

insights

TYPES NOT MAPPED YET October 07, 2021 | TTR not mapped yet | Christopher T. Murray

Colloquy

A formal dialogue between members of Congress regarding pending legislation.

Everybody Talks

Members of Congress have a variety of tools at their disposal for influencing legislation: among many others, they can direct money to projects in their districts, now known as [community project funding](#); they can propose legislation or amendments to pending legislation; or they can seek congressional hearings or suggest witnesses for hearings. They can also utilize discussion on the House or Senate floor to make the case for a bill and enter that discussion into the congressional record, thereby building the bill's legislative history.

What Do You Mean

A colloquy is a scripted conversation on the House or Senate floor between one or more members of Congress, oftentimes including the chair or ranking member of a committee or subcommittee of jurisdiction. Colloquies are used to debate, draw attention to, or clarify the legislative intent behind a pending provision. The latter is particularly important because legislation is often written, either intentionally or unintentionally, using vague language that, in turn, can leave federal agencies wide discretion in how to interpret the provision.

In 1964, two Senators engaged in a [colloquy](#) about the Civil Rights Act. More recently, the [House](#) and [Senate](#) conducted colloquies to clarify the intent of certain provisions related to student loan servicing by non-profit and state-based organizations in the Bipartisan Budget Act of 2013. Members, including over a dozen senators, used the colloquy to highlight the important work that these organizations do in their states.

Gotta Find My Corner of the Sky

As Congress continues to negotiate and debate President Biden's two-pronged infrastructure agenda, colloquies could be one way for members to try and wield their influence and ensure their priorities are clear to federal agencies.

The Build Back Better Act - the "human" infrastructure package that includes priorities like education, childcare, and eldercare - will need to pass through a process called [reconciliation](#), which allows for a simple majority instead of the usual 60 votes in the Senate. But legislation that goes through reconciliation is limited by the [Byrd Rule](#) in the Senate, which prevents non-budgetary measures from being included in the bill. This means that language in reconciliation bills can be intentionally vague in order to increase its chances of passing muster with the [Senate Parliamentarian](#).

Congress is thus considering allocating enormous sums of money to federal agencies using somewhat nebulous bill language. This will result in federal agencies having significant power to make decisions that will have long-lasting policy ramifications. Keep an eye out for how members try to leave their imprint on infrastructure legislation in the coming days and weeks, perhaps using a colloquy.



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