Lobbying Beyond the Legislature: Women's Organizations' Participation in Rulemaking

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Abstract. This study based on a survey of women's organizations' staff members answers three previously unexamined questions about participation in the rulemaking process: (1) How frequently do women's organizations participate and why do they participate? (2) How do women's organizations tend to participate? (3) What are the characteristics of the women's organizations that are the most likely to participate? Twenty-seven percent of women's organizations reported that they participate in rulemaking, often through coalitions. Women's organizations with larger, economically advantaged staffs were the most likely to participate in the process and women's organizations participated in rulemakings on issues related to a wide array of policy areas, including but not limited to those related to women's traditional areas of interest.

Keywords. Rulemaking, advocacy organizations, women's organizations, representation, lobbying

During the waning months of the Barack Obama (D) administration, *The New York Times* revealed that President Obama was about to leave office as "one of the most prolific authors of major regulations in presidential history" after his administration finalized 560 major regulations related to healthcare, the financial industry, the environment, and civil rights over the course of seven years as part of an effort to avoid partisan gridlock in Congress (Appelbaum and Shear 2016). Though many members of the public were unaware of President Obama's new regulations, his shift towards regulatory policymaking had important consequences for members of historically marginalized groups, such as women, and the advocacy organizations that claim to represent them. For example, in recent years, federal rules have made important, substantive policy changes related to health insurance coverage for contraception, funding for family planning clinics that cover abortions, student loans, racial segregation in federal housing, and wages for tipped workers (Internal Revenue Service [IRS], Employee Benefits Security Administration [EBSA]; and HHS 2012, 2013a, 2013b, 2017a, 2017b; US Department of Housing and Urban Development 2015, 2018; US Office of the Assistant Secretary for Health 2018; US Office of Population Affairs 2016; US Office of Postsecondary Education 2016, 2018; US Department of Labor 2017). Together, these developments raise questions about how advocacy organizations that represent members of marginalized groups participate in rulemaking.

The Administrative Procedures Act (APA) of 1946 outlines the rulemaking process. According to the APA, rulemaking begins after Congress passes a law, and it allows federal bureaucrats, through consultation with interested citizens and organizations, to "fill-in" many of the important, technical details that are needed to implement laws on a daily basis (Kerwin and Furlong 2011). The process has three steps. First, bureaucrats draft a proposed rule and publish it

in the *Federal Register*. Second, bureaucrats are required to accept and consider comments from all interested citizens and organizations during a set comment period that often lasts between 60 and 90 days (Kerwin and Furlong 2011; Office of the Federal Register 2011). As bureaucrats review the comments they receive, they have considerable discretion to use their experience and policy expertise to accept or reject the commenters' suggestions as they see fit. Third, bureaucrats publish their final rules and their justifications for them in the *Federal Register* and the rules go into effect (Kerwin and Furlong 2011). Building on Schattschneider's (1960) oft-quoted line that "The flaw in the pluralist heaven is that the heavenly chorus signs with a strong upper class accent" (34-35), much of the rulemaking literature focuses on the role of corporations and businesses in the process. Thus, we know that organizations representing businesses often participate in rulemaking at higher rates than do other participants, that they are often better positioned to submit high-quality comments than other participants, and that bureaucrats tend to include business interests' suggestions in their final rules when the business community presents a unified front (Furlong and Kerwin 2005; Golden 1998; Yackee and Yackee 2006). Given the focus on businesses' potential for rulemaking dominance, much of the existing literature assumes that other organized interests, such as advocacy groups, or groups that "are intermediaries between public constituencies and government institutions," which often represent social groups with "shared ideologies or issue perspectives" (Grossman 2012, 24) rarely participate in rulemaking. For instance, Furlong and Kerwin (2005) claim that advocacy groups "may not perceive any benefit" to participating in the process (361). The rulemaking literature also only rarely focuses on the kinds of redistributive social policies that advocacy groups may find interesting (Furlong and Kerwin 2011; Yackee and Yackee 2006; see English 2018, forthcoming, no date; Golden 1998; West 2004 for exceptions).

Despite the presumed dominance of business interests, I argue that advocacy organizations, particularly those that claim to represent American women, do have incentives to participate in rulemaking. For example, because rulemaking requires technical policy expertise (Golden 1998; West 2004; Yackee and Yackee 2006), participating in the process allows women's organizations to use their knowledge about women's policy concerns and the process itself to develop their own women's regulatory policy niches among members of the public, their constituents, policymakers, and funders. Participating in rulemaking also provides women's organizations with a chance to lobby a less gridlocked, more descriptively representative set of policymakers for policy changes that have a better chance of going into effect than when they lobby Congress. Likewise, participating in rulemaking provides women's organizations' staffers with an opportunity to contribute to the ***process*** of representing women by debating and discussing which policy proposals best reflect women's interests. In spite of these potential benefits of participation, existing research also indicates that the women's organizations that participate in the process may be biased in favor of some subgroups of women over others. For example, English (2018) has found that women's organizations' comments tend to focus on women's sexual orientations and gender identities more than their races, ethnicities, nationalities, or socioeconomic statuses. Women's organizations' comments are also more likely to focus on intersectionally marginalized women, such as women of color, when bureaucrats first discuss them in their proposed rules and when organizations for women of color participate in the process (English no date). Given these incentives for participation and the potential for biases in women's organizations' participation in rulemaking, it is crucial to understand how and why these advocacy organizations, in addition to business organizations, lobby rulemakers.

To provide a more detailed understanding of how and why women's advocacy organizations participate in rulemaking, this paper uses original survey data to provide the first systematic analysis of how advocacy organizations that represent members of one historically marginalized group lobby the executive branch by participating in rulemaking. It does so by answering three questions. First, how frequently do women's organizations participate in the rulemaking process and why do they participate? Second, how do women's organizations tend to participate in rulemaking and which policy areas do they address when they submit comments? Third, what are the characteristics of the women's organizations that are the most likely to participate in rulemaking? Altogether, my results provide critical new information, which shows that *some* women's organizations do participate in the rulemaking process, and they most often do so by submitting comments to federal departments and agencies, and/or by signing on to comments that their allies circulated. Women's organizations also submit comments on a wide array of issues that include, but that are not limited to rules related to women's traditional areas of interest in reproductive rights, children and families, education, and social policy (Carroll, Dodson, and Mandel 1991; Mazur 2002; Sapiro 1981; Swers 2002). However, some women's organizations lack the capacity to participate, so the process may be biased in favor of those with relatively large, economically advantaged staffs.

WOMEN'S ADVOCACY ORGANIZATIONS' STRATEGIC PARTICIPATION

Participation in Rulemaking

Building on the insights described above, I test five hypotheses about how women's advocacy organizations' participate in the rulemaking process. First, although the existing literature suggests that business interests are the primary participants in rulemaking (Golden

1998, Kerwin and Furlong 2011; West 2004; Yackee and Yackee 2006), I argue that advocacy organizations also have a number of incentives to participate. Thus, my first hypothesis states:

H_1 Participation Hypothesis*: Women's organizations participate in the federal rulemaking process.*

The participation hypothesis builds on a number of findings from the literatures on rulemaking, organized interests, and women's representation. First, rulemaking is becoming an increasingly important component of American policymaking. Between 2001 and 2017, federal rulemakers implemented 16 times as may rules (50,709) as Congress passed laws (3,214)(US Congress 2017; US Government Accountability Office 2017). Therefore, the process frequently provides women's advocacy organizations with an opportunity to influence policies that could actually go into effect. Rulemaking also tends to be technical and detail-oriented, requiring high levels of policy experience and/or expertise (Golden 1998; West 2004; Yackee and Yackee 2006). Consequently, it is rarely characterized by the kinds of partisan battles and electoral concerns that have paralyzed the legislative process in recent years. Because substantive, procedural, technical, and/or legal expertise is required to write comments, participating in rulemaking can also help advocacy organizations send a strong signal to potential members and funders about their unique contributions to the policymaking process (Gray and Lowery 1996; Heaney 2004).

Bureaucrats may also be more receptive to women's organizations' comments on behalf of women than legislators are because the federal bureaucracy is more descriptively representative of women than the US Congress is. For instance, in 2014 (the most recent year for which data are available), women were approximately 43.2% of federal employees and they held 34.0% of managerial or supervisory positions in the Senior Executive Service, compared to only holding

18.7% of the seats in the US Congress (Center for American Women and Politics 2018; US Office of Personnel and Management 2018b, 2018d). Therefore, when women's organizations lobby bureaucrats they can increase the chances that a set of government officials who understands the full range of women's experiences will respond to their suggestions (Dolan 2000, 2002; Mansbridge 1999).

Participating in rulemaking not only provides women's organizations with some advantages over lobbying Congress, it also allows them to substantively represent women. Recently, rulemaking has frequently been used to address policies related to women's traditional areas of interest in healthcare, reproductive rights, children and families, housing, education, and gender equality (Carroll, Dodson, and Mandel 1991; English 2018, forthcoming, no date; Mazur 2002; Sapiro 1981; Swers 2002). Therefore, participating in the process allows women's organizations to lobby for important policy changes that could benefit women. Participating in the process also allows women's organizations to substantively represent women by providing them with an opportunity to debate which proposed rules would best serve their interests. Though the literatures on rulemaking and women's representation tend to focus on final policy outcomes, such as whether or not commenters' suggestions are incorporated into final rules, many gender and politics scholars now argue that representation is a broader process or series of ongoing debates that occur in a wide variety of policymaking venues (Celis et al. 2014; Escobar-Lemmon and Taylor-Robinson 2014). This broader, procedural approach to women's representation reveals that while final policy outcomes matter, the decisions and non-decisions that are made before those outcomes are put into place can also have important consequences for which women's interests are discussed and legitimized in policy debates.

For example, when women's organizations participate in rulemaking by submitting comments on www.regulations.gov, they simultaneously address two important audiences: their female constituents and the bureaucrats who will implement the rules. Therefore, if one of their female constituents go on that website, read an organization's comment, and agree with it, she can submit her own comment that legitimizes the way that the women's organization represented and discussed women's policy interests. Conversely, if she disagrees with the comments that a women's organization posted online, she may submit her own comments that challenges the ways that the organization depicted her interests. Through this iterative process, women's organizations' comments help contribute to the process of constructing women's policy interests from the ground up. Perhaps most importantly, women receive these deliberative representational benefits ***regardless*** of whether or not bureaucrats incorporate women's organizations' comments or suggestions into their final rules.

Participating in rulemaking also provides women's organizations with a unique opportunity to lobby for the full range and diversity of women's experiences. Because the process typically receives low levels of public scrutiny and it requires technical expertise (Golden 1998; West 2004; Yackee and Yackee 2006), it gives women's organizations an unusual opportunity to advocate for subgroups of women that the public has generally seen as deviant, weak, immoral, and/or underserving of policy benefits. Therefore, they may participate in the process because it provides them with an opportunity to lobby for women of color, poor women, and LGBTQ-women without potentially creating a large, public backlash, particularly when the proposed rules also help draw attention to these groups (Abramovitz 1996; English 2018, forthcoming, no date; Hancock 2004; Mink 2001; Schneider and Ingram 1993).

Methods of Participation

When women's organizations decide to participate in the process, they have a number of options for how they can lobby rulemakers. Each of the options that they have available to them come with their own unique costs and benefits. The first and most straightforward way they can participate is through the APA's "notice and comment" process. However, they also have other options. The second option is that they could informally contact bureaucrats to provide suggestions and feedback while they are developing their proposed rules. This option is appealing because it could allow women's organizations to help set the agenda for the debate to come (Kerwin and Furlong 2011). Bureaucrats are also often biased in favor of making only limited, marginal changes to their proposed rules, so women's organizations may be the most likely to have an influence on final rules when they participate in the earliest stages of the process (English 2016; Golden 1998; Kerwin and Furlong 2011; West 2004, 2009). Third, bureaucrats could invite women's organizations' staffers to participate in the negotiated rulemaking process. That process begins when the agency forms a negotiating committee composed of interested stakeholders and charges it with developing a proposed rule (Kerwin and Furlong 2011). After the negotiating committee develops the proposed rule, the agency publishes it in the *Federal Register*, and the process unfolds as it does according to the APA. Lastly, women's organizations could lobby rulemakers by mobilizing members of the public to submit comments. Since the mid-2000s, all of the cabinet-level departments and agencies have collected comments using www.regulations.gov. As a result, women's organizations' staffers can now easily direct members of the public to participate in the process by submitting their own comments (often using pre-written form letters that the organization has drafted for them) online (Benjamin 2006; Lubbers 2010). These comment-writing campaigns allow women's

organizations to demonstrate that they can mobilize large numbers of engaged citizens to participate politically based on the issue at stake in the proposed rule.

Given these options, I expect that women's organizations' staffers will choose the method that best allows them to achieve their policymaking goals using the limited resources they have available. Since many women's advocacy organizations exist to represent groups of women or certain ideas about gender equality (Goss 2013; Grossman 2012; Kenney 2003; Strolovitch 2007; Weldon 2011), I expect that they will have fewer stable resources, including funding and members, than other types of organized interests who participate in rulemaking. I also assume that members of the public and policymakers may see women's organizations, particularly those connected to broader social movements, as political outsiders (Staggenbourg 1988). Thus, I expect that women's organizations' staffers will participate in rulemaking using the "cheapest" methods and the ones that are the least likely to require close relationships with or access to bureaucrats. Consequently, women's organizations should rarely informally consult on proposed rules or participate in negotiated rulemakings. Women's organizations should also only rarely mobilize members of the public to submit comments because comment writing campaigns are expensive to organize and they have the potential to irritate bureaucrats with thousands of identical, low quality comments (Benjamin 2006; English 2016; Lubbers 2010). Therefore, my second hypothesis states:

H_2 Comments Hypothesis*: Women's organizations will most often participate in rulemaking by submitting comments to bureaucrats following the procedures outlined in the APA.*

Resources and Participation

Although I expect that women's organizations will most often participate in rulemaking by submitting comments, all four methods of participation require resources and staff members to

be able to monitor the process, build relationships with bureaucrats, and/or to mobilize members of the public. Bureaucrats are also more likely to respond to expensive-to-generate, high-quality comments that demonstrate an understanding of the policy and/or the law when they revise their proposed rules (Yackee and Yackee 2006). Hence, my third hypothesis posits that:

H_3 Resources Hypothesis*: Women's organizations with larger budgets and larger staffs should be more likely to participate in the rulemaking process than women's organizations with smaller budgets and staffs.*

Staff Characteristics and Participation

Existing research on advocacy organizations and women's organizations, in particular, also shows that many advocacy organizations now employ economically advantaged women and/or policy insiders (Banaszak 2010; Goss 2007, 2013; Schlozman, Verba, and Brady 2012; Skocpol 2003; Staggenbourg 1988; Strolovitch 2007). These professionalized organizations developed in response to pressure from funders to hire staffers who are familiar with their professional norms and standard operating procedures (Goss 2007; Staggenbourg 1988). Building on these findings, I expect to find that the bureaucrats who conduct the rulemaking process will be more open to suggestions from other relatively advantaged policy professionals who "look" and act like they do. As of 2014, 79.4% of Senior Executive Service (SES) members working in managerial, supervisory, and policy positions in the federal bureaucracy were white, and as of 2018, SES members earn a minimum of $126,147 per year (US Office of Personnel and Management 2018a, 2018c, 2018d). Thus, my fourth hypothesis predicts that:

H_4 Advantaged Staff Hypothesis*: Women's organizations that primarily employ middle- and upper-class, white, cisgender, heterosexual people will be more likely to participate in the*

rulemaking than organizations that primarily employ people of color, poor people, or LGBTQ-identified people.

Policy Areas and Participation

Finally, because women's organizations have limited resources, I also assume they will prioritize participating in rulemakings related to women's "traditional areas of interest" in issues related to children, the family, education, the elderly, healthcare, housing, and/or gender equity (Carroll, Dodson, and Mandel 1991; Mazur 2002; Sapiro 1981; Swers 2002). Thus, my last hypothesis states:

H_5 Women's Traditional Interests Hypothesis: *Women's organizations will be more likely to participate in rulemakings on policies related to abortion, reproductive rights, children and families, education, labor, housing, immigration, poverty, and old age and retirement.*

THE SURVEY SAMPLE AND RESPONDENTS

To test my hypotheses, I conducted an original survey of women's organizations staff members that provides the first systematic analysis of women's organizations' participation in rulemaking. Following the existing literature on rulemaking and advocacy organizations (Furlong 1997; Furlong and Kerwin 2005; Marchetti 2014, 2015; Strolovitch 2007), I relied on three published directories to identify 471 women's organizations that could potentially be included in the sample. It is often difficult to identify and survey advocacy groups, such as women's organizations, because they may fold, change their names, or shift their focus over time (Goss 2013; Grossman 2012; Marchetti 2014, 2015; Staggenbourg 1988; Strolovitch 2007; Schlozman, Verba, and Brady; Walker 1983). Thus, the published directories provided the best available proxy for the entire universe of women's organizations that were active in American politics when I conducted this study. Using the National Council of Women's Organizations'

Directory and Congressional Quarterly's *Washington Directory*, I identified liberal/feminist and conservative/anti-feminist organizations that were active in national-level politics. I included both liberal/feminist and conservative/anti-feminist organizations because both types of organizations claim to speak on behalf of American women (English no date; Deckman 2016; Goss 2013; Kenney 2003; Schreiber 2008; Strolovitch 2007; Weldon 2011). The Women of Color Organizations and National Projects Directory also allowed me to identify women's organizations that focused specifically on women of color who have long been excluded from the broader women's movement (Rosen 2006). Next, I searched for websites for all 471 of those organizations to determine whether they were still operating and to locate email addresses for their leaders and/or government relations/public policy staff members, who are the most likely to submit comments to rulemakers (English 2016; 2018).

Using the directories and the organizations' websites, I identified 277 women's organizations that were still open for business and I used their staff directories to collect the personal email or mailing addresses for the staff members who were primarily responsible for their lobbying or advocacy work. In June 2017, I sent all those staff members a personalized email on university e-letterhead inviting them to participate in my study. To attempt to maximize response rates, that letter indicated that the survey would be brief (15-20 minutes) and that respondents would not be asked to provide any information that could be used to identify their organizations. I emphasized brevity to attempt to minimize some of the challenges and non-response biases associated with asking extremely busy executive directors and public policy staffers to complete a survey on top of their other time consuming responsibilities (Marchetti 2014; 2015). I also conducted the survey in multiple waves over the summer because policymaking activity in Washington, DC tends to slow down then, particularly during Congress's annual August recess. I promised

confidentiality because I hoped that it would increase the chances that professional policy staffers would be willing to share sensitive information about their organizations' lobbying and advocacy strategies with me. Two weeks after the potential respondents received the invitation letter, they received the link to the Qualtrics questionnaire itself, and I followed up with each organization three times after that to ask that they complete the questionnaire by August 31, 2017. Ultimately, staffers from 66 (23.8%) of the 277 organizations that I identified participated in the survey, making my response rate comparable to Furlong and Kerwin's (2005) study of interest group participation in rulemaking and Marchetti's (2014) study of intersectional advocacy among groups focused on women's rights, socio-economic justice, racial minority rights, disability rights, and LGBT rights.

Given the relatively small number of respondents, I also supplemented my survey findings with data on the comments that the women's organizations that I identified submitted to rulemakers using www.regulations.gov between 2007 and 2013. I rely on data from 2007 to 2013 because 2007 was the first year that all of the cabinet-level agencies used www.regulations.gov and 2013 was the most recent year for which comments were available when the data were collected. Thus, in addition to analyzing the survey data, I also identified, downloaded, and analyzed 1,021 comments that 82 women's organizations submitted on 264 different rules over a seven-year period spanning two presidential administrations. These data provide additional, identifiable information on which women's organizations participated in the process and the role of coalitions in the rulemaking process.

Table 1 provides information about the 66 respondents. It indicates that the women's organizations that participated in the study varied a great deal in terms of resources with budgets and staff ranging from $0 and 0 paid staff members to $40,000,000 and 200 paid staff members.

The median participant had a budget of $550,000 and 8 paid staff members, and the mean participant had a budget of $2,879,532 and a staff of 19.4. A plurality (43.9%) of the respondents' staffs were mostly composed of white people, and the majority of the respondents' organizations' mostly employed upper- and middle-class people (66.7%) or people who were cisgender or heterosexual (80.3%).

<Insert Table 1 Here>

To determine if the respondents potentially underrepresented women's organizations that primarily employ or represent people of color, poor people, and/or LGBTQ-identified people, I coded all 277 of the organizations in the original sample based on whether the mission statements on their websites indicated that they explicitly represented women based on their sexual orientations, gender identities, races, ethnicities, nationalities, or socioeconomic statuses. I used organizations' mission statements as a proxy for direct measures of staff demographics for this analysis because staff demographics were often not available on the organizations' websites. Since I did not collect identifiable information about the organizations, I was also unable to match the demographic information I collected with the organizations included in the sample population. These data indicate that 41.5% of the organizations included in the sample focused on women of color, poor women, or LGBTQ women. Thus, it is likely that organizations that primarily focus on and employ those subgroups of women are underrepresented among the respondents, possibly because their staffers did not have the resources needed to participate.

RESULTS

Participation in Rulemaking

To test the Participation Hypothesis, I asked the respondents to answer two questions. First I asked them to report if their organization "ever participated in the federal rulemaking process,"

and then I asked respondents who indicated that their organizations had participated to indicate approximately how many rulemakings their organization participated in during the last year. The responses to these two questions partially confirmed the Participation Hypothesis by showing that *some* women's organizations participate in rulemaking, but they also indicate that many do not participate and that some women's organizations are much more likely to participate than others. Twenty-seven percent (18) of respondents reported that their organization had participated, 32% (21) indicated that their organization had not, and the remaining 41% (27) did not know. Figure 1a also indicates that most (83.3%) of the respondents' organizations that did participate in rulemaking did so relatively infrequently, submitting fewer than five comments per year. The supplemental comments data also show that most (58.5%) of the 82 women's organizations that submitted comments to rulemakers between 2007 and 2013 sent in fewer than 5 comments during the 7 years studied, and only 13.4% of them submitted more than 15 comments (Figure 1a). However, one organization reported that their group participated in 15 to 20 rulemakings per year, suggesting that at least one women's organization is particularly dedicated to rulemaking.

<Insert Figure 1 Here>

I also asked the respondents that reported they did engage in the process to answer an open-ended question that asked them "Why does your organization participate in rulemaking?" Many of those responses indicate that women's organizations' staffers who participate in rulemaking recognize that it is an important component of the American policymaking process. For example, one stated that rulemaking is "incredibly important to the efficacy and outcomes of policy" because "the devil's in the details." Another explained that, "We participate in rulemaking to ensure the statutes on which we worked are implemented as intended and to attempt to mitigate

the negative impacts of legislation we proposed." One also confirmed that the rulemaking process provides a unique opportunity to represent members of marginalized groups explaining that their organization "is always conscious of how any new rules impact women and communities of color" and adding that, "this gendered and multicultural lens is often not applied in the rule-making process without input from advocacy and watchdog groups."

Methods of Participation

My Comments Hypothesis indicated that I expected that women's organizations would most often participate in rulemaking by submitting comments to federal agencies. To test that hypothesis, I asked the respondents to answer a series of questions about how often they: (1) monitor the *Federal Register* or www.regulations.gov for opportunities to participate in the rulemaking process; (2) submit comments to federal departments or agencies in response to proposed rules; (3) mobilize members of the public to submit comments in response to proposed rules, (4) informally contact departments or agencies BEFORE the publication of a proposed rule; and (5) participate in negotiated rulemaking. Respondents were given five options to respond to these questions ranging from "Never" to "Extremely often." I also asked them to rate how influential each of those activities are on a five-point scale ranging from "Not too influential" to "Extremely influential." Table 2 displays the responses to these questions and they confirm my hypothesis that women's organizations most often participate in rulemaking by submitting comments to federal departments and agencies. Submitting comments was closely followed by informally contacting agency officials before they publish their proposed rules, then by monitoring the process, and mobilizing others to participate. Women's organizations' staffers very rarely participated in the negotiated rulemaking process.

<Insert Table 2 Here>

Since submitting comments was a popular form of participation, I also asked the respondents to indicate how their organization typically submits comments. They were presented with the following four options and asked to choose one: (1) Write and sign comments entirely with your own organization, (2) Write comments using a template or draft language provided by another organization, (3) Sign your organization's name onto a comment that was prepared by a coalition of organizations, and (4) Other." Figure 1b provides the responses and it demonstrates that women's organizations often rely on others for assistance when they submit comments to rulemakers. Fifty percent of the respondents reported that their organizations typically participated in the process by signing onto comments that a coalition of organizations prepared. The 2007-2013 www.regulations.gov data support this finding, as they indicate that 32.2% of the 1,021 comments that women's organizations submitted during those 7 years were from coalitions. In addition to participating in coalitions, Figure 1b also shows that 22.7% of women's organizations wrote their comments using templates provided by other organizations and only 22.7% of respondents reported that their organizations wrote their own comments. One organization indicated that it participated by both drafting its own comments and creating templates for their allies to use indicating that one women's organization with specialized expertise may take the lead in coordinating the broader women's movement's rulemaking campaigns.

The results in Table 2 also provide some clues about why so many women's organizations rely on others for help when they participate in rulemaking. Though it shows that women's organizations most often submit comments, it also reveals that the majority (52.4%) of them felt that mobilizing others to participate was either "very influential" or "extremely influential" and they gave mobilizing others the highest mean perceived influence score. Thus, women's

organizations may not write comments because they would prefer to mobilize the public. Moreover, Table 2 shows that there is a considerable negative gap between women's organizations' mean participation scores and their mean perceived influence scores, which suggests that some women's organizations may wish to participate in rulemaking (using all five methods) more often than they do.

Resources and Participation

Although I found that 27.3% of respondents participated in rulemaking, my results only partially confirm my Participation Hypothesis because more women's organizations staffers indicated they either did not participate in the process or did not know if they participated. To better understand this non-participation, I also asked respondents who did not engage in rulemaking to explain why they did not participate in the process. Respondents were presented with eight reasons for non-participation and told to select all that apply. The responses to that question are displayed in Figure 1c and they show that 65% of non-participants were not aware of the opportunity to participate, 20% indicated they needed more staff, and 5% reported that participation takes too much time. Together, these responses provide tentative support for my third Resources Hypothesis, which states that women's organizations with larger budgets and staffs should be more likely to participate in the process. Similarly, Table 3 shows that the mean annual budgets for women's organizations that participated in rulemaking were six times larger ($5,860,714) than those of non-participants ($937,482). Rulemaking participants also had staffs that were, on average, 3 times the size of the staffs of non-participants as participants had average staffs of 28 compared to staffs of 8 for non-participants. I also conducted difference-of-means tests to provide a preliminary, tentative analysis of whether those resources were significantly associated with participation in the process. The results in Table 3 show that

organizations with larger staffs were significantly ($p \leq 0.05$) more likely to participate than those with fewer staffers.

<Insert Table 3 Here>

Staff Composition and Participation

My Advantaged Staff Hypothesis indicated that I expected to find that women's organizations that primarily employ middle- and upper-class, white, cisgender, heterosexual women would be more likely to participate in rulemaking than organizations that primarily employ women of color, low-income women, or LGBTQ-identified women. Together, the data in Table 3 indicate that organizations that participated in rulemaking tended to employ more white staffers, more Black staffers, and more Latinx staffers than did non-participants. Participants also had nearly twice as many upper and middle class staff members (94.8%) than non-participants did (58.9%). Lastly, the data in Table 3 indicate that participating organizations also tended to employ larger numbers of heterosexual and LGBQ staff members than non-participants did. To expand on these findings, I once again conducted a series of difference-of-means tests to provide an exploratory, tentative analysis of whether staff composition was significantly related to participation in rulemaking. Those results provide a partial confirmation for the Advantaged Staff Hypothesis as they show that organizations that participated in rulemaking were significantly ($p \leq 0.01$) more likely to employ larger numbers of middle- and upper-class staffers. However, contrary to expectations, the staff's racial identities, sexual orientations, and gender identities were not significantly related to participation in the process.

Policy Areas Addressed

My fifth Women's Traditional Interests Hypothesis indicated that I expected to find that women's organizations participate in rulemaking so that they can have an impact on policies

related to women's traditional areas of interest. To test this hypothesis, I asked the respondents who participated in rulemaking to answer the following question: "When your organization participates in rulemaking, which policy areas does it address?" Respondents were then presented with a list of 22 options and they were directed to "please select all options that apply." The responses to this question are displayed in Figure 1d and they indicate that the largest number of women's organizations' (10) participated in rulemakings related to healthcare, likely because healthcare and repealing the Affordable Care Act were prominently positioned on the national agenda when this study was conducted during the summer of 2017. Figure 1d also confirms that, as expected, women's organizations were actively engaged in rulemakings on issues related to abortion and reproductive rights, children and families, education, labor, housing, immigration, poverty, and old age and retirement, all of which are related to women's "traditional" areas of interest (Carroll, Dodson, and Mandel 1991; Mazur 2002; Sapiro 1981; Swers 2002). However, Figure 1d shows that they also unexpectedly participated in rulemakings on government operations, law and crime, technology, the environment, foreign policy, and energy (issues that are all traditionally considered "masculine issues") as well. Thus, women's organizations participated in rulemakings on a wider variety of policies than is traditionally assumed, perhaps suggesting that they have made the strategic decision to approach ***all*** issues with a gendered lens.

DISCUSSION

My study provides the first systematic analysis of how women's advocacy organizations participate in rulemaking, yielding a number of important new findings. First, it shows that some women's organizations recognize that they can have an influence on policy by lobbying federal departments and agencies during the rulemaking process. Though the rulemaking process has

typically been associated with the business community and the government's role in regulating the economy (Furlong 1997; Furlong and Kerwin 2005; Yackee and Yackee 2006), women's organizations also often participate in this process to try to influence policies related to women's traditional areas of interest in abortion, reproductive rights, children and families, education, labor and employment, housing, immigration, poverty, and the elderly (Carroll, Dodson, and Mandel 1991; Mazur 2002; Sapiro 1981; Swers 2002). Unexpectedly, they also participate in rulemaking to try to influence policies on issues, such as law and crime, technology, the environment, foreign policy, and energy. These findings suggest that though rulemaking is often portrayed it as a policymaking venue that is not well suited to participation from advocacy organizations (Furlong and Kerwin 2005), some advocacy organizations that represent marginalized groups, such as women, participate in the process to influence policies on a wide variety of issues.

Though my findings indicate that some women's organizations do participate in the rulemaking process and recognize that it provides them with an opportunity to influence policy, they also indicate that many women's advocacy organizations face notable challenges in accessing this policymaking venue. For instance, 31.8% of the respondents indicated that their organizations had not participated in rulemaking, and even among the participants, most women's organizations' staffers reported that their organizations participated in fewer than five rulemakings in the past year. In contrast, previous research shows that business organizations and trade associations, which frequently employ staff members dedicated to rulemaking, both tend to engage in 19.14 and 9.48 rulemakings per year respectively (Furlong and Kerwin 2005; Yackee and Yackee 2006). Moreover, 25% of women's organizations' staffers reported that their organizations did not participate because they need more staff or time to do so. Therefore, many

women's advocacy organizations may not participate in rulemaking as often as other groups, because they lack the resources, most notably the staff members, needed to compete with other organized interests.

Despite these challenges and their limited resources with regard to staffing, my results also indicate some women's organizations still find ways to lobby rulemakers. Most notably, coalitions often facilitate their participation in the process, as the majority of the respondents indicated typically signed on to comments that a coalition prepared or used templates that other organizations circulated to write their comments. The fact that one organization indicated that it often drafts comments for others to use also reveals that a women's organization with rulemaking expertise may take the lead in coordinating rulemaking participation for the broader movement. It is possible that organization is willing to coordinate rulemaking campaigns because doing so allows them to develop their niche or reputation as one of the only women's organizations with extensive experience and expertise in regulatory policymaking (Gray and Lowery 1996; Heaney 2004). These findings also indicate that women's organizations, like other organized interests are often open to working in coalitions when they want to shape policy proposals, formally influence rulemakers, or demonstrate to their constituents or other members of the public that they are actively engaged in the issues despite their limited resources (Furlong 1997; Hojnacki 1997). The fact that many women's organizations' reported that they took low-cost forms of action, such as simply signing their organization's name to another comment or relying on a template comment, further suggest that when advocacy organizations participate in rulemaking coalitions, they may seek out relatively informal coalitions that have similar policy goals and are willing to tolerate some level of free riding (Hojnacki 1997; 1998).

Women's organizations' reliance on rulemaking coalitions also raise some intriguing questions for future research. For example, while many advocacy organizations join coalitions to overcome their resource limitations, those coalitions also have a tendency to downplay the concerns of the most disadvantaged people they claim to represent (Hojnacki 1997; Strolovitch 2007). Therefore, future research based on an analysis of coalition comments or interviews with coalition participants should examine how coalitions of women's organizations decide which women to focus on when they participate in the process. Do they downplay the concerns of relatively disadvantaged women, such as women of color, poor women, and LGBTQ-identified women as Strolovitch (2007) suggests they might? More research could also determine precisely when and why these coalitions form during the rulemaking process. Hojnacki (1998) has found that coalitions are more likely to form when opposition groups are strong. Thus, it is possible that women's organizations' are most likely to use coalitions to participate in rulemaking when they face strong opposition, particularly since many controversial rules related healthcare, abortion, and contraception have attracted unusually high levels of attention and polarized opinion in recent years (English 2018; no date).

Lastly, not all women's organizations are equally likely to participate in the rulemaking process. In fact, the women's organizations that are the most likely to lobby rulemakers may have larger staffs and employ more relatively advantaged middle- and upper-class people. Therefore, my findings also shed new light on previous studies which have found that women's organizations' rarely advocate for marginalized women such as poor women, women of color, and LGBTQ women when they submit comments to rulemakers (English 2018, no date) by suggesting that those biases could be related to the mobilizations of bias that occur when only the most advantaged women's advocacy organizations participate in rulemaking. My findings about

biases in this process and the limited participation of organizations that have small staffs and primarily employ low-income people also suggest that more research is needed to understand why those women's organizations do not participate. Is it simply due to a relative lack of staffing resources or are there other reasons they avoid the process? For example, might they prefer more confrontational outsider strategies, such as protests and marches instead?

CONCLUSION

Though it is relatively unknown and not traditionally considered a site of women's representation, some women's organizations recognize that rulemaking has an important influence on policy and they participate in the process. Therefore, approximately one-quarter of women's organizations reported that they lobbied rulemakers and many of them indicated that rulemaking provided them with opportunities shape policies on a wide variety issues, including many policies that have and have not traditionally been of interest to women. However, some women's organizations, particularly those with smaller, poorer staffs, do face some challenges or barriers to participation. As a result, many of the women's organizations that want to participate in rulemaking often have to rely on help from coalitions of other like-minded organizations, and the organizations that are the most likely to participate are the ones that have the most resources and that employ the most economically advantaged women. Together, these findings suggest that women's advocacy organizations are interested in lobbying rulemakers, but they also suggest that they may downplay the concerns of some of the most disadvantaged women when they participate.

REFERENCES

Abramovitz, Mimi. 1996. *Regulating the Lives of Women*. Boston, MA: South End Press.

Appelbaum, Binyamin and Michael Shear. 2016. "Once Skeptical of Executive Power, Obama Has Come To Embrace It." <https://www.nytimes.com/2016/08/14/us/politics/obama-era-legacy-regulation.html> (May 23, 2019).

Banaszak, Lee Ann. 2010. *The Women's Movement*. New York, NY: Cambridge University.

Benjamin, Stuart Minor. 2006. "Evaluating E-Rulemaking." *Duke Law Journal* 55(5): 894-941.

Carroll, Susan, Debra Dodson, and Ruth Mandel. 1991. *The Impact of Women in Public Office*. New Brunswick, NJ: Center for the American Woman and Politics.

Celis, Karen, Sarah Childs, Johanna Kantola, and Mona Lee Krook. 2014. "Constituting Women's Interests Through Representative Claims." *Politics & Gender* 10: 149-174.

Center for American Women and Politics. 2018. "History of Women in the U.S. Congress." <http://cawp.rutgers.edu/history-women-us-congress> (June 11, 2018).

Deckman, Melissa. 2016. *Tea Party Women*. New York, NY: New York University.

Dolan, Julie. 2002. "Representative Bureaucracy in the Federal Executive." *J-PART* 12: 353-375.

Dolan, Julie. 2000. "The Senior Executive Service: Gender, Attitudes, and Representative Bureaucracy." *J-PART* 10(3): 513-529.

Escobar-Lemmon, Maria and Michelle Taylor-Robinson. 2014. "Dilemmas in the Meaning and Measurement of Representation." In *Representation: The Case of Women.* eds. M. Escobar-Lemmon and M. Taylor-Robinson. New York: Oxford University, 1-18.

Furlong, Scott and Cornelius Kerwin. 2005. "Interest Group Participation in Rulemaking." *J-PART* 5(3): 353-370.

Furlong, Scott. 1997. "Interest Group Influence on Rulemaking." *Administration and Society* 29: 325-347.

Golden, Marissa Martino. 1998. “Interest Groups in the Rulemaking Process.” *J-PART* 8:245-70.

Goss, Kristin. 2013. *The Paradox of Gender Equality*. Ann Arbor, MI: University of Michigan.

Goss, Kristin. 2007. “Foundations of Feminism.” *Social Science Quarterly* 88(5): 1,174-,1191.

Gray, Virgina and David Lowery. 1996. “A Niche Theory of Interest Representation.” *Journal of Politics* 58(1): 91-111.

Grossman, Matt. 2012. *The Not-So-Special Interests*. Stanford, CA: Stanford University Press.

Hancock, Ange-Marie. 2004. *The Politics of Disgust*. New York, NY: New York University Press.

Heaney, Michael. 2004. “Outside the Issue Niche.” *American Politics Research* 32(6): 611-651.

Hojnacki, Marie. 1998. “Organized Interests’ Advocacy Behavior in Alliances.” *Political Research Quarterly* 51(2): 437-459.

Hojnacki, Marie. 1997. “Interest Groups’ Decisions to Join Alliances or Work Alone.” A*merican Journal of Political Science* 41(1): 61-87.

Internal Revenue Service, Employee Benefits Security Administration, and US Department of Health and Human Services. 2017a. “Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act.” *Federal Register* 82(197): 47,838-47,862.

-----. 2017b. “Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act.” *Federal Register* 82(197): 47,792-47,835.

-----. 2013a. “Certain Preventive Services Under the ACA.” *Federal Register* 78(25): 8,456-8,476.

-----. 2013b. “Certain Preventive Services Under the ACA.” *Federal Register* 78(127): 39,870-39,899.

-----. 2012. “Certain Preventive Services Under the ACA.” *Federal Register* 77(55): 16,501-16508.

Kenney, Sally. 2003. “Where is Gender in Agenda Setting?” *Women & Politics* 25: 179-207.

Kerwin, Cornelis and Scott Furlong. 2011. *Rulemaking*. Washington, DC: CQ Press.

Lubbers, Jeffrey. 2010. “A Survey of Federal Agency Rulemakers Attitudes about E-Rulemaking.” *Administrative Law Review* 62(2): 451-486.

Mansbridge, Jane. 1999. “Should Blacks Represent Blacks and Women Represent Women? A Contingent ‘Yes.’” *Journal of Politics* 61:628-57.

Marchetti, Kathleen. 2015. “The Use of Surveys in Interest Groups Research.” *Interest Groups & Advocacy* 4(3):272-282.

Marchetti, Kathleen. 2014. “Crossing the Intersection: The Representation of Disadvantaged Identities in Advocacy.” *Politics, Groups, and Identities* 2(1): 104-119.

Mazur, Amy. 2002. *Theorizing Feminist Policy*. New York, NY: Oxford University.

Mink, Gwendolyn. 2001. “Violating Women: Rights Abuses in the Welfare Police State.” *Annals of the American Academy of Political and Social Science*. 577: 79-93.

Office of the Federal Register. 2011. “A Guide to the Rulemaking Process.” <https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf> (July 5, 2018).

Rosen, Ruth. 2006. *The World Split Open*. New York, NY: Penguin Books.

Sapiro, Virginia. 1981. “When Are Interests Interesting?” *American Political Science Review* 75: 701-21.

Schattschneider, E.E. 1960. *The Semi-Sovereign People*. Boston, MA: Wadsworth.

Schlozman, Kay, Sidney Verba, and Henry Brady. 2012. *The Unheavenly Chorus*. Princeton: Princeton University.

Schneider, Anne and Helen Ingram. 1993. “Social Constructions of Target Populations.” *American Political Science Review* 87(2): 334-347.

Schreiber, Ronnee. 2008. *Righting Feminism*. New York, NY: Oxford.

Skocpol, Theda. 2003. *Diminished Democracy*. Norman, OK: University of Oklahoma.

Staggenbourg, Suzanne. 1988. “The Consequences of Professionalization and Formalization in the Pro-Choice Movement.” *American Sociological Review* 53: 585-605.

Strolovitch, Dara Z. 2007. *Affirmative Advocacy*. Chicago, IL: University of Chicago.

Swers, Michele. 2002. *The Difference Women Make*. Chicago, IL: University of Chicago.

US Congress. 2017. “Advanced Search: Legislation.” <https://www.congress.gov/advanced-search/legislation> (March 15, 2017).

US Department of Housing and Urban Development. 2018. “Affirmatively Furthering Fair Housing.” *Federal Register* 83(100): 23,922-23,927.

-----. 2015. “Affirmatively Furthering Fair Housing.” *Federal Register* 80(136): 42,272-42,371.

US Government Accountability Office. 2017. “Congressional Review Act.” <http://www.gao.gov/legal/congressional-review-act/overview?rows=10&now_sort=docdate+desc&page_name=fed_rules&q=&report=&agency=All&path=Legal%3AOther+Legal+Function%3AFederal+Rule%3AMajor&priority=All&begin_date=01%2F20%2F2009&end_date=01%2F19%2F2017&begin_eff_date=mm%2Fdd%2Fyyyy&end_eff_date=12%2F31%2F2018&begin_gao_date=mm%2Fdd%2Fyyyy&end_gao_date=03%2F13%2F2017&Submit=Search#fedRulesForm> (March 15, 2017).

US Office of the Assistant Secretary for Health. 2018. “Compliance with Statutory Program Integrity Requirements.” *Federal Register* 83(106): 25,502-25,533.

US Office of Personnel Management. 2018a. “Compensation.” <https://www.opm.gov/policy-data-oversight/senior-executive-service/compensation/> (July 11, 2018).

-----.2018b. “Diversity and Inclusion: Federal Workforce At-a-Glance.” <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/federal-workforce-at-a-glance/> (June 11, 2018).

-----.2018c. “Overview and History.” https://www.opm.gov/policy-data-oversight/senior-executive-service/overview-history/ (July 17, 2018).

-----. 2018d. “Senior Executive Service: Facts and Figures.” <https://www.opm.gov/policy-data-oversight/senior-executive-service/facts-figures/#url=Demographics> (June 11, 2018).

US Office of Population Affairs. 2016. “Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients” *Federal Register* 81(243): 91,852-91,860.

US Office of Postsecondary Education. 2016. “Student Assistance General Provisions” *Federal Register* 81(211): 75,926-76,089.

-----. 2018. “Student Assistance General Provisions” *Federal Register* 83(31): 6,458-6,470.

US Department of Labor. 2017. “Tip Regulations Under the Fair Labor Standards Act.” *Federal Register* 82(232): 57,395-57,413.

Walker, Jack. 1983. “The Origins and Maintenance of Interest Groups in America.” *American Political Science Review* 77(2): 390-406.

Weldon, Laurel. 2011. *When Protest Makes Policy*. Ann Arbor, MI: University of Michigan.

West, William. 2009. “Inside the Black Box.” *Administration & Society* 41: 576-599.

West, William. 2004. “Formal Procedures, Informal Processes, Accountability, and Responsiveness in Bureaucratic Policymaking.” *Public Administration Review* 64(1): 66-80.

Yackee, Jason Webb and Susan Webb Yackee. 2006. “A Bias Towards Business?” *Journal of Politics* 68: 128-139.

Table 1: Characteristics of the Respondents

Budget	
Median Budget	$550,000
Mean Budget (Standard Deviation)	$2,879,532 ($7,315,111)
Range	$0-$40,000,000
Paid Staff	
Median Paid Staff	8
Mean Paid Staff (Standard Deviation)	19.4 (34.6)
Range	0-200
Racial Composition of the Staff	
Majority White	29 (43.9%)
Majority Asian American	4 (6.1%)
Majority Black	8 (12.1%)
Majority Latino	3 (4.6%)
Majority Native American	0 (0%)
Socioeconomic Status of the Staff	
Majority Middle or Upper Class	44 (66.7%)
Majority Lower Class	2 (3.0%)
Sexual Orientation & Gender Identity of Staff	
Majority LGBTQ	3 (4.6%)
Majority Cisgender Heterosexual	53 (80.3%)

Table 2: Rulemaking Actions Taken and Perceptions of Influence

	Mean Frequency Score	Very Often and Extremely Often	Mean Perceived Influence Score	Very and Extremely Influential
Submit Comments	1.59	0 (0%)	2.38	8 (38.1%)
Informal Contact	1.43	0 (0%)	2.29	9 (42.9%)
Monitor Process	1.14	0 (0%)	1.50	4 (20.0%)
Mobilize Others	1.04	0 (0%)	2.57	11 (52.4%)
Negotiated Rulemaking	0.71	0 (0%)	2.21	7 (36.8%)

Notes: Frequency is measured on a 5 point scale (0=Never, 1=Not too often, 2=Somewhat often, 3=very often, 4=extremely often); Influence is measured on 5 point scale (0=Not influential, 1=Not too influential, 2=Somewhat influential, 3=very influential, 4=extremely influential)

Table 3: Characteristics of Rulemaking Participants and Non-Participants

	Participants	**Non-Participants**	**Difference**
Resources			
Annual Budget	$5,860,714	$937,482	$4,923,232
Number of Paid Staff	28.1	8.2	19.9**
Racial Composition of the Staff			
White Staff (%)	45.8%	36.3%	9.5%
Asian American Staff (%)	10.0%	10.8%	0.8%
Black Staff (%)	21.8%	19.1%	2.7%
Latinx Staff (%)	16.9%	7.8%	9.1%
Staff of Color (%)	48.8%	37.7%	11.1%
Socioeconomic Status of the Staff			
Middle & Upper Class Staff (%)	94.8%	58.9%	36.0%***
Lower Income Staff (%)	5.1%	13.0%	7.9%
Sexual Orientation & Gender Identity of Staff			
Heterosexual Staff (%)	78.1%	61.1%	17.0%
LGBQ Staff (%)	16.4%	15.6%	0.8%
Transgender Staff (%)	1.8%	3.2%	1.4%

Notes: ***p≤0.01, **p≤0.05, *p≤0.10

Figure 1a: Number of Rulemakings that Women's Organizations Participated In

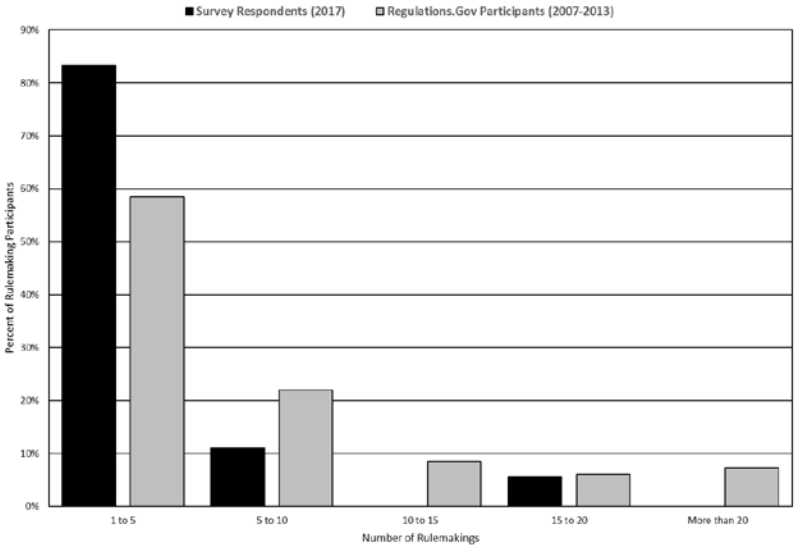


Figure 1b: Typical Methods that Women's Organizations Used to Submit Comments to Rulemakers

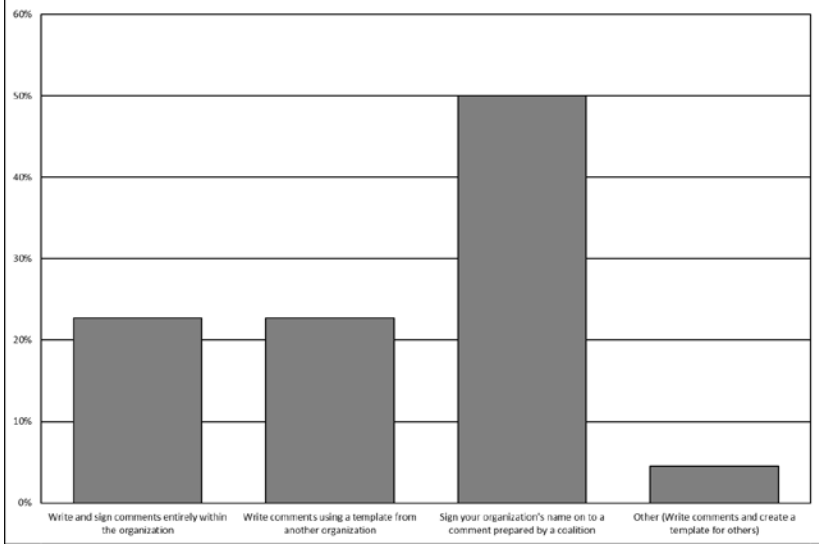


Figure 1c: Reasons Women's Organizations Did Not Participate in the Rulemaking Process

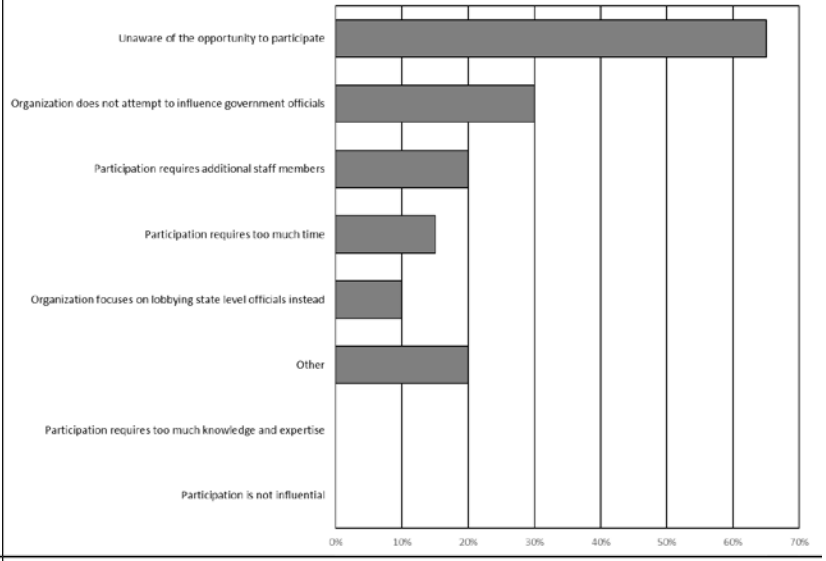
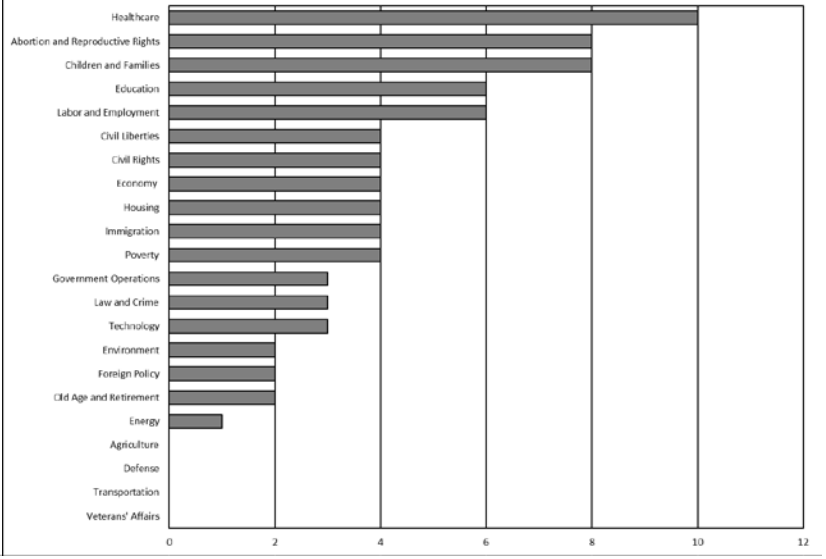


Figure 1d: Number of Women's Organizations that Participated in Rulemaking by Policy Area



APPENDIX 1: SURVEY QUESTIONS AND CODING

ORGANIZATION CHARACTERISTICS

Budget: "What is the approximate budget for your organization for the current year?" [Open ended]

Number of Staff: "Approximately how many paid professional and administrative staff members does your organization employ?" [Open ended]

Staff Racial Identifications

Asian American/Asian Pacific Islander Staff: "About what percentage of your organization's paid employees would you estimate are Asian American/Asian Pacific Islanders?" [Open ended]

Black or African American Staff: "About what percentage of your organization's paid employees would you estimate are Black or African American?" [Open ended]

Latino or Hispanic Staff: "About what percentage of your organization's paid employees would you estimate are Latino or Hispanic?" [Open ended]

Native American Staff: "About what percentage of your organization's paid employees would you estimate are Native American?" [Open ended]

White Staff: "About what percentage of your organization's paid employees would you estimate are white?" [Open ended]

Staff Socioeconomic Status

Upper or Middle Class Staff: "About what percentage of your organization's paid employees would you estimate are upper class?" and "About what percentage of your organization's paid employees would you estimate are poor or low-income?" [Open ended]

Staff Sexual Orientation and Gender Identity

LGBTQ Staff: "About what percentage of your organization's paid employees would you estimate are gay, lesbian, and/or bisexual?" and "About what percentage of your organization's paid employees would you estimate are transgender or gender non-conforming?" [Open ended]

RULEMAKING PARTICIPATION

Rulemaking Participation: "Has your organization ever participated in the federal rulemaking process?"

[1] Yes
[0] No
[.] Don't know

Number of Rulemakings: "Approximately how many rulemakings did your organization participate in last year?"

[1] 1 to 5
[2] 5 to 10
[3] 10 to 15
[4] 15 to 20
[5] More than 20

Why Rulemaking: "Why does your organization participate in rulemaking?"

[Open-Ended]

Non-Participation: "Why hasn't your organization participated in the federal rulemaking process? Please select all options that apply."

[1] Unaware of the opportunity to participate
[2] Participation requires too much time
[3] Participation requires too much knowledge and expertise
[4] Participation requires additional staff members that our organization lacks
[5] Participation is not influential
[6] Our organization does not attempt to influence government officials
[7] Our organization focuses on lobbying state level officials instead
[8] Other

Types of Rules: "When your organization participates in rulemaking, which policy areas does it address? Please select all options that apply."

[1] Abortion and Reproductive Rights
[2] Agriculture
[3] Children and Families
[4] Civil Liberties
[5] Civil Rights
[6] Defense
[7] Economy
[8] Education
[9] Energy
[10] Environment
[11] Foreign Affairs
[12] Government Operations
[13] Healthcare
[14] Housing
[15] Immigration
[16] Labor and Employment
[17] Law and Crime
[18] Old Age and Retirement
[19] Poverty
[20] Technology
[21] Transportation
[22] Veteran's Affairs

Methods of Participation and Perceptions of Influence

Monitor Process: "How often do people in your organization monitor the Federal Register or www.regulations.gov to find opportunities to participate in the rulemaking process?"

[0] Never
[1] Not too often
[2] Somewhat often
[3] Very often
[4] Extremely often
[.] Don't know

Monitor Process Influence: "How influential is monitoring the Federal Register or regulations.gov to find opportunities to participate in rulemaking?"

[0] Not influential
[1] Not too influential
[2] Somewhat influential
[3] Very influential
[4] Extremely influential

Submit Comments "How often do people in your organization submit written comments to federal departments or agencies in response to proposed rules?"

[0] Never
[1] Not too often
[2] Somewhat often
[3] Very often
[4] Extremely often
[.] Don't know

Submitting Comments Influence: "How influential is submitting written comments in response to proposed rules?"

[0] Not influential
[1] Not too influential
[2] Somewhat influential
[3] Very influential
[4] Extremely influential

Typical Method of Commenting: "When your organization submits written comments do you typically _____? Please select only one option that best describes your organization's approach to commenting."

[1] Write and sign comments entirely within your own organization
[2] Write comments using a template or draft language provided by another organization
[3] Sign your organization's name onto a comment that was prepared by a coalition of organizations
[4] Other
[.] Don't know

Mobilize Comments: "How often do people in your organization mobilize members of the public to submit comments related to proposed rules?"

[0] Never
[1] Not too often
[2] Somewhat often
[3] Very often
[4] Extremely often
[.] Don't know

Mobilize Comments Influence: "How influential is mobilizing members of the public to submit comments in response to proposed rules?"

[0] Not influential
[1] Not too influential
[2] Somewhat influential
[3] Very influential
[4] Extremely influential

Informal Contact: "How often do people in your organization informally contact federal departments or agencies BEFORE the publication of a proposed rule?"

[0] Never
[1] Not too often
[2] Somewhat often
[3] Very often
[4] Extremely often
[.] Don't know

Informal Contact Influence: "How influential is informally contacting departments or agencies BEFORE the publication of a proposed rule?"

[0] Not influential
[1] Not too influential
[2] Somewhat influential
[3] Very influential
[4] Extremely influential

Negotiated Rulemaking: "How often do people in your organization participate in negotiated rulemakings?"

[0] Never
[1] Not too often
[2] Somewhat often
[3] Very often
[4] Extremely often
[.] Don't know

Monitor Process Influence: "How influential is participating in negotiated rulemakings?"

[0] Not influential
[1] Not too influential
[2] Somewhat influential
[3] Very influential
[4] Extremely influential