

United States of America DEPARTMENT OF COMMERCE	DEPARTMENT ADMINISTRATIVE ORDER <u>219-1</u>	
DEPARTMENT ADMINISTRATIVE ORDER SERIES	DATE OF ISSUANCE April 2, 1982	EFFECTIVE DATE April 1, 1982

SUBJECT
 OUTSIDE WRITING AND SPEAKING; DEPARTMENTAL APPROVAL

SUPERSEDED
 DAO
 BY 2191 DATE 5-14-07

SECTION 1. PURPOSE.

.01 This Order establishes the policy to guide Department of Commerce officers and employees in performing public communications activities such as writing for outside publication, making public addresses, lecturing, participating in group discussions, appearing on radio or TV, or making sound recordings or other audio-visual or graphic works.

.02 This revision updates references and terminology, changes the format of the Order, provides a new definition of quasi-official activity (paragraph 2.02), and stipulates that the prior approval of both the head of an operating unit, and the Director, Office of Public Affairs for the Office of the Secretary, is required before a commitment is made to supply an official or quasi-official contribution to an outside publication or other informational medium (paragraph 4.03).

SECTION 2. DEFINITIONS.

.01 Official Public Communications Activity is any written or spoken communication which is prepared a) at the direction of the official superiors of the originator; b) substantially during the official working hours of the originator; c) with assistance of other Government employees on official duty; or d) with the use of Government facilities or supplies. The Government is considered to have a proprietary interest in, and control over, such activity. (See Decision of the Comptroller General 37 CG 29). The product of such activity, in any of its forms, is described hereinafter in this Order as a "work."

.02 Quasi-official Public Communications Activity is any written or spoken communication in which the Government has a special interest because it involves one or both of the following characteristics:

a. Work devoted substantially to the responsibilities, program, or operations of the Department based upon the employment experience of the official or employee.

b. Work which draws substantially upon official U.S. Department of Commerce data or information which have not become a part of the body of public information.

.03 Non-official Public Communications Activity is that which is not categorized as official or quasi-official, as defined above. Except as it may touch some interest of the Government (e.g., Department Administrative Order 202-735, "Employee Responsibilities and Conduct"), the Department has neither proprietary nor regulatory interest in such work.

SECTION 3. RESPONSIBILITIES.

The heads of operating units, or their designees, or the Director, Office of Public Affairs for the Office of the Secretary, shall determine whether a work is official, quasi-official, or non-official, for purposes of this Order. The Department has the right to contest any determination by an employee that his or her work is non-official.

SECTION 4. POLICY ON PREPARATION AND DISSEMINATION OF WRITING OR OTHER COMMUNICATION.

The policy of the Department is to encourage widespread dissemination of the results of the work of its constituent units and employees.

.01 Dissemination of Official or Quasi-official Communication. All official and quasi-official work, as defined in paragraphs 2.01 and 2.02 of this Order, shall ordinarily be made available for use and distribution by the Department through an official publication, distribution or news release.

.02 Making an Official or Quasi-official Manuscript or Speech Text or Other Work Available to an Outside Medium.

a. Prior to its outside distribution, or release for non-governmental publication, each official or quasi-official work shall be submitted for evaluation to the head of the operating unit concerned, or a representative designated by the head of that operating unit.

b. If the head of an operating unit, with the concurrence of the Office of Public Affairs for the Office of the Secretary, determines that a work may be more effectively used outside the Department, the head of the operating unit or the Office of Public Affairs may make it available outside the Department.

.03 Prior Approval Required Before Outside Commitment is Made. Before any officer or employee of the Department makes any commitment to furnish an official or quasi-official communication to an outside publication or other informational medium, the officer or employee shall obtain the approval of the Office of Public Affairs for the Office of the Secretary and the head of the concerned operating unit.

.04 Official and Quasi-official Presentations to Identify Originator in Official Capacity. All official and quasi-official communications released for non-Government use must include the originators name and position in the Department of Commerce.

.05 Identification of Originator's Official Capacity is Optional in Non-official Use. Non-official communications released for non-Government use may identify the originator's official capacity in the Department of Commerce. If this identification is used, it shall be made clear that the statements contained therein are the personal responsibility of the originator as a private individual and do not necessarily represent the position of the Department of Commerce.

.06 Copyright Application Approval. Each officer and employee of the Department shall obtain approval of the Office of Public Affairs for the Office of the Secretary before applying for a copyright for quasi-official work. By law, no copyright can be granted on an official work of the U.S. Government.

SECTION 5. POLICY ON RECEIPT OF COMPENSATION

.01 For Official Communication. No officer or employee of the Department shall receive or retain compensation or anything of monetary value from an outside source for any official work, as defined in paragraph 2.01 of this Order. The earnings of an employee in excess of regular compensation gained in the course of, or in connection with, official services belong to the employer. In the case of officers or employees of the United States, amounts so received are in effect received for the United States and unless otherwise authorized by law, are required to be covered into the Treasury. (See 29 Comp. Gen. 163; 30 Comp. Gen. 246; 32 Comp. Gen. 454; 35 Comp. Gen. 354; and 37 Comp. Gen. 29.)

.02 For Quasi-official Communication. No officer or employee of the Department shall receive compensation or anything of monetary value from an outside source for any quasi-official activity, as defined in paragraph 2.02 of this Order, except with prior approval of the Assistant Secretary for Administration.

.03 For Non-official Communication. Officers and employees of the Department may receive compensation and other things of monetary value for non-official activity, as defined in paragraph 2.03 of this Order.

.04 Acceptable Unless Excluded by DAO 202-735, Employee Responsibilities and Conduct. Any receipt of compensation by officers and employees permitted under this section may be accepted, except to the extent precluded by Department Administrative Order 202-735, "Employee Responsibilities and Conduct," or other applicable regulations.

SECTION 6. EFFECT ON OTHER ORDERS.

This Order supersedes Department Administrative Order 219-1 (formerly AO 201-4) dated July 18, 1962.

Arlene Triplett
Assistant Secretary For Administration

Office of Primary Interest
Office of Public Affairs

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