

(A) The equipment must be locally available in the command, and its use for public affairs purposes must not be permitted to interfere with the military mission of the command.

(B) The public affairs program for which loan support is requested must be one in which the command is actively participating and one within the scope of its community responsibilities.

(ii) *Facilities.* Requests which do not fall within the discussion in this section shall be referred, with the DoD Component's recommendations, to the ASD(PA) for consideration. Further guidance is provided in § 238.19.

(g) *State governors' inaugural ceremonies and parades*—(1) *General.* Support by DoD Components is appropriate in public parades and in inaugural ceremonies subject to the availability of resources. To the greatest extent practicable, Armed Forces support should be joint in nature. In those cases where a Military Service desires to support an inaugural program but has no troops or resources stationed within that State, the circumstances should be reported to the ASD(PA). Bands, troop units, and equipment from outside the local area may be provided only if no additional cost to the Federal Government will be incurred.

(2) *Support considerations.* (i) Support should be limited in size and scope, bearing in mind the potential demands that may be generated from State to State. Marching units with a combined strength of no more than one platoon from each Military Service and no more than one military band are recommended guidelines. The display of equipment and vehicles in parades is encouraged.

(ii) It is recognized that the State National Guard may be ordered to State duty by appropriate State authority, although Federal funds are not made available. Such service and expenses involved are paid for by other than Federal funds. The governor of a State has the authority to utilize, at no expense to the Federal Government, national guard troop units as required in support of the inaugural parade and ceremonies.

(iii) The duties to be performed by national guardsmen in uniform shall

conform to the policies of the Secretary of Defense as set forth in part 237 of this title and this part. Use of military personnel as escorts, ushers, doormen, or drivers for nonmilitary guests or local dignitaries is not authorized.

§ 238.12 Speaking engagements.

(a) *Purpose.* This part which includes a reiteration of pertinent policy statements from part 237 of this title, contains definitions, policy, procedural, and funding guidance concerning public speaking engagements by DoD personnel.

(b) *Definitions*—(1) *Speaking engagement.* A prearranged official Federal, State, or Municipal government; organizational; or public event at which a military or civilian member of a DoD Component speaks about a DoD subject within his or her official cognizance. Impromptu remarks by an individual delivered incidentally and simply as a part of his/her attendance at an event does not constitute a speaking engagement within the meaning of this Instruction.

(2) *DoD Speaker.* Any civilian or military member of the Department of Defense at any level and of any rank who speaks in public about a DoD subject within his/her official cognizance.

(c) *Policy.* The Department of Defense encourages qualified civilian and military officials at all levels to accept speaking invitations as an effective means of informing the public about Defense matters. DoD Instruction 5230.13,¹ "Principles of Public Information," October 23, 1973.

(d) *Procedures*—(1) *General considerations.* The following points should be considered by members of the Department of Defense prior to acceptance of a speaking invitation:

(i) Participation must not interfere with assigned duties.

(ii) Speakers must address their remarks to subjects within their official cognizance.

(iii) Views expressed must not conflict with national policy.

(iv) Speakers may not be provided for partisan political gatherings (see DoD Directive 1344.10,¹ "Political Activities

¹See footnote 1 to § 238.4(d).

by Members of the Armed Forces,” September 23, 1969, or fund-raising events which do not meet basic DoD criteria (see part 237 of this title and DoD Directive 5035.1, respectively).

(v) A speaker’s participation must not lend an air of sponsorship to the statements of others which may be partisan in nature or contrary to national policy.

(vi) Subject matter and text may require review and clearance (see DoD Directive 5230.9,¹ “Clearance of DoD Public Information,” December 24, 1966).

(vii) Situations where the real or apparent purpose is to stage controversy will be avoided. The ASD(PA) will be consulted before speakers are provided for events in which public confrontation or debate of national policy matters is planned or likely.

(viii) Department of Defense support is not authorized if the sponsor or sponsoring organization specifically excludes any person from its membership for reasons of race, creed, color, or national origin. However, DoD support is authorized for programs sponsored by organizations whose qualifications for membership is based on national origin or sex, but only when the program so supported is oriented to the community rather than to the national origin or objective of the organization itself, and admission, seating, and all other accommodations and facilities connected with the program are available to all without regard to race, creed, color, national origin, or sex.

(ix) Acceptance of press, radio, and television interviews in conjunction with speaking engagements is encouraged, subject to the provisions of this Instruction and other pertinent public affairs Directives.

(x) Advance distribution of copies of speech texts (embargoed when necessary) may be used to gain wider dissemination of DoD information beyond an intended local audience when media coverage is anticipated. Distribution of speech texts should be made in co-operation with the host organization.

(2) *Level of acceptance.* Organizations or groups wishing to extend a speaking invitation should be encouraged to correspond directly with the Public Affairs Officer of the nearest installation

likely to have someone assigned who is cognizant of the subject matter to be discussed. The Fact Sheet (enclosure 3) and Speaker Request Formats (enclosure 4) may be utilized when replying to queries concerning speakers. DoD Components shall channel speaking invitations to appropriate officials nearest the site of the event.

(3) *Presidential representatives.* The Department of Defense is sometimes required to furnish a military officer to represent the President of the United States at occasions where “remarks” or “an address” are required. The minimum appropriate grade, in this circumstance, is a general or flag officer unless there are overriding practical considerations precluding general or flag officer availability.

(e) *Funding.* (1) Speaking engagements normally will be at Government expense.

(2) Acceptance of a gratuity as defined in part 40 of this title, a fee, or an honorarium is prohibited. Reimbursement for necessary travel and living costs may be accepted from the sponsoring organization in lieu of reimbursement by the Government, in accordance with Joint Travel Regulations (Volumes 1 and 2). Consult the local finance or disbursing officer for specifics.

(f) *Reports.* (1) The Office of the Assistant Secretary of Defense (Public Affairs) requires a monthly speakers’ report covering a projected 60-day period for all accepted speaking engagements of senior civilian and military representatives of the DoD Components down through Deputy Assistant Secretary and three-star rank. This report is due no later than the 24th day of each month, attention Directorate for Community Relations. The report will include the following information:

- (i) Name, rank, and title of speakers
- (ii) Date of speaking engagement
- (iii) Place of speaking engagement
- (iv) Host organization

(2) This reporting requirement has been assigned Report Control Symbol DD-PA(M)979.

(3) From the above information, the Directorate for Community Relations, Office of the Assistant Secretary of Defense (Public Affairs), will publish a monthly speakers’ schedule.