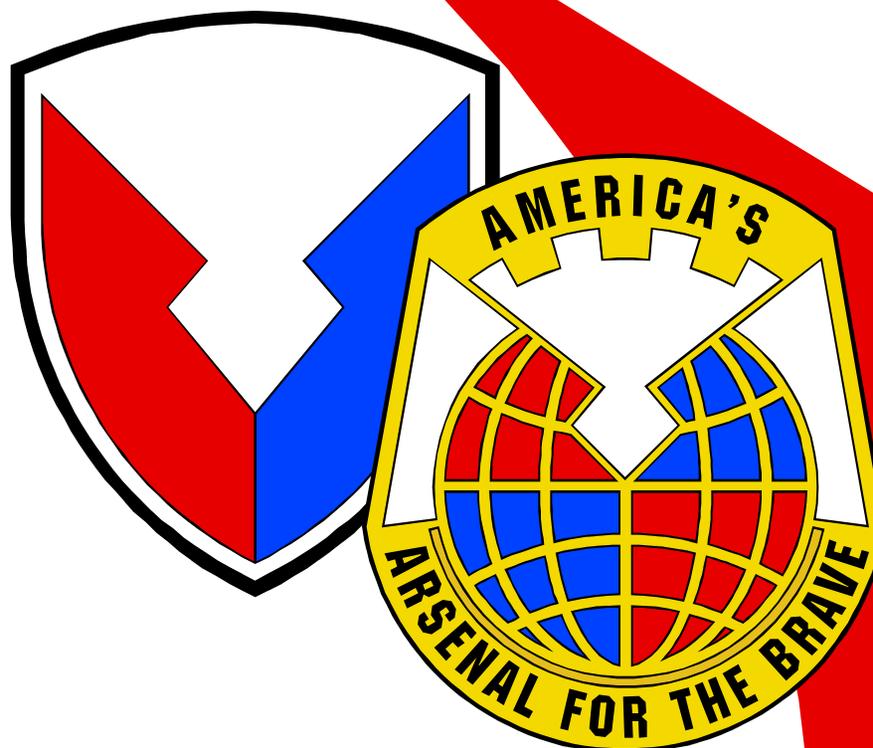


Presented by:
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Associate Counsel

Army **Materiel** **Command**

Commander's Briefing
Legal Responsibilities
AMC Command Counsel



AMC – Relevant, Responsive & Ready!



OFFICE OF COMMAND COUNSEL

Administrative Law

Ethics

EEO

Intellectual Property

Business Law

Protest

Employment

International
Acquisition

Environmental Law

Legal
Assistance

FOIA



Licensing

Technology
Transfer

Inventions

Patents

Trademarks

Privacy

Military Justice



CIVIL PENALTIES

- **Penalties for Environmental Violations**
 - Solid or hazardous waste violations
 - Drinking water violations
 - Lead-based paint violations
 - Nuclear Regulatory Commission violations
 - Failure to comply with CERCLA Agreement
- **Penalties Paid from Operating Funds**
 - ❁ Activity that caused pays
 - ❁ Supplemental Environmental Projects as Offset to Penalties
- **Don't Pay Penalties for other violations**



AIR PERMITS & PENALTIES

- **CAA requires major sources to have an Air Permit**
 - Application due within one year of approval of State Permit program
 - Required to shut down if application not filed
 - Should check on status of application
- **CAA EPA Penalties & Field Citations**
 - DoJ opinion EPA can assess against agencies
 - Regulations and program being developed
 - Hearing & Conference with EPA Administrator



EPA MUNITIONS RULE

- **Federal Facilities Compliance Act Required EPA to issue Munitions Regulations**
 - Identify when munitions become a hazardous waste and safe storage and transportation
 - Regulation became effective 08/12/97
 - EPA regulations subject to adoption by States
- **Major benefits to Military in EPA rule**
- **Military Munitions Implementation Guidance**



PERSONAL LIABILITY

- **Subject to Criminal Prosecution**
 - Knowledge of Wrongful Conduct
 - Willful Blindness May Constitute Knowledge
 - No Government Representation
 - Monitor ECAS and Installation Audits
- **Normally Immune from Civil Suits**
 - If acting within scope of employment
 - DoJ will defend
 - United States substituted for individual
 - Sexual harassment/assaults not in scope



REAL ESTATE ISSUES

- **Army Program to Privatize Utilities**
 - **Active & BRAC Installations**
 - **Must justify on economic or security basis retention of Army ownership**
 - **Real estate, environmental, & acquisition team**
- **Treatment Storage Disposal of non-DOD Owned Toxic or Hazardous Material**
 - **97 amendment broaden exceptions to cover BRAC and other leasing situations**
 - **Possible Delegation to MACOM Commanders**



Lautenberg Amendment

A New Firearms Disability

- **Made it a felony for a person:**
 - **Convicted of a misdemeanor crime of domestic violence to possess or receive any interstate firearm or ammunition**
 - **To sell or dispose of a firearm or ammunition to a person knowing or having reason to believe that the person has been convicted of a misdemeanor crime of domestic violence**
 - **Domestic violence: use or attempted use of physical force or threatened use of a deadly weapon**
- **Separate guidance for military & civilians**



Fiscal Violations Are Serious

- **Mandatory Reporting To DoD, White House, and Congress**
- **Potential Civil and Criminal Penalties**
- **Six Pending Cases From AMC**



Fiscal Law Do's and Taboo's

Do!

- Do Make Fiscal Stewardship A Priority
- Do Spend Money Consistent With Congressional Language.
- Do Spend This FY's Money For This FY's Needs
- Do Work Closely w/ RM and Legal Staff
- Do Train Credit Card-Holders About Legal and Policy Restrictions On Purchases
- Do Think "Outside The Box", But Not "Inside The Bars"

Taboo!

- Do Not Spend More Money That You Have
- Do Not Spend Money Before You Have It
- Do Not Spend Money For A Purpose Not Intended By Congress
- Do Not Keep Money You Receive -- Unless A Law Allows You To Do So
- Do Not Spend One FY's Money For Another FY's Needs
- Do Not Accept Voluntary Services



Common Fiscal Law Pitfalls

- Clothing
- Commemorative Markers
- Employee Personal Convenience Items
- Entertainment
- Flowers
- Food and Beverages
- Food-Related Appliances
- Gifts and Mementos
- Office Decorations
- Personal Stationary
- Printing Not Through The Government Printing Office
- Professional Licenses
- Professional Memberships in Societies or Organizations
- Publicity Not Authorized By Law
- Registration Fees That Include Food or Snacks
- Speakers' Fees
- Training In The Next Fiscal Year or That Crosses Fiscal Years
- Working Lunches On the Installation or Within The Local Travel Area



Commander's Ethical Responsibilities

- ❖ **Set the Ethical Environment**
- ❖ **Be Sensitive to Ethics Issues**
- ❖ **Know and Seek Advice from Your Ethics Counselor**
- ❖ **Meet Early On w/Your EC to Review Your Financial Disclosure Report & Ensure No Issues**
- ❖ **Ensure New Employees (Military & Civilian) in Positions Requiring a Financial Disclosure Report File a New Entrant Report w/i 30 Days**
- ❖ **Ensure Timely Filing of Annual Financial Reports**
- ❖ **Review Reports To Ensure No Conflicts**
- ❖ **Ensure You and Filers Get Annual Ethics Training**
- ❖ **Let Employees Know that Ethics is Important**



Command Counsel Programs

- **Alternative Dispute Resolution Program**
 - Partnering-Acquisition Programs
 - REDS-Resolving Employee Disputes Swiftly
- **Environmental Compliance Program**
 - Operation Clean Sweep
 - Lowering number of outstanding action
- **Environmental Partnering**
 - Alabama Initiative [Redstone & Anniston]
Jefferson PG and Letterkenny Depot
 - Active & BRAC Installations



Command Counsel Outreach Programs

- **WE ARE ON THE WWW**
 - Our URL Address:
www.amc.army.mil/amc/command_counsel
 - ALSO THRU AMC HOMEPAGE
- **RESOURCE FOR YOU AND YOUR STAFF**
 - Command Counsel Newsletter
 - Briefing and White Papers
 - Direct access to attorneys
- **TAKE A LOOK AND USE**
 - We are interested in your comments
 - How can we be of greater assistance