

The National Indian Health Board's Guide to Congress for 2009

The 111th Congress presents many opportunities for Indian Country. As Congress considers the reauthorization of the Indian Health Care Improvement Act, health care reform, Medicare reform and appropriations, it is imperative that Indian Country's voice is heard. The following special section, entitled *The National Indian Health Board's Guide to Congress for 2009*, provides much of the information that you need to help influence the future of Indian health care.

Elevating the visibility of Indian health care issues has been a struggle shared by Tribal governments, the federal government and private agencies. For 36 years, the NIHB has continually played a central role in focusing national attention on Indian health care needs. Despite all of the progress made by the federal government and nonprofits, Indian Country can achieve more with increased participation at the Tribal level. The future of health care for American Indians and Alaska Natives (AI/AN) is intertwined with policy decisions at the federal level. Your stories, visits to your Congressional representatives, letters and phone calls can drastically change the course of Indian health care in the 111th Congress. Please use the following guide to help make a difference and improve the health care for all AI/ANs.

Please visit the NIHB website regularly and subscribe to our email listserv for regular updates on proposed legislation and regulations. Let's unite and advocate out loud for Indian health in 2009!

What is Congress?

The United States Congress, comprised of the House of Representatives and the Senate, was established under Article 1 of the United States Constitution. These bodies were created to give each American citizen a voice in the lawmaking process.

There are 435 members of the House of Representatives, each of whom is elected every two years to represent a district of about 650,000 people. The Senate is comprised of 100 members, two from each state, who are elected every six years to represent the entire population of their state. In both Houses, Members of Congress are tasked with drafting, debating and voting on legislation that is of interest to their constituents. Each has one equal vote, which they are permitted to cast on every piece of legislation, whether or not it directly impacts their constituents.

The Constitution lays out very specific powers of Congress, designed to prevent the government from unfairly restricting the freedoms of the American public. Both Houses of Congress must follow these closely when considering legislation.

Congress has lawmaking power. The U.S. Constitution created Congress and named it the legislative branch – the

branch with the power to write laws. No laws can govern the nation unless enacted by Congress and then approved by the President.

Congress has the "Power of the Purse." This means that governmental agencies and departments may not spend any money for their operations and programs that Congress has not appropriated nor use any federal money for any purpose that Congress has not expressly authorized. The President proposes a budget for the nation, including the IHS budget, but Congress has the ultimate power to approve and change the budget. Historically, the funding for the Indian health system is only provided at 50-60%.

While these are only a few of the powers established by the Constitution, they are the most important and relevant for the Indian health system.

How a Bill Becomes a Law

Only a Member of Congress can introduce a bill. However, ideas for legislation may be developed anywhere. Members receive proposed drafts of bills from constituents, academics, interest groups, lobbyists, state legislatures, executive branch departments, federal agencies and the President of the United States.

Given the low percentage of bills enacted into law, only those bills vigorously promoted among colleagues and given vocal support by outside interest groups will advance. Bills that are not promoted or lack policy urgency and political consensus have little chance of becoming law. No matter how well-drafted, bills are ideas that have been entered into the Congressional record. Someone must advocate for their passage to push them through the maze of the legislative process.

** It is critical that Indian Country voice their support or disapproval of legislation that Congress proposes regarding the Indian health care system. Your stories, visits, letters and phone calls can make a difference and affect the decisions made by your Congressional representatives.*

Laws that are initiated in the U.S. House of Representatives go through the following steps:

When a Representative has an idea for a new law, s/he becomes the sponsor of that bill and introduces it by giving it to the clerk of the House or by placing it in a box, called the hopper. The clerk assigns a legislative number to the bill, with H.R. for bills introduced in the House and S. for bills introduced in the Senate. The Government Printing Office (GPO) then prints the bill and distributes copies to each representative.

Next, the bill is assigned to a committee (the House has 22 standing committees, each with jurisdiction over bills in certain areas) by the Speaker of the House so that it can be studied. Typically, the committees in the House that review legislation on Indian Country are the House Committee on Natural Resources, the House Committee on Energy and Commerce, and the House Committee on Ways and Means.

The standing committee (or often a subcommittee) studies the bill and hears testimony from experts and people interested in the bill. The committee then may release the bill with a recommendation to pass it, or revise the bill and release it, or lay it aside so that the House cannot vote on it. Releasing the bill is called reporting it out, while laying it aside is called tabling.

If the bill is released, it then goes on a calendar (a list of bills awaiting action). Here the House Rules Committee may call for the bill to be voted on quickly, limit the debate, or limit or prohibit amendments. Undisputed bills may be passed by unanimous consent, or by a two-thirds vote if members agree to suspend the rules.

The bill now goes to the floor of the House for consideration and begins with a complete reading of the bill (sometimes this is the only complete reading). A third reading (title only) occurs after any amendments have been added. If the bill passes by simple majority (218 of 435), the bill moves to the Senate.

Laws that are initiated in the Senate go through the following steps:

In order to be introduced in the Senate, a Senator must be recognized as the presiding officer and announce the introduction of the bill. Sometimes, when a bill has passed in one house, it becomes known as an act; however, this term usually means a bill that has been passed by both houses and becomes law.

Just as in the House, the bill then is assigned to a committee. It is assigned to one of the Senate's 16 standing committees by the presiding officer. The Senate committee studies and either releases or tables the bill just like the House standing committee. Typically, the committees in the Senate that review legislation on Indian Country are the Senate Committee on Indian Affairs, the Senate Committee on Finance, and the Senate Committee on Health, Education, Labor, and Pensions (HELP).

Once released, the bill goes to the Senate floor for consideration. Bills are voted on in the Senate based on the order they come from the committee; however, an urgent bill may be pushed ahead by leaders of the majority party. When the Senate considers the bill, they can vote on it indefinitely. When there is no more debate, the bill is voted on. A simple majority (51 of 100) passes the bill.

The bill now moves onto a conference committee, which is made up of members from each House. The committee works out any differences between the House and Senate versions of the bill. The revised bill is sent back to both houses for their final approval. Once approved, the bill is printed by the Government Printing Office (GPO) in a process called enrolling. The clerk from the introducing house certifies the final version.

The enrolled bill is now signed by the Speaker of the House and then the Vice President. Finally, it is sent for Presidential consideration. The President has ten days to sign or veto the enrolled bill. If the President vetoes the bill, it can still become a law if two-thirds of the Senate and two-thirds of the House then vote in favor of the bill.

Types of Legislation

An important question to be settled in preparing a bill for introduction is its form. Some legislative vehicles are law-making; some are not. Although the word bill is accepted widely to mean any piece of legislation, including even in this article, that use is not technically precise enough. The word "measure" more accurately encompasses all the varieties available. Brief definitions of the various types of legislation follow:

Bills

These become law. That means passage is required in both the House and Senate and the President must sign them into law or allow them to become law without his signature. Bills are numbered H.R. in the House, e.g. H.R. 1300; and S. in the Senate, e.g. S. 300.

Joint Resolutions

These also become law. Again this requires passage in both the House and Senate, as well as Presidential approval. Joint Resolutions are numbered H.J.Res. in the House (e.g. H.J.Res. 633); and S.J.Res. in the Senate, (e.g. S.J.Res. 133). By tradition, it is joint resolutions which are used for any proposal to amend the Constitution. Contrary to bills, joint resolutions may also contain a series of whereas clauses (an explanatory preamble) and a resolving clause.

Concurrent Resolutions

These do not become law. Instead they take an action on behalf of both chambers. This means both the House and Senate must pass them, but they are not sent on to the President. For example, concurrent resolutions are used to set the spending and revenue levels in the Congressional Budget Resolution, which does not rise to the level of law. Concurrent resolutions are also used for sense of Congress language — advisory in nature and unenforceable — which, for example, expresses the opinion of the Congress about a Presidential action, or congratulates a foreign leader on his election, or expresses condolences to another nation for a loss. Concurrent resolutions are also used to create the occasional joint committee of Congress, and for administrative acts, such as granting the use of the Capitol Rotunda for a ceremony. Concurrent resolutions are numbered H.Con.Res. in the House, e.g. H.Con. Res. 210; and S.Con.Res. in the Senate, e.g. S.Con.Res. 160.

Simple Resolutions

Simple Resolutions do not become law. They speak on behalf of one Chamber only. They need only pass in that one chamber. A Simple House Resolution might be used to create a new House committee. A Simple Senate Resolution might be introduced to express the opinion, or the sense of the Senate on a matter. Simple Resolutions in each chamber are offered to amend that body's standing rules. Simple resolutions are numbered H.Res. in the House, e.g. H.Res. 249; and S.Res. in the Senate, e.g. S.Res. 85.

Continuing Resolutions

Also known as a CR. At the end of each fiscal year, Congress must pass a budget and all appropriations bills for the following year. If the fiscal year ends without this, Congress must pass a CR. The CR continues temporary funding at current levels or less for a program.

Visiting Capitol Hill

Currently, only 35 states are listed as containing a significant population of American Indians and Alaskan Natives. While there are AI/ANs across the country, it demonstrates the importance of meeting with Members of Congress and the use of data and numbers to support your position. In order for any piece of legislation to pass, it must achieve at least 218 votes in the House of Representatives and 51 votes in the Senate or pass by unanimous consent. Only 102 House Members have significant Indian populations in their District, as do 70 Senators. Many Members of Congress who have little or no contact with Indian Country must be persuaded to vote in favor of Indian health legislation if there is any hope that it will become law.

Meeting with a Member of Congress, or congressional staff, is a very effective way to convey a message about a specific issue or legislative matter. The involvement of tribal leaders and members is vital to the success of Indian Country's advocacy efforts. While national tribal organizations and lobbyists in Washington, D.C. play an important role, only you can give Congress the most accurate picture of your community's needs.

Legislators want to hear from their constituents about the important issues. By developing relationships with legislators, you can help them stay current, and in turn they can help Indian Country. Remember, a meeting with a legislator back home is as effective as a visit to D.C.

Suggestions for Planning a Personal Visit

Plan your visit carefully:

Be clear about what it is you want to achieve; determine in advance which Member or committee staff you need to meet with to achieve your purpose.

Make an appointment:

When attempting to meet with a Member, contact the Appointment Secretary/Scheduler. Explain your purpose and who you represent. It is easier for congressional staff to arrange a meeting if they know what you wish to discuss and your relationship to the area or interests represented by the Member.

Be prompt and patient:

When it is time to meet with a Member, be punctual and be patient. It is not uncommon for a Congressman or Congresswoman to be late, or to have a meeting interrupted due to the Member's crowded schedule. If interruptions do occur, be flexible. When the opportunity presents itself, continue your meeting with a Member's staff.

Please be flexible – even though you may have a scheduled meeting with a Representative or Senator, you may see a staff member

instead. Most offices have very little meeting space, and you may find that you are out in the hallway with a staff member or sitting in a small cubicle. Everyday scores of organizations and individual constituents meet with their elected officials. It is a busy place, but Members of Congress are very interested to hear from their constituents, so do not let the surroundings or the circumstances of the meeting interfere with your message.

Be prepared:

Whenever possible, bring to the meeting information and materials supporting your position. Members 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 is therefore helpful to share with the Member information and examples that demonstrate clearly the impact or benefits of a particular issue or piece of legislation.

Be political:

Members of Congress want to represent the best interests of their District or State. Whenever 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 group can be of assistance to him/her. When it is appropriate, remember to ask for a commitment.

Be responsive:

Be prepared to answer questions or provide additional information in the event the Member expresses interest or asks questions. Follow up the meeting with a thank-you letter that outlines the different points covered during the meeting, and send along any additional information and materials requested.

Tips for Calling Congress

Telephone calls are usually taken by a staff member. As most Members of Congress are busy conducting business on Capitol Hill, there is little chance that you will have an opportunity to speak with them directly. Instead, ask to speak with the Legislative Assistant (LA) who handles the issue about which you wish to comment.

After identifying yourself as a constituent, tell the LA you would like to leave a brief message, such as "Please tell Senator/Congressman (Name) that I support/oppose (S. ___/H.R. ___)."

State your reasons for your support or opposition to the bill. Ask for your Senator's or Congressman's position on the bill. You may also request a written response to your telephone call.

Tips for Writing Congress

Many constituents are unable to regularly visit Capitol Hill and are not confident in their ability to adequately express their opinions over the phone. Accordingly, letters and emails are some of the primary means by which Members of Congress receive the thoughts and opinions of their constituents. Across Indian Country, letter writing can become one of the most effective means of telling personal stories and emphasizing the great need for Indian health care.

Heightened security measures have dramatically increased the time it takes for a letter sent by post to reach a Congressional office. More and more, constituents are using e-mails and faxes to communicate their concerns and increasingly elected officials' offices prefer electronic communications for constituent contact. *As a general rule, Members of Congress are far more likely to heed your message if you are one of their constituents.*

How to Write an Effective Letter

- Write to your Senators and Congressmen at these addresses:

The Honorable (<i>Full Name</i>)	The Honorable (<i>Full Name</i>)
United States Senate	United States House of
Washington, D.C. 20510	Representatives
	Washington, D.C. 20515

Dear Senator (*Last Name*): Dear Congressman (*Last Name*):

- Keep your letter reasonably brief (no more than one page). It is important to state your purpose for writing in the first paragraph of the letter. Address only one issue in each letter or e-mail.
- If your letter is about a specific piece of legislation, identify it. Make sure that you are referencing the correct legislation to the correct body of Congress.
House bills are H.R. _____
and Senate bills are designated as S. _____.



- Be courteous. Never threaten or beg a Member of Congress. Always appeal to the Member on the merits of the issue, particularly when they are in the district/state.
- Include personal information about why the issue matters to you. Your personal anecdotes and specific examples for why this issue matters and would make a critical difference in your community helps to give Members of Congress reasons for supporting the bill.
- Ask for a response to a direct question, such as, "Will you support our request for increased FY 2010 funding for the Indian Health Service? Please let me know your position."
- Offer to serve as a resource to the Congressman/Senator and his/her staff on tribal issues.
- To send an electronic message to a Senator or Congressman, please use the above suggestions, then visit www.senate.gov or www.house.gov to locate your member of Congress' individual website. Under the "Contact" tab/button, there is generally an electronic form you can complete. You may also find information on how to contact your Congressional representative on the NIH website.

Thank you for reading *The National Indian Health Board's Guide to Congress for 2009*. We hope that the coming year will bring many successes to you and to Indian health!