



The Legislative Process: An Advocacy Manual



NANASP's vision is to reshape the future of nutrition and healthy aging.

NANASP's mission is to strengthen through advocacy and education those who help older Americans.

Developed for the National Association of Nutrition and Aging Services Programs

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Introduction

Congress shall make no law...abridging the freedom of speech, or of the press, or of the people peaceably to assemble, and to petition the Government for a redress of grievances.

First Amendment to the Constitution

To the members of National Association of Nutrition and Aging Service Programs (NANASP) and other individuals, groups or associations desiring to impact the governmental decision making process:

For most members of the NANASP, the congregate and home-delivered meals as well as the other aging services provided through your programs were created by or are currently supported by federal statute. For over 40 years these programs have been part of the home and community based service network established through the Older Americans Act. Indeed, it is national legislation that determines the quality standards, operational requirements, and funding for much of what you do on a daily basis in providing services to the Nation's older citizens. It only makes sense, therefore, for you to be familiar with the relevant laws as well as the legislative processes that determine your ability to serve the needs of this growing population. For these reasons, this manual was developed.

Service providers at the local community level are in the best position to know the needs of older persons and how to meet those needs in the most cost effective manner. Your input needs to be received by those who are responsible for shaping national policies and priorities. The purpose of this Advocacy Manual is to educate you about how the federal policy-making system works. It will provide you with some basic tools for impacting this system.

Please use this manual as a resource and thank you for all you do in serving older Americans in your community.

Congressional Policy Making Process

Public policy is comprised of laws typically enacted by legislatures and is commonly referred to as legislation. Although successful advocacy depends on many factors, a thorough understanding of the legislative process is an important component to an effective advocacy strategy.

The Congressional law making process involves 435 Representatives and 100 Senators as well as their respective staff. In the House, representation is based on the number of people living in each state. In the House, Each member represents an area of the state, known as a congressional district. The number of representatives is based on the number of districts in a state. Therefore, states with larger populations have more representation than states with smaller populations. All states have two senators in the Senate. [Go to the NANASP website to link to your Congressional members, www.nanasp.org]

Bills and Resolution: The Building Blocks of Laws

Ideas for legislation may come from many sources. These characteristically include interest groups and associations, the Executive branch (and governmental agencies), and individual Congressional members. Legislation takes the form of a bill or resolution, joint resolutions, concurrent resolutions, or simple resolutions. Typically, bills are the most common form of legislation that advocates address.

Bills are legislative proposals of a more general character and are the most utilized form of legislative proposal. All bills are numbered sequentially with Senate bills designated “S” and House bills designated *H.R.* followed by the bill number. In order for a bill to become law, it must be passed by both the Senate and House in identical form and signed by the President.

Most legislation begins in the House. Bills and resolutions may be introduced at any time when the House is in session. Once a bill is introduced it will include a bill number, the name of the author (and co-sponsors) and the Committee or Committees to which the bill is referred.

The Role of Committees

Committees but are an important part of our law-making process. Committees and subcommittees help determine the outcome of the legislative process by deciding which bills the full Congress will consider and by shaping the language drafted in the legislation. Committees are grouped according to jurisdictional policy areas. There are approximately 250 Congressional committees and subcommittees in the House and Senate, each of which is responsible for considering all matters that fall within its jurisdiction.

Congress has three types of committees: (1) Standing Committees are permanent panels with jurisdiction over broad policy areas (e.g., Agriculture, Foreign Relations) or areas of continuing legislative concern (e.g., Appropriations, Rules); (2) Select Committees are temporary or permanent panels created to consider a specific issue that lies outside the jurisdiction of other committees or that demands special attention (e.g.,

campaign contributions); Conference Committees are formed to resolve differences between House and Senate versions of a specific measure once it has passed both bodies.

Advocacy efforts typically are focused on Standing Committees; typically those with authority over relevant public policy creation or reauthorization (e.g., the Farm Bill and the Senate Agriculture, Nutrition, and Forestry Committee) or Appropriations Committees. Currently, the House has 20 Standing Committees and the Senate has 16 Standing Committees.

Many committees divide their work among subcommittees. Subcommittees are responsible for specific areas within the committee's jurisdiction and report their work on a bill to the full committee, which must approve it before reporting the bill to the full House or Senate.

The majority party always has more seats on a committee and one of its members chairs the committee. Each party also determines committee assignments for its members, observing rules that have been adopted to limit the number and type of committees and subcommittees upon which one member can serve.

The work of Congressional committees begins after a bill has been introduced to the House or Senate and is referred to the committee for consideration. Most committees take up only a small percentage of the bills referred to them. The committee's first step in considering a bill is usually to ask for written comment by the executive agency that will be responsible for administering it should it become law. Next, the committee will usually hold hearings to gather opinions from outside experts and concerned citizens. If the committee decides to move forward with the bill, it will meet to frame and amend the measure through a process called markup. Finally, when the committee has voted to approve the bill, it will report the measure to its branch of Congress, usually with a written report explaining why the measure should be passed. Once a bill comes to the floor of the House or Senate, the committee that reported it is usually responsible for guiding it through debate and securing its passage.

Passage

When legislation reaches the full House or Senate for consideration it is normally after a Committee has taken action. Legislation in both the House and Senate are governed by rules outlining the terms of consideration. This can include whether changes are made to the legislation through amendments offered on the House or Senate floor. A final vote occurs either on the original or an amended version. If the House and Senate produce different bills differences must be resolved by a joint House-Senate conference committee. Each body must again vote on the final conference report on a bill and that is what is sent to the President to make into public law.

Critical Advocacy Junctures in Policy Making Process

There are four critical junctures where advocacy efforts need to be sharply focused: (1) committee hearings, (2) mark-ups, (3) consideration by the full floor, and (4) conference committees.

Hearings

In hearings, Members are informed through testimony by experts and concerned stakeholders about issues related to the proposed legislation. Committee members ask questions about the testimony of witnesses, exhibits, photographs, demonstrations, and other material presented in hearings. Most committee hearings are open to the public, but in special cases committees may vote to close hearings or meetings to the public.

Advocacy efforts, at this juncture, focus on providing written or oral testimony to the committee chair and other committee members.

Mark-ups

After hearings are completed, the bill is considered in a session that is popularly known as the “mark-up” session. Members of the committee study the viewpoints presented in detail. Amendments may be offered to the bill, and the committee members vote to accept or reject these changes. This process can take place at either the subcommittee level or the full committee level.

Advocacy efforts, at this juncture, focus on proposed legislation (and any proposed changes) and informing and influencing committee members’ of the impact of the legislation (and any changes).

Full Floor Consideration

Consideration of a measure by the full House can be a simple or very complex operation. In general a measure is ready for consideration by the full House after it has been reported by a committee. Under certain circumstances, it may be brought to the floor directly. Otherwise, the Speaker of the House determines when bills that have been reported by committees will be scheduled for consideration on the House floor.

After all debate is concluded and amendments decided upon, the House is ready to vote on final passage. In some cases, a vote to “recommit” the bill to committee is requested. This is usually an effort by opponents to change some portion or table the measure. If the attempt to recommit fails, a vote on final passage is ordered.

Advocacy efforts, at this juncture, continue to focus on proposed legislation (and any proposed changes) and informing and influencing Members’ of the impact of the legislation (and any changes).

Conference Committees

After a measure passes in the House, it goes to the Senate for consideration. A bill must pass both bodies in the same form before it can be presented to the President for signature into law.

If the Senate changes the language of the measure, it must return to the House for concurrence or additional changes. This back-and-forth negotiation may occur on the House floor, with the House accepting or rejecting Senate amendments or complete Senate text. Often a conference committee will be appointed with both House and Senate members. This group will resolve the differences in committee and report the identical measure back to both bodies for a vote. Conference committees also issue reports outlining the final version of the bill.

Advocacy efforts, at this juncture, focus on the desired proposed legislation (either the House or Senate version) and informing and influencing Members of the impact of the different versions.

In summary, most advocates concentrate their efforts on the members of the committees with jurisdiction over legislation important to them, and they mobilize grassroots support at the points where they will have the greatest impact.

The Advocacy Process

Advocacy can be broadly defined as any attempt to influence public policy through educational and awareness efforts and strategies. The term advocacy is often used interchangeably with lobbying. However, lobbying should be used to refer more precisely to activities that deal with explicitly supporting or opposing specific legislation before a legislative body. Lobbying can be thought of as a subset of advocacy. Importantly, both general advocacy and more specified lobbying can be done by nonprofits.

The advocacy process is an iterative course of action beginning with the identification of a goal. For example, the goal may be to increase awareness of legislators of funding shortfalls for Older Americans Act nutrition programs in the hopes that this will lead to increased federal funding through the appropriations process. Once the goal (and there can be more than one) is identified, the development of a specific strategy to achieve that goal begins followed by implementation with ongoing evaluation of the efficacy of the strategy.

Developing and Implementing an Advocacy Strategy

The first step in any advocacy effort is to proactively engage legislators and their staff in a coordinated and long-term communication exchange prior to any specific request. The aim of this is to build a trusting and informational relationship with a reciprocal component: the legislator, the organization, and the cause all benefit in the long run.

What follows is a framework for implementing an advocacy plan. Although presented in a relatively sequential, three-tier manner, the framework is iterative; elements can be combined, and allows for evaluation and corrective adjustments throughout the process:

Tier One: Building a Relationship

The purpose of Tier One activities is to create and foster a relationship with the legislator and his/her staff. The relationship is mainly descriptive and educational in

nature at this stage. Information is shared with the legislator about the organization, its mission and operation, and the scope of services delivered.

1. Introductory Communication

Initial contact with the legislator's home office needs to occur. This initial contact should be a telephone or written request to have an introductory meeting with either the legislator or a staff member (preferably one with responsibility for the policy area the organization functions within) at his/her home office. Typically, this meeting will be with a staff person. Prior to making the contact, attempts should be made to see if a board member or other stakeholder in the organization already has an existing relationship with the legislator and if that relationship can assist in "getting in the door" and on the legislator's schedule.

2. Initial Meeting

The scope and range of this initial meeting should be solely informative in nature. The meeting's purpose is to succinctly relate to the legislator or staff the organization's mission and history, the types of services provided, and how these services are publicly and privately funded. This meeting should include "leave-behinds" that minimally consist of a business card, organizational brochures, any press clippings about the organization, and any newsletters. Other items may include a list of the organization's Board of Directors (especially, if one or more of those board members already has a relationship with the legislator) or pictures of recipients receiving services. These initial meeting usually last no more than 15-20 minutes.

3. Initial Follow up Correspondence

Written correspondence should be sent as soon as possible to the person who the meeting was with acknowledging and thanking them for the meeting, recap of what was stated, and attach some additional informative, organization material. Importantly, this correspondence should include an invitation for the legislator to tour the organization's facilities to see first-hand the organization's operations and clientele.

Tier Two: Cementing the Relationship

The purpose of Tier Two activities is to strengthen the relationship with the legislator and his/her staff. The organization needs to be viewed as a credible source of information. It is also time to establish a quid pro quo connection with the legislator. The organization has something to offer the legislator and, in turn, the legislator can assist the organization. Legislators want to be perceived as making a difference, doing something for their constituents, and, usually, getting reelected or elected to higher office. The organization can help the legislator become better known for the work that the legislator is doing through strategic media opportunities.

4. Formal Invitation for Site Visit

At some juncture, a formal invitation should be made to the legislator to visit the organization's facility. The invitation should detail what the agenda will be for the visit, how long the visit would last, and who the legislator will be meeting with during the visit. If the media will be invited, this should also be stated. The agenda for the meeting can be a simple tour of facilities or a more elaborate function (e.g., have the legislator serve as a keynote speaker for a "Volunteer Appreciation" celebration, emcee at a fundraising event, or as a speaker to a meeting of the organization's clientele).

5. Site Visit

This should be viewed with two purposes in mind. First, this is another opportunity to build a relationship with the legislator, provide her/him with additional information about the organization, and begin a general discussion of some of the challenges the organization faces in providing services to the elderly. Second, this is a media opportunity for the legislator (as well as the organization). Prior to the visit, the organization needs to let the local media know of the visit (time, location, and agenda).

The organization needs to take pictures of the visit (preferably with a digital camera) for the organization's newsletter and website (if either exists) and also to send these pictures to the legislator's office for their possible use (as well as a reminder of the visit and the organization).

6. Site Visit Follow-up Communication

Soon after the site visit, send the legislator a thank you letter with pictures of the visit (and, if applicable, that these are available digitally if the legislative office would like them for their use) and any press coverage of the visit as well as a copy of the organization's newsletter with coverage of the visit. If possible also have the clientele of the organization send short thank you notes.

7. Continuation

On an ongoing basis, the organization should keep the channels of communication open with the legislator and staff. This can be accomplished by ensuring the legislator is on the organization's newsletter mailing list, sending newspaper clippings about the organization's activities, and other general means. It is here where specific mention of the challenges the organization faces can be detailed. For example, the highly leveraged nature of funding and its impact on service delivery capability, a recent spike in expenses (e.g., fuel costs, minimum wage increases) and their impact on operations, and the influence seemingly simple regulatory changes (e.g., dietary standards) have on organizational capacity issues are possible topics of communication.

If an opportunity presents itself to visit the legislator in the capitol, the Tier One processes can be slightly amended to schedule and follow up as a way to bolster the relationship.

Tier Three: Making Requests

All the preceding activities lay the foundation for a request for the legislator to take some action. Although a request can be made and in emergency situations should be made to the legislator who the organization has not developed a solid bond with, the relationship-building and solidifying activities leading to Tier Three make the request and the supporting rationale more likely to get on the table and been seen as credible and accurate.

8. Requests

Requests can be specific (e.g., increasing appropriations by 7.5%) or they can be more general in nature (e.g., if a proposed bill passes as written it will mean less clients served).

Ideally, the request needs to be supported with both quantitative and qualitative evidence. Quantitative substantiation is data expressed in objective numbers; whereas qualitative supportive material can be thought of as more subjective and relies on anecdotal stories and more emotionally-laden indications of request's impact.

Conclusion

In closing, members of the NANASP have been vital service providers to our nation's aging population. Through the congregate and home-delivered meal programs as well as the other aging services, members have been an active part of the home and community based service network established by the Older Americans Act. The accumulation of knowledge and special expertise of our members means NANASP member voices need to be heard by those who are responsible for shaping national policies and priorities. The purpose of this Advocacy Manual was to provide you with a basic overview of the legislative process and how you can influence the policy making system.

Relevant Web Links

Nonprofit Lobbying Guide <http://www.independentsector.org/programs/gr/lobbyguide.html>

THOMAS <http://thomas.loc.gov>

The Library of Congress provides you with searchable information about the U.S. Congress and the legislative process. Search bills by topic, bill number, or title.

White House Conference on Aging <http://www.whcoa.gov>

National Clearinghouse for Long-Term Care Information <http://www.longtermcare.gov/>
Developed by the U.S. Department of Health and Human Services

Elder Justice Coalition <http://www.elderjusticecoalition.com>

U.S. Government Printing Office <http://www.access.gpo.gov/>

Family Caregiver Alliance - National Center on Caregiving <http://www.caregiver.org>

National Committee for the Prevention of Elder Abuse <http://www.preventelderabuse.org>

House Appropriations Committee <http://appropriations.house.gov>

House Budget Committee <http://budget.house.gov>

House Education and Labor Committee <http://edlabor.house.gov>
Committee of Jurisdiction – OAA (Subcommittee on Healthy Families and Communities)

Leadership Council of Aging Organizations <http://www.lcao.org/>

House Energy and Commerce Committee <http://energycommerce.house.gov/>
(Subcommittee on Health)

House Ways and Means Committee <http://waysandmeans.house.gov/>
Committee of Jurisdiction - Medicare

Senate Budget Committee <http://budget.senate.gov>

Senate HELP Committee <http://help.senate.gov>
Committee of Jurisdiction - Older Americans Act

Senate Special Committee on Aging <http://aging.senate.gov>

Senate Finance Committee <http://finance.senate.gov>
Committee of Jurisdiction - Medicare

Senate Appropriations Committee <http://appropriations.senate.gov>

CRS Report for Congress - The Older Americans Act: Programs, Funding, and 2006
Reauthorization (P.L. 109-365) <http://www.ncoa.org/attachments/CRSOAAReport.pdf>