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Legislative Planning: Considerations for Congressional Staff

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Specialist on the Congress

February 4, 2015

Congressional Research Service

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www.crs.gov

RS20991

Summary

The Congressional Research Service frequently receives inquiries about legislative planning. Legislative and office action plans are often used by congressional offices for almost every significant project, from organizing an extensive conference in the district or state to introducing and guiding legislation. A major action plan requires a firm understanding of the project's goal, a research strategy, and a time line for completing the project.

This report presents some of the factors usually considered in preparing an action plan. The information is provided in three sections. The first provides an overview that lays out summary considerations. The second raises questions to consider in preparing an outline for a project. The third details a sample action plan.

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Overview

Define the Problem and Determine the Solution

Any legislative plan needs a thorough definition of the problem to be addressed and an explanation of what the appropriate solution might be. Solutions may include legislation, regulation, or media attention. A clearly defined issue makes the determination of the themes for developing the message and promoting the solution easier to explain to colleagues, supporters, opponents, constituents, and the press.

Next, a time line for solving the problem should be determined. Is this a one-session, or one-Congress, or longer-term project? Is it one event or a coordinated series of events? Should the event(s) be held in the Member's district or state, in Washington, or throughout the country?

Research the Problem

Prior to beginning work on the solution, an in-depth determination of the extent of the problem needs to be undertaken. For example, is the problem limited to one district, state, or region, or is it nationwide? Should the solution address the specific issue or the policy in general?

Consultation with local and state officials, community leaders, and constituents is integral at this stage. Discussions in Washington may include committee and subcommittee leaders, the party leadership, think tanks, and interest groups.

Determine Strategy

One of the most important decisions is whether to conduct an "inside" or "outside" strategy, or possibly a combination of the two. Inside strategy entails work within the legislative process only, that is, legislation, hearings, committee and floor amendments, floor debate, and conference consideration. Advocates may or may not be involved in any of this activity. An outside strategy calls for advocates to generate mail, press, and office visits, often to force an inside strategy to occur. A combined strategy includes using Dear Colleague letters, coordinated one-minute or special order speeches, Member-to-Member lobbying, and group press conferences.

Outline for Project

Goal

- What criteria are used to determine success? Political success? Press attention? Legislative success? Other?
- What is the duration of the project: one event, one session of Congress, two years, or longer?

Description of Project

- Are there other projects on this topic already underway? If so, should the Member conduct an independent project, or join forces? Does the political party or state of other Members involved influence the decision? Should it?
- Has the project ever been tried in the past? If yes, what Members tried it? What was the result? Is the project still needed? Are there lessons to be learned from the earlier attempt?
- What other Members, committees, or party leaders should be involved?
- What advocates should be involved? Which advocates will support, and which will actively oppose, the initiative?

Legislative Strategy

- Is legislation the appropriate remedy for the problem? Will a free-standing measure be necessary, or is there a vehicle to which an amendment can be offered?
- Should the Member introduce the legislation alone or seek original cosponsors? Should those cosponsors be bipartisan? Should they be of the same “type,” for example, women, philosophy, state and region, or district demographics, serving on the same committee?
- Should a companion measure be introduced in the other chamber?
- Should Dear Colleague letters be sent prior to introduction? Should they be sent periodically throughout the process identifying status?
- When should the legislation be introduced, for example, opening day, first or second session, a specific time of year?
- What should the legislation be titled? Is there a useful acronym to be found to assist in publicizing the legislation? Should a particular number be reserved, for example, H.R. or S. 2020 relating to eye care?
- Should a working group be created? Staff only or Members only? What role should the party leadership play? What of committee leadership? What type of coalitions should be created?
- If legislation is being considered on the issue (not necessarily the Member’s measure), should the Member testify at hearings? Are there others the Member would recommend as witnesses?
- If a measure is being marked up, should the Member offer an amendment, assuming the Member serves on the committee? If not, should an ally offer an amendment on the Member’s behalf?
- Should one-minute speeches or special order speeches be made to keep pressure on the committee or chamber and to maintain press visibility? How often and who should be included?

- Should a Rules Committee (House only) strategy be devised?
- Should opponents' strategy be monitored?

Other than Legislative Strategy

- If regulation is the appropriate solution, has the agency or executive branch been consulted?
- What is the appropriate timing?
- Should letters be written to the President? A Cabinet Secretary?

Outside Groups Strategy

- Which advocates should be contacted? At what stage should they be included?
- What role should the advocates play—research, letters to Members, media appearances, briefings?
- Should a coalition of several groups be created?

Press and Communications Strategy

Inside Communications

- Dear Colleague letters
- One-minute or special order speeches
- Staff working group
- Member working group
- Speak on floor during consideration of related measure

Outside Communications

- Press conferences
- News releases
- Op-ed pieces
- Syndicated columnists
- Editorial support, local and national
- TV or radio interviews
- Blogs
- Social media

Time Line

- Determine time line for target dates for all activities
- Determine periodic dates to review progress and reassess strategy

Political Opportunity

- Meet with party campaign committees to discuss how project could help candidates.
- Can state or local officials be given a role in promoting the project?

Sample Action Plan for Legislative Project

Action plans embody the strategies employed to achieve goals. The office's strategic plan should not only identify specific steps, but also the person(s) responsible (including the Member) responsible for each step. It is also useful to include deadlines for completing action on each step. Periodic meetings to review progress on the plan may prove useful in keeping the project on track. Usually each person in the office, whether they have specific responsibility for parts of the plan, should be provided a copy of the plan.

- Identify appropriate executive branch agency(s).
- Meet with agency staff to review present programs and discuss legislative options.
- Meet with advocates to discuss problem and possible solutions.
- Determine if other legislation has already been introduced.
- Work with legislative counsel to draft legislation (or amendments).
- Obtain CBO cost estimate.
- Send out draft for comment to advocates, district and state leaders, constituents, others.
- Send out Dear Colleague letters.
- Determine appropriate Members to cosponsor legislation.
- Work with other chamber for companion legislation.
- Create staff working group after identifying other Members to be involved.
- Meet with committee and party leadership.
- Hold briefings on issue, for staff and Members.
- Develop local and national press strategy.
- Develop social media strategy.
- Introduce legislation after determining most advantageous time.
- Hold field hearing.

- Hold town hall meetings in district/state.
- Seek opportunities, in committee, on floor, in district/state, in press, to publicize initiative.

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