

A Foundation's Guide to
ADVOCACY



COUNCIL *on* FOUNDATIONS

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Introduction

Society is best served when philanthropy can flourish and Congress and the nonprofit sector work collaboratively to advance the common good.

For that to happen, our lawmakers must understand the important role philanthropy plays in society—and how ill-conceived legislation can hinder philanthropy’s contributions. That’s why it’s so important for grantmakers to educate their lawmakers about the importance of philanthropy in their districts and states and across the nation.

Experience has taught us that no amount of last-minute phone calling or frantic letter writing can solely redirect the course of an issue firmly entrenched in a bill. Therefore, we must pursue a different method of communicating with lawmakers—one that builds and strengthens relationships between foundations and legislators at the national, state, and local levels.

Foundations have exciting and vivid stories to tell. But your legislators won’t know the value you bring to their constituencies unless you share those stories. Meeting with your legislators in person is the best way to let them know what is happening in their communities.

Perhaps you’ve been reluctant to meet with lawmakers because you worry that your efforts might be construed as lobbying and, therefore, illegal. This publication will explain what you can and cannot do to establish legal and long-lasting relationships with members of Congress. We offer hands-on examples and specific tools you can use to make the most of those relationships.

The Council on Foundations is committed to educating policymakers about the value of philanthropy to American society. We hope that you will take on the commitment, too.

Sincerely,



Steve Gunderson
President and CEO
Council on Foundations

The Difference between Networking and Lobbying

Through activities such as Foundations on the Hill and District Days, the Council, with its partners, encourages grantmaking organizations to establish solid working relationships with their elected officials. Often, however, foundation officials believe they cannot participate in such activities because the law does not permit them to lobby.

This is not accurate: exceptions to lobbying restrictions *do* allow generic efforts to establish positive relations with elected officials: legislative network building.

Lobbying is defined as attempting to influence legislation. Thus, a meeting with an elected official cannot be considered lobbying unless:

- a bill has been officially introduced
- the communication between the grantmaker and the lawmaker refers to a specific legislative proposal (see self-defense rule exception below)

For example, it is perfectly appropriate to arrange a meeting with a senator to talk about acid rain as long as your purpose is to educate the senator about the issue, not to comment on any specific legislative proposal. It is also perfectly legal to educate your lawmaker about the extent of your foundation's activities, the grants you make, and the importance of your work to your lawmaker's constituency. Such discussions constitute networking, not lobbying.

In certain circumstances, you can lobby. Case in point: Under the “**self-defense rule**”—section 4945 of the tax code—it is perfectly legal for a private foundation to lobby on issues that “might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation.” For example, you could discuss with your lawmaker the payout rate for private foundations. You could also lobby to reduce or repeal the excise tax on net investment earnings for private foundations.

Finally, remember that organized philanthropy cannot participate in political campaigns, contribute to political action committees (PACs), or contribute directly to a member's campaign fund.

Scheduling a Meeting with Your Member of Congress

Organize a small group of grantmakers to meet with your member of Congress

Form a group of three to five representatives from a variety of grantmaking organizations, i.e., corporate, private, and community foundations. However, any face-to-face meeting with a member of Congress and organized philanthropy is beneficial. Survey the group of attendees to see if anyone has a personal connection to the lawmaker. If someone does, ask that person to call the lawmaker's scheduler to arrange a meeting.

Send a letter to your member of Congress requesting a meeting

Send a request letter no earlier than two months in advance and no later than two weeks in advance. Any longer than two months and your meeting may get on the calendar, but it may also get moved numerous times. With notice of less than two weeks, the scheduler may not be able to accommodate your request. Remember that a meeting with your member doesn't always have to take place in Washington, DC. Members have several congressional recess periods during the year in which they are available for meetings in their home state or district. Please see the next section for possible meeting formats.

See the sample letter on page 16. You can copy this letter, place it on your foundation's letterhead, and send to both your member's scheduler and tax aide. You can obtain your Congress member's address and staff list from several websites (see page 20), or you can call the Council's government relations staff for assistance.

Follow up the letter with a telephone call or email after 10 days

To find your lawmaker's phone number, see page 20 or call the U.S. Capitol switchboard at 202-224-3121 and ask for your senator's or representative's office. When you reach the office, ask to speak with the scheduler and say you are following up on a request you sent two weeks ago. Given the demands upon congressional staff, you will need to be patient but persistent. In fact, you may need to make several calls before establishing a firm date for a meeting. Don't give up.

Remember, too, that your member of Congress (and their staff) will be more receptive to what you have to say if they are well-briefed. Take this opportunity to ask the scheduler if you can send background materials, such as:

- annual reports
- lists of grants your organization has made in the member's district
- examples of grants to organizations that represent the member's interest areas, i.e., aging or health
- issue papers about legislative activities in Congress of interest or concern to the grantmaking community.
- issues of concern to your foundation
- personal stories/examples of your foundation's work

Send the materials to both the scheduler and tax staff person.

Follow up with the office two to three days before the meeting

Because congressional schedules change daily, call the member's office to confirm the date, time, and location of your meeting. Use this opportunity to ask any last-minute questions or to answer any of the staff's questions. Be sure to provide at least one cell phone number for your party so the congressional staff can alert you to any last-minute scheduling conflicts.

Meeting with Your Member of Congress

While the format of your meeting is completely up to you, think outside of the box! Keep in mind that your meeting should:

- suit the wishes of your member of Congress
- put the planners at ease
- fit time and other constraints

When planning the location and time of the meeting, keep in mind that your member of Congress needs time to get from Point A to Point B then to Point C. This is true whether your meeting is going to take place in your home state or in Washington, DC.

The examples below will help give you ideas for possible formats. These were all actual meetings held with congressional members.

COUNCIL OF MICHIGAN FOUNDATIONS (CMF)

Each year CMF participates in Foundations on the Hill, an advocacy event sponsored by the Council on Foundations and the Forum of Regional Associations of Grantmakers. CMF brings approximately 30 foundation representatives and hosts a dinner for the entire delegation while in Washington, DC. It selects a location central to Capitol Hill to increase the likelihood that lawmakers can attend, especially if they may have to return to the Capitol for a vote. The dinner has become such a tradition that some Michigan representatives ask about the dinner before they receive the invitation!

PROJECT CONNECT

Project Connect, organized by the Robert Wood Johnson Foundation, helps grantees build relationships with members of Congress. Several times a year, grantees arrange site visits or meetings with their representatives. The meetings promote the work of the foundation and grantees to critical audiences, including the media, potential corporate funders, and community organizations, as well as the general public.

AKRON FOUNDATIONS GROUP

For several years, this group of grantmakers has hosted an annual luncheon meeting in their member's district to inform him about philanthropy at work in his district. That member of Congress values this annual meeting as an important source of information about his nonprofit constituency.

MINNESOTA

The regional association in Minneapolis plans annual meetings with each of its congressional representatives. The association strives for balance, seeking variety in the types of foundations represented (corporate, community, and private foundations). It also seeks variety in terms of the foundations' size and grantmaking interests. The resulting perspective shows the member that while the grantmaking community is diverse in its approach to philanthropy, it is unified in its purpose.

As you can see, there is no set formula for building a strong, long-lasting relationship with your member of Congress. But you can take certain steps to achieve your goal, including:

- schedule and ensure face-to-face meetings annually (FOTH and FOTH-DD, see page 18)
- subscribe to Council legislative resources (Legislative Network and Policy Action Center) to receive updates on legislation impacting the charitable sector
- contact your lawmakers and tell them how pending legislation may positively or negatively impact your foundation's work
- making sure your member understands how foundations help advance the common good
- keep in touch throughout the year via annual reports, news of special grants, etc.

Congressional Staff Roles

To those unfamiliar with staff roles on Capitol Hill, the titles given to staff of members of Congress can be confusing. So that you can communicate most effectively with staff, these are the most commonly used titles and principal functions of key congressional staff.

CHIEF OF STAFF (COS)

This individual has direct access to the member and overall responsibility to offer guidance on legislative initiatives and constituent relations. The COS usually oversees office operations and supervises key staff. (Administrative assistant (AA) is another title used interchangeably with COS. More and more congressional offices, however, are giving the title of administrative assistant to individuals in less-senior positions, such as receptionists and other front-desk staff people.)

LEGISLATIVE DIRECTOR (LD)/DEPUTY CHIEF OF STAFF/SENIOR LEGISLATIVE ASSISTANT

The legislative director (LD) monitors the member's legislative schedule and analyzes the pros and cons of specific legislative proposals for the member and COS. The LD also frequently oversees the work of the legislative assistants (see below).

PRESS SECRETARY OR COMMUNICATIONS DIRECTOR

The press secretary's main function is to promote the member's views or position on issues to the media, constituents, and the general public. This person understands the special requirements of both the print and electronic media and knows how to use these tools to build effective lines of communication with constituents and the media. The press secretary also writes media releases, assists the member at events, and defuses bad publicity.

LEGISLATIVE ASSISTANT (LA)

A legislative assistant (LA) typically reports to the LD and is charged with tracking specific issues or issue areas (i.e., tax, health, energy, etc.). The LA writes floor statements, monitors legislation, researches issues for the member of Congress, keeps staff apprised of developments during committee hearings, and meets with constituents to discuss legislation.

LEGISLATIVE CORRESPONDENT (LC)

The legislative correspondent (LC) answers mail sent to a member's office. The LC can also aid the legislative assistants in monitoring legislation, meeting with constituents, and writing policy briefs for the member.

SCHEDULER/APPOINTMENT SECRETARY

Schedulers manage the complex and multiple demands placed on a member. This individual must find a balance between constituent requests, congressional responsibilities, and staff requirements in deciding the member's availability for meetings. The scheduler may also be responsible for making travel arrangements, arranging speaking dates, and planning visits to the district.

OTHER STAFF TITLES

Other members of the representative's staff may include caseworkers (who are assigned to help resolve constituent issues in the state/district), the office manager, and receptionists (also known as administrative assistants).

Meeting with Your Member of Congress: What Do You Say and How Do You Say It?

In meeting with your member of Congress, your goal is to educate and inform. You want your representative to understand the importance of your work and to support your issues and respond to your concerns.

Before the meeting, you will need to do some homework so you can provide relevant examples of grantmaking and community involvement. You want to leave a positive and lasting impression of the work you are doing and why you are doing it. Having specific examples for your federal legislators is key to portraying how your work affects their constituents.

To make your job easier, here is a sample agenda for your meeting.

GIVE A BRIEF INTRODUCTION

Start with the basic facts, including who you are (individual or group), where you are located, and the type(s) of foundation(s) you represent. Offer some examples of your mission and grantmaking focus. For example, you might offer an anecdote such as, “Our donor has a keen interest in education. Last year, in accordance with our mission to promote educational excellence in St. Clair County, we provided scholarships for 28 high school seniors to attend state universities.” Provide copies of annual reports or similar information, if possible.

STATE YOUR CASE

Explain the important role foundations play in your member’s state or district, including:

- the number of foundations in the area
- the types of charities supported by your grants
- the annual level of grantmaking

Tailor this information to your member’s areas of interest and committee assignments. The Foundation Center is a great source of data. Its annual yearbook, *Foundation Giving*, provides fiscal data on grantmaking foundations by region and state (see list of references, page 20).

DISCUSS LEGISLATIVE ISSUES

Bring up any areas of legislative concern to your group. The Council on Foundations regularly provides its members with information on all current legislative issues affecting grantmakers via ecommunications and the Policy Action Center, <http://www.cof.org/policy>. You can find issue papers on a variety of topics that you can download and leave behind with your lawmaker. The Council’s government relations staff members are also willing to brief you by phone in preparation for a congressional visit.

ASK THE IMPORTANT QUESTIONS

During your meeting, be sure to ask:

- Would the member like to receive more information on the philanthropic sector in his/her state or district?
- Which staff person should you contact with respect to tax bills?
- How can you assist your legislator?
- How can your legislator help you? Can he/she co-sponsor or support a bill or join the Philanthropy Caucus? Please remember to consult page 3 on the rules on networking and lobbying for foundations.

Offer to be a resource to the member on issues pertaining to the charitable field. Your lawmaker will welcome any data or statistics you can provide on areas of particular interest (for example, health care delivery or housing for low-income individuals). No matter how you get the information—through the Council, your regional association, or the Foundation Center—your member of Congress will regard you as a valuable resource.

THANK YOUR MEMBER FOR SPENDING TIME WITH YOU!

A thank you goes a long way! Exchange business cards with any staff in attendance and offer to send any additional materials requested.

DON'T FORGET TO THANK THE TAX AIDE AND SCHEDULER

It is important to maintain a relationship with not only the member of Congress, but also his or her tax aide and the scheduler. Both of these staffers make it possible to share with the lawmaker, year round, the issues affecting the philanthropic sector. Remember to thank them both for setting up your meeting and make sure you send the tax aide periodic communications—even if it is a quick telephone call or email to update them on your work.

FINAL NOTE:

How will you know if your meeting has been a success? Sometimes that answer becomes obvious over time, when your member co-sponsors important legislation or is willing to support your opposition to a bill that could be detrimental to the field.

On other occasions the answer is more immediate. Your representative might call the next day wanting to know how to obtain a grant for a constituent. Your first thought should be, “Great. They see us as a valuable resource.” You’ve established a dialogue and are on track to building a mutually beneficial relationship. Obviously, you will need to explain that each foundation has its own mission and funding and cannot fund every worthy program or area. Your representative should be comfortable with this concept, knowing that Congress also cannot fund everything and must set priorities. Again, you have an opportunity to educate your lawmaker about the limits as well as the advantages of organized philanthropy.

The test of success lies in the answers to your own questions.

- Does my congressional representative better understand the role of foundations in improving the lives of the citizens in our city, state, and nation?
- Have I left the member with a memorable, anecdotal example of a grant that illustrates the valuable contributions our foundation has made to constituents?
- Have I “put a human face” on my foundation’s grantmaking?

If you can answer yes to these questions, you have taken an essential step toward creating a legislative climate that will allow philanthropy to flourish.

Follow-Up, Follow-Up, Follow-Up!

This booklet tells you how to have a successful meeting with your congressional representatives. To continue that momentum and establish a strong, mutually beneficial relationship, you need to keep the lines of communication open between the legislator and your foundation. Here are a few ways you can do that.

SEND A THANK-YOU LETTER

First on the list of “follow-up” duties is writing the thank-you letter. Fax the letter to your member and copy (or email) it to the legislative assistant handling tax issues. Keep it to one page if possible and:

- recognize the member’s legislative efforts affecting foundations
- express your appreciation for the time spent meeting with you
- provide a brief recap of issues discussed and commitments made
- offer to send additional information (or include the promised materials as part of the fax)
- express your hope that future meetings will take place

INVITE YOUR MEMBER OF CONGRESS TO SELECT EVENTS

Occasionally, invite your member to events such as site visits and grant award ceremonies when they are back in their home states or districts. These events demonstrate philanthropy at work in the member’s district or state and allow the member to speak to a group of grantmakers and grantees. The most opportune times are when Congress is in recess during major holidays, such as Memorial Day, Independence Day, and the August district work period. The Council can help facilitate these events and meetings during Foundations on the Hill-District Days.

SEND MATERIALS ABOUT PHILANTHROPY TO YOUR MEMBER’S OFFICE

Keep your member informed of your work via carefully targeted materials, such as your annual report, special studies, or media coverage of your organization’s grantmaking. Send the materials to the attention of the staff member(s) who attended your meeting!

RENEW THE PERSONAL ACQUAINTANCE AT LEAST ONCE A YEAR

Let your member know that you would like to meet formally at least once a year to discuss local philanthropic efforts as well as legislative issues affecting foundations and the charitable sector. If you plan to meet with the member as part of a larger group, share the responsibility for planning the event among your foundation peers.

Through your efforts, you can help create a climate in which philanthropy can flourish. We’ve offered a blueprint you can follow to begin establishing a long-term and mutually beneficial relationship with your members of Congress. Good luck!

Resources

Sample Fax to Congress

To a Senator

The Honorable (Full Name)
United States Senate
Washington, DC 20510

Dear Senator (Last Name):

Your message

Sincerely,

[Insert your full name and telephone number. If email, insert your full address as well.]

cc: **[Insert full names of any congressional staff members in your meeting]**

To a Representative

The Honorable (Full Name)
House of Representatives
Washington, DC 20515

Dear Representative (Last Name):

Your message

Sincerely,

[Insert your full name and telephone number. If email, insert your full address as well.]

cc: **[Insert full names of any congressional staff members in your meeting]**

Note: When writing to the chair of a committee or the Speaker of the House, it is proper to address him or her as Dear Mr. Chairman or Madam Chairwoman, or Dear Mr. Speaker or Madam Speaker.

Sample Email to Congress

When addressing an email to a member of Congress, follow the same suggestions as for a printed letter. In the subject line of your email, include the issue or bill number.

The body of your message should use this format:

Date

The Honorable (full name)
(Room #, Name of Building)
United States Senate (United States House of Representatives)
Washington, DC 20510 (20515)

Dear (Title) (Last Name):

Your message

Sincerely,

[Insert your full name and telephone number. If email, insert your full address as well.]

cc: [Insert full names of any congressional staff members in your meeting]

Sample Letter #1: Meeting Request

[If faxing, insert your foundation's letterhead]

Date

The Honorable (full name)
(Room #, Name of Building)
United States Senate (United States House of Representatives)
Washington, DC 20510 (20515)

Dear Senator/Representative **[insert last name]**:

I would like to request the opportunity **[to meet/for a small group to meet]** with you on **[date and location]**.

[Insert information regarding who you are, what your organization does and what area it covers]. Our most recent data indicate that there are **[X number]** of grantmaking foundations in the state **[state name]**, with combined assets over **[\$X]**, making grants annually of **[\$X]**.

During our meeting, I/we would like to discuss how our community foundation is positively affecting our state and local communities and how Congress can continue to support and encourage philanthropy. I would also like to share with you my views about several policy issues that will be considered this session.

I will call your office to confirm receipt of this letter and to speak with your scheduler about a specific meeting time. I look forward to meeting with you and your staff at that time.

Sincerely,

[Insert your full name and telephone number. If email, insert your full address as well.]

cc: **[Insert full names of any congressional staff members in your meeting]**

Sample Letter #2: Thank You Letter

[If faxing, insert your foundation's letterhead]

Date

The Honorable (full name)
(Room #, Name of Building)
United States Senate (United States House of Representatives)
Washington, DC 20510 (20515)

Dear Senator/Representative **[insert last name]**:

Thank you for taking the time to meet with me and **[insert names of other group members, if any]** on **[date/place]**. As constituents, we enjoyed talking with you about the good work of our foundations and our mutual interests in expanding philanthropy in ways that both merit the public trust and effectively address the needs of our communities.

During the meeting, we discussed **[issue/s]**. I/We would welcome the opportunity to meet with you again at a future date and time to keep you apprised of the work we are doing and to share with you any new or updated information. **[Your Staff Member's Name]** will be in touch with your district staff to work out a mutually convenient date.

Again, thank you for meeting with our group. Please feel free to contact me by phone **[insert phone number]** or e-mail **[insert email address]** for additional information about our foundation or philanthropy in **[insert state]**.

Sincerely,

[Insert your full name and telephone number. If email, insert your full address as well.]

cc: **[Insert full names of any congressional staff members in your meeting]**

Useful Internet Sites

Council on Foundations Policy Action Center

<http://www.cof.org/policy>

For the philanthropic sector to fulfill its mission to serve our communities and those in need, it must be engaged in the public policy process. As Congress continues to examine the charitable sector—looking at compensation, foundation governance, and charitable giving vehicles like donor advised funds and supporting organizations—it is vital that lawmakers hear from their foundation constituents. The Policy Action Center allows the sector to respond to calls to action and read about legislative developments that affect philanthropy. Direct communication is one of the most effective ways foundation constituents can communicate with their congressional members. By visiting the Policy Action Center, visitors can send a formal and timely message to their legislators in less than five minutes. Visitors can also sign up for the Legislative Network, a free weekly legislative update sent directly to one's inbox.

Foundations on the Hill (FOTH) and Foundations on the Hill-District Days (FOTH-DD)

<http://www.foundationsonthehill.org>

Every year, the Council on Foundations and the Forum of Regional Associations of Grantmakers co-host Foundations on the Hill (FOTH), a two-day legislative and public policy event in Washington, DC, for foundation staff members and philanthropic leaders. The goal of FOTH is to promote to members of Congress the important role foundations and philanthropy play in serving the public good.

When senators and members are home during congressional recess breaks, we encourage you to participate in Foundations on the Hill-District Days (FOTH-DD). While the longest recess break takes place in August, there are many breaks you can take advantage of during the year. Also co-sponsored by the Council on Foundations and the Forum of Regional Associations of Grantmakers, FOTH-DD is as an opportunity to highlight the work that you do to show members what foundations are doing to benefit our the communities.

We believe that building strong relationships with lawmakers is one of the most effective ways foundations can communicate their message. Both FOTH and FOTH-DD offer the ideal opportunity for foundation staff members, board members, and trustees to personally meet and discuss their work with their elected representative and senators. To prepare for these meetings, participants receive training, background materials, and legislative briefings on key charitable sector issues.

THOMAS

<http://thomas.loc.gov>

Acting under the directive of the leadership of the 104th Congress to make federal legislative information freely available to the public, a Library of Congress team brought the THOMAS World Wide Web system (named for Thomas Jefferson) online in January 1995. It includes coverage of the floor activities of both the House and Senate, information on any bill dating back from the 104th Congress to the current session, and access to the Congressional Record.

U.S. House of Representatives

<http://www.house.gov>

This site contains information and links to: individual leadership, member, and committee offices; a complete House directory; current floor action information; C-SPAN programming; the Internet Law library; and the Library of Congress.

U.S. Senate

<http://www.senate.gov>

On the Senate's homepage, you can access information on legislative activities, committee information, links to individual senators' websites, contact information, and historical background on the Senate.

The White House

<http://www.whitehouse.gov>

You can obtain information about the president and vice president, read White House press releases, look through White House historical documents, get information about White House tours, and browse the White House library at the White House homepage.

References

Congressional Yellow Book

Published quarterly, it provides current information on members and congressional staffs.

Leadership Directories, Inc.
1001 G Street, NW
Suite 200 East
Washington, DC 20001
Phone: 202-347-7757
<http://www.leadershipdirectories.com>

Congressional Staff Directory

Provides detailed information on congressional staff as well as members of Congress.

Congressional Quarterly
1255 22nd Street, NW
Washington, DC 20037
Phone: 202-419-8500
<http://www.cq.com>

Politics in America

Published in July, following the election of a new Congress, this reference provides a biography for each congressional district and state.

Congressional Quarterly
1255 22nd Street, NW
Washington, DC 20037
Phone: 202-419-8500
<http://www.cq.com>

The Almanac of American Politics

The Almanac presents everything you need to know about current American politics.

National Journal Group
The Watergate
600 New Hampshire Avenue, NW
Washington, DC 20037
Phone: 202-739-8400
<http://www.nationaljournal.com>

Foundation Giving

A yearbook of facts and figures on private, corporate and community foundations.

The Foundation Center
79 Fifth Avenue
New York, NY 10003-3076
Phone: 212-620-4230
<http://www.fdncenter.org>

Council on Foundations

To contact the Council's Government Relations Department, please call 703-879-0600 or email govt@cof.org.



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