

PUBLIC SPEAKING OPPORTUNITIES

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy with respect to the acceptance of public speaking invitations by DHS employees and formally implements the Office of Public Affairs (OPA) DHS Speakers Bureau as well as DHS Component speaker bureaus. It is designed to ensure all employees are aware of, and comply with, current policies, legal statutes, and ethical standards that currently apply to federal government employees.

II. Scope

- A. This Directive applies to all employees throughout DHS invited to participate in their official capacity at any and all events sponsored by a non-federal entity, or forums attended by the public of any type, but does not apply to employees who regularly speak to stakeholder groups and/or other non-governmental entities or personnel as part of their normal, daily job duties.
- B. The Office of Inspector General and Office of the Citizenship and Immigration Services Ombudsman are exempt from this Directive.
- C. Component Heads from the following Components are exempt from the DHS Speakers Bureau process outlined in this Directive: Customs and Border Protection (CBP), Federal Emergency Management Agency (FEMA), Federal Law Enforcement Training Centers (FLETC), Cybersecurity and Infrastructure Security Agency (CISA), Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), United States Citizenship and Immigration Services (USCIS), United States Coast Guard (USCG), and United States Secret Service (USSS). Additionally, the Secretary, Deputy Secretary, Under Secretaries, all presidentially appointed, and Senate confirmed employees are exempt from the DHS Speakers Bureau process outlined in this Directive.
- D. DHS Management Directive (MD) 2270, "Public Speaking Opportunities," is hereby canceled.

III. Authorities

- A. Federal Advisory Committee Act, 5 U.S.C.A. App. 2, § 2, “Findings and Purpose”
- B. Federal Acquisition Regulation, Subchapter A, Part 3, “Improper Business Practices and Personal Conflicts of Interest,” and Subchapter B, “Acquisition Planning”
- C. Title 5, Code of Federal Regulations (CFR), page 2635
- D. DHS Delegation 02001, “Delegation to the Assistant Secretary for Public Affairs”
- E. DHS MD 2010, “Public Affairs Guidance and Designated Spokespeople”

IV. Definitions

- A. **Official Capacity**: A capacity in which an employee is participating with non-federal organizations for the primary purpose of representing the interests of the Department and the federal government. Official capacity derives from the employee’s federal position, title or authority and his/her affiliation, title or name being used to promote an event, used during an event or to be published in event products.
- B. **Public Event**: Any event or forum attended by the public (1) in which the intention is to communicate a message, educate a community, celebrate an occasion, or share information with wide audiences about the speaker’s official duties, DHS programs and policies, missions or issues; and (2) which reasonably may be expected to be documented (via minutes, notes, media recordings, etc.) by attendees. This may include, but is not limited to, private events, by invitation-only events, and “closed-door” forums. This does not include closed press events sponsored by other federal entities, DHS events, or DHS press conferences. This also does not include testimony by a DHS employee before non-federal legislative, executive, or judicial bodies. Employees who speak to stakeholder groups as part of their normal job duties also are exempt from the DHS Speakers Bureau.

V. Responsibilities

- A. The **Office of the Secretary**, **Component Heads**, and **other senior DHS officials** ensure that all DHS personnel comply with the content and policies listed in this Directive.

B. The **Assistant Secretary for Public Affairs**:

1. Reviews and approves any and all appearances in an official capacity of any DHS employee with the exception of DHS Component heads and other senior officials exempted from this Directive in Section II.C and D, and DHS Component personnel who work through their respective Component Speaker Bureaus.

2. Oversees the operation of the DHS Speakers Bureau, and through their designee(s), and working with the Office of the General Counsel (OGC), ensure that all personnel are aware of, and comply with, current policies and ethical standards that currently apply to federal government employees when speaking at events sponsored by non-federal entities or forums attended by the public.

C. The **Designated Agency Ethics Official (DAEO)**: Advises the Assistant Secretary of Public Affairs or their designee on any concerns presented by the speaking opportunity under the Executive Branch Standards of Conduct.

D. **Component Public Affairs Directors**: Ensure that all Component personnel are aware of, and comply with, current policies and ethical standards that currently apply to federal government employees when speaking at events sponsored by non-federal entities or forums attended by the public, and ensure that events meet established speaking criteria.

E. **Component Speaker Bureaus**: Ensure that they follow consistent guidelines of the DHS Speakers Bureau, including this Directive, and provide prospective weekly summary reports of all approved speaking events to the DHS Speakers Bureau.

F. **DHS Personnel**: Ensure that speaking requests meet established speaking criteria, and coordinate with appropriate public affairs offices and, when necessary, appropriate Ethics officials, prior to approving an invitation to speak at an event, as well as in developing and finalizing talking points, speech materials, and presentations, before submitting a request to a Component's or DHS Speakers Bureau.

VI. Policy and Requirements

It is the policy of the Department to encourage qualified personnel at all levels to engage in public speaking opportunities in an official capacity at events of common public interest and benefit as a means of keeping the public informed of DHS programs, policies, missions, and issues of national security.

- A. In addition to the DHS Speakers Bureau, each of the Operational Components (TSA, CBP, FEMA, ICE, USCIS, USCG, USSS), FLETC, and NPPD are to maintain or create their own Speaker Bureaus. Headquarters personnel are to utilize the DHS Speakers Bureau.
- B. Requests for DHS personnel to speak, in their official capacity, before non-federal entities or at forums attended by the public are directed to the appropriate public affairs office for coordination. DHS personnel are to comply with all laws and policies safeguarding from the unauthorized disclosure of official information or misuse of appropriated funds. DHS personnel who fail to comply with laws and policies that protect against the unauthorized disclosure of official information or misuse of appropriated funds may be subject to administrative, civil, and criminal penalties. These may include, for example, penalties under 18 U.S.C. § 1913, for lobbying with appropriated moneys, under 18 U.S.C. § 1905, for the improper disclosure of confidential information, and under 18 U.S.C. § 798, for the improper disclosure of classified information.
- C. Requests for DHS personnel to speak, in their official capacity, before non-federal entities or at forums attended by the public are to be reported weekly to the DHS Speakers Bureau upon Component approval of an invitation at least 30-days before the event date. Last-minute or late invitations are accommodated by notifying the DHS Speakers Bureau or DHS OPA's Office of Strategic Communications.
- D. DHS Headquarters personnel complete a Speakers Bureau Request Form (DHS form is shown in Attachment 1) and send to SpeakersBureau@hq.dhs.gov for review. Each Component Speakers Bureau creates a form similar to the DHS form and provides access to it on their intranet site. DHS OPA does not review Component Speaker Bureaus request forms.
- E. DHS OPA, in consultation with OGC/Ethics, reserves the right to advise Components on the appropriate extent of DHS participation in an event in order to avoid the appearance of endorsement of any non-federal entity, event, product, service, or enterprise. The extent of DHS participation is dependent on whether or not DHS is able and willing to provide the same support to comparable events that meet the criteria of this Directive and are sponsored by other similar non-federal entities. The extent of DHS participation also is dependent on whether or not the event is in the best interest of the Department, and whether or not employees' statements reflect U.S. Government policy, and are given in support of the Department's mission and outreach efforts. Special scrutiny is given to events that are small in nature, unreasonably expensive for members of the general public to attend, requesting a large number of DHS speakers, located outside the continental U.S., or may benefit an organization that contracts with the Department or is seeking to contract with the Department.

F. DHS speakers do not officially endorse, or appear to endorse, any non-federal entity event, product, service, or enterprise, including membership drives or fund-raising activities. DHS speakers ensure that neither their participation in an event nor the content of their remarks, in any way, may be interpreted as endorsing or appearing to endorse a non-federal entity, its programs, or fund-raising activities. Official titles, positions, or organizational affiliations of DHS personnel are not to be used to suggest official endorsements or preferential treatment of non-federal entities.

G. DHS will not approve personnel speaking before organizations that restrict membership based on race, creed, color, nationality, sexual orientation or gender and whose constitution, bylaws, membership qualifications, or ritual are withheld from the general public.

H. DHS personnel acknowledge the presence of media while presenting official speeches. However, any media interviews are to be coordinated with DHS OPA (or through the Component Public Affairs Offices) in accordance with DHS Public Affairs Guidance and Designated Spokespeople under DHS MD 2010. DHS personnel are to consult the appropriate Public Affairs Office for guidance prior to participating in all media interviews.

I. Components may appeal a denied speaking request to the OPA Deputy Assistant Secretary.

J. Speaking Release: DHS personnel may be requested to sign a disclaimer/release by the speaking event sponsor. In lieu of the sponsor release, an OGC-approved release form has been developed and may be obtained by contacting a Component or DHS Speakers Bureau.

K. Creating a Speakers Bureau Function within each Component: DHS Components exempt from this Directive are required to create a function to coordinate external speaking events and are encouraged to model them after the DHS Speakers Bureau.

VII. Questions

Address any questions or concerns regarding this Directive to the Office of Public Affairs Speakers Bureau at SpeakersBureau@hq.dhs.gov.



Chip Fulghum
Deputy Under Secretary for Management



Date