

The Layman's Guide to Understanding Congress

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Introduction

Congress, which has the primary constitutional authority to make federal laws and fund government programs, remains a vital center of power in our national government. The U.S. Constitution designates special roles for the House of Representatives and Senate, respectively. The House is endowed with the power of the purse (raising and expending revenue), while the Senate has the authority to confirm federal judges and senior executive branch officials. The Senate also is empowered to approve treaties with foreign nations undertaken by the executive branch. In the U.S. system of checks and balances, one of the most important tasks of Congress is oversight. Congress also has the responsibility of reviewing the performance of executive branch agencies and departments to ensure that laws and regulations are properly administered and to safeguard against the abuse of administrative power.

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How a Bill Becomes Law

Understanding Congress, and the roles it undertakes, is easier if one examines how a bill becomes law. Bills must work their way through a legislative track so strewn with obstacles that few ever make it to the finish line. Roughly 6 to 10 percent of all bills introduced during any given two-year term of Congress are enacted. It is extremely difficult to create a law, because at any given step along the way a “nay” decision can stop the passage of the bill in its tracks (figure 1).

Introduction of Legislation

Legislation can be introduced only by a Member of Congress. With the exception of tax bills, which must originate in the House, a bill may be introduced in either the House or the Senate. The lawmaker who introduces the bill is the sponsor. Savvy lawmakers try to build early support for the measure by signing up as many co-sponsors as possible. There are four types of legislation: *bills*, *resolutions*, *joint resolutions*, and *concurrent resolutions*.

Bill: Most legislation before Congress is in bill form. A new measure is designated “H. R.” for the House of Representatives or “S.” for the Senate, depending on where it originates, followed by an assigned number reflecting the order in which the bill is introduced during any given two-year congressional term. *Public bills* deal with general questions and become public laws if approved by Congress and signed by the president. *Private bills* deal with individual matters such as claims against the government, immigration and naturalization cases, and land titles. They become private laws if approved and signed.

Resolution: A simple resolution, designated “H. Res.” or “S.

Res.,” deals with matters entirely within the prerogatives of one house. It requires neither passage by the other chamber nor the president’s signature and does not have the force of law.

Joint Resolution: A joint resolution, designated “H. J. Res.” or “S. J. Res.,” requires the approval of both houses and the president’s signature and has the force of law. There is no significant difference between a bill and a joint resolution. The latter generally deals with limited matters, such as a single appropriation for a specific purpose. Joint resolutions are also used to propose constitutional amendments, which do not require the president’s signature, but must be ratified by three-fourths of the states to become part of the U.S. Constitution.

Concurrent Resolution: A concurrent resolution, which is designated “H. Con. Res.” or “S. Con. Res.,” must be passed by both houses but does not require the president’s signature and does not have the force of law. This type of legislation typically is used to make or amend rules applicable to both houses or to express their joint sentiment.

Committee Actions

The Parliamentarian in each chamber, who works on behalf of the Speaker of the House or the Senate Majority Leader, refers a bill to the appropriate standing committee. About 80 percent of the time, the rules are clear about which committee has jurisdiction to consider a piece of legislation. Revenue bills, for example, go automatically to the Ways and Means Committee in the House, and the Finance Committee in the Senate. Committee chairs will typically pass a bill on to the appropriate subcommittee for hearings and review.

Many bills die at this stage, when either the subcommittee or the full committee declines to consider it further. Hearings are

generally held and testimony taken at both the subcommittee and full committee levels from individuals or groups who support or oppose the measure. The subcommittee can either kill the bill or forward it as rewritten by the subcommittee members and committee staff.

The rewriting of the bill is called the *markup*. This is usually a very intense period of negotiation, aimed at creating a bill that will muster majority support in the full committee and on the floor of the House and the Senate, and gain the support of the president. Staff plays a central role in the markup process. Lawmakers and their staffs usually are in contact with relevant interest groups and executive branch officials to help with rewriting the bill.

The subcommittee reports its action to the full committee. The committee chair, in consultation with other important committee members, may choose to hold hearings and markup sessions, may decide to table (kill) the bill outright, or may simply accept the action of the subcommittee. The subcommittee chairs usually work in collaboration with the full committee chair to move legislation from the committees to the House or Senate floor.

Floor Actions

If a bill is favorably reported from the committee, congressional leaders schedule debate on the floor of the House and/or Senate. In the House, a bill must first go to the Rules Committee for a directive under whose terms a bill will be considered. This rule will specify conditions such as the amount of time for debate and the number of amendments allowed, if any. The Rules Committee may choose not to issue a rule at all, which effectively kills the bill; alternatively, it can grant a *closed rule*, which allows only an up or down vote without amendments. Floor debate in the Senate, where rules do not limit debate, is much more freewheeling than in the House.

After floor debate, the entire membership of the chamber votes on the bill, either as reported by the committee or—as is more

often the case—after amendments have been added. If the bill is passed, it then goes through the same process in the other chamber (or awaits action by the other chamber if it was introduced there at the same time).

Conference Actions

Even if the bill makes it through both houses, its voyage is not yet complete. Bills passed by the House and Senate are almost always different from one another, sometimes in minor ways and sometimes in quite substantial ways. Before going to the president, conflicting versions of the bill must be rewritten so that a single version passes both chambers of Congress. This compromise bill is produced by a conference committee made up of members of both houses of Congress. It must then be voted up or down on the floors of both chambers; no amendments or further changes are allowed. If, and only if, the bill passes both chambers, is it then sent to the president for consideration.

Presidential Actions

The president's constitutional role in lawmaking creates a need for constant consultation between the president and his or her advisors and Congress throughout the legislative process. If the president approves and signs the bill, it becomes a law. If the president does not approve of the bill but does not want to block it, he or she does nothing, and it becomes law in 10 days if Congress is in session. The president can also veto the bill and return it to Congress. A vetoed bill can still become law by a two-thirds vote in each house, which overrides a presidential veto. A president can also kill a bill if he or she takes no action and Congress adjourns before the 10 days have elapsed. This is called a *pocket veto*.

Who Sets the Congressional Agenda?

The congressional agenda is the result of many diverse influences on the legislature. Other branches of government constantly attempt to influence Congress in the hope of shaping the agenda to increase their budgets and staffs and to have their issues or purposes ranked as priorities.

The president and the executive office also have a role in shaping the legislative agenda. Much of what Congress does by way of lawmaking is in response to the president's legislative program, usually presented by him during the annual State of the Union address to the nation and reflected in the federal budget he submits to Congress.

The congressional agenda is also swayed by the many groups and individuals who shape the U.S. political environment. Interest groups and lobbyists now play an important role in defining the issues before the House and Senate. A legislator must constantly balance the needs and demands of interest groups, his or her constituents, and the interests of the nation.

An increasingly significant factor in shaping the congressional agenda is the media. Especially in the second half of the last century, the media have had a very strong influence on candidate selection and determining which issues become priorities of the legislative branch.

Congressional Committees

Although the U.S. Constitution does not require the establishment of congressional committees, the House and Senate have traditionally formed committees to review and develop expertise on public policy issues. Members of Congress are assigned to committees based on seniority, regional importance, individual preferences, and other political considerations.

Most of the work of Congress takes place in the many Senate and House committees and subcommittees. Committees serve several useful purposes. They allow Congress to efficiently process its huge flow of business. The committee serves as a screening device, allowing only a small percentage of bills to take up the time of each chamber. The committee structure allows specialization, because the lawmakers and their staff have developed the expertise to handle complex issues and to work with executive branch experts on equal terms. The committee is also the key place for interest groups to have their concerns about policy addressed.

Congress is an institution in which power and position are highly valued. The spirit of seniority remains important in political life, affecting everything from committee chair assignments to the deference shown to legislators on the floor, the assignment of office space, and even invitations to events. Few aspects of congressional life are unaffected by seniority, which influences not only the selection of committee and subcommittee chairs but also the assignment of members to committees.

Members of Congress use their committee positions to benefit their constituencies in their district or state. They try to get committee assignments that will work to the advantage of their respective constituencies.

Jurisdiction and Membership

The House and Senate develop their own rules, including establishing jurisdiction for each of the committees. Once a bill is introduced, the Parliamentarian, who works on behalf of the Speaker of the House or Senate Majority Leader, refers the bill to a committee or committees for consideration based on established rules. Although bills often deal with subjects that several committees might consider, they are usually referred to a single committee for action.

Jurisdictional battles among committees frequently occur on all types of legislation. In 1975, the House instituted a *multi-referral* procedure under which bills and resolutions may be processed by two or more committees. Four types of multi-referrals are available to the Speaker of the House:

- ***Joint:*** The vast majority of legislation is referred under this classification; it simply means that a measure is simultaneously referred to two or more committees.
- ***Split:*** This is a rare classification indicating that different titles or sections of a bill are referred to two or more committees.
- ***Sequential:*** When this referral is used, a measure that is reported by a committee is sent to one or more additional committees.
- ***Single:*** A bill is referred to a single committee.

About one-third of all legislative measures are processed under one of the three multi-referral options.

The rules package adopted for the 104th Congress prohibits the Speaker of the House from simultaneously sending a bill to more than one committee for consideration. As a bill is introduced, the Speaker, through the Parliamentarian, must designate a committee of primary jurisdiction. The Speaker can then refer parts of the bill

to separate committees—or refer it sequentially after it has been reported by the primary committee.

The rules also prohibit members from serving on more than two standing committees and four subcommittees, except that committee chairs and ranking minority members are allowed to serve as *ex officio* members of all subcommittees of their committees. The Speaker may serve no more than four terms. Subcommittee and committee chairs may hold their positions for no more than three terms.

New rules are often established when a new Congress reconvenes every two years. With a change in power between parties, the rules are often rewritten to reflect the priorities of the majority party.

Standing (Permanent) Committees

Congress has set up different types of committees. The most common committees are permanent units established by the rules of each chamber of Congress. They continue from one session to the next, although each chamber may choose to augment or decrease their number from time to time. Organized along policy lines, they are the real workhorses of the legislature.

Current rules limit the number of House subcommittees. Committees may have no more than five subcommittees, except for Appropriations, which may have up to 13; Government Reform and Oversight, which may have up to 7; and Transportation and Infrastructure, which may have up to 6.

House of Representatives Standing Committees	Senate Standing Committees
Agriculture	Agriculture, Nutrition, and Forestry
Appropriations	Appropriations
Armed Services	Armed Services
Budget	Banking, Housing, and Urban Affairs
Education and Labor	Budget
Energy and Commerce	Commerce, Science, and Transportation
Financial Services	Energy and Natural Resources
Foreign Affairs	Environment and Public Works
Homeland Security	Finance
House Administration	Foreign Relations
Judiciary	Health, Education, Labor and Pensions
Natural Resources	Homeland Security and Governmental Affairs
Oversight and Government Reform	Indian Affairs
Rules	Judiciary
Science and Technology	Rules and Administration
Small Business	Small Business and Entrepreneurship
Standards of Official Conduct	Veterans' Affairs
Transportation and Infrastructure	
Veterans' Affairs	
Ways and Means	

Select Committees

Select committees are bodies with limited roles created by House or Senate resolution to undertake a particular task, such as an investigation or study. Once the committee has made its report to the chamber, it is disbanded. Members are usually appointed by the presiding officer. Although they resemble standing committees,

and sometimes are transformed into them, they are rarely empowered to originate legislation.

Although Select Committees are supposed to be in effect for a limited time, Congress can make a select committee permanent.

House of Representatives Select Committees	Senate Select Committees
Intelligence	Aging
	Ethics
	Intelligence

Joint Committees

Formed by concurrent resolution or legislative act, joint committee names are derived from the nature of their membership, because they are made up of legislators from each house. There are three principal subtypes:

- ***Joint conference:*** Has the temporary status of a select committee.
- ***Joint select:*** Generally charged with very minor administrative functions.
- ***Joint standing:*** Used to coordinate legislative activity between the chambers.

Joint Committees in Congress
Joint Economic Committee
Joint Committee on the Library
Joint Committee on Printing
Joint Committee on Taxation

Joint Conference Committees

A bill or resolution cannot be transmitted to the executive unless it has passed both houses in identical form. Because of the different constituencies represented in each chamber, the House and Senate often pass legislation with major differences. A conference committee is used to resolve differences between the House and Senate versions of legislation passed separately by each chamber. Each chamber assigns conferees to represent the House or Senate position during conference. Often, the conferees are selected from the committees of jurisdiction. Preeminent examples of committee power, joint conference committees hold the key to the fate of many legislative proposals and are a last resort for the unsatisfied. If a member or interest cannot get what it seeks in the conference committee, there is no other place to go.

Subcommittees

The most noteworthy development in committee organization and management has been the vigorous growth of subcommittees. In 1946 there were 180 subcommittees of all kinds in Congress. By the 1980s the total had grown to about 250. Today, the typical senator serves on seven subcommittees, and the typical representative on four. Although the proliferation of subcommittees has created major legislative coordination problems, this development has been a boon for individual members and serves as a disseminator of power in the legislative branch. A crucial question concerning congressional subcommittees is their power vis-a-vis full committees and chambers.

Caucuses

The caucus is another instrument lawmakers use as they attempt to achieve cohesion in a legislative environment that favors decentralization and fragmentation. A caucus is a group formed by lawmakers who share a particular set of policy interests that are not otherwise recognized in the formal organization of the House or Senate. These organizations are not recognized in congressional rules, nor do they receive appropriated funds with which to run their affairs. They are both numerous and influential in the legislative process. They serve as the basis for the creation of political coalitions that cross committee, party, ethnic, racial, regional, and chamber boundaries. (For a list of congressional caucuses, see Attachment 1.)

Congressional Staff

The size and influence of congressional staff—what some refer to as the “shadow government”—have grown enormously over the past 30 years. Roughly 20,000 people, three times the number in 1970, now work directly for Members of Congress. The increase in staff sizes in congressional offices is tied to the interests of each lawmaker and to the needs of the institution as a whole.

Staffers help Members of Congress keep in touch with and serve their constituencies. Because staff are assigned to work on specific issues (for example, defense, education, labor, veterans issues), they can develop expertise in certain areas. Having staff with special knowledge in specific areas allows a member to draw on this expertise when interacting with the executive branch and when formulating policy.

In the House, each representative has about 18 personal staff members; in the Senate, each senator has approximately 35. Each member may use the staff as he or she wishes. In general, about

half of staff time is devoted to constituency service and the other half to legislative activities. Congress has also enhanced its expertise by creating and staffing a range of specialized agencies that serve Congress as a whole: the Congressional Budget Office, the Library of Congress, the Office of Technology Assessment, and the General Accounting Office. When an important piece of legislation comes before Congress (for example, the defense budget), lawmakers need not depend on the information and studies provided by the executive branch—in this case, the Pentagon, the secretaries of the Air Force, Army, and Navy, and the Office of Management and Budget—but can call on its own Joint Budget Committee, the Library of Congress, and the Office of Technology Assessment for an independent evaluation.

Beyond the personal staff of each Member of Congress, the chair of each committee is also provided a budget to hire staff who serve the committee. Often these “committee staffers” have more expertise on a particular subject than those in the member’s personal offices. Additionally, the leaders of each chamber also have “leadership staff” beyond those in their personal offices.

Lawmakers have placed some legislative power into the hands of unelected personal, committee, and institutional staff. This transfer of power has evolved by their allowing staff to draft legislation, to negotiate legislative details, to guide questioning at hearings, to deal with interest groups, and to reach agreements with executive branch officials. On the other hand, no staff member has job tenure; none is a member of the civil service; and all can be fired if they do not adhere closely to the needs and the interests of the individual Members of Congress, or of Congress as an institution.

Commonly Used Staff Titles

Although Members of Congress can organize staff as they wish, there are functional assignments that are very common. Many congressional offices have staff members with these titles:

- *Administrative assistant or chief of staff:* This person reports directly to the Member of Congress. She or he usually has overall responsibility for evaluating the political outcome of various legislative proposals and for handling constituent requests. This position is also in charge of overall office operations, including the assignment of work and the supervision of key staff, and management of the office budget.
- *Legislative director:* Also known as the LD, this person is responsible for managing the member's legislative policy as well as directly overseeing the work of legislative assistants and legislative correspondents.
- *Senior legislative assistant, legislative assistant, or legislative correspondent:* This person monitors the legislative schedule, responds to constituent inquiries, and makes recommendations on legislative issues. In some congressional offices, there are several legislative assistants, and responsibilities are assigned to staff with expertise in specific areas.
- *Press secretary or communications director:* The press secretary's responsibility is to build and maintain open and effective lines of communication between the member and his or her constituency, the media, and the public. The press secretary is expected to be familiar with the benefits, demands, and special requirements of both print and electronic media, and how to promote the member's views or positions on specific issues most effectively.
- *Appointments secretary, personal secretary, office manager, executive assistant, or scheduler:* This individual is usually responsible for allocating a member's time

among the many demands that arise from congressional responsibilities, staff requirements, and constituents' requests. This staff member may also be responsible for arranging the member's travel, speaking engagements, and visits to the home district.

- *District director:* This person is responsible for activities within the Member of Congress's district or state. Often the district director interfaces with constituencies in the district or state while the member is in Washington, D.C.
- *Caseworker:* The caseworker is the staff member usually assigned to help respond to constituents' requests. Most caseworkers are located in the district office of each Member of Congress. The caseworker's responsibilities may also include helping to resolve constituents' problems with federal agencies.

Tips for a Successful Congressional Visit

Meeting with a Member of Congress or congressional staff is a very effective way to convey your message about a specific legislative issue. Below are some suggestions to consider in planning a visit to a congressional office.

Be clear. Be unambiguous about what you want to achieve. Determine in advance which Member of Congress, staff person, or committee staff member you need to meet with to achieve your purpose.

Be expected. Before attempting to meet with a Member of Congress, contact his or her appointment scheduler. Explain your purpose and the subject you are interested in discussing. It is easier for congressional staff to arrange a meeting if they know what you wish to discuss and what your relationship is to the area or interests represented by the member.

Scheduling your appointment around the member's schedule will often increase your chances of actually meeting with the member, as opposed to meeting with one of the staff. As a rule, Members of Congress are in Washington on Tuesdays through Thursdays; in general, most members are in their districts when the Senate and House recess.

Be prompt, and be patient. When it is time to meet with a Member of Congress, be punctual and patient. It is not uncommon for a member to be late, or to have a meeting interrupted, because of a crowded schedule. If interruptions do occur, be flexible. When possible, continue your meeting with a member of the staff.

Be prepared. Whenever possible, bring to the meeting information and materials supporting your position. Legislative fact sheets on a particular bill and information sheets on specific issues are often

made available by organizations and associations interested in an issue. Members of Congress are required to take positions on many different issues. In some instances, a member may lack important details about the pros and cons of a particular matter. It can therefore be helpful to bring along information and examples that demonstrate clearly the impact or benefits associated with a particular issue or piece of legislation.

Be political. Members of Congress want to further the best interests of their district or state. Wherever possible, demonstrate the connection between what you are requesting and the interests of the member's constituency. If possible, describe for the member how you or your organization can be of assistance to him or her. Where it is appropriate, remember to ask for a commitment.

Be responsive. Be prepared to answer questions or provide additional information. If you do not know the answer to a question, don't guess—acknowledge that you are unsure and will get the information. Following up after the meeting with the correct answer demonstrates your credibility and also allows you to make another contact with the Member of Congress. Follow up the meeting with a thank-you letter that reiterates the points covered during the meeting, and send along any additional information and material that was requested or is relevant.

Maintain contact. After you have had the opportunity to meet with your representative or senator, don't lose contact. Cultivate the relationship. Maintaining a good relationship helps ensure that your lawmakers are responsive to you and your organization.

Writing to a Member of Congress

The letter is the most popular choice of communication with a congressional office. The following list of helpful suggestions should be taken into consideration when writing to a member's office.

- Your purpose for writing should be stated in the first paragraph of the letter. If your letter is in reference to a particular piece of legislation, identify it accordingly (for example, H. R. 00 or S. 00).
- Be courteous, to the point, and include key information, using examples to support your position.
- Address only one issue in each letter, and try to keep the letter to one page.

Addressing Correspondence

To a Senator

The Honorable _____
U.S. Senate
Washington, DC 20510

Dear Congressman/woman____

To a Representative

The Honorable _____
U.S. House of Representatives
Washington, DC 20515

Dear Senator_____

When writing to the chair of a committee or subcommittee or to the Speaker of the House, it is proper to address him or her as "Dear Chairman," "Madam Chairwoman," or "Dear Speaker."

Summary of the Lobbying Disclosure Laws

On September 14, 2007, the president signed into law the Honest Leadership and Open Government Act (P.L. 110-81), which amended the Lobbying Disclosure Act of 1995 (P.L. 104-65). The Act also amends the Foreign Agents Registration Act of 1938 (also known as FARA; 22 USC 611 et seq.).

Description of the Law

In general, the Lobbying Disclosure Laws establish broad requirements that individuals and entities who seek to influence the Federal government must register with the Secretary of the Senate and the Clerk of the House of Representatives, and disclose their clients, issues, fees, and interests of foreign entities. All registrations and reports filed under the law are public records. The key provisions of the law are summarized below; however, lobbyists, their employers, clients, and other interested persons should always consult the full text of the new law.

Registration

The act requires registration of 1) lobbying firms that employ lobbyists for clients; and 2) organizations that employ in-house lobbyists. Registration with both the Secretary of the Senate and the Clerk of the House of Representatives is required no later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to do so, whichever is earlier. Lobbying firms must file separate registrations for each client, subject to limited exceptions.

Instructions are available from the House Legislative Resource Center and the Senate Office of Public Records.

Reports

Lobbying firms are required to file quarterly reports of income, and organizations employing in-house lobbyists are required to file

quarterly reports of expenditures. Lobby reports must be filed within 20 days of the end of a quarter (i.e., April 20, July 20, October 20, January 20). Lobbying firms must file separate reports for each client. The report must also disclose whether a client is a state or local government or a department, agency, or other instrumentality controlled by a state or local government. All reports must be filed electronically with the Clerk of the House and the Secretary of the Senate and made publicly available. Lobbyists are required to disclose previous employment in the executive branch or congressional offices that occurred within 20 years of when the lobbyist first lobbied for the client.

The legislation requires the disclosure of the name of any organization or business that contributes to a coalition or association more than \$5,000 in the quarterly period for lobbying activities and actively participates in the planning, supervision, or control of such lobbying activities. No disclosure is required if the organization or business is listed on the coalition's or association's "publicly available" Internet Web site as being a member or contributor, *unless* the organization or business in whole or major part plans, supervises, or controls the lobbying activities.

Agents of foreign principals must now file FARA reports electronically. All reports must be made publicly available by the attorney general.

Main Definitions

A *lobbyist* is an individual who is employed or retained for compensation to make more than one lobbying contact, and whose lobbying activities constitute at least 20 percent of his or her services performed for that client during a six-month period.

A *lobbying firm* is a person (this can include a self-employed individual) or entity that has one or more employees who are lobbyists on behalf of a client other than that person or entity.

A **client** is any person or entity that employs another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both the client and employer of such individuals. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association, not its individual members. Under the Act, there is no requirement that coalitions or associations disclose contributions or dues from the individual members of such groups.

A **lobbying contact** is any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to:

- the formulation, modification, or adoption of federal legislation (including legislative proposals);
- the formulation, modification, or adoption of a federal rule, regulation, executive order, or any other program, policy, or position of the United States Government;
- the administration or execution of a federal program or policy (including the negotiation, award, or administration of a federal contract, grant, loan, permit, or license); or
- the nomination or confirmation of a person for a position subject to confirmation by the Senate.

The law provides for 19 specific exceptions from the definition of lobbying contacts (e.g., for contacts that are not considered lobbying, are routine in nature, are inherently confidential, are subject to formal procedural safeguards, or are the subject of a separate public record).

Lobbying activities are lobbying contacts and efforts in support of lobbying contacts, including preparation and planning activities,

research, and other background work that is intended at the time it is performed for use in contacts and coordination with the lobbying activities of others.

Covered executive branch officials include the president, vice president, employees of the Executive Office of the President, Level IV of the Executive Schedule, members of the uniformed services at a pay grade above 07, or any officer or employee in a position of a confidential, policy-determining, policymaking, or policy-advocating character.

Covered legislative branch officials include members of the House of Representatives and Senate, their staffs, elected officers of either house of Congress, committee and leadership staff, joint committee staff, a working group or caucus organized to provide legislative services or other assistance to Members of Congress, and all legislative employees required to file financial disclosure reports under the Ethics in Government Act.

Identification of Clients

Any lobbyist making an oral lobbying contact with a covered legislative branch official or covered executive branch official is required, on request of the official, to state whether his or her lobbying firm or organization is registered, to identify the client, and to disclose any foreign interest regulated by the act. A lobbyist making a written lobbying contact to a covered official for foreign interests regulated by the act must disclose that fact in writing.

Exemptions

A ***lobbying firm*** is exempt from registration with respect to a particular client if total income from that client for lobbying activities does not exceed or is not expected to exceed \$2,500 in a quarterly period.

An ***organization*** whose employees engage in lobbying

activities on its own behalf is exempt from registration if total expenses in connection with lobbying activities do not exceed or are not expected to exceed \$10,000 in a quarterly period.

Campaign Finance Disclosure

Each employee listed as a lobbyist on a current registration or disclosure report must file a semiannual report (within 30 days of the end of the semiannual period—July, January) with the Clerk of the House and the Secretary of the Senate. The report includes:

1. The name of the person.
2. The name of the employer.
3. The names of all political committees established or controlled by the person.
4. The name of each federal candidate or officeholder, leadership PAC, or political party committee to which aggregate contributions exceeding \$200 were made by the person or a political committee established or controlled by the person within the semiannual period.
5. The date and amount of each contribution made within the semiannual period.
6. The date, recipient, and amount of funds contributed or disbursed during the semiannual period by the person or political committee established or controlled by the person for the following purposes:
 - to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;
 - to an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;
 - to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

- to pay the costs of a meeting, retreat, conference, or other similar event held by, or in the name of, one or more covered legislative branch officials or covered executive branch officials.
7. The name of each Presidential Library Foundation, and each Presidential Inaugurating Committee to whom contributions in excess of \$200 are made by the person or political committee established or controlled by the person in the semiannual period.
 8. A certification that the person has read and is familiar with those provisions of the Standing Rules of the Senate and the Rules of the House relating to the provision of gifts and travel and that the person has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House or Senate with knowledge that the receipt of the gift would violate the Rules of the Senate or House.

Penalties

Civil penalties of up to \$200,000 may be imposed for noncompliance with the lobbying disclosure laws. The law also imposes a criminal penalty of up to 10 years in prison for knowingly, willfully, or corruptly failing to comply with the Lobbying Disclosure Act.

Congressional Ethics Requirements

As of January 2007, the House of Representatives passed internal ethics rules relating to gifts and travel provided to Members of Congress. The Senate has also made internal changes to its rules.

In general, the ethics rules prohibit lobbyists or the entity they represent from providing Members of Congress any gift, including food (unless nominal and not associated with a sit-down meal), with certain exceptions, including:

- widely attended gatherings (25 or more attendees);
- friendships (the history of the relationship is important in determining qualification for this exception); and
- nominal items.

Other provisions stipulated by the ethics rules are these:

- Gifts of tickets to sporting or entertainment events are not permitted.
- Financing, organizing, and accompanying Members of Congress on travel for fact-finding purposes are not permitted. (Some entities are exempted from these requirements.)

For further information and instructions concerning:

- **The Lobbying Disclosure Laws**, contact the House Legislative Resource Center, 1036 Longworth House Office Building, Washington, DC 20515, (202) 225-1300, or the Senate Office of Public Records, 232 Hart Senate Office Building, Washington, DC 20510, (202) 224-0758.
- **Ethics requirements**, contact the House Committee on Standards of Official Conduct, HT-2 Capitol Building, Washington, DC 20515, (202) 225-7103, or the Senate Select Committee on Ethics, 220 Senate Hart Office Building, (202) 224-2981.

Grassroots Lobbying

Targeting Legislators

Lobbying legislators is about persuading them to do what you want. There are five main categories of legislators to think about, each requiring its own special strategy:

- **Champions.** All issues need a group of lawmakers who are dedicated, tireless, committed advocates for your cause. What they can do for you is make the case to their colleagues, help develop a strong “inside” strategy, and be visible public spokespeople. What they need is good information, and visible support outside the Capitol.
- **Allies.** Another group of legislators will be on your side but can be pushed to do more—to speak up in party caucuses, for example, or on the floor.
- **Fence sitters.** Some legislators will be uncommitted on the issues, potentially able to vote either way. These are your key targets, and lobbying strategy is about putting together the right mix of “inside” persuasion and “outside” pressure to sway them your way.
- **Mellow opponents.** Another group of legislators will be clear votes against you, but are not inclined to be active on the issue. With this group the key is to keep them from becoming more active, lobbying them enough to give them pause but not enough to make them angry.
- **Hard-core opponents.** Finally, there are lawmakers who are leading your opposition. What is important here is to isolate them, to highlight the extremes of their positions, rhetoric, and alliances, and to give other lawmakers pause about joining with them.

“Inside” vs. “Outside” Lobbying

Effective lobbying requires a coordination of two very different kinds of activity:

“Inside” lobbying: This form of lobbying takes place in the Capitol. It includes a mix of the following:

- Meeting with lawmakers and legislative staff.
- Providing analysis and information to committees and legislative offices.
- Testifying in committee.
- Negotiating with policymakers and other lobby groups.

For the most part this type of lobbying is carried out by, or in coordination with, advocates who work on a regular basis at the Capitol.

“Outside” lobbying: An effective lobbying campaign also requires activity outside the Capitol, aimed at shifting the politics and pressure around the issue. Some of these activities include:

- Media activity, such as news conferences, editorial board visits, and assisting reporters with stories.
- Local lobbying visits by constituents to their legislators.
- Building broad and diverse coalitions.
- Letter writing campaigns to legislators.
- Grassroots activity such as rallies, etc.

It is important that these kinds of “outside” lobbying activities be coordinated with “inside” lobbying activity, to assure that they make strategic sense in terms of timing, targeting, messages, etc.

Six Practical Tips for Effective Grassroots Lobbying

1. Establish your agenda and goals.
 - Know what subject you are going to address. Don't overload with issues—limit yourself to no more than two or three.
 - Decide what you would like to get out of the visit (i.e., a commitment to vote for your issue, leadership on the issue, or simply to provide information).
 - Allow time for small talk at the outset, but not too much. Remember, it's your visit so use your time wisely.
 - If it is a group visit, decide who will start the discussion and put your agenda on the table.

2. Listen well.
 - Much of lobbying is listening, looking for indications of the elected official's views, and finding opportunities to provide good information.
 - If you are meeting with a "silent" type, draw her/him out by asking questions.
 - If you are confronted with a "long-winded" individual, look for openings to bring her/him back to the point.

3. Be prepared, but don't feel that you need to be an expert.
 - Most elected officials are generalists, like many of us. Do your homework, but don't feel that you need to know every little detail of an issue. Air personal feelings and experiences where appropriate. Relate the concerns of your friends and members of the community.
 - Know when to admit "I don't know," and offer to follow up with the information.
 - Be open to counterarguments, but don't get stuck on them. Don't be argumentative or confrontational.

4. Don't stay too long.
 - Try to get closure on your issue. If you hear what you had hoped for, express your thanks and leave. If you reach an impasse, thank her/him, even if you're disappointed, and say so. Leave room to continue the discussion at another time.

5. Remember, you are there to build a relationship.
 - If the elected official responds favorably toward an issue you've been involved in or has supported your position in the past, be sure to acknowledge your appreciation during the course of the visit.
 - If the opposite is true, think of the phrase, "No permanent friends, no permanent enemies." Someday, on some issue of importance to you, he or she may come through. In the meantime, your visit may prevent the official from being an active opponent. In other words, you may help to turn down the heat on the other side.

6. Follow-up is important.
 - Be sure to send a thank-you note after the visit. If commitments were made during the meeting, repeat your understanding of them. If staff members were present, write to them as well. They can often be important allies.

Ways to Make Your Voice Heard

People who work with nonprofit groups or in direct services have an important role to play in educating public officials about the issues and concerns they deal with.

Letter writing campaigns: Writing to public officials does make a difference. They know that every person who writes represents many others who feel the same but don't write. Follow these tips to be most effective:

- Be clear about what you want, listing the bill, and what you hope the official will do to support you.
- Tell a story or provide an example to make the issue real.
- Ask for a direct response with his or her position.
- Personal letters are much better than form letters or petitions.

Fly-ins: Every citizen has the right to seek a meeting with their legislator, councilperson, or other elected representative. These tips will help make visits effective:

- Keep your group small (3 or 4 people).
- Make your group diverse.
- Discuss in advance how to handle the meeting.
- Be direct but not threatening.
- Know your facts.
- Leave informational material with the official.

Try to arrange the visit on your turf: Invite the person to tour a clinic or other facility or site that conveys your message in real and human terms.

Establish a relationship with staff: Many elected officials have staff people you can contact. These people are generally more accessible than the official and can usually help to get your message through.

ATTACHMENT 1

Congressional Caucuses

Ad Hoc Congressional Committee for Irish Affairs
Addiction, Treatment and Recovery Caucus
Albanian Issues Caucus
Army Corps of Engineers Reform Caucus
Bipartisan Congressional Pro-Life Caucus
Bipartisan Congressional Refugee Caucus
Bipartisan Disabilities Caucus
Blue Dog Coalition
Building A Better America Caucus
California Democratic Congressional Delegation
Caribbean Caucus
Caucus on India and Indian Americans
Center Aisle Caucus
Children’s Environmental Health Caucus
Coalition for Autism Research and Education
Congressional Advisory Panel to the National Campaign to Reduce Teen
Pregnancy
Congressional Aerospace Caucus
Congressional Anti-Terrorism Caucus
Congressional Arts Caucus
Congressional Asian Pacific American Caucus
Congressional Automotive Caucus
Congressional Bearing Caucus
Congressional Bike Caucus
Congressional Biomedical Research Caucus
Congressional Biotechnology Caucus
Congressional Bi-Partisan Pro-Choice Caucus
Congressional Black Caucus
Congressional Black Caucus Foundation, Inc.
Congressional Black Caucus Health Braintrust
Congressional Boating Caucus
Congressional Brain Injury Task Force
Congressional Caucus for Women’s Issues
Congressional Caucus on Armenian Issues

Congressional Caucus on Community Health Centers
Congressional Caucus on Global Road Safety
Congressional Caucus on Infant Health and Safety
Congressional Caucus on Intellectual Property Promotion and Piracy
Prevention
Congressional Caucus on Korea
Congressional Caucus on Robotics
Congressional Caucus on Sudan
Congressional Caucus on the Judicial Branch
Congressional Caucus on the Netherlands
Congressional Caucus on Uganda
Congressional Caucus to Control and Fight Methamphetamine
Congressional Children's Caucus
Congressional China Caucus
Congressional Climate Change Caucus
Congressional Coalition on Adoption
Congressional Coastal Caucus
Congressional Coast Guard Caucus
Congressional Correctional Officers Caucus
Congressional Croatian Caucus
Congressional Cystic Fibrosis Caucus
Congressional Diabetes Caucus
Congressional E-911 Caucus
Congressional Entertainment Caucus
Congressional Farmer Cooperative Caucus
Congressional Fatherhood Caucus
Congressional Fire Services Caucus
Congressional Fire Services Institute
Congressional Fitness Caucus
Congressional Food Safety Caucus
Congressional Friends of Animals
Congressional Gaming Caucus
Congressional Glaucoma Caucus
Congressional Grains Caucus
Congressional Heart and Stroke Coalition
Congressional Hispanic Caucus
Congressional Hispanic Caucus Institute, Inc.

Congressional Hispanic Conference
Congressional Historic Preservation Caucus
Congressional HUBZone Caucus
Congressional Human Rights Caucus
Congressional Immigration Reform Caucus
Congressional Indonesia Caucus
Congressional Internet Caucus
Congressional Kidney Caucus
Congressional Long Island Sound Caucus
Congressional Manufactured Housing Caucus
Congressional Mentoring Caucus
Congressional Missing and Exploited Children's Caucus
Congressional Modeling and Simulation Training Caucus
Congressional Morocco Caucus
Congressional Nanotechnology Caucus
Congressional Native American Caucus
Congressional Naval Mine Warfare Caucus
Congressional Northern Border Caucus
Congressional Organic Caucus
Congressional Philanthropy Caucus
Congressional Port Security Caucus
Congressional Prevention Coalition
Congressional Privacy Caucus
Congressional Progressive Caucus
Congressional Rural Caucus
Congressional Rural Housing Caucus
Congressional Savings and Ownership Caucus
Congressional School Health and Safety Caucus
Congressional Sex and Violence in the Media Caucus
Congressional Shellfish Caucus
Congressional Shipbuilding Caucus
Congressional Soccer Caucus
Congressional Soybean Caucus
Congressional Sportsmen's Caucus
Congressional Steel Caucus
Congressional Stop DUI Caucus
Congressional Study Group on Germany

Congressional Study Group on Japan
Congressional Study Group on Turkey
Congressional Task Force Against Anti-Semitism
Congressional Task Force on Alzheimer's Disease
Congressional Task Force on Bowhunting
Congressional Task Force on International HIV/AIDS
Congressional Task Force on Tobacco and Health
Congressional Transit Caucus
Congressional Travel and Tourism Caucus
Congressional TRIO Caucus
Congressional Ukrainian Caucus
Congressional Urban Caucus
Congressional Victims' Rights Caucus
Congressional Water Caucus
Congressional Waterways Caucus
Congressional Wine Caucus
Congressional Wireless Caucus
Congressional World Trade Organization (WTO) Caucus for Farmers
and Ranchers
Democratic Budget Group
Democratic Leader's High Technology Advisory Group
Electronic Warfare Working Group
Ethiopia and Ethiopian American Caucus
Financial and Economic Literacy Caucus
Friends of Ireland
Friends of Norway
Future of American Media Caucus
Generic Drug Equity Caucus
Hellenic Caucus
House Army Caucus
House Baltic Caucus
House Biofuels Caucus
House Cancer Caucus
House Commuter Caucus
House Depot Caucus
House Nursing Caucus
House Oceans Caucus

House Portuguese American Caucus
House Republican High Technology Working Group
House Rural Health Care Coalition
House Trails Caucus
Hydrogen and Fuel Cell Caucus
Impact Aid Coalition
Information Technology Round Table
Intelligent Transportation Congressional Caucus
Interstate 69 Caucus
Iran Working Group
Iraqi Women's Caucus
Kashmir Forum
Law Enforcement Caucus
Life Insurance Caucus
Long Island Congressional Caucus
Medical Technology Caucus
Military Veterans Caucus
Mining Caucus
Mississippi River Caucus
National Marine Sanctuary Caucus
National Parks Caucus
National Service Congressional Caucus
New Democrat Coalition
New England Congressional Caucus
New York State Congressional Delegation
Non-Proliferation Task Force
Northeast Agricultural Caucus
Northeast-Midwest Congressional Coalition
Nuclear Cleanup Caucus
Nuclear Fuel Safety Caucus
Older Americans Caucus
Organ and Tissue Donation Task Force
Out of Iraq Congressional Caucus
Passenger Rail Caucus
Prescription Drug Task Force
Public Broadcasting Caucus
Renewable Energy and Energy Efficiency Caucus

Republican Israel Caucus
Republican Junior Class
Republican Study Committee
Reserve Components Caucus
Results Caucus
Scenic Byways Caucus
Senate-House Steering Committee on Retirement Security
Silk Road Caucus
Sustainable Development Caucus
Tuesday Group
21st Century Healthcare Caucus
2015 Caucus
United Nations Working Group
U.S.-Afghan Caucus
U.S.–Mexico Congressional Caucus
U.S.–Philippines Caucus
Upper Mississippi River Congressional Task Force
Victory in Iraq Caucus
Water Infrastructure Caucus
Western Caucus
Wind Hazard Reduction Caucus
Zero Capital Gains Tax Caucus