

## Legislative Visits by Private Foundations

Although private foundations generally *may not lobby*, there are still many ways for foundation board and staff members to share information on policy issues with policymakers such as:

- elected legislators at the federal, state and local levels
- legislative staff
- executive-branch officials in a position to influence legislation

### What is lobbying?

Lobbying is an attempt to influence public officials in support of, or in opposition to, legislative proposals. Lobbying includes communicating with legislators and their staff directly and encouraging others to contact their legislators. For example, it is not lobbying to meet with legislators to educate them about a broad social problem like air pollution, as long as you do not express a preference for a specific legislative proposal to address the problem, such as legislation on car emissions.

### What is not lobbying?

***Nonpartisan analysis, study, research.*** When a private foundation presents a comprehensive, accurate study or analysis of a policy issue, it is nonpartisan educational activity, not lobbying. The document should provide enough information to allow readers to draw their own conclusions about the issue, even if the report itself contains a specific conclusion. For example, a foundation might study access to healthcare by low-income children which might conclude with a recommendation for increased funding for state child health insurance.

***Proposals affecting an organization's existence and rights.*** It is not lobbying when private foundations engage in advocacy around legislation that affects the legal status of foundations. For instance, proposed legislation to change the pay-out provisions for private foundations would fall within the so-called "self defense" exception.

***Requests for technical assistance.*** Any response to written requests for assistance from government bodies is not lobbying. As an example, the president of a private foundation, in response to a written request from the chair of a legislative committee, could testify in support of a clean indoor air bill.

***Examination of broad social issues.*** Efforts by the board or staff of a foundation to discuss broad issues rather than specific legislative proposals are not considered lobbying. Examples include educating legislators about the important role foundations play in developing new models to provide health care, or the impact of a foundation's grants to promote sustainable agriculture. These are all non-lobbying communications.

### Meeting with legislators in a personal role

People associated with foundations do not lose their rights as individuals to participate in the policy process. As an individual you may speak with elected representatives about issues that are important to you, but it is important to separate this individual advocacy from activities you undertake on behalf of the foundation. For instance, setting up a meeting with your legislator on your own time, with no mention of your foundation affiliation, allows you to discuss issues as an individual constituent.

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