



**Making Congress Work for You
A Grassroots Guide to Federal Advocacy**

“Any man who likes sausage or the law should never see either being made”
Otto Von Bismarck, Chancellor of Germany, 1871-1890

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Grassroots Politics Insiders and Outsiders

Programs designed to influence policy-makers through the mobilization of community support (or opposition), are commonly known as grassroots politics. There are three general methods of influencing federal policy and legislation: bringing large blocks of voters to bear, providing funding for campaigns, and providing important information about the effects of a proposed policy. Grassroots advocates have used all three methods effectively.

The opposite of grassroots advocacy is using a Washington based professional advocates (lobbyists). Sometimes grassroots organizations have ties to Washington based professionals, but in some cases they do not. There are several differences between grassroots efforts to use the three methods of influencing federal policy and legislation and those of professional advocates.

There are two key distinctions. First, professional advocates (lobbyists) are positioned to meet and discuss both policy and politics with elected officials and key federal employees or congressional staff. Professional advocates have the advantage of regular contact with public officials and key staff. Unless grassroots advocates are tied to national organizations they usually only discuss policy, that is, they cannot get involved in the politics of the issue. In the miasma that makes up activity on The Hill, being a political insider has clear advantages.

The other distinction, however, is one that works to the advantage of the grassroots advocate. Grassroots groups are not subject to most of the rules that confine professional advocates. For example, a grassroots group could conceivably erect a billboard on a highway leading into the District of Columbia that contained unkind remarks as to the ancestry and personal habits of a particular elected official. That same activity taken by a professional advocate would end a career and irreparably damage a client's cause. Grassroots advocates also have the advantage of knowing the context of federal policy and legislation based on home district or state effects, and can put a human face on those effects.

Grassroots advocacy has become so effective that some professional advocates fake grassroots movements. This process is known as Astroturfing – the name refers to the artificial grass product. Astroturfing is similar in practice to the grassroots movement, except that the lobbyists behind it hide their agenda by pretending to be individuals voicing their opinions.

It is important to remember that well executed grassroots campaigns can take liberties with the arcane and mysterious rules that would not be possible for a professional advocate. In this case, ignorance – or the perception of it – really is bliss. We don't have to play by the rules. In many cases, we can make up our own.

The Legislative Process

Basics of the Process

The process by which a bill becomes a law is very involved and highly inefficient. As a result, very few pieces of legislation ultimately become law. In fact, an average of only 5% of the 10,000 to 12,000 bills that are introduced in a Congress become law,. Because it is so hard to move an idea through the process to becoming a law most those bills that pass contain several programs and policies that are unrelated to the purpose of the named legislation. In Washington the saying is to get on the train that is leaving the station rather than wait for your own train.

The key steps to understand are as follows

- 1)** Legislation is introduced by a Representative or Senator (With the exception of federal appropriations, which by constitution must originate in the house of representatives.)
- 2)** The legislation is referred to one or more Committees and Subcommittees by the parliamentarian. Bills introduced in the House are sent to House Committees and Subcommittees, and bills introduced in the Senate are sent to Senate Committees and Subcommittees.
- 3)** The Subcommittee considers the legislation by holding special sessions where witnesses provide testimony about the legislation. These sessions are called hearings.
- 4)** The Subcommittee “marks-up” the legislation. In a “mark-up” session, the various members of the Subcommittee decide what changes they would like to make to the bill. Controversial changes are voted on.
- 5)** Once the bill has been “marked-up,” the Subcommittee prepares a report about the bill explaining why they made the changes they did, and sends the bill to the full Committee for consideration. On some occasions a Committee chairman may decide to skip the Subcommittee process and go straight to full Committee markup.
- 6)** The full Committee may or may not hold its own set of hearings.
- 7)** The full Committee also holds a “markup” session, and then sends the bill to the entire House or Senate.
- 8)** The entire House or Senate considers the legislation, and then members vote for or against passage. The complex operating rules of the Senate and House make floor action quite different in each body. Knowing the rules regarding floor action is a specialized advantage of the professional advocate.
- 9)** After the bill is passed in one body (either the House or Senate), the other body has to consider the same bill.

10) If both bodies have passed the same legislation with minor differences, they resolve those differences in a conference Committee (a special Committee formed to resolve difference in House and Senate passed bills). Conference Committees produce a conference report that contains all of the changes negotiated between the two bodies. Unlike regular legislation conference reports cannot be amended, they either pass or fail exactly as reported from conference Committee.

11) Once both bodies have passed the exact same versions of the legislation, the bill is sent to the President for signature or to be vetoed.

Making Congress Work for You

Before deciding to call, write, or visit your member of Congress to share your views on policy issues you care about, you should know very specifically what you want from your elected representatives and what you want them to do. This is called the “ask.”

In fact, asking for something specific is sometimes the only way to get a Congressional office's attention. Your goal is to make someone in the office to think about you and your issues for longer than 5 minutes -- making the "ask" helps you achieve that goal.

To make sure you're asking for something that makes sense, you need an understanding of what a Congressional Office can and cannot do for you.

What a Congressional Office Can Do For You

Your Congressional office can only help you out if you ask for something that they can actually do something about. Here's what your Representative can do

- Introduce legislation to change an existing federal law or create a new one, or cosponsor existing legislation introduced by someone else. (However, House members cannot cosponsor Senate legislation, and vice versa.)
- Vote for or against legislation being considered by the Committee he or she serves on.
- Vote for or against legislation being considered on the House or Senate floor.
- Send a letter to a federal agency about a concern you may have with a particular agency action.
- Send a letter in support of a federal grant application you have made.
- Send a letter to an influential member of Congress, such as a Committee chair or a member of the leadership, about a particular issue you may care about.
- Facilitate a meeting between you and federal agency officials to discuss an agency action you may have concerns about.
- Help answer your questions and solve your problems with individual government programs, such as Social Security and Medicaid.

- Help you find government reports and request copies of reports from various government research organizations, such as the Congressional Research Service (CRS).

Learning About Your Representatives in Congress

Once you've decided that you want to contact your Representative, your next steps are to identify the specific representative or senator you should contact and to look into his or her position on issues you care about. Make sure you can answer these questions before contacting your Congressional office. You will want to get the answers to the following questions.

Whose District Am I In Or Who Are My Senators?

Almost every American has one House Representative and two Senators. House Members represent discrete districts based on population. Senators represent entire states.

You are relevant to your Representative or Senator because you live or work in the area they represent. In fact, one of the most common questions heard in a Congressional office is "are they from the district?" A good resource is VoteSmart (<http://www.vote-smart.org/index.htm>), which allows you to identify your representatives by zip code and Senators by state.

What is my Representative's Legislative Record?

Before sending a letter, calling, or asking for a visit, know where he or she stands on your issues. Also, know what issues your member cares passionately about. Being able to present your views in terms your member understands and agrees with will help you get the most out of your interaction with the office.

The Congressional Research Service actually has a report on "How to Track Federal Legislation." Call your Congressional office and ask them to send you CRS report number 98-461C or track down your Representative's and Senators' websites through the House (<http://www.house.gov/>) and Senate (<http://www.senate.gov/>) sites.

Interest groups often rate Members of Congress regarding their support (or lack thereof) for certain issues. You can find a list of groups at <http://www.policy.com/>

What Committee/ Committees is My Representative on?

Members are assigned to Committees based on their interests, their districts (or states, in the case of the Senate), and, for the more competitive major Committees, on how long they have served (seniority). A member's ability to influence legislation depends largely upon whether he or she is a member of the Committee of jurisdiction. Again, the House and Senate sites are great resources for tracking down Committees.

The home pages of Committees, which are accessible from the main site, will give you an idea of Committee jurisdictions as well as membership.

Where Is She Or He On The Seniority Scale?

All members of Congress, both House and Senate, are ranked on a scale of seniority, based upon when they were elected to that office. If your representative is relatively new to office, the unfortunate fact is that he or she is not going to be able to move as many legislative initiatives or secure as many appropriations dollars as a more senior member might be able to do.

RollCall, the newspaper of Capitol Hill, does a ranking once a year of the seniority and influence of state delegations. The ranking is posted on their site in the Special Features section (<http://rollcall.com/features/>).

What Party Does She Or He Belong To?

Members help all constituents, not just those who are members of their political party (as some people believe). After all, your representative has been elected to represent you and your interests, regardless of your party affiliation. But it is important to know the member's party affiliation to determine if they are part of the majority or minority party in Congress.

While many members are seeking to work collaboratively and across party lines, members of the majority party still have an advantage in efforts to get legislative proposals passed. Party affiliation is available through the House and Senate sites

Some Useful Sites

The Library of Congress (<http://thomas.loc.gov/>) has a great general site with access to e-mail address, web pages, schedules, and telephone numbers for individual members and Committees. The Clerk of the House (<http://clerk.house.gov/>) has biographical, district, party, and general historical and statistical information about the House and some about the Senate as well.

Where the Action is: Learning about Congressional Staff Who's Who

A Congress person's staff is his or her lifeline to the world. They are generally very young, very energetic, and very smart. Try to work with the staff as much as you can. They will likely have more time than the member to learn about you and your issues.

District/State Staff

The District/State Scheduler schedules the member's time when he or she is in the district or state.

The Field Representative handles local policy issues and is the principal liaison between the Congressional office and local businesses, organizations, and citizens.

The District/State Office Director oversees the operations of the district or state staff and is often the point person in the district office for highly sensitive local political issues.

Washington, Dc Staff

The Staff Assistant handles the front desk duties, which include answering phones, greeting visitors, sorting mail, and coordinating tours.

The DC Scheduler/Executive Assistant schedules the Congressperson's time in Washington, DC.

Legislative Assistants (LAs) handle the bulk of the policy work in a congressional office.

The Legislative Director (LD) handles policy issues and oversees the legislative staff.

Legislative Correspondents (LCs) draft letters in response to constituents' comments and questions, also generally handle a few legislative issues.

The Press Secretary/Spokesperson/Communications Director fields all calls from the media, writes press releases, and is often the spokesperson for the office.

The Chief of Staff (CoS)/Administrative Assistant (AA) oversees the entire operation. The chief of staff may sometimes handle a few policy issues, but generally his or her time is spent managing the office

How to Ask So Congress Will Listen

The Five-Minute Rule

Keep your message to no more than five minutes, whether it's a five-minute presentation in a meeting, or five minutes worth of text that a Congressional staff person must read. Chances are you'll only have five minutes to make your point. Be prepared to do so!

The Importance Of Personal Messages

Remember that you are important to your elected officials because you are a constituent, and because you have a unique view of the effects of proposed federal policy or legislation not because you're part of a nationwide network or involved in the campaign. However, if you are part of a functioning network such as the NRA or AARP be sure to mention that. Your message should be focused on a personal level – why you find fulfillment in what you do and the real people you help. Do not spend time reciting everything you know about national trends or statistics. Statistics are useful, but only if they relate directly to what you or your program is doing in the community.

Method of Communication

Think about how you are most comfortable communicating, and what works best with your message. If it's a quick, "please vote yes on H.R. xyz" message, a phone call is probably appropriate. Longer messages about the value of particular legislation lend themselves better to faxes/emails or meetings.

Your communication is going to be filtered through a staff person, regardless of medium. The best way to make sure your message is noticed is to make a personal phone call and ask for the staff person who is handling your issue; e.g. the health staffer or the education staffer. Second best is a fax or email with your address in the subject line, which will alert the staff person that you are a constituent. Remember, Members of the House of Representatives have no duty to assist citizens who are not residents of their home district.

Overall, though, how you communicate, whether by e-mail, fax, or phone call, is less important than what you say. Work more on the CONTENT of your message, as opposed to the delivery mechanism. If possible, use anecdotes from your Representative's district.

A Few Words about Letters

Don't send them. The anthrax scare remains a factor in Congressional mail systems, and you can expect a two or three week delay in delivery.

Think about WHO should ask, based on what you know about the audience

There may be someone involved in your issue that has a good relationship with a member of Congress or their staff. Or, there may be someone who is just

generally better suited to deliver your message, for example a business person may be well-suited to speak to a more conservative member, while an activist would be better suited to a more liberal member.

Knowing your facts

Being absolutely sure of any facts you relay is vital. Members of Congress and their staff rely on the expertise of others to help them understand the ramifications or benefits of particular policy proposals. Of course, it is always OK to be unsure of the implications. Members of Congress and their staff may even be able to help you with additional research materials, such as Congressional Research Service (CRS) reports.

Being specific

The only surefire way to get someone in a Congressional office to think about you and your program for longer than five minutes is to ask them to do something specific. Meetings, phone calls, or letters that provide “updates” will be much more effective if you ask the office to become involved in some way.

Know when to change course

There’s being specific and then there’s being stubborn. If you find that your request to have the Senator or Representative make time for a meeting is hitting a brick wall, change course and ask for something else – a statement in the Congressional Record or an article in your newsletter. You may just find that getting the office involved on a smaller level yields more interest and engagement in the future.

You are the expert

In many cases, you may find that you know more about the topic at hand than the Congressional staff. This is because Congressional staff tend to be generalists. They handle a wide-range of complex subjects, from Transportation to the Environment to Foreign Affairs, and generally can't be experts in everything. That's where you come in. If they like and trust you, they will rely on your advice and knowledge.

Being patient

It takes sales people an average of 13 tries with a prospect before making a sale, and congressional offices offer a similar challenge. So be both patient and persistent.

Following Up

The sad truth is that many Congressional offices will ignore your first request for a specific action. Frankly, they have so many people asking for so many things that they want to know that you're serious about your request before spending precious staff resources. The way to demonstrate that you are serious

is to ask again. By asking again, you demonstrate that you really are serious, and you'll keep asking until you get an answer!

Tips for Grassroots Advocates

Advocacy is Always Required

Unlike in some state legislatures, bills in the U.S. Congress generally do not automatically move through the next stage in the process. For example, the fact that a bill made it through the Subcommittee does not mean that the full Committee will consider it at all. There are some exceptions, such as appropriations and budget bills, but in general advocacy is required to ensure that legislation continues to progress.

Understand When to Communicate

Communicating after the fact, or when it is simply too late to make a change is never a good idea. For example, if you are seeking a provision in an appropriation bill, September is NOT a good time to ask for that provision, as the appropriations bills must be completed by October. The appropriations cycle starts months in advance, so you need to be prepared to start months in advance. Or, if you want your member to cosponsor a particular bill, asking for his or her support after the full House or Senate has voted on the bill is not effective.

Fortunately, you can monitor legislation on the "Thomas" website, which has information on the progress of the appropriations cycle as well as all other bills that have been introduced.

Turning a bill in to law is a long, involved, inefficient process

Since only about 5% of the bills that are introduced become law in any given Congress, don't be disappointed if a bill you support does not pass. Remember that it often takes several years to move legislation through.

Moving bills are powerful

If you are very anxious to get a particular provision or amendment passed, work with your Congressional office to identify a "moving vehicle." We're not talking about a truck here; we're talking about a bill that has to be completed, such as an appropriations bill or a budget bill. Although there are rules about what can or cannot be attached to these bills, they can sometimes offer opportunities to attach your provision.

Non-controversial bills are powerful

A major portion of the bills that Congress passes are non-controversial, widely supported bills that all members feel comfortable voting for. Working with your

Congressional office to make your issue as non-controversial as possible will enhance its chances of passage. In fact, there's a special process in the House for getting these bill to the floor called the "suspension" calendar. In the Senate, they are passed under "unanimous consent"

Effective Advocacy Checklist

Confused about the process of communicating with Congress? Use this checklist to make sure you're on the right track.

Background Research

- Who are my representative and senators?
- What is their legislative record and general philosophy?
- What issues are they passionate about?
- What Committees are my representative or senators on?
- Is my representative or senator newly elected, or more senior?
- What party does my representative or senator belong to?

Message Development

- Tell a compelling story -- you have something of value to contribute!
- Know your facts
- Make your message your own
- Be positive

General Message Delivery

These tips apply to all communications – email, phone calls, faxes, and meetings.

- Decide which method of communication suits you and your purpose
- Develop a thoughtful, well-argued message
- Ask your member to take a specific action
- Ask your member to respond to the request
- Make it clear what your priorities are
- Tell your congressional office how you can be an ongoing resource
- Make your message targeted and forceful without being rude or threatening
- Tell the truth
- Be reasonable about opposing points of view
- Be prepared to answer questions about opposing arguments

Effective Meetings

- Determine whether a meeting is needed to deliver the message
- Decide where you want to meet, after looking at the congressional calendar
- Decide who you want to deliver your message (preferably someone from the district)
- Limit the number of people you bring to the meeting

- If you're in DC for a national meeting, try to coordinate with others from your state
- Fax the scheduler a meeting request, including a list of issues and attendees
- Follow-up with a phone call to the scheduler after sending a written request
- Schedule carefully to assure you will be on time, but not too early, for each meeting
- On voting days, try to schedule meetings with members before 1100 A.M.
- Be prepared to meet anywhere -- standing up in the hallway or on the run to a vote
- Be prepared to deliver your message in five minutes
- Make sure you have short, concise, and consistent information to leave behind
- Leave your information in a file folder with your organization's name on the label

Effective Written Communications

- Make your communication stand out by making it personal, thoughtful, and accurate
- Ask for a response
- Confine each written communication to one topic
- Double check office numbers, fax numbers, and e-mail addresses

Effective Phone Calls

If you want someone to think about what you're saying, ask for a response
Have the basic facts about the issue on hand

Following Up

- Send a thank you note to the staff and the member soon after a meeting
- Wait at least three weeks for a response before checking back
- Report on your meeting in a non-threatening way

More on Effective Communication with Congress

What should I do when the fate of an issue I care about rests in the hands of an elected official who doesn't represent me?

Communicate with YOUR Representative One of the first rules of being an effective advocate is to communicate with the elected officials who either represent you directly, or who represent your employees or members. In our representative democracy, those are the individuals over whom you have the most influence.

But what if another official, such as a Committee chair or member of the leadership, really holds the key to the success or failure of your issue – should

you contact them instead of or in addition to your own representatives? If it makes you feel better about the situation, go ahead. However, the truly effective advocate will find ways to turn their own elected officials into advocates for their position with their colleagues.

Think about it – who are the “constituents” of a Committee Chair, or the House or Senate Leadership? Not you. It’s really other members of the organization, i.e., Representatives and Senators. They are the ones who will wield the most influence over their colleagues. As an effective advocate, you should focus your efforts on turning your representatives into lobbyists for your cause within the institution. Ask them to write a Dear Colleague letter, have a meeting, or make a phone call. Working with your own elected official in these situations is a much better and more effective use of your time.

Elected officials are always so busy. How do I get their attention?

Congressional offices are often inundated with visiting constituents during the months of February and March. It seems like almost every Association on the planet has its annual meeting and lobby day sometime during these eight weeks. With all the people milling about Capitol Hill, it can be especially difficult during this busy time to ensure that your message rises above the fray. The same congestion often occurs in April, when the foliage is in full bloom and many schools are on school break.

One way to do so is to do your homework before going in to meet with your member of Congress. Although you may have only five minutes to deliver your message, you can make those minutes count by understanding what your member of Congress feels passionately about.

Put yourself in their shoes - you have meeting after meeting with people who are asking for this appropriation, that letter, or the other bill. You want to help them, but how can you prioritize the requests? Well, you are most likely to work on things that interest you - that are related to the issues that you feel passionately about. The effective advocate will understand what those issues are and will frame their requests in those terms as best he or she can.

Demonstrating that you've thought beyond what YOU want to what the Member of Congress is interested in is a sure way to get their attention - and often their support.

I feel uncomfortable always asking for something. Is it important that I "make the ask?"

Always Make the Ask Some people feel uncomfortable asking for something, but take it from me – Congressional offices are used to it and expect it! In fact, the only way to ensure that someone in a Congressional office thinks about you and your issue for longer than the 5 minutes that you spoke to them (or the 5 minutes it took them to read your letter) is to force them to make a decision. And the only way to force them to make a decision is to ask them for something. But it doesn’t always have to be a “big” or controversial request (cosponsoring a bill or letter, for example).

Think creatively about other things you can ask your member of Congress to do, like visiting your facility, entering a statement in the Congressional record about your organization's efforts, making a statement on the floor about a particular award you won, or writing an article for your newsletter. These efforts require that some one in the office think about you and your issues for some part of their day, to help prepare the statement, or make preparation for a meeting.

And here's a great idea -- if you are a member of an association, find out when your National WHATEVER Week occurs. This time period represents a great opportunity to ask your members to recognize your organization's efforts in a Congressional Record statement or floor speech.

How can I come across as reasonable and trustworthy?

Don't vilify your opponents -- In fact, make their case for them. At the very least, you should refrain from labeling those who disagree with you as unenlightened idiots. Try to take it one step further, and tell their side of the story. If you do so, congressional staff are more likely to believe that you have developed your position based on a careful evaluation of the facts. This is not to say that you shouldn't feel passionately about your position.

However, when you insist that the goal of the individuals on the opposite side of the issue is to drive you out of business, congressional staff may question whether the facts you have presented are colored by your intense feelings on the issue. Fairly presenting the other side's argument and then explaining why you have the stronger counter-argument is a great way to build trust, especially since the staff person you are dealing with most likely will hear from the other side.

In fact, you may even consider giving the staff person your opponent's propaganda. If you're honest about the disagreement up front, that staff person will be more likely to believe you in the long run. It leaves the impression that you have nothing to fear from the staff person knowing the other side of the story.

Shouldn't I always deal with the Washington, DC office?

Don't ignore the District / State Congressional Office. We all know that in order to be successful, advocates must build positive long-term relationships with their Representatives and Senators. One terrific means of doing so is to engage the district or state office in your issues.

Generally, district or state staff may have slightly more time to delve more into the nuances of your issues and understand better how those issues affect the Congressperson's constituents. In fact, an effective advocate can turn the district staff into a "lobbyist" for them within the Congressional organization. It's also important to know that every Representative has a "home-style" and a "DC-style."

Frankly, many Representatives are much more relaxed and receptive in their home districts. So be sure to meet with the Member and/or their staff in the district office. Or, invite the district staff to an event, a tour of your facility – any activity that will get them involved in your issues and policy concerns. Finally, associations, business groups, or other organizations might want to consider having a “District/State Lobby Day” in addition to the traditional Washington, DC lobby day. This would be a day designated for association members to meet with their federal representatives in their home offices.

What's the best way to follow up with a Congressional office?

I've noted in previous editions the importance of asking for something specific from their Congressional offices, such as cosponsoring a bill or writing a letter. The effective advocate will ask for something specific and then follow-up to see what happened. Frankly, some Congressional offices will ignore your first request. It isn't until you ask again that they realize you are serious.

By following-up, you demonstrate that you really care enough about the issue to keep track of it for a while – and, more importantly, to keep track of what your elected officials are doing about it. Your follow-up should occur two to three weeks after the initial request was placed.

Another important follow-up technique is to send a thank you letter to both the elected official and the staff after a meeting, and be sure to mention how helpful the staff was in the letter you write to the elected official – that will ensure that you will be well received next time you stop by.

Finally, be sure any reporting you do about your interaction with a Congressional office is very diplomatic. Harsh words invariably get back to the office making them much less likely to want to deal with you in the future. (Adapted from “Government by the People How to Communicate with Congress”, by Stephanie Vance)

How do I set up a good site visit?

Whether you're located “beyond the beltway” or just work with people out there in the real world, there are a number of steps you can take to make site visits as effective as possible. Before making the invitation, here are a few steps to make sure your invitation is well received

Decide Who to Invite

There are a number of factors involved in this decision. Is this a visit for staff? Members? House members? Senators? A combination?

Sketch Out a Plan

One way to make the invitation as enticing as possible is to be specific about what the elected official can hope to gain from the experience. Dealing with Logistics – What do you need to worry about? The short answer is “everything.”

Transportation

How will the elected official get to and from the event? Time How much time can the member commit to the event? Do not try to cram too much into a short visit. Make sure you hit the highlights.

Weather

Obviously, you can't control the weather, but you can be prepared for all possibilities. Make sure you have enough umbrellas, bug spray, or whatever you'll need to make the visit pleasant for everyone.

Attendance

Think carefully about who you want from your program to attend the visit, while keeping the total number of people to no more than five.

*Practitioners Members of Congress enjoy speaking with the people who perform the day-to-day tasks of a program.

*Beneficiaries “Real people” who benefit from your program and can speak with conviction and enthusiasm about your services will always impress visitors.

*Funders/Supporters Having those who have invested in your good works or who are leaders in the community present at the visit demonstrates support you enjoy.

Recording The Event & When To Bring In The Media

You want to be sure to capture this auspicious occasion. Some aspects to consider include

*Photographer Consider hiring a photographer or have someone on your staff designated to take pictures for use in a newsletter or on a website.

*Note taker Although you don't want someone writing down every word out of the member's mouth, do assign someone the task of preparing a written report after the visit. Consider inviting the media – but only after talking to the Congressional office!

How Can I Learn About And Participate In Congressional Hearings?

Being selected to testify

The staff and Members of the various Committees determine who they would like to have as witnesses. Both the majority and the minority are afforded the opportunity to select witnesses, who are chosen based on a variety of factors including expertise in a particular area; connections to members of the Committee; and, political considerations (i.e., they will strongly make one side or the other's point). Check out a hearing on CSPAN if you are interested in learning more about how they go. If you are interested in testifying at a particular hearing, start with one of three routes

- (1) calling the Committee staff and letting them know of your expertise and interest;
- (2) asking your own Representative or Senator to approach the Committee on your behalf; or,
- (3) letting the Association you work with know that you are interested in acting as a witness, should that Association ever be approached by Committee staff.

Also, some Committees accept written statements from the public, which are then included in the hearing record. Your written statement should include a succinct explanation of your position, details on how the proposed legislation will help or hurt your industry or interest group, a clear statement of support or opposition, recommendations for improvements or changes to the legislative proposal and background on your own expertise in the area.

If you are a member of an Association, they can usually help you put together a strong statement. In addition, your written statement should include a cover sheet with the name of the Committee/Subcommittee, the date of the hearing, and the topic of the hearing, along with your name, title, organization and city.

Presenting your oral testimony

Prepare 5 minutes of talking points based upon your written testimony, and practice, practice, practice. Do not read your written statement – the purpose of your oral testimony is to quickly make the strongest points. If you are insightful, and, most important, not boring, in your oral statement, the members and staff are more likely to turn to your written statement for further information.

In addition, be as flexible as possible so that you can avoid repeating what other witnesses have said, or add points that relate to the questions of previous members.

Remember to thank the Committee / Subcommittee members and staff for asking you to participate.

What to Expect

Committee Members are usually on two or three Committees, all of which meet on Tuesday, Wednesday and Thursday so they rarely attend all the hearings their Committees hold, nor do they stay their entire time for hearings they do attend. You will often find that members are distracted during your testimony they may be speaking with other members and/or staff, reading correspondence, taking notes, or reading the newspaper. Although this may seem very rude, do not take it personally. The fact that the policy maker has even shown up at the hearing demonstrates an interest in the issue. Unfortunately, due to their busy schedules, members often find that they are multi-tasking all day long.

Going the Extra Mile

Ask your member of Congress to introduce you to the Committee. This demonstrates a degree of interest on the part of your member that may impress the Committee. Also, you might want to consider asking members who are friendly to your position if they would be willing to ask you some “softball” questions at the hearing.

Following Up

Members may ask you questions that you aren’t able to answer right away. In these cases you may be asked to answer those questions “for the record,” in other words, you will send a written response. Be sure to answer these questions promptly and thoroughly, as they will be included in the record.

Some Useful Terms and Definitions

Bill or Legislation

Every change in law or new law that a particular member wants to propose is offered in a written form called a bill. This is a specific written document that dictates exactly what provisions of law would need to be changed in order to make the policy change that is being sought. When the bill is introduced, it is given a number and assigned to a specific Committee for debate and approval. Usually, far more bills are introduced than laws enacted. For example in the 104th Congress, 6,808 bills were introduced in the House and Senate and only 333 new laws enacted. Bills that start with “H.R.” or “S” (H.R 123 or S 123, for example) are proposals that would make an actual change in law and must be voted upon by both the House and the Senate and signed by the President before being enacted.

Concurrent Resolutions

Concurrent Resolutions are introduced in either the House or the Senate and start with “HConRes” or “SConRes.” These resolutions must be passed by both the House and Senate, but do not have the force of law, so they do not have to be signed by the President. In general, they deal with internal congressional

issues, like the timing for an adjournment, or expressing congressional opinion on various policy matters.

Chairman

The member who leads a Committee. This person is always a member of the majority party. Both full Committees and Subcommittees have chairmen. Chairmen, working with the party leadership, determine what bills they will consider. They cannot consider all the bills that are introduced in a given session.

“Christmas Tree Bill”

Informal nomenclature for a bill on the Senate floor that attracts many, often unrelated, floor amendments. The amendments which adorn the bill may provide special benefits to various groups or interests but are included to ensure affirmative votes.

A “Congress” vs. the U.S. Congress

Every two-year period for which representatives are elected to serve is numbered and referred to as a “Congress.” For example, the two-year period from 1997 to 1998 was the 105th Congress. Members who were elected or reelected in November 1996 served during this time. Likewise, the two-year period from 1995 to 1996 was the 104th Congress. These designations apply to both the House and Senate even though not all individual senators are up for reelection every two-years. The entire organization is called the U.S. Congress.

Cosponsor

Once one member introduces a bill, other members may show their support by putting their names on the bill as a cosponsor. In general, a bill’s sponsor wants as many cosponsors for the bill as possible to give the bill a greatly likelihood of being passed.

Continuing Resolution/Continuing Appropriation

Legislation in the form of a joint resolution of Congress, when the new fiscal year is about to begin or has begun without a budget. This legislation provides budget authority for Federal agencies and programs to continue in operation until the regular appropriations are enacted.

Dear Colleague Letter

A mass-produced letter sent by one member to all fellow members. "Dear Colleagues" usually describe a new bill and ask for cosponsors or ask for a member's vote on an issue.

Federal Register

A daily publication of the Federal Government that includes official transactions of the US Congress, as well as all federal agencies such as CMS.

Floor or Chamber

Literally, the place where members of the House or Senate come together to debate bills. When a bill is “on the floor” it means that the bill is being actively considered, or debated, by the House or Senate membership. When a bill is “sent to the floor” it means that the bill will be considered by the members.

Germane Amendment Rule

A fundamental rule of Congress is that debate and amendments must pertain to the same subject as the matter under consideration. The rule is not self-enforcing. A legislator must raise a timely point of order against the amendment to raise the issue.

Joint Resolutions

Proposals that start with “HJRes” or “SJRes” are joint resolutions that also must be voted upon by the House and the Senate and signed by the President. The only difference between bills and joint resolutions is that the latter are usually focused on one specific policy question, or are constitutional amendments.

Party Leadership or Leadership

Each party, whether the minority or the majority, has a small cadre of members who have been elected by their colleagues to assume responsibility for leading the party. These members are generally very powerful, especially the majority leadership, because they set the agenda and decide which bills (see below) will be considered by the entire House or Senate membership.

Some of the positions in the leadership are House Speaker (the head of the majority party); Minority Leader (the head of the minority party); Majority Leader (second to the Speaker in the majority party); Majority and Minority Whips (focused on “whipping” the membership or convincing them to support the party agenda during votes).

Senate President of the Senate (under the Constitution, this office is held by the Vice President); President Pro Tempore (a senator designated by the president of the Senate to act in his or her place); Majority Leader (leads the majority party in the Senate); Minority Leader (leads the minority party in the Senate).

Session

Each Congress is divided into two one-year periods called sessions. The first year of a Congress is the first session and the second year of a Congress in the second session.