

# Advocacy on a National Level: Influencing Federal Government and Policy



# Introduction

Advocates can help change **policy** and laws at the **federal** level. You can help change policy even if you are not in Washington, D.C. Examples of remote advocacy include:

1. Writing letters to lawmakers.
2. Making connections in DC.

## What this guide is

This guide provides an overview of the federal government law process. This process includes

- the branches of the federal government
- how legislators pass legislation
- how the budget process works
- the federal rules process
- Disability related agencies

and

- The difference between a legislative and executive issue.

The guide also provides information on ways advocates can work for disability rights at the federal level. This guide will teach you how to:

- Work with disability related federal agencies
- Build groups of advocates
- Attend hearings on bills (This guide tells you how hearings work and what to do)
- Know your committees for bills and work with committee staff
- Attend town hall meetings (this guide tells you what to do)
- Speak with a legislator's district office (this guide tells you how)
- Write letters, make calls, and go to meetings with legislators

Words in **bold red** can be found in the glossary starting on page 18.

# Branches of the Federal Government

## Executive Branch



The President, Vice President, the President's cabinet, and certain agencies are the executive branch of the federal government. The executive branch signs bills into law and oversees the government.

Cabinet members advise the President. Cabinet members are the head of the fifteen executive departments. For example, the head of the State Department is the Secretary of State.

### *Federal agencies*

Federal agencies control specific parts of the federal government. They can

- create rules and regulations
- implement a law
- oversee a specific budget for their area of control.

Some examples of agencies are:

- The Environmental Protection Agency, or EPA, creates rules for the federal government on the environment.
- The Department of Education creates rules on education. The Department of Education controls the federal education budget.
- Disability and aging-related agencies, such as the National Council on Disability (NCD) or the Administration on Community Living (ACL), explained later in this Guide.



## Legislative Branch

Congress is the main part of the legislative branch. Congress has two parts. These parts are called the two **chambers**. The two chambers are the House of Representatives and the Senate. Each state has two senators, for a total of 100. States receive House Representatives based on size. Right now, The House has 435 members.



## Judicial Branch

The federal courts and the Supreme Court make up the judicial branch. The judicial branch

- interprets the meaning of laws
- applies laws to individual cases, and
- decides if laws violate the Constitution.

There are nine judges on the Supreme Court. These judges are also known as Justices. The term of a Supreme Court Justice is for life. Supreme Court Justices are chosen by the current President, any time there is an open slot.

## How does a bill become a law?

A piece of legislation begins as a **bill**. A bill begins in either the House of Representatives (H.R. plus a number), or the Senate (S. plus a number).

Bills dealing with money always begin in the House.

## What's the process?

### *Step 1: The Bill is Sponsored*

Bills can only be introduced by legislators. The Representative or Senator introducing the bill is known as the bill's **sponsor**. The Representative or Senator attaches their name to the bill. For example, in the Senate, bill S.1604 was sponsored by Senator Grassley. If a Representative sponsors the bill, it is a House bill. If a Senator sponsors a bill, it is a Senate bill.



A **first reading** is the first time a bill is brought to the legislature. During a first reading, the title of the bill is read. Then the bill is assigned to a **committee**. If the leader of the House or Senate chooses not to send the bill to a committee, the bill "dies". If a bill dies, it will have to be sponsored and introduced again before it can be discussed.

### *Step 2: The Bill Moves into Committees.*

A committee gets the bill. There are many different committees that focus on specific issues. For example, a bill about food safety might go to the Agriculture, Nutrition and Forestry Committee.

The committee holds **hearings** on the bill. A hearing is where committee

members discuss the pros and cons of the bill. If the committee chairperson chooses not to schedule the bill for hearing, the bill dies.

The committee may accept or reject the bill. The committee delivers a report to the House or Senate on all accepted bills.

*or*

The bill is sent to the Rules Committee. The Rules Committee decides if a bill gets put on the calendar for a second reading.

### ***Step 3: The House or Senate Debates and Passes the Bill***

The bill is sent back to the House or Senate for a second reading. If the leadership of the House or Senate decides not to give the bill a second reading, the bill dies.

People debate and add to the bill at a second reading. The bill may change. These changes are called **amendments** to the bill. Each amendment is voted on separately. Then the new version of the bill is voted on. If the bill is not accepted, it dies.

If the bill is accepted, a third reading is held. The bill is either accepted or dies. If the bill is accepted after a third reading, it gets sent to the other chamber.

### ***Step 4: It is sent to the other chamber.***

Steps 2-3 are repeated in the second chamber.

If the second chamber makes changes, both chambers must agree on the changes.

If the bill is accepted, no changes are made. Chamber leaders sign the bill and send it to the President.

### ***Step 5: If agreed upon, it is sent to the President. The President vetoes or signs the bill.***

When a bill reaches the President, he has three choices. He can:

1. Sign and pass the bill. The bill becomes a law.
2. Refuse to sign the bill. This is called a **veto**. The bill does not become a law. It is possible for Congress to **override** a veto. If 66% of the members of Congress vote again for the bill, it will become a law.
3. Do nothing. This is called a "pocket veto." If Congress is in session, the bill automatically becomes law after 10 days. If Congress is not in session, the bill does not become a law.



Once a bill becomes a law, federal agencies must create rules for that law.

## Federal Regulatory Process

### Rules and Regulations

Legislators pass laws that federal agencies have to follow and enforce. It is difficult for legislators to write all of the small details in a bill, because they might need the help of experts or other people outside of the state legislature.



After a law is passed, the legislature will assign a federal agency to create regulations, or **rules**, that explain how the law will be followed and what to do about the small details.

For example, a law might be passed saying that it's illegal to sell medications that haven't been tested and approved. Federal rules would be created to describe which specific lab tests would need to be done before a medication could be approved.

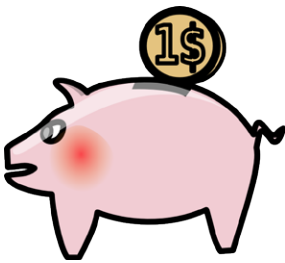
### The rule-making process

1. A new law needs an agency to come up with rules for the law. To create the rules, the agency holds hearings. The hearings are open to the public.
2. The agency meets with **stakeholders**. A stakeholder is a person or group with an interest in something. For example, disability advocacy groups are stakeholders in disability issues, because they represent people with disabilities.
3. Next, the agency creates a proposed rule. Proposed rules are not official rules yet. The agency gets more input on the proposed rules from stakeholders. The Office of Management and Budget (OMB) may review the rule.
4. Then, the agency publishes the proposed rule for the public to read. There is a public comment period. During the public comment period, members of the public can send in their comments about the rule.

5. The agency will take these comments into account and revise the rule. The agency and the public might go back and forth a few times. Other agencies might also look at the rule and give suggestions.
6. Eventually, the rule is ready to be published in its final form. The rule becomes law. Once the rule is law, people can challenge it in court. The court can rule all or part of the regulation is not valid.

## The Federal Budget Process

### Why does the federal budget matter?



All federal programs need money before being passed into law. The **federal budget** shows how much money each program has. A program will have a hard time getting anything done if it does not have money.

#### *Step One*

The president gives a budget plan to Congress. This budget plan tells Congress what the president thinks the federal government should spend money on.

#### *Step Two*

The House and Senate budget committees work on a budget. Once the budget committees agree on a bill, the bill goes to the floor of Congress. The budget passes each chamber if 50% or more members vote for it. A conference committee fixes any differences.

The president does not sign a budget resolution right away. Rather, 50% of both chambers of Congress must vote for the bill by April 15.

Congress does not pass a budget in some years. In this case Congress can use the last budget passed.

### ***Step Three***

Congress has debates over money for certain key programs. These key programs often get their own bills outside the federal budget. An example is Social Security.

Congress must pass a **balanced budget** and any other funding bills. If they do not pass a budget on time, the government will shut down. The president must sign the budget - if he does not, the government will also shut down.

## **How can I participate in the federal regulatory process?**

### ***In step one:***

Present written comments to the committee anyway you can. Try to be there in person if at all possible. If it is not possible for you to attend, submit written testimony. Find dates and times of hearings on committee webpages.

Write letters to the agency for feedback (details later in this Guide). Meet with agency representatives.

### ***In step two:***

The agency receives feedback from stakeholders. Request meetings, write letters, or call in.

### ***In step three:***

Request a meeting with the Office of Management and Budget.

### ***In step four:***

The agency opens a **public comment** period and publishes the proposed rule. Go to [www.FederalRegister.gov](http://www.FederalRegister.gov) and search proposed rules. Read the rule that you are interested in. Search public comments and the name of the agency to submit comments.

### ***In step five:***

Review the draft of the final rule.

### ***In step six:***

You can challenge a final rule in court once it becomes law.



# Legislative or Executive Branch?

The legislative branch **creates** laws. The executive branch **enforces** the laws. Some federal examples include:

Legislation passed	Executive action
Social Security Amendments of 1965: law that created Medicare and Medicaid	Center for Medicare and Medicaid Services (CMS) creates rules explaining details about Home and Community-Based Service programs
Americans with Disabilities Act (ADA) becomes law in 1990	Rules on ADA made in 1992
Developmental Disabilities Act	Administration on Intellectual and Developmental Disabilities (AIDD) created in response to the Developmental Disabilities Act (DD Act)
Autism C.A.R.E.S. Act	Creates Interagency Autism Coordinating Committee (IACC)

## *Mind the Gap!*

Laws do not get rules from the executive branch right away. The Americans with Disabilities Act (ADA) became law in 1990, but it didn't have rules until 1992.



## Executive Orders

The President can issue orders to any department or federal agency. The order is an **executive order**. Executive orders do not need approval from Congress. A court can stop the order. New laws can make the executive order no longer apply.

# State or Federal?

The federal government creates laws. States put these laws in place. States make specific rules for how they will enforce federal laws.

States also make their own laws. State laws do not affect other states. For example, a state law in Virginia does not affect laws in Maryland.

A federal law covers the whole country. States cannot make laws that go against federal laws.

The states put laws in place and follow federal guidelines. States have some control over how they choose to put programs in place. The federal government makes laws and regulations. See the examples below:

<b>Federal</b>	<b>State</b>
Centers for Medicare and Medicaid Services (CMS) issues settings rule for home and community based services (HCBS); regulations created by federal government	Medicaid waivers for home and community based services (HCBS) - dealt with by the state
Affordable Care Act (ACA) (passed by legislative and executive branch of federal government with certain regulations)	Expand Medicaid to people 133% below the Federal Poverty Line. Medicaid expansion is the choice of the state. under the Affordable Care Act)
Achieving a Better Life Experience (ABLE) Act passed by legislative branch and executive branch; regulations issued by federal government	The state sets up rules for the Achieving a Better Life Experience Act (ABLE Act)



# Government Bodies Working With the Executive and Legislative Branches Related to Disability

## National Council on Disability (NCD)



The National Council on Disability (NCD) advises the federal government on disability issues. NCD is an independent federal agency. NCD advises by:

- NCD gathers stakeholders for discussions.
- NCD gathers and looks at data
- NCD discusses current topics
- NCD finds solutions for both short and long-term challenges

and

- NCD provides tools to put public policies in place

Their website is [www.ncd.gov](http://www.ncd.gov).

## Department of Health and Human Services (HHS)



HHS oversees the federal healthcare programs.

Key disability programs come out of HHS. These include programs like Medicare the Affordable Care Act and Medicaid with its home and community-based services waiver. Although programs like Medicaid are run on the state level, the rules and guidance of what states can do comes from HHS.

## Department of Education (DOE)

Education remains mostly a state issue. However, the federal Department of Education issues rules on education. You can read more about state Departments of Education in [our resource on state-level advocacy here](#).

## Administration on Community Living (ACL)

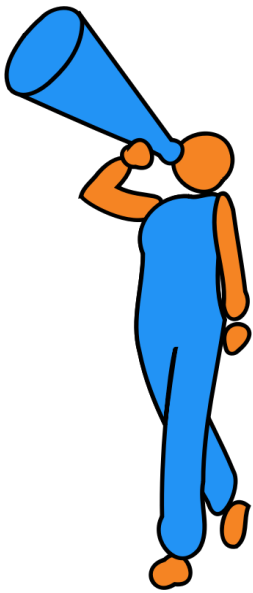
Many disability related agencies make up the The Administration on Community Living (ACL). The three main federal agencies are

1. The Administration on Aging,
2. The Administration on Intellectual and Developmental Disabilities,
3. The Health and Human Services Office on Disability.

Subgroups for ACL include:

- Office of the Administrator
- Administration on Aging (AoA)
- Administration on Disabilities (AoD)
- National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)
- Center for Integrated Programs (CIP)
- Center for Management and Budget (CMB)
- Center for Policy and Evaluation (CPE)

You can learn more about the organization of ACL here: [http://www.acl.gov/About\\_ACL/Organization/acl\\_org.aspx](http://www.acl.gov/About_ACL/Organization/acl_org.aspx)



# Other Ways Advocates Can Influence Federal Policy

## Disability Coalitions

Disability rights organizations form large groups with other disability organizations to meet their goals. These large groups are known as **coalitions**. Coalitions form around issues.

Start your own group. Coalition members can be from other groups besides disability rights. Find groups with a similar goal and message as yours. Here are some tips.

### *Meet with other groups and express support for them*

- If you agree with a group, show them support.
- Attend other groups' events, especially if you know disability rights groups will be there.
- Help with the event if possible.
- Groups you support will remember your support and offer their support in return.

### *Make connections.*

- Attend events. Make connections.
- Collect business cards and have your own ready.
- Have other groups help host your events.
- Ask your DD Council to introduce you to other groups.
- Have friends from other groups introduce you. Tell people you know them.
- Without connections, a large group is hard to form.

### ***Find goals both groups share - for example, a law that you want to change.***

Example: A bill has been proposed that increases punishment for abuse in group and nursing homes.

- You want to support the bill.
- Many disability rights groups have members in group settings.
- Approach the group and see if they will support the bill. Let them know you support the bill. Tell the group you want to work with them to pass the bill.
- There are many groups that support senior citizens' rights.
- Approach the senior citizen group. Show them the bill. Let them know you support the bill.
- Write a letter in support of the bill. Ask the senior citizen group to sign the letter.
- To pass the bill, suggest that the disability rights groups and the senior citizens group work together.

## **Telephone Town Hall Meetings & District Office Visits**

Your Senator or Representative may hold telephone town hall meetings. This means the lawmaker meets with people over a telephone instead of in person. These telephone town halls usually have specific topics for discussion.

You may also want to schedule a meeting with your Representative or Senator in their district office.

### ***Useful Tips***

- Prepare - know what you want to say in advance. Write it down. What are your key points? What are your questions?
- Tell your story. Explain how the policy specifically affects you or people like you. Backup any facts with numbers if possible.
- If you are a member of an organization, how many members does the organization have? Make sure the legislator knows.
- Have other people who share similar views on disability sign up to receive a phone call to increase the chance the Congressman or Senator reaches one of you.

# Submit Feedback as a Stakeholder during the Regulatory Process



## *Public comments*

Send public comment letters through the mail or agency website. To help people comment on regulations, separate websites are sometimes set up.

Public comment letters should be no more than five pages long. Two to three pages is the standard length. Include your address the date and the name of the agency. Try to look up a specific person's name to send it to. Introduce yourself, then explain why the issue is important. Use facts whenever possible. At the end of the letter, thank the person and tell them how to contact you. Type your name on the bottom of the letter.

## *Public hearings*

A federal agency website lists all public hearings for that agency. You need to know what agency will hold hearings in order to find where to testify. Once you find the information, go to the agency website. The agency website tells you how to ask to testify.

If you testify in person:

- Write out and practice your testimony.
- Clearly state your position on the rule.
- if you oppose the rule how can the agency make a better one?
- Have 20 to 25 copies of your testimony to give out.
- When you testify:
  - ◇ Introduce yourself and your expertise
  - ◇ Give your testimony.
  - ◇ Watch your time. You have a very short time limit. Usually 3 to 5 minutes.
  - ◇ Expect questions. Answer what you know. Do not pretend you know an answer if you are unsure. Offer to follow up on the ones you do not know.
- Following up:
  - ◇ Follow up with the answers to questions you did not know.
  - ◇ Thank them for allowing you to testify.



### ***Meetings or calls with agency representatives***

Meetings with agencies are similar to meetings with lawmakers. Research the rule in advance so you understand the topic. Make sure your facts are up to date. Expect questions. Other tips are:

- Write out your speech in advance. Make sure it is short and has your key ideas.
- Practice your speech before you go. Also practice answering questions. Get another person to help you.
- Speak on only one or two main issues. You will not have a lot of time to talk, and you want to make sure the agency remembers you.
- Too much information can overwhelm people.

If you call a member of Congress, email them a fact sheet and a letter. Practice for a phone call like you are meeting in person. Follow up after the phone call.

### **Letters to Legislators**



You or a group can write letters to legislators about legislation or other issues. The letter will depend on the issue.

Keep the letter to no more than one page. If possible, include a short story about how the policy directly affects you.

There is a sample letter on the next page.



*Sample letter*

[Address of Legislator Office]

[Date]

Dear [Representative/Senator] [name],

I write on behalf of [group + group description] OR I am a constituent of [town, state].

[I am/We are] writing to you about [bill number]. [This bill affects me/us in the in these ways (list the ways)].

I urge you to [support/oppose] this bill for these reasons [list the reasons]. I urge you to take the following into account when considering [passage/opposing bill]:

- [provision to be included in bill, OR reason to oppose bill, OR reason to support bill. Any of these should include detailed explanations and citations]
- [provision to be included in bill, OR reason to oppose bill, OR reason to support bill. Any of these should include detailed explanations and citations]
- [provision to be included in bill, OR reason to oppose bill, OR reason to support bill. Any of these should include detailed explanations and citations]

[I/We] appreciate your attention to this matter and hope that you will [pass/oppose/ other action about this bill or community you are a part of].

Sincerely,

[individual or group name]

# Glossary

## **amendment**

An amendment is a change to a document.

## **balanced budget**

A budget is balanced if the amount of money available is equal to the amount of money that will be spent.

## **bill**

A bill is a draft version of a proposed law. It is not yet a law and it can be changed.

## **chambers**

The House of Representatives and the Senate are the two parts, or chambers of Congress.

## **coalition**

A coalition is multiple groups working together to achieve the same goal.

## **committee**

A committee is a group of legislators who work on a specific set of issues, for example, a Committee on Gender Equality.

## **executive order**

An executive order is a rule or order that the President gives. It has the same standing as a law.

## **federal**

The federal government is the national government of the United States, higher than the state governments.

## **federal budget**

The federal budget is the amount of money available for spending on national programs.

## **first reading**

The first reading of a bill is the first time it is introduced in one of the chambers of the state legislature. During a first reading, a bill is just read by its name, and then it is sent to a committee.

## **hearing**

A hearing is a chance to have public opinions on a bill or rule heard. Public hearings are held for bills or regulations.

## **override**

Overriding a veto is when the legislature votes to undo a veto. This rarely happens.

## **policy**

Policy means the laws and regulations adopted by the government.

## **public comment**

Public comments are input from the public about a new proposed rule. There is a set period of time when you can submit public comments, known as the public comment period.

## **rule**

After a law is passed, the legislature will assign an agency to create rules (also known as regulations) that explain how the law will be followed and what to do about the small details.

## **sponsor**

The sponsor of a bill is the person who first introduced it. It can also be used as a verb, for example, "Senator Warren sponsored the bill."

## **stakeholder**

A stakeholder is a person or group with an interest in something. For example, disability advocacy groups are stakeholders in disability issues, because they represent people with disabilities.

## **veto**

To veto something is to reject it. Veto can also be used as a noun.

## Additional Resources

- PADSAs guide, State Level Advocacy: <https://autisticadvocacy.org/wp-content/uploads/2019/05/PADSA-state-level-advocacy.pdf>
- PADSAs guide, Legislative Advocacy 101: <https://autisticadvocacy.org/wp-content/uploads/2019/05/PADSA-Legislative-Advocacy-101.pdf>