



Fact Sheet

Federal Transition & Processes to Change Federal Policies

With the United States Presidential transition underway and President Trump's inauguration on January 20, 2025, this fact sheet provides background on the various processes that can be used to change or influence federal policies.

The Trump Administration has already begun releasing plans to reshape U.S. policies. Alameda County Health anticipates the proposals will impact health care access, quality, affordability, and infrastructure, public health, Medicaid/Medi-Cal, housing and homelessness, patient confidentiality and privacy protections, immigration, and other policy areas.

Outlined below are some of the processes to change federal policies. Each action has its own purpose, process, timeline, and considerations.

Executive Orders

- **Purpose:**
The President issues Executive Orders to set direction for federal agencies controlled by the President. An Executive Order is a statement of principles, roadmap, and/or directive to federal agencies on which policies, priorities, and operations should be changed or implemented. The agencies determine how to implement the order.
- **Process & Timeline:**
After an Executive Order is signed, it will be published in the [Federal Register](#). Executive Orders take effect once issued and remain in place until revoked or voided by congressional, presidential, or judicial action. Executive Orders are not legislation and do not require approval from the United States Congress. Executive Orders are subject to judicial review by the court system to make sure they are within the limits of the Constitution.
- **Considerations:**
Executive Orders do not guarantee that a new policy will be successfully implemented because the order alone might not be sufficient to achieve a policy objective. Certain policy changes may need additional resources, funding, and/or rulemaking, which would go through a separate process and will take a certain amount of time to be approved or rejected.

Legislation

- **Purpose:**
Congress, made up of two chambers -- the House of Representatives and the Senate-- introduces bills to create new laws or to amend existing laws.
- **Process & Timeline:**
To become law, a bill must successfully pass through the federal legislative process, which consists of several stages in each chamber and approval by the President.

The first hurdle for a bill introduced by a legislator is to be assigned to committee(s) hearing, where it may be blocked, amended, or moved forward. If the bill advances out of committee(s) it will head to the chamber floor for consideration (note: there are times when a bill can go straight to a floor vote without Committee consideration). If it moves off of the floor, it goes to the other chamber's



legislative process and then the chamber floor. If the bill advances out of both chambers, it will be presented to the President to sign or veto the bill. There are many opportunities for advocacy in the legislative process and high-profile bills are rarely passed as originally introduced.

The two chambers of Congress are fundamentally equal in their legislative roles and functions. However, only the House of Representatives can originate budget legislation, and only the Senate confirms presidential nominations and approves treaties. The enactment of law always requires both chambers to separately agree to the same bill in the same form before presenting it to the President. Bills that do not pass during a two-year Congress may be reintroduced in the next Congress as a new bill and must go through the federal legislative process again.

Congress has the constitutional "power of the purse" - they are responsible for authorizing and appropriating federal spending through legislation. The process typically involves passing annual appropriations bills that fund government agencies and programs, as well as other spending measures. Budget bills and reconciliation processes can often be used to pass policy proposals as well. Both chambers of Congress must agree on spending bills before they can be sent to the President to be signed into law; and the President does not have spending authority without Congress.

- **Considerations:**

The federal legislative process can be a lengthy and challenging process, and a majority of introduced bills never become law. The passage of bills could require bipartisan compromise and support, which takes time and good faith bargaining.

Rulemaking

- **Purpose:**

Federal agencies use rulemaking as a policy-making process to develop and issue regulations.

- **Process & Timeline:**

Federal rulemaking is governed by the Administrative Procedure Act and includes multiple steps for public input. Once an agency decides that a regulatory action is necessary or appropriate, it develops and typically publishes a proposed rule in the [Federal Register](#) soliciting comments from the public on the regulatory proposal. After the agency considers this public feedback and makes changes where appropriate, it publishes a final rule in the [Federal Register](#) with an effective date. In issuing a final rule, the agency must describe and respond to the public comments it received. A final rule cannot become effective until at least 30 days after publication, unless it grants an exemption, relieves a restriction, or for "good cause," which includes such things as emergencies.

- **Considerations:**

The public comment periods in rulemaking are extremely important, and it is an opportunity to provide detailed analysis of the proposed rule and share local data and impacts. Final rules can be legally challenged, and local data, impacts, and stories could be used in support of the legal action.

Federal Court System

- **Purpose:**

The federal courts hear specific types of cases including cases that deal with the constitutionality of a law under the United States Constitution, cases involving the laws and treaties of the United States



(U.S.), and disputes between two or more states or disputes between individuals or entities in two or more states.

- **Process & Timeline:**

All federal cases are first heard in a U.S. Federal District Court and are potentially moved to higher courts through the appeals process, with the U.S. Supreme Court as the highest court. The U.S. Supreme Court justices chooses which appealed cases to review from the circuit courts and State Supreme Courts. The U.S. Supreme Court's decisions on constitutional issues is virtually final; its decisions can be changed either by a new ruling of the U.S. Supreme Court or a constitutional amendment. Under the Constitution, the President appoints federal judges.

Depending on the complexity of the case, it may take a year or more to be resolved by the lower courts. Among the decision types that can be issued are injunctions, which stop the implementation of legislation or regulations. Lower court decisions may be appealed to the U.S. Courts of Appeals to determine whether the proceedings were fair, and the law was applied correctly. The U.S. Courts of Appeals may issue their final decision or send the case back to the lower court for additional proceedings. Most Courts of Appeals decisions are final; however, a party may appeal to the U.S. Supreme Court.

- **Considerations:**

There could be opportunities for organizations to join amicus curiae briefs to provide their expertise and local information for the court to consider in deciding an appeal.

Resources

Alameda County Health: health.alamedacountyca.gov

How Do Executive Orders Work? TED-Ed video: <https://www.youtube.com/watch?v=oyOf3g-PJ94>

Congressional Research Service's Report on Executive Orders and Presidential Transitions (July 30, 2024): <https://crsreports.congress.gov/product/pdf/IF/IF12724>

List of signed Executive Orders by President: <https://www.federalregister.gov/presidential-documents/executive-orders>

U.S. Congress Overview of the Legislative Process: <https://www.congress.gov/legislative-process>

Federal Register's Guide to the Rulemaking Process: https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf

Reg Map's Graphical Illustration of the Federal Rulemaking Process: <https://www.reginfo.gov/public/reginfo/Regmap/index.myjsp>

Administrative Office of the U.S. Courts' Understanding the Federal Courts: <https://www.uscourts.gov/sites/default/files/understanding-federal-courts.pdf>

Supreme Court of the United States: <https://www.supremecourt.gov/about/about.aspx>