



Office of Command Counsel Newsletter

April 2002, Volume 02-02

CLE 2002 Electives and Plenary Session Announced

The AMC Continuing Legal Education Program is taking shape as the Planning Committee has identified elective and plenary sessions. The 15 electives are:

1. 4th Amendment Searches—What is private and what is not?
2. Recent Supreme Court Environmental Cases (commerce and takings clauses involved)
3. Foreign Military Sales 101
4. Ethics Update
5. Homeland Security
6. Evolution of Technical Data Rights
7. A-76—The Future
8. Threats of Workplace Violence
9. Partnering for Success: The revised Guide and innovative Partnering Initiatives
10. Mediation: Designing your solution(s) for your problem(s)
11. Cybercrimes

12. Depots and Arsenal Legal Issues
13. Understanding Negotiated Settlement Agreements
14. Environmental initiatives
15. Fiscal Law Developments

We are pleased that **General Kern** will address us and participate in the AMC Attorney Awards Program. **BG David Carey**, Assistant Judge Advocate General for Civil Law and Litigation will speak to us as well .

Plenary sessions include Ethics and the Media; Military Commissions; Defining the Objective Force; Ethics Millionaire; and, the Future Combat System.

We feel confident that the design of the program covers many of the significant issues that we face as an Army and at AMC.

We'll see you in May.

Commander's Conference Briefing Papers

See what the Command Counsel provided to your Commanders

In This Issue:

<i>Command Counsel Commanders Conference Briefing Papers</i>	<i>2</i>
<i>DOD Appropriations Act Synopsis .</i>	<i>4</i>
<i>CECOM's Emergency Acquisition Handbook</i>	<i>4</i>
<i>Partnering Developments</i>	<i>5</i>
<i>GAO Sustains A-76 Protest—Conflict of Interest Found</i>	<i>6</i>
<i>DOD IP Guide: Navigating thru Commerical Waters</i>	<i>6</i>
<i>REDS Review</i>	<i>8</i>
<i>Supreme Court on Prior Discipline</i>	<i>8</i>
<i>Frequent Flyer Changes</i>	<i>9</i>
<i>OGE 450 Changes</i>	<i>10</i>
<i>Chem Agent/Munitions Report</i>	<i>12</i>
<i>The Court and Migratory Birds</i>	<i>13</i>
<i>Privacy Act and <u>Feres</u>.....</i>	<i>14</i>
<i>Faces in the Firm</i>	<i>15</i>

Office of Command Counsel: Index of Briefing Papers for AMC Commander's Conference

- *1. Changes to Frequent Flyer Rules
- *2. Allegations of Misconduct or Impropriety
- *3. ADR Update:
 - a. Partnering
 - b. REDS
- *4. Jones/Hill Joint Venture GAO Decision
- *5. Solicitation Based on Urgency
- *6. Emergency Acquisition Handbook
- 7. DOD Intellectual Property Guide
- 8. Disciplinary Actions - USPS vs Gregory
- 9. Disabilities Actions - Williams vs Toyota
- 10. Privacy Act Actions - Cummings vs U.S. Navy

The items with asterisks were briefed by HQ AMC Command Counsel **Ed Korte** to the Commanders.

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Check out the Newsletter on the Web at http://www.amc.army.mil/amc/command_counsel/

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

Acquisition Law Focus

DOD Appropriations Act for FY 2002

The HQ AMC Office of the Command Counsel has prepared a Synopsis of the most important provisions of the National Defense Appropriations Act for Fiscal Year 2002, P.L. 107-117.

These synopsised provisions are considered to be the most significant and of the greatest interest to our clients.

The synopsis for each legislative provision highlights the provision, and, where appropriate, any related other statutory and/or regulatory references that are affected by this provision.

The synopsis is not intended to be a detailed analysis of the subject since to do so would create a voluminous product.

HQAMC personnel may contact the subject matter expert noted at the end of each section of the synopsis for additional advice and assistance, while other personnel should contact their supporting legal office.

The major areas covered include:

1. Lobbying and Propaganda
2. Competitive Sourcing
3. Depots, Arsenals and Ammunition Plants
4. Environmental/Real Estate Issues
5. Emergency Preparedness
6. Foreign Military Sales
7. Military Pay & Benefits
8. Financial Management Information Technology System
9. Projects Honoring Victims of Terrorist Attacks

List of Enclosures

1. DOD Appropriations Act
2. FMS Proceeds--Can you buy more than quantity sold?
3. CECOM's Emergency Acquisition Handbook
4. Partnering Devel'ments
5. Urgency Solicitations
6. DOD IP Guide-- Navigating Commercial Waters
7. Supreme Court Narrows Disability Law
8. REDS Program Review
9. Supreme Court on Use of Prior Discipline
10. Ethics Advisory: Conflict of Interest Prosecutions
11. Frequent Flyer Changes
12. What gets GOs and SES People in Trouble?
13. Preventing Financial and Legal Problems
14. Privacy Act and Feres

Acquisition Law Focus

Issue: Can FMS Sale Proceeds Be Used to Buy More Than the Quantity Sold?

Recently, questions have arisen at AMCOM regarding the use of the proceeds of sales from stock to FMS customers to acquire more than the quantity originally sold to the FMS customer.

After a review of the applicable statutes and regulations, it appears that acquiring more than the replacement quantity from the proceeds of an FMS sale from stock would be improper.

Several statutes are addressed, including 10 USC 114 (c)(2) and 22 USC 2761(a)(1) as well as the DOD Financial Management Regulations, DOD 7000.14R.

POC is **Tony Vollers**, DSN 897-1288 (Encl 2).

CECOM Designs & Publishes Emergency Acquisition Handbook

CECOM has developed a handbook to assist the attorneys in its Business Law Division with providing legal support and guidance for emergency acquisitions in support of Operation Noble Eagle.

The handbook provides easy access to information on a variety of different approaches for handling emergency acquisitions.

The handbook includes:

1. A Legal Office checklist for emergency acquisitions
2. Information about different existing contract vehicles that could be used to rapidly put certain types of equipment and services on contract
3. FAR and DFARS Part 12 on the Acquisition of Commercial Items

4. A copy of the Draft Commercial Item Handbook
5. FAR, DFARS and AFARS provisions on Undefined Contractual Actions
6. FAR 6.302 and corresponding DFARS and AFARS provisions on circumstances where other than full and open competition is permitted
7. A sample Urgency J&A
8. FAR, DFARS and AFARS Part 13 on Simplified Acquisition Procedures
9. Information concerning the use of contractors on the battlefield

The handbook provides a quick and convenient way for agency attorneys to quickly access information about legal issues that may arise in connection with emergency acquisitions.

A Point Paper on this Handbook is at Enclosure 3

Partnering Developments Briefed to Commanders

Urgency Solicitations: What do you have to show?

At the AMC Commander's Conference attendees were briefed on three areas of the AMC Partnering Program: the revised AMC Partnering for Success Guide; AMC Partnering Awards Program; Identification of "Top" Contracts for Partnering.

POC is **Steve Klatsky** DSN 767-2304.

The AMC Partnering for Success Guide was revised to include a major new section on Lessons Learned from the AMC Partnering experience.

The Guide contains new appendices such as article on Corporate Partnering Agreements, as well as updated examples of many Partnering tools: Charters, Mission Statement, Rocks-in-the-Road Action Plans and issue escalation clauses.

The AMC Partnering Awards Program is in its second year. The intent is to recognize significant Partnering achievements during the past year.

MSCs have provided nominations in three categories: Program Award, Individual-Government and Individual-Contractor Award. These will be presented by the CG at Atlanta XVIII on April 23.

Partnering and Top Contracts

During the CG weekly meetings with senior staff a chart is presented identifying major contract programs—exceeding \$ 10,000,000. A notation is made as to whether Partnering is anticipated.

A point paper on this subject is at Enclosure 4.

AMCCC counsel **Josh Kranzberg** DSN 767-8808 prepared an information paper for the Commander's Conference on this important area.

The Competition in Contracting Act of 1984 (CICA) requires "full and open competition" in government procurements except where otherwise specifically allowed by the statute.

One exception to this competition requirement is where the agency's needs are of such an unusual and compelling urgency that the government would be seriously injured if the agency is not permitted to limit the number of sources from which it solicits bids or proposals (Encl 5).

GAO Sustains A-76 Protest based on Conflict of Interest Concerns

On 5 Dec 01, the GAO sustained the Jones/Hill Joint Venture protests which challenged the Navy's determination pursuant to OMB Circ. A-76 that it would be more economical to perform base operations and support services in-house at the Naval Air Station, Lemoore, CA.

GAO sustained the protests on many issues:

1. A Conflict of Interest existed because a Navy employee and a consultant wrote and edited the performance work statement (PWS) and then prepared the most efficient organization (MEO).

2. The Navy Independent Review Official's Certification that the government could perform was not supported by either contemporaneous documentation or hearing testimony.

3. The MEO was based on using personnel not included in the MEO.

4. The Navy's determination that the MEO and the Jones/Hill proposal were comparable was unreasonable because several strengths identified in the Jones/Hill proposal were not accounted for in the MEO.

The decision announces new law with regard to conflicts of interest, and directly impacts the majority of ongoing A-76 studies within the Army.

On Decemehr 17, the Navy requested that GAO reconsider its conflict of interest part of the decision.

A decision is expected shortly.

A-76 studies must still be completed within the 24-month (single function activity)/48-month (multi-function activity) statutory time limit. 107 PL 117, Title VIII, Sec. 8024.

HQ, AMC requires that the AMC staff be briefed six months before the statutory time limit on reasons for the delays and the actions being taken to complete the study before the time limit expires.

DOD IP Guide: Navigating Through Commercial Waters

Industry representatives have reported to Headquarters DoD their perception that they are unnecessarily required to give up intellectual property (IP) rights to the Government when performing research and development for the Government.

A memo to Service Acquisition Executives directed reform to include development of a Guide, leading to a draft in April 2001.

A revised version incorporating mostly non-substantive changes was issued as on 15 October 2001 and is available on the OUSD(AT&L) web site: <http://www.acq.osd.mil/ar/doc/intelprop.pdf>.

A link to the site is on the AMCCC IP page http://www.amc.army.mil/amc/command_counsel/ip/ip.html

An Information Paper is at Enclosure 6.

POC is **Bill Adams** 767-2301

Supreme Court Narrows Disability Law

Payment for Professional Licensing

The Defense Appropriation act adds a new Section 5758 to Title 5, U.S.C. which permits agencies to pay for credentials, professional licensing and professional examinations.

We are awaiting DoD implementing guidance. Once received, we'll pass it along.

The language in the Act is as follows:

Sec. 1112. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS

(a) IN GENERAL. - Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

5757. Payment of expenses to obtain professional credentials.

(a) An agency may use appropriated funds or funds otherwise available to the agency to pay for —

(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

(2) examinations to obtain such credentials.

(b) The authority under subsection (a) may not be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position that is **excepted from the competitive service** because of the confidential, policy-determining, policy-making, or policy-advocating character of the position.

This may mean attorneys are excluded.

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A unanimous Supreme Court narrowed the definition of disability when it found that a worker with carpal tunnel syndrome was not “disabled” under the Americans with Disabilities Act. *Williams v. Toyota Motor Manufacturing*, No. 00-1089 (U.S. Jan. 8, 2002).

The Court stated that in order to demonstrate that the individual is substantially limited in performing manual tasks, an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's lives. The impairment's impact must also be permanent or long-term.

The law does not protect a person whose carpal tunnel syndrome limits only the person's ability to perform certain work-related manual tasks. The tasks must be the kind of tasks that are of central importance to most people's daily lives.

POC is **Mike Lassman**, DSN 767-8040.

REDS Review Coming to Your House

Resolving Employment Disputes Swiftly (REDS) is the AMC model Alternative Dispute Resolution Program for workplace disputes.

The AMC REDS Program has been in place for over two years. Some 25 REDS Teams were trained to implement the program. A representative of EEO chairs each AMC REDS Team with membership from the legal and civilian personnel community.

General Kern asked Ed Korte to lead a REDS Program Review with AMCEE and AMCPE representation.

A memorandum was sent to each AMC EEO Office on 1 March announcing the intent to conduct a program review.

An included Survey asks several questions with respect to implementation and evaluation of REDS.

REDS offers a menu of ADR methods—primarily Mediation and Peer Review Panels.

REDS can be used for any workplace issue: EEO, discipline, grievances, labor-management issues.

REDS is included in the

Office of Personnel Management compendium of federal agency ADR programs. HQ DA has determined that REDS meets the Equal Employment Opportunity Commission rule requiring agencies to “establish or make available” ADR programs for pre-complaint EEO matters.

Memo from General Kern

A Memorandum will be sent to the MSC Commanders announcing the REDS Program Review around 1 April. Installations can volunteer to host an on site review. Other installations will be chosen at random.

MSC Commanders will be asked to forward the CG’s Memo to subordinate commanders within their MSC. The REDS Review Team will also visit selected non-MSC installations.

POC is **Steve Klatsky**, DSN 767-2304.

An Information Paper is at Enclosure 8.

When an agency’s disciplinary action is challenged before the MSPB, the agency bears the burden of proving its charge by a preponderance of the evidence, and that the penalty is reasonable. *Douglas v. Veterans Admin.*, 5 M.S.P.B. 313, 333-334 (1981)

The U.S. Circuit Court of Appeals for the Federal Circuit ruled that prior disciplinary actions that are subject to current challenge many not be used to support the reasonableness of a penalty.

Government agencies including the Department of Army disagreed with this ruling as challenges to disciplinary actions via grievances or appeals can take a long period of time.

The Supreme Court reversed, holding that the MSPB may review independently prior disciplinary actions pending in grievance proceedings when reviewing adverse actions. *USPS v. Gregory*, No. 00-758 (U.S. Nov 13, 2001).

This means that deciding officials reviewing disciplinary actions can review prior disciplinary actions even if the disciplinary actions have not been fully adjudicated.

POC is **Mike Lassman**, DSN 767-8040 (Enclosure 9).

Ethics Focus

Garfield issues First Ethics Advisory--Conflict of Interest Prosecution Survey

The topic for this Advisory is "2000 Conflict of Interest Prosecution Survey." Annually, the Office of Government Ethics (OGE) publishes its annual survey of prosecutions involving the conflict of interest statutes. It has just completed its survey for calendar year 2000.

These cases present valuable lessons to Government employees. They present real life situations where employees had to confront ethics issues, and to the employees' misfortunes they made the wrong choice.

Hopefully, learning about their experiences will help us make the right choice.

These cases are all a matter of public record.

One final comment before I go into the case summaries: several of the employees were high ranking officials. Employees sometimes develop the notion that the high ranking officials always seem to walk away and employees lower down in the organization get hammered. As you can see, that is not always the case.

These cases fall into the following three areas: conflicts of interest under 18 USC 208, post-employment conflicts of interest at 18 USC 207, and 18 USC 203.

POC is **Bob Garfield**, DSN 767-8003.

Enclosure 10.

Frequent Flyer Benefits Not Taxable

The Internal Revenue Service (IRS) recently announced that promotional benefits received from official travel, such as frequent flyer miles, that are used for personal purposes are not subject to taxation.

It had been IRS practice in the past not to assert tax liability on taxpayers who used these benefits but with the recent change for Federal employees, a definitive position was sought from the IRS.

Frequent Flyer Rules Change Dramatically

The Defense Authorization Act for Fiscal Year 2002 contains a provision that permits Federal civilian and military employees to accept promotional items such as frequent flyer miles earned when traveling in an official capacity.

(1) DOD travel regulations applicable to military and civilian personnel and the DOD Joint Ethics Regulation (JER) have been amended to reflect the change in the law.

(2) Law is retroactive. It applies to frequent flyer miles earned on, before, or after the effective date of the Act.

(3) When a non-Federal entity pays for the travel, e.g., under authority of 31 USC 1353 or 5 USC 4111, Federal military and civilian personnel may retain frequent flyer miles that are derived from such travel provided the entity paying for the travel does not object.

Of course, certain rules still apply--so we invite you to read and distribute the enclosed Information Paper by **Bob Garfield**,

Enclosure 11.

OGE Publishes Several Changes to Form 450

1. OGE will ask OMB for a **3-year extension** of OMB's approval of the OGE Form 450.

2. The new 450 will be **"slightly revised."** Part V of the form is where one reports gifts and travel reimbursements.

There will be an increase in the threshold for reporting gifts and travel reimbursements (currently \$260). There will also be an increase in the "don't count amount" (currently \$104), i.e., if an item has a value of \$104 or less, you don't count it when determining if the total value of all the gifts and travel reimbursements received from one source exceeds \$260.

3. The \$260 threshold for reporting gifts and travel reimbursements will increase with the **definition of "minimal value" for purposes of gifts from foreign governments.** Gifts from a foreign government that are under the "minimal value" may be retained. Those over the "minimal value" belong to the government. GSA should announce sometime this year

the definition of "minimal value" that will apply during calendar years 2002 through 2004. Every 3 years GSA revises upward the definition of "minimal value" for purposes of gifts to foreign governments. When GSA announces the new definition of "minimal value," the definition will be retroactive to January 1, 2002.

4. While **OGE sees no legal bar to electronic filing** and electronic signatures for the OGE Form 450, agencies must meet the requirements of the Government Paperwork Elimination Act (GPEA) and other applicable laws and issues such as security, verification, non-repudiation, etc.

Those agencies seeking to develop or utilize an electronic version of the OGE Form 450, and who have not so informed OGE, are asked to advise OGE's Deputy Director for Administration and Information Management of their intentions to do so and to provide assurance of their adherence to the previously mentioned requirements.

What Gets General Officers and Senior Executives in Trouble?

Bob Garfield provided the Commanders at the recent Commander's Conference an outstanding paper on the above-captioned issue. The statistics for FY 01:

- 1) 888 (517 GO) allegations received in FY 01.
- (2) Approximately 35% are anonymous.
- (3) 21 % go to formal investigation.
- (4) 7% of the allegations are substantiated.
- (5) 30% of substantiated allegations began anonymously.

The paper includes sections on the issues that most give SES and GO personnel the most difficulty.

For GO's: number 1 is abuse of authority or position.

For SES: travel and TDY issues.

Enclosure 12

LEGAL ASSISTANCE

Preventing Financial and Legal Problems

Being on the move all the time makes it difficult for military families to keep their personal affairs in order. These precautions can help you prevent many legal and financial problems:

1. Organize your personal papers. Have one place, such as a filing cabinet or fire-proof strong box, where you keep all your personal papers. Each time you get a new document, such as an LES, file it right away so it will not be lost. Important receipts should also be retained. You should keep all tax records, cancelled checks and/or bank statements for a minimum of three years. That way, if a problem arises, you will have the records needed to sort it out. For example, if there is ever any question about the amount of family support payments you made or the amount you paid for an item damaged during a household goods shipment, you will have the proof to back up what you say.

2. Keep a written summary of important business conversations. Many important financial and legal matters are handled over the phone or face-to-face. You should write down the full name of the person to whom you are speaking, the date and time of the conversation and a brief summary of it. You will not be able to prove the contents of the conversation by doing this, but it will add to your credibility if you need to refer to the conversation in the future.

3. Keep copies of business letters. Letters you write to solve your financial and legal problems are far more valuable if you keep copies of them. You will be able to refer to these letters in the future and can use them to prove that you have been trying to solve the problem.

4. Send letters certified, return receipt requested, so that you will be able to prove that they were received. You

should save your return receipt (green card) with the copy of the letter that you sent.

5. Take care of problems as they arise. Financial and legal difficulties only get worse if you ignore them. If you receive court documents and don't know what to do with them, you should consult a legal assistance or other attorney immediately. Instead of letting unpaid bills pile up, see ACS for budget or debt counseling.

This summary gives you general information only. It is not intended to be a substitute for talking with a lawyer. You may consult a legal assistance attorney by appointment at the Legal Services Branch.

Thanks to CECOM's **Pamela McArthur**, DSN 992-4760 for her continued contributions to the Newsletter. (Enclosure 13)

Chemical Agents and Munitions--SBCCOM Summary Report

SBCCOM commissioned Argonne National Laboratory (ANL) to prepare a technical memorandum detailing federal and state environmental regulations applicable to the management of chemical weapons or chemical warfare agents.

Focus of this review is on the application of the Resource Conservation and Recovery Act (RCRA), from a solid and hazardous waste management perspective, and the Clean Water Act (CWA), the Clean Air Act (CAA) and the Emergency Planning and Community Right-to-Know Act (EPCRA) for regulation of chemical weapons or chemi-

cal warfare agents as hazardous substances, hazardous pollutants or hazardous materials.

This technical memorandum is a comprehensive listing of the many statutes and regulations currently applicable to the management of chemical weapons or chemical warfare agent, intended to benefit the installations and Army agencies involved in the area. A

Copies of this report, available either electronically or in printed form, may be obtained by calling the SBCCOM Environmental Office at 410.436.2167 or DSN 584.2167.

Environmental Protection and Enhancement--New Pamphlet Issued

The final PAM that implements Army Regulation 200-1, Environmental Protection and Enhancement, was published with an effective date of 17 January 2002.

This PAM explains how the Army will execute the "U.S. Army Environmental Strategy into the 21st Century" and describes in detail Army procedures for preserving, protecting, and restoring environmental quality.

A copy of the new DA PAM 200-1 is available at <http://www.usapa.army.mil/pdffiles/p200-1.pdf>

The FAR & the Environment

The Army Environmental Center--Southern Regional Office recently published useful information regarding new FAR provisions regarding energy-efficiency products and

a proposed FAR rule regarding hazardous material safety data.

For further information contact **Laura Smith** at (202) 208-7279

District Court Finds the Navy Guilty of Violating the Migratory Bird Treaty Act

The U.S. District Court for the District of Columbia recently ruled that the Navy's training activities on the island of Farallon de Medinilla (FDM), an island in the western Pacific, are killing migratory birds and therefore violating the Migratory Bird Treaty Act (MBTA) and the Administrative Procedures Act.

After hearing oral arguments March 13, the court ruled on the issue of liability in the case Center for Biological Diversity v. Robert B. Pirie, Jr., Acting Secretary of the Navy; Donald H. Rumsfeld, Secretary of Defense (Civil Action No. 00-3044).

The military has conducted training exercises on FDM, a small uninhabited island that is part of the Commonwealth of Northern Mariana Islands (CNMI), since 1971.

The MBTA is a 1918 law

that prohibits any killing of designated migratory birds.

The "taking" of migratory birds, such as wounding or killing them, is allowed under permits issued by the Fish & Wildlife Service (FWS), but the FWS had earlier denied the Navy request for a permit.

The denial was based on the fact that the law lacked any provisions allowing the FWS "to issue permits authorizing unintended conduct on the part of a permittee," the court said quoting from a FWS letter. Also, the FWS couldn't possibly ensure compliance, given the fact that the conduct was unintended.

Despite this denial, the services continued to kill birds without a permit, therefore violating the MBTA, said the court. The court further stated that, "[E]ven if this Court accepts defendants' argument that these killings are

'unintentional,' the MBTA prohibits both intentional and unintentional killing."

The court also agreed with the plaintiff that the military has violated the APA, which prohibits unlawful agency action.

While the MBTA contains no private cause of action allowing citizens to enforce actions against the U.S. government, the plaintiff argued that since the government's activities violated that law, they should be found liable for violating the APA's bar on agency actions that are otherwise not in accordance with law.

Given a fairly recent decision by the D.C. Circuit Court that military facilities are subject to the MBTA (see, Humane Society v. Glickman, 217 F.3d 882 (D.C. Cir. 2000)), ELSs should be alert to military activities that could jeopardize migratory birds covered by the MBTA.

Privacy Act Decision and the Feres Doctrine

Spazzarini Retires as AMCOM Chief Counsel

The doctrine first enunciated in Feres v. United States, 340 U.S. 135 (1950), provides that the U.S. Government shall not be held liable under the Federal Tort Claims Act for injuries to service members that arose out of or were incurred in the course of activity incident to service.

The Feres doctrine has subsequently been extended to bar lawsuits for deprivation of civil rights under 42 U.S.C. section 1985 (3), as well as to common-law and constitutional tort matters.

In a 2-1 decision, the U.S. Court of Appeals for the District of Columbia Circuit recently held that the Feres doctrine does not bar a lawsuit for damages under the Privacy Act filed by a member of the Armed Forces, reversing the district court's dismissal of the cause of action and remanding the case to the

district court for further proceedings addressing the service member's specific Privacy Act allegations.

The district court had held that the Feres doctrine barred the lawsuit because the injury occurred in the course of activity incident to military service.

The U.S. Court of Appeals for the D.C. Circuit was unwilling to extend the reach of the Feres doctrine any further because the Privacy Act does not implicate any of the rationales presented for extending the reach of the Feres doctrine to the Privacy Act.

An enclosed Information Paper elucidates the particular fact situations faced by the court.

Since this was a split decision appeal to the Supreme Court may be considered.

POC is **MAJ Al Glamba**, DSN 767-8081.

Enclosure 14

Bob Spazzarini announced a May 2002 retirement after 38 years of exceptional government service. NEWSFLASH--Bob has agreed to stay on for a few more months.

A native of Connecticut Bob served in several increasingly complex procurement law assignments prior to ascending to the Senior Executive Service and Chief Counsel position.

You can not replace someone with the wide-range of experiences Bob brings.

Additionally, his calm demeanor in the face of legal challenges and the merger of the AMC St. Louis to Huntsville, created an atmosphere that led to harmonious working and personnel relationships in one of the largest legal offices in AMC and the Army.

Further, despite many years in the South Bob was able to retain his allegiance to the New York Yankees--an extraordinary feat.

Faces In The Firm

Arrivals

ARL

Effective 24 February 2002, **Sam W. Shelton III**, returned to work at the ARL Administrative Law/ Litigation Branch, once again. Sam apparently got "home sick" or commuter sick.

HQ AMC

Amy Armstrong has joined the General Law Division as part of the Employment Law Team, transferring from the OSC.

Tiffany Cox has assumed the Secretary position in the Protest Litigation Branch. She comes to us from the RM directorate.

TACOM-ARDEC

Cindy Bedell recently joined the Legal Office as Secretary, arriving from the Close Combat Armaments Center where she worked for 21 years.

Mark S. Walsh joined the Business Law Section on December 10, 2001. Mark graduated from Seton Hall University School of Law and joins TACOM-ARDEC from private practice. During law school Mark interned at the US Environmental Protection Agency in New York and Philadelphia.

Promotions

TACOM-RI

Carrie Schaffner was promoted to GS-14. She serves as general law attorney and labor counselor for TACOM-RI.

AMCOM

Walter (Tony) Baker, who has been promoted to GS-14 in the General Law Division.

Will Rathburn, who has been promoted to Division Chief of the Acquisition Law Division Branch D.

This is the position that was formerly held by **LTC Andy Hughes**, who is station now in Bosnia.

Birth

RRAD

CPT Mark Hannig is proud to announce the birth of Daughter Jennifer Ellen

Deaths

ARL

In February 2002, Mrs. **Monika Roberts**, mother of **Tina D. Shaner**, Legal Assistant, Army Research Laboratory (ARL), Office of Chief Counsel, passed away unexpectedly from a massive heart attack.

AMCOM

We regret to inform the AMC Legal Community that **Bruce Jones** wife Joan Jones passed away 2 March 2002.

Hal C. Dilworth's father Conn Dilworth passed away 17 March 2002.

Carl Ray Stephens mother Mrs. Beatrice Stephens passed away.

The former head of Intellectual Property **John Garvin's** daughter also passed 10 March 2002.

The entire AMC Legal Community sends its sympathy to those who have lost loved ones.