

Report of Advocacy Oversight Group's Review of Federal Lobbying Restrictions and Reporting Requirements (Report for June 3, 2017 UUSJ Board meeting)

Purpose: to improve understanding of the definition of federal lobbying and restrictions; to identify and propose improvements in procedures and practices to ensure UUSJ is in full compliance, as part of ongoing "due diligence"

Participants: Lavona Grow, chair, Loretta Garcia, David Strauss, Ed Kringer, Pablo DeJesus, Anna Rhee, Serena Lowe, Bob Denniston (Larry Underwood was not available for May 26 briefing)

Executive Summary:

- UUSJ has broad authority under its 501(c) 3 (h) designation to conduct lobbying and advocacy activities designed to influence legislation through educational approaches, including promoting UU principles and values relevant to current legislative matters.
- Activities defined as either direct lobbying or grassroots lobbying are permitted but there are limitations of how much can be spent — up to 20 percent of the annual budget overall and 25 percent within that 20 percent for grass roots lobbying. This includes staff and contractor costs as well as office supplies, database access, etc.
- As of January 2017, reporting is required only if expenditures exceed \$3,000 per quarter.
- Because UUSJ spends nowhere near the threshold amounts either quarterly or annually, there is no cause for concern that UUSJ is in jeopardy.
- Some additions to the current Policy and Procedures manual and training of staff and board members will ensure proper documentation of all advocacy activities and costs attributable to actual lobbying. This should include modifications of the UUSJ time sheets and contractor invoices. Such improvements will provide even greater confidence that UUSJ is fully compliant with all requirements.

Key points:

1. Lavona has discussed this issue with non-profit lobbying experts for guidance relevant to UUSJ's mission and focus. A seven-page background memo from El Phoenix Farris, an attorney and member of the UU Church of the Shenandoah Valley, provided details of current lobbying regulations in Q&A format with UUSJ-specific examples. Serena Lowe of All Souls, with experience as a Hill staffer, a lobbyist, and a federal employee, guided us through her 28-page Powerpoint presentation and answered questions on May 26, 2017. Lavona also has spoken with a *pro bono* attorney at the Alliance for Justice.
2. As a 501(c)3 (h) public charity organization, UUSJ has limitations on its conduct of lobbying (see attached Comparison of 501(c) (3) and 501 (c) (4) permissible activities). Certain types of efforts to influence public policy, such as lobbying for or against specific legislation, have expenditure limits (i.e. 20 percent).
3. Direct lobbying is any communication with a legislator (federal or state) that expresses a position about specific legislation. Grass roots lobbying is any communication with the

- general public that expresses a view about specific legislation AND includes a call to action (e.g. letter-writing campaigns).
4. A January 2017 update on lobbying restrictions specifies that reporting is required only if the amount spent on lobbying activities amounts to \$3000 or more per quarter.
 5. Generally, it is not sufficient to substitute another commonly-understood term for the name of specific legislation in an attempt to avoid the definition of lobbying. For example, referring to the “House health care plan” rather than AHCA likely would be counted as lobbying.
 6. Expenditures for lobbying for an “h” organization are limited to 20 percent of the organization’s annual budget, and within that 20 percent only 25 percent can be spent on “grass roots lobbying.”
 7. Educating lawmakers or encouraging them to, for example, support the provision of health care to the poor without specifying a certain bill or legislation is not included in the definition of lobbying. Further, the cost for a UUSJ staffer to make appointments for volunteers to meet with their representatives does not count towards the lobbying dollar limits.
 8. If unpaid volunteers (i.e. UU members of UUSJ) urge lawmakers to vote for or against a particular piece of legislation, it clearly is lobbying, but if there is no expenditure by UUSJ (e.g. staff time) there is no cost attributable to the 20 percent limitation.
 9. If UUSJ spends money to urge UUs to write to their representatives on a particular piece of legislation, that expenditure is counted towards the 25 percent limit on grass roots lobbying within the 20 percent overall limit.
 10. Efforts to influence Executive Branch decisions, such as matters that are not voted on by Congress, such as the Paris Climate Accords, are not included in the definition of lobbying, nor is making available results of non-partisan research or analysis.

Recommendations:

1. To ensure that UUSJ is in full compliance with relevant regulations, UUSJ should add to its Policy and Procedures manual to include specific details on advocacy efforts, such as documenting advocacy activities (both lobbying and non-lobbying), tracking actual expenditures for any work that is defined as lobbying, including staff and consultant time (e.g. time sheets), office supplies, database access, etc. Records should clearly separate costs for direct lobbying and grass roots lobbying.
2. To ensure that UUSJ board members and volunteers understand what constitutes lobbying (both direct and grass roots), the Advocacy Oversight Group should include guidelines in training sessions and periodic reminders in prep sessions.

Submitted by Bob Denniston on behalf of the Advocacy Oversight Committee
June 3, 2017