

Legislative Analyses for Informing Environmental Lobbying

By Suzanne Banks

Miami University - Project Dragonfly - GFP

BIO 675H - 2021 Inquiry & Action

Professor Genifer Lara

Abstract

This study looks at legislative behavior and how understanding the dynamics may inform successful lobbying efforts for the environmental sector. Bills from the 117th Congress are reviewed, organized, analyzed, and reported in simple terms that are digestible to conservationists and environmentalists who may lack political savviness. Bill content and bipartisanship are compared with respect to party affiliation. Democrats led and supported a majority of the bills. Topics of interest by both parties varied to some extent. Further study is needed to generalize findings. Implications of such research (if heeded) could be extremely valuable for conservation efforts.

Legislative Analyses for Informing Environmental Lobbying

Conservation, like any non-profit cause, is a field that is tremendously reliant on external assistance from a variety of contributors. A critical aspect of conservation is gaining public support for species-saving causes and associated projects. Successfully “selling” conservation could lead to the following outcomes:

- Fundraising
- Fostering connections to nature
- Encouraging individual pro-environmental behaviors
- Encouraging corporate pro-environmental practices
- Encouraging zoo attendance
- Encouraging volunteerism
- Stakeholder engagement
- Promoting pro-environmental policy (McKenzie-Mohr, 2000; Wald et al., 2016).

All stakeholders are important and should be considered and engaged in conservation efforts. Arguably some of the most influential stakeholders in the U.S. are our members of Congress. Senators and House representatives have the authority to propose bills and vote for and against legislation that can impact our entire country. Pro-environmental policies are an integral aspect of meeting conservation goals. For example, aspects of the Endangered Species Act (ESA), possibly the most well-known federal conservation policy, regularly impacts the work of conservationists by listing certain species as “endangered” or “threatened” and requiring critical habitat areas and related recovery plans (USFWS Endangered Species Program, 2006).

Legislators are a complex target audience. They have personal motivations like the general public does, but they also have the expectations of their constituents and party-at-large to consider. NGOs would be better equipped to gain their support if there was analysis of Congressional attitudes and legislative behavior related to conservation. This study serves as a substantive starting point for further research.

By understanding the concept and contexts that Congress members are connecting with, conservation organizations can do a better job at lobbying for their cause. “Lobbying” refers to engagement with a legislator with the intention of influencing their vote or other policy-making decisions. Billions of dollars are spent on lobbying from a variety of industries and causes (Gabel & Scott, 2011).

Considering congressional behavior in a way that accounts for complex motivations and attitudes toward nature can help inform future conservation lobbying efforts. This study examines pro-environmental and conservation-minded bills introduced in the House and/or Senate so far this year. I seek to analyze this content and look for trends in bills which are Democrat-led, Republican-led, as well as those with bipartisan support. I explore whether one political party introduces more pro-environmental bills than another, and if the content of the bills vary by party. I also will investigate which bills are more likely to garner bipartisan support and whether that is related to party affiliation and/or bill content. Finding the answers to these questions is important because it can help inform environmental lobbying efforts. Understanding what legislators value enough to propose legislation for would be immensely useful. This kind of knowledge can help NGOs frame their messaging to align with Congressional values. Doing so can help to encourage the introduction of pro-environmental bills and ultimately promote pro-environmental policy. I predict that Democrats will introduce more pro-environmental bills than Republicans. I believe that the content of pro-environmental bills will vary by party. I think that Republican-led bills will be more likely to garner bipartisan support than Democrat-led bills.

Methods

At the time of data collection, there had been over 8000 new bills already introduced this year (not including simple, joint, and concurrent resolutions). I used [Congress.gov](https://www.congress.gov) to collect my data - a regularly updated and comprehensive public online database of congressional actions. I utilized several of the site’s search filters to obtain my dataset (Appendix A, B). I limited my search to bills introduced in the current (117th) Congress which commenced in January 2021. I excluded resolutions which typically have less true legislative impact and are more symbolic or relevant to congressional

procedures. I filtered relevant subject matter by checking off 6 of the website's pre-existing categories:

- "Public Lands and Natural Resources"
- "Environmental Protection"
- "Energy"
- "Agriculture and Food"
- "Water Resources Development"
- "Animals" (Appendix C).

I exported my Congress.gov search results to an Excel spreadsheet where I could tailor my data, adding and removing variables (Appendix D). My search results showed bills introduced in the House and in the Senate. I had initially hoped that I would have the bandwidth to compare results from the two houses of Congress. When my search results pulled up 1102 bills, I quickly realized that I would have to narrow down the results significantly further to get to my final sample. I decided to focus on House bills only. I went through each bill one by one in reverse order of date of introduction starting with the most recently introduced bill. For each bill I recorded the party of the House member who introduced the bill and whether or not the bill had bipartisan support (had at least 1 co-sponsor from another party). I also recorded a short summary of each bill and in another column indicated whether or not the bill text was pro-environmental or supported conservation (Y/N). Irrelevant bills were excluded from the final sample. For each of the bills in the sample, I designated bill content according to 7 broad, but clear categories:

- "Air/water quality" - text focused on addressing pollution
- "Clean energy" - text focused on promoting green and renewable energy sources
- "Climate research" - text focused on supporting/funding climate science research
- "Emissions reduction" - text focused on the reduction of carbon and greenhouse gases
- "Habitat protection" - text focused on preserving land or water bodies
- "Recreation" - text focused on designating land use for outdoor recreation

- “Species protection” - text focused on protecting one or more particular species.

Some bills in the sample focused on more than one of these topics. I continued this process for each bill until I gathered 100 pro-environmental bills (225 total individually reviewed).

Results

Of the 1000 bills introduced in the House *and* Senate comprising the population (including bills not related to conservation), 350 (35%) were introduced by Republicans and 642 (64.2%) by Democrats. 726 originated in the Senate while 274 originated in the House of Representatives. For the Senate bills (including bills not related to conservation) Democrats introduced 180 (65.7%) while Republicans introduced 86 (31.4%). For the House bills (including bills not related to conservation, Democrats introduced 462 (63.6%) and Republicans introduced 264 (36.4%).

The sample of the 100 potentially conservation-benefitting bills contained 6 pre-existing policy areas. The breakdown for each subject can be seen in Table 1.

Table 1

Breakdown of 100 pro-environmental bills (117th Congress) within 6 selected pre-existing Congress.gov subject areas.

- **Agriculture and Food** – 4 bills
 - Democrat led: 4 (100%)
 - Bipartisan: 1 (25% of D-led *Agriculture and Food* bills)
 - Republican led: 0 (0%)
- **Animals** – 3 bills
 - Democrat led: 3 (100%)
 - Bipartisan: 3 (100% of D-led *Animals* bills)
 - Republican led: 0 (0%)
- **Energy** – 24 bills
 - Democrat led: 20 (83.3%)
 - Bipartisan: 7 (35% of D-led *Energy* bills)
 - Republican led: 4 (16.7%)
 - Bipartisan: 2 (50% of R-led *Energy* bills)
- **Environmental Protection** – 28 bills
 - Democrat led: 22 (78.6%)
 - Bipartisan: 5 (22.7% of D-led *Environmental Protection* bills)
 - Republican led: 6 (21.4%)
 - Bipartisan: 4 (66.7% of R-led *Environmental Protection* bills)
- **Public Lands and Natural Resources** – 31 bills
 - Democrat led: 22 (70.1%)

- Bipartisan: 10 (45.5% of D-led *Public Lands and Natural Resources* bills)
 - Republican led: 9 (29.9%)
 - Bipartisan: 4 (44.4% of R-led *Public Lands and Natural Resources* bills)
- **Water Resources Development** – 10
 - Democrat led: 7 (70%)
 - Bipartisan: 3 (42.9% of D-led *Water Resources Development* bills)
 - Republican led: 3 (30%)
 - Bipartisan: 0 (0%)

Note. 59% of relevant bills fell under the Public Lands and Natural Resources (31) and Environmental Protection (28) categories.

78% of the sample were introduced by Democrats. Democrat-led bills outnumbered those from Republicans in all categories. There was Democrat involvement (introducer or co-sponsor (bipartisan)) in 88% of the pro-environmental bills. Proportionally, Republicans were more likely to gain bipartisan support; 10/22 or 45.5% of the Republican-led bills had Democrat co-sponsors.

The bills were further analyzed and the dataset was further classified based on bill text content. “Habitat protection” was the most popular subject matter tackled by about one-third of the 100 bill sample.

Table 2

Legislative analysis of content within 100 pro-environmental bills (117th Congress).

- **Air/Water Quality** (18 total) (Bipartisan support – 6, 33.3%)
 - Democrat-led – 15 (83.3%)
 - Republican-led – 3 (16.6%)
- **Clean Energy** (20 total) (Bipartisan support – 8, 40%)
 - Democrat-led – 18 (90%)
 - Republican-led – 2 (10%)
- **Habitat Protection** (34 total) (Bipartisan support – 12, 35.3%)
 - Democrat-led – 23 (58.8%)
 - Republican-led – 11 (41.2%)
- **Emissions Reduction** (15 total) (Bipartisan support – (6, 40%)
 - Democrat-led – 12 (80%)
 - Republican-led – 3 (20%)
- **Recreation** (12 total) (Bipartisan support - 6, 50%)
 - Democrat-led – 9 (75%)
 - Republican-led – 3 (25%)

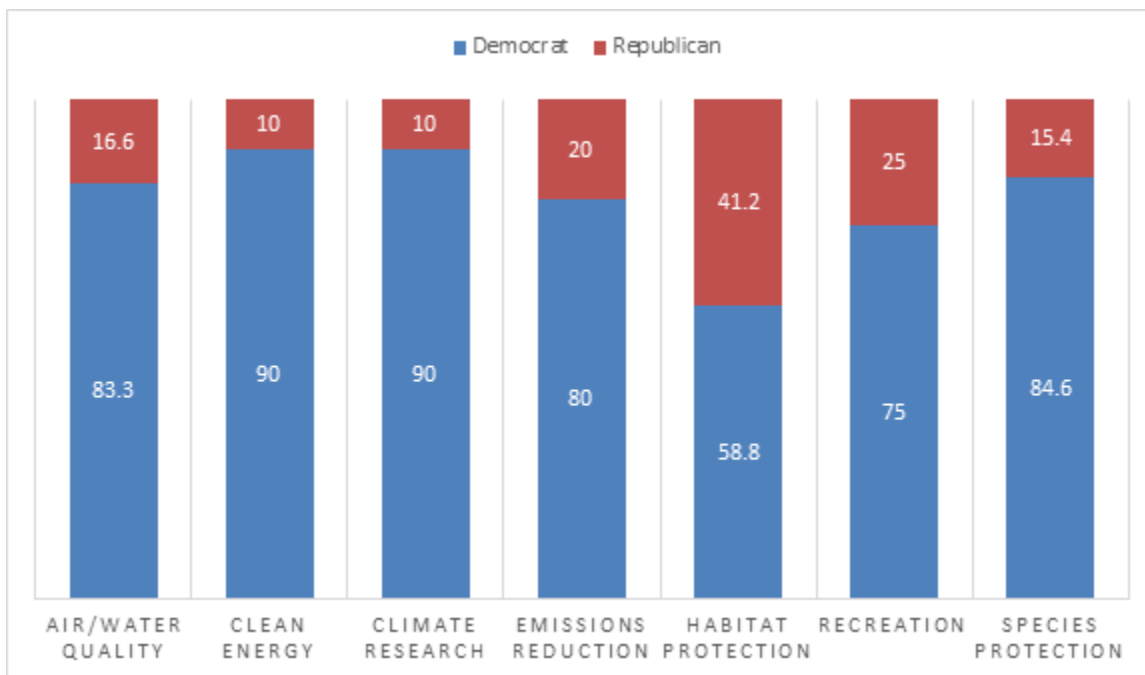
- **Climate Research** (10 total) (Bipartisan support - 4, 40%)
 - Democrat-led – 9 (90%)
 - Republican-led – 1 (10%)
- **Species Protection** (13 total) (Bipartisan support 7, 53.8%)
 - Democrat-led – 11 (84.6%)
 - Republican-led – 2 (15.4%)

Note. I established 7 topics that were prevalent amongst the bills and assigned one or more of the topics to each. “Habitat protection” was the most popular subject matter tackled by 34% of the bills.

As seen in Figure 1, topics with the most proportional Democrat lead sponsors were “Clean Energy” (90%) & “Climate Research” (90%). Those with the highest proportion of Republican introducers were “Habitat Protection” (41.2%) & “Recreation” (25%).

Figure 1

Bill Content by Party of Introduction

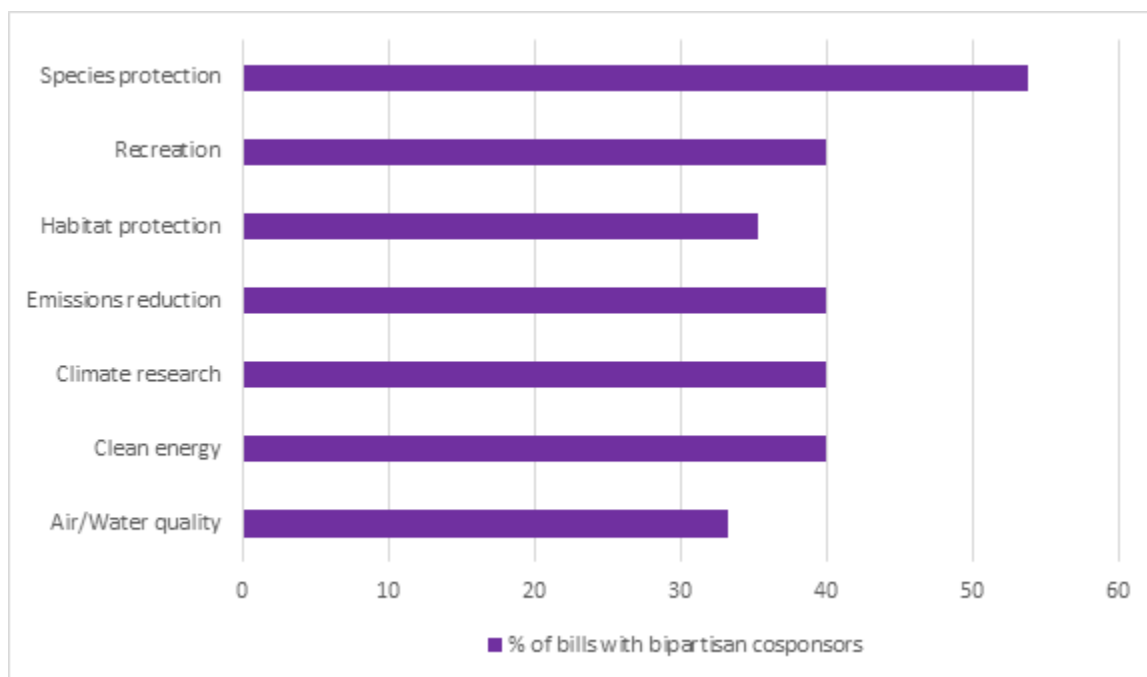


Note. While Democrats introduced a majority of bills for each topic, there was some variability by party. The greatest proportion of bills introduced by Republicans were focused on habitat protection (41.2%) and recreation (25%). Democrats led 90% of clean energy and climate research bills in the sample.

In a search for trends, bipartisanship was examined (Figure 2). Bills that involved the protection of particular species (53.8) garnered the most bipartisan support. Conversely, air/water quality (33.3%) and habitat protection (35.3%) were the most polarizing issues in the sample (n=100).

Figure 2

Bipartisanship by Bill Topic



Discussion

While reviewing the results, it's easy to assume in haste that Republicans simply don't care about the environment as fervently as Democrats. There are some underlying conditions to consider. The bills that were analyzed in this data set were those introduced in the House, which currently holds a Democrat majority. It's possible that fewer Republicans introduced bills this year because they don't think they can get the support in the dem-majority house to pass. Further data collection and analysis would need to be done in Senate introductions and/or House intros during times when there was a Republican majority to determine if majority party influences introductions. This

study was also limited by time and manpower. Ideally, the future samples should be larger and cover a longer period of time. It might be prudent to study bills introduced in both the House and the Senate and in different Congresses with opposing parties in power. That way it could be ruled out that behavior of one party was reliant on who controlled that ruling body.

While I primarily explored bills introduced in the House of Representatives in this study, literature suggests that there is typically a discrepancy between cosponsorship in the House and Senate. Senators are more likely to collaborate with their colleagues across the aisle. This is due to a variety of reasons, including the smaller size of the Senate and rules like filibusters and unanimous consent requirements which make cooperation vital to getting things done (Rippere, 2016). Generally, senators that co-sponsor the most bills are also those that also receive the most bipartisan support for their own legislation (Harward & Moffett, 2010).

Understanding the dynamics of the legislative process and congressional relationships can be helpful in engaging meaningfully with congressional stakeholders. For example, knowing how vital bipartisanship is, particularly in the Senate, environmental lobbyists can focus their resources on engaging congress members that offer and receive the most bipartisan support. Being able to strategically focus resources on a select few legislators is vital as there are 535 voting members of Congress - 435 in the House of Representatives and 100 in the Senate (*Ballotpedia*, 2016).

Lobbyists can also determine how to frame their messaging by exploring which bills gain the most bipartisan support. Considering the content that gets the most co-sponsors from both parties may help inform effective messaging strategies. 39 (39%) of the total sample (n=100) of pro-environmental House bills had both Democrat and Republican sponsors. This varied by bill topics. Bills requesting the protection of specifically named species garnered the greatest proportion of sponsors from both parties (53.8%). Conversely, those that targeted air or water quality and habitat protection were more likely to have only supporters of one party (33.3% & 35.3%). The data suggests that Democrats and Republicans may be more in alignment with their ideas on saving species, but have different ideas on achieving environmental quality

and land management. The latter may require more restrictions on individual behaviors, an unpopular premise for the right.

Action Component Summary

My action component takes what I've learned to create a fact sheet for members of Congress. These would hopefully make meaningful connections between the legislator(s) and conservation-focused causes. The letter calls for a Republican House member to support H.R. 4310 – “Minks in Narrowly Kept Spaces are Superspreaders Act” or for short, the “MINKS are Superspreaders Act” (Appendix E). This bipartisan bill calls for the end of U.S. participation in mink trafficking and fur product production. The fact sheet starts by listing the other fellow Republicans that are already in public support of the bill. It then gives reasons why mink farming should be banned. These reasons are bulleted, categorized into 3 sections (“Public Health”, “Animal Welfare”, and “Economic Considerations”), and are written in clear and concise language. A visual aid is provided for interest and to drive particular points home. At the end of each section, I include a bullet starting with “Your constituents would appreciate...” At the end of the day, our representatives work for the people who vote them into office and they must consider the sentiment of their constituents if they seek reelection. The letter in Appendix E is addressed to a Republican member who represents a section of Long Island, NY. For maximum impact, letters originating from the public should be addressed to the representative(s) of their own district. State and national nonprofits have more geographical flexibility in who they appeal to.

Conclusion

Preliminary research suggests that bill content and propensity for bipartisanship vary by party. The results of this study suggest that Republican legislators may be more interested in efforts that offer habitat protection and promote recreation, while Democrats are more open to concepts of clean energy and climate research. Further research is necessary to iron out generalizable takeaways which can inform successful lobbying strategies for environmentalists. Lobbying is an important and necessary

component of conservation efforts. With the numerous legislators, U.S. nonprofits need to work smarter, not harder, being strategic with which Congressmembers they engage with, and how. Ideally, these organizations should take the time to research individual congressional stakeholders, taking account for a number of factors, including but not limited to, their voting records, biographies, and personal or business ties.

References (Paper/Action Component)

4.2 Fact Sheets. (2020, June 15). The Wildlife Society.
<https://wildlife.org/4-2-fact-sheets/>

Gabel, T. G., & Scott, C. D. (2011). Toward a Public Policy and Marketing Understanding of Lobbying and Its Role in the Development of Public Policy in the United States. *Journal of Public Policy & Marketing*, 30(1), 89–95.
<https://doi.org/10.1509/jppm.30.1.89>

DeLauro, Mace Lead Bipartisan Effort to End Mink Factory Farms Threatening to Extend COVID-19 Pandemic. (2021, July 1). Congresswoman Rosa DeLauro.
<https://delauero.house.gov/media-center/press-releases/delauro-mace-lead-bipartisan-effort-end-mink-factory-farms-threatening>

EXPOSED: Undercover investigation at fur farm shows the lives behind the label. (2020, August 31). The Humane Society of the United States.
<https://www.humanesociety.org/news/exposed-undercover-investigation-fur-farm-shows-lives-behind-label>

Harward, B. M., & Moffett, K. W. (2010). The calculus of cosponsorship in the US Senate. *Legislative Studies Quarterly*, 35(1), 117–143.

How to Create a Fact Sheet. (2016, April 12). Colorado Nonprofit Association.
<https://coloradononprofits.org/how-create-fact-sheet>

List of current members of the U.S. Congress - Ballotpedia. (2016). Ballotpedia.
https://ballotpedia.org/List_of_current_members_of_the_U.S._Congress

McKenzie-Mohr, D. (2000). New Ways to Promote Proenvironmental Behavior: Promoting Sustainable Behavior: An Introduction to Community-Based Social Marketing. *Journal of Social Issues*, 56(3), 543–554.

Policy: Composing a Fact Sheet. (2018, March 22). InterSECT Job Simulations.
<https://intersectjobsims.com/library/science-policy/>

Rippere, P. S. (2016). Polarization reconsidered: bipartisan cooperation through bill cosponsorship [USA]. *Polity*, 48(2), 243–278.

USFWS Endangered Species Program. (2006). *Endangered Species Act of 1973, As Amended through the 108th Congress.*
<https://www.fws.gov/endangered/esa-library/pdf/ESAall.pdf>

Wald, D. M., Longo, J., & Dobell, A. R. (2016). Design principles for engaging and retaining virtual citizen scientists. *Conservation Biology : The Journal of the Society for Conservation Biology*, 30(3), 562–570.

Appendix A. Screenshot of Congress.gov search parameters:

CONGRESS.GOV

[Advanced Searches](#) | [Browse](#)

[Congress](#) | [Search Tools](#) | [Support](#) | [Sign in](#)
[Legislation and Law Numbers](#) | [Legislative Process](#) | [Record](#) | [Committees](#) | [Members](#)

Legislation [Query Builder](#) [Command Line](#)

68th-117th Congress (1799-2022) | [About Legislation](#) | [Browse Legislation](#)

[Expand All](#) | [Collapse All](#)

Congress [Days in Session](#) | [Help](#)

<input type="checkbox"/> All since 1799 (8th Congress) Uncheck All	<input type="checkbox"/> 112 (2011-2012)	<input type="checkbox"/> 107 (2001-2002)
<input checked="" type="checkbox"/> 117 (2021-2022)	<input type="checkbox"/> 111 (2009-2010)	<input type="checkbox"/> 106 (1999-2000)
<input type="checkbox"/> 119 (2019-2020)	<input type="checkbox"/> 110 (2007-2008)	<input type="checkbox"/> 105 (1997-1998)
<input type="checkbox"/> 115 (2017-2018)	<input type="checkbox"/> 109 (2005-2006)	<input type="checkbox"/> 104 (1995-1996)
<input type="checkbox"/> 114 (2015-2016)	<input type="checkbox"/> 108 (2003-2004)	More...
<input type="checkbox"/> 113 (2013-2014)		

Legislation and Law Numbers [Help](#)

Examples: hr5, s435, h.r.425, S.696, H.599, scores19, H.Res.99, sa213, hand3, 104PL104

For multiple bills, separate numbers with a comma

Words and Phrases [Field Name Lookup](#) | [Help](#)

All fields including Bill Text
 All fields except Bill Text ?
 Only these fields: ?

Titles
 Bill Text
 Summaries
 All
 Latest

Examples: "budget" finds budget, budgeting, budgets, budgetary "coastal zone management act" finds words or word variants in the exact order "elementary education"-5 finds words within the specified distance of each other.

Word Variants ?
 Case Sensitive ?
 Searching actions? [Jump to actions list search](#)

Legislation Types [Help](#)

All Legislation
 Only legislation that can become law
 All House
 All Senate

<input checked="" type="checkbox"/> H.R.	<input checked="" type="checkbox"/> S.
<input type="checkbox"/> H.Res.	<input type="checkbox"/> S.Res.
<input type="checkbox"/> H.J.Res.	<input type="checkbox"/> S.J.Res.
<input type="checkbox"/> H.Con.Res.	<input type="checkbox"/> S.Con.Res.
<input type="checkbox"/> H.Amdt.	<input type="checkbox"/> S.Amdt.

Show in Search Results:

Only bills that became law
 Public Legislation
 Private Legislation

Subjects [Help](#)

<p>Policy Area</p> <p>32 areas - 1 per measure</p> <p>Edit Policy Areas</p>	<p>Legislative Subject Terms</p> <p>More than 1,000 terms - 1 or more per measure</p> <p>Choose Legislative Subject Terms</p>
--	--

Actions/Status [Scope Notes](#) | [Help](#)

Search in Actions/Status Text [Action Codes](#)

Examples: actionCode (8000 AND 17000), amendment AND law, closure

Word Variants ?
 Case Sensitive ?

[Or limit search to a single action within a specified date range](#)

Quick List

<input type="radio"/> Any Action (Bills, Resolutions, and Amendments)	<input type="radio"/> Failed of Passage/Not Agreed to in Senate
<input checked="" type="radio"/> Introduced (Bills and Resolutions)	<input type="radio"/> Passed/agreed to in House
<input type="radio"/> Committee or Floor Actions	<input type="radio"/> Passed/agreed to in Senate
<input type="radio"/> Reported to House/Committee Discharged	<input type="radio"/> Passed/agreed to in House and Senate
<input type="radio"/> Reported to Senate/Committee Discharged	<input type="radio"/> Resolving Differences Including Conferences
<input type="radio"/> House Floor Actions	<input type="radio"/> Conference Report Agreed to in House and Senate
<input type="radio"/> Senate Floor Actions	<input type="radio"/> Vetoes and Pocket Vetoes
<input type="radio"/> Failed of Passage/Not Agreed to in House	<input type="radio"/> Laws

Full List

[All Actions](#)

Examples: Referred to House Subcommittee, Roll call votes on measures in Senate, Conference report filed

Sponsors/Cosponsors [Help](#)

Examples: Alma Adams, Wicker

Sponsor
 Cosponsor
 Original Cosponsor

[Or choose multiple Members](#)

Date of Sponsorship/Cosponsorship:

Committees [Help](#)

Choose activity

Any
 Referred To
 Hearings By
 Markup By
 Reported By
 Reported Original Measure
 Discharged From
 Legislative Interest

[Choose House Committees](#)

[Choose Senate Committees](#)

Your Selections:

Subject - Policy Area

- Agriculture and Food
- Animals
- Energy
- Environmental Protection
- Public Lands and Natural Resources
- Water Resources Development

[Reset](#) [Search](#)

[Back to top](#)

CONGRESS.GOV

Appendix B. Screenshot of Congress.gov search results (top of page 1):



Appendix C. Screenshot of breakdown of total Congress.gov search results by chamber of origin (House/Senate) and subject matter (selected pre-existing categories):

House	[726]	
Senate	[376]	
Bill Type		
Status of Legislation		
Subject — Policy Area		
Public Lands and Natural Resources	[347]	
Environmental Protection	[249]	
Energy	[233]	
Agriculture and Food	[188]	
Water Resources Development	[51]	
Animals	[34]	
		Show less

Appendix D. Full data set (Excel): Congress.gov dataset.xlsx

Appendix E. Fact sheet to Republican Congress Member:

2021 IAP Action Component - Fact Sheet to Congress