

To: All Corporation-supported programs  
From: Frank R. Trinity  
General Counsel  
Date: September 17, 2002  
Re: Restrictions on legislative lobbying and partisan politics.

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As national and community service is more and more a topic of discussion in the legislative arena, and as this is an election year, I want to remind you about the "rules of the road" concerning legislative lobbying and partisan political activity. These rules apply to programs supported by the Corporation for National and Community Service and to participants in a program to the extent their activities are associated with the program. Legislative lobbying means communicating directly with legislators about pending legislation and encouraging others to contact their legislators about pending legislation. Partisan political activity includes organizing a letter-writing campaign to Congress; printing politically charged articles in a Corporation-funded newsletter; organizing or participating in voter registration drives; and taking part in political demonstrations, rallies, or other events. It is very important that we avoid even a perception that national and community service participants are engaging in political activities.

The first principle to keep in mind is that the Corporation support you receive is for a specific purpose. The Corporation may subsidize only those costs that are reasonable and necessary to achieve the approved objectives of your program. As with any proposed activity or expenditure, your first question should be: Does this advance the objectives approved in the grant from the Corporation? If you can't answer in the affirmative, you do not even need to consider whether the activity is restricted under the rules relating to legislative lobbying and partisan political activity.

The activities of programs and participants supported by the Corporation are governed by an array of authorizing and appropriations statutes, regulations, OMB cost principles, and other provisions, including the terms and conditions of grant awards. Under this framework of often overlapping restrictions, there is one general rule: national and community service programs and participants funded by the Corporation may not participate in (1) any efforts designed to influence legislation or (2) partisan political activities. Any deviation from this rule could jeopardize your program's funding as well as undermine public confidence in national and community service.

I am attaching answers to frequently-asked questions on these topics. If you need additional guidance, please contact your program officer at the Corporation.

## FREQUENTLY-ASKED QUESTIONS

**Our program's annual report shows the value of national and community service and is designed, in part, to persuade our community to support our program and other programs supported by the Corporation. Is this permitted?**

The restrictions on legislative lobbying do not apply to efforts like this to educate the general public, provided that the materials are not specifically designed to generate lobbying activities.

**What if I provide a factual, technical presentation to a legislator who is visiting our program and at the end the legislator makes an unexpected announcement that he or she has decided to co-sponsor legislation to support national service?**

There is nothing wrong with hosting an informational site visit by an elected official. If your presentation is informational and focuses on a topic directly related to your organization's performance under a grant program, the fact that a legislator reaches and announces this conclusion spontaneously does not in itself make the presentation unallowable.

**May a local program supervisor visit elected officials in Washington, D.C.?**

The threshold question is whether the costs of such a trip would be a reasonable and necessary program expense given your approved budget and the specific purposes of your grant award. In addition, assuming this first criterion is met, the OMB Cost Principles for nonprofits and institutions of higher education have an additional requirement: travel, lodging, and meal costs may be allowed only if they are incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the hearing's convener. Because such costs are allowable under very limited circumstances, you should seek guidance from your program officer at the Corporation ahead of time.

**As a program director, I periodically travel to Washington, D.C. to educate our elected officials about our program's achievements. What happens if the Corporation determines that the costs of my visits are not reasonable and necessary expenses of the program?**

If the Corporation determines that the costs are not reasonable and necessary, the costs would be disallowed as a program expense and your organization would not be reimbursed for them.

**An elected official who is running for re-election wants to have a campaign publicity event at our service site. Is this type of site visit permitted?**

No, you should steer clear of any event that could appear to be partisan in nature.

**While I am in Washington, D.C. attending a program director's conference, am I prohibited from visiting my elected officials during a break in the conference?**

The restrictions would not apply to such activities as long as they are incidental to your primary purpose in traveling to Washington for a training event. But don't charge the cab fare to your grant!

**I work for a national non-profit organization that receives a grant to operate an AmeriCorps program. My position is partially funded under the AmeriCorps grant and partially funded by non-federal sources. Can I lobby on issues related to AmeriCorps when I am not on AmeriCorps time?**

The restrictions apply only to the use of Federal grant funds (including matching funds) and to projects and programs supported by the Corporation. You should be careful to document that any lobbying is done during the time that is not charged to your Corporation grant and that your lobbying activities are not part of the AmeriCorps program.

**I am the executive director of a State Commission. Our Cost Principles say nothing about legislative lobbying being an unallowable cost. What are the rules for States?**

For States that receive grants from the Corporation, the absence of guidance in the OMB Cost Principles requires you to review your grant award's provisions. For example, the Corporation has made it a condition of grant awards to State Commissions that its subgrantee AmeriCorps programs (including staff and participants) may not engage in any effort to influence legislation.

This leaves situations when the State Commission is acting solely on its own behalf. If the activity is not charged to the administrative grant provided to the State Commission by the Corporation, the activity is outside our oversight authority. If the activity is charged to the Corporation grant, the standard is whether the proposed activity or cost is reasonable and necessary given your approved budget and the purpose of the grant. You should direct any specific question on this point to your Corporation program officer.

**If a particular activity is not specifically disallowed under the applicable OMB Cost Principles or grant terms, does that mean it is allowed?**

Not necessarily. OMB Cost Principles do not authorize costs or expenditures; they merely limit the allowability of costs or expenditures. The burden is on the grantee to demonstrate that a particular cost is consistent with the approved budget and properly chargeable to the grant as reasonable and necessary -- not merely that it is not on the list of disallowed costs, and this is ultimately a determination for the Corporation to make.

**Doesn't the Domestic Volunteer Service Act give programs specific statutory authority to lobby concerning appropriations or authorization legislation?**

You are right about the authority in the DVSA, but DVSA programs are currently subject to a superceding proviso in their annual appropriations statute which prohibits the use of appropriated funds to engage in any activity that is designed to influence legislation or appropriations pending before the Congress or any State legislature.

**May a Corporation-funded program sponsor or endorse an event, such as a debate between candidates, which itself is not partisan, but which likely will include advocacy for or against political parties, platforms, candidates, proposed legislation or elected officials?**

Corporation-funded programs should avoid any connection with such political events, and individuals enrolled in a national service program who attend such events should avoid any appearance that they are doing so as part of the national service program.

**Does that mean an organization receiving Corporation funds may not take part in the political process?**

No, but an organization that receives Corporation funds may only sponsor or endorse political events if it does so without using Corporation support, and if it avoids the appearance that it is doing so in its capacity as a Corporation grantee or that the event has any connection to the Corporation-funded project.