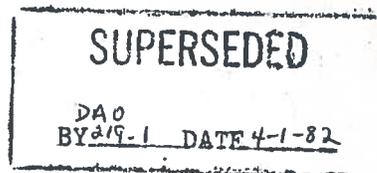


U. S. DEPARTMENT OF COMMERCE

MANUAL OF ORDERS - PART 2

ADMINISTRATIVE ORDERS

Date July 18, 1962



Transmittal Sheet No. 152

AO No. 219-1
201-4 (Revised)

Title "Writing for Outside Publication"

This transmittal sheet has no permanent value and may be destroyed when it has served its purpose.

This order establishes policy for guidance of officers and employees of the Department writing for outside publication. Significant changes are as follows:

1. Categorizes writings into, and defines, "official writing," "quasi-official writing" and "non-official writing." (Section 2)
2. Reflects the change to current name of approving office, e. g., Office of Public Information.
3. Provides that the author be identified in his official capacity for all "official" and "quasi-official" writings and permits identity of author of "non-official" writings so long as it is clearly stated that the writing is in his capacity as a private individual -- not as an employee. (Section 3.04)
4. Clarifies the policy on receipt of compensation for "official" and "quasi-official" writings, citing appropriate Comptroller General decisions. (Section 4)
5. Includes reference to Department Order No. 77 "Standards of Conduct for Department of Commerce Employees," which incorporates criteria embodied in Executive Order 10939 of May 5, 1961 which is applicable to assistant heads of Departments.
6. Provides for signature on order of the current approving official, e. g., Assistant Secretary for Administration.

Director, Office of Budget and Management

United States of America
DEPARTMENT OF COMMERCE

ADMINISTRATIVE ORDER NO. ²¹⁹⁻¹~~201-1 (Revised)~~

MANUAL OF ORDERS
Part 2

DATE OF ISSUANCE

July 18, 1962

EFFECTIVE DATE

July 18, 1962

SUBJECT

WRITING FOR OUTSIDE PUBLICATION

SECTION 1. PURPOSE:

The purpose of this order is to establish a policy for the guidance of officers and employees of the Department of Commerce writing for outside publication.

SECTION 2. CATEGORIES OF WRITING:

.01 Official Writing:

All writing which is prepared at the direction of the official superiors of the author, or in the course of or in connection with the official duties of the author, will be deemed to be official writing. The Government is considered to have a proprietary interest in and control over such writing. (See Decision of the Comptroller General 37 CG 29.)

.02 Quasi-official Writing:

1 Apart from official writing, as defined in Section 2.01, all writing which involves one or more of the following characteristics will be deemed to be a writing in which the Government has a special interest and hence will be deemed to be quasi-official writing, for purposes of this order:

- (1) The writing is devoted substantially to the responsibilities, program, or operations of the Department;
- (2) The writing draws substantially upon official data or ideas which have not become a part of the body of public information;
- (3) The writing is prepared in substantial part during the official working hours of the author; or
- (4) The writing is prepared in substantial part with the assistance of other officers or employees of the Government on official duty, or with the use of Government facilities or supplies.

2 The head of the primary organization unit or his designee, or the Director, Office of Public Information, for the Office of the Secretary, shall determine whether a manuscript is an official, quasi-official, or a non-official writing, for purposes of this order.

.03 Non-official Writing:

All writing which is not categorized as official or quasi-official as defined above, will be deemed non-official. Except as it may touch some interest of the Government other than as mentioned above (e. g., Department Order No. 77, "Standards of Conduct for Department of Commerce Employees"), the Department has neither proprietary nor regulatory interest in such writing.

SECTION 3. POLICY ON PREPARATION AND AVAILABILITY OF WRITING:

.01 The policy of the Department is to encourage widespread dissemination of the results of the work of its constituent units in furtherance of its basic statutory function to foster and

promote the foreign and domestic commerce of the Nation.

.02 All official and quasi-official manuscript, as defined in Section 2 above, shall be made available for use and distribution by the Department through an official publication or in the form of a news release. Accordingly, such manuscript shall be submitted to the head of the primary organization unit concerned, or to his designated representative, prior to its release for publication in non-Government publications. When the head of a primary organization unit, without objection from the Office of Public Information or the Office of Publications Management, finds a manuscript (particularly a scientific article) may be more effectively used in outside publications, the head of the primary organization unit or the Office of Public Information may make the manuscript available to appropriate outside publications, or may return the manuscript to the author with permission to seek outside publication.

.03 No officer or employee of the Department may make any commitment to furnish an official or quasi-official manuscript to any outside publication without prior approval of the Office of Public Information or the head of the primary organization unit. Where no commitment is made, no prior approval is required before preparing the manuscript.

.04 All official and quasi-official manuscript must include the identity of the author in his official capacity with the Department of Commerce. Non-official manuscripts may disclose the identity of the author in his official capacity with the Department of Commerce, but such manuscripts shall make clear that the statements contained therein are made on the personal responsibility of the author in his capacity as a private individual and do not necessarily represent the position of the Department of Commerce.

.05 Official and quasi-official writing that is published outside shall be deemed to be in the public domain, and no officer or employee shall apply for a copyright for such writing except with the prior approval of the Office of Public Information.

SECTION 4. POLICY ON RECEIPT OF COMPENSATION:

.01 Official Writing:

No officer or employee of the Department shall receive or retain compensation or anything of monetary value for any official writing as defined in Section 2.01 of this order. The earnings of an employee in excess of his regular compensation gained in the course of, or in connection with, his services belong to the employer. In the case of officers or employees of the United States amounts so received are, in effect, received for the United States and unless otherwise authorized by law, are required to be covered into the Treasury. (See 29 Comp. Gen. 163; 30 Comp. Gen. 246; 32 Comp. Gen. 454; 35 Comp. Gen. 354; and Decision of the Comptroller General dated July 17, 1957, B-131371; 37 Comp. Gen. 29.)

.02 Quasi-official Writing:

No officer or employee of the Department shall receive compensation or anything of monetary value for any quasi-official writing as defined in Section 2.02 of this order, except with the prior approval of the Assistant Secretary for Administration.

.03 Non-official Writing:

Officers and employees of the Department may receive compensation and other things of monetary value for non-official writing as defined in Section 2.03 of this order.

.04 Any receipt of compensation by officers and employees permitted under this Section may be accepted, except to the extent precluded by Department Order No. 77, "Standards of Conduct for Department of Commerce Employees," or other applicable regulations.

SECTION 5. EFFECT ON OTHER ORDERS:

This order supersedes Administrative Order No. 201-4, dated May 28, 1951.

Herbert W. Keats

Assistant Secretary for Administration