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UNITED STATES ATTORNEYS' PROCEDURES

USAP 3-14.000.002

Use of Office Facilities by Non- Federal Entities

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1. PURPOSE

To provide guidance and establish internal procedures for responding to requests for the use of Executive Office for United States Attorneys (EOUSA) and United States Attorney's Office (USAO) facilities by non-federal entities for other than official uses. This USAP is not intended to address use of facilities by the federal government, or solely by federal employees not affiliated with any private association or entity.

2. SCOPE

Applies to all USAO and EOUSA facilities.

3. REFERENCES

- [28 U.S.C. 547](#)
- [5 CFR Part 251](#)
- [5 CFR § 734.306](#)
- [5 CFR § 734.406](#)
- [5 CFR § 2635.101\(b\)\(9\)](#)
- [5 CFR 2635.702](#)
- [5 CFR § 2635.704](#)
- [5 CFR § 2635.705](#)
- [28 CFR 0.22](#)
- [28 CFR § 45.4](#)
- [USAM 1-4.320 Outside Activities Generally](#)
- [USAM 3-14 Space Management](#)
- [USAP 3-15.010.003 Access Control Procedures](#)
- [National Archives and Records Administration General Records Schedule 18, ¶ 17](#)

4. BACKGROUND

As a general rule, 5 CFR § 2635.704 establishes that employees shall not use government property for other than official business or authorized purposes. Government property includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest. The official business and function of the USAOs are set forth in 28 U.S.C. § 547; the official functions of EOUSA are listed in 28 C.F.R. § 0.22.

Notwithstanding these rules, EOUSA and USAO management officials often receive requests to permit outside individuals or groups to hold meetings and events in USAO or EOUSA office space for other than these authorized purposes.

With limited exceptions (see example in next paragraph), Government facilities are to be used solely for official or authorized government business. All other proposed uses of facilities and office space require advance approval from United States Attorneys or the Chief of Staff, EOUSA, in consultation with the General Counsel's Office. Requests for use of facilities that may further an employee's personal business, or to hold meetings and events in which only a small group of employees is expected to attend, ordinarily will be denied. Similarly, requests by non-federal entities involving commercial purposes, or that relate to religious or political activities, should be denied because of the appearance of an impermissible EOUSA or USAO endorsement of the entity. Under 5 C.F.R. § 2635.702, government employees are not permitted to act in ways that would appear to endorse any person, product, service, or enterprise. Proposed uses that may receive favorable consideration include meetings and events of interest and benefit to all employees (e.g., health fairs), or those open to all employees and which relate to community-service organizations, but concern should be given to whether granting the request could appear to constitute federal sanction or endorsement of the non-federal entity or its activities when considering such requests and it should be remembered that the Combined Federal Campaign (CFC) is the only authorized solicitation of employees in the Federal workplace on behalf of charitable organizations. 5 C.F.R. § 950.102.

The National Association of Assistant United States Attorneys (NAAUSA) is an approved non-labor organization representing federal employees, as defined in 5 C.F.R. § 251.103. Pursuant to 5 C.F.R. § 251.202, as an approved non-labor organization, additional support may be provided, subject to management's discretion. By regulation, the provision of any such support to an authorized organization is not to be construed as federal sponsorship, sanction, or endorsement of NAAUSA or its activities. For purposes of this USAP, one example of the kind of support that may be provided is the provision of resources such as facilities for meetings. The regulations do not, however, require an agency to provide such support services. In balancing these concerns, it is expected that Assistant United States Attorneys who are members of NAAUSA may host NAAUSA meetings in USAO or EOUSA office space, but only during non-working hours (e.g., during lunch or outside of an office's normal business hours). NAAUSA meetings should never interfere with official business and the access control procedures described in USAP 3-15.010.003 must be followed with respect to all attendees.

5. DEFINITIONS

None

6. PROCEDURES

Consistent with the Policy set forth above, USAO employees requesting use of office space or facilities on behalf of a non-federal entity shall submit a written (email would be acceptable) request to the First Assistant United States Attorney, or equivalent. EOUSA employees shall submit a written request to the Chief of Staff. The request shall be submitted far enough in advance of the requested event or meeting to permit management adequate

time to assess the proposed use and to consult with the General Counsel's Office. The request shall identify all non-federal entities involved and shall provide as much detail as possible about the meeting or event, including its purpose, the expected attendance, an agenda of activities, and the duration.

Upon receipt of such a request, the First Assistant United States Attorney, or equivalent, shall consult with the district's ethics advisor, and with the General Counsel's Office if there is any question about whether the proposed use would be consistent with the policy described above. The Chief of Staff, EOUSA, shall consult with the General Counsel's Office with respect to all such requests.

The decision as to any request shall be made and communicated to the requester as soon as practicable.

7. Records Disposition Requirements

Either the USAO or EOUSA is the custodian of any records created or received in connection with the procedures described above in paragraph 6. Such records shall be maintained in accordance with National Archives and Records Administration General Records Schedule 18, ¶ 17, which generally calls for the records to be destroyed two years after the date of the final permitted use of facilities or two years after the date of the document, as appropriate. If the permitted use involves areas under maximum security, the records should be destroyed five years after the final permitted use or five years after the date of the document, as appropriate.

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[BACK](#)