Education, Advocacy, and Lobbying
Presented on August 2, 2012
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Two Central Realities

» Need to advocate for public health
  Shrinking budgets for health departments
  Need for greater visibility
  Role of policy change in improving health at population level

» Limitations on lobbying
  Recipients of federal funds (direct and subgrantees)
  State/tribal/local restrictions on activities of government employees in their official capacity
  Requirements for nonprofits to maintain tax-exempt status
The Current Context

» Concerns regarding CPPW

Senator Collins Letter to Secretary Sebelius
“Early Alert” Letter from the HHS Inspector General to CDC

» 2012 Appropriations Act, Section 503

In general, prohibits use of ACA funds (including CTG) for calls to action on proposed/pending laws at the federal, state, and local level applies to legislative and regulatory/administrative actions

Some exceptions apply

Questions to Ask: What Type of Entity Will Act?

» Federal government agency
» State government agency
» Tribal government agency
» Local government agency
» Nonprofit organization
» Foundation/charitable organization
Questions to Ask: What is the Source of Funding?
» Federal funds
  - Stimulus bill
  - Affordable Care Act
» State funds
» Tribal funds
» Local funds
» Foundation/charitable grants
» Membership fees
What is the Proposed Activity?

» If the proposed activity is to be carried out by a government entity, is it within that entity’s authority?

» Is it consistent with the purpose of the funds?

» Does it involve taking sides on pending/proposed legislative or executive activity?

» Can it be characterized as a call to action?

» If so, is there a way to stop short of a call to action and leave individuals free to form an independent opinion or conclusion?
Lobbying/ Not Allowable Costs*

» Encouraging the public or other entities to support or oppose specific action proposed or pending before the U.S. government

» Encouraging the public or other entities to support or oppose specific legislation or executive action proposed or pending before the state or local government

» Direct lobbying of the US Congress, or its members

» Direct lobbying of a state or local legislature, except for normal executive-legislative relationships

» Advocacy to perpetuate or increase their own funding from the federal government

» * Based on July, 2012 CDC Guidance
Direct Lobbying

Other than in the context of a normal and recognized executive-legislative relationship, grantees are restricted from using federal funds to attempt to influence deliberations or actions by Federal, state, or local legislative or executive branches.

This includes communications to a legislator or executive official that refer to and reflect a view on a specific measure.
Grassroots Lobbying—A Call to Action

No appropriated federal funds may be used by CDC grantees for activities directed at inducing members of the public to contact their elected representatives to urge support of, or opposition to, proposed or pending legislation or appropriations or any regulation, administrative action, or order issued by the executive branch of any Federal, state or local government.
Not Lobbying/ Allowable Costs*

» Normal and recognized communications in an executive-legislative relationship at the state or local government level

» Working with their own state or local government’s legislative body on policy approaches to health issues, as part of normal executive-legislative relationships

» Educating the public on personal health behaviors and choices

» Research on policy alternatives and their impact

» Working with other executive branch agencies on policy approaches and implementation

* Based on July, 2012 CDC Guidance
Not Lobbying/ Allowable Costs*

» Educating the public on health issues and their public health consequences

» Educating the public on the evidence associated with potential policy solutions to health issues

» Compiling and communicating the results of research on health issues and policy approaches

» Conducting educational campaigns

» Upon formal, written request, providing technical assistance

» Upon formal, written request, providing technical assistance to public officials

* Based on July, 2012 CDC Guidance
If it is Lobbying, What Are Possible Consequences?

- It may not be an allowable cost under a grant
- You may be able to bill to another grant/funding source
- **Possible political ramifications**
  - Negative publicity (your project, entire program)
  - Office of Inspector General
  - Congressional hearings
- **Effect on current and future grants**
- **It may or may not affect tax exempt status**
The Bottom Line

» Impermissible lobbying may have serious negative consequences, BUT education and advocacy are basic tools of public health

» You may be able to do more than you think

» Public health practitioners and officials often have questions about what they may do

» Talk to your managing official(s) in advance regarding situations that may be controversial

» Consult an attorney, the grant contract, or the contract administrator about legal questions
Acknowledgements/ Additional Resources

Anti-Lobbying Restrictions for CDC Grantees (July 2012) at

ChangeLab Solutions, “Complying with Anti-Lobbying Rules: What Federal Grantees Need to Know” (July 9, 2012 webinar, and associated resources), at
http://changelabsolutions.org/publications/webinar-complying-anti-lobbying-rules