YES YOU CAN! ADVOCATING AND LOBBYING AS A NONPROFIT

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Coalition for American Heritage
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Your Right to Personally Lobby the Government is Enshrined in our Constitution

**The First Amendment to the U.S. Constitution**
15 December 1791
Government Investment in Today’s Challenges is Critical
Nonprofits are Lobbying

2015 Federal Lobbying by Industry

- Pharmaceuticals/Health Products
- Transportation
- Insurance
- Agribusiness
- Oil and Gas
- Defense
- Real Estate
- Education
- Civil Servants/Public Officials
- Retail Sales
- Construction
- Labor Unions
- Non-Profits and Foundations

NOTE: Totals shown for select industries
SOURCE: Center for Responsive Politics
Types of Nonprofit Organizations

• 501(c)(1) - Corporations Organized under Act of Congress (including Federal Credit Unions)
• 501(c)(2) - Title Holding Corporation For Exempt Organization
• 501(c)(3) - Religious, Educational, Charitable, Scientific, Literary, Testing for Public Safety, to Foster National or International Amateur Sports Competition, or Prevention of Cruelty to Children or Animals Organizations
• 501(c)(4) - Civic Leagues, Social Welfare Organizations, and Local Associations of Employees
• 501(c)(5) - Labor, Agricultural, and Horticultural Organizations
• 501(c)(6) - Business Leagues, Chambers of Commerce, Real Estate Boards, etc.
• 501(c)(7) - Social and Recreational Clubs
• 501(c)(8) - Fraternal Beneficiary Societies and Associations
• 501(c)(9) - Voluntary Employees Beneficiary Associations
• 501(c)(10) - Domestic Fraternal Societies and Associations
• 501(c)(11) - Teachers' Retirement Fund Associations
• 501(c)(12) - Benevolent Life Insurance Associations, Mutual Ditch or Irrigation Companies, Mutual or Cooperative Telephone Companies, etc.
• 501(c)(13) - Cemetery Companies
  ....and so on.
Two Ways to Measure Nonprofit Lobbying Activity:

- “Insubstantial part” test (time + expenditures)

- Expenditure test, aka the 501(h) election
501(h) Expenditure Test

- Fill out Form 5768
- Calculate your lobbying limit
- Spend up to ~25% of that limit on grassroots lobbying
## 501(h) Expenditure Test

<table>
<thead>
<tr>
<th>Total Budget for Exempt Purpose Expenditures</th>
<th>Percentage That May Be Used for Lobbying</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500,000 or below</td>
<td>10% ($100,000)</td>
</tr>
<tr>
<td>$500,000 - $1,000,000</td>
<td>$100,000 + 15% of amount over $500,000</td>
</tr>
<tr>
<td>$1,000,000 - $1,500,000</td>
<td>$175,000 + 10% of amount over $1,000,000</td>
</tr>
<tr>
<td>More than $1,500,000</td>
<td>$224,000 + 5% of amount over $1,500,000</td>
</tr>
</tbody>
</table>
Direct vs. Grassroots Lobbying

- Direct: requesting that legislators take action regarding specific pieces of legislation
- Grassroots: urging others to contact their legislators requesting action on specific pieces of legislation
Advocacy vs. Lobbying
So, What is Advocacy?
Let’s Provide some Examples of How Political Outreach Activities are Defined:

Advocacy? Or Lobbying?
Scenario 1:  

Your organization sends a monthly newsletter, and one column refers to, and reflects your organization’s views on, specific pieces of pending legislation. The column doesn’t state differing viewpoints, only your organization’s position. It does not ask members to take any action with regards to these bills. The distribution list includes a handful of policymakers, including a Senator.

Advocacy? Or Lobbying?
Scenario 2:

Your organization sends a monthly newsletter, the subject line of which one week reads: “President Trump’s Plan for a Monument-Free America Should be Opposed.” The email encourages readers to call their Senators and Representatives to vote against the President’s plan.

Advocacy? Or Lobbying?
Scenario 3:

Your organization created a pamphlet regarding the merits of historic preservation, encouraging readers to send a sticker to their legislators that reads “I support historic preservation in America.” The phrase is not specifically identified with, or linked to, the handful of bills related to historic preservation currently pending in Congress. The pamphlet doesn’t refer to any of these bills, nor does the organization indicate its support for – or opposition to – a specific legislative proposal.
Scenario 4:

Your organization routinely summarizes and reports, via social media, on the status of cultural heritage-related bills currently pending in Congress. These posts identify each bill by number, as well as the sponsor’s name, and often reflect the organization’s view on specific pieces of legislation. They don’t, however, encourage members of your social media network to action.

Advocacy? Or Lobbying?
Quiz 1:

Your organization is upset about President Trump’s Executive Order that will review national monument designations. You organization sends a letter to the Secretary of the Interior expressing your concern and supporting monuments. You only reference the Executive Order.

Advocacy? Or Lobbying?
Quiz 2:

Your organization responds to the FCC’s request for public comment about its efforts to revise its regulations on Section 106 of the NHPA.

Advocacy? Or Lobbying?
Quiz 3:

Your executive director is invited to testify before a House committee about appropriations for the Historic Preservation Fund. The executive director testifies about how additional funds are needed.

Advocacy? Or Lobbying?
What Can’t Nonprofits Do?

- Community Organization
- Educating the Public
- Leadership Training
- Encourage Voting
- Educating Legislators
- Research
- Partisan Political Activity
- Lobbying
- Litigation
- Influencing Regulations
- Educational Conferences
- IRS Lobbying Exceptions
- Nonpartisan Voter Education

Coalition for American Heritage
Congressional Report Card
Unlimited Activities (NOT Lobbying!)

Praise good government policy:

- Give an award to a legislator to recognize his/her commitment to historic preservation (but not as a campaign endorsement)

- Send Congressman letter explaining how your org or issue has benefited from gov’t policy:
  - “NEH supported this important research...”
  - “Because of an HPF grant, we were able to preserve this important place in your district...”
Unlimited Activities (NOT Lobbying!)

Educate Congress on historic preservation matters:

• Meet with your Congressperson to tell him/her about the value of your work that is supported by the government
• Testify when invited before Congress
• Distribute a nonpartisan report about the impact of policy on your issue
Unlimited Activities (NOT Lobbying!)

Engage and educate your members to do their own advocacy:

- Send an email to your members about how great a proposed bill is, but don’t ask people specifically to support it (no “call to action”)
- Let members know how a spending bill compares with previous support for historic preservation
- Tell members if their representatives are in support for eliminating a historic preservation program (without requesting a specific action)
Unlimited Activities (NOT Lobbying!)

Administrative Advocacy:

• Respond to Notices for Public Comment in the Federal Register
• Support or Oppose Executive Orders
Thanks for Listening!

Questions?

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www.heritagecoalition.org

And follow us on Facebook and Twitter!