


**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Mandatory Financial Disclosure**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	OGC
Number	1400.06
Date	February 26, 2026

Summary of Changes

<p><i>Program Statement Rescinded:</i></p> <ul style="list-style-type: none">▪ 1400.05 Mandatory Confidential Financial Disclosure (07/21/1997)
<p><i>Changes:</i></p> <ul style="list-style-type: none">▪ Changes the title of this program statement from “Mandatory Confidential Financial Disclosure” to “Mandatory Financial Disclosure.”▪ Explanation of the changes to the Bureau of Prisons’ (Bureau) internal financial disclosure procedures, including the establishment of an electronic filing system.▪ Incorporation of the public financial disclosure reporting procedures, which were previously outlined via internal memoranda and processes.

1. PURPOSE AND SCOPE

Pursuant to section 402(d) of the Ethics in Government Act, as amended, each agency is required to establish written procedures for handling financial disclosure reports filed with the agency. The implementing regulation for such requirements is 5 C.F.R. § 2634.

a. Program Objectives.

- Every specified Bureau staff member in a covered position will complete and submit a financial disclosure report.
- The Bureau will have a successful and comprehensive financial disclosure program.

b. Institution Supplement. None.

2. CONFIDENTIAL FINANCIAL DISCLOSURE

a. **Required Confidential Financial Disclosure Filers.** Staff members at the GS-15 level or below whose positions require personal and substantial participation through decision or the exercise of significant judgment in the following positions are covered:

- Contracting and procurement
- Administering or monitoring grants, subsidies, licenses, or other federally conferred financial or operational benefits
- Positions involved in activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-federal entity
- Positions required to report because the Bureau concludes the staff member's duties and responsibilities could involve a real or apparent conflict of interest

Each year, the Ethics Office will provide the responsible Chief Executive Officers (CEOs) a list of those positions, which meet the criteria outlined above, requiring them to file.

Special Government Employees (SGEs). SGEs must file confidential financial disclosure reports if they meet the criteria outlined above, serve on a federal advisory committee, or otherwise have a substantial role in the formulation of agency policy. SGEs need not file if they are required to file Public Financial Disclosure Reports or if they are excluded from filing based on the agency's determination that the possibility of conflicts is remote.

Intergovernmental Personnel Act (IPA) Employees. IPA employees must file confidential financial disclosure reports if they meet the criteria outlined above. Additionally, in accordance with policy, all IPAs, regardless of position, must complete a financial disclosure report to obtain ethics clearance prior to starting.

b. **Confidential Financial Disclosure Filing Requirements/Deadlines.**

New Entrant Reports:

- For new entrants, a confidential financial disclosure report must be filed no later than 30 days after assuming a required filing position, as described above in Section 2a of this program statement.
- However, no report is required if the staff member has, within 30 days prior to assuming their position, left another position and has previously satisfied the reporting requirements applicable to that former position. Such staff members are required to provide a copy of their report to their CEO within 10 days of their date of entry.
- A staff member who acts in a covered position, described in Section 2a of this program statement, must file a new entrant report. However, there are two exceptions; no report is required if 1) the staff member is already a confidential or public filer or 2) the staff

member is reasonably expected to serve no more than 60 consecutive days in the position.

Annual Reports:

- Staff who hold such positions and who perform the duties of that position for a period in excess of 60 days during the 12-month period ending December 31, including more than 60 days in an acting capacity, must file a confidential financial disclosure report on or before February 15 immediately following that period.
- Staff who act in a covered position, as described in Section 2a of this program statement, above, for more than 60 consecutive days during a calendar year must file an annual report. However, there are two exceptions: 1) the staff member is already a public filer or 2) the staff member leaves the position prior to February 15 of the following year.

c. **Confidential Financial Disclosure Report Form, Filing, and Maintenance.** The Office of Government Ethics has prescribed the use of OGE Form 450. The Bureau uses an electronic filing system for dissemination and collection of the OGE Form 450. Annually, no later than January 15, the Ethics Office will electronically assign reports to all staff members in covered positions.

Each staff member designated in Section 2a of this program statement must complete an OGE Form 450. The OGE Form 450 is provided in electronic format, as explained above, and contains the following sections:

- Part I, Assets and Income;
- Part II, Liabilities;
- Part III, Outside Positions;
- Part IV, Agreements and Arrangements; and
- Part V, Gifts and Travel Reimbursements.

There is no requirement for reporting the amounts or values of any item. Completed reports are maintained within the Bureau's electronic filing system.

d. **Agency Responsibilities.** The following Bureau components are responsible for ensuring consistent establishment of the Bureau's confidential financial disclosure program. The identified components will do this in accordance with all, laws, rules and regulations.

■ Central Office

(1) The **Ethics Office** is the agency's primary point of contact regarding the establishment and day-to-day operations of the Bureau's confidential financial disclosure system. The Ethics Office is responsible for the following functions as they relate to the confidential financial disclosure

system:

- Identifying positions within the Bureau required to file confidential financial disclosure reports.
- Providing guidance and direction to Bureau staff members on confidential financial disclosure.
- Developing and implementing training on confidential financial disclosure.
- Coordinating with the Departmental Ethics Office and the Office of Government Ethics to ensure the Bureau's confidential financial disclosure system is accurate and up to date.
- Providing national oversight of the Bureau's confidential financial disclosure system, including reviewing reports submitted by all Bureau staff members.
- Acting as the agency's primary point of contact on issues involving confidential financial disclosure.

(2) Central Office Branches/Divisions, including National Institute of Corrections (NIC) and UNICOR

- Coordinate with the Ethics Office to identify Central Office staff members who serve in positions required to file, including updating the Ethics Office on staff transfers, retirements, and new hires.
 - In accordance with 5 C.F.R. § 2638.105(a)(1), the Central Office Human Resource Management Division (HRMD) is required to provide updates to the Ethics Office on a regular basis but at a minimum must provide updates on staff members entering into positions required to file a confidential financial disclosure report no later than 15 days after the staff member(s) start in a covered position. HRMD delegates this responsibility to the local institutions, offices, and divisions. As such, Central Office Divisions, including NIC and UNICOR, must provide such updates for their office/division to the Ethics Office.
 - The direct supervisor of each staff member in a covered position may be required to review the report of their respective staff member(s). This ensures the reviewer has knowledge of the filer's work assignments to determine what might pose a conflict.
- **Regional Offices**
- Coordinate with the Ethics Office to identify regional staff members who serve in the positions required to file, including updating the Ethics Office on staff transfers, retirements, and new hires.
 - In accordance with the delegation of 5 C.F.R. § 2638.105(a)(1), above, the regional offices must promptly provide updates to the Ethics Office on a regular basis, notifying the Ethics Office of staff member(s) at their regional office entering into positions required to file a confidential financial disclosure report no later than 15 days after the staff member(s) start in a covered position.

- The direct supervisor of each staff member in a covered position may be required to review the report of their respective staff member(s). This ensures the reviewer has knowledge of the filer's work assignments to determine what might post a conflict.

■ **Institutions**

- Coordinate with the Ethics Office to identify institution staff members who serve in the positions required to file, including updating the Ethics Office on staff transfers, retirements, and new hires.
- In accordance with the delegation of 5 C.F.R. § 2638.105(a)(1), above, the institutions must promptly provide updates to the Ethics Office on a regular basis, notifying the Ethics Office of staff member(s) at their institution entering into positions required to file a confidential financial disclosure report no later than 15 days after the staff member(s) start in a covered position.
- The direct supervisor of each staff member in a covered position may be required to review the report of their respective staff member(s). This ensures the reviewer has knowledge of the filer's work assignments to determine what might post a conflict.

e. **Exclusion from the Reporting Requirements.** Any staff member who believes their position has been improperly determined to be one which requires the submission of a confidential financial disclosure report may seek a review of the designation by submitting a request, in writing, to the Ethics Office. Following the initial review, the Ethics Office may coordinate with the Assistant Attorney General for Administration for a final determination on the request. The determination of the Assistant Attorney General is final.

f. **Training.** The Ethics Office provides staff responsible for filing and reviewing confidential financial disclosure reports training and relevant training materials to assist them in the completion and review of the confidential financial disclosure report.

CEOs will ensure staff members receive adequate time to complete trainings during duty hours.

g. **Confidentiality.** Pursuant to Section 107(a) of the Ethics in Government Act of 1978, as modified by the Ethics Reform Act of 1989, these reports are specifically characterized as "confidential," and are required to be withheld from the public. Section 107(a) leaves no discretion on this issue with agencies. These reports and the information they contain are exempt from release to the public under the Freedom of Information Act, 5 U.S.C. § 552(b)(3)(A) and (b)(4), and (b)(6).

Agency personnel may not publicly release the reports or the information which these reports contain, except pursuant to an order issued by a federal court, or as otherwise provided under applicable provisions of the Privacy Act (5 U.S.C. § 552a).

Access to the information contained in these reports is limited to federal personnel who require that information to complete official duties.

h. **Penalties.** Penalties and disciplinary action may be taken in the event a staff member in a required filing position, as outlined in Section 2a of this program statement, fails to file a confidential financial disclosure report, falsifies information, or files late. Staff may be prosecuted under criminal statutes, and, the Attorney General may bring a civil action, and civil penalties.

Additionally, personnel or other disciplinary action in accordance with applicable law or regulation may be brought against staff.

Refer to the Program Statement **Standards of Employee Conduct** for further information about conflict of interest and related penalties.

3. PUBLIC FINANCIAL DISCLOSURE

a. **Required Public Financial Disclosure Filers.** The following Bureau staff are required to file a Public Financial Disclosure Report: officers and staff members paid under a system other than the General Schedule (GS), such as Senior Executive Service (SES); those who have a rate of basic pay equal to or greater than 120% of the minimum rate of basic pay for GS-15 of the General Schedule; members of the uniformed services whose pay grade is O-7 or above; and officers or staff members in any other positions determined by the Director of the Office of Government Ethics to be of equal classification.

SGEs and IPAs must file a Public Financial Disclosure Report if they meet the criteria outlined above.

b. Public Financial Disclosure Requirements/Deadlines.

New Entrant Reports:

- For new entrants, a Public Financial Disclosure Report must be filed no later than 30 days after assuming a new position as described above.
- However, no report is required if the staff member has, within 30 days prior to assuming their position, left another position and has previously satisfied the reporting requirements applicable to that former position.
- A staff member who acts in a covered position, described in Section 3a of this program statement, must file a new entrant report. However, there are two exceptions; no report is required if 1) the staff member is already a public filer without a break in service of more than 30 days or 2) the staff member is reasonably expected to serve no more than 60 consecutive days in the position.

Annual Reports:

- Staff in covered positions, as described in Section 3a of this program statement, and who perform the duties of that position for a period in excess of 60 consecutive days during the 12-month period ending December 31, including more than 60 consecutive days in an acting capacity, must file a Public Financial Disclosure Report on or before May 15 immediately following that period.
- Staff who act in a covered position, as described in Section 3a of this program statement, for more than 60 consecutive days during a calendar year must file an annual report.

Termination Reports:

- Staff in covered positions, as described in Section 3a of this program statement, and who perform the duties of that position for a period in excess of 60 consecutive days during the 12-month period ending December 31, including more than 60 consecutive days in an acting capacity, must file a Termination Report upon terminating from a covered position. This report must be filed within 30 days of leaving the position covered by the public filing requirements.
- Staff who act in a covered position, as described in Section 3a of this program statement, for more than 60 consecutive days during a calendar year must file a termination report upon leaving a covered position. However, staff are exempt from this requirement if the staff assume employment in another covered position within 30 days.

OGE Form 278-T (Transaction Report):

- A transaction report is required if: a staff member is in a position subject to the public financial disclosure requirements; they served or are expected to serve in a covered position for more than 60 consecutive days; and they have a reportable transaction. Negative reports are not required.
- A reportable transaction includes any purchase, sale, or exchange by the filer, their spouse, or dependent child of stocks, bonds, commodity futures, or other securities if the amount of the transaction exceeded \$1,000.
- Under the Ethics in Government Act, filers are required to file a report within 30 days of receiving notification of a transaction, but not later than 45 days after the transaction.

c. **Public Financial Disclosure Report Form, Filing, and Maintenance.** The Office of Government Ethics has prescribed the use of OGE Form 278e. The Bureau uses an electronic filing system for dissemination and collection of the OGE Form 278e. Annually, no later than April 15, the Ethics Office will electronically assign reports to all staff members in covered positions.

Each staff member designated in Section 3a of this program statement, must complete an OGE

Form 278e. The OGE Form 278e is provided in electronic format, as explained above, and contains the following sections:

- Part I, Your Positions;
- Part II, Your Employment Assets & Income;
- Part III, Your Employment Agreements & Arrangements;
- Part IV, Your Source of Compensation;
- Part V, Spouse's Employment Assets & Income;
- Part VI, Other Assets & Income;
- Part VII, Transactions;
- Part VIII, Liabilities; and
- Part IX, Gifts & Travel Reimbursements.

Completed reports are maintained within the Bureau's electronic filing system.

d. **Agency Responsibilities.** The following Bureau components are responsible for ensuring consistent establishment of the Bureau's public financial disclosure program. The identified components will do this in accordance with all, laws, rules, and regulations.

- The **Ethics Office** is the agency's primary point of contact regarding the establishment and day-to-day operations of the Bureau's public financial disclosure program. The Ethics Office is responsible for the following functions as they relate to the public financial disclosure system:
 - Identifying positions within the Bureau required to file Public Financial Disclosure Reports.
 - Providing guidance and direction to Bureau staff on public financial disclosure.
 - Developing and implementing training on public financial disclosure.
 - Coordinating with the Departmental Ethics Office and the Office of Government Ethics to ensure the Bureau's public financial disclosure system is accurate and up to date.
 - Providing national oversight of the Bureau's public financial disclosure system, including reviewing reports submitted by all Bureau staff.
 - Acting as the agency's primary point of contact on issues involving public financial disclosure.
- **Human Resource Management Division (HRMD)**
 - In accordance with 5 C.F.R. § 2638.105(a)(2), the Central Office HRMD, is required to coordinate with the Ethics Office to identify staff appointed to SES, staff acting in SES positions, and SES staff leaving government service.
 - HRMD is required to provide updates to the Ethics Office on a regular basis, including updates on staff entering positions outlined in Section 3a of this program statement, no

later than 15 days after the staff member starts in such a covered position.

e. **Training.** The Ethics Office will provide staff responsible for filing a Public Financial Disclosure Report training and relevant training materials to assist them in the completion of the Public Financial Disclosure Report.

f. **Penalties.** Penalties and disciplinary action may be taken in the event a reporting staff member fails to file a Public Financial Disclosure Report, falsifies information, or files late. Staff may be prosecuted under criminal statutes, and, the Attorney General may bring a civil action, and civil penalties.

Additionally, personnel or other disciplinary action in accordance with applicable law or regulation may be brought against staff. In accordance with 5 C.F.R. § 2634.704, filers are subject to a \$200 late filing fee for untimely reports. Refer to the Program Statement **Standards of Employee Conduct** for further information about conflict of interest and related penalties.

g. **§ 2634.603 Custody of and Access to Public Reports**

(c) Each agency will, within 30 days after any public report is received by the agency, permit inspection of the report by, or furnish a copy of the report to, any person who makes written application as provided by agency procedure.

Reports are publicly available for six years after receipt.

Any person or entity that wishes to inspect or obtain a copy of a public financial disclosure report must submit a written request to the Bureau. To request a copy of a public financial disclosure report, the Office of Government Ethics has prescribed the use of OGE Form 201. Requestors should provide the name or names of the staff whose reports are being requested. Upon receipt of a request, the Ethics Office will take steps to release reports as soon as possible.

(f) It is unlawful for any person to obtain or use a public report:

(1) For any unlawful purpose;

(2) For any commercial purpose, other than by news and communications media for dissemination to the general public;

(3) For determining or establishing the credit rating of any individual; or

(4) For use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

There is no requirement for the Bureau to inform filers of requests for access to their OGE Form 278e and OGE Form 278-T. Filers desiring to know whether a member of the public has requested their OGE Form 278e or OGE Form 278-T may request a copy of all applications to inspect their reports. All applications to inspect an OGE Form 278e or OGE Form 278-T are available to the public for the period when the OGE Form 278e or OGE Form 278-T itself is available to the public.

4. ASSISTANCE

Questions regarding financial disclosure procedures should be made to the Bureau's Ethics Office.

REFERENCES

Program Statements

Standards of Employee Conduct

Bureau Forms

None

Federal Statutes

Ethics in Government Act of 1978, as amended, 5 U.S.C. app. 4 § 101, *et seq.*

Ethics Reform Act of 1989, 5 U.S.C. §§ 7351 and 7353

Freedom of Information Act, 5 U.S.C. § 552

Federal Regulations

5 C.F.R. § 2634

5 C.F.R. § 2638

Other Forms

OGE Form 201

OGE Form 278e

OGE Form 278-T

OGE Form 450

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition):5-ACI-1C-22

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition):5-ALDF-7C-02

Standards for the Administration of Correctional Agencies, 2nd Edition: 2-CO-1C-24

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.