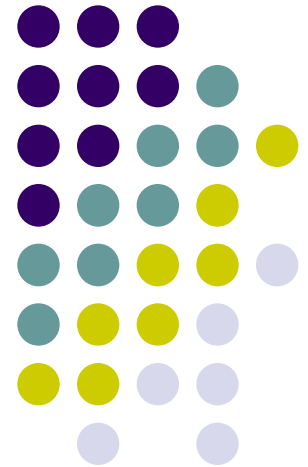
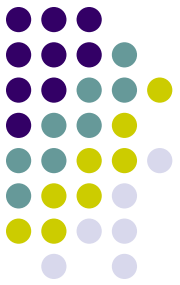


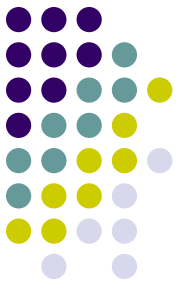
How to Educate Policy Makers

And Not Break the Law





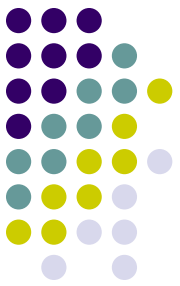
Official Guidance



DD Act Guidance

- Engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose described in section 101(b) and the policy described in section 101(c)
[SEC. 121. PURPOSE]

DD Act Guidance cont.

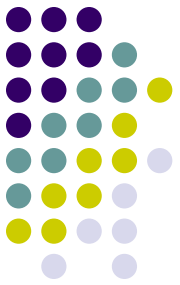


- The Council may support and conduct activities to provide information to policy-makers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families [SEC 125(c)(5)(J)]

ADD Guidance: Excerpts from Program Instructions ADD PI-01-1 [09/21/01]



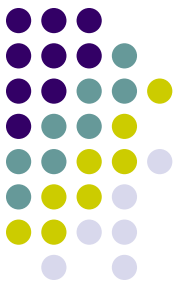
- **Cannot use funds to influence the outcome of a Federal, state or local election** or for contributions to political parties [OMB Circular A-122, Attachment B, Paragraph 25a (1)]
- **Cannot use funds to pay any person for influencing or attempting to influence a Member of Congress, any agency official, or other category of person enumerated in the regulations concerning the "awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement"** [45 C.F.R. Part 93 and the similar provision in OMB Circular A-87, Attachment B, Paragraph 27, which applies to State and local governments and Indian tribes]



ADD Guidance cont.

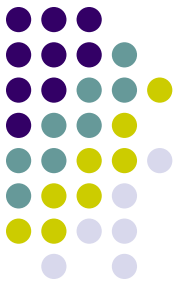
- ADD believes that grantees will be able to meet their responsibility to inform, educate or advise policymakers under the Act and avoid violating the applicable limitations on lobbying by emphasizing nonpartisan analysis, study and research

ADD Guidance cont.



- Using a nonpartisan approach, grantees would be free to advocate a particular position or viewpoint so long as there is a sufficiently full and fair exposition of the pertinent facts to enable the policymaker to form an independent opinion or conclusion
- A grantee would refrain from presenting unsupported opinions, distorted facts, inflammatory and disparaging terms, or conclusions based more on strong emotional feelings than on objective factual conclusions

ADD Guidance cont.



- When advising legislators and others concerning adoption of legislation should approach the task in a balanced way, discussing the advantages and disadvantages of the legislation and comparing it with other proposals
- A nonpartisan approach to informing legislators does not require you be neutral about outcomes for individuals with developmental disabilities
- Demonstrate an unbiased attitude when considering alternatives for meeting the needs of such persons
- Emphasize your role as a source of information and advice in helping legislators and other policymakers to identify and evaluate the available alternatives for meeting the needs of individuals with developmental disabilities



Muddy Waters

Directors of Health Promotion and Education: <http://www.dhpe.org/ToolsLaws.htm>



- It has generally been accepted that “educating” federal decision makers is *not* lobbying
- Rather, a safe harbor of permissible activity under federal law
- A half-step between educating and lobbying is *advocacy*, which might be expressed as general support for a cause without seeking a specific policy outcome or decision
- However, neither *education* nor *advocacy* has been defined in law in the context of describing permissible activity

Directors of Health Promotion and Education: <http://www.dhpe.org/ToolsLaws.htm> cont.



- Educating typically implies the communication of facts, data, reports, studies, program descriptions, budget information, effects on population, and other information *without* making a *specific* recommendation on a piece of pending legislation, appropriations, regulation, or policy decision. From a federal perspective, this conveyance of factual information is considered acceptable in all circumstances.
- However, state administrative policies may bar *any* contact with federal officials, even though, from the standpoint of federal laws, educational activities are always permitted.

Directors of Health Promotion and Education: <http://www.dhpe.org/ToolsLaws.htm> cont.



- *Lobbying* has been defined in law. Lobbying laws define permissible communications with members of Congress and key federal officials
- Advocacy is a gray area that can imply support for a generalized policy such as “clean air” without recommending a particular standard in law or regulation
- Lobbying entails opposing or recommending a specific policy, law, or standard
- By walking this line between advocating and lobbying, individuals may be able to conduct much of the communication needed to affect a decision without crossing the line that defines lobbying

Directors of Health Promotion and Education: <http://www.dhpe.org/ToolsLaws.htm> cont.

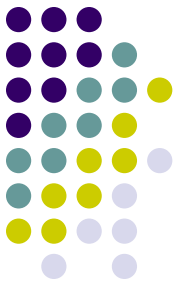


- Communicating how programs operate and serve the public, the history of the program budget, and the unmet need may all be viewed as educating, as long as a specific recommendation is not advanced on a pending decision, such as passing legislation or an appropriation bill
- Basic educational information can build an important foundation of support to help a decision maker better understand a program or agency without actually lobbying for the program

Directors of Health Promotion and Education:
<http://www.dhpe.org/ToolsLaws.htm> cont.



- Understanding allowable communications with officials may involve the distinction that all lobbying is advocacy
- All advocacy is not lobbying
- Education typically is not considered either advocacy or lobbying

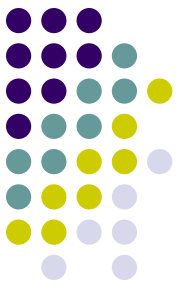


So a Congress Person Is Your Target Audience: Background and Process Tips

from someone who has been there

The Context

- Congress is made up of 535 Members.
- A Member of Congress wants to be distinguishable from colleagues, recognized for doing good, and viewed as responsive to constituents
- Impacting on Members of Congress is a personal process
- Members of Congress identify with individuals
- Individuals who have an effect on Members of Congress are not only individuals who bring in votes and contributions around election time, but are also individuals who assist a Member of Congress, become an expert, affect the lives of people (e.g., through legislation), and/or help people in his or her district or state

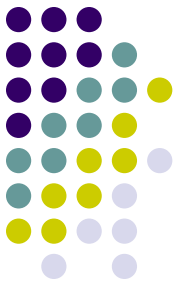


Calendar and Process

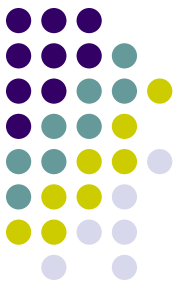


- Learn the Congressional calendar -- what happens when -- and the legislative process
- The legislative cycle for any law happens twice -- once in the House of Representatives and once in the Senate, and then the two Houses meet (in a Conference Committee) to resolve differences between two bills that address the same topic

Types of Committees



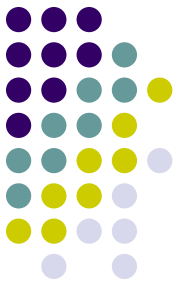
- Authorizing
- Appropriations
- Budget



Implications

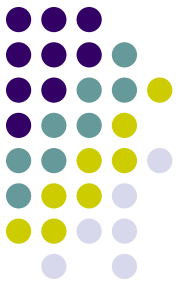
- Real opportunity to affect things
- An established relationship gives you more access
- Elected officials only have time to talk to a few people
- Rely on fewer
- Like balanced presentations, objectivity, analyses

The Message

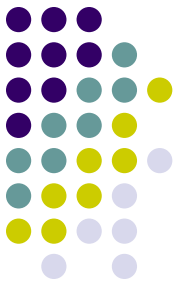


- Know what you want
- Know the limits of what you can do
- Use one or two sheets of paper
- Use bullets and ample spacing for easy reading

The Message

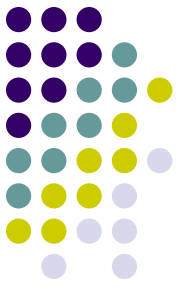


- The message -- a phone call, a letter, or a fact sheet -- should include several things:
 - a clear statement of what you want
 - supporting facts on what the request would accomplish
 - history
 - an explanation of the consequences of no action on or contrary action
 - availability of back up information
 - your contact information



Responsibility

- A Member of Congress does not see the limits of your expertise
- Members of Congress and their staff think you know everything about disability policy
- Questions you can answer should be answered honestly in "user friendly" language
- When you can answer only partially, admit your limitations
- When you do not know the answer, volunteer to attempt to find it
- When you do not know the answer, but know a reliable source, supply the information



The Power of Coalitions

- Although effectiveness is founded on personal working relationships with Members of Congress, you must not forget or discard the support you derive from each other
- There is power in working in coalitions. Try to
 - achieve consensus on what you want
 - honor that consensus as you build your relationships with Congressional people
 - share information with each other
 - help answer questions from others

Contact Information



- Patricia A. Morrissey, Ph.D.
 - Commissioner
 - Administration on Developmental Disabilities
 - Administration for Children and Families
 - U.S. Department of Health and Human Services
 - patricia.morrissey@acf.hhs.gov
 - <http://www.acf.hhs.gov/programs/add/>
 - (202) 690-6590