



## Lobbying – Brief Summary

### A. What is Lobbying Under US Tax Law?

- “Certain efforts to influence legislation”
- Two Types of Lobbying
  - **Direct Lobbying**
    - Communication with a legislator, legislative staff member, or any government official participating in the legislative process that refers to and reflects a view on “specific legislation” or a specific legislative proposal
      - **Exceptions:** Administrative bodies and Executive branch officials (unless they are involved in the legislative process)
    - Includes the development, drafting, introduction, and modification of legislation
  - **Grassroots Lobbying**
    - Communication with the general public that refers to and reflects a view on “specific legislation” or a specific legislative proposal **and** includes a *call to action*
      - *Call to Action* – encouraging the general public to contact a legislator.
- These rules apply on all government levels (e.g., federal, state, local) and anywhere in the world.
- Private foundations **may not** engage in lobbying (grant funds **may not** be used for lobbying).
- Political activity is never permitted (e.g., no efforts to support or oppose a candidate).

### B. What is “Legislation”?

- Statutes (not regulations)
- Treaties (at the time the Administration begins to negotiate)
- Legislative confirmations of executive appointments
- Budget appropriations
- Ballot initiatives and referenda
- Drafts without bill numbers (e.g., proposals not yet introduced)
- Something that can easily be turned into legislation (e.g. suggesting to a legislative body that the country adopt a law of another country)

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### **C. Activities That are Not Considered Lobbying**

- Monitoring legislation to provide updates
- Influencing administrative or regulatory bodies
- Efforts to influence the implementation of legislation
- Discussing broad social or policy issues, without mentioning specific legislation
- Responding to a written request for technical assistance from a legislative committee or body
- Preparing and widely distributing nonpartisan analysis and research (a “white paper”), even if it expresses a view on specific legislation
- Litigation (even if the suit will ultimately influence legislation)
- Educating the general public or legislative bodies about issues (no calls to action)
- Jointly-funded programs between a government and a private foundation

### **D. Grantmaking Within Lobbying Rules**

- **General Support Grants** (*for institutional support of grantee*)
  - Can be made to US public charities (or non-US organizations with equivalency determinations) that lobby if the proposal is a real proposal for general operating support and not for specific projects
  - Very tricky if made to non-US public charities, especially those that lobby
- **Project Support Grants for Projects That Contain Lobbying**
  - Can be made to US public charities, non-US organizations with equivalency determinations, and non-US public charities if grantees submit a budget that is divided into lobbying and non-lobbying components
  - OSI can *only* support the non-lobbying component; another non-US OSF entity can support the lobbying component.

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