

## Information for Non U.S.-Based Organizations on Advocacy and Lobbying

The work of the Rockefeller Brothers Fund (RBF) often includes funding organizations or projects that focus on policy and involve advocacy, both in the United States and in other countries. The Fund encourages grantees to engage in advocacy (active support of an idea or cause) and lobbying, but must abide by U.S. laws regarding the provision of grants to support lobbying. As a tax-exempt U.S. private foundation, the RBF may not itself engage in lobbying. The Fund may provide funding for organizations that engage in some lobbying, but must follow specific procedures for those grants. Below is some information to help explain how lobbying is defined in the U.S. context, and what you will need to submit to the RBF if your proposed grant involves policy development and advocacy work.

### Some Definitions

In the United States, lobbying is considered to be any communication that attempts to influence legislation. There are two categories of lobbying—“direct lobbying” and “grassroots lobbying”.

**Direct lobbying** is any communication with a member or employee of a legislative body (examples include national parliaments, provincial legislatures, and city councils), or with a government official or employee who may participate in the formulation of legislation, where the main purpose of the communication is to influence such legislation. A communication is direct lobbying only if it refers to “specific legislation” (see definition below) and it reflects a view on this legislation.

**Grassroots lobbying** is an attempt to influence legislation through an effort to affect the opinions or actions of the general public. A communication is grassroots lobbying only if it refers to “specific legislation”, reflects a view on such legislation, and contains a “call to action” that encourages individuals to contact their representative to communicate their views on the legislation.

**Legislation** consists of action by any national, state, provincial, or local legislative body with respect to an act, bill, resolution or by the public in a referendum, ballot initiative, constitutional amendment or similar procedure. Legislation includes a proposed treaty required to be submitted to a legislative body for its approval, from the time the president or prime minister begins to negotiate the country’s position with the parties to the proposed treaty.

**Specific legislation** includes both legislation that has already been introduced for debate and vote and specific legislative proposals or model legislation or constitutions. This means that draft legislative proposals and model laws prepared by nonprofit organizations that are not under consideration by a legislative body are considered legislation.

**Exceptions to lobbying limits** include nonpartisan analysis, study or research; examinations and discussion of broad social, economic, and similar issues; and requests for technical advice from a governmental body or committee in response to a written request from that body or committee (not just an individual member of the body or committee).

### **Grants from the RBF**

Grants from the RBF may not be “earmarked” for lobbying. A grant is considered earmarked for lobbying if there is an oral understanding or written agreement that any portion of the grant be used for lobbying.

#### **General Support Grants**

The RBF may make a general support grant to a non U.S.-based organization which it determines to be equivalent to a U.S. public charity, even if it engages in some lobbying (generally understood as no more than five percent of activities), so long as the grant is not earmarked for use in influencing legislation.

#### **Project Grants**

The RBF may also fund specific projects of a non U.S.-based organization that include lobbying. However, in this situation the Fund must review the grantee’s project budget and may only provide a grant in an amount up to the non-lobbying portion of the budget.

For project grants, in order to reduce the need to revisit lobbying issues later in the grant review process, please indicate in the proposal or cover letter whether the project that the RBF is asked to support will include any lobbying activities, including, but not limited to, the drafting of model legislation or advocacy concerning a specific legislative proposal. If so, please provide a project budget that identifies the expenses in the budget related to lobbying activities or estimate the percentage of the project budget that relates to lobbying expenses.

If you have any questions about these matters, especially about the line between advocacy and lobbying, please do not hesitate to ask us.