



OFFICE OF HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

JAN 25 2008

Mr. John Gage
National President
American Federation of
Government Employees, AFL-CIO
80 F Street, NW
Washington, DC 20001-1528

Re: Good Neighbor Next Door Sales program
Our correspondence, January 7, 2008

Dear Mr. Gage:

In our previous correspondence, we wrote to explain the operating procedures for our Good Neighbor Next Door Sales program (GNND). It is our understanding that you are requesting further clarification of the Department's policy as it may affect members of the American Federation of Government Employees (AFGE) who are employed as prison guards or equivalent positions.

HUD's policy is that any employee performing duties as a guard, security officer or similar position in a prison facility operated by the federal, state or local government is eligible to participate in the GNND program provided that they are sworn officers and have arrest authority.

We understand that Bureau of Prisons officers are employed by the federal government and their duties are described at 18USC3050, as:

Sec. 3050. **Bureau of Prisons** employees' powers

An officer or employee of the **Bureau of Prisons** may—

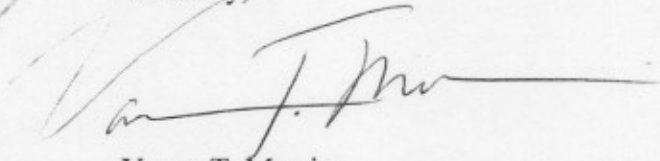
- (1) make arrests on or off of **Bureau of Prisons** property without warrant for violations of the following provisions regardless of where the violation may occur: sections 111 (assaulting officers), 751 (escape), and 752 (assisting escape) of title 18, United States Code, and section 1826(c) (escape) of title 28, United States Code;
- (2) make arrests on **Bureau of Prisons** premises or reservation land of a penal, detention, or correctional facility without warrant for violations occurring thereon of the following provisions: sections 661 (theft), 1361 (degradation of property), 1363 (destruction of property), 1791 (contraband), 1792 (mutiny and riot), and 1793 (trespass) of title 18, United States Code; and
- (3) arrest without warrant for any other offense described in title 18 or 21 of the United States Code, if committed on the premises or reservation of a penal or correctional facility of the **Bureau of Prisons** if necessary to safeguard security, good order, or government property; if such officer or employee has reasonable grounds to believe that the arrested

person is guilty of such offense, and if there is likelihood of such person's escaping before an arrest warrant can be obtained. If the arrested person is a fugitive from custody, such prisoner shall be returned to custody. Officers and employees of the said **Bureau of Prisons** may carry firearms under such rules and regulations as the Attorney General may prescribe.

We conclude from the foregoing that an employee of the Bureau would meet the definition of law enforcement officer for purposes of participating in the GNND program. HUD procedures require, however, that the employer certify that any individual applicant meets the participation criteria. Additionally, there are additional program requirements non-specific to employment, such as the ability to obtain financing and an occupancy commitment.

We hope this clarification resolves any question your constituents may have and we welcome their interest in the GNND program.

Sincerely,

A handwritten signature in black ink, appearing to read "Vance T. Morris", written over a faint, diamond-shaped stamp.

Vance T. Morris
Director
Office of Single Family Asset Management