Information Paper

SAGC-EF

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SUBJECT: Speaking in Your Official Capacity

1. The head of a DoD Component command or organization may authorize you to speak or to participate, in your official capacity, in support of an event sponsored by a non-Federal entity, but only after determining that your participation meets ALL of the criteria set forth at subsection 3‑211 of DoD 5500.7-R, Joint Ethics Regulation (JER):

* Your appearance and participation do not interfere with the performance of official duties or detract from readiness.
* DoD community relations or public affairs interests are served by your appearance. Note that AR 360-1, *The Army Public Affairs Program*, provides that official participation in events restricted to attendance by personnel of one company, or their clients and vendors generally does not serve Army community relations or public affairs interests.
* The event is appropriate for association with DoD and the Army.
* The event is of interest and benefit to the local civilian community, as well as to DoD and the Army.
* The head of the DoD Component command or organization is able and willing to provide the same support to comparable events sponsored by similar organizations.
* There is no admission fee beyond that covering the “reasonable cost of sponsoring the event” *or* DoD support is incidental to the entire event. Determining the “reasonable cost of sponsoring the event” depends on the location in which the event will be held. For example, in the Washington, D.C. area, the applicable “rule of thumb” is that the admission fee for each day of a conference should be no more than $722 to be considered “reasonable.” When using the “incidental support” test, the applicable “rule of thumb” is that the DoD component (i.e., Army) is providing no more than 20% of the speakers.

2. *A Disclaimer May Be Required.* Even if you are properly authorized to speak or make a presentation at an event sponsored by a non-Federal entity, you should begin your remarks with a disclaimer to the effect that “the views I am about to express are my own and do not necessarily represent the views of the Army or the DoD.” You may provide the disclaimer orally, provided you do so at the beginning of your presentation. The only occasion on which you need not make such a disclaimer is if the head of the DoD Component command or organization authorizes you to present information as the “Army’s position.” Presenting information as the “Army’s position” is not necessarily the same thing as speaking in your official capacity. The Army has not established a “position” on each and every matter or issue about which you may be invited to speak. Unless you are absolutely certain that the views you intend to espouse in your speech or presentation accurately reflect the formally established position of the U.S. Army, and you have been specifically authorized to relate that formally established position in a public forum, you should begin your remarks with the disclaimer set forth above. Again, please be mindful of the fact that one may be authorized to speak in an official capacity even though not authorized to represent the Army’s official position on a matter.

3. *Endorsement is Prohibited*. You may not directly endorse, or allow your participation to appear to be an endorsement of, the non-Federal entity or the event. The entity may, however, include in its invitation package the fact that you will make an official speech and may refer in its materials (*e.g.,* the event program or literature) to your duty official position and title. It is not considered endorsement to thank the sponsoring non-Federal entity politely for hosting your speech or presentation. Further, you may relate factual information about the non-Federal entity in the context of rendering your thanks. You must, however, avoid the use of hyperbole or extolling adjectives of praise for the non-Federal entity (*e.g.,* you may not state, “this organization absolutely does more each and every day to help Wounded Warriors than any other of which I am aware.”).

4. *Wear of the Uniform*. Generally, you may wear your military uniform when making a speech or presentation in your official capacity. Consult AR 670-1, *Wear and Appearance of Army Uniforms and Insignia* and DoDI 1334.1, *Wearing of the Uniform,* to learn more about those situations in which wear of the uniform is authorized or prohibited.

5. *Be Cautious of Fundraisers*. If the event is a fundraiser event or will involve the solicitation of attendees, other restrictions apply. Consult with your servicing ethics counselor for these restrictions.

6. *Security and Public Affairs Review.* If your remarks relate to military matters, national security, or Army or DoD issues of significant concern, you must obtain a security review and public affairs clearance. You may request clearance of your remarks by contacting Mr. Jim Hill, Office of the Chief of Public Affairs, Army, at (703) 693-6578 or by email at bob.s.stone.civ@mail.mil. Mr. Stone will assist you in obtaining the appropriate security and public affairs reviews. *See* AR 360-1, Chapter 6, for more detailed information about the security and public affairs clearance process.

7. *Acceptance of Gifts.* Often, a non-Federal entity will endeavor to present you with a gift as a token of appreciation for your speech or presentation. You may accept such a gift only under very limited circumstances. You should engage in a straightforward discussion with the non-Federal entity sponsoring the event at which you will speak about the limitations on your ability to accept a gift or memento. Discussing these matters, in advance, with the non-Federal entity will help to avoid improperly accepting a gift or the embarrassment and perception of discourtesy that may arise should you be required to decline a gift at the last moment in a public context.

8. *Accepting Travel Expenses and Travel Benefits*. Official public speaking is considered mission related; in the event that your speaking engagement requires travel, you will be placed on orders in a TDY status and the costs of travel charged to normal appropriated fund accounts. In certain cases, however, you may accept travel expenses and travel benefits from a non-Federal entity. If the non-Federal entity sponsor of the event, at which you will make a speech or presentation, offers to pay your travel expenses, immediately contact your servicing ethics counselor for assistance. You will be required to complete a worksheet that has been created for these purposes and your ethics counselor will assist you in obtaining authorization from your travel approving authority. It is important to note that such authorization must be obtained in advance of your travel or acceptance of the payment of travel expenses or benefits. Also, subsequent to the event, your acceptance of travel expenses must be documented and reported. Your servicing ethics counselor will provide you with the report format. **Please note:**  ***personnel who normally approve their own travel, but who are members of the organization offering travel or travel-related benefits must seek approval from the next higher authority (who is not also a member of the non-Federal entity).***

9. *Use of Appropriated Funds and Official Time*. Because official public speaking is considered mission related, you may use appropriated funds, to include Government resources (property or facilities), or official personnel or duty time to prepare for or support your speaking endeavor.

10. Personnel who are asked to speak in their official capacities should discuss this issue with their servicing ethics counselor. Remember, only the head of an organization may authorize your participation.