

# **HOW TO LOBBY CONGRESS**

**Prepared by**

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### Glossary of Congressional Terms

## ***Tips on Lobbying Congress***

### **Arranging the Visit**

- Call 202/224/3121 and ask for the office of your Member of Congress.
- Ask to speak to the scheduler or appointment secretary.
- Be specific about your reason for wanting the appointment. You are in town at a conference sponsored by the National Association for Home Care and Hospice (NAHC). You would like a meeting with the Member of Congress to discuss important home care issues and to tell the Member about the work you do back home.
- Keep your request for time brief – 15 minutes is a long time to discuss your views on a vote or issue. Your respect for their time will be appreciated and remembered the next time you want access to that office.

### **During the Visit**

- Present yourself and your views in a respectful, dignified manner. Dress appropriately – as if you were going to a business appointment. Be on time.
- It's the quality, not the length, of your discussion that will be important.
- A majority of the information that Members rely on comes from the staff. If you get a credible staffer to see things your way, you have been successful.
- If the Member of Congress cannot meet with you, ask to meet with the staff person responsible for home care issues.
- Be direct and concise in your presentation. NAHC will be providing a thorough briefing prior to your visit, as well as preparing briefing materials.
- If you're going to see a Member who has a bad voting record on home care issues, you might be tempted to tell him or her off. Don't do it! If he or she says things that offend you, keep a cool head and respond rationally, with facts. In some offices, all you may achieve the first time out is a civil exchange of conflicting opinions but, if you handle yourself well, you can begin to establish a working relationship with the office. They'll recognize your name when you write or phone the next time. Building a base for continuing communication is important.
- If a Member has a good or excellent record of support –THANK THEM! Our friends in Congress need to know that their support is known and appreciated.

## **After the Visit**

- Be sure to summarize your discussion in a letter as a follow-up.
- You may also want to send a copy of your letter or other correspondence you receive from the legislator to NAHC. NAHC is in contact with congressional offices daily, and your visit is important information for future lobbying work.
- When you receive future legislative alerts from NAHC, you may want to directly call the staff members you met while visiting in Washington or begin your letter to the Member by reminding him or her of your personal meeting. Constituents who take the time to visit Members of Congress personally, even if you disagree, are taken very seriously. This visit to Washington provides an important foundation for future work.

# ***THE THREE MOST COMMON LEGISLATIVE INTERVIEWS AND WHAT TO DO***

## **Legislative Interview: Take 1**

### **The Noncommittal (or Don't Call Us, We'll Call You) Interview**

You have called, made an appointment, and done your research on both the Member and issue. Armed with your best fact sheet, you are ready to go. The Member (or staff) listens carefully to your presentation and asks several questions. When you ask about the Member's position, you are told that he or she will think about your comments and politely thank you for your time.

What do you do?

First, know that this is probably the single most common type of legislative interview. Nor is it a bad one. To the extent that you tell the Member or staff who you are, who you represent, what your position is and why – you have accomplished part of your mission.

But you can do more.

- First, respect the fact that the Member has not made a decision – don't try to press him or her for a commitment.
- Do ask questions to find out where their sympathies lie and other forces that may influence their decision. For example, you can find out whether they are receiving a lot of mail on this issue or if other groups have been contacting them.
- Carefully discern the opposition's power in their district.
- Always ask whether you can provide additional information. The single most important persuasive document you can provide is a one-page fact sheet that describes how the bill will directly impact a Member's district (dollars, numbers of people, etc.) and who supports the bill, organizations and Members of Congress. If you haven't done so already, tell him or her that you will supply this information – and do so.
- Talk about another issue – briefly. Don't waste the Member or staff's time. (Particularly if you are meeting with a Member, plan on 10-15 minutes at most. Staff may have a little more time.)
- If you have the opportunity, see if you can discern anything else that might affect the Member's decision. And, once you have figured that out, go home and decide how to act on the information.
- Thank him or her for the meeting.

As with any meeting, follow-up is crucial. Particularly for those who are undecided, make certain you write and thank the Member/staff for the meeting and reiterate (1) your position, (2) who supports the bill (organizations, Members) and (3) how the bill will impact the district.

Make certain you get other supportive organizations to call or write. Then follow up with a phone call to see if a decision has been made.

## **Legislative Interview: Take 2**

### **The “I’m New” or “I Don’t Know Anything About Home Care” Interview**

Although this might happen when meeting with a Member, it is more common with staff. There is a lot of turnover on Capitol Hill. Many staff – particularly those in personal offices (with whom you will meet most often) -- are young and may know little about home care issues. In fact, unless your Member sits on a key health committee, don’t expect the staff to know a lot about these issues.

But, contrary to what you might think, this is not bad news!

This is an ideal time, the perfect time, for you to develop a relationship with the staff as a resource person, an expert on home care issues.

Staff cannot be experts on all issues. Many cover five or six major areas. If they find a constituent on whom they can rely for good information, particularly in difficult or technical areas, that person becomes an asset.

- Start out with basics: who you are, what NAHC is.
- Give information on key issues – particularly materials geared to the district.
- Keep it basic: No medical jargon.
- Leave your name, address, phone and NAHC’s office number and Government Affairs staff names.
- Ask NAHC to send follow-up materials on basic policy issues and key pieces of testimony.
- Follow up periodically with letters, phone calls, and articles of interest on key issues.
- Invite the staff to come on a home care visit. Many legislative aides make visits to the home districts.

It is easy to develop a relationship with staff. But you must be a reliable information source and a conduit of needed information. Don't become a pest or be condescending. Although these people are young and may not know a lot about home care, they do have a lot of power. Also remember, new staff become experienced staff who often move around to powerful positions in other offices. Never discount a novice staffer. More often than not, you will see him or her again in a position with more power.

### **Legislative Interview: Take 3**

#### **The "I Don't Agree" Interview**

After your opening presentation, the Member or staff will tell you politely that they don't agree with your position.

Period.

What do you do?

First, this doesn't happen very often – Members of Congress and staff don't like to directly disagree with constituents. But if they do, try the following”:

- Find out why they disagree. Make certain they understand your issue and position clearly. Sometimes a Member opposes a bill because he or she believes it will have a certain impact. Indeed, a lot of time in lobbying is spent discussing what opposing sides perceive as the anticipated impact of the bill. If you can give facts or other comparable examples to dispel fears, you might change his or her position.
- Discern whether it is the issue or the politics that is the problem. No Member or staff will tell you that politics is the problem. So this takes a little finesse. Listen to the reasons they oppose you. Be objective – you should be able to discern a weighty objection from one that seems weak. If it's the latter, look for other reasons. It could be as obvious as a straight party vote on an issue or the more subtle scenario, where the Member may have agreed to oppose one measure in return for support for another. After the interview, analyze how to use what you learned. Facts can be fought with facts. Political games demand a different strategy. Tactics include getting Members from your coalition, and powerful congressional Members to call in support. Use the media.
- Listen carefully. You might learn something. Don't automatically dismiss all criticisms/opposition to your measure. On the one hand, he or she may have a point that should be addressed. At a minimum, you can learn more about how the "opposition" thinks. Don't ever negotiate in one of these meetings. If there is merit to a Member's or staff's opposition, tell them you will discuss it with others and get back to them. And do that. Even if you don't change anything, they will respect the fact that you listened seriously to their opinion.

- Agree. No bill is perfect. Sometimes it pays to agree that they are right – that there is a problem with the proposal. Your job is to persuade them that the good outweighs the bad.
- Go on to something else. Always respect their right to their own opinions. Don't push the issue too far – go on to something else that you both (hopefully) agree on.
- Rarely will you change a Member's mind who is duly decided. But you can see how strong the opposition is on the measure, whether or not he or she will take a lead on an issue or is willing to "take a powder," i.e., keep a low profile.

And whatever you do, don't be argumentative. You will need to work with the office again – and you can't afford to make an enemy out of anybody.

### **In Summary**

Effective lobbying is:

- Educating staff/Member without being condescending;
- Supporting them without interfering;
- Creating trust without misleading them; and
- Taking enough time without taking too much time.

# ***CONGRESSIONAL INTERVIEWS: TWO MOST COMMON MISTAKES AND HOW TO AVOID THEM***

## **Mistake Number 1: Scared Stiff**

## **Mistake Number 2: Hung up on the Facts**

### **1. Relax, Relax, Relax!!!**

There is nothing magical about a meeting with your Senators, Representatives or staff. Use your common sense – you are there to help them, to give them information. They want to talk to you – really! Remember – you know more about home care issues than they do, so don't be scared.

### **2. Remember, you are a home care provider.**

Although you definitely need to know the basic facts about a bill (its main points, bill number and legislative status), do not get hung up on the legislative details. You are most effective when you speak from your own personal experience – how you as a home care provider believe the bill will affect the clients you see, the clients and families in your Member's district.

Too often, people visiting for the first time think they have to recite by memory all the provisions in a bill. Wrong! That is why we give you fact sheets to leave with staff. You are not expected to be the experts on the legislative details, but you are expected to share your views as a home care expert. For example, if you are talking about home care legislation, after stating one or two main points in the bill, you should talk about why providing home care is a problem in your area, explain the need for more quality care, and how the bill will help.

Don't misunderstand. This doesn't mean you don't have to do your homework and know the basics about the legislation (particularly the points of opposition and rebuttal). But you are not there to recite a summary of the legislation. You are there to tell them the views of an expert in home care.

As Will Rogers said, "Congress ain't nothing but hired help!"

## ***AFTER YOUR VISIT TO WASHINGTON... ...THINGS TO DO BACK HOME***

### **1. Write a follow-up note to the Member of Congress and/or staff that you met with during your visit.**

Thank them for their time and consideration and briefly summarize any agreements, plans for future activities, or positions the Member has taken. If the Member or staff know that you will be following up and monitoring activities, your likelihood of being successful is greatly enhanced. The letter should be personalized and respectful in tone.

### **2. Invite your Member of Congress to make a home care visit.**

You've come to Washington to visit your Member; now it's time for your Member to visit you. Frequently, legislators tell NAHC of how impressed they are after making a home care visit. When attempting to schedule a home care visit by a Member of Congress, try to keep the following in mind: (1) schedule the visit well in advance; (2) find out before choosing a date when the Member is planning to be home in the district (this is usually during Congressional recess); (3) write a formal letter of invitation and then follow up frequently with calls to the district office; (4) if the Member declines your invitation, ask for another more convenient date and see if a staff member (preferably the one responsible for the home care issues) would be available.

### **3. Stay in touch with your Members of Congress through attendance at local community meetings, sending a copy of your newsletters or annual reports, or corresponding on a regular basis.**

If your agency has been given an award or media exposure, send a note or clip to the Member's office with a "F.Y.I." on it. The ability of Members and staff to recognize the importance of your work is an important factor in developing congressional support.

### **4. Respond to alerts by NAHC.**

NAHC puts out legislature alerts in *NAHC Report* on an as-needed basis for urgent action on legislation. They are the only source of timely and important information on congressional activities.

To keep up to date on a regular basis, NAHC publishes *NAHC Report*. This newsletter keeps you abreast of the progress of legislation and federal activities important to home care providers.

## WRITING TIPS

- Write to your own Senators or Representative. Letters sent to other Members will end up on the desk of Members from your state.
- Write at the proper time – when a bill needs additional cosponsors or is being discussed in committee or on the floor.
- Use your own words and your own stationery.
- After 9/11 and the anthrax scare, it is often better to fax letters than to use the mail.
- If using postcards, which do not have to be scanned for anthrax, be sure they are personalized in some way, i.e., personal message or picture attached.
- To E-mail your member of Congress, go to the NAHC website, [www.nahc.org](http://www.nahc.org), and access the NAHC Legislative Action Network (NAHC LAN) by clicking on “Tell It To Congress.” On the NAHC LAN you will find sample E-mails on issues important to home care and hospice that you may edit as you see fit and fact sheets to assist you in advocating for home care and hospice. E-mails sent directly to health staffers for your Members of Congress are best reserved for those staffers you’ve met or talked with.

### ...USING THE PROPER FORM

- Avoid signing and sending a form or mimeographed letter.
- Don’t be a “pen pal.” Don’t try to instruct the Representative or Senator on every issue that comes up.
- Don’t demand a commitment before all the facts are in. Bills rarely become law in the same form as they are introduced.
- Whenever possible, include pertinent editorials from local papers.
- Be constructive. If a bill deals with a problem you admit exists but you believe the bill is the wrong approach, present what you believe the right approach to be.
- If you have expert knowledge or wide experience in particular areas, share it with the Member. But don’t pretend to wield vast political influence.
- Write to the Member when he or she does something of which you approve. A note of appreciation will make him or her remember you more favorably the next time.
- Feel free to write when you have a question or problem dealing with procedures of government departments.
- Be brief, write legibly and be sure to use the proper form of address:

#### **Senator**

Honorable (full name)  
United State Senate  
Washington, DC 20510  
Dear Senator (last name):  
Sincerely yours,

#### **Representative**

Honorable (full name)  
House of Representatives  
Washington, DC 20515  
Dear Representative (last name):  
Sincerely yours,

#### **President**

President (full name)  
The White House  
Washington, DC 20500  
Dear Mr. President:  
Sincerely yours,

#### **Vice President**

Vice President (full name)

#### **Cabinet Member**

Honorable (full name)

Old Executive Office Building  
17<sup>th</sup> St. and Pennsylvania Ave., NW  
Washington, D.C. 20501

Dear Mr. Vice President:  
Sincerely yours,

(Agency)  
(Address)

Dear Mr. (or Madam) Secretary:  
Sincerely yours,

## **HOW A BILL BECOMES A LAW**

This graphic shows the most typical way in which proposed legislation is enacted into law. There are more complicated, as well as simpler, routes, and most bills fall by the wayside and never become law. The process is illustrated with two hypothetical bills, House bill No. 1 (H.R. 1) and Senate bill No. 2 (S.2). Each bill must be passed by both Houses of Congress in identical form before it can become law. The path of H.R. 1 is traced by a solid line, that of S. 2 by a broken line. However, in practice most legislation begins as similar proposals in both houses.

The bill goes to full committee, then usually to a specialized subcommittee for study, hearings, revisions, approval. Then the bill goes back to the full committee where more hearings and revision may occur. The full committee may approve bill and recommend its chamber pass the proposal. Committees rarely give a bill an unfavorable report; rather, no action is taken, thereby killing it.

In the House, many bills go before the Rules Committee for a “rule” expediting floor action, setting conditions for debate and amendments on the floor. Some bills are “privileged” and go directly to the floor. Other procedures exist for noncontroversial or routine bills. In the Senate, special “rules” are not used; leadership normally schedules action.

The bill is debated, usually amended, passed or defeated. If passed, it goes to the other chamber to follow the same route through committee and floor stages. (If the other chamber has already passed a related bill, both versions go straight to conference.)

### **Conference Action**

Once both chambers have passed related bills, a conference committee of Members from both Houses is formed to work out differences.

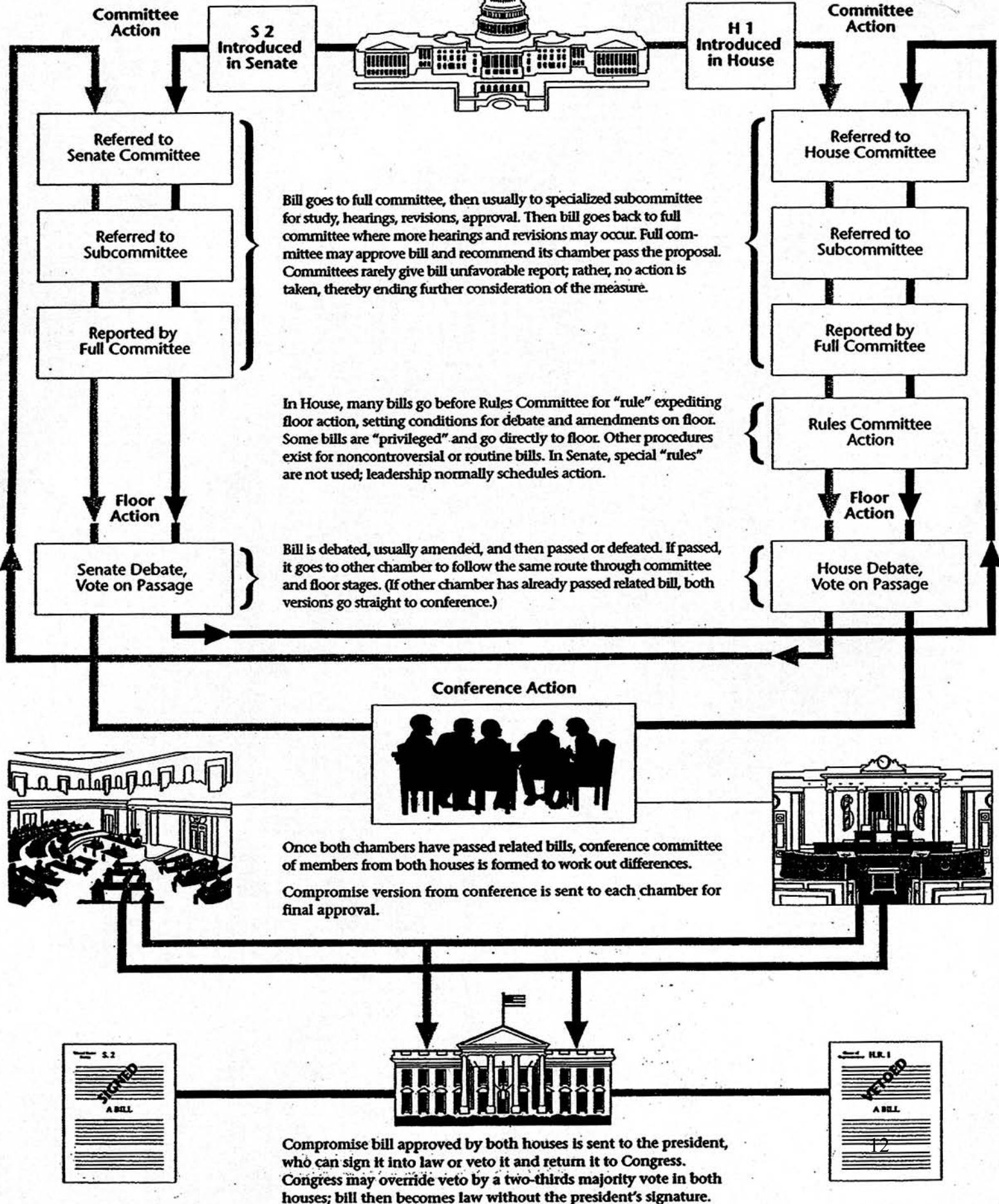
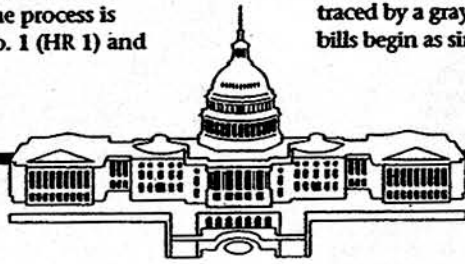
The compromise version from the conference is sent to each chamber for final approval.

The compromise version approved by both Houses is sent to the President, who can either sign it into law or veto it and return it to Congress. Congress may override the veto by a two-thirds majority vote in both Houses; the bill then becomes law without the President’s signature.

# How a Bill Becomes a Law

This graphic shows the most typical way in which proposed legislation is enacted into law. There are more complicated, as well as simpler, routes, and most bills never become law. The process is illustrated with two hypothetical bills, House bill No. 1 (HR 1) and

Senate bill No. 2 (S 2). Bills must be passed by both houses in identical form before they can be sent to the president. The path of HR 1 is traced by a gray line, that of S 2 by a black line. In practice, most bills begin as similar proposals in both houses.



## GLOSSARY OF CONGRESSIONAL TERMS

**Act** – Legislation that has passed both chambers of Congress and has been signed by the President or passed over his veto, thus becoming law. Also used occasionally for a bill that has been introduced, but more appropriately for a bill that has been passed by one House.

**Amendment** – Proposal of a Congress person to alter the language in a bill or act. It is usually printed, debated and voted upon in the same manner as a bill.

**Appropriation** – The means by which authorized programs are actually funded by Congress for the fiscal year, but not necessarily to the total allowed under the bill authorizing the program. An appropriations bill originates in the House, and normally is not acted upon in the absence of an authorization. General appropriations bills are supposed to be enacted before the start of the fiscal year to which they apply. (See continuing resolution)

**Authorization** – The law under which a program is established (or continued) for a stated number of years. An authorization bill specifies the aim and conduct of the program and unless “open ended,” puts a ceiling on monies that can be used to finance it.

**Bill** – Most legislative proposals before Congress are in the form of bills and are designated as H.R. (House of Representatives) or S. (Senate) according to the house in which they were introduced. This designation is followed by a number assigned consecutively from the beginning of each two-year Congressional term.

**Budget** – The document sent to Congress by the President in January of each year estimating government revenue and expenditures for the following fiscal year and recommending appropriations in detail. The President’s budget message forms the basis for Congressional hearings and legislation on the year’s appropriations.

**By request** – A phrase used when a Senator or Representative introduces a bill at the request of the administration or private organization but does not necessarily endorse the legislation.

**Chairman/Chairwoman** – The highest ranking majority party member of a committee or subcommittee. (See ranking member)

**Clean bill** – Changes and revisions incorporated in an original bill may be introduced as a “clean bill.” The new measure, which is assigned a new number in the House but not the Senate, is then sent to the floor for consideration. This often is a timesaver, as committee-recommended changes do not have to be considered one at a time by the chamber. (See mark up)

**Committee** – A subdivision of the House or Senate that prepares legislation or conducts investigations. (See oversight) Most standing committees are divided into

subcommittees which study legislation, hold hearings and report their recommendations to the full committee. Only the full committee can report legislation for action by the House or Senate.

**Conference** – A meeting between the representatives of the House and Senate to reconcile differences between the two chambers over provisions of a bill. Members of a conference committee are virtually always from the committees that originally considered the legislation. A majority of the conferees for each chamber must reach agreement on those provisions of the bill on which the two chambers differ before it can be sent back to both the House and Senate in the form of a “conference report.” There it cannot get amended and, if not ratified by both chambers, the bill usually goes back to conference. Elaborate rules govern the conduct of the conferences. All bills that are passed by the House and Senate in slightly different form need not be sent to conference; either chamber may “concur” in the other’s amendments.

**Congressional Record** – The daily printed account of proceedings in both the House and Senate chambers, with debate, statements and the like reported verbatim; however, Members may, and frequently do, retroactively edit and revise remarks made on the floor so that quotations sometimes reported by the press are not always found in the Record. Members of Congress are entitled to insert any statement they wish in an appendix shown as “Extension of Remarks.”

**Continuing resolution** – A rarely successful procedure by which legislation may be removed from a committee that has failed to act on it and sent directly to the floor. In the House, a “discharge petition” requires the signatures of 218 Members (a majority in the House). In the Senate, a “discharge resolution” may be introduced by any Senator and is handled in the same manner as other matters of Senate business.

**Entitlement** – A program, such as Medicare and Medicaid, under which the government is required by law to provide certain specified benefits or services to all persons who meet the program’s eligibility requirements. Because Congress must appropriate on an annual basis whatever funds are necessary to provide the predefined benefits to eligible individuals, these programs are often referred to as “the uncontrollables.”

**Fiscal year** – Financial operations of the federal government are carried out in a 12-month accounting period beginning October 1 and ending September 30. The fiscal year carries the date of the calendar year in which it ends.

**Hearings** – Committee sessions for hearing witnesses. At hearings on legislation, witnesses usually include specialists, government officials and spokespersons for those affected by the bill under consideration. The public and press may attend “open” hearings but are barred from closed or “executive” sessions. The committee announces its hearings from one day to many weeks in advance and may invite certain persons to testify. Persons who request time to testify may be turned down by the committee, but most requests are honored.

**Legislative history** – The combined public record – especially the committee reports and floor debates – of the deliberations on a bill prior to its enactment. If the “congressional intent” of the legislation (or often of a particular clause or amendment) is not clear, the administration or, if necessary, the courts may look to the legislative history for guidance in interpreting it.

**Lobby** – Seeking to influence the passage or defeat of legislation. Originally the term referred to persons frequenting the lobbies or corridors of legislative chambers in order to speak to lawmakers. The right to attempt to influence legislation is based on the First Amendment to the Constitution, which says Congress shall make no law abridging the right of the people “to petition the government for a redress of grievances.”

**Majority leader** – Chief strategist and floor spokesman for the party in control in either chamber, who is elected by party colleagues and is virtually program director for his or her chamber.

**Majority whip** – In effect, an assistant majority leader in both the House and Senate. His or her job is to help marshal majority forces in support of party strategy.

**Mark-up** – Going through a bill, usually in committee or subcommittee, taking it section by section, revising or adding new phrases, etc. If the bill is extensively revised, the new version may be introduced as a separate bill with a new number (See clean bill)

**Minority leader** – Floor leader for the minority party. (See majority leader)

**Minority whip** – Whip for the minority party. (See majority whip)

**Override a veto** – The means by which Congress may enact a law over the written disapproval, or veto, of the President. A two-thirds majority of those present and voting is required in each House. The bill then becomes law. (See veto)

**Oversight** – Hearings held by a committee or subcommittee to determine whether or not a government program is being administered properly and is functioning in accordance with the intent of Congress.

**Quorum** – The number of members whose presence is necessary for the transaction of business, usually a simple majority.

**Ranking member** – The highest ranking minority party member of a committee or subcommittee, who would be chairperson if his or hers was the majority party.

**Recommit** – A motion, made on the floor after deliberation on a bill, to return it to the committee that reported it. If approved, recommittal is usually a death blow to the bill.

**Report** – Both a verb and a noun. A committee that approves a bill “reports” its findings and discharges it for floor action. This process is called “reporting” a bill.

A “report” is the document setting forth each committee’s explanation of its action and intent and, therefore, constitutes an important part of the legislative history of the bill. When a committee report is not unanimous, the dissenting committee members may file a statement of their views, called “minority views” and referred to as a “minority report.” Sometimes a bill is reported without recommendations. (See legislative history)

**Recission** – The means by which a President may repeal a previous appropriation if approved by Congress under procedures in the Budget and Impoundment Control Act of 1974.

**Resolution** – A “joint” resolution, designated H.J. Res. or S.J. Res., requires the approval of both the House and Senate and has the force of law if approved. There is no real difference between a bill and a joint resolution. The latter is generally used in dealing with limited matters, such as a single appropriation for a specific purpose. Joint resolutions also are used to propose amendments to the Constitution. They do not require Presidential signature, but become a part of the Constitution when three-fourths of the states have ratified them.

Other types of resolutions, designated “simple” or “concurrent,” deal with internal and procedural matters and have no force of law. They are also used to express the sentiments of Congress or to give “advice” on foreign policy or other executive business.

**Rider** – An amendment, usually not relevant or “germane,” to a bill that has a good chance of passage. Riders become law if the bills embodying them do. Riders providing for legislation in appropriations bills are outstanding examples, though technically they are banned. The House, unlike the Senate, has a strict germaneness rule; thus riders are usually Senate devices to get legislation enacted quickly or to bypass lengthy House consideration.

**Speaker** – The presiding officer of the House, elected by all members; usually the highest ranking majority party member. In the Senate, the Vice President of the United States is the presiding officer. In his or her absence, the president pro tempore (elected by the Senate), or a designee, presides.

**Supplemental appropriation** – Normally passed after the regular (annual) appropriations bill to appropriate funds for programs that need additional monies or that were not authorized when the regular appropriations bill was considered.

**“Suspension” and “unanimous consent”** – A “suspension” is a bill (usually noncontroversial) considered on the House floor that does not have to go through the Rules Committee, to which no amendments may be offered and which requires a favorable vote by two-thirds of Members present and voting (with a quorum present) for passage. (To be reconsidered, a bill that fails under this procedure must be considered by the Rules Committee before it is brought before the House again, with a simple majority vote required for passage.) Although the purpose of the suspension procedure is to expedite consideration of noncontroversial bills, large and controversial bills may be considered “under suspension,” especially toward the end of a session. In the Senate,

measures may be scheduled by the leadership for “unanimous consent” and passed if there are in fact no recorded objections.

**Table** – The motion to “lay on the table” is not debatable in either House and is usually a method of killing a bill or amendment.

**Veto** – Disapproval of a bill by the President. A vetoed bill is returned to the House of its origin with a message stating his objections. Congress may “override” the veto by a two-thirds majority in both Houses. Failing that, the veto is “sustained.”