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Congress turns bill titles into acts of exaggeration

Bills once had simple names like the Civil Rights Act. No more. The new era of partisanship is producing gems like the Reducing Barack Obama's Unsustainable Deficit Act.

By Richard Simon, Los Angeles Times

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Reporting from Washington

It wasn't enough to introduce HR 145 this year. Instead, the Republican-sponsored bill became the Revoke Excessive Policies that Encroach on American Liberties Act. Or for easy reference, the REPEAL Act targeting President Obama's healthcare overhaul.

Congressional bills used to be known by succinct, nonpartisan names — say, the Homestead Act or Civil Rights Act. But these days, many lawmakers are opting for partisan stingers that, in the words of a former House historian, "poke the opposition in the eye."

This new generation of attack titles is ratcheting up the gamesmanship among lawmakers in both parties who are vying to make their bills stand out from the thousands introduced every year. Some recent examples:

The Reducing Barack Obama's Unsustainable Deficit Act (it died in the last session); the Big Oil Welfare Repeal Act (it has languished in committee); and the Reversing President Obama's Offshore Moratorium Act (it passed the Republican-run House, but even if approved by the Democratic-controlled Senate is unlikely to get you-know-who's signature).

Lawmakers have long used catchy names and acronyms for bills. Controversy over Bruce Springsteen concert ticket sales two years ago prompted the BOSS Act for Better Oversight of Secondary Sales and Accountability in Concert Ticketing. But now, the titles increasingly hammer home a political point of view.

"The fact is that everything on Capitol Hill has become incredibly polarized along partisan lines, and members of each side of the aisle try to take advantage of anything they can get their hands on to outflank their opponents," said Julian Zelizer, a congressional historian at Princeton University. "So it's logical that eventually even the name of bills would be another mechanism to stick it to the other party."

The titles can be real mouthfuls, like the Regulations from the Executive in Need of Scrutiny, or REINS, Act,

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a Republican-sponsored bill to limit the executive branch's regulatory authority. Then there's the Democratic-written Repealing Ineffective and Incomplete Abstinence-Only Program Funding Act. Neither has made it to a vote.

The trend toward partisan names would seem counterproductive because bills typically stand a better chance of passing if they attract bipartisan support.

Rep. George Miller (D-Martinez), a 36-year House veteran, complained that the partisan-named bills, like those that target the president, are "not substantive" because "they're just a vehicle for a message." Lawmakers tend to lament the lack of bipartisanship in Congress, but then "they fuel it" with bill names, he said. "It's just not helpful."

But winning approval isn't necessarily the point.

"It would not be good legislative strategy," said Art Rynearson, who retired after 27 years of drafting legislation in the Senate legislative counsel's office, "but might be good politics."

Not to mention an effective communication tool.

"If Republicans can take a silly name like the Repealing the Job-Killing Health Care Law Act and make it stick, they've helped communicate its meaning and importance to audiences they're trying to reach," said Jim Harper, the Cato Institute's director of information policy studies, whose blog WashingtonWatch.com tracks legislation.

For years, bills often were named to describe their purpose, like the 1965 Highway Beautification Act. They also were named after their sponsors — the Sarbanes-Oxley corporate reform law, for example. The popular nickname for the Immigration Reform and Control Act of 1986 was Simpson-Mazzoli.

In one celebrated 2004 episode, the House Transportation Committee staff labored to fulfill a directive from then-Chairman Don Young, an Alaska Republican, to name a bill after his wife, Lu. The result? The Transportation Equity Act: A Legacy for Users, so that its initials were TEA-LU.

In 1997, Rep. Pete Stark (D-Fremont) introduced the No Private Contracts to Be Negotiated When the Patient Is Buck Naked Act, a bill that became known as the Stark Naked Act.

The bill never went anywhere but achieved Stark's goal of calling attention to his concerns that doctors would try to get patients to agree to charges when they were in vulnerable positions in the exam room. It also won favorable publicity for Stark, almost as dear to a Washington politician as a legislative victory.

Bills must carry a number and have an official title. "It's the prerogative of the sponsor to name the legislation," though bills must conform to the "general rules of decorum," a House Rules Committee spokeswoman said. She could not recall a name ever being rejected, but no such records are kept.

It's unlikely that more ordinary names make a difference when it comes down to voting. The Democrats' name for their healthcare overhaul, the Patient Protection and Affordable Care Act, didn't help it gain any more Republican support.

But some names are designed to make it hard to oppose the bill.

After all, who could vote against the Reducing Regulatory Burdens Act? It passed the House this year.

Still, Rep. Brad Sherman (D-Sherman Oaks), who voted against it, said if he were asked its name, he would simply say: "That's the Republican Sham Reducing Regulatory Burdens Act. I retitle the bills as necessary."

Reflecting on the recent spate of embellished titles, Ray Smock, the former House historian, said the 9th Congress, which passed the Slave Trade Prohibition Act in 1807, might have missed a historic opportunity.

"Had partisan abolitionists, using today's low standards of bill-naming, put a title to the bill," he said, "it might have been called An Act to Prohibit the Dastardly and Evil Jobs-Killing Slave Trade Act."

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