



**MARINE CORPS LOGISTICS COMMAND  
OFFICE OF COUNSEL  
ETHICS GUIDANCE  
ON  
CONFERENCE ATTENDANCE, SPEAKING AND  
WRITING**

For more information, please contact the Marine Corps Logistics Command, Office of Counsel at 229-639-5449 or Mr. M. Warner Meadows at 229-639-7098 or [michael.meadows@usmc.mil](mailto:michael.meadows@usmc.mil).

As Marine Corps experts concerning your current roles within Marine Corps Logistics Command, you will receive many invitations to attend conferences or speak at conferences in your official capacity. There are a myriad of ethics rules and public affairs rules of which you need to be aware prior to accepting these invitations. It is in your best interest to contact your local ethics counselor at the aforementioned numbers prior to accepting these invitations.

### **TEACHING, SPEAKING AND WRITING WITHOUT ADVANCE AUTHORIZATION**

There are occasions when you teach, speak or write, concerning your role within DoD and you do not receive prior authorization. If you follow these rules, then you have not committed any ethics or other violations.

1. Speak with your ethics counselor in advance.
2. Use a disclaimer.

a. Disclaimer for Speeches and Writings Devoted to Agency Matters. A DoD employee who uses or permits the use of his military grade or who includes or permits the inclusion of his title or position as one of several biographical details given to identify himself in connection with teaching, speaking or writing, shall make a disclaimer if the subject of the teaching, speaking or writing deals in significant part with any ongoing or announced policy, program or operation of the DoD employee's Agency and the DoD employee has not been authorized by appropriate Agency authority to present that material as the Agency's position. JER 3-307.

- (1) The required disclaimer shall expressly state that the views presented are those of the speaker or author and do not necessarily represent the views of DoD or its Components.
- (2) Where a disclaimer is required for an article, book or other writing, the disclaimer shall be printed in a reasonably prominent position in the writing itself. Where a disclaimer is required for a speech or other oral presentation, the disclaimer may be given orally provided it is given at the beginning of the oral presentation.

b. Security Clearance. A lecture, speech, or writing that pertains to military matters, national security issues, or subjects of significant concern to DoD shall be reviewed for clearance by appropriate security and public affairs offices prior to delivery or publication.

c. Honoraria. Compensation for a lecture, speech or writing may be restricted by the honoraria prohibition of 5 U.S.C. App. 501 (reference (b)) and 5 C.F.R. 2636

1. A Government employee may not use his public office for private gain. If the Government already pays its employees to perform certain services, then Government employees are prohibited from selling those same services to others. Reflecting this restriction is 5 C.F.R. 2635.807, which precludes the acceptance of compensation for teaching, speaking, or writing when:

- a. The activity is undertaken as part of the employee's official duties; or
- b. The invitation was extended because of the employee's official position rather than his expertise; or
- c. The invitation is from a person whose interest may be affected by the employee's official duties; or
- d. The presentation is based on nonpublic information; or
- e. The topic deals with the employee's current duties or those during the previous year, or the topic deals with a policy, program, or operation of the employee's agency.

2. "Compensation" includes all payments, including travel expenses, royalties, and meals, but excludes gifts that could be accepted from prohibited sources under 5 C.F.R. § 2635.204 and free attendance at the event in which the speaking or teaching takes place.

3. The prohibition does not preclude matters within the employee's discipline or expertise based on education or experience.

## **OFFICIAL TEACHING, SPEAKING AND WRITING**

The difference here is that your speech or writing is official. It becomes official when you have received the requisite prior approval. In general terms, this prior approval would come from LOGCOM Commanding General or Executive Deputy. Approval can also be required from the Public Affairs Officer (PAO). Your ethics official will assist you with the determination of who is the requisite approval authority.

### **Official Speakers:**

(1) Official Speeches at Non-Fundraising Events Sponsored by Non-Federal Entities.  
(Cost of admission is free or limited to reasonable costs to produce the event.)

a. When DoD personnel speak at events sponsored by non-Federal entities in their official capacities, public affairs guidance and the JER must be followed.

b. Public Affairs Policy (DoD 5410.18, section 4.4)

1. Goal is to inform the public about DoD, U.S. Armed Forces, and national security.
2. Since the public official is paid by the taxpayer, the public should not be required to pay admission to hear a public official speak.
3. No preferential treatment.
4. No release of non-public information.

c. Public Affairs Requirements: (DoDI 5410.19, Enclosure 4)

1. Views must reflect U.S. Government policy.
2. Participation may not appear to endorse views contrary to U.S. Government policy.
3. Speech text and subject matter may require review and clearance for security and policy by proper authority. (DoDD 5230.9)
4. May not appear at events staged for controversy or confrontation.
5. May not endorse.

6. Speaking activity may not associate DoD with partisan political cause or activity. However, DoD personnel may address meetings hosted by partisan political groups (not fundraisers) on matters of national defense and foreign policy, preferably if the event is open to the public.

7. May not appear at events at which admission is restricted because of race, creed, color, national origin, or gender.

8. May not appear at events sponsored by groups that restrict membership based on race, creed, color, national origin, or gender.

d. JER Requirements: (JER 3-211). The head of a DoD component or organization may provide speakers in their official capacity after making the following determinations:

1. Speaking may not interfere with performance of official duties.
2. DoD public affairs interest, military training interests, or community relations interests must be served.
3. Event is appropriate for association with DoD.
4. Event is of interest and benefit to the community or DoD.
5. DoD Component command or organization is willing and able to provide the same support to comparable events sponsored by similar non-Federal entities. (No preferential treatment.)
6. Participation is not barred by statute or regulation.
7. Admission to the event:
  - a). Is free, or
  - b). Is a reasonable amount to cover the costs of sponsoring the event, or
  - c). Is a reasonable amount to cover that portion of the event that receives DoD support.

(2) Official Speeches at Events Sponsored by Non-Federal Entities In Which the Cost of Admission Exceeds Reasonable Costs of Producing the Event and Admission is Not Tax-deductible) (This includes many commercial conferences and seminars. However, commercial conferences in which the cost of admission does not exceed its reasonable costs are covered above.)

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b. Public Affairs Policy (DoD 5410.18, section 4.4)

1. Goal is to inform the public about DoD, U.S. Armed Forces, and national security.
2. Since the public official is paid by the taxpayer, the public should not be required to pay admission to hear a public official speak.
3. No preferential treatment.
4. No release of non-public information.
5. Unless authorized by statute, if admission is charged, DoD participation must be incidental to the event. (Incidental support is defined as support that has a negligible or minimal impact on the planning, scheduling, functioning, or audience draw of a public event. Examples are a military color guard, or three DoD speakers at a conference featuring dozens of non-DoD speakers. (Section 4.1.4 and E2.1.14 of DoD 5410.18)).

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2. DoD public affairs interest, military training interests, or community relations interests must be served.
3. Event is appropriate for association with DoD.
4. Event is of interest and benefit to the community or DoD.
5. DoD Component command or organization is willing and able to provide the same support to comparable events sponsored by similar non-Federal entities. (No preferential treatment.)
6. Participation is not barred by statute or regulation.
7. Since admission above the reasonable costs of the event is charged, DoD support is incidental to the event. (Incidental support is defined as support that has a negligible or minimal impact on the planning, scheduling, functioning, or audience draw of a public event. Examples are a military color guard, or three DoD speakers at a conference featuring dozens of non-DoD speakers. (Section 4.1.4 and E2.1.14 of DoD 5410.18)).

### **MEETING ATTENDANCE**

JER 3-200 permits agency designees to authorize employees to attend meetings and similar events in their official capacity at Government expense and time if the meetings serve a legitimate official purpose.