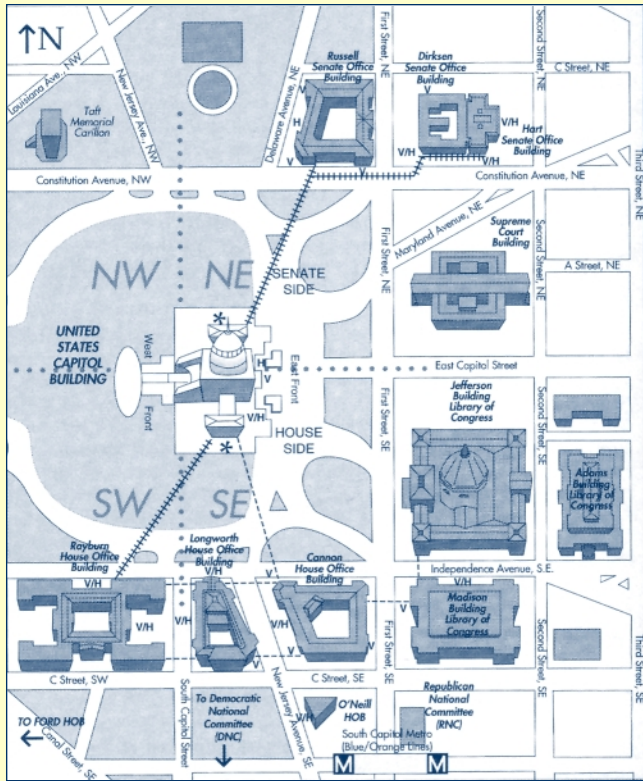


Planning Congressional Meetings

A How-to Kit



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Table of Contents

Introduction	4
Why Networking Is Not Lobbying	6
Setting Up A Meeting With Your Representative	7
Suggested Meeting Formats	8
Congressional Staff Roles	9
Sample Letters	
#1: Requesting a Meeting	10
#2: Meeting Confirmation	11
Meeting Content: What Do We Say?	12
Follow-Up	14
Useful Internet Sites	15
Reference Books	15
Contact Information	15
Congressional Meeting Suggestions	16

Introduction

Foundations and Congress have had a mercurial relationship since 1969. Confronted with reported abuses and stung by restrictions in the tax code resulting from Congressional hearings, much of the foundation world has taken a laissez faire approach to dealing with Congress. Perhaps, the reasoning goes, if we ignore them, they will leave us alone to do our work.

Unfortunately, that is not the way the system works. What is perceived to be secret or anonymous is viewed as suspicious, as something to be investigated. In the years since 1969, Congress has examined not only grantmaking foundations, but the nonprofit world in general. Pressured by a growing deficit, legislators instigated a search for funds that jeopardized the endowment income of nonprofit organizations. More recently, the legitimate advocacy role of nonprofits was severely tested. As we look ahead into the next century, proposed initiatives to restructure the tax code could reduce incentives for charitable giving.

Another round of hearings focused on foundations in 1983 made it painfully obvious that most Members of Congress understand little about grantmaking philanthropy. Most were unaware of the scope of philanthropic activity in their own districts and were even more oblivious to the effect that tax policy has upon foundation grantmaking. Experience has taught us that no amount of last-minute phone calling or frantic letter writing can redirect the course of an issue firmly ensconced in a massive tax bill. A different method of communicating with lawmakers is necessary.

Following the 1983 hearings and the Deficit Reduction Act of 1984, the Council on Foundations' Committee on Legislation and Regulations and its Board of Directors approved a legislative agenda that included the development of a legislative network. The network seeks to:

1 Encourage foundation staff and trustees to meet at least annually with their elected representatives. Although special emphasis should be placed on meetings with members of the tax-writing committees (House Ways and Means and Senate Finance), it is important that each Member of Congress be familiar with the work of foundations in his or her district.

2 Establish a level of communication between foundations and Members of Congress that includes the mutual exchange of information and free discussion of concerns. A groundwork of respect and trust should be established that allows for better understanding of the vital role foundations play in society and the need for Congress to protect that role.

3 Maintain foundation contact with policymakers after the initial meeting through letters, phone calls, the mailing of annual reports or faxing articles of interest.

During the late 1980s, more foundations nationwide responded to the Council's request for better communication between foundations and policymakers on Capitol Hill. The result was several legislative victories, including the end of the administrative cost limitation on private foundations and Congressional passage (though later vetoed by the president) of legislation permitting a common investment fund for grantmaking organizations. Similarly, the 1990s produced legislation to permit full deductibility for gifts of stock to private foundations, the ability of 501(c)(3) organizations to own S corporation stock and legislation that removed all gifts of appreciated property to charitable organizations from negative tax treatment under the alternative minimum tax.

Unfortunately, many of the Members of Congress befriended by grantmakers during the last two decades have since left government, and each new election cycle produces more than a hundred new faces. The Council therefore embarked on a multiyear project to educate important audiences—including policymakers and the media—about the value of philanthropy to American society. This publication was one of many products planned for the initiative. Its purpose is to provide readers with hands-on examples and specific tools for building better relationships with their elected representatives. We encourage foundation staff and trustees to undertake, as an important part of their mission, the vital task of ensuring a positive legislative and regulatory climate for the work of philanthropy. There must be strong, Congresswide, support for the work of grantmaking organizations in order to achieve this end. We request your assistance and encourage your participation.

Why Networking Is Not Lobbying

Frequently, in our efforts to encourage grantmaking organizations to establish solid working relationships with their elected officials, we hear foundation officials say they cannot participate in such a meeting because the law does not permit them to lobby.

This is not true.

While private foundations are not permitted to lobby, public charities (including community foundations) are permitted to lobby but only to a limited extent.

More importantly, there are exceptions to the lobbying restrictions. Just because the law prohibits lobbying by private foundations does not mean that a person associated with a private foundation cannot speak to an elected official.

Lobbying is defined as attempting to influence legislation. Thus, there cannot be lobbying unless a bill has been officially introduced or unless the communication refers to a specific legislative proposal. For example, it is perfectly appropriate to arrange a meeting with a senator to talk about acid rain if no legislation is pending and the purpose of the trip is to educate the senator about the issue, not to comment on any specific legislative proposal.

Generally, it is perfectly legal to lobby as a private foundation on legislation that affects the operations and legal status of foundations—what we call “self-defense” issues. Section 4945 of the tax code specifically permits private foundations to lobby on issues which “might affect the existence of the private foundation, its powers and duties, its tax-exempt status, or the deduction of contributions to such foundation.” Examples of Council issues that fall under this exception would be discussing the payout rate for private foundations and lobbying to reduce or repeal the excise tax on investment earnings for private foundations.

Generic efforts to establish positive relations with elected officials—legislative network building—are even further removed from the definition of lobbying and are permissible.

Attempts to educate the elected official on the extent of foundation activity, on grants made and on the importance of foundations to the official’s constituency are not attempts to influence legislation. In these circumstances of network building, there is no lobbying since no reference is made to any legislation.

Setting Up A Meeting

With Your Representative: Step-by-Step Suggestions

1 Organize a small group of grantmakers to meet with your Member of Congress. Ideally, the group would be composed of representatives from a variety of grantmaking organizations, i.e., corporate, private and community foundations. However, any face-to-face meeting between a Member of Congress and any individual(s) representing organized philanthropy is beneficial. It is unimportant which organization takes the lead in arranging the meeting; just so it takes place! Trustees with some connection to the member are a valuable asset in gaining direct access to the member's scheduler.

2 Send a letter to your Member of Congress requesting a meeting. See the sample on page 10. The letter should be copied and sent to your representative's tax aide. Member addresses and staff lists can be obtained from several Web sites on the Internet (see page 15), or call government relations staff at the Council for assistance. As you think about the type of meeting you want to have, remember that meetings in the home state or district are more likely to succeed than those scheduled in Washington. The member is more focused, his/her schedule is more relaxed, and there are fewer chances he/she will be interrupted (by calls to vote on bills) or distracted by requests from other staff.

3 Follow up the letter with a telephone call after ten days or so. To find your representative's phone number, check the Web sites in this how-to-kit or call the U.S. Capitol switchboard at 202/224-3121 and ask for your senator's or representative's office. Given the demands upon Hill staff, patience and persistence will be necessary at this stage. There may need to be several calls before a firm date for a meeting can be established. Don't give up!

4 Once the meeting date has been set, send a follow-up letter of thanks and enclose briefing materials. These might include: (1) annual reports of those attending the meeting; (2) lists of grants made in the member's district; (3) one or two examples of grants to organizations that represent the member's interest areas, i.e., aging or health and/or (4) issue papers about legislative activities in Congress of interest or concern to the grantmaking community. The issue papers will always be available from the Council both on-line and by mail or fax. A well-briefed Member of Congress is more attentive and more receptive to what you have to say. The added benefit is a well-informed staff person.

5 Follow other possible steps tailored to the needs of your particular meeting. If it will be in Washington, you will need to prepare an agenda ahead of time that takes into consideration the brevity of the meeting and the likelihood of interruption. Talking points should be brief and clearly stated. Be prepared to answer questions or provide additional information at a later time.

6 If the meeting will be in the home state or district, you will want to consider a variety of meeting possibilities. The next section provides examples of meeting formats that have proven successful in the past. Council staff stands ready to work with you at all stages of the process.

Suggested Meeting Formats

What type of meeting shall we hold? How do we get started?

The format of the meeting should be tailored to:

(1) suit the wishes of the member; (2) put the planners at ease and (3) fit time and/or financial constraints.

The random sampling below of actual meetings held will perhaps give you an idea of the variety possible.

Council of Michigan Foundations (CMF)

Each year CMF participates in the Foundations on the Hill event, sponsored by the Council on Foundations and the Forum of Regional Associations of Grantmakers. Michigan brings approximately 30 foundation representatives, who among them meet with the 18 members of the Michigan delegation. CMF hosts a dinner for the entire delegation. The dinner has become such a tradition that some Michigan representatives have taken up the habit of inquiring 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 representative. The meetings promote the work of the foundation and grantees to critical audiences including the media, potential corporate funders, community organizations, and the general public.

Akron Foundations Group

This group of grantmakers initiated an annual luncheon meeting in a downtown hotel to inform their representative about philanthropy at work in his district. Many years after the initial event, the Member of Congress continues to value this annual meeting as an important source of information about his nonprofit constituency.

Philadelphia

Four individuals representing foundations in the Philadelphia area coordinated a trip by train to Washington to visit with their Member of Congress.

Minnesota

The regional association in Minneapolis plans annual meetings with each of its representatives, seeking balance among those attending to include foundation type (corporate, community and private foundations) as well as size and grantmaking interest. The resulting perspective provided to the Member of Congress is of a grantmaking community that, while diverse in its approach to philanthropy, is unified in its purpose.

As you can see, there is no set formula for a successful meeting. The important factors are that the meeting takes place, that the Member of Congress hears the story of foundation philanthropy from the people who know it best and that as a result he or she becomes sensitive to and appreciative of the contributions of foundations to constituents in his/her state or district. The ultimate goal is for foundations to undertake these face-to-face meetings annually, providing supporting materials (annual reports, news of special grants) to the member's office on an ongoing basis throughout the year.

Congressional Staff Roles

To those unfamiliar with the role of staff on Capitol Hill, the titles given to staff of Members of Congress can be confusing. In order to enable you to be most effective in communicating with Congress, we have listed below the most commonly used titles and principal functions of key staff in your representative's office.

Administrative Assistant/Chief of Staff

These titles are usually interchangeable and refer to the individual with direct access to the member and overall responsibility for advising him/her on legislative initiatives and constituent relations. In addition, the administrative assistant (AA) is usually in charge of office operations and supervision of key staff.

Legislative Director (Sometimes Referred to as Senior Legislative Assistant or Legislative Coordinator)

The legislative director (LD) is the staff person responsible for monitoring the legislative schedule and making recommendations to the member regarding the pros and cons of specific legislative proposals. He or she also frequently oversees the work of several legislative assistants, who are assigned to specific issue areas, such as health, welfare reform, taxes, etc. Some offices also have a number of legislative correspondents, who respond to constituent inquiries on behalf of the member.

Press Secretary or Communications Director

Promoting the member's views or position on issues to the media, constituents and the general public is the responsibility of the press secretary. It is also important that this individual understands the special requirements of both the print and electronic media and knows how to build effective lines of communication between them and the Member of Congress.

Appointment Secretary, Personal Secretary or Scheduler

Managing the complex and multiple demands on a member's time is the responsibility of the scheduler. 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 the caseworker, who is assigned to help resolve constituent problems, the office manager and the receptionist.

1 Sample Letter #1: Requesting a Meeting

(Date)

(To a Representative)

The Honorable (full name)
(Room #, Name of Building)
U.S. House of Representatives
Washington, DC 20515

(To a Senator)

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

Re: Request for Meeting

Dear Representative or Senator (last name):

On behalf of the foundation community in your district, I am writing to request the opportunity for a small group of foundation executives to meet with you. Ideally, we would like to arrange the meeting here in your home district at a time that suits your schedule.

I am Executive Director of the Jones Foundation, which has \$25 million in assets. We make grants totaling \$2 million annually, mostly in Ohio. Our most recent data indicate that there are 24 grantmaking foundations in your district with combined assets over \$120 million, making grants annually of \$7.5 million.

As you know, foundations are regulated almost exclusively by the Internal Revenue Code and the resulting Treasury regulations. From time to time, tax issues of vital importance to grantmaking foundations come before the Congress. We are requesting a brief meeting to help you better understand what we are doing to help your district. (Indicate specific issues here.) Finally, we would like to share with you our concerns about certain issues we see on the horizon.

In a few days, I will call your office to confirm receipt of this letter and to speak with your scheduler about possible dates. Thank you in advance for your attention to our concerns.

Sincerely,

cc: _____ (name)

L.A. for Tax Issues

NOTE: KEEP THIS LETTER TO TWO PAGES MAXIMUM.



Sample Letter #2: Meeting Confirmation

(To a Representative)

The Honorable _____

Room #, Name of Building

U.S. House of Representatives

Washington, DC 20515

(To a Senator)

The Honorable _____

Room #, Name of Building

United States Senate

Washington, DC 20510

Re: Meeting of (date of meeting)

Dear Representative/Senator (last name):

On behalf of the foundation community in your (state, district, area), I want to thank you for agreeing to meet with us on (date). For your information, I have attached a list of those foundation executives expected to join me in our meeting.

While legislation affecting the grantmaking community is not necessarily an annual occurrence, we are regulated by the tax code, and tax bills do have a tendency to touch our lives very deeply from time to time.

Therefore, we feel it is most important for you to have a clear understanding of current developments with respect to foundations in your (state, district, area). To facilitate such understanding in advance of our meeting, I have enclosed three items: (1) a list of those grantees who have received the most assistance in your (state, district, area), (2) a list of the most active foundations in your (state, district, area), and (3) the annual reports of the foundations that will be represented at our meeting. I hope you will have a chance to look at this information prior to our meeting on ____; we will be happy to answer any questions you might have at that time.

In addition to discussing recent foundation activity in (state, district, area), here are a few other issues we would like to discuss if time permits: (enclose one-page descriptions of legislative issues currently before Congress that impact foundation grantmaking). (NOTE: The educational benefit of the meeting is invaluable even if no specific issues are addressed).

Your attention to these concerns is deeply appreciated, and we value any assessment or advice you can give us.

Sincerely,

cc: _____ (name)

L.A. for Tax Issues

NOTE: KEEP THIS LETTER TO TWO PAGES MAXIMUM.

Meeting Content: What Do We Say?

Meeting with your Member of Congress will require some homework, but the reward is a legislator sufficiently briefed on philanthropic giving in the state or district so as to truly understand the value of organized philanthropy.

Therefore, the basic aim and purpose of holding such a personal meeting is education. Your elected representative will support your issues and be responsive to your concerns when he or she perceives your organization as a catalyst for positive change in the lives of his constituents. To that end, what examples of your foundation's grantmaking can you provide that will leave a positive impression? As you prepare for your meeting, be thinking of one or two specific grants to discuss with the member.

1 Brief introduction. Your introduction should include the basic facts: who you are (individual or group), what type or types of foundations are represented and a simple explanation of each type, and some reference to the missions and grantmaking focus. You might say something like this: "Our donor had a keen interest in education. Last year, in furtherance of 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.

2 Why are you here? Again, your purpose is to educate your member about the important role foundations play in his/her state or district. What types of charities are supported by your grants? How many foundations are there? What is the annual level of grantmaking? You might tailor this information to your member's areas of interest. Council staff can provide you with this information, or you can surmise it from the list of committees he or she sits on in Congress (this information can be found on the Web—see page 15). Another source for tailor-made grant information is the Foundation Center, which publishes *Foundation Giving*. This annual yearbook provides fiscal data on grantmaking foundations by region and state (see list of references, page 15).

3 Legislative issues. Next, mention legislative issues of concern to your group. The Council on Foundations reports to its members on all current legislative issues affecting grantmakers. Issue papers for leaving with your representative will be regularly updated and available from government relations staff members, who are also willing to brief callers by phone in preparation for a congressional visit. Legislative information will also be available on the Council’s Web Site, www.cof.org.

4 Important questions for you to ask. The following important questions should be asked of your representative:

- **Would the member like to receive more information on the philanthropic sector in his/her state or district?**
- **Which staff person should be the main contact on the member’s staff for follow-up, especially with respect to tax bills?**
- **How can you assist your legislator? Offer to be a resource to the member on issues pertaining to the charitable field. If your foundation has accumulated valuable data or statistics in a particular area through your grantmaking (for example healthcare delivery or housing for low-income individuals), this type of resource is particularly welcomed by policymakers. Even though you may simply contact your regional association, the Foundation Center or the Council to find the information your member needs, you are still perceived by the member of Congress as being helpful.**

5 Thank your member for his/her time, exchange business cards with any staff in attendance and offer to send any additional materials requested. Then turn to page 14 for the critical next step: Follow-up!

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 at your request 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. What if your representative calls the next day wanting a grant for a constituent? Your first thought should be, “Bingo. We hit pay dirt. They see us as a valuable resource.” A dialogue has begun, and you are on track to establishing a mutually beneficial relationship. Obviously, you will need to explain that each foundation has priorities and cannot fund in every area. Your representative should be comfortable with this concept, knowing that Congress also cannot fund everything and must set priorities. Again, this is another opportunity to educate—about the limits as well as the advantages of organized philanthropy.

But finally, the test should be the answer to your own questions. Does my congressional representative better understand the role of foundations in improving the lives of the citizens of our city, state, nation? Have I left the member with a memorable, anecdotal example of a grant that illustrates the valuable contributions our foundation has made to his/her constituents? In short, have I “put a human face” on my foundation’s grantmaking? If you can answer yes to these questions, you will have taken an essential step toward creating a legislative climate that is supportive of organized philanthropy in America.

Follow-up, Follow-up, Follow-up

The mantra of good congressional relations is captured in the simple phrase: **Follow Up!**

While all the steps outlined in this publication are indispensable to achieving success in your first meeting with your representative, the process of establishing ongoing, mutually beneficial communications with policymakers involves additional steps beyond that one event. Like your meetings, these additional steps will vary according to circumstances, both those of your own foundation and/or the wishes of your representative. Listed below are some recommendations for, and examples of, good follow-up to that first meeting:

- 1 The thank-you letter.** First on the list of “follow-up” duties is writing the thank-you letter. As always, it should be kept to one page if possible, but should include the following messages:
 - Recognition and appreciation of the member’s time spent meeting with you;
 - A brief recap of issues discussed;
 - An offer to send additional information (or inclusion of promised materials); and
 - The hope that future meetings will take place.

- 2 Occasional invitations to events.** Follow up that first meeting by occasionally inviting your member to events back in the district. Site visits, grant awards, the opportunity to speak to a group of grantmakers (and grantees)—all offer the Member of Congress the occasion to see first-hand philanthropy at work in the state or district.

- 3 Send materials about philanthropy to the member’s office.** If carefully targeted, materials sent to your member’s office can be useful. Address your letters, annual reports or media coverage of foundation grants to your representative, to the attention of the staff member who attended your meeting. Keep your member informed.

- 4 Renew the personal acquaintance at least once a year.** Inform your member that you would like to meet formally at least once a year to keep him/her apprised of local philanthropic efforts as well as any legislative issues affecting foundations and the charitable sector that might arise. If you are part of a larger group meeting with the member, share the responsibility for planning the annual event among your foundation peers.

Remember, foundations cannot utilize the normal methods for convincing Members of Congress to support their issues. Organized philanthropy cannot participate in political campaigns, contribute to political action committees (PACs) or contribute directly to a member’s campaign fund. If Members of Congress are to be convinced of the value of the charitable sector in America and have pledged to support it through their legislative initiatives, it must be because foundations and nonprofits in their states have taken the time to educate them. It will not happen otherwise: “All politics is local.”*

*Former Speaker of the House Tip O’Neill

Useful Internet Sites

Council on Foundations Legislative Network www.cof.org/government/govrelations/LN/index.htm

This password-protected site contains a guide to congressional offices, information on nonprofit-related legislation, Congress members' votes, and tips on communicating with members. Updated daily, the site enables LN members to produce and send letters and e-mails directly to their representatives. To join the Legislative Network, please contact the Government Relations Department.

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 Internet public, a Library of Congress team brought the THOMAS World Wide Web system (named for Thomas Jefferson) on-line in January 1995. It includes:

- **CONGRESS THIS WEEK** detailing current Floor activities.
- **BILLS** giving descriptions, summary and status of bills.
- **CONGRESSIONAL RECORD** providing Congressional Record text, coverage of the current and previous two sessions of Congress.

U.S. House of Representatives 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 www.senate.gov

At the Senate's homepage, you can access information on legislative activities, individual senators, Senate historical background and Senate committees.

The White House www.whitehouse.gov

At this site, you can obtain information about the president and vice president, read a citizen handbook, look through White House historical documents, get information about White House tours, browse the White House library or go to the briefing room for press releases.

Reference Books

Congressional Yellow Book

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

Leadership Directories, Inc.
1301 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: 202/347-7757
www.leadershipdirectories.com

Congressional Staff Directory

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

Congressional Quarterly
1414 22nd Street, NW
Washington, DC 20037
Phone: 800/638-1710
www.cq.com

Politics in America

Published in July following election of a new Congress.
See above publisher

The Almanac of American Politics

The original bible of members and their districts.
1501 M Street, NW #300
Washington, DC 20005
Phone: 202/739-8400
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
www.fdncenter.org

Council Contact Information

To contact the Council's Government Relations Department, please call 202/466-6512 or e-mail govt@cof.org.

Congressional Meeting Suggestions

One-on-One

Request a 15-minute meeting with the Member of Congress in the district office. These can be easily arranged through the member's local staff. The purpose of the meeting is to raise the member's awareness of your foundation's work and its special value to your common constituents.

Invite the Member to Lunch (or Breakfast)

Plan an informal lunch or breakfast for your representative. Invite the member to speak briefly about issues that are on his or her mind. Individuals invited to attend could include foundation trustees and staff as well as representatives from grantee organizations. The Q&A provides excellent opportunities for educating the member on local philanthropic initiatives.

Take a Group

Invite one or several of your foundation peers in the member's district. At the meeting, each of you could take five minutes to describe your grantmaking and to explain a specific grant that has had a local effect. Remember to emphasize the importance of congressional support for organized philanthropy. Work with the member's local staff to arrange the time and location.

Town Meetings

Take advantage of the town meeting scenario if your Member of Congress has scheduled one in your area. Your participation could direct the discussion to the value of tax incentives for charitable giving or note a positive example of your foundation's local grantmaking.

Site Visit

In coordination with a grantee, invite a Member of Congress to visit an initiative funded by your foundation. This gives you and your grantee the perfect opportunity to explain how essential your organization is to the community. This visit is especially significant if the initiative involves the member's areas of interest (child care, health, environment, etc.).

We're Here to Help

The Council on Foundations staff stands ready to assist you with any aspect of a meeting with your Member of Congress.

For more information, contact
the Council on Foundations,
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Suite 300
Washington, DC 20036
202/466-6512

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