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| Title: | LOBBYING |
| Purpose: | *To clarify for programs the restrictions on lobbying at both the Federal and State levels.* |

# Overview

Births to Three programs are not permitted to use federal funding to influence employees of federal agencies or members of Congress or their employees. At the state level, Birth to Three program staff may participate in committees or task forces convened by the Lead Agencyor on statutorily mandated committees or councils without such participation being viewed as lobbying. However, if program staff engage in any form of attempted influence of a state agency or a member of the General Assembly that person must register with Connecticut’s Office of State Ethics as a lobbyist.

**Lobbying at the** **Federal Level**

The Birth to Three System and Birth to Three programs may not use federal Birth to Three funds to pay any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any federal action. As an example, this would include funding (with Part C dollars) the travel of a provider, parent, or ICC member to a national conference in Washington D.C., during which the individual takes the opportunity to look up a member of their state delegation to argue for increased funding for Part C.

A program is subject to a civil penalty of not less than $10,000 and not more than $100,000 for lobbying with federal funds.

**Lobbying at the** **State Level**

If a provider is appointed to a statutorily mandated council, committee, or task force (e.g. State ICC or Local ICCs), the provider’s staff participation is not considered lobbying. In addition, the Lead Agencymay invite a provider to participate in any informal policy-making committee, task force, work group, or other ad hoc committee established by the department and such participation would not be considered to be lobbying.

However, an individual provider or organization who either expends or agrees to expend, or receives or agrees to receive, $2,000 or more in a calendar year, including the pro-rated value of a salary, to communicate directly or to solicit others to communicate with any public official or their staff in the legislative or executive branch, or in a quasi-public agency, in an effort to influence legislative or administrative action is a lobbyist and must register with the Office of State Ethics.

Normal interactions between a Birth to Three program and the Lead Agency regarding a contract are not considered lobbying. If, however, a program seeks to circumvent the usual process by asking a member of the Connecticut General Assembly or the Governor’s office to intervene, or if the program seeks intervention from an employee of the Lead Agency outside of the normal contract process, then that activity is considered administrative lobbying and the $2000 threshold would apply. For example, this would include having service coordinators distributing flyers urging parents to contact members of the Appropriations Committee to increase funding for the Birth to Three System. If the aggregate cost of the service coordinator’s time and the cost of the flyers exceeded $2000, then the program staff would need to register as lobbyists.

The Office of State Ethics investigates alleged violations of Connecticut’s lobbying requirements. Any person who intentionally violates any provision of the Code of Ethics for Lobbyists in Chapter 10, Part II of the Connecticut General Statutes “shall be imprisoned for a term not to exceed one year or shall be fined an amount not to exceed two thousand dollars, or both.”

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References:

Federal Part C Application: “Certification Regarding Lobbying”

U.S. Department of Education General Administrative Regulations §82.100

1-91 of the C.G.S.

1-101aa(a) and (b) of the C.G.S.

State Ethics Commission Advisory Opinion No. 99-16