3 FAM 4170
REVIEW OF PUBLIC SPEAKING, TEACHING, WRITING, AND MEDIA ENGAGEMENT
(CT:PER-776; 07-27-2015)
(Office of Origin: PA)

3 FAM 4171 APPLICABILITY
(CT:PER-776; 07-27-2015)
(State/USAID)
(Appplies to all Employees in the United States and Abroad)
a. The provisions of this subchapter apply to all personnel in the United States and abroad who are currently employed (even if in Leave Without Pay status) by the Department of State and the United States Agency for International Development (USAID), including but not limited to Foreign Service (FS) employees, Civil Service (CS) employees (including schedule C appointees and annuitants returning to work on temporary appointments on an intermittent basis, commonly referred to as “While Actually Employed (WAE)” personnel), locally employed staff (LE Staff), personal service contractors (PSCs), employees assigned to fellowships or details elsewhere and detailees or fellows from other entities assigned to the Department, externs/interns, and special government employees (SGEs) as defined in 18 U.S.C. 202(a) (all together referred to as “employees”). USAID service contractors and implementing partners should consult USAID’s Bureau for Legislative and Public Affairs for applicable guidelines.

b. Former Department of State employees (including former interns and externs) must seek guidance from A/GIS/IPS for applicable review process information. Former USAID employees (including former interns and externs) must consult the Bureau for Legislative and Public Affairs for applicable review process information.

c. The provisions of this subchapter apply to all public communications as defined in 3 FAM 4173, such as speaking, teaching, writing, and press/media engagement, including that prepared for electronic dissemination in an employee’s official capacity, or in an employee’s personal capacity if on a topic “of Departmental concern,” as defined in 3 FAM 4173.

d. The provisions in this subchapter apply to all non-emergency public communications. During crisis situations, posts should seek guidance from Washington as the review process may change. See 12 FAH-1 H-400 for information on crisis communications.
e. Views on matters of Departmental concern communicated through methods of internal communication (including, for example, the Department’s internal dissent channel) or disclosures made pursuant to 5 U.S.C. 2302(b)(8)(B) are not subject to the review requirements of this subchapter.

f. Employee testimony, whether in an official capacity or in a personal capacity on a matter of Departmental concern, may be subject to the review requirements of this subchapter. Employees should consult with the Department of State’s Office of the Legal Adviser or USAID’s Office of the General Counsel, as appropriate, to determine applicable procedures.

g. USAID’s internal implementation procedures are not comprehensively discussed in this subchapter. USAID employees should seek guidance from the Bureau for Legislative and Public Affairs.

3 FAM 4172  AUTHORITIES

(State/USAID)
(Applies to all Employees in the United States and Abroad)

a. The provisions of this subchapter are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this policy and are controlling.

b. These provisions are to be interpreted and applied consistent with the following authorities. This list is exemplary.

(1) The Constitution of the United States, including the First Amendment and related jurisprudence;
(2) The Anti-Lobbying Act, 18 U.S.C. 1913;
(3) The Compliance with Procurement Integrity Act, 41 U.S.C. 2101-2107;
(4) The Digital Millennium Copyright Act, Public Law 105-304;
(5) The Federal Advisory Committee Act, 5 U.S.C. Appendix;
(6) The Hatch Act, 5 U.S.C. 7321-7326;
(7) The Immigration and Nationality Act, 8 U.S.C. 1101 et seq.;
(8) The Privacy Act, 5 U.S.C. 552a;
(9) Use of the Great Seal and Agency Seals; 18 U.S.C. 713 and 1017;
(10) The Whistleblower Protection Enhancement Act, Public Law 112-119;
(11) Annual appropriations act restrictions on publicity and propaganda;
(12) 5 CFR 734, Political Activities of Federal Employees;
(13) 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch;
(14) 22 CFR 172, Service of Process; Production or Disclosure of Official Information in Response to Court Orders, Subpoenas, Notices of Depositions, Requests for Admissions, Interrogatories, or Similar Requests with Demands in Connection with Federal or State Litigation; Expert Testimony (Touhy Regulations);
(15) Executive Order 13526, Classified National Security Information, or subsequent, related orders;
(16) Executive Order 13556, Controlled Unclassified Information;
(17) Executive Order 13584, Developing an Integrated Strategic Counterterrorism Communication Initiative;
(18) Protection of Sensitive Agency Information, OMB Memorandum M-06-16 (June 23, 2006);
(19) Safeguarding Against and Responding to the Breach of Personally Identifiable Information, OMB Memorandum M-07-16 (May 22, 2007);
(20) 3 FAM 1210, Personnel Policy;
(21) 3 FAM 4120, Employee Responsibilities Abroad;
(22) 3 FAM 4320, Disciplinary Action - Common Practices;
(23) 5 FAM 460, Privacy Act Requirements;
(24) 5 FAM 490, Use of Copyrighted Material;
(25) 5 FAM 700, Internet and Intranet Use;
(26) 12 FAM 540, Sensitive But Unclassified Information; and
(27) 12 FAM 550, Security Incident Program.

3 FAM 4173 DEFINITIONS

(State/USAID)  (Applies to all Employees in the United States and Abroad)

Appearance: Any live or real-time (even if delayed) presentation of views or ideas, including but not limited to physical presence before an audience, participation in a text-only or visual online forum, participation in a press
interview (in-person, online, or over the phone), or teaching.

**Department:** Both the U.S. Department of State and USAID, including U.S. and overseas offices, missions, and/or posts.

**Electronic dissemination:** Information disseminated through electronic means, including but not limited to email distributions, social media, removable media like CD-ROM, or other technologies.

**Employees:** Current FS employees, CS employees (including schedule C appointees and annuitants returning to work on temporary appointments on an intermittent basis, commonly referred to as “WAE” personnel), LE Staff, PSCs, employees assigned to fellowships or details elsewhere and detailees or fellows from other entities assigned to the Department, externs/interns, SGEs as defined in 18 U.S.C. 202(a), and any other personnel who are employed by State or USAID in the United States or abroad.

**Final Review Office:** The office assigned to conduct formal reviews on behalf of the Department, when required, of a particular employee’s or office’s public communications, as listed in the chart at 3 FAM 4174.3(a).

**Media engagement:** Interviews or written submissions for newspaper, magazine, TV, radio, documentary, or other media organizations or products, including online forums.

**Media organization:** A person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, or other means of mass communication, including online forums such as blogs.

**Of Departmental concern:** Pertaining to current U.S. foreign policy or the Department’s mission (including policies, programs, operations or activities of the Department of State or USAID), or which reasonably may be expected to affect the foreign relations of the United States.

**Official capacity:** Pursuant to an employee’s employment responsibilities, or in any capacity representing the Department, regardless of location or forum.

**Personal capacity:** Not pursuant to an employee’s official capacity, i.e., in his or her capacity as a private citizen. The content of a personal capacity public communication may nevertheless be of Departmental concern.

**Protected Information:** Information protected by law, regulations, privilege, or policy including but not limited to classified, sensitive but unclassified, non-public or controlled unclassified information.

**Public:** Non-U.S.-government audience(s).

**Public communication:** Appearances and/or publications for a public audience, including engagement with press/media organizations.

**Publication:** Any prepared written communication presenting views or ideas for public dissemination, including but not limited to books, articles, papers, text of
oral remarks, letters to the editor, and digital or online posts, including social media.

**Publish**: To disseminate a publication.

**Social media**: Digital technologies, applications and platforms that allow publishing, communication, and collaboration among individuals and institutions.

### 3 FAM 4174 GENERAL POLICY AND PROCEDURES

#### 3 FAM 4174.1 Policy

**CT:PER-776; 07-27-2015**
(State/USAID)
(Appplies to all Employees in the United States and Abroad)

a. The Department encourages employees, in both their official and personal capacities, to undertake responsible activities, including public communications, devoted to increasing public study and understanding of the nation’s foreign relations.

b. Social media provides an important means for the Department to fulfill its lead role in the conduct of U.S. foreign policy. The Department encourages innovative and responsible use of social media by employees.

#### 3 FAM 4174.2 Overview

**CT:PER-776; 07-27-2015**
(State/USAID)
(Appplies to all Employees in the United States and Abroad)

a. Public communications may be conducted in employees’ official capacities, or in their personal capacities. As detailed in this subchapter, different standards and procedures govern each of these situations. Online communications such as social media use are not exempted from those standards and procedures except as described herein.

b. Employees’ official capacity public communications, including written submissions to media organizations, interviews with the media, or other official media appearances must be reviewed and cleared by the applicable Final Review Office, as defined in 3 FAM 4174.3(a). However, the Final Review Office, in its discretion, may issue certain blanket authorizations to engage to employees, offices, or sections, particularly for social media engagement; see 3 FAM 4175.1(c).

c. Employees’ personal capacity public communications must be reviewed if they are on a topic “of Departmental concern” (see 3 FAM 4173). Personal capacity
public communications that clearly do not address matters of Departmental concern need not be submitted for review.

(1) The personal capacity public communications review requirement is intended to serve three purposes: to determine whether the communication would disclose classified or other protected information without authorization; to allow the Department to prepare to handle any potential ramifications for its mission or employees that could result from the proposed public communication; or, in rare cases, to identify public communications that are highly likely to result in serious adverse consequences to the mission or efficiency of the Department, such that the Secretary or Deputy Secretary must be afforded the opportunity to decide whether it is necessary to prohibit the communication (see 3 FAM 4176.4).

(2) The purposes of the review are limited to those described in paragraph (1); the review is not meant to insulate employees from discipline or other administrative action related to their communications, or otherwise provide assurances to employees on matters such as suitability for continued employment (see, e.g., 3 FAM 4130 for foreign service personnel and 5 CFR 731 for civil service personnel). Ultimately, employees remain responsible for their personal capacity public communications whether or not such communications are on topics of Departmental concern.

d. No current or former employee is permitted to publish or otherwise disclose to the public (including by posting to the Internet or social media) materials that contain classified information. However, employees may make a protected disclosure of classified information to the Office of the Special Counsel or the Office of the Inspector General.

e. In addition to complying with the provisions of this subchapter, employees engaged in public communication must also comply with applicable laws and regulations, including the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635) and laws referenced in that regulation, and other authorities listed in 3 FAM 4172.

3 FAM 4174.3 Final Review Offices

(State/USAID)

(Applies to all Employees in the United States and Abroad)

a. Where the provisions in this subchapter require formal review on behalf of the Department for official or personal capacity public communications, that review will be conducted by the appropriate “Final Review Office” listed in the chart below:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Employees</th>
<th>Final Review Office</th>
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**Personnel**

<table>
<thead>
<tr>
<th>State</th>
<th>Employees in U.S. and Chiefs of Mission</th>
<th>Bureau of Public Affairs (PA)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>Employees abroad other than Chiefs of Mission**</td>
<td>Chief of Mission or designee</td>
</tr>
<tr>
<td>USAID</td>
<td>Employees in U.S.</td>
<td>USAID’s Bureau for Legislative and Public Affairs (LPA)</td>
</tr>
<tr>
<td>USAID</td>
<td>Employees abroad**</td>
<td>Chief of Mission or designee with concurrence of LPA</td>
</tr>
</tbody>
</table>

*The Final Review Office for public communications by the PA Assistant Secretary is the Under Secretary for Public Diplomacy and Public Affairs or his/her designee.

**Does not generally include those employees abroad only on temporary duty status; such individuals must submit their communications for review to the relevant Final Review Office for their normal location of assignment, unless the latter has approved other arrangements.

b. Public communications that are subject to review must be submitted in advance to the appropriate Final Review Office, in an editable format. That Office will respond as quickly as possible within the timeframes below if the proposed communication does not involve equities of another U.S. Government entity (e.g., NSA, NSC, CIA, DoD, etc.). When the proposed communication must be referred to another U.S. Government entity or entities for review, additional time may be required to complete the review.

c. To ensure that no classified information is improperly disclosed, an employee must not take any steps to proceed with a public communication (including making commitments to publishers or other parties) until he or she receives written notice to proceed from the Final Review Office, except as described below. If, upon expiration of the relevant timeframes below, the Final Review Office has not provided an employee with either a final response or an indication that a public communication involves equities of another U.S. Government entity (including a list of the entity or entities with equities), the employee may use, issue, or publish materials on matters of Departmental concern that have been submitted for review so long as such materials do not contain information described in 3 FAM 4176.2(a) and taking into account the principles in 4176.2(b). When an employee has been informed by the Final Review Office that his or her public communication involves equities of another U.S. Government entity or entities, the employee should not proceed without written notice to proceed from the Final Review Office. Upon the employee’s request, the Final Review Office will provide the employee with an update on the status of the review of his or her public communication, including, if applicable, the date(s) on which the Department submitted the employee’s
communication to another entity or entities for review. Ultimately, employees remain responsible for their personal capacity public communications whether or not such communications are on topics of Departmental concern:

<table>
<thead>
<tr>
<th>Intended Public Communication*</th>
<th>Review Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Books, manuscripts, and other publications of considerable length</td>
<td>30 working days</td>
</tr>
<tr>
<td>Articles, papers, and other writings of a highly specialized nature</td>
<td>20 working days</td>
</tr>
<tr>
<td>Other papers or articles, including online publications</td>
<td>15 working days</td>
</tr>
<tr>
<td>Notification of a planned speaking engagement or other appearance</td>
<td>8 working days</td>
</tr>
<tr>
<td>Speeches, remarks, talking points, or notes for appearances</td>
<td>5 working days</td>
</tr>
<tr>
<td>Informal blog postings</td>
<td>5 working days</td>
</tr>
<tr>
<td>Other social media postings</td>
<td>2 working days</td>
</tr>
</tbody>
</table>

*Note: As this subchapter describes, not all public communication is subject to any type of review, and in some cases blanket authorization to engage, as described in 3 FAM 4175.1(c), may be granted. When in doubt, employees should consult their supervisors or Final Review Office for guidance.

3 FAM 4175  OFFICIAL CAPACITY PUBLIC COMMUNICATIONS

3 FAM 4175.1  General

(State/USAID)  
(Applies to all Employees in the United States and Abroad)

a. Official capacity public communication may be conducted only if approved by the applicable Final Review Office (see 3 FAM 4174.3(a)) pursuant to the provisions of this subchapter. (For USAID see the Automated Directives System (ADS)).

b. Public communication undertaken as part of an official Department-approved fellowship or detail on matters of Departmental concern, including that of
employees detailed outside the Department as well as employees from other agencies detailed to the Department, will be subject to the official capacity review process.

c. An individual, office and/or section that routinely conducts official public communication in order to satisfy essential programmatic responsibilities may be exempted from the review process if advance blanket authorization to engage has been previously granted by the Final Review Office. The blanket authorization to engage, once given, allows the holder to communicate publicly subject to the parameters of the authorization, and provided that all content conforms to the content rules outlined in 3 FAM 4175.2. Offices or sections whose employees have been granted blanket authorizations to engage must develop an internal review mechanism and accountability process for such content within the office. The Final Review Office will periodically review previously issued blanket authorizations to engage, and reserves the right to revoke such an authorization upon determination that revocation is in the best interest of the Department. Holders of a blanket authorization to engage may also be disciplined or subject to other administrative action related to their communications.

d. When engaging in speaking, teaching, or writing as part of his or her official duties, an employee may not accept compensation for the activity from any source other than the U.S. Government. See 11 FAM 600.

e. An employee may use his or her official title for purposes of identification, since the employee will have been authorized to engage in the activity in an official capacity.

3 FAM 4175.2 Content of Official Capacity Public Communications

(State/USAID)
(Appplies to all Employees in the United States and Abroad)

a. Official capacity content must:

(1) Be relevant and appropriate, in keeping with Department messaging, and in line with the communicating employee’s, office’s, or section’s programmatic responsibilities. When relevant, employees should consult with other interested Department offices, posts, or sections;

(2) Adhere to the content and security policies in 5 FAM 776.3 and 5 FAM 777, as applicable;

(3) Identify, when using third party content, if there is a relationship between the Department and the third party to ensure transparency; and

(4) When at post, respect host country laws consistent with Department policy. Employees are responsible for knowing host country laws.
b. Content must not:

(1) Be inconsistent with stated U.S. Government policy, unless clearly contextualized as another entity’s view shared in the interest of educating, informing, or encouraging dialogue about U.S. Government policies, U.S. principles, or U.S. society;

(2) Comment on matters that are highly sensitive for the foreign relations or foreign policy goals of the United States, or on matters for which PA should otherwise be the first to speak for the Department, unless approved by PA or authorized (in consultation with the Department of State’s Office of the Legal Adviser or USAID’s Office of the General Counsel, as appropriate) by law or regulations;

(3) Be libelous, defamatory, or offensive, including with regard to representatives of foreign governments, except when the text reflects an official cleared policy stance;

(4) Contain, or in any way allow the public to access, classified or other protected information, even if it is already publicly available due to a previous unauthorized disclosure, including:
   (a) Material that the Department believes should be protected from public disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b), including internal pre-decisional deliberative material;
   (b) Information that reasonably could be expected to interfere with law enforcement proceedings or operations;
   (c) Information pertaining to procurement in violation of 41 U.S.C. 2101-2107;
   (d) Sensitive personally identifiable information as defined in 5 FAM 795.1(f); and
   (e) Other nonpublic information, when used in a manner as prohibited by 5 CFR 2635.703.

(5) Promote a personal business or political point of view; or

(6) Contain a solicitation of any kind, or advertising on behalf of a non-U.S. government entity, without advance approval from the Department of State’s Office of the Legal Adviser or USAID’s Office of the General Counsel, as appropriate.

c. Particular guidance for social media content:

(1) The guidelines and restrictions in this subchapter have been developed to provide greater discretion to employees to post relevant content to official Department social media sites, and other social media sites as appropriate, subject to the guidance of their supervisors;

(2) Re-posting or re-using official content from sites managed by the Department, or other U.S. government agencies where relevant and
consistent with Department messaging, is encouraged. The posting of original content is also encouraged provided it complies with the requirements outlined in paragraphs (a) and (b) above;

(3) Employees may post appropriate third-party content or links to external sites, social media accounts, or specific pieces of social media content deemed to be reputable for informational purposes, provided the content complies with the requirements outlined in paragraphs (a) and (b) above. Content managers are responsible for ensuring that use of external links is not biased toward any one source or publication, and should be careful not to be perceived as official endorsement or sanction of a commercial enterprise;

(4) When non-U.S. Government links are provided, the social media profile must include the following information, if possible, and otherwise a link to a site containing a Terms of Use (see 5 FAM 793.4) that contains the following information: The links contained herein are for informational purposes only and do not necessarily reflect the views or endorsement of the U.S. Government; and

(5) See 5 FAM 794 for additional guidelines on content record-keeping.

d. Copyrighted materials must be used only in accordance with current copyright laws, which typically require permission from the copyright owner. Refer to 5 FAM 490, Use of Copyrighted Material, for specific policy in this area. Material created by the Department cannot be copyrighted, and no copyright insignia (“©”) or statement claiming copyright of a purely government work may be used, including on social media. Employees should also check the terms of the license for any third party material incorporated into Department material that they wish to use, to be sure that the use they intend is allowable.

3 FAM 4175.3 Review Process for Official Appearances and Media Engagement

(CT:PER-776; 07-27-2015)
(State/USAID)
(Applies to all Employees in the United States and Abroad)

a. All invitations for official appearances, including to speak, lecture, or participate in conferences or media interviews in an official capacity, must be referred for review to the appropriate Final Review Office. (See chart at 3 FAM 4174.3(a).) This should be done as soon as the invitation is made, even if materials (such as a speech or talking points) have not yet been prepared. Such materials should be submitted as soon as possible thereafter, as described below in paragraph (b). For employees submitting a request to PA, such requests should be submitted via PAReviews@state.gov.

b. PA clears all public remarks by senior officials at the Assistant Secretary level and above, including Chiefs of Mission. All other employees must first submit
the text, talking points, interview notes, or other materials to support the appearance to their immediate supervisors and any other offices concerned with the subject matter for preliminary review, editing, and approval. Once those preliminary approvals have been collected, the materials must be submitted to the Final Review Office, noting all such clearances, and referencing the Final Review Office’s clearance of the engagement itself, sought per paragraph (a) above.

c. For informal presentations, professional meetings, conferences, and panel discussions where, because of the nature of the public appearance, no prepared script or outline will be available for review, the speaker is responsible for seeking out and then observing policy limitations from relevant subject matter offices in order to ensure that his or her remarks are consistent with U.S. foreign policy and could not reasonably be expected to interfere with the efficiency or mission of the Department. Further, as always, the speaker is responsible for ensuring that his or her remarks involve no violation of security or other dissemination of classified or other protected information.

d. When participating in an online video or text-based chat or other engagement conducted over the Internet, employees must adhere to the same review requirements as for live public appearances.

e. Generally, official statements to the press are made only by the Secretary; a Deputy Secretary or Under Secretary; Ambassadors at post; the Assistant Secretary for Public Affairs; Department Spokesperson or Deputy Spokesperson; authorized personnel of the Office of Press Relations; and other Department officials cleared to deliver such statements by the Final Review Office. As with other official appearances, drafts of public remarks or talking points for engagements with the media should be submitted as early as possible for clearance.

f. While the Chief of Mission or his or her designee serves as the Final Review Office at posts, requests for employees abroad to engage with U.S. domestic media organizations and organizations with significant U.S. domestic impact, particularly English language outlets, must also be reviewed by PA. Prior consultation with PA on other important public statements is also expected.

3 FAM 4175.4 Review Process for Official Capacity Publications

(APPLICABLE TO ALL EMPLOYEES IN THE UNITED STATES AND ABROAD)

a. PA clears all official capacity publications by senior officials at the Assistant Secretary level and above, including Chiefs of Mission. All other employees must first submit the text to their immediate supervisors and any other offices concerned with the subject matter for preliminary review, editing, and
approval. Once those preliminary approvals have been collected, the materials must be submitted to the Final Review Office (as described in 3 FAM 4174.3(a)), noting all such clearances. The Final Review Office will then make the final approval determination. For employees submitting a request to PA, such requests should be submitted via PARviews@state.gov.

b. As described in greater detail below in 3 FAM 4175.5, this process also applies to official social media postings and content prepared for placement in online forums such as blogs or Internet-based publications. However, per the guidance described in 3 FAM 4175.1(c), there may be instances where advance blanket authorization to engage is granted to individuals, offices, or sections who routinely communicate with the public on matters of Departmental concern, particularly through social media.

3 FAM 4175.5 Additional Guidance on Official Use of Social Media

(State/USAID)
(Applies to all Employees in the United States and Abroad)

Social media can be an important tool to engage with the public on matters of concern to the Department.

(1) In light of the rapid pace with which many social media platforms are used, all offices, sections, or employees who routinely post to such platforms in their official capacity are encouraged to seek advance blanket authorization to engage for their social media communications, in accordance with 3 FAM 4175.1(c).

(2) All employees, but especially those who routinely engage in official social media communications, are strongly encouraged to complete relevant training offered by the Foreign Service Institute, as coordinated by FSI/SPAS/PD. PA, the Bureau of International Information Programs, and other bureaus also offer other workshops and professional development in this area.

(3) Employees must secure authorization from their bureau or post to create new official social media sites, accounts, or to engage in such activities on third-party sites. Offices and bureaus are also required to register official social media sites in the Department’s iMatrix registry maintained by the Bureau of Information Resources Management (IRM), with PA and the Bureau of International Information Programs, and to list their properties on the Social Media Dashboard, as appropriate. USAID Missions abroad must also obtain prior approval from USAID’s LPA before creating or engaging on new sites; LPA maintains a property inventory of all USAID properties. For more information on the establishment and maintenance of official social media platforms and accounts, see 5 FAM 790.
3 FAM 4176 PERSONAL CAPACITY PUBLIC APPEARANCES AND PUBLICATIONS

3 FAM 4176.1 General

(State/USAID)
(Applies to all Employees in the United States and Abroad)

a. Employees who, in their personal capacity, wish to communicate publicly on matters that are clearly not “of Departmental concern” (see 3 FAM 4173) need not seek Department review under the procedures outlined herein, and need not use the personal capacity disclaimer discussed below in paragraph (b). If there is doubt as to the need to seek review or use a disclaimer, employees should seek guidance from the appropriate Final Review Office (see 3 FAM 4174.3(a)). Please note that all employee public communications must comply with the content rules in 3 FAM 4176.2.

b. Unless the appropriate Final Review Office indicates otherwise, employees who are communicating publicly in their personal capacity on matters of Departmental concern must include a disclaimer indicating that the views expressed are their own and not necessarily those of the U.S. Government. However, such a disclaimer is not required when re-posting previously cleared and publicly disseminated U.S. Government content in a social media environment. Where such disclaimers are required but difficult to include (such as in a microblog character-limited format), employees must include information in their profiles indicating that their views are personal. In some cases, PA will provide specific disclaimer language as warranted by the topic or nature of publication.

c. When engaging in personal capacity public communication, employees may generally not accept compensation if the activity “relates to the employee’s official duties.” See 11 FAM 600. If abroad, see also 3 FAM 4120, “Employee Responsibilities Abroad.”

d. An employee may not improperly use U.S. Government time or resources for preparing or conducting personal capacity communications. See 5 FAM 723. An employee also may not use his or her official title for personal capacity communications, except as part of a biographical text that includes the disclaimer discussed above in paragraph (b), and provided the reference to the title is not given any special prominence. Additionally, an employee may not violate other applicable ethical standards of character, integrity, and conduct, including, for example, the rules prohibiting the use of public office for private gain and the rules concerning prohibited political activity.

e. As stated in 3 FAM 4174.2(c)(1), the review process is limited to three purposes. (See also 3 FAM 4176.4.) Therefore, completion of the review
process is not a Department “clearance” or “approval” of the planned communication, and is not meant to insulate employees from discipline or other administrative action related to their communications, including for conducting personal capacity public communications that interfere with the Department’s ability to effectively and efficiently carry out its mission and responsibilities, by, for example, disrupting operations, impairing working relationships, or impeding the employee from carrying out his or her duties. Ultimately, employees remain responsible for their personal communications whether or not the communications are on topics of Departmental concern.

3 FAM 4176.2 Content of Personal Capacity Public Communications

(State/USAID) (Applies to all Employees in the United States and Abroad)

a. When engaging in personal capacity public communications, employees must not:

(1) Claim to represent the Department or its policies, or those of the U.S. Government, or use Department or other U.S. Government seals or logos; or

(2) Disclose, or in any way allow the public to access, classified information, even if it is already publicly available due to a previous unauthorized disclosure.

b. As stated in 3 FAM 4174.2(c)(1), a purpose of this review process is to determine whether the communication would disclose classified or other protected information without authorization. Other protected information that is or may be subject to public disclosure restrictions includes, but is not limited to:

(1) Material that meets one or more of the criteria for exemption from public disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b), including internal pre-decisional deliberative material;

(2) Information that reasonably could be expected to interfere with law enforcement proceedings or operations;

(3) Information pertaining to procurement in violation of 41 U.S.C. 2101-2107;

(4) Sensitive personally identifiable information as defined in 5 FAM 795.1(f); or

(5) Other nonpublic information, when used in a manner as prohibited by 5 CFR 2635.703.

3 FAM 4176.3 Review Process for Personal Capacity
Public Communications

(State/USAID)
(Appplies to all Employees in the United States and Abroad)

a. PA reviews all personal capacity public communications on matters of Departmental concern by senior officials at the Assistant Secretary level and above, including Chiefs of Mission. For all other employees wishing to communicate publicly in their personal capacity on matters of Departmental concern, there are two review processes available:

(1) Individuals may, as a first step, submit their requests for review to the Final Review Office (as described in 3 FAM 4174.3(a)). For employees submitting a request to PA, such requests should be submitted via PAREviews@state.gov. The Final Review Office will then consult with the employee’s immediate supervisor(s) and any other offices concerned with the subject matter in accordance with 3 FAM 4176.4(c). The Final Review Office will then make the final determination; and

(2) Alternatively, employees may initially submit their requests for review to their immediate supervisor(s), the Public Affairs Office in their bureaus or posts, and any other Department offices concerned with the subject matter. The materials must then be submitted to the Final Review Office, noting all such reviewers and any comments received. The Final Review Office will then verify those reviews, assess whether other reviews are needed, and make the final determination.

b. Supervisors, Public Affairs Offices, or any other offices involved in the review process must flag for the Final Review Office any view that the proposed public communication may:

(1) Contain classified or other protected information;
(2) Result in serious adverse consequences to the efficiency or mission of the Department; or
(3) Be or become high impact or high profile, for example communication that is controversial, or otherwise involves a sensitive Department priority; and
(4) The Final Review Office will then apply the standard described in 3 FAM 4176.4(a).

c. In all cases, an employee must disclose his or her identity to the relevant Department reviewers.

d. If another U.S. Government entity seeks Department review of a personal capacity public communication by that entity’s employee, the Department office in receipt of such request must coordinate with PA.

3 FAM 4176.4 Final Review Office Procedures and
Standard for Review of Personal Capacity Public Communications

(CT:PER-776; 07-27-2015)
(State/USAID)
(Appplies to all Employees in the United States and Abroad)

a. A principal goal of the review process for personal capacity public communications is to ensure that no classified or other protected information will be disclosed without authorization. In addition, the Final Review Office will evaluate whether the employee's public communication is highly likely to result in serious adverse consequences to the efficiency or mission of the Department, such that preventing those consequences outweighs the employee’s presumptively high interest in communicating and the public’s interest in receiving the communication. An assessment of the risk that the views in the communication could be attributed to the Department despite the employee’s use of a disclaimer is a significant consideration in this evaluation, although it is not necessarily determinative. If the Final Review Office believes that a particular public communication should be prohibited under this standard, it will refer the decision (via Action Memorandum) to the Secretary of State or a Deputy Secretary of State for determination. However, where possible, the Final Review Office will suggest modifications to the draft communication that, if accepted, would reduce the risk to the Department’s mission or efficiency sufficiently to moot the need to seek that determination.

b. As stated in 3 FAM 4176.1(e), employees remain responsible for the consequences of their personal capacity public communications. To the extent time and resources allow, reviewers may assist the employee in identifying possible modifications or other adjustments to avoid the inclusion of non-classified but otherwise protected information, or the potential for adverse consequences to the Department’s mission or efficiency (including the employee's ability to perform his or her duties effectively in the future). However, even if such assistance is provided, completion of the review process is not a Department “clearance” or “approval” of the public communication, and is not meant to insulate employees from disciplinary or other administrative action related to their communications, as set out in 3 FAM 4176.1(e).

c. The Final Review Office will consult with any office in the Department with equities in the proposed communication during the course of its review. Final Review Offices at posts may seek PA’s assistance in coordinating reviews when their employees’ communications are on topics of particular concern to another post or bureau in the Department. If the Final Review Office determines that another U.S. Government entity needs to review the communication, PA will coordinate that review.

d. No matter the outcome of the review, the Department may prepare to handle any potential ramifications for its mission or employees that could result from the proposed public communication.
3 FAM 4176.5 Additional Guidance on Personal Use of Social Media

(State/USAID)  
(Applies to all Employees in the United States and Abroad)

Department employees who access and post entries to public, Internet-based social media sites in their personal capacity must use a personal profile registered with a personal email address at those sites, consistent with general policies on Internet use at 5 FAM 700, as applicable.

3 FAM 4176.6 Review of Materials Prepared by Special Government Employees

(State/USAID)  
(Applies to all Employees in the United States and Abroad)

a. A special government employee (SGE), as defined in 18 U.S.C. 202(a), is responsible for submitting for review any materials on matters of Departmental concern prepared in his or her personal capacity only if they relate to a matter to which the employee currently is assigned or to which the employee has been assigned during the previous one-year period of the current assignment. Whether or not a particular communication is subject to the review process, the content restrictions found in 3 FAM 4176.2 apply.

b. In some limited circumstances, specially designated SGE members of high-level advisory boards may be notified in writing, with concurrence from the Department of State’s Office of the Legal Adviser and Undersecretary for Management, that they are exempt from the review requirements of this section. However, the disclaimer requirement, content restrictions, and ethics compensation rules remain applicable. SGEs at USAID should consult LPA for applicable guidelines.

3 FAM 4177 NONCOMPLIANCE

(State/USAID)  
(Applies to all Employees in the United States and Abroad)

a. Failure to follow the provisions of this subchapter, including failure to seek advance reviews where required, may result in disciplinary or other administrative action up to and including separation. Violations by USAID employees may be referred to the Deputy Administrator for Human Resources or USAID’s Office of the Inspector General (see 3 FAM 4320). Disciplinary action will be pursued consistent with applicable law, including 5 U.S.C. 2302.
b. Publication or dissemination of classified or other protected information may result in disciplinary action, criminal prosecution and/or civil liability.

3 FAM 4178 AND 4179 UNASSIGNED