

Slide 1:
ADVOCACY & LOBBYING–
They are different
New York IL Network
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September 10, 2019

Slide 2:
Advocacy IS Required

The Centers for Independent Living (CILs) Program provides 354 discretionary grants to CILs, which are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that provide IL services. At a minimum, centers funded by the program are required to provide the following IL core services:

1. Information and referral;
2. IL skills training;
3. Peer counseling;
4. Individual and systems advocacy; and
5. Transition- Services that facilitate transition from nursing homes and other institutions to the community, provide assistance to those at risk of entering institutions, and facilitate transition of youth to postsecondary life.

Slide 3:

Advocacy – It's Not Just a Reaction

- Advocacy is at the core of the Independent Living & Disability Rights movement. *Our Movement would not exist if our voices were never heard.*
- Yet with changes in staff, community, leadership & laws many are being told that we can no longer “Advocate” or let alone even mention the “A” word. This is not the case!
- Individual & Systems Advocacy is clearly defined by the Administration for Community Living

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Advocacy – It's Not Just a Reaction Continued

- ACL defines advocacy as:

In the context of ACL, independent living programs are supported through funding authorized by the Rehabilitation Act of 1973, as amended (The Act). Title VII, chapter 1 of the Act states **the current purpose of the program is to** “*promote a philosophy of independent living including a philosophy of consumer control, peer support, self-help,*

*self-determination, equal access, **and individual and system advocacy**, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.”*

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Advocacy is Different from Lobbying

Slide 6:

Lobbying

- CILs CAN NOT lobby with Subchapter B & C or any other federal funding.
 - CILs (non-profits) CAN lobby with unrestricted, non-federal funding.
- Lobbying vs. Advocacy

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LOBBYING

Lobbying is the act of engaging with local, state, or federal government officials (including elected officials, their staff, and other government employees) with the intent to influence (or your ask) funding, support for, or opposition to a particular issue or piece of legislation or potential appointment.

ADVOCACY

Advocacy is the act of engaging with government officials to educate and provide technical, factual, and non-partisan information about relevant issues.

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Direct vs. Grassroots Lobbying

Direct lobbying is an attempt to influence deliberations or actions by Federal, state, or local legislative or executive branches. Lobbying government officials, as in the example above, is considered “direct lobbying.”

Grassroots lobbying, or indirect lobbying, includes efforts that encourage members of the public to contact their local, state, or federal elected officials urging their support or opposition of a specific issue or piece of legislation. In effect, grassroots lobbying involves a federal grantee encouraging stakeholders to lobby.

*Direct lobbying and grassroots lobbying are both unallowable uses of federal funds. (2 C.F.R § 200.450).

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Your Certification Regarding Lobbying form promises you are not. . .

- Improperly influencing activities re: obtaining grants, contracts, cooperative agreements or loans.
- Attempting to improperly influence employee or officer of Government.
- Attempting to influence outcomes of federal, state, or local elections, referendums, or initiatives through in-kind or cash contributions, endorsements, or publicity.

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You are not..., cont'd.

- Contributing to expenses of a political party, campaign, or political action committee.
- Attempting to influence votes for or against specific legislation with certain exceptions.

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OMB Circular-- 2 CFR, Part 230

UNALLOWABLE:

- (1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;
- (2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;
- (3) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;

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Unallowable Continued...

- (4) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
- (5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the

effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

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Civil Disobedience

If you want—we're not endorsing, just stating an option that some people (including some of us on this panel) choose when appropriate.

Share stories of involvement

Without Civil Disobedience we would not have the healthcare we have today which continues to be under attack.

NOTE: You can not use federal funding for this.

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More about Lobbying – What IS Allowed with Federal Funding?

- Technical and factual presentations on topics directly related to the performance of a grant, contract, or other agreement in response to a documented request.
- Information must be readily obtainable and readily put in deliverable form.
- Costs of travel, lodging, or meals are allowed when incurred to offer testimony at a regularly scheduled hearing pursuant to a written request.
- Lobbying within limits set by the IRS related to your non-profit status, as long as you don't use federal funds.

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Allocating Lobbying Activities

Costs properly allocable to lobbying activities include labor costs, third party, travel, general administrative costs and other costs associated with lobbying.

- Labor costs include pay to full-time, part-time, and contract employees. Labor costs include all elements of compensation, such as basic compensation, overtime pay, vacation pay, holiday pay, sick leave pay, payroll taxes, pension costs, employee benefits, and payments to a supplemental unemployment benefit plan.
- General and administrative costs include depreciation, rent, utilities, insurance, maintenance costs, security costs, and other administrative department costs (for example, payroll, personnel, and accounting).
- Travel include costs associated with mileage, airfare, public transportation, etc.

when conducting lobbying.

- Other: Any other costs associated with lobbying activities including conference fees, printing, marketing, etc.
- Third-party costs include amounts paid or incurred in whole or in part for lobbying activities conducted by third party consultant (For example, legislative liaison and lobbyist)

$$\frac{\text{Lobbying Labor Hours} \times \text{Total Costs of Operations} + \text{Travel/other costs associated with Lobbying} + \text{Third Party Costs}}{\text{Total Labor Hours}} = \text{Your Lobbying Cost via Non-Federal Funding}$$

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Careful Considerations when Lobbying

- Check with your state laws regarding lobbying.
- You may need to register at your State's Ethics Commission and report often about lobbying activities.
- You may be required to register as a lobbyist.
- Document lobbying activities in your database system, timesheet, mileage, receipts, etc. to show how no federal funding was used.
- Educate your staff about lobbying rules.

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Careful Considerations when Lobbying, cont'd.

- Plan & prepare to show documentation of lobbying activities. You will need to show that you are using funding other than federal.
- Additional reporting on your 990.
- Lobbying should not constitute a "substantial" percentage of an organization's activities (IRS rule).
 - IRS restricts organizations from using a "substantial" percentage of time, staff, and resources on lobbying.
 - More information about what constitutes "substantial" is available here:

<https://www.irs.gov/charities-non-profits/measuring-lobbyingsubstantial-part-test>.

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Sample Timesheet Documentation:

Image: Sample timesheet to show funding stream for lobbying

Slide 19:

Example of an Action Alert

Image: Sample Action Alert that states: This weekend, The State Reported that William Avant, a man with psychiatric disabilities was tragically suffocated to death by mental health staffers who restrained him. At Able South Carolina, we are appalled to hear of this fatal mistreatment of an individual by the professionals who are trusted to provide care. According to The State, A House Legislative Oversight Subcommittee has held nine hearings to review the Department of Mental Health's policies, operations, and budget, and have not once questioned the department about William's death. State agencies need to be held accountable through these oversight committees to prevent future tragedies like this one.

If you want to speak up for William and people with disabilities across SC, feel free to share your voices and thoughts with your legislators through this form.

Image: Photo of William Avant, smiling

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Other Examples

- 990- Form C

-Mileage Form

-Financial Statement

Slide 21:

Staff must know the rules!

Slide 22

Sample Policy for Staff

Example of Able SC's procedures for staff:

Lobbying Activities

Able SC fully supports the federal restrictions on lobbying using federal funds. Able SC staff are prohibited from lobbying during work hours or in an official capacity unless the

Executive Director provides permission. In such rare situations, you will be required to document your lobbying activities in CIL Suites under “Community Activities” and document your lobbying time on your timesheet using the “lobbying” funding source with a brief description of your activities. Below you will find an example of lobbying activities:

- Asking a lawmaker to vote or vote against legislation.
- Getting your consumers/members to contact their lawmakers in support/opposition of a bill.
- Endorsing/supporting a candidate.
- Asking for funding for the organization.
- If you are unsure the difference between lobbying and advocacy, please ask for clarification from your immediate supervisor.

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Questions?

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