



USAID ALUMNI ASSOCIATION
STATEMENT OF POLICY ON PUBLIC ADVOCACY
[adopted November 2, 2020]

I. STATEMENT OF POLICY.

The UAA Board of Directors ("Board") may, by the vote of a majority of the Directors then in office, authorize the Co-chairs of the Board or their designees to take a public position on any issue of public importance that, in the judgment of the Board, affects the purposes for which UAA was established (Part IV.A), using any means (including social media) that the Board deems appropriate and effective to communicate the UAA position (Part IV.C); provided that, in formulating and publicizing that position, the Board shall (1) follow, to the extent practicable, the procedures outlined in Part V; and (2) take fully into account the limitations identified in Part VI.

II. BACKGROUND.

A. UAA was established . . .

- To harness the experience and expertise of the USAID alumni community for the purpose of providing sound and timely professional counsel and public education in support of U.S. foreign assistance to promote effective international development;
- To serve as an independent voice to support USAID and its development mission by facilitating professional development and the exchange of knowledge related to the effective use of foreign assistance;
- To foster a network of former USAID employees who wish to utilize their public service skills to promote international development in their current communities; and
- To provide opportunities for social interaction among members.

B. With these goals in mind, UAA has often opened its website, its monthly Newsletter and its events to contributing members and registrants for responsible advocacy on issues of public importance from a variety of viewpoints, without, however, endorsing the views expressed; and the members of the UAA Board, and the members of UAA committees appointed by the Board, were free to engage in public advocacy as individuals. But UAA chose to avoid taking public positions as an organization, in deference to—

- the constraints on public advocacy imposed by UAA's status as an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, and
- the likely diversity of views on controversial issues among UAA's contributing members and registrants, whose views and interests the UAA seeks to represent.

C. However, as UAA has matured as an organization, and as its support in the USAID alumni community has grown, UAA contributing members and registrants are now looking to UAA to take a more active public role on important issues facing USAID as an organization, including but not limited to the goals, purposes and effectiveness of international development assistance, USAID's internal organization, and its relationships with other U.S. foreign affairs agencies.

III. **GOALS.**

This purpose of this Statement of Policy is to provide a flexible framework for Board decision-making on UAA engagement in public advocacy. It —

- A. identifies the kinds of issues that the Board may deem sufficiently important to consider taking a public position and the means to address them;
- B. establishes procedures under which particular issues may be identified, presented to, and decided by the Board;
- C. describes the roles of the Board, the Executive Committee, and UAA contributing members and registrants in Board decisions on UAA public advocacy, consistent with the need to develop and present clear, consistent and timely positions; and
- D. identifies key constraints, including but not limited to Section 501(c)(3) of the Internal Revenue Code.

IV. **ISSUES AND MEANS.**

A. The Board will be responsible for determining the subject matter, content and timing of UAA advocacy on issues of public importance, which may address, but are not limited to, the following types of issues.

- U.S. national interest in international development
- Organizational issues
 - Relationship of USAID to State Department and other USG departments and agencies, and its role in the interagency process
 - USAID internal organization
- Legislative issues
 - International affairs appropriations
 - USAID authorization and appropriations legislation
- Budgetary issues
 - Allocation of USAID appropriations to specific international development activities
- Personnel issues
 - Foreign service and civil service
 - Political appointments
- Program and policy issues

B. The Board should avoid taking a public position or otherwise responding publicly to public statements and to statements appearing in the press or in social media — including but not limited to Facebook, Twitter and Instagram — purporting to represent government policy unless those

statements can be fairly read to constitute official statements or come from an officially recognized governmental source.

C. When the Board decides to take a public position, it may use any means that, in its judgment, is appropriate and effective, including, but not limited to, one or more of the following:

- Letters and other communications to USAID officials.
- Policy statements.
- Letters to the editor.
- Op-eds and journal articles.
- Endorsement of the activities of other organizations or joint activities with such organizations.
- Social media.
- Public events.
- Contributions and/or fundraising.
- Direct and grass-roots lobbying — but only if, and to the extent that, such lobbying does not jeopardize UAA's tax exempt status under IRC Section 501(c)(3). See Attachment A.

D. The Board shall not engage in or authorize any action or activity prohibited to organizations exempt from taxation under IRC Section 501(c)(3) such as propaganda or support for a political campaign, or any action that would jeopardize UAA's tax-exempt status under IRC Section 501(c)(3).

V. **PROCEDURES.**

A. Final decisions on UAA public advocacy — including but not limited to the issues on which UAA will take a public position, the content of that position, and the means by which that position is communicated — shall be made by the Board, by the vote of a majority of Directors then in office.

B. In making its decisions, the Board shall use its best efforts to obtain the views of interested members of the Executive Committee and may, at its sole discretion, seek the views of UAA contributing members, registrants and other members of the USAID alumni community.

C. The Board shall consult UAA legal counsel on all matters that may affect UAA's tax exempt status.

D. Any UAA director or member of the Executive Committee may propose that UAA take a public position on a matter of public concern. Proposals from a UAA contributing members, registrants, or the USAID alumni community must be presented to the Board by a UAA director or a member of the Executive Committee.

E. Where circumstances permit, the Board may refer a proposal for public advocacy to the Public Outreach Committee for review. The POC Co-Chairs shall prepare a summary of the issues in question, including (i) a recommendation on the relative merits of a UAA public response and, if the recommendation is positive, (ii) the proposed form and content of the response. The recommendation will be reviewed by the Executive Committee for possible adoption by the Board. The Board or the POC Co-Chairs may seek additional volunteers to help review and execute the proposed intervention.

F. All public advocacy authorized as such by the Board shall be publicized on the UAA website, and copies of all UAA statements of policy, position papers, op-eds or other public advocacy communications, and all subsequent elaboration or clarification of those communications, shall be posted on the UAA website.

G. If the Board determines that there are dissenting views with significant support within the Executive Committee, or among UAA contributing members and registrants, the Board shall consider allowing one or more responsible representatives of those dissenting views an opportunity to publish a statement of those views in the UAA Newsletter and/or to post such a statement on the UAA website.

VI. CONSTRAINTS.

To protect UAA's status as an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, all public advocacy authorized by the Board should support the exempt purposes in Article II of the UAA Articles of Association, and comply with the restrictions on UAA activities in Article VII thereof:

- "No substantial part of the activities of the UAA shall constitute the carrying on of propaganda."
- "No substantial part of the activities of the UAA shall constitute . . . attempting to influence legislation, or any initiative or referendum before the public."
- "[T]he UAA shall not participate in, or intervene in (including by publication or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office."

The meaning of "substantial part," "propaganda," and "influencing legislation" is discussed further in Attachment A.

The Board shall not authorize a public advocacy activity without consulting UAA legal counsel regarding the implications of the activity for UAA's tax exempt status.

VII. **DEFINITIONS.**

- A. The "**Board of Directors**" or "**Board**" consists of seven directors, each elected by the contributing members of UAA for a two-year term. The Board is solely responsible for the management of UAA.
- B. A "**contributing member**" is a person who, during the relevant calendar year, contributes to UAA an amount equal to or greater than the contribution required for membership. A contributing member may also be a registrant.
- C. "**Direct lobbying.**" See Attachment A.
- D. The "**Executive Committee**" or "**ExCom**" consists of the members of the Board of Directors, and the two co-chairs of each of UAA's standing committees. The committee co-chairs are appointed by the Board and do not vote on matters that come before the Board for decision.
- E. "**Grassroots lobbying.**" See Attachment A.
- F. "**Lobbying.**" See Attachment A,
- G. A "**registrant**" is a person whose name and contact information are listed with UAA in order to receive UAA e-mails. A registrant may also be a contributing member.

ATTACHMENT A

I. LOBBYING

Section 501(c)(3) organizations may "**lobby**" without jeopardizing their tax-exempt status as long as "**lobbying**" – more precisely, "attempting . . . to influence legislation" — is not a "substantial part of the [organization's] activities."

A Section 501(c)(3) organization's obligations under the IRC and related IRS regulations is not affected by limitations on (or prohibitions of) "**lobbying**" in the organization's Articles of Incorporation or bylaws . . . although failure to honor those limitations (or prohibitions) may affect the organization's status in its jurisdiction of incorporation.

Whether an activity qualifies as "**lobbying**" under IRC Sections 501(c)(3) and 4911 is determined case-by-case . . . or, more precisely, communication by communication.

A. Under the IRC Section 4911, "**influencing legislation**" includes "**direct lobbying**" and "**grass roots lobbying**":

[1] "**Direct lobbying**" is any attempt **(i)** to influence specific legislation **(ii)** through a communication, verbal or in writing, **(iii)** with any member or employee of a legislative body (or any other government official or employee who may participate in the formulation of the legislation) that **(iv)** reflects a view on such legislation, but only if **(v)** the principal purpose of the communication is to influence legislation.

Therefore, to identify "**direct lobbying**," ask whether there will be one or more communications to a covered official reflecting a view on specific legislation for the "principal purpose" of influencing the legislation.

[2] "**Grass roots lobbying**" is any communication **(i)** designed to influence specific legislation by **(ii)** affecting the opinions of the general public or any segment thereof, where **(iii)** the communication reflects a view on such legislation, and **(iv)** encourages the recipients of the communication to take action with respect to such legislation.

A communication to the general public that involves advocacy, but does not take a position on specific legislation, or takes a position on specific legislation but does not encourage the general public to "contact your Congressman" or the like, will probably not qualify as "**grass roots lobbying**."

B. Activities not considered to be "**lobbying**" — *i.e.*, "**influencing legislation**" — include, but are not limited to:

[1] making available nonpartisan analysis, study or research involving independent and objective exposition of a subject matter, even one that takes a position on particular legislation, as long as it does not encourage recipients to take action with respect to that legislation;

[2] technical advice or assistance given at the request of a governmental body;

[3] so-called "self-defense" communications before governmental bodies — that is, communications on issues that might affect the exempt organization's existence, powers, duties, tax-exempt status, or deductibility of contributions to it; and

[4] contacts with officials unrelated to affecting specific legislation, even those that involve general discussions of broad social or economic problems which are the subject of pending legislation.

II. ADVOCACY.

A Section 501(c)(3) organization whose exempt purpose includes "**education**" can engage in advocacy, as long as "no substantial part of the [organization's] activities" consists of "**propaganda**," and the organization does not "participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

To quote the relevant IRS regulation:

"An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion." 26 CFR §1.501(c)(3)-1(d)(3)(i) (emphasis added)."