very politically effective because of their numbers and their diversity. While many of them were financial aid recipients, they may have brothers, sisters and neighbors who are now in need of assistance. They often are not informed of current details of student aid funding, therefore, you should develop a mechanism to keep the informed and report back to you're their findings on student aid issues.

Trustees: Many Trustees can be extremely effective in contacting Members of Congress because of their influential positions in the community. Many of them have personal access to Members and key decision-makers in government. Their contacts should be identified and used discreetly on key issues.

High Schools: High school students are future college students and aid recipients. They are generally poorly informed about possible changes and reductions in Federal assistance. An attempt should be made to reach these students and their parents through the local high school. Share information with the principal and other administrators, especially the college counselors. During "college nights:" for high school seniors, you or your association should have materials about the student aid programs available for distribution. Encourage the campus student government to work with the high school student council. Articles can also be placed in high school newspapers.

Local businesses: In many towns, the college is among the largest employers. The economic impact of the loss of student aid dollars (and the potential reduction in students and faculty) on local business may be significant. While the U.S. Chamber of Commerce has been supportive of the Administration's budget cuts, local chambers may be persuaded to support the college or university in seeking adequate funding of higher

education. One particular industry to contact is the banking community, because of their involvement in the student loan program.

State Officials: Often the best way to influence Congress is to have the Governor, state legislators, state education officials, mayors, city and county councilmen or other state and local officials contact them. In many states, higher education consumes the major part of the state budget and plays a major role in the state's or the locality's political and economic climate. Many presidents have close relationships with state senators and assemblymen. Brief these officials on the effects of the student aid program changes on your institution. Ask them to express concern or support to the state's Senators and Representatives.

Labor Unions: On the national level, labor unions such as the AFL-CIO have actively supported funding for education, including student assistance. Most labor union members rely on such aid to send their children to college. Contacts should be made with local and state chapters of various unions to encourage their involvement.

Media and Newspapers: Contact local media and newspapers to show them the effects of any changes proposed for student aid. Utilize the press materials that NASFAA has sent to your office, your president and/or school's public relations officer.

Local education writers are always interested in how changes in national programs will affect local schools. Supply them with local data and identify local students that they can interview or use in human interest features.

Contact local radio and television stations, and encourage them to invite someone from the school or the state Financial Aid Association to appear on talk shows. Emphasize the seriousness of the programs and accentuate the positive features of the programs and the numbers of students the programs have helped.

Other organizations: There are many other community organizations supportive of and affected by student aid: civil rights groups, women's groups, farmer's organizations, senior citizens' groups, etc.

Tips for Effective Communication with Congress

As a financial aid administrator or partner you have the ability to effect change in behalf of your students and institutions; however, the manner in which you do this may indeed impact the outcome. Practical tips are shared in an effort to increase your effectiveness in the political process. Your efforts can and do make a difference!

If you are a constituent, say so. Legislators pay much more attention to messages from constituents than from non-constituents, because only constituents can vote for (or against) them in the next election.

State in clear language the reason for your contact - and get to the point quickly - Indicate "support for or against" an issue upfront as often staffers don't get to the details but simply take counts.

Get to know the staffers - This may provide the leverage you need to make direct contact with an elected official.

Be tactful – Don't alienate the powers who will ultimately make the decisions for you, your students and your institution.

Brevity is best - It's the same premise as "Simple is More" (not to exceed one page in length where possible).

Use statistics to illustrate major points - Localize them to your campus - How will your students be impacted by a regulation or a proposed regulation?

Use anecdotal evidence to illustrate your point - One cannot underestimate the power of a flesh and blood example - Be careful, however, about privacy unless you have a signed release to mention a specific name and circumstance.

Acknowledge the efforts of the elected official - Regardless of the nature of the contact, express appreciation to the elected official for the work that's being done in behalf of students.

Retain copies of correspondence and share information - If you are responding to a NPRM or Reauthorization Task Force request, share your response with the appropriate entity (e.g., NASFAA).

Source: Adapted from the Midwest Association of Student Financial Aid Administrators

FEDERAL REGULATORY PROCESS

What Are NPRMs?

Notices of Proposed Rulemaking or NPRMs are draft policy guidelines or proposed regulations developed by the Department of Education. NPRMs are published in the Federal Register to provide the general public with an opportunity to comment on the content or impact of the proposed regulations. The length of time between the publication of an NPRM and the publication of a final rule varies, but is rarely less than 45 days.

All references to the Federal Register should be in the form: “(volume) CFR (section or page number)”; for example, 34 CFR 690 is the citation for the Pell Grant rules.

Why Should I Respond to an NPRM?

The regulatory function of the Department of Education has as significant an impact on your students and schools as the legislative role of Congress. Accordingly, it is critical to advise officials at the Department of Education on the potential impact of their policymaking activities. Communicating regularly with the Department on NPRMs and final rules is one way to guarantee that your views are known.

How Do I Respond to an NPRM?

Write to the agency official listed in the NPRM on your personal or business letterhead and sign your name above your typed signature.

- Be sure your return address and phone number are accurately recorded.
- Identify the subject matter in the opening of the letter, using the title and citation as listed in the Federal Register.
- Provide both positive and negative comments on specific sections or subsections of the regulations.
- Provide suggested modification or changes to the existing language.
- Include any charts, statistics, or examples that support your point of view or bolster your suggestions.
- Suggest that the agency official contact you for further clarification or discussion.
- Express your gratitude for the opportunity to comment.

Negotiated Rulemaking

Some sections of the Higher Education Act require that the Department of Education enter into a process known as Negotiated Rulemaking before issuing an NPRM. This is a process that involves the ED working with community representatives (usually representatives of major higher education associations, and student groups although any interested party can request to be "at the table") to come to consensus on the various regulations. If consensus is reached by all involved parties, the ED is required to publish

the NPRM with the consensus language and the community parties to the negotiation agree not to comment negatively on the NPRM during the public comment period.

If consensus cannot be reached, ED is free to promulgate whatever regulatory policies it deems appropriate and the community is free to comment negatively and encourage their constituents to do the same.

When Is the Final Rule Issued, and When Does It Become Effective?

Once the Department of Education receives and analyzes comments on an NPRM, the final rule is constructed. Changes to the NPRM may be made for the final rule based on comments submitted to the Department. This is why it is so important to clearly state what provisions you support and oppose, and why. The final rule is then published in the Federal Register.

The effective date of a final rule is determined by the Department of Education and is printed in the text of the rule when it is published in the Federal Register. The length of time between the publication of a final rule and the date it becomes effective is determined on a case-by-case basis.

Is It Possible to Change a Final Rule Once It has Been Issued?

Comments may be submitted on a final rule. However, it is unlikely for the Department of Education to make any additional modifications to a final rule that implement provisions of law. Changes may be made through additional legislation passed by Congress. Thus, when the Department produces a final rule with which you are dissatisfied, the solution is to work with your Senators and Representatives so they can pass legislation that will correct the problem.

LEGISLATIVE AND REGULATORY TERMS

Act	An act is a law passed by Congress and signed by the President.
Advance funding	Funds that are appropriated in one fiscal year for obligation and use in the following fiscal year.
Appropriation	the amount of funds Congress makes available for a program or agency in a fiscal year. An appropriation is the most common way to provide budget authority and usually follows an authorizing bill and budget ceiling period.
Authorization	Legislation that establishes or continues a federal program or agency and specifies the maximum amount of money Congress can spend for that program or agency. Authorizations generally are enacted before an appropriation or budget ceiling is enacted.
Back Door Spending	Budget authority or spending without action by the appropriations committees.
Budget authority	Budget authority is the permission granted to an agency or department to create spending committees. Generally, budget authority is not the level at which a program or agency will be funded during a fiscal year, but is merely the upper limit of spending commitments that can be made.
Comment period	The Federal Register publishes proposed regulations in a Notice of Proposed Rule Making (NPRM). In the NPRM, a designated amount of time is allowed for response to the proposed regulations before they are put into final form. This time period is referred to as the comment period.

Committee	The term committee usually refers to a committee of the House or Senate.
Concurrent Budget Resolution	A resolution passed by both house of Congress to set budget ceilings. The first concurrent resolution sets a budget target, and the second concurrent resolution revises or reaffirms the targets and sets a binding spending ceiling. The resolutions do not have to be signed by the President.
Conference Committee	Same as Joint Committee
Continuing Resolution	Legislation that extends authority and existing activities when a regular appropriations bill has not been enacted by the beginning of the fiscal year.
Controllability	The ability to limit or change spending for a program during the fiscal year without changing the program's authorizing statute. Uncontrollable generally refers to entitlement programs such as Social Security.
Current Findings	Funds that are appropriated, obligated and used in the same fiscal year.
Current Services Estimate	The cost of keeping a program and its existing funding level in the following fiscal year adjusted for inflation and other economic indicators.
Deferral	A presidential action that delays or precludes federal spending. Deferrals take effect in the fiscal year for which they are proposed, unless rejected in either the House or Senate.
Department	For the financial aid community, this usually refers to the Department of Education whose responsibility it is to carry out the laws pertaining to education.
Entitlement	Legislation mandating the payment of benefits to any person or governmental body

meeting the eligibility requirement for a fiscal year, the federal government's accounting period, which begins October 1 and ends the following September 30.

Final Regulation

These final regulations represent the guidelines which are used to implement a law passed by Congress. They are published in the Federal Register.

Floor

The floor refers to discussion and vote that takes place with the entire house or Senate.

Forward Funding

Funds that are appropriated in one fiscal year for obligation in that fiscal year and used in the following fiscal year. Most education programs are forward funded, including student aid.

Function

A classification that divides the federal budget into 19 functions or parts. Function 500, for example, includes budget allocations for education, training, employment, and social services.

H.R.

The initials "H.R." before the number designates a bill originating in the House and means "House of Representatives".

Impoundment

An action by the President to withhold money Congress has already appropriated.

Interim Final Regulation

In some cases, response from the educational community causes considerable change in the NPRM or time does not permit for the necessary comment period. Rather than publishing final regulation, the Department publishes Interim Final Regulations. This allows for the regulations to take effect and at the same time permits further response and consideration.

Joint Committee (Conference Committee)

This term refers to a committee composed of members of the house and the Senate. A joint committee is usually convened in order to work out compromises on a bill.

Mark Up	This term refers to the amending, redrafting and final drafting of a bill before it is taken to the floor.
Negotiated Rulemaking	A process whereby government agencies and affected community representatives work together to develop consensus on proposed regulatory changes.
Notice of Proposed Rulemaking (NPRM)	The NPRM is published in the Federal Register and is used to announce proposed regulations.
Obligations	Commitments of the federal government requiring spending,
Outlays	The actual amount of dollars spent for a program or agency.
Reconciliation	A process used by Congress to reconcile spending to the targets and ceilings enacted in the budget resolutions. Generally, reconciliation occurs because the second budget resolution brings spending targets and ceilings below those in the first budget resolution.
Regulation	A regulation represents the guidelines used to implement the law.
Rescission	An action that conceals appropriations not yet spent. A rescission is proposed by the President and must be approved by Congress within 45 days or the money must be released.
S.	Senate bills are designated by "S" and the assigned number. This initial identifies bills originating in the Senate.
Supplemental	Spending approved as an addition to the regular appropriation for a program or agency. Supplemental appropriation provides funding above original estimates for the program.

Unobligated Balance

The amount of budget authority not yet spent for a single year appropriate the balance is available at the end of a fiscal year, it is returned to the U.S. Treasury.

Zero-Based Budgeting

A budgeting technique that sets all funding levels to zero without considering increases or decreases from the current operating level. The federal budget process is built on incremental budgeting which sets funding levels as increases/decreases or no change from current spending.

Leadership in the 108th Congress

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Minority Whip

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Congressional Committees

Most of the research, investigation and public hearings in Congress take place in committees and subcommittees. Committees and subcommittees generally fall into one of four categories: appropriations, authorization, budget and investigation. Both the House and Senate have standing and select committees. Each committee has jurisdiction over certain subject areas, and all actions affecting that particular area of the law are referred to the committee with jurisdiction. Committees consider only a few bills from the vast number introduced. Committees frequently overlap; more than one committee can consider an issue and jurisdiction controversies can occur.

The following list includes committees that may be particularly helpful with educational issues.

House Committee on Appropriations

Majority Committee Office:

H218 Capitol
Washington, DC 20515-6015

Phone: 202-225-2771

Fax: Unlisted

Minority Committee Office

1016 Longworth House Office Bldg

202-225-3481

202-225-9476

Committee WWW Homepage:

<http://www.house.gov/appropriations/>

Subcommittees:

Subcommittee on Agriculture Rural Development Food and Drug Administration and Related Agencies

Subcommittee on Commerce Justice State and Judiciary

Subcommittee on District of Columbia

Subcommittee on Defense

Subcommittee on Energy and Water Development

Subcommittee on Foreign Operations Export Financing and Related Programs

Subcommittee on Homeland Security

Subcommittee on Interior

Subcommittee on Labor Health and Human Services and Education

Subcommittee on Legislative

Subcommittee on Military Construction

Subcommittee on Transportation Treasury Postal Service and General Government

Subcommittee on VA HUD and Independent Agencies

House Appropriations Committee Membership

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Parent Committee:

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SASFAA Legislative Delegation of 108th Congress

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05 Jim Cooper - D Email: http://www.house.gov/writerep/	1536 Longworth Website: http://cooper.house.gov	202-225-4311	615-736-5295
06 Bart Gordon - D Email: http://www.house.gov/writerep/	2368 Rayburn Website: http://www.house.gov/gordon/	202-225-4231	615-896-1986
07 Marsha Blackburn- R Email: http://www.house.gov/writerep/	509 Cannon Website: http://www.house.gov/blackburn	202-225-2811	901-382-5811
08 John Tanner - D Email: www.house.gov/tanner/email.htm	1226 Longworth Website: http://www.house.gov/tanner/	202-225-4714	901-873-5690
09 Harold Ford, Jr. - D Email: http://www.house.gov/writerep/	325 Cannon Website: http://www.house.gov/ford/	202-225-3265	901-544-4131

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<u>Senate</u>			
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George Allen - R Email: http://allen.senate.gov/email.html	204 Russell Website: http://allen.senate.gov/	202-224-4024	804-771-2221
<u>House of Representatives</u>			
01 Jo Ann Davis - R Email: http://www.house.gov/writerep/	1123 Longworth Website: http://www.house.gov/joanndavis/	202-225-4261	757-874-6687
02 Edward Schrock - R Email: http://schrock.house.gov/contact.asp	128 Cannon Website: http://schrock.house.gov/	202-225-4215	757-497-6859
03 Robert Scott - D Email: http://www.house.gov/writerep/	2464 Rayburn http://www.house.gov/scott/	202-225-8351	757-380-1000
04 J. Randy Forbes – R Email: http://www.house.gov/writerep/	2371 Rayburn Website: http://www.house.gov/forbes/	202-225-4215	757-382-0080
05 Virgil Goode, Jr. – R Email: http://www.house.gov/writerep/	1520 Longworth Website: http://www.house.gov/goode/	202-225-4711	804-295-6372
06 Bob Goodlatte – R Email: www.house.gov/writerep/	2240 Rayburn Website: http://www.house.gov/godlatte/	202-225-543`	540-857-2672
07 Eric Cantor – R Email: http://www.house.gov/writerep/	329 Cannon Website: http://cantor.house.gov/	202-225-2815	804-771-2809
08 James Moran – D Email: http://www.house.gov/moran/letstalk.htm	2239 Rayburn Website: http://www.house.gov/moran/	202-225-4376	703-971-4700
09 Rick Boucher – D Email: ninthnet@mail.house.gov	2187 Rayburn Website: http://www.house.gov/boucher/	202-225-3861	540-628-1145

10 Frank Wolf – R
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241 Cannon 202-225-5136 703-709-5800
Website: <http://www.house.gov/wolf/>

11 Thomas Davis – R
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306 Cannon 202-225-1492 703-916-9610
Website: <http://www.house.gov/tomdavis/>

Websites of Interest

United States Senate	www.senate.gov/
House of Representatives	www.house.gov/
THOMAS Legislative Information	thomas.loc.gov/
White House	www.whitehouse.gov/
Government Printing Office	www.access.gpo.gov/
General Accounting Office	www.gao.gov/
U. S. Department of Education	ed.gov/
Federal Student Aid (FSA)	www.ifap.ed.gov/
Library of Congress	www.loc.gov/
Contacting the Congress	www.visi.com/juan/congress/
Congress.org	www.congress.org/congressorg/home/
Roll Call	www.rollcall.com/

Source Material

SASFAA recognizes and thanks the following sources used to develop this guide:

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National Association of Student Financial Aid Administrators

Contacting the Congress website (<http://www.visi.com/juan/congress/>)

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Center on Budget and Policy Priorities website (<http://www.cbpp.org/3-7-03bud.htm>)

CRS Report for Congress: (<http://www.house.gov/rules/96-912.htm>)