POLICYMAKING, ADVOCACY, AND ANALYSIS IN THE U.S. LEGISLATIVE SYSTEM

SELECT COURSE MATERIAL FOR POLICY PRACTITIONERS
Overview

• Introduction to Federal Government and Legislative Process
  – How a bill becomes a law
  – Congressional Committee System
• Policy Problems: Identifying and Proposing Solutions
• Engaging Congressional Offices
  – Finding and tracking legislation
  – Life of a staffer
  – Outreach
Understanding Power and Process in the U.S. Government
https://www.youtube.com/watch?v=lrk4oY7UxpQ
Separation of Powers

Three types of power in U.S. Government:
- The power to make laws (Legislative) – Congress
- The power to enforce laws (Executive) – The President
- The power to interpret laws (Judicial) – the Courts

Separation of Powers (checks and balances) intentionally designed to protect states from federal overreach
3 BRANCHES of U.S. GOVERNMENT

Constitution (provided a separation of powers)

Legislative (makes laws)
- Congress
- Senate
- House of Representatives

Executive (carries out laws)
- President
- Vice President
- Cabinet
- Supreme Court
- Other Federal Courts

Judicial (evaluates laws)
- Congress
- House of Representatives
- Senate

Checks and balances on the US government

Executive
- President
- President can veto laws
- Congress can pass laws over president's veto
- Courts can declare acts by president unconstitutional
- President appoints judges

Legislative
- House of Representatives
- Senate
- Congress approves president's court appointments and can remove judges

Judicial
- The Courts
- Court can declare laws unconstitutional
Executive Powers

White House:
- Sets National Agenda & Priorities
- Issues Executive Orders
- Works with Congress: Statutes & Budgets
- Veto power if needed

Agencies:
- Issue regulations within statutes
- Manage programs: grants, contracts
- Provide oversight and monitoring to assure compliance with statutes and regulations (e.g. UDS, OSV)
Judicial Branch

Functions:
• Interprets the meaning of laws
• Applies laws to individual cases
• Decides if laws violate the constitution

Comprised of:
• Supreme Court (9 justices)
• Federal Courts
Legislative Branch

Comprised of:
- Congress – House and Senate
- Agencies supporting Congress

Functions:
- Enacts legislation
- Confirms or rejects presidential appointments
- Authority to Declare War
Example of 3 branches involved in legislation: ACA passage and implementation

**Legislative**
- Developed law
- Passed initial bill
- Challenged law-defund, repeal, etc.

**Executive**
- Pres. Obama signed bill into law
- Developed rules and regulations
- Implemented law

**Judicial**
- Ruled on cases relating to ACA including individual mandate and Medicaid expansion
HOW DOES A BILL BECOME A LAW?

BILL INTRODUCED IN HOUSE

HOUSE OF REPRESENTATIVES

S. 100
Bill Introduced in Senate

SENATE

HR 100
Bill Introduced in House

435 Representatives
Each state receives representation in the House in proportion to its population, with each Representative serving a term of two years. Each representative serves a non-renewable term of two years.

100 Senators
Each U.S. state is represented by two senators, regardless of population. Senators represent the interests of entire states, providing a balanced representation of each state in the Senate. Senators serve staggered six-year terms.

// Diagram//
How a Bill Becomes a Law: The Congressional Committee System

- Bills introduced into either the House of the Senate are first referred to a committee or committees for consideration
  - Reminder: House of Representatives is elected every two years from 435 congressional districts

- Then referred to subcommittees for hearings, review, and markup

- Majority of votes required to send a bill to floor
The Congressional Committee System (cont.)

• Once bills receive majority support in both houses, are reconciled in bicameral conference committees, then sent back to both houses for floor majority votes

• Then bill goes to President for signature or veto

• Committees can “Gatekeep” – or stall/prevent an item from ever making it to the full house or senate floor for debate or a vote.
The Congressional Committee System (cont.)

- 20 committees in House
- 21 committees in Senate
- 4 joint committees (no legislative duties)
- Dozens upon dozens of sub-committees

- Committee members are assigned based on tenure, preference, constituent interest, and status within party.
- Party leadership determines committee chairs and ranking members, often by seniority.
PROBLEM IDENTIFICATION AND POLICY SOLUTIONS
Problem Identification

What is a policy problem?
A “problem typically implies some state of the world that is and will remain unsatisfactory or undesirable without government interaction (Mohr 1995)

What is problem identification?
• Clearly identifying the root cause of a problem
• Developing a detailed problem statement that includes the problem’s effect on a population’s health

Why is problem identification important?
You need to make sure you are identifying the true, underlying problem causing the social or health issue— and this is not always obvious.

Who should you involve in problem identification?
Stakeholders are people or groups closely affected by or concerned with the problem and are interested in policy solutions for it. Talking to stakeholders about the problem will help you with:
• Identifying the true, underlying problem
• Framing the problem accurately
• Assist in defining a policy solution
Example – healthcare access

• In a city, women in Neighborhood A were getting adequate prenatal care, but women in Neighborhood B were not. However, the neighborhoods had the same risk factors for not getting adequate prenatal care.
• To learn more about this issue, researchers asked stakeholders to provide data on why Neighborhood B had such low rates of prenatal care. Local clinicians said there was an increase in the number of missed appointments in that neighborhood over the past few years.
• After interviewing health care providers and community members, the team learned that bus services in the neighborhood had been drastically cut in the last two years.
• In this situation, stakeholder interviews helped the researchers understand the true, underlying cause of the lack of prenatal care in the city. They originally thought it was a health care problem, but in reality, it was a transportation problem.
Steps to Identify Policy Problems

1. **Identify the root cause of the problem by collecting data and collaborating with stakeholders**
   Consider data and sources that could help clearly define the problem: environmental scans, reviewing existing data, a literature review, or community survey.

2. **Develop your problem statement.**
   Describe how the problem occurred, how serious it is, and its potential outcomes and/or impacts.
Identifying Policy Solutions or Alternatives

1. Generate a series of policy options that will have a desired impact on the problem.

2. Determine causal link - Linking alternatives to problems implies a causal link so use social science theories to understand how and why links occur.

3. Estimate outcomes- create criteria on which to assess various policy ideas. Criteria could include cost, predicted effect, distribution of effect, etc.


5. Choose most preferred alternative.
Keep in mind:

**Policy solutions:**

– are generally born out of existing policy
  
  • There is generally pre-existing language for a policy. This might come from a model policy or policies others have drafted and experienced

– should be generated with enactment or implementation in mind

– outline key resources needed to implement and sustain the policy
Engaging Congressional Offices
Engaging Elected Officials

Why do elected officials care?

• Components of a successful meeting:
  – Personal story/connection
  – Local impact
  – Research of target audience/member
  – Clear connection between problem and policy solution
  – Handouts/takeaways
  – Practice, practice, practice
  – Follow-up
Speaking from Experience

• The representatives want to hear from you. Your voice is valuable, so what are some ways you can make an impact?

• Prepare, practice and be flexible

• You will not know every detail. That is okay!
Who You’ll Be Looking For

• Committees and Caucuses

• Areas of focus and past legislation introduced or sponsored

• Constituents/Geography

• Congress Member websites are often full of information and resources (news articles and advocacy organizations as well).
The Life of a Congressional Staffer
Capitol Hill

**Legislative director**
Manages the member’s legislative portfolio and priorities and manages the legislative assistants and correspondents. They work directly with the member to establish priorities and strategy. The legislative director is in charge of vote recommendations, creating new legislation and running the legislation through committee hearings.

**Legislative assistant**
The assistant, a senior position on the team, conducts research on legislation and handles mail. An office may have multiple legislative assistants that handle different issue areas or priorities of the member’s policy and legislative portfolio.

**Legislative correspondent**
Researches legislation and issue areas. Often, they report to legislative assistants. They also draft correspondence to constituents who write in to the member with questions about policy.

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Researches, drafts, communicates about legislation and informs the member on a range of issues before Congress and in committee.

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**Diagram**

- **Chief of staff**
- **Scheduler**
- **POLICY**
  - **Legislative director**
  - **Legislative assistant**
  - **Legislative correspondent**
- **COMMS**
  - Communications director
  - Press secretary
- **ADMIN**
  - Office manager
  - Staff assistants
  - Systems administrator
CLASS ACTIVITY – FINDING A BILL
HTTPS://WWW.CONGRESS.GOV/
Brown School at Washington University in St. Louis

H.R. = House bill

S. = Senate bill

   Food for Thought Act of 2019
   
   
   **Committees**: House - Education and Labor
   
   **Latest Action**: House - 07/25/2019 Referred to the House Committee on Education and Labor. (All Actions)
   
   **Tracker**: Introduced > Passed House > Passed Senate > To President > Became Law

2. **S.2501** — 116th Congress (2019-2020)
   Access to Healthy Food for Young Children Act of 2019
   
   **Sponsor**: Sen. Casey, Robert P., Jr. [D-PA] (Introduced 09/18/2019) Cosponsors: (13)
   
   **Committees**: Senate - Agriculture, Nutrition, and Forestry
Summary: H.R.4265 — 116th Congress (2019-2020)

There is one summary for H.R.4265. Bill summaries are authored by CRS.

Shown Here:
Introduced in House (09/10/2019)
Healthy Breakfasts Help Kids Learn Act of 2019

This bill authorizes the Department of Agriculture (USDA) to provide additional food (known as commodity assistance) to states participating in the School Breakfast Program (SBP). (Under current law, USDA provides commodity assistance to states participating in the National School Lunch Program based on the number of lunches served. The food may also be served as part of the SBP or other child nutrition programs.)
Money Influencing Policymaking

How much is spent each year on lobbying in the U.S.?

$3.42 billion spent at the Federal level in 2018 alone! (Center for Responsive Politics)

(Relatively consistent each year but amount spent on specific issues can vary widely)
Honest and Ethical Professions

An annual survey conducted by Gallup identifies the most and least honest and trustworthy professions.

In 2017...

Most Trustworthy?
- Nurses
- Grade School Teachers
- Medical Doctors

Least Trustworthy?
- Lobbyists
- Car Salespeople
- Advertisers
- Congressmembers
How many Lobbyists?

• Lobbyist Disclosure Act (1995, amended in 2007), requires individuals and organizations to register as lobbyists at specific thresholds

  – Close to 12,000 registered, active lobbyists

  – Estimated 90,000 uncounted individuals engaging in lobbying activities at federal level (Center for Congressional and Presidential Studies, American University).

• At state level, different requirements and regulations: 
  https://www.ncsl.org/research/ethics/50-state-chart-lobbyist-registration-requirements.aspx
Lobbying versus Advocacy

**Lobbying**

- Working to influence legislation at all levels: federal, state, and local.
  - Involves a *direct approach (or ask)* of a legislator on a specific policy or piece of legislation

**Advocacy**

- Arguing for or against causes, ideas, or general policy areas. Supporting or recommending positions on issues.

*Important note: Grassroots lobbying is still lobbying!*
Lobbying versus Advocacy (continued)

Advocacy Examples

“End the cradle-to-prison pipeline: support criminal justice reform!”

“The clock is ticking to reverse the effects of global warming. Protect the environment and conserve natural resources”

Tranlasted to Lobbying:

Vote to reauthorize the Juvenile Justice and Delinquency Prevention Act!

Vote “NO” on S.2280 and the creation of the Keystone XL Pipeline
What About Education?

• Effective lobbying and advocacy are both rooted in policy decision maker education.

• Non-lobbying organizations often meet with policy makers to share information or research that can be relevant to proposed legislation.

• Elected officials can formally invite individuals and organizations to testify at public hearings.

• Organizations and individuals can invite (formally or otherwise) elected officials to participate in congressional briefings.
Example: Congressional Briefing on JJDPA

• “Disrupting the Cradle-to-Prison Pipeline: Juvenile Justice, Race, and Poverty”
• Panel and speakers represented diverse perspectives and specific roles in affecting/informing policy process
  – Research, Advocacy, Policymaker, Community Members
• Afterwards:
  – Continued engagement and outreach with participants
  – Created comprehensive website with event recording, recap, resources around juvenile justice reform
EXAMPLE 1

**Operation Food Search**

**HB 1486 Increases Child Hunger in Missouri**

**Current SNAP Allotment**
- Family of 4: $301/month

**SNAP Allotment Under HB 1486**
- Family of 4: $165

EXAMPLE 2

**SNAP Improves academic performance for low-income children.**

- SNAP increases math and reading scores for low-income female students (Truong et al. 2005)
- SNAP decreases the likelihood that low-income students will repeat a grade (Bah ara et al. 2017)
- When families run low on SNAP dollars, low-income students have lower test scores (Cotter et al. 2017)

**FACT**

An increase in SNAP increases grades

**SNAP BENEFITS**

**ACADEMIC SCORES**

Please vote “NO” to protect the health and future of children.
Example 3

Think of an issue that you care about. To advance your position/view on the issue, give an example of how would you might:

– Lobby a congress member?

– Advocate for an issue you care about?
Legislative Outreach: Speaking from Experience

The representatives want to hear from you. Your voice is valuable, so what are some ways you can make an impact?

- Prepare, practice and be flexible

- You will not know every detail. That is okay!

- Prepare for two kinds of meetings: short and really short. Have an “elevator pitch” at the ready in case you only have a brief opportunity