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Insider Tips For Engaging With Federal Public Affairs Officers (PAOs)

As discussed on Government Marketing University's *Market Chat!* radio show, "Best practices for promoting a more robust dialogue with public affairs officers" (Episode 4), on Federal News Radio. Program guests:

- **Erin Buechel Wiczorek**, Chief of Congressional Affairs and Strategic Communications Division, Program Executive Office Enterprise Information Systems (PEO EIS), U.S. Army
- **Cindy Your**, Chief of Strategic Communications Office, Defense Information Systems Agency (DISA)
- **Nadine Santiago**, Trademark and Licensing Program Manager, Office of General Counsel, U.S. Navy
- **Chris O'Neil**, President-Elect, National Association of Government Communicators (NAGC) and Chief, Media Relations Division, Office of Safety Recommendations and Communications, National Transportation Safety Board (NTSB)

1 Don't portray federal employees or content in a way that suggests explicit endorsement, implied endorsement, or preferential treatment of a company, product or service.

This is the overriding guiding principle, embodied in federal ethics regulations, that governs the use of agency quotes, images, logos, seals, associations, or other representations.

Buechel Wiczorek of the Army's PEO-EIS program said: "In terms of endorsement, we're very careful about whether it is implied, whether it is overt. We won't do it because we don't want to jeopardize those procurements, which could jeopardize Army readiness. So to us, implied endorsement is anything that looks like we, as PEO EIS, are advocating on behalf of one organization or one product or one service. So we're very careful about that and that's something that I work very closely with my General Counsel on as well."

Cindy Your of DISA added: "There's also a requirement in the Joint Ethics Regulation to avoid preferential treatment. So, between those two items — the ban on implied or specified endorsements and the preferential treatment ban — we have to be very cautious not to allow any DOD employee to use their title, their position, their organization name, or any fact that makes it appear that our organization or our federal entity endorses that product."

2 When it comes to press releases, stick to the facts.

Most press releases convey information about a contract award. Some facts about an award are OK to share with the public, some are not, so they need to be vetted by the agency's Public Affairs Office.

"The Army's policy is to really make available to the public the maximum amount of information about the contract award that we can," said Buechel Wiczorek of the Army's PEO-EIS. "There's exceptions about proprietary information, classified information, things that are subject to the Arms Control Act and things like that. Similarly, a lot of our contract awards have clauses written into them requiring that if vendors are going to write a press release, that they do send them through the Public Affairs Office and legal review as well."

Things that typically get rejected are anything that suggests an endorsement. Chris O'Neil of the National Association of Government Communicators said: "I think there's a very bright line between stating what benefits are derived from a contract, and then editorial content espousing the benefits of that contract. There's a bright line there. The way to stay on the right side of that bright line is stick to the facts. What was the amount of the contract award? What capabilities does it provide? What are the benefits of it?"

3 Establish a good working relationship with Public Affairs Offices at agencies where your company does business.

Approval processes and rules often differ from one agency to the next, and having an established relationship in place with the PAO helps speed things up when you need to find out the particular nuances of an agency's approval process.

For example, NAGC's O'Neil said one department he used to work at required that, for any contract award over \$1 million, the department had the first right of refusal in deciding whether the department made the announcement or if it would allow the responsible component agency to make the announcement.

"You should establish that relationship with that Public Affairs Office, and if you have that relationship, they're gonna be able to tell you right off the bat, 'Hey, I'm not going to be the agency who can put out the announcement on this. It's got to go to the department level. Here's the person you need to chat with, and they'll walk you through that process."

4 Be careful with how you use public statements by federal officials.

Context is everything when repurposing a federal official's statement from a public conference, media report, or other public domain source. In general, it is OK to use a public quote in a thought leadership article or when furthering discussion, for example, about capabilities and technologies or future directions of agencies. But public quotes by a federal official cannot be used to promote a company, product or service.

As Buechel Wiczorek explained: "If there's a thought leadership piece, and say a [company] CEO talks about, 'I was at a conference, I heard PEO EIS say this is the future, this is what I think it means for us.' [That is a] totally different context than a splash quote on the front page of your website that kind of makes it look like exactly what we were talking about [e.g. an endorsement]. 'We heard that this is the future, and obviously, we are the people to fix it.' So it's all about context."

Your said DISA officials will typically discuss technologies and their role within the agency. "But they're not going to talk about the company that's associated with that [technology]. And again, that's due to the restrictions of the Joint Ethics Regulation (JER) and also because of the FAR [Federal Acquisition Regulation]. And so it's incumbent upon marketing professionals to understand both the JER and the FAR so that they can work within those restrictions."

5 It's unlawful to use an agency's seal or logo on a company website or marketing materials.

DoD and military seals, for example, may only be used by the government itself for official purposes and are protected by law from unauthorized use. Each military service has a trademark licensing program office that manages the military service headquarters' trademarks as well as unit insignia.

"A misconception is that the military logos, marks, and indicators are in the public domain because you can pretty much Google them and right-click and obtain it. That's not the case," said the Navy's Santiago. "When can an agency use the Department of the Navy's logo for marketing purposes? They cannot, because it would give the appearance of implied endorsement that we discussed in the beginning of the segment. However, in that webpage, if they do have some type of contract or do some type of work with the agency, they can factually state that: 'We do have a contract with the Navy for X,' because that is factual information. But when it comes to the agency logo, that is not the case. They cannot. When can it be used? Well, we license the logo for commercial use. So when you see or you buy a ball cap, or you buy something that has the word Navy or any other type, that has been licensed through our office and we have some parameters already, so they've come to us for permission."

6 Agency support and approval for case studies depends on how they will be used.

Generally, if they are made publicly available and do not suggest implied endorsement or contain business-sensitive information, PAOs are more likely to support them.

"We have organizations that come to us and ask us to help support them, do a white paper or a case study that they're then going to sell to their customers, and we do not allow that because that would be selective benefit," said Your of DISA. "There are other companies that come to us and simply want to publish it openly to everywhere: 'This is where we're going in this topical area.' That, again, as with our press releases and quotes, we review it, we look at the kind of information they're looking for, we determine whether they would be getting selective benefit by getting that information, we run it through our General Counsel's Office, and then if everybody thinks it's going to be fair and open and published in a completely open forum, we could look at supporting that."

Other considerations that agencies may consider, Your said, is whether a case study contains sensitive business intelligence or whether the demand for case studies puts an agency in the position of having to choose which companies it can support, suggesting preferential treatment. Interestingly, two of the PAOs — O'Neil at NTSB and Buechel Wieczorek at Army PEO EIS — said they don't get many requests for case studies. Turn around times for case studies vary considerably based on demand and review procedures.

7 Many factors influence how a speaker request will be handled.

Widely attended events with larger audience sizes are viewed favorably. So are events conducted by a third party group such as an industry association or media organization. Company-hosted events are viewed less favorably. And having media present sometimes helps too.

"First of all, we look to see that they're open to the public. That's one of the key things to us," said Your of DISA. "We don't want that message to be limited to a specific audience. We get about 165 requests a year for DISA speakers to speak at events [worldwide]. We always check to make sure that we have a speaker who is a subject matter expert for that topical area. We determine whether the audience is of the size and level that would benefit from the information that we're being requested to provide, and we make sure that the general public will have access to the information in the long run. We actually would like people that request us to provide a speaker to have media present for that event so it can be publicized to a wider audience."

8 Be aware that government images and videos have rules attached to them.

Better to use government image libraries, such as the Defense Video Imagery Distribution System (DVIDS) and the Defense Imagery Management Operation Center (DIMOC), to find imagery than through a general web search.

Santiago of the Navy said: "It is important to understand that in the DIMOC, there is a guide that discusses the limitations for public use. And that's going to be really helpful for marketers out there that are trying to use either the visual imagery database that they're able to collect from these two websites, the DVIDS and DIMOC. I would never recommend anyone to go out and Google imageries of military personnel in this because those could be subject to copyright. So, always start with the DIMOC or DVIDS."

Also, keep in mind that typically there are constraints on what can and cannot be used for marketing purposes. "When it contains military persons that are recognizable, for example, you really want to be very careful and go back and ensure that it's not someone that you're using their face that they can be identified, as well as military places or visual information," Santiago said. "I would recommend to all the marketers: Read the guide, and if they have any questions, to go ahead and contact the Public Affairs Officer or the Trademark and Licensing Office and ensure that that product that they're going to put out there is acceptable and has met all the requirements and criteria for public use."

Defense Videos Imagery Distribution System (DVIDS):
<https://www.dvidshub.net/>

Rules governing use of DVIDS imagery:
<https://www.dvidshub.net/about/copyright>

The Defense Imagery Management Operations Center (DIMOC): <http://www.dimoc.mil/>

DIMOC limitations on public use:
<http://www.dimoc.mil/resources/limitations.html>

Guidelines on the use of Department of Defense seals, logos, insignia, and service medals: <https://www.defense.gov/Portals/1/Documents/Trademarks/DOD%20Guide%20about%20use%20of%20seals%20logos%20insignia%20medals-16%20Oct%2015F.PDF>

9 PAOs can be valuable assets for you. They do say no on occasion, but they also can be helpful facilitators for many of your marketing needs.

Said O'Neil of NAGC: "Come to your Public Affairs Office, and from there you can get access to a speaker's bureau where you have subject matter experts, they're vetted, they're trained, they know how to engage audiences. You can go there and get a command philosophy, get an OK on a release of information, on imagery approval. And whatever routing might need to happen for your particular request, the Public Affairs Officer and Public Affairs Office can do that routing for you. So they really are the facilitator to information in government. We're not there to be a roadblock, we're there to help you get what you need."

This Market Chat! episode is archived at:
<http://federalnewsradio.com/market-chat/2017/02/episode-4-best-practices-for-promoting-a-more-robust-dialogue-with-public-affairs-officers/>