

SOCIETY POLICY

PUBLIC AFFAIRS AND PUBLIC STATEMENTS

I. PREFACE

By-Law B2.1 states in part that: “the Society shall encourage a high standard of citizenship among engineers and their participation in public affairs”...”cooperate with governmental agencies in engineering matters”.

II. PURPOSE

This policy addresses how the Society will interact with the mass media, the general public, government bodies and other interested audiences. It is designed to facilitate ASME involvement in public affairs by clearly identifying the appropriate procedures.

III. POLICY

- A. It is Society policy to encourage all units of ASME to interact with mass media and the general public.
- B. It is Society policy to encourage all units of ASME within the United States to participate in government relations activities. ASME is incorporated under the laws of the State of New York. As such, ASME operates under United States Federal and State lobbying laws as a U.S. corporation. Engagement in lobbying or other interaction on public policy with governments outside the United States would require adherence to the laws governing such activities by foreign corporations in other countries. Therefore, ASME shall defer to engineering societies outside the United States for such interactions with their domestic governments, except in matters relating to the Society’s standards and certification programs. Nothing in this Policy shall prevent ASME from responding to requests for technical assistance from engineering societies outside the United States. (If such a request involves public policy of a country other than the United States, the matter shall be referred to the Senior Vice President, Public Affairs and Outreach Sector for review). Nor shall this Policy preclude the development of position statements on global issues being addressed by multinational or international organizations.
- C. It is Society policy to cooperate fully with government bodies and, in specific instances, present its unsolicited views to legislators and regulators on pending or existing legislation or regulations provided that such activity does not become a substantial part of the Society's overall activities. It is Society policy to encourage the presentation of analyses, studies, or research to the media, the public, and government bodies. These presentations may include advice or conclusions based upon technical judgment when appropriate. This policy applies to all communications, including written, oral, and electronic. However, this policy does not apply to staff communications relating to business operations of the Society, such as standards and certification communication with government officials.

D. It is Society policy that it shall be registered under applicable lobbying laws. It is Society policy that a system for recording federal contacts by authorized Society representatives be implemented and maintained so as to ensure that such activities do not jeopardize the Society's tax status.

E. ABSOLUTE PROHIBITION

In accordance with current U.S. federal tax law, it is forbidden that the Society, and any of its various units, directly or indirectly participate or intervene in any political campaign on behalf of a political candidate for public office. Any partisan political activity by any member must be done as a private individual and must not involve ASME directly or indirectly.

IV. PROCEDURE

A. Members of the Society are encouraged to participate as individuals in public affairs activities and this policy is not intended to limit this participation. But members as individuals must distinguish their personal views on public issues from those which have received the full and explicit support of the Society.

1. Authority to Express Views. A member may represent the Society, presenting or explaining current, approved ASME statements or positions, only if expressly authorized by the President or by the appropriate vice president. Otherwise, a statement by a member must be identified as a personal viewpoint.
2. Authority to Reference ASME Affiliation: A member, when expressing their personal views, may only mention their affiliation with ASME if they include a disclaimer that the views expressed are theirs alone, and are not necessarily the views of the Society in accordance with Policy P-14.6.

B. The President and any member (or committee) authorized by the Board of Governors may present or explain a statement on behalf of the Society regarding public issues of relevance or interest to the Society as a whole. Any committee of the Board of Governors formed to respond to specific issues may respond to those items assigned by the Board of Governors.

C. A senior vice president or vice president of ASME may present or explain a statement on behalf of an ASME activity regarding public issues that concern or affect that activity.

D. A technical division, section, or other properly constituted Society unit may present or explain a statement on behalf of that ASME unit regarding public issues that concern or affect that unit, after authorization has been obtained from the appropriate vice president. Units outside the United States shall defer to domestic engineering organizations for interaction with their governments.

- E. Statements that relate to standards, codes, accreditation and/or certification must be approved by the Senior Vice President, Standards and Certification Sector or the appropriate vice president within the Standards and Certification Sector.
- F. All proposed statements or general position papers should be plainly marked "DRAFT -- NOT FOR PUBLICATION," until the final approved version is presented for signature.
- G. As used in this Policy, the term "public issues" includes, but is not limited to, pending or existing legislation or regulations. All statements made on behalf of the Society must be consistent with the terms and limitations of this Policy. Any such statement released to government bodies, public press, or other organizations must be on ASME letterhead.

Any communications, including, but not limited to, position statements, general position statements, invitations to participate in Society functions, and requests for proclamations with government, the media, or other organizations which have not been approved in accordance with this Policy must not be issued on ASME letterhead. As noted in Para. III.C, this Section does not apply to staff communications relating to business operations of the Society, such as standards and certification communications with government officials.

- H. Finally, as chief elected officer of the Society, it is important that the President be kept apprised on a timely basis of all statements made on behalf of the Society. Accordingly, all unit leaders authorized by this policy to speak for the Society should seek to keep the President advised of any statements made or authorized to be made by them, preferably prior to public release. A copy of all statements must be sent to the Managing Director, Strategic Initiatives & Public Affairs to be received at least one week prior to release and accompanied by an ASME Standard Cover Sheet. The Managing Director will ensure that proper procedures have been followed, and will maintain a permanent file of all ASME statements.
- I. An index of all ASME public statements will be maintained in the file of the Managing Director, Strategic Initiatives & Public Affairs. This index shall be distributed to the Board of Governors and Officers of the Society.

Three years following the issue date of each Statement and General Position Paper, the sponsoring unit of ASME must review the statement to determine whether it should be re-affirmed, updated or sunset. Statements not re-affirmed or updated will be sunset. If the Statement or General Position Paper is to be reissued, then the sponsoring unit must follow the same procedure for issuing Statements/General Position Papers as outlined in in this section. The sponsoring unit must re-affirm and update the Statement or General Position Paper within six months.

Statements not re-affirmed or updated by the sponsoring unit will be sunset and archived by the Managing Director, Strategic Initiatives & Public Affairs as authorized by this Policy.

J. CATEGORIES OF PUBLIC STATEMENTS ON ISSUES

1. **Under the authority described above, ASME has established two categories of public statements:**

- a. A Statement which provides an objective and balanced analysis of an issue and which states the position of the sponsoring ASME unit on that issue.
- b. A General Position Paper which provides an objective and balanced study of an issue of broad interest, and which states the position of ASME on that issue.

Any properly constituted unit of ASME contemplating statements to the public or government (other than normal informative press releases reporting fact or occurrences) should carefully consider choosing in advance which type of statement is desired.

2. **An ASME Statement.** A statement is designed to provide technical analysis and professional judgment concerning an issue and may also contain an opinion, advice, or conclusions on a technical, national, regional, or local issue.

a. Authorization & Approval

- 1) Must be approved by the chair of the issuing unit
- 2) Must be approved by the appropriate vice president(s) or senior vice president having cognizance over the area
- 3) Requires an ASME Standard Cover Sheet as shown in Appendix I
- 4) Must clearly identify the sponsoring ASME unit
- 5) Must have appropriate disclaimer
- 6) A copy must be sent to the Managing Director, Strategic Initiatives & Public Affairs at least one week prior to release

3. **An ASME General Position Paper.** This statement is intended to provide a balanced and objective review of an issue of broad interest. The position taken carries the full weight of the Society's influence.

a. Authorization & Approval

- 1) Must be approved by the chair of the issuing unit
- 2) Must be approved by the appropriate vice president(s) or senior vice president having cognizance over the area
- 3) Requires an ASME Standard Cover Sheet
- 4) A copy must be sent to the Managing Director, Strategic Initiatives & Public Affairs at least one week prior to release

- 5) Requires a two-thirds vote of the Board of Governors
- 6) In situations where time does not permit Board action the President of ASME, may at his or her discretion issue such statements on his or her own authority.

K. LEGAL CONSTRAINTS ON ACTIVITIES

1. **Background.** The policy previously set forth is intended to facilitate the Society's ability to address public issues to the extent permitted by its corporate purposes and powers, its tax-exempt status and laws regulating lobbying.
2. **Limitations as a Tax-Exempt Organization.** The Internal Revenue Service has ruled that the Society is exempt from federal income taxation and that contributions to the Society are deductible for federal income, gift, and estate tax purposes, because the Society is a "scientific, charitable" organization. The status of the Society for federal income tax purposes also has a considerable bearing upon the determination of its status for purposes of numerous other state and local income, franchise, and excise taxes.

Section 501(c)(3) of the Internal Revenue Code of 1986 provides that an organization which is exempt as a scientific organization may not, as a substantial part of its activities, engage in "carrying on propaganda, or otherwise attempt to influence legislation," and may not "participate in, or intervene in (including the publishing and distributing of statements), any political campaign on behalf of any candidate for public office."

The Treasury regulations provide that attempting to influence legislation includes (i) advocating the adoption or rejection of legislation or (ii) approaching or urging the public to approach members of a legislative body for the purpose of proposing, supporting or opposing legislation. The regulations also provide that the term "legislation" includes action by Congress, by any state legislature, by any local sector or similar governing body, or by the public in a referendum, constitutional amendment, or similar procedure. Any activity by the Society in actively promoting legislation amounts to an attempt to influence legislation by propaganda or otherwise and shall not constitute a substantial part of the Society's activities. Legislation, however, does not include regulatory actions by administrative agencies. Moreover, the presentation of engineering or scientific facts and/or nonpartisan analysis, study, or research is not considered to be an attempt to influence legislation.

3. **Limitation Relative to Lobbying.** Current federal law requires organizations that employ lobbyists to register with the Secretary of the Senate and Clerk of the House under certain circumstances.

In addition, state or local laws regulating legislative activities must be considered. All 50 states have enacted legislation (Iowa and West Virginia rules) governing the conduct of lobbyists and their employers. State laws vary

significantly both in their definitions of what constitutes lobbying and who is a lobbyist and in the obligations that they impose on lobbyists. Some define lobbying as an effort to influence legislation, while others cover direct communications. Some states define a lobbyist as the person compensated, whereas others ignore compensation and focus on the activity. Exemptions vary, but usually cover individuals testifying on their own behalf and persons invited to attend committee hearings. Most states exempt public officials. All states require that lobbyists register, usually with the Secretary of State. Most require a report of expenditures for a designated period.

In the event that an ASME unit wishes to take a position on legislation in a state, contact should be made with the Secretary of State for specific regulations relating to lobbying for that particular state.

4. **Reporting Government Contacts.** It is important that the Society maintain careful records of funds expended which could be construed to be in support of lobbying activity. Accurate records will allow ASME to comply with the lobbying law as well as to maintain its tax-exempt status under the Internal Revenue Code. All contacts by ASME members, Officers, and staff with federal, state, and local government officials for the purpose of influencing legislation are to be reported to the ASME Washington Office.

A report need only be made when representing or speaking on behalf of ASME and when ASME is paying part or all of the costs involved. Personal contacts, representation, or opinions of Society members, officers, or staff when offered to federal officials need not be reported as long as they are identified as personal opinions and as long as no ASME funds are involved.

Responsibility: Public Affairs and Outreach Council
Reassigned from Strategic Management Sector 6/11

Adopted: September 16, 1960

Revised: June 13, 1966
December 3, 1970
January 27, 1978
July 1979
August 1980
November 1981
June 14, 1985
(editorial changes 7/85)
(editorial changes 9/86)
(editorial changes 6/87)
(editorial changes 8/88)
September 10, 1993

March 17, 1994
September 19, 1997
March 13, 1998
(editorial changes 6/98)
June 9, 1999
June 12, 2005
April 27, 2006
November 15, 2009
April 23, 2010
(editorial changes 11/12)
(editorial changes 3/13)

APPENDIX I

ASME Public Statement

Standard Cover Sheet

Date Cover Sheet Mailed: _____

Release Date: _____

Name

TO: President _____
Executive Director _____
Senior Vice President _____
Senior Staff Associated with Statement _____

Title/Subject of Release:

Brief Summary:

File Search by: _____
(to prevent inconsistent statements)

Prepared By _____

To Be Released to _____

ASME Category of Release _____

ASME Officer Authorizing the Release _____

Title _____

Date Authorized: _____

Copy to: Managing Director, Public Affairs

Statement Attribution

Position statements by ASME groups **must** include a **statement attribution**, which contains three elements:

1. Full organizational identification of the author group.
2. Reference to the author group's special expertise to address the issue.
3. The following sentence, in its entirety: "This position statement reflects the expert views of (author group name) and is not necessarily a position of ASME as a whole."

Sample statement attribution:

This position statement was prepared by the (name) Task Force of the (name) Sector on (name), American Society of Mechanical Engineers (ASME). Task Force members were carefully selected by the unit for their special knowledge and expertise in this issue. This position statement reflects the expert views of the Task Force and is not necessarily a position of ASME as a whole.