



MANAGEMENT

1.3 Information Dissemination

USMS NAME AND INSIGNIA

A. Approved Commercial Vendors

B. Purpose: This policy directive explains U.S. Marshals Service (USMS) policy and procedures concerning the use of the USMS name, badge, seal and other official name/insignia on commercial products, including intellectual properties such as books, movies and software. Deviations from this policy require the Director's written approval.

C. Authority: The Director's authority to establish this directive is based on 18 USC 709, "False advertising or misuse of name to indicate Federal agency."

D. Policy

1. No individual or business may use the name, badge, seal or other official insignia/indicia of the USMS in any manner for commercial or private use unless given permission and granted a license by the office designated within this directive.
2. It is not the intent of the USMS to permit the use of the name/insignia on products sold to the public.
3. The USMS name/insignia will not be used on any of the following commercial products: weapons (to include handguns, rifles, shotguns, knives and chemical devices), inappropriate or offensive material (to include books, booklets, videos, software, photos, and other visual or sound presentations), and items that would bring embarrassment to the USMS or the Department of Justice. The Director must approve the use of the name/insignia on commemorative weapons.
4. All commercial manufacturers with permission to use the USMS name/insignia will not create their products in a fashion that is disparaging to the USMS or its employees or causes embarrassment to the Service. Supervisory approval is not required for the routine exchange among law enforcement employees of items of minimal value, such as baseball caps and cups, that are commonly stocked by offices.
5. Requests for a new or altered official USMS name/insignia should be forwarded to the Office of Public Affairs for consideration, and approval must be granted before the product is manufactured. USMS funds may not be used to purchase products that display an unauthorized name/insignia.
6. The name/insignia is approved for use by USMS employees for the following purposes:
 - a. Official business cards related to their positions
 - b. Plaques or other commemorative souvenirs for employees
 - c. Plaques or other commemorative souvenirs for non-employees who have served the USMS, with prior approval from a supervisor authorized to make such presentations

E. Procedures

1. Application Process

- a. **Written Request:** The manufacturer must submit a written request to use the official USMS name/insignia to the Office of Public Affairs, USMS, Attn: Chief, Office of Public Affairs. The request should be submitted on business letterhead and contain a full description of the product(s) on which the USMS name/insignia will be used. The written request will include responses to the factors identified in Procedures.
- b. **Sample Product or Sketch:** Along with each request, the vendor will provide a sample product or a description of the item on which he or she intends to place the name/insignia and an accurate representation of the authorized name/insignia to be used (including size and color scheme).

2. Approval Process

- a. **Record of Request:** The Office of Public Affairs (OPA) will log all request letters in by the requestor's name and address, request date, contact person and phone number, the type of product(s) the vendor wants to produce, and the name/insignia to be displayed.
- b. **Review of Request:** The Chief of OPA will review the request and make a recommendation to the Chief, Office of Communications. On behalf of the Director, the Chief may approve or reject requests to use the USMS name/insignia. Appeals of the decision may be referred to the Deputy Director.
- c. The following factors are to be considered when reviewing a request:
 - (1) The nature of the product (such as apparel, novelty items, desktop items, business items, intellectual property)
 - (2) The vendor's business experience and quality of products
 - (3) The utility, benefits and appropriateness of the item for the USMS and its employees and/or retirees
 - (4) The availability of similar products and other relevant information provided in the vendor's application
 - (5) The history, mission, needs, interests and professional image of the USMS, as well as the Code of Professional Responsibility
 - (6) The specific official name/insignia to be displayed
- d. **Intellectual Property:** A requestor who has been given approval to use the name/insignia in intellectual properties—such as movies, books, plays and software—or in advertisements and similar publications or productions will ensure that the material does not imply endorsement of, or approval by, the USMS. This requirement does not apply to material the USMS has requested for training or informational purposes.
- e. **Response Letter:** After the Assistant Director has reviewed the request, the OPA will prepare a response letter to the manufacturer. A letter of disapproval will be coordinated with the Office of General Counsel.
- f. **License Granted:** The approval will be considered a license to use the USMS name/insignia for a period of up to five years. The exact duration of the license will be established in the approval letter. Regardless of the license, which may be renewed, the USMS retains all artistic rights to its name, badge, seal or other official insignia for any purpose it deems appropriate.
- g. **Violations:** Violations of this directive by a vendor/manufacturer will be reported to the

Office of General Counsel.

F. Responsibilities

1. Office of the Public Affairs

- a. Review and make recommendations on requests to use the USMS name/insignia on commercial products or intellectual properties which affect more than one district. The OPA will advise the districts on local requests.
- b. Distribute a list of approved vendors and approved products.
- c. Maintain a file of vendors approved to use the USMS name/insignia on specific products, as well as letters of approval and disapproval.
- d. Keep a list of USMS names, badges, seals, insignia and indicia protected under legislation and this directive.

2. Office of the General Counsel

- a. As requested by the Office of Public Affairs, provide legal advice on carrying out this directive and the legislation pertaining to it.
- b. Prepare and send cease and desist warnings to violators of this directive or the relevant legislation.
- c. Determine if violations of 18 USC 709 should be referred to the appropriate U.S. attorney.

3. U.S. Marshals/Districts

- a. Ensure that all items created for official or unofficial use are obtained from a vendor licensed under the terms of this directive.
- b. Report the display of unauthorized items and/or unauthorized use of the name/insignia to the Office of General Counsel.

G. Definitions

- 1. **Relevant Legislation:** 18 USC 709, titled "False advertising or misuse of name to indicate Federal agency."
- 2. **License:** written permission from the USMS to use the name, badge, seal, or other official insignia of the service on commercial products or in intellectual property for a set period of time.
- 3. **Name/Insignia:** the USMS name, badge, seal or other official insignia/indicia (see list maintained by the OPA).

CONGRESSIONAL AFFAIRS

A. Congressional Protocol

- 1. **Purpose:** This policy directive explains what USMS employees may and may not do when contacting Members of Congress and/or their respective staff members. It does not change Article 9, Section 11, of the 1996 master agreement. The union has the right to communicate with Congress.
- 2. **Authority:** The Director's authority to establish protocols for congressional affairs is derived from 18 USC 1913; September 28, 1989, memorandum of the Department of Justice, Office of Legal Counsel, re: Constraints Imposed by 18 USC 1916 on Lobbying Efforts.

3. **Policy:** Employees may contact Congress members and their staffs to express their views on legislation, get a copy of legislation that was introduced or seek assistance on issues of concern in their communities. They may not, however, represent their views as the official positions of the USMS without the approval of the Office of Congressional Affairs (OCA). Employees are also forbidden from engaging in grass-roots campaigns that urge the general public or particular segments of it to contact Congress Members about a legislative or appropriations matter on behalf of the USMS.

Employees who are members of and/or serve in a leadership capacity (e.g., board of directors or officer) for a federal employee or law enforcement association do so strictly as individuals under 18 USC 205, and must be careful not to violate federal conflict-of-interest statutes. Employees should contact the OCA or the Office of General Counsel about questions regarding permissible activities covered by this directive.

Only the OCA is authorized to communicate with Congress Members and their staffs on behalf of the USMS. The Director, Deputy Director or Assistant Director may authorize exceptions to this directive. All other offices are required to consult with the OCA prior to relaying the official USMS position and/or related information to Congress.

Matters involving legislative activities of the Office of Legislative Affairs (OLA) at the DOJ, executive branch agencies or national organizations are to be coordinated with the OCA.

USMS appropriated funds or resources may not be used for activities (other than those described in this directive) intended to influence Members of Congress over legislation.

This directive applies to USMS employees who are on or off duty.

4. **Procedures**

a. **Constituent Inquiries**

- (1) Employees may only release public information in response to a Congress member's request for information on behalf of a constituent unless staff have first obtained the constituent's express or implied consent to provide a till response. The constituent may give written consent through a letter requesting the member's assistance or a signed waiver or privacy release form.
- (2) The USMS Freedom of Information/Privacy Act staff will review third-party requests for information. For example, the parent of a federal prisoner may contact the USMS for information, but the Privacy Act may preclude release of the prisoner's information.
- (3) **Member of Congress/Congressional Staff Inquiries:** The following guidelines will be followed by the OCA in response to these inquiries:
 - Congress members and/or their staffs may access basic USMS information that is routinely available and disclosed to the public. Any inquiries from lawmakers or their staffs will be forwarded to the OCA.
 - Sensitive or limited official use information may only be released to a Congress member's office if it pertains to matters under the jurisdiction of a committee, subcommittee or joint committee. The OCA will consult with the Office of General Counsel and/or the Freedom of Information Act staff when it is unclear whether certain information can be released.

5. **Responsibilities**

- a. **Office of Congressional Affairs (OCA):** The OCA performs the following activities on behalf of the USMS:

- (1) Coordinates congressional matters among the offices within the USMS and the DOJ so that lawmakers receive information that is complete and consistent with USMS, departmental and executive branch policies.
- (2) Serves as the point of contact for the OLA at the DOJ. The OCA coordinates with USMS program offices on legislation, then responds to the OLA.
- (3) Receives correspondence from Congress for proper tracking and response. The OCA makes referrals and coordinates the response with the division or district office, then reviews and forwards it to the Director to sign.
- (4) Works with division and district offices to prepare the Director and senior managers for congressional hearings.
- (5) The OCA receives subpoenas from Congress, then tracks and refers them to the districts. If a congressional committee sends a subpoena directly to a district, the district should notify the OCA.
- (6) Reviews material written by USMS employees to inform Congress members and the public about USMS missions, programs and the budget with respect to appropriations.

b. **District Offices:** The district offices perform the following functions:

- (1) When a district receives a writ from a congressional committee, it notifies the OCA and coordinates the writ's execution.
- (2) Consults with the OCA when coordinating briefings, site visits, public speeches, and appearances involving lawmakers and/or their staffs.

c. **Headquarters Divisions:** Advise the OCA of any significant event that may generate congressional interest.

B. Congressional Subpoenas: The OCA coordinates the service of congressional subpoenas between congressional committees and USMS district offices. It is a time-consuming and labor-intensive process, and our office appreciates the dedication and effort of deputies and administrative employees to affect their service.

Due to the volume of congressional subpoenas it receives, the OCA uses the following guidelines with congressional committees to make the service of subpoenas more orderly and efficient.

1. Subpoenas must contain accurate name, address and telephone contact information.
2. The committee should provide two copies of each subpoena. One copy is delivered with the original subpoena to the district and the other is kept by the OCA.
3. The committee should bring subpoenas to USMS headquarters. If this is not possible, the OCA works with the committee to arrange another way for the USMS to receive the subpoenas.
4. Subpoenas delivered to the OCA late Friday will be provided to district offices the following business day.
5. For Washington, D.C., area subpoenas that must be served the day they are issued, the committee must verify the individuals' addresses prior to contacting the USMS.

According to the Federal Rules of Civil Procedures 4(c)(2), and 2 USC 190(m), service of process can be executed by any person who is not a party and who is at least 18 years old. USMS policy allows a U.S. Marshal to request that non-USMS personnel be permitted to serve subpoenas. For this reason, the USMS asks that service only be requested when the presence of a Deputy U.S. Marshal is necessary. For congressional subpoenas contact the Congressional Affairs Office.

RECORDS MANAGEMENT (Minor Revisions 3/19/2009)

- A. Proponent:** Office of Property Management, Management Support Division (MSD), 202-353-0658
- B. Purpose:** This directive explains the policies and procedures to be followed when preserving and disposing of federal records created or used by the United States Marshals Service (USMS).
- C. Authority:** The Director's authority to establish and maintain an active Records Management Program is mandated by 44 USC 3101, and 3102, and 28 CFR 0.111. Record keeping is also in accordance with 36 CFR 1222.
- D. Policy**
1. Headquarters and District offices will keep all records related to their assignments until they are transferred to an approved storage facility or destroyed according to National Archives and Records Administration (NARA) approved disposition schedules.
 2. Records must accurately reflect the activities and decisions of the USMS.
 3. Classified records will be maintained and controlled as described in the USMS Policy Directive 2.5, *Document Security*.
 4. Records will be physically protected using the procedures described in the USMS Policy Directive 2.5, *Document Security*.
 5. Employees may not permanently remove records from the USMS without the authorization described in **Department of Justice (DOJ) Order 2710.8C, *Removal and Maintenance of Records***.
- E. Procedures**
1. **Destruction:** All Divisions and District records must be destroyed in accordance with the NARA approved disposition schedules. See General Records Retention Schedules/Specific Records Retention Schedule.
 2. **Storage:** Records no longer used regularly will be stored within the USMS until they are appropriately disposed of or are transferred to an approved storage facility.
 3. **Security/Records Classification:** Records will be secured/classified using the established procedures described in the USMS Policy Directive 2.5, *Document Security*.
 4. **Access:** Access to classified material will be restricted and will be based on the procedures in the USMS Policy Directive 2.5, *Document Security*. Non classified information will be released on a need-to-know basis.
 5. **Electronic Records:** The disposition of electronic records will be scheduled by applying the General Records Retention Schedules/Specific Records Retention Schedule. or by acquiring the appropriate approvals from NARA through the headquarters' Records Manager.
 6. **Private or Nonofficial Records:** Materials pertaining only to an employee's personal affairs may be kept in a USMS employee's office, but it will be clearly marked as nonofficial and filed separately from official records. Portions of personal correspondence that concerns official business will be extracted and included in official files.
- F. Responsibilities**
1. **U.S. Marshals, Chief Deputy U.S. Marshals, Associate Directors, Assistant Directors, Deputy Assistant Directors, and Division Chiefs**
 - a. Ensure records that the Divisions and Districts create are maintained according to existing policies and procedures.
 - b. Retain or destroy records in accordance with established policy, and ensure that records are not removed from USMS custody without authority.

- c. Inform all employees of their specific Records Management responsibilities.
 - d. Appoint an employee as Manager of the approved paper forms.
2. **Administrative Officers**
- a. Serves as the Records Management coordinators who oversee the daily records management duties within a District or Division.
 - b. Periodically reviews records and ensure that policies for storage or destruction are followed.
 - c. Serve as the liaison among districts, headquarters and the Records Manager.
 - d. Ensure that permanent records are transferred to the National Archives based on an approved schedule.
 - e. Identify unscheduled records (records in which a disposition schedule has not been approved by NARA) and coordinate the development of a schedule with the Records Manager.
 - f. Ensure that the most recent schedules are available at the district/office level.
3. **Headquarters Records Manager:** Work with NARA, districts and headquarters to ensure that the USMS complies with paper and electronic record-management laws and regulations established by NARA and other agencies.
4. **USMS Employees**
- a. Create records that are true and accurate.
 - b. Ensure the security, availability or transfer of records if assigned to a position with responsibility for records management.

G. Definitions

- 1. Records
 - a. Include materials created under federal law or in connection with the transaction of public business, or a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifying element assigned to the individual.
 - b. Records also include correspondence marked "personal," "confidential" or "private," although material pertaining solely to an individual's private affairs is excluded.
 - c. The legal definition of records (44 USC 3301) specifically excludes "extra copies of documents preserved only for convenience of reference," which may be disposed of without referring to the requirements of the United States Code.
 - d. Fax transmissions are federal records when they meet one of these criteria:
 - 1) They are received in connection with USMS business; and
 - 2) They document USMS activities or contain valuable information.
- 2. Classified Records: documents containing classified information.
- 3. Electronic Records: numerical, graphic and text information that may be recorded on a medium capable of being read by a computer and that satisfies the definition of a record.

CORRESPONDENCE (NEW SECTION ADDED 8/7/08)

- A. **Proponent:** Executive Secretariat, Office of the Director, [REDACTED] b2
FAX 202-307-5040.
- B. **Purpose:** To establish procedures and protocol for managing the flow of USMS executive correspondence and paperwork for the Office of the Director.
- C. **Authority:** The USMS Executive Secretariat controls and manages correspondence for the Director

and Deputy Director of the United States Marshals Service, in coordination with the Department of Justice Executive Secretariat and under guidance in the *Departmental Correspondence Policy, Procedures, and Style Manual*.

D. Policy: The Executive Secretariat establishes guidance for the proper handling of executive correspondence by facilitating quality document management and control. All USMS offices with executive-level correspondence and paperwork will follow the procedures and protocols in this directive for written communications, electronic documents and congressional correspondence.

E. Procedures:

1. **Response Timetable:** Divisions will provide the Executive Secretariat (Exec. Sec.) Administrator with a fully coordinated, proposed response for the Director's or Deputy Director's signature within *two weeks/ten business days* from the date of assignment, unless a due date is contained in the incoming correspondence.

Exception: Proposed responses to Judicial correspondence pertaining to a judge's concerns must be provided within *five business days* from date of assignment.

2. **Executive Secretariat:** Items signed by the Director or Deputy Director are highly visible, public documents and must be fully coordinated, timely, and of high quality. The Exec. Sec. manages and controls the USMS executive correspondence document process for the Office of the Director by:

- a. Using an electronic document tracking and reporting system to monitor the document flow from receipt to response as well as the current status of correspondence in process.
- b. Analyzing, managing and tracking executive correspondence to control and ensure timely and accurate responses.
- c. Establishing agency-wide procedures and policies for formatting external and internal correspondence.
- d. Maintaining files to quickly provide status information to USMS officials.
- e. Providing guidance regarding grammar, protocol, extensions and exceptions.

3. **Divisions/Districts:** Correspondence/documents prepared for the Director or Deputy Director must be responsive to concerns expressed in the incoming correspondence, be clearly and concisely written, and accurately reflect USMS policy. Responses to these documents must be respectful, succinct, fully coordinated, timely, and of high quality. Divisions/Districts initiating correspondence must fulfill the following before sending materials to the USMS Exec. Sec. for processing.

- a. **USMS Routing Slip:** The USM-98 form contains a due date, date of the correspondence document, and a brief description of the attached correspondence or background material. The Routing Slip must have the following appropriate levels of concurrence:
 - 1) Assistant Director or his/her designee; and
 - 2) Associate Director for Administration or Associate Director for Operations.
- b. **Explanation/synopsis:** When entering or adding new workflow to the correspondence management system, there must be an adequate explanation provided concerning the subject matter to ensure that the signatories understand what is being asked and why it is necessary.
- c. **Correspondence:** Will follow Exec. Sec. agency-wide procedures and policies for formatting external and internal correspondence. Office will use appropriate official USMS letterhead and undated when forwarded to the Exec. Sec. allowing an appropriate

time for a complete review prior to the Deputy Director's or Director's signature.

- d. Background material: Information relevant to the document for signature must be attached on the left side of the folder. PLEASE DO NOT STAPLE DOCUMENTS TO THE FOLDER.
 - e. Enclosures/Attachments: Enclosures (for letters) or attachments (for memos) should accompany the document when submitted to the Exec. Sec.
4. Responses to Executive Correspondence should be returned to the Exec. Sec. on or before the due date.
 5. Request extension: Notify the Exec. Sec. via e-mail if there is a legitimate reason for an extension request.
 6. Questions regarding grammar, protocol, etc. should be directed to the Exec. Sec. prior to preparing a response.
 7. Documents not having appropriate background materials attached or which lack appropriate signatures/initials will be returned to the submitting division without action.

Effective Date:

8-7-08

By Order of:

/S/

John F. Clark
Director
U.S. Marshals Service

Appendix A: *USMS Routing Slip, Form USM-98*

Appendix B: *Executive Secretariat Format*

Appendix C: *Electronic Letterhead with Letter Format for External Correspondence*

Appendix D: *Electronic Letterhead with Memorandum Format for DOJ/USMS Internal Correspondence*

Note: Minor change - Section on Web-Based Directives changed name to Policy Directives and the location of the Policy Directives section is now located under Policy Directive 1.1, *General Management*. Archived Policy: <archive/1-3 021109.htm>

Minor change - Records Management had format changes, added management levels under Responsibilities, and improved the link for the specific records retention schedule. Approval by Asst. Director, MSD. Archived Policy: <archive/1-3 031909.htm>