



Office of Command Counsel Newsletter

August 2001, Volume 2001-4

AMC Environmental Counsel Robert S. Lingo Retires

The retirement of one who has worked with us for what commentators' call a generation is always filled with mixed emotions. You are happy for the person and the family. You know that the Lingo family, his wife Anne and daughters Robin and Tracy are looking forward to the exciting times and new experiences they will have in the future.

There is a career full of memories:

— Service in the Air Force JAG, in part in Japan, in part skiing in Japan during those years.

— Air Force JAG Reserve career culminating in retirement.

— His entry with AMC at what is now the Army Research Laboratory practicing both employment and environmental law from 1975-1978

— Service to HQ since 1979 as senior environmen-

tal counsel and Environmental Law Team Chief.

Bob is from Nebraska, although his genealogical interests have explored the Lingo clan far and wide, as well as geographical sites such as Lingo Island off the Eastern Shore of Delaware. He is proud of his home state—home of the author Willa Cather, the Big Red college football machine and the unicameral legislature. If you are unaware of what a unicameral legislature is, or that Nebraska is the only state with one, then you have not been by Bob's office door, which has an excellent article on it. His academic career includes being named to the Order of the Coif at the University of Nebraska.

Bob has practiced environmental law from the very beginning—when not the most brilliant mind could imagine present day scope. From Rocky Mountain clean-

up, the DOD Munitions Rule, The Aberdeen 3 personal liability case to the Land of Oz land use case at Sunflower Army Ammo Plant, and the multiple laws filled with melodic acronyms—CERCLA, NEPA and BRAC.

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Lingo cont...

Shortly after Bob Lingo arrived at AMC, the command was faced with the prospect of shutting down 15 installations due to noncompliance with environmental requirements. Bob Lingo was instrumental in developing guidance to allow these installations to continue to operate by negotiating environmental compliance agreements. These agreements later became the model for Federal Facility Compliance Agreements used by all Department of Defense services.

Several years later, Bob Lingo was involved in developing a program to provide indemnification to GOCO ammunition plants. This established a firm statutory foundation and specific criteria for indemnifying GOCO ammunition plants. In addition, Bob Lingo has worked diligently to integrate the environmental and procurement disciplines by serving as a member of the DAR Environmental Subcommittee and assisting in developing the Army acquisition and materiel development NEPA guidance.

From 1993 to present, Bob Lingo played a leading

role in the disposal of excess installations. In the BRAC area, he negotiated the disposal of Vint Hills Farm Station, Detroit Army Tank Plant, and Woodbridge Research Facility. Bob Lingo was also a key legal advisor in the first use of early transfer authority involving Tooele Army Depot. In the non-BRAC area, Bob Lingo helped establish the Caddo Lake Refuge and was a major player in the continuing effort to transform Sunflower Army Ammunition Plant into a Wonderful World of Oz theme park.

Bob has had to learn the law and often had to make educated judgements on what new laws and regulations might mean to current and future actions, balancing Federal law with the many state laws and regulations that may or may not have applied depending on the shifting political winds. He is the mentor for the entire cadre of AMC environmental counsel.

Retirement means the end of Federal service, but the adventure and the experiences and the relationships will continue. We will miss you, and your service can never be forgotten.

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Letters to the Editor are accepted. Length must be no longer than 250 words. All submissions may be edited for clarity.

Force Protection-- Contractors on the Battlefield

OSC's **CPT Derek Stratman**, DSN 793-3387, provides an excellent article, the purpose and scope The purpose of this document is to address certain issues concerning force protection as it relates to contractors (Encl 1).

Specifically, this document addresses

(a) whether contractors are entitled to force protection from the Department of Defense (DOD);

(b) whether contractors are obligated to obey force protection procedures;

and (c) how force protection issues relating to contractors may be resolved.

Generally, contractors are responsible for their own safety – the Army does not have an obligation to provide them with force protection (absent contract language to the contrary).

While contractors are on Army installations, they benefit from the security measures in force there (like any

other civilian who happens to be on an Army base). When they leave the borders of the post, the contractors themselves (and the local civilian police) are responsible for their safety.

At permanent installations overseas, responsibility for the off-post safety of contractors (as with all U.S. citizens abroad) rests with local law enforcement and the Department of State (DOS) (see United States Code, Title 22, Section 4802).

In a forward deployed environment, the commander's duty to provide force protection to contractors increases. "When U.S. contractors are deployed from their home stations, in support of Army operations/weapon systems, the Army will provide or make available, on a reimbursable basis, force protection and support services commensurate with those provided to DOD civilian personnel to the extent authorized by law." DA Policy Memo, 12 DEC 1997.

List of Enclosures

1. Force Protection and Contractors on the Battlefield
2. Partnering--CG Seeks identification of major contracts that solicit Partnering
3. Reducing delinquency rates for individual travel charge card accounts
4. Retirements--Rules, Requirements and Exceptions
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Acquisition Law Focus

AMC Partnering for Success--Initiatives Identified on Major Contract Award Chart

CG Memo to MSC Commanders highlights Partnering

HEADQUARTERS, U.S.
ARMY MATERIEL COMMAND
**5001 EISENHOWER
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**REPLY TO
ATTENTION OF:**

MSC Commander

Dear General___:

Ed Korte, AMC Command Counsel and AMC Senior Advisor for Alternative Dispute Resolution, has informed me that the June 26-27 Lead Partnering Champion (LPC) Workshop was a very successful one, identifying several initiatives to support our goal of making Partnering an AMC business practice. Each of your representatives has received a copy of the LPC workshop After-Action Report. My special thanks to the LPCs who are our principal Partnering advocates for identifying opportunities to Partner, educate and

implement the program at your commands.

As you know, each week during the Tuesday morning Command Group Update,

I review the major subordinate commands' projected major contract awards. Beginning August 14, 2001 these contract award charts will be annotated to identify those procure-

ments that have included Partnering in their solicitations. I anticipate the continued growth of our Partnering Program. The AMC Partnering Guide is being revised to include a new section on lessons learned representing the collective experiences gained thus far in Partnering. We expect the new Guide to be published and distributed throughout AMC before the end of the fiscal year.

I commend each of you for your active support of our command-wide

Partnering Program and urge you to meet with your Lead Partnering Champion to discuss your command's use and opportunities for future use of Partnering. Your personal advocacy and encouragement will send a message to your workforce that you actively support this important program and assure me that we are making a concerted effort to institutionalize this proven practice throughout AMC.

AMC—Army READINESS Command... Supporting Every Soldier Every Day.

Sincerely,

John G. Coburn
General, U.S. Army

(Enclosure 2)

Coordination with your CPOC-- Reminder from HQ DA

This is a reminder of the need for installation personnel, EEO and legal offices to coordinate with the servicing CPOC on grievances, EEO complaints and settlements involving CPOC actions. This requirement was addressed in Mr. Snyder's 16 Mar 01 memorandum, subject "Installation - Civilian Personnel Operations Center (CPOC) Coordination on Grievances, and Equal Employment Opportunity Complaints (EEO) Involving CPOC Actions."

Briefly, the memo reemphasizes the requirement for coordination between installations and CPOCs when processing grievances and EEO complaints (and associated

settlements) which would involve some action to be taken (or previously taken) by the CPOC.

The memorandum also reminds installations of the need to coordinate with the CPOC upon receipt of any grievance over a CPOC action. CPOCs are to identify and publish its points of contact for coordinating these issues.

Further, CPOCs should keep installations informed of the execution of personnel actions associated with the grievance/EEO complaint or settlement and timely provide copies of the completed actions to the installation/activity identified official responsible for monitoring compli-

ance with the terms of the grievance/EEO settlement. A copy of the memorandum is available on the CPOL web site at

http://cpol.army.mil/library/armyregs/memos2/mer_cpoc_griev.html

The real message here is that civilian personnel matters work best when there is a team effort at the installation level as well as with those in the CPOC who serve the installation and command.

DOD Issues Policies re Reducing Delinquency Rates for Individual Travel Charge Card Accounts

DOD recently issued new policies with respect to individual travel charge card accounts.

Highlights are in this condensed version: **SALARY OFFSET PROCESS**

CONDENSED VERSION

At delinquent day 90, the Bank of America (BOA) will send a letter to the cardholder advising that if the account is not paid in full or alternative payment arrangements are not made, the account will be sent to the Defense Finance and Accounting Service (DFAS) for salary offset. The letter fully explains the cardholder's legal rights with regard to the debt and collection. These rights include requesting a hearing concern-

ing the amount and validity of the debt; inspect and copy records related to the debt; enter into a repay agreement with the contractor. It also notifies them that an administrative fee and 3 late fees have been added to the debt. The GSA Smart Pay Contract authorizes the contractor to pass all costs incident to collection to the cardholder. The late fees are charged, upfront, because it is a standard banking business practice to require 3 payments before an account is "aged current" and no additional late fees charged. If the account is paid in full within a 3-month period, BOA will refund excess late fees. Cardholders are given 30 days to respond.

At delinquent day 120, barring no reply from the

cardholder, a file will be generated by BOA and sent to DFAS-Cleveland/Salary Offset. The salary-offset branch will match the file against existing pay systems and then forward a file to affect collection. The collection amount, not to exceed 15% of disposable income per month until the debt is satisfied, will be made and the proceeds sent to BOA for crediting to the account.

A more detailed summary is provided at Enclosure 3.

AMC Issued Enhanced Leasing Guidance

Section 2812 of the National Defense Authorization Act for FY 01, significantly revised the Army's leasing statute, 10 U.S.C. 2667. The revised law expands the categories of consideration, both cash and in-kind, that the Services may accept for leasing property. It includes the ability to use cash proceeds for restoration, environmental restoration, acquisition of facilities, construction and other services. It also includes a broader range of in-kind consideration that can be accepted to include con-

struction of new facilities, alterations, restoration including environmental and other services. It provides installations a means of reducing infrastructure costs, and providing facilities and services. Base operating support, demolition services and environmental restoration, etc may be accepted as in-kind consideration thus reducing funds need for these purposes. AMC issued implementing guidance on 1 Aug 2001. A point of contact is AMCIS-R, **Donald Carter**, (703) 617-9895.

The Non-Binding Guidance from EPA

The EPA has initiated an Interpretive Documents Collection web site that is intended to provide a central point of access to non-binding general Headquarters EPA policy, guidance and interpre-

tive documents that describe how the agency intends to exercise its discretionary authority and explains what a statute or regulation means. It may be accessed at: <http://www.epa.gov/guidance>

Europe Requires Treated Wood Pallets

The European Community (EU) has adopted an Emergency Measure in an attempt to stop further spread of the eelworm, a microscopic pinewood nematode.

This measure will require that coniferous non-manufactured wood packing materials originating in the United States, Canada, Japan or China are heat treated or kiln dried heat treated prior to import into the European Community. Implementation date is 1 October 2001.

DoD is working with the Department of Agriculture to develop a plan, due to the large number of coniferous softwood pallets and boxes used in the logistic chain to deliver ammunition, weapons, subsistence and general purpose products.

Failure to comply with the requirements of the Emergency Measure can result in the refusal, destruction or treatment of materials at the point of entry to the EU. Information is at: <http://www.aphis.usda.gov/ppq/swp/eunmwp>.

Retirements--Rules, Restrictions & Exceptions

There are a number of scheduled departures and retirements from HQAMC. Now seems like a good time to review the rules on giving gifts to our commanders, directors and supervisors.

The **Standards of Ethical Conduct for Employees of the Executive Branch** has a “special, infrequent occasion” exception to the general rule that we should not give gifts to our official superiors. Reassignment or transfer outside of the superior-subordinate chain and retirement are examples of “special, infrequent occasions” where employees may honor another’s service to our organization and the Army with a gift appropriate to the occasion. Also, this is one of the two situations when it is permissible to solicit other employees to contribute to a gift.

However, there are restrictions.

1. The maximum value of any gift(s) from a donating group may not exceed \$300. Gifts that are also given to the spouse are included in the \$300 maximum. However, this limit does not include the value of the food, refreshments and entertainment provided to the honoree and his or her personal guests at the event that marks the occasion. In addition, plaques and similar items for presentation purposes only and with little or no intrinsic value (e.g. no sterling silver or gem encrusted engraved plates) are not considered to be gifts, and are not included in the \$300 limit.

2. If an employee contributes to the gift from two different donating groups (e.g., the CSM contributes to both the enlisted personnel gift and to the command group’s gift to the departing commander), the total value

of the two gifts may not exceed \$300.

3. The maximum that may be solicited from other employees is \$10, although an employee may contribute more than \$10 on his or her own initiative.

4. Employee participation and the amount of contribution must be entirely voluntary.

5. We may not solicit from “outside sources.” For example, we may not solicit contributions from support contractors or their employees. In addition, we may not accept voluntary contributions from them for this gift.

6. We may not use appropriated funds to purchase a gift for a departing or retiring employee. For example, we may not purchase supplies from the self-service supply center to frame a memento, such as the picture of

Retirements--Rules, Restrictions & Exceptions continued...

the building or of the honoree's colleagues.

What's a "donating group"? That depends on the situation. In deciding on "donating groups," consider the basic rule and the appearances. We want to avoid situations where employees feel compelled to participate because of a competitive atmosphere, with one organization wanting to outdo another, or other reasons. We want to make sure that the person being honored is not embarrassed. Finally, as a very practical matter, the honoree has only so much wall space, places to put "things," and storage. A few years ago, a very senior officer retired, and, at his quarters, he had two garages full of gifts and plaques and mementos. The officer kept a very small fraction of what was in the two garages, and the rest was left either for Army museums or disposal.

Keep the "donating groups" to the minimum necessary to honor the departing employee.

When the situation arises where the employees of your organization want to collect money for a gift for a departing employee, it is best to seek the advice of your Ethics Counselor before you begin to solicit. What you want to avoid is the situation where the honoree must either return the gift, or pay you fair market value for it.

Mike Wentink, 617-8003
Associate Counsel & Ethics Counselor

Sam Shelton, 617-8004
Associate Counsel & Ethics Counselor

Stan Citron, R 617-8043
Associate Counsel & Ethics Counselor

(Enclosure 4)

Ten Best Legal Sites

We enclose a copy of the article by **Robert J. Ambrogio**, Law Technology News, July 23, 2001 in which he names his favorite best top 10 useful web sites for lawyers (Enclosure 5).

FindLaw

lexisONE

law.com

Legal Information Institute

Google.com

FirstGov

Thomas

Securities and Exchange Commission

ABAnet

Federal Judiciary
Homepage

(Enclosure 5)

Exciting Enhancements to LexisNexis

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tomary source selection process. Search Forms are available for these categories:

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- Law Reviews
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Star Pagination Print allows users to print only the pinpoint pages they need from a long case or document. Researchers now have the option to print a specific page or range of pages from the case law reporters, law review articles or public laws.

Explore Button

Enables you to quickly link to the sections of a document (i.e., case summary, disposition, opinion by, footnote, etc.). This feature applies to all documents and appears as a button in the lower left-hand corner of the

screen. *Explore* works only in FULL view.

Floating Cite Assistant

Provides quick pinpoint cite information without performing any unnecessary scrolling within a document. All you have to do is rest the cursor anywhere in the text of the document and in a few seconds a pop up box will appear indicating the pinpoint cite. **To activate this feature**, click on Options (upper right corner) and check the box next to "Show floating pagination assistant."

Shepard's Table of Authorities

The Table of Authorities (TOA) provides an analysis of cited legal authorities upon which a citing case based or supported its opinion. When you *Shepardize* a case the TOA will give you a list of references (cases and law reviews) cited by your case.

Thanks to **Rachel Hankins**, 202-857-8258 (Enclosure 6)

Faces In The Firm

Hello & Goodbye

Arrivals

HQ AMC

COL David Howlett is the new AMC Deputy Command Counsel/Staff Judge Advocate, arriving from his previous position with the Environmental Law Division. Dave is a native of Rochester, New York.

Bob Garfield has accepted a position with the General Law Division and will be arriving in mid September from AMCCOM. Bob is a long time member of the AMC legal community, having served with the AMC St. Louis legal office for over 20 years.

TACOM

Kevin Story, accepted an acquisition law position with TACOM-Warren, departing Corpus Christi to return to his former place of employment.

AMCOM

MAJ John Hughey is the new Deputy SJA having just completed the JAG School Graduate Course.

Departures

HQ AMC

LTC Mike Walters retired from the JAG Corps and immediately started his new career as a labor counselor with Walter Reed Army Medical Center.

Promotions

ARL

Angela Davis was promoted from General Law Legal Assistant to a Paralegal Specialist.

AMCOM

Hal Dilworth was recently promoted to a GS-14 in the Adversary Proceedings Division.

Births

OSC

Congrats to new grandpa **John Rock** on the birth of his grand daughter Andrea Rose Hassman.

AMCOM

Tom and Elise Aug welcomed their daughter Grace Alexander on July 3.

Former Rock Island Chief Counsel Hancks Dies

Former Rock Island Chief Counsel **Marvin L. Hancks**, 73, Moline, passed away Saturday, Aug. 18, 2001, Marvin was born Aug. 17, 1928. He married Mary Jane Bales June 10, 1950, in Rock Island.

Marvin graduated from St. Ambrose College in June 1959 and graduated with honors from Washington College of Law, American University, Washington, D.C., in 1962.

He was employed by the Rock Island Arsenal in September 1962 in its legal office, becoming chief counsel in 1981. He served in that position until he retired in 1992. After retirement, he worked in the Rock Island School District as a volunteer and teachers' aide.

He was a member of the Rock Island County Bar Association. He served in the Army during the Korean War.

Survivors include his wife, Mary, Moline; stepfather, Raymond P. Hogan, Rock Island; sons and daughters-in-law, Rian W. and Linda Hancks, Moline, and Derek and Linda Hancks, Moline; three grandchildren, Caitlin, Joshua and Carly; and a sister, Marian Birmont.

FORCE PROTECTION AND CONTRACTORS ON THE BATTLEFIELD

The purpose of this document is to address certain issues concerning force protection as it relates to contractors. Specifically, this document will address (a) whether contractors are entitled to force protection from the Department of Defense (DOD); (b) whether contractors are obligated to obey force protection procedures; and (c) how force protection issues relating to contractors may be resolved.

Contractor Entitlement to Force Protection

Generally, contractors are responsible for their own safety – the Army does not have an obligation to provide them with force protection (absent contract language to the contrary). While contractors are on Army installations, they benefit from the security measures in force there (like any other civilian who happens to be on an Army base). When they leave the borders of the post, the contractors themselves (and the local civilian police) are responsible for their safety.

At permanent installations overseas, responsibility for the off-post safety of contractors (as with all U.S. citizens abroad) rests with local law enforcement and the Department of State (DOS) (see United States Code, Title 22, Section 4802). The DOS, through its embassies, maintains a system to notify and evacuate U.S. citizens abroad in the event of crises or disasters. DOD may be tasked to assist with such an evacuation if host nation and DOS assets are insufficient, but generally is not involved. Contractors in overseas areas should be encouraged to contact the nearest United States embassy to be placed on a roster of local U.S. nationals.

In a forward deployed environment, the commander's duty to provide force protection to contractors increases. "When U.S. contractors are deployed from their home stations, in support of Army operations/weapon systems, the Army will provide or make available, on a reimbursable basis, force protection and support services commensurate with those provided to DOD civilian personnel to the extent authorized by law." DA Policy Memo, 12 DEC 1997.

The limits of this obligation are not well-defined. However, it is probably safe to say that a commander must, if possible, give force protection that reasonably provides for contractors' physical safety. Commanders should also provide any force protection that is necessary for the contractors to be able to perform their duties. If contractors must provide their own force protection, this may add significantly to the cost of performance of the contract. A contractor might also simply refuse to carry out contractual duties that put it at risk due to inadequate force protection. Such disputes would almost certainly lead to litigation. Operational concerns, of course, may require commanders to accept this risk.

Note also that the obligation to provide force protection to local national contractors is not well-defined. The DA Policy Memo cited above would apparently not apply to them. Presumably,

unless the contract stated otherwise, local law enforcement would be responsible for their safety off-post.

Contractor Obligation to Observe Force Protection Requirements

In deployed and overseas environments, soldiers and DA civilians are often required to observe certain security rules for force protection reasons (e.g., prohibition of alcohol, requirements that travel outside U.S. strong points be in vehicle convoys, etc). These rules are usually created by general orders and/or regulations. Such rules are generally not binding on contractor personnel. Contractor personnel overseas are generally subject only to (a) the terms of their contract, (b) some federal civilian criminal law, and (c) the law of the host nation (depending on the terms of any applicable SOFA). The best way to make force protection requirements applicable to and enforceable against contractors is to so provide in the contract from the outset. Such language should specify or reference the rules that contractors will be subject to, and also administrative penalties for personnel who commit violations (e.g., return to the United States, etc).

If a contract does not require contractors to obey force protection rules, commanders may still be able to encourage compliance. Commanders can bar civilians (including contractors) from installations under their command (see United States Code, Title 18, Section 1382; *Cafeteria Workers v. McElroy*, 367 U.S. 886 (1961)). Commanders could thus bar problematic contractor personnel from their posts, making it difficult or impossible for them to continue their employment in the AO. Commanders may also be able to withdraw certain privileges normally extended to contractor personnel (e.g., use of post recreational facilities) – assuming such withdrawal does not violate the contract or other authority.

Again, the best way to resolve this issue is to resolve force protection issues in the contract. Even if contractors choose to voluntarily obey force protection requirements, complications can arise. Obedience to force protection rules can increase the difficulty and expense of a contractor's job performance (e.g., to meet a convoy travel requirement, a contractor sends three vehicles to a job site, when ordinarily only one would have gone). If the responsibility for such increases is not allocated in the contract, there may be unforeseen and undesirable results. If, at the request of the command, a contractor agrees to take on additional burdens not provided for in his contract, the result could be an unauthorized obligation of funds and/or significant additional expense to the government. If the additional expense carries the contract costs over appropriated fund limits, the result may be an ADA violation.



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY MATERIEL COMMAND
5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333-0001

REPLY TO
ATTENTION OF:

AMCCC

MEMORANDUM FOR SEE DISTRIBUTION LIST

SUBJECT: MSC Lead Partnering Champions

1. Ed Korte, AMC Command Counsel and AMC Senior Advisor for Alternative Dispute Resolution, has informed me that the 26-27 June Lead Partnering Champion (LPC) Workshop was a very successful one, identifying several initiatives to support our goal of making Partnering an AMC business practice.
2. I commend you for your active support of our command-wide Partnering Program and urge you to meet with your Lead Partnering Champion to discuss your command's use and opportunities for future use of Partnering. Each participant has received a copy of the LPC Workshop After-Action Report. My thanks to the LPCs who are our principal Partnering advocates identifying opportunities to Partner, educating and implementing the program at your commands. Your personal advocacy and encouragement will send a message to your workforce that you support this important program and assures me that we are making a concerted effort to institutionalize this proven practice throughout AMC.
3. The AMC Partnering Guide is being revised to include a new section on lessons learned representing the collective experiences gained thus far in Partnering. We expect the new Guide to be published and distributed before the end of the fiscal year.
4. AMC--Army READINESS Command... Supporting Every Soldier Every Day.

(signed)

JOHN G. COBURN
General, USA
Commanding

AMCCC

SUBJECT: MSC Lead Partnering Champions

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AVIATION AND MISSILE COMMAND, REDSTONE ARSENAL, AL
35898-5000

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RESEARCH PARKWAY, ORLANDO, FL 32626-3276

DEPARTMENT OF DEFENSE (DoD)
POLICIES TO REDUCE DELINQUENCY RATES FOR INDIVIDUAL TRAVEL
CHARGE CARD ACCOUNTS

1. Reduce the number of active cards issued to infrequent travelers. (As defined in Volume 9 of the DoD Financial Management Regulation, “infrequent travelers” are military members or DoD civilian personnel who travel two or fewer times per year.) DoD Components shall review the travel card database with the objective of reducing the number of active/outstanding travel charge cards. Those individuals determined not to need a travel charge card shall have their accounts closed, and others who do not travel frequently shall have their cards deactivated. If an individual whose card is deactivated subsequently enters a travel status, his or her card shall be activated for the period of travel. Unit level Agency Program Coordinators (APCs) shall be responsible for identifying infrequent travelers and determining whether accounts of infrequent travelers will be placed in an inactive status through “deactivation.” Not later than December 31, 2001, APCs shall complete their review of cardholder files to identify infrequent travelers and, as deemed appropriate by the supervisor, deactivate or cancel cards of infrequent travelers. After December 31, 2001, APCs shall review any lists provided by the contractor on a periodic basis to identify cards for potential deactivation or cancellation at the supervisor’s discretion.
2. Implement default split disbursement no later than July 10, 2001. That portion of the travel settlement related to transportation, lodging and rental car shall be forwarded to the travel charge card contractor; the remainder of any entitlement (associated with meals and other incidental expenses) shall be sent to the traveler. However, the traveler may elect to specify an exact amount be forwarded to the travel charge card contractor. Default split disbursement is considered to be a benefit to the traveler because, if appropriate amounts are forwarded to the travel charge card contractor on behalf of the traveler, the traveler would not need to pay the travel charge card contractor him or herself. In addition, it would speed payment to the travel charge card contractor and, therefore, help to resolve the delinquency issue for travel charge card accounts. (Because the U.S. Marine Corps is transitioning accounting and disbursing systems it need not initiate default split disbursement until the transition is complete.)
3. Establish procedures to implement salary offset for delinquent amounts due to the contractor (not later than October 9, 2001). The “Travel and Transportation Reform Act of 1998” allows the salary offset of delinquent amounts due to the travel card contractor. The contractor may submit requests for collection of delinquencies that are 90 or more days past the closing date of the account, including amounts that may have been written off by the contractor. DoD Components shall provide for appropriate salary offsets after complying with the due process procedures

established by the Defense Finance and Accounting Service. The contractor will not report to Credit Bureaus those accounts under active salary offset by DoD.

4. The travel charge card contractor may reduce both the cash and credit limits. The contractor may establish cash and credit line limits of no lower than \$250 cash/\$2,500 credit for standard cards and \$125 cash/\$1,000 credit for restricted cards. Cash and credit line limits will be phased in over a 6-month transition period. APCs can, with supervisor's approval, raise cash/credit limits to meet mission requirements.
5. The travel charge card contractor may increase the fee for cash advances at ATMs. The task order modification raises the fee for ATM cash advances to 3 percent of the amount withdrawn, or \$2, whichever is greater. This fee is a reimbursable expense to the traveler.
6. The travel charge card contractor may assess a \$20 fee for the expeditious delivery of cards. This fee shall apply when the expedited action is requested for individuals not currently in a travel status. The fee shall not apply to expedited delivery of emergency replacements of cards lost, stolen, or otherwise unusable by travelers who are in a travel status. This fee is a reimbursable expense to the traveler.
7. The travel charge card contractor may increase the monthly late fee charged to the cardholder to \$29 (from \$20). This late fee can be assessed monthly when an account is delinquent by 75-calendar days or more. (Previously the fee could not be assessed until the account was 120 days delinquent--which also was the point of cancellation.) The task order modification includes an exception for cardholders in a mission critical status. Mission critical is defined as "travel performed by DoD personnel under competent orders and performing duties that, through no fault of their own, may prohibit the prompt payment of their outstanding travel charge card bills." Personnel in the mission critical category shall be determined on a case-by-case basis and be designated by the supervisor. While in a mission critical status, individual travel charge cards shall not be suspended or cancelled. Should there be outstanding bills, they should be settled within 45 days of removal from this status. In addition, the contractor will not penalize travelers when notified by the Government that payment delay was caused by the Government. The late fee is an individual cardholder expense and is not reimbursable to the traveler.
8. The travel charge card contractor may assess a \$29 return check fee to the cardholder. The travel charge card contractor is authorized to charge individual cardholders a \$29 return check fee. The return check fee is an individual cardholder expense and is not reimbursable to the traveler.
9. DoD Components shall address Travel Card issues during inprocessing and outprocessing of personnel. Inprocessing and outprocessing procedures shall be made

more stringent to better ensure that travel card issues are adequately addressed. Specifically, the requirement for military members and civilian employees to inprocess and outprocess through the unit level agency program coordinators shall be added to the DoD Components existing personnel transfer and separation procedures. DoD Components shall enforce these procedures.

10. Notify cardholders whenever Commanders are notified of delinquencies. Agency program coordinators shall notify applicable cardholders whenever their Commanders are notified that a cardholder is delinquent in the payment of outstanding amounts on their accounts.
11. Debit Cards allowed. The revised task order allows individual activities to negotiate the use of debit cards (vice travel charge cards) with the contractor.
12. Pay by Phone Charge. The contractor may choose to offer a pay by phone service and establish a pay by phone charge to be paid by the individual cardholder. The use of a pay by phone service is an individual's decision. Therefore, if this service is elected, the fee is not reimbursable to the traveler.
13. Card Application and Cardholder Agreement. The Card Application and Cardholder Agreement must be modified and distributed to all cardholders before the changes related to the reduction to the cash and credit limits, the increased fee for cash advances at ATMs, the fee for the expeditious delivery of cards, the increase in the monthly late fee, and the return check fee go into effect.

RETIREMENTS--RULES, REQUIREMENTS AND EXCEPTIONS

There are a number of scheduled departures and retirements from HQAMC. Now seems like a good time to review the rules on giving gifts to our commanders, directors and supervisors.

The *Standards of Ethical Conduct for Employees of the Executive* Branch has a "special, infrequent occasion" exception to the general rule that we should not give gifts to our official superiors. Reassignment or transfer outside of the superior-subordinate chain and retirement are examples of "special, infrequent occasions" where employees may honor another's service to our organization and the Army with a gift appropriate to the occasion. Also, this is one of the two situations when it is permissible to solicit other employees to contribute to a gift.

However, there are restrictions.

1. The maximum value of any gift(s) from a donating group may not exceed \$300. Gifts that are also given to the spouse are included in the \$300 maximum. However, this limit does not include the value of the food, refreshments and entertainment provided to the honoree and his or her personal guests at the event that marks the occasion. In addition, plaques and similar items for presentation purposes only and with little or no intrinsic value (e.g. no sterling silver or gem encrusted engraved plates) are not considered to be gifts, and are not included in the \$300 limit.
2. If an employee contributes to the gift from two different donating groups (e.g., the CSM contributes to both the enlisted personnel gift and to the command group's gift to the departing commander), the total value of the two gifts may not exceed \$300.
3. The maximum that may be solicited from other employees is \$10, although an employee may contribute more than \$10 on his or her own initiative.
4. Employee participation and the amount of contribution must be entirely voluntary.
5. We may not solicit from "outside sources." For example, we may not solicit contributions from support contractors or their employees. In addition, we may not accept voluntary contributions from them for this gift.
6. We may not use appropriated funds to purchase a gift for a departing or retiring employee. For example, we may not purchase supplies from the self-service

supply center to frame a memento, such as the picture of the building or of the honoree's colleagues.

What's a "donating group"? That depends on the situation. In deciding on "donating groups," consider the basic rule and the appearances. We want to avoid situations where employees feel compelled to participate because of a competitive atmosphere, with one organization wanting to outdo another, or other reasons. We want to make sure that the person being honored is not embarrassed. Finally, as a very practical matter, the honoree has only so much wall space, places to put "things," and storage. A few years ago, a very senior officer retired, and, at his quarters, he had two garages full of gifts and plaques and mementos. The officer kept a very small fraction of what was in the two garages, and the rest was left either for Army museums or disposal.

Keep the "donating groups" to the minimum necessary to honor the departing employee.

When the situation arises where the employees of your organization want to collect money for a gift for a departing employee, it is best to seek the advice of your Ethics Counselor before you begin to solicit. What you want to avoid is the situation where the honoree must either return the gift, or pay you fair market value for it.

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The 10 Best Legal Sites on the Web

A personal list of the most useful sites for lawyers

Robert J. Ambrogi

Law Technology News

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My fascination with the Internet began in 1993, when, as a sole practitioner, my search for affordable legal research drew me online. When I discovered how much was available, all free, I wanted to alert other lawyers. Articles grew into a column, which evolved into the "legal.online" newsletter -- complete with a five-star rating system and its annual "Best of the Web for Lawyers" awards.

Now, I've written a book, "The Essential Guide to the Best (and Worst) Legal Sites on the Web," published by ALM Publishing. It reviews and rates hundreds of sites in some two dozen practice areas. The goal remains to pinpoint the sites most useful to legal professionals.

With the book's publication this month, it seems an appropriate occasion to offer my personal list of the 10 Best Web Sites for Lawyers. As I do in the book, I pick from the perspective of a site's overall usefulness. The best measure of this, in my view, is content. I also consider design, ease of use and originality.

In no particular order, here are my top 10:

FindLaw

www.findlaw.com <<http://www.findlaw.com>>

Started in 1994, FindLaw has evolved into a multifaceted portal, boasting the highest traffic of any legal site. Its core remains its comprehensive index of links to resources in more than 30 practice areas. But beyond its index are a host of features, including an ever-growing library of free court opinions and statutory codes. When West Group purchased FindLaw last January, it promised to build on this popular formula. The core features will remain, West says, and will continue to be free. Plus, West planned to expand FindLaw's legal news and career centers, create on-demand CLE and incorporate its West Legal Directory.

lexisONE

www.lexisone.com <<http://www.lexisone.com>>

From Lexis Nexis comes this impressive free service, aimed at solos and small firms. Launched in July 2000, it features Supreme Court cases since 1790 and selected federal and state cases from 1996, some 6,000 legal forms, the Martindale-Hubbell Law Digest, and a broad collection of links to legal resources. Other sections focus on practice management, professional development, marketing and lifestyle. New reports cover court decisions and the legal

industry, while The Loop is home to discussion boards devoted to legal topics.

law.com

www.law.com <<http://www.law.com>>

I am anything but objective here. American Lawyer Media Inc. -- my employer -- is closely aligned with law.com and shares common ownership. That said, it is beyond debate that law.com has become a premier legal destination. It is the primary place online to find legal news and features from ALM's national and regional magazines and newspapers. Beyond that, it offers nationwide job listings, seminars, practice centers, and, more recently, an online suite of practice-management software.

Legal Information Institute

www.law.cornell.edu <<http://www.law.cornell.edu>>

Cornell Law School's Legal Information Institute established the first law site on the Internet in 1992 and the first legal Web site in 1993. It became the leading Internet site for distribution of Supreme Court opinions and later added the New York Court of Appeals. Its hypertext U.S. Code remains its most heavily used feature, but it has published a host of significant legal documents. As a lawyer once put it to me, "They deserve a lifetime achievement award."

Google.com

www.google.com <<http://www.google.com>>

Beyond its sheer breadth, the Google search engine stands out thanks to its unique PageRank technology. Simply put, Google interprets a link to a Web page as a vote for its quality. The more sites that link to a page, the more valuable it must be and the higher its ranking. Adding to its value was its recent acquisition of Deja.com's archive of messages posted since 1995 to Usenet -- the Internet's original bulletin board.

FirstGov

www.firstgov.gov <<http://www.firstgov.gov>>

The federal government's vast online network harbors many treasures, but finding your way can be daunting. FirstGov is the official portal to U.S. government information on the Internet, offering access to some 20,000 sites. Organized primarily by topic, rather than agency, it enables users to browse for federal resources related to Arts and Culture, for example, or Consumer Services and Safety.

Thomas

<http://thomas.loc.gov>

When Newt Gingrich became speaker of the House in 1994, he vowed to use the Internet to open the legislative process to the public. On Jan. 5, 1995, Gingrich and the Library of Congress unveiled the legislative information site, "Thomas." Today, Thomas includes the full text of bills, public laws and legislation; the complete Congressional Record since 1989; committee information; roll-call votes since 1989; and a library of historical documents.

Securities and Exchange Commission

www.sec.gov <<http://www.sec.gov>>

In 1994, the nonprofit Internet Multicasting Service began offering the SEC's EDGAR database of corporate filings free via the Internet. A year later, as its funding was about to expire, IMS urged the SEC to continue where it would leave off. At first, the SEC hedged, but then decided to continue free Internet access to EDGAR. Today, the SEC's site stands out as an important destination not simply for securities lawyers, but for any lawyer representing, researching or litigating against a corporation.

ABAnet

www.abanet.org <<http://www.abanet.org>>

Consider the numbers: The American Bar Association's site is the online home of an organization comprised of more than 2,200 entities (24 sections, five divisions, 80-plus commissions, forums and task forces, and more than 1,700 subcommittees), which together publish 70 periodicals and more than 1,200 titles. Virtually all of these entities and resources are organized under and accessible through this site, creating an enormous virtual warehouse of resources dedicated to law and law practice.

Federal Judiciary Homepage

www.uscourts.gov <<http://www.uscourts.gov>>

In 1995, I surveyed the availability of free court opinions on the Internet. I found only a handful of courts' opinions published by an even smaller number of trailblazing sites. Today, the judiciary's home page stands as a symbol of how dramatically the Web has changed the legal landscape. Its links page illustrates how extensively available court information now is on the Web, with each court's site likely to include opinions, local rules and sometimes even its docket.

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