

## GUIDELINES FOR PUBLIC STATEMENTS AND REVIEWS

Approved: by ExCom, May 26, 1977

Revised: May 18, 1996

The amount of lobbying that a tax exempt, 501(c)(3), organization such as the American Fisheries Society is permitted to do under U.S. law was substantially liberalized by the 1976 General Tax Reform Act.

### **Definitions:**

#### **(501(c)(3) organization:**

A tax-exempt, non-profit charitable organization; contributions to it are tax-deductible (only if you qualify and itemize deductions on your tax return). 501(c)(3)s can receive foundation grants, government grants and individual contributions. The money raised can be used for a wide variety of programs, including research, public education, litigation and monitoring to ensure laws are obeyed. 501(c)(3)s can engage in only limited lobbying activities. Lobbying is limited to a total of 20% of the first \$500,000 of annual expenditures, 15% of the next \$500,000, 10% of the third \$500,000 and 5% of the remaining annual expenditures. In no case may total lobbying expenses be more than \$1 million per year. Grassroots lobbying is limited to 25% of the total amount allowed for direct lobbying amount, with a maximum of \$250,000. These limits currently are calculated from the parent society's budget, not the Chapter's. This may change if gross annual income exceeds \$25,000 per year for three consecutive years.

#### **Direct Lobbying:**

Communication between a non-profit (c)(3) or (c)(4) and an elected official or staff that expresses a view on a specific piece of legislation, or on bills not yet drafted or introduced. A group's communications to its *members* that encourage them to contact an elected official and urge a position on a bill is also considered direct lobbying, as are activities to support or oppose ballot measures (an initiative or referendum).

#### **Grassroots Lobbying:**

Communications that attempt to influence specific legislation by encouraging the *general public* to contact (e.g., phone, send a card, sign a petition) legislators about that legislation.

The following guidelines should be used to prepare written and oral statements.

Since its inception, the Chapter has become more involved in the legislative process, providing both written and oral testimony on legislation and administrative rules. With this increased involvement comes the issue of getting "spread too thin" and having to respond to legislative issues and actions under short time frames, thus creating potential for dissension and stress among Chapter members.

The following principles and guidelines have been developed to help the Chapter focus

on the legislative issues and actions that need greatest input, minimize conflicts, and allow for more effective legislative involvement. These principles and guidelines are not cast in concrete, and should evolve with the Chapter.

Members should identify themselves as representing the Chapter before presenting the prepared statement. Material should be presented in a courteous, professional manner to reflect favorably on the Society and add credence to its position or recommendations. This includes legislative or administrative bodies at any political level and whether by phone, mail, or in person.

1. A formal invitation is not required by federal law to make our views known. However formal requests will be viewed more positively in allocating member time, assuming issues of similar importance.

Members may participate in hearings before executive, judicial or administrative bodies at federal, state or local special purpose bodies levels. In addition, the Chapter may review publications.

2. Any proposed or pending legislation, legislative action, or administrative rule that relates to the Chapter's legislative goals and objectives and is of public importance may be considered for action.
3. The following questions should be asked for each potential issue. To be selected for action, the first five questions (a-e) shall be answered in the affirmative. This general rule may be overlooked if the last question (f) is answered in the affirmative.
  - a. Is the proposed or pending legislative action or administrative rule of major importance to the public in the estimation of the Chapter?
  - b. Is the issue within the knowledge and skills of the fisheries profession? Do the available Chapter members interested in engaging in the issue contain the collective knowledge and skills necessary?
  - c. Is the issue in the general interest of the Chapter?
  - d. Is there time for the Chapter to develop a responsible position on the issue?
  - e. Is there reason to believe that the majority of the Chapter's ExCom members support the position taken if an emergency action is needed? Has the Chapter President been informed of the action to be taken, and does he or she support it?
  - f. Are the consequences of not responding worse than an incomplete response?

4. Testimony should concentrate on technical, scientific or professional aspects of the issue. Professional opinions and recommendations can be offered whenever appropriate.
5. The testimony or legislative action shall not conflict with existing Chapter or Parent Society positions.
6. The testimony or legislative action must follow the AFS Code of Practices and Chapter Code of Ethics.
7. The involved Chapter member(s) shall take special care to avoid aligning the Chapter with other organizations which may injure or jeopardize the Society's credibility, independence, or tax exempt status.
8. The written testimony or position must be reviewed and approved by the ExCom before submission, unless there is insufficient time to do so.
9. When the Chapter reviews reports, articles, or other publications, the authors of those publications shall receive a copy of the review when it is sent to the requesting or administrative body.
10. Statements should be written and read into the record at legislative meetings. A copy of the statement must be made available to all members of the legislative body. Therefore, a copy of the statement should be filed with the clerk at the meeting.
11. The parent society shall be provided with copies of correspondence or statements that relate to national issues.
12. The ExCom should keep Chapter members informed of political activities.