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TITLE 8
ADMINISTRATIVE DIVISION



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REGULATIONS AND INSTRUCTIONS

In addition to this Title of the Manual, United States Attorneys have been provided with several other booklets or manuals containing regulations and instructions on specific subjects. These other documents should be used in conjunction with this Manual since material will not ordinarily be duplicated herein. Citations or cross-references to other documents will be shown in this Title, as well as supplemental instructions applying to United States Attorneys' operations only.

Separate documents containing information on administrative matters are:

1. *Code of Federal Regulations*—Title 28—Judicial Administration (Orders of the Attorney General):
 - Part 0—Organization of the Department of Justice.
 - Part 16—Production or disclosure of material or information.
 - Part 21—Witness fees.
 - Part 42—Equal employment opportunity; policy and procedure.
 - Part 44—Employee-Management cooperation.
 - Part 45—Standards of conduct.
 - Part 46—Employee grievances.
 - Part 47—Rec consideration and review of adverse actions.
2. *Federal Personnel Manual Supplements*—3 volumes:
 - Supplement 831—1—Retirement.
 - Supplement 870—1—Life Insurance.
 - Supplement 890—1—Health Benefits.
3. *Leave Manual*:
 - (a) Procedures for Maintaining Leave Records (Memo 319).
 - (b) Leave Policies and Regulations (Memo 344).
4. *Political Activity Information*:
 - (a) U.S. Civil Service Commission Pamphlet No. 20.
 - (b) U.S. Civil Service Commission leaflet, Federal Employee Facts No. 2.
5. *Department Memos*. These are incorporated in this Title, except as to leave, as soon as possible after issuance. Pending publication in the Manual, such Memos should also be consulted.

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TITLE 8: ADMINISTRATIVE DIVISION**EMPLOYMENT****UNITED STATES ATTORNEYS****Appointment and Term of Office**

United States Attorneys are appointed for a term of 4 years. Upon the expiration of his term a United States Attorney shall continue to perform the duties of his office until his successor is appointed and qualifies.

The district court for a district in which the office of United States Attorney is vacant may appoint a United States Attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the Clerk of the Court (28 U.S.C. 506), and a copy thereof forwarded to the Deputy Attorney General together with the forms required below for regular appointment.

Citizenship

United States Attorneys must be citizens of or owe allegiance to the United States or have filed declarations of intention to become citizens which declarations are valid and have not expired. In the event that a foreign born citizen is appointed as United States Attorney, he shall file an affidavit as to his citizenship at the time of appointment. The statement as to citizenship in the appointment form (Standard Form No. 61 and 61B) is acceptable as such an affidavit.

Official Residence

The Attorney General may determine the official stations of United States Attorneys within the districts for which they are appointed. Each United States Attorney must reside in the district for which he is appointed, except that such officers of the District of Columbia and the Southern District of New York may reside within 20 miles of their District (28 U.S.C. 505).

Officials will be notified of their official residence at the time their commission and appointment forms are transmitted to them.

Compensation

United States Attorneys receive annual salaries fixed by the Attorney General as authorized by 28 USC 548. They are also allowed necessary travel and subsistence expenses, while absent from their official stations on official business, in accordance with regulations promulgated by the Attorney General under the Standardized Government Travel Regulations.

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TITLE 8: ADMINISTRATIVE DIVISION**Appointment Forms and Entry on Duty**

Each United States Attorney, before taking office, must take an oath to execute faithfully his duties (28 U.S.C. 544).

A commission and blank forms for the execution of an oath of office are transmitted by the Deputy Attorney General to each newly appointed United States Attorney.

The appointee should ordinarily confer with his predecessor in office and with the senior district judge and agree upon some satisfactory date for assuming duties. He should then advise the Department accordingly, at the same time acknowledging the receipt of his commission.

The following appointment forms should be executed and returned to the Department promptly after entry on duty.

1. Bar Affidavit, Form No. DJ-54.
2. Appointment Affidavit, Standard Form 61, and Declaration of Appointee, Standard Form 61B.
3. Residence Advice Sheet, Form DJ-43.

In cases where a court appointment has been made, a copy of the Court Order must also be forwarded to the Deputy Attorney General.

The oath (Standard Form 61) may be administered by any officer of the United States or of any state who is authorized by law to administer oaths generally. Justices and judges of the United States, Commissioners, and Clerks and Deputy Clerks of the United States courts are authorized to administer oaths (28 U.S.C. 459, 637, 953; 5 U.S.C. 2903).

Duties

The Attorney General has supervision over all litigation to which the United States or any agency thereof is a party, and has direction of all United States Attorneys and their Assistants in the discharge of their respective duties (28 U.S.C. 547).

It is the duty of each United States Attorney, within his district to: (a) prosecute for all offenses against the United States; (b) prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is concerned; (c) appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury; (d) institute and prosecute

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proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law unless satisfied upon investigation that justice does not require such proceedings; (e) make such reports as the Attorney General shall direct (28 U.S.C. 547).

REGULAR ASSISTANTS**Appointment Authority and Tenure**

Regular Assistants to United States Attorneys are appointed by the Attorney General or the Deputy Attorney General in any district when the public interest so requires (28 U.S.C. 542, 28 C.F.R. 0.135). They are subject to removal by the Attorney General or Deputy Attorney General.

A regular Assistant United States Attorney is appointed to assist the United States Attorney in performing the duties of his office and one person may not be paid the compensation of both offices (1 Comp. Treas. 184).

Citizenship

Assistant United States Attorneys must be citizens of or owe allegiance to the United States, or have filed declaration of intention to become citizens which declarations are valid and have not expired. In the event that a foreign born citizen is appointed as Assistant United States Attorney, he shall file an affidavit as to his citizenship at the time of appointment. The statement as to citizenship in the appointment form (Standard Form No. 61 and 61B) is acceptable as such an affidavit.

Official Residence

The Attorney General may determine the official stations of Assistant United States Attorneys within the districts for which they are appointed. Each Assistant United States Attorney must reside in the district for which he is appointed, except that such officers of the District of Columbia and the Southern District of New York may reside within 20 miles of the district (28 U.S.C. 545).

Compensation

Salaries of Assistant United States Attorneys are fixed by the Attorney General or the Deputy Attorney General (28 U.S.C. 548) in accordance with the provisions of 28 C.F.R. 0.135.

The number and salaries of the positions authorized are to all intents and purposes fixed on the basis of present funds and work-

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loads. This does not mean, however, that they cannot be adjusted upon proper justification in accordance with existing workloads, budget requirements, and other needs of the Department.

The standards and criteria applicable to compensation of Assistant United States Attorneys are set out in memoranda addressed to the United States Attorneys, and these memoranda are updated and revised as current conditions dictate.

All appointments require the approval of the Deputy Attorney General and are contingent upon whether funds are or will become available therefor through savings or additional appropriations.

Character Investigation

A character investigation will be made of each proposed appointee for the position of Assistant United States Attorney. No person may enter on duty until the investigation is found to be satisfactory and the United States Attorney has been given permission to swear in the Assistant.

Vacancies

Those responsible for recruiting personnel should anticipate their requirements sufficiently in advance to permit completion of the character investigation and its approval prior to entry on duty.

All requests for appointment to fill vacancies shall be submitted on Standard Form No. 52 under procedures set forth in "Position and Vacancy Control."

Appointment Forms and Entry on Duty

The Deputy Attorney General is responsible for notifying the United States Attorney of action taken on proposed appointees. The notice will include authority to swear in the Assistant, the grade, salary and headquarters, and the necessary appointment forms listed below:

1. Bar Affidavit, Form No. DJ-54.
2. Appointment Affidavit, Standard Form 61, and Declaration of Appointee, Standard Form 61B.
3. Residence Advice Sheet, Form DJ-48.

The oath (Standard Form 61) may be administered by any officer of the United States or of any state who is authorized by law to administer oaths generally. Justices and Judges of the

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United States, United States Commissioners, and Clerks and Deputy Clerks of the United States courts are authorized to administer oaths (28 U.S.C. 459, 637, 953; 5 U.S.C. 2903).

The above-mentioned forms will be executed at the time of entry on duty and will be returned to the Deputy Attorney General.

No employee may be placed on the payroll and paid until a payroll copy of Notification of Personnel Action, S.F. 50 (copy 2) is received.

SPECIAL ASSISTANTS**Positions, Duties and Compensation**

28 U.S.C. 543, 548 authorizes the Attorney General to appoint Special Assistants to assist the United States Attorney when the public interest so requires, and to fix their salaries. These Assistants are designated as either Special Assistants to the United States Attorney or Special Assistants to the Attorney General and are hired for the purpose of assisting in the preparation and presentation of special cases. Their salaries are a matter of agreement between the Department and the individual and are fixed at an annual, monthly, per diem, or when actually employed rate.

Attorneys employed in other departments or agencies of the Federal Government may be appointed as Special Assistants to the United States Attorney without compensation other than that paid by their own agency to assist in the trial or presentation of cases when the needs of the service warrant.

Section 3106, Title 5, U.S. Code, requires a certificate of the Attorney General that such services are actually rendered and that the same cannot be performed by the United States Attorney or other officers of the Department. This certificate will be furnished by the Department in Washington.

The compensation of Special Assistants, as allowed under the terms of the appointment, is payable through the Department of Justice. Voucher Form DJ-94a and DJ-94b (memorandum) in quadruplicate shall be submitted to the Department on a bi-weekly basis. Each voucher must show the dates of service, rate of pay and the amount claimed together with the information as to the title of the case, or cases, in which the services were rendered. If such cases are so numerous as to render it impracticable to name all of them on the face of the voucher, a statement that services were rendered in cases assigned under special law (i.e. banking laws, mail fraud statute, internal revenue laws, etc.) will be suf-

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ficient. Every voucher must be approved by the United States Attorney in the body of the form. The space reserved for the "Authorized Certifying Officer" on the face of the form, and the reverse side of the form must be left blank for execution in the Department.

Qualifications

Special Assistants are subject to the same requirements and qualifications as regular Assistants. Except in unusual circumstances the character investigation must be completed prior to employment.

Appointment Forms

The manner of submitting recommendations for appointment and the forms to be executed are the same as for regular Assistant United States Attorneys.

CLERICAL EMPLOYEES**Appointment and Duties**

Clerical employees for United States Attorneys may be employed upon approval of the Attorney General (28 U.S.C. 505), subject to Civil Service rules and regulations which are applicable to these positions.

The duties of such positions include typing, stenographic work, docket work, messenger work, and miscellaneous office duties of a nonprofessional nature.

Compensation

Salary rates for clerical employees are established by the provisions of 5 U.S.C. 5101-5115. For actual rates of pay refer to the Schedule of Annual Salary Rates by Grades contained in the U.S. Civil Service Commission Salary Table. The initial salary of each new appointee shall be at the minimum rate of the grade to which the position is allocated (5 U.S.C. 5333), except that subject to prior Departmental approval, an employee who is reemployed or transferred may be paid at any scheduled rate for his grade which does not exceed his highest previous rate.

Character Investigation

Appointments at GS-7 and below from a civil service register that are subject to a one-year trial period may be made prior to investigation, provided the head of the office certifies that the employee will not be permitted access to any classified material

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until a full field investigation has been conducted and the employee cleared under the security regulations. A certificate to this effect must be placed on the recommendation for appointment of any employee who enters on duty prior to completion of investigation.

Persons appointed by *transfer* from other agencies or by *reinstatement* based on previous Federal service must have a full field investigation and be cleared under the security regulations prior to entry on duty. Upon completion of the investigation, and after review by the Security Officer, he will advise the Assistant Attorney General for Administration whether retention of an employee or appointment of an applicant is consistent with the provisions of E. O. 10450 and the Personnel Security Regulations of the Department. The United States Attorney will be notified promptly of any unsatisfactory information which should be considered by him.

Vacancies

Vacancies may be filled generally by:

1. Promotion from within the office.
2. Inter-agency transfer of qualified individuals.
3. Reinstatement of persons possessing permanent civil service status and the required qualifications.
4. Original appointment from Civil Service Commission registers of eligibles.
5. Appointment outside registers of eligibles upon specific authority from the Regional Office of the Civil Service Commission.

In case of emergency, appointments may be made, following authorization from the Department for a period not to exceed 1 month without securing approval of the Civil Service Commission.

Interviewing and Selecting Personnel

Persons in the Department who interview applicants or who are responsible for recommending the selection of applicants will make no commitment to a prospective appointee regarding his possible appointment. At the time of interview a person to whom appointing authority has been delegated by the Attorney General may make only a tentative commitment with respect to any particular appointment. Otherwise, applicants may be misled into taking premature action. Further, each person who interviews applicants for attorney positions, will prepare a memorandum

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after each interview, which shall briefly set forth his views as to the suitability of the applicant for the position sought and pertinent factual data which may not appear on the application forms. This memorandum should be made a part of the United States Attorney's files.

Appointment Forms and Entry on Duty

Upon receipt of the authority for the appointment (personnel action fanfold copy marked "Employee"), the employee will be required to take an oath of office and execute the following forms:

1. Appointment Affidavit, Standard Form 61, and Declaration of Appointee, Standard Form 61B.
2. Statement of Physical Ability for Light Duty Work, SF-177.

The forms will be transmitted promptly to the Assistant Attorney General for Administration together with information as to the date the employee entered on duty. No employee may be placed on the payroll and paid until a payroll copy of Notification of Personnel Action, S.F. 50 (copy 2) is received.

The oath (Standard Form 61) may be administered by any officer of the United States or of any state who is authorized by law to administer oaths generally. Justices and Judges of the United States, U.S. Commissioners, and Clerks and Deputy Clerks of the United States courts are authorized to administer oaths (28 U. S. C. 459, 637, 953, 5 U. S. C. 2903).

Status and Eligibility

Any questions concerning the civil service status of any applicant or of any employee should be referred to the local Interagency Board of Civil Service Examiners.

Trial or Probationary Period

New employees appointed to other than temporary positions are required to serve a trial or probationary period of one year. This period provides a means to evaluate and judge the employee's fitness for the position through performance on the job.

Civil Service Commission and Department of Justice regulations require that the supervisor of each employee serving a trial or probationary period submit a signed statement certifying that the employee's performance, conduct, and general traits of character have been found either satisfactory or unsatisfactory. The statement must be submitted to the Processing Unit of the Personnel Office no earlier than the beginning of the 9th month nor

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later than the end of the 10th month of the probationary period.

In the event a probationary employee is found to be unsatisfactory, the Employee Relations Unit of the Personnel Office should be consulted for advice and assistance before taking any action.

IDENTIFICATION CARDS

United States Attorneys and Assistant United States Attorneys are entitled to receive an identification card after appointment for use in connection with official business. A written request should be forwarded to the Processing Unit of the Personnel Office accompanied by a photograph, full face only, 1 1/2 by 1 1/2 inches in size on a white background. The photograph should contain the name of the employee on the reverse side. Upon receipt of the card by the employee it should be signed by him in the space provided. The accompanying receipt should also be signed and returned to the Personnel Office.

Clerical personnel are not furnished identification cards. If building passes are required for such employees, arrangements should be made with the custodian of the building to secure the necessary passes.

Misuse of identification cards will be grounds for disciplinary action.

Identification cards must be returned to the Personnel Office when an employee leaves the service.

POSITION AND VACANCY CONTROL

Each United States Attorney is notified on Form No. DJ-51 of the regular clerical positions authorized for his office. (Notification regarding Assistants will be handled by form letter.) Whenever it becomes necessary to increase or decrease the authorized force, the Department will issue appropriate notification. Minor changes in authorization will be noted in an attachment to the personnel fanfold and periodically new revised notifications will be issued to reflect the recent changes. Authorized positions will include only those which have been provided for in the budget and which have been properly classified or annual salary rates established therefor.

A position control file must be maintained in each office which file shall consist of a Position Identification Strip (Standard Form No. 7D) for each authorized position, and an Employee Record Card (Form No. OF-4b) for each employee. Where there are iden-

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tical additional positions under a particular classification or salary, a separate Position Identification Strip will be prepared for each. Cards will be filed in the order of (1) Classification Service, and (2) Grade or salary—from the highest to lowest.

Immediately upon receipt of any Form No. DJ-51, or form letter, steps must be taken to revise the position control file and to take such action with respect to employees as may be required to comply with the new authorization.

As it becomes necessary to take action with respect to authorized positions (such as filling vacancies, reporting resignations, making promotions, etc.), United States Attorneys are permitted to set the papers in motion without first contacting the Department for authority. While this allows initiating action, *entry on duty of the new appointee must not occur or the change placed in effect until approval is received from the Department.* Requests for personnel or position actions, including reclassification of authorized positions or requests for additional positions, must be made on Standard Form 52. An original and one copy of the form will be forwarded to the Director, Executive Office for United States Attorneys.

The Standard Form No. 52 must be accompanied by any other forms which may be necessary. The Department will act upon requests so submitted and will notify the initiating office by means of S.F. 50 (Notification of Personnel Action) or form letter depending upon the type of request and the action taken thereon.

Standard Form No. 52 makes provision for all information necessary for processing personnel or position actions; it will be unnecessary to write lengthy letters or memoranda in support of the action requested except for employment of a special or emergency nature. Sufficient time should be allowed for actions to be processed before communicating with the Department with respect to the status of such actions. Where there will be an unusual delay in processing actions, the Department will notify the initiating office of the reason therefor by means of a form letter designed for that purpose. United States Attorneys are cautioned not to submit requests to fill positions which have not been authorized.

Requests for temporary, intermittent, emergency, or special employment must have the *prior approval* of the Department. Requests may be submitted on Standard Form No. 52 accompanied by a full justification. If approval is granted, the applicable appoint ment forms should be transmitted to the Department promptly.

The foregoing records together with a file of position descrip-

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tions are the only personnel records authorized for maintenance in the United States Attorneys' offices. All other official personnel records including the employees' personnel folders will be maintained by the Department. Duplication of these records will not be permitted.

ANNUAL REPORT OF POSITIONS REVIEWED

Once each year all positions and the official position description should be reviewed. A report should be submitted to the Personnel Office not later than July 1 showing:

1. The date on which the review was completed.
2. Any positions which should be abolished as no longer necessary.
3. Any positions which should be redescribed.

New or amended position descriptions should accompany this report. Since the position description is the official record of the duties and responsibilities assigned to an employee, it is desirable to check the description at the same time each employee's performance is reviewed. It is suggested that the review be made concurrently with annual performance rating required as of March 31.

REQUESTS FOR APPOINTMENT

When a request to fill a vacancy is submitted, the following forms shall accompany the Request for Personnel Action (Standard Form No. 52):

1. *The Attorney's statement* that the vacant position cannot be abolished or filled by transfer. This statement should appear on the Standard Form No. 52 in the "F" Remarks section.
2. *Standard Form 171 (Application)*—original only.
3. *Standard Form 15 and supporting proof*. Submit only if claiming disability, wife, widow, or mother preference.
4. *Standard Form 86 (Security Investigation Data for Sensitive Position)*—in triplicate.
5. *Standard Form 87 (Fingerprint Chart)*—one only.
6. *Standard Form 75 (Request for Preliminary Employment Data)*—original only (If applicant is transferring from another Government agency or has had a break in service of 90 days or less).
7. *Civil Service Clearance*. (Necessary only for appointment of clerical employees.)

- a. If the applicant has permanent civil service status by reason of past Federal civilian service, submit written evid-

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ence of the type and date of the personnel action (probational, career-conditional, conversion to competitive status, etc.) under which competitive status was acquired, and the name, if different from the present name, under which the applicant acquired such status. Obtain evidence from the applicant, his last employing agency, or the Federal Records Center in St. Louis, Missouri.

b. If the applicant was selected from a register of eligibles issued by the Board of Civil Service Examiners, send a copy of the register of eligibles. Also, forward the examination papers if such papers were furnished by the Board of Examiners.

c. Where no register of eligibles exists for the position to be filled and the Regional Office has issued an authority for a temporary limited or temporary appointment pending establishment of a register, send a copy of the authority and the eligible rating the applicant received in a written examination. Written examination is generally required for clerical assistant positions unless the examining requirement is waived by the Board of Examiners.

d. Temporary emergency appointments of one month or less when authorized by the Department do not require examination or approval of the Regional Office. Consequently, no clearance from the Regional Office is necessary. However, extensions beyond the one-month period, if authorized by the Department, require clearance from the Regional Office as in Item 7.c. unless the employee possesses permanent civil service status.

8. *Optional Form 8 (Position Description)*, (Necessary only for appointment to positions subject to the Classification Act). If the existing position description on file is not current, or a major change in the duties of the position is proposed for the appointee, send in *Optional Form 8*.

9. *Results of Pre-employment Checks*. These checks are needed to assist in determining the ability and suitability of the applicant. Information should be obtained on the factors set out below. These factors are a minimum check list guide and other information pertinent to the individual should also be secured.

10. *Transcripts* of scholastic record in law school where the period of time since graduation from law school is less than 10 years.

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Where the request is for a new appointment to a clerical vacancy, the Standard Form 52 must contain a certification that the appointee will not be permitted access to any classified material until a full field investigation has been conducted and the employee cleared under the security regulations.

Pre-employment checks, referred to above, should be made to assist in determining the ability and suitability of applicants. Information on the factors set out in the Checklist for Federal Employment should be submitted with the request for appointment in order to expedite final approval of the appointment. Any other information pertinent to the individual case should also be included.

Checklist for Federal Employment

Applicants presently employed in Government or having a break in service of 30 days or less—forward Standard Form 75, Request for Preliminary Employment Data, as indicated under Item 6 above.

Applicants with previous Government service who have had a break in service of more than 30 days:

1. Type of appointment served under.
2. Civil Service status—furnish information as to the type of personnel action (probational appointment, career conditional, conversion to competitive status, etc.) under which competitive status was acquired and name (if different from the present name) under which employee acquired status.
3. Last performance rating.
4. Clearance under Executive Order 10450 and Security Regulations.
5. Information regarding removal from any employment for cause or forced resignation for any reason.
6. Whether applicant's services were entirely satisfactory. If not, why.
7. Whether agency would rehire. If not, obtain explanation.
8. Any other information such as work habits, ability to get along with fellow employees, etc., which would be helpful in deciding whether applicant is acceptable.

REAPPOINTMENT AND REEMPLOYMENT

An annuitant retired under the Civil Service Retirement Act, as amended, shall not, by reason of his retired status, be barred from employment in any appointive position for which he is

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qualified. An annuitant so reemployed shall serve at the will of the appointing officer. Such reemployed annuitants, however, do not accrue any right of tenure and may be separated at the will of the appointing officer. Those who do cease to be annuitants upon reemployment, such as disability annuitants under age 60, may be granted regular appointments with all attendant privileges and protection.

An employee dismissed for misconduct must not again be employed by the United States Attorney in any capacity without specific authority from the Attorney General or the Deputy Attorney General and the letter with respect to the proposed employment must indicate the nature of the misconduct and the reason why it is proposed to reemploy him.

Persons who have transferred to another agency with reemployment rights or who have been honorably discharged from the Armed Forces or the merchant marine have a right to reemployment in their former position or in a position of like seniority, status, and pay if the positions were other than of a temporary character. If there is no appropriate vacancy in the office, reduction-in-force procedures must be followed in order to reemploy such person.

United States Attorneys will be advised in each case of any special procedures in connection with reemployment.

PROMOTION AND REASSIGNMENT

Any employee may be promoted to a position at GS-5 or below, which is not more than two grades above the lowest grade he held within the past year under permanent or indefinite appointment. Promotions to positions allocated at GS-6 through GS-11 may be made after the employee has served 1 year at the next lower grade, or 1 year in a position two grades lower if the line of work is properly classified at two grade intervals under the provisions of 5 USC 5104. Promotion to positions allocated at GS-12 or above may be made after the employee has served 1 year at the next lower grade. These restrictions also apply to appointments involving promotions. However, no employee may be reassigned to a different line of work or promoted within three months after his last competitive appointment. Employees should not be reassigned to another position or to a different locality or duty station without the approval of the Department.

When a person in a classified civil service position is proposed for promotion, he must meet the experience and training require-

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ments for the position as approved by the Civil Service Commission. In some cases it may be necessary for the Commission to test his qualifications by appropriate non competitive examination.

Job descriptions on all clerical positions are maintained in the Classification Unit, Personnel Operations Section, Administrative Division. If there is a material change in the duties of any such position, a new job description (on Optional Form 8) should be forwarded promptly to the Director, Executive Office for U.S. Attorneys.

Requests for promotion of clerical employees should be accompanied by Standard Form No. 58, Experience and Qualification Statement, reflecting their current experience.

The Departmental Merit Promotion Plan for all employees in the competitive service is presently set forth in Memo No. 648 dated September 19, 1969, and each new employee covered by the Plan should be furnished a copy upon entry on duty.

CHANGES IN NAME

An employees official name should be uniform throughout his service. Changes in names by marriage or court action must be reported promptly to the Processing Unit of the Personnel Office.

MILITARY SERVICE

Any employee called to active duty under the Universal Military Training and Service Act (Selective Service Act) will be entitled to reemployment rights generally upon his completion of military service unless:

1. He was serving in a temporary position.

2. He was serving under a temporary or indefinite appointment (as distinguished from a permanent employee who has been given an indefinite promotion, demotion or reassignment).

Chapter 353 of the Federal Personnel Manual sets forth the regulations regarding restoration of Federal employees after service in the Armed Forces. Any employee covered by the regulations and who is inducted, enlists or is ordered into the Armed Forces is entitled to restoration:

1. If he serves not more than 4 years (exclusive of any additional service imposed according to law);

2. Receives a certificate of Satisfactory Completion of Training and Service;

3. Makes application for restoration within 90 days after

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discharge or from hospitalization continuing after discharge for not more than 1 year; and,

4. Is qualified to perform the duties of the position.

The Department has adopted a policy that no deferment will be requested for any person called to duty with the Armed Forces (including reservists). Each employee entering the Armed Forces should be separated from the service if his active military duty is expected to extend 3 months beyond the date he leaves his civilian position. He is entitled to be paid for accrued leave, or to elect to let it remain to his credit.

The United States Attorney's office will be responsible for the maintenance of adequate records to assure consideration for promotion during the absence of the employee, and upon reemployment such promotion is effective as of the date it would have been made notwithstanding the absence for military duty. The same procedure applies to reallocations, unless lack of qualifications is clearly shown.

In the event the position is abolished during the employee's absence, due to organizational changes, every effort will be made to place him in a position of equal status and pay upon his return.

Any person returning to duty may be reemployed in his Federal position while on terminal leave pending separation from or release from active duty under honorable conditions from the Armed Forces, and he is entitled to receive compensation for his employment in addition to pay and allowances from the Armed Forces (5 U.S.C. 5534c).

The benefit or successive step-increases shall be preserved, under regulations issued by the Civil Service Commission, for officers and employees whose continuous service is interrupted in the public interest by service with the Armed Forces.

REDUCTION IN FORCE

Reduction in force may be necessary whenever a person who has reemployment rights returns from military duty or other Government employment or service, or whenever decreased appropriations necessitate reducing the number of positions in the service.

Any separation by reduction in force will depend upon the relative standings on the separation registers in accordance with the civil service reduction-in-force procedures.

United States Attorneys will be advised of the specific methods in event reduction in force becomes necessary.

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RESIGNATION AND SEPARATIONS

Resignation, leave without pay, or other conditions affecting compensation (exclusive of suspensions and dismissals) must be promptly reported to the Department. The date of each change must be definitely given; and it must be shown at the close of what day it became effective. The reason for separation must be shown in each case. It is very important that a specific statement of facts which cause each resignation be entered on the reverse side of the Request for Personnel Action (Form No. SF-52). Generalized statements such as "personal reasons" or "ill health" are not adequate. Instead, brief factual statements are needed such as "to accompany husband to new duty station in Lancaster, Pa," "doctor recommends change of climate because of arthmatic condition," "to enter private law practice," etc. This information which is transferred to the fanfold notice, is necessary for state security agencies in adjudicating unemployment compensation claims based on termination from Federal service.

If the change involves separation from the service, information as to whether the position vacated is to be abolished or is to be carried as a vacancy must be stated, if leave without pay is involved the first and last day thereof must be indicated; and if a change in headquarters is made (which change can be made only upon authorization by the Department) the exact date on which the change becomes effective must be stated.

A resignation or separation becomes effective at the close of business on the last day of the employee's active duty. When reporting resignations or separations that date should be given at the close of which the employee's active duty ceased. A transcript of the employee's leave record and Standard Form 1150—Revised, Appendix, form must accompany the report. Payment for leave (as well as the final salary due) must be withheld until receipt of DJ-50 notice from the Department.

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ATTENDANCE AND LEAVE**HOURS OF DUTY**

5 U.S.C. 6101 provides for an administrative workweek of 40 hours for Federal employees. Employees must render full-time service, 8 hours per day, 5 days per week, Monday through Friday, except when on annual or sick leave. Where it is necessary because of court activities to keep the office open on Saturday, the head of the office is authorized to assign a sufficient number of employees to duty on that day and to allow compensatory time off in accordance with regulations set out under Leave.

The work day is established as 9:00 a.m. to 5:30 p.m. and exceptions to the rule must be approved by the Assistant Attorney General for Administration. The hours of duty must be strictly observed and employees must devote full time to their duties.

Unavoidable or necessary absence from duty and tardiness, not in excess of 30 minutes, may be excused by the supervisor. The time must be made up either by charge against overtime previously worked or subsequent overtime. Habitual tardiness cannot be excused and will be charged against annual leave or corrected through disciplinary action. The minimum charge for annual leave regardless of the period of tardiness is 1 hour.

A schedule for lunch periods shall be established in each office on a staggered basis so that some one will be present at all times to answer inquiries or handle routine business. Any abuses of the time allotted for lunch should be corrected by administrative action either by a charge against annual leave or by appropriate disciplinary measures.

LEAVE**Authority**

The Department's leave policies and regulations contained in Memorandum No. 344, Supplement No. 1, as revised, and the procedures for maintaining leave records set forth in Memorandum No. 319, as revised, are incorporated herein by reference.

Part-time and intermittent employees are not generally entitled to leave benefits, except under certain conditions. If there is any doubt as to whether an employee is entitled to leave, the question should be submitted to the Department. Fee-basis employees are not entitled to leave benefits and leave records should not be maintained for such persons.

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United States Attorneys may grant authority to a supervisor to approve routine leave such as short periods of annual leave, leave without pay, and sick leave not exceeding 1 day, court leave, etc. Such routine leave may be granted on oral request.

Nonroutine leave must be applied for in writing on Standard Form 71 (Application for Leave) as follows:

1. Annual leave in excess of 5 days;
2. Sick leave in excess of 3 days;
3. Extended leave without pay;
4. Other types of leave which must be granted above the supervisory level, such as Military Leave.

All Standard Forms 71 shall be filed with the individuals responsible for time and attendance reports.

Leave Records

All leave records of the United States Attorneys and their employees are maintained in the office of the United States Attorney only. They shall be retained in that office for inspection by Department examiners and General Accounting Office auditors upon request.

Extreme care should be exercised in the maintenance of leave records. United States Attorneys will be held accountable for any errors in leave computations or failure to instruct employees in the regulations for proper handling of leave accounts. In addition, excessive or erroneous payments for leave will be subject to suspension in the certifying officer's accounts.

Standard Form No. 1130 (Time and Attendance Report) shall be used exclusively for leave records of all persons entitled to leave.

This form provides space for reporting attendance and leave for each 2-week period. It shall serve as the official leave record of the employee and all such records will be retained by the person authorized as leave clerk. In the smaller offices it shall be posted by the leave clerk. In the larger offices it may be kept by the person responsible for granting leave and who certifies the daily attendance of all employees within a group. Individual employees stationed away from the headquarters office shall keep their own leave records on form 1130 and send them promptly to the headquarters office at the end of each pay period with Standard Form No. 71 necessary to support leave taken. Where a field station has more

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than one employee, one person should be designated to maintain the Time and Attendance Reports and at the end of the pay period to forward them (with any SF 71 forms) to the headquarters office.

Report of Leave Without Pay

All leave without pay must be reported promptly by the leave clerk to the person who prepares the payroll. It should also be reported to the Department by letter addressed to the Personnel Operating Section, Administrative Division.

Disposition of Leave Records on Separation

Whenever an employee is separated, whether by resignation, death, transfer to another agency, etc., Standard Form 1150 (Record of Leave Data Transferred) will be prepared and certified by the head of the office, and forwarded to the Department of Justice with the notice of separation. In death cases, Standard Form 1150 should be accompanied by a statement as to whether or not there is a surviving spouse. Item No. 3 entitled "Total Service" must be filled in.

The leave accounts, (Standard Form 1130) shall be forwarded to the Marshal for retention for site audit purposes.

Upon separation of a United States Attorney, in addition to the Standard Form 1150, his complete leave records covering the period he served must be forwarded to the Department for audit. After the audit is completed the records will be returned for disposition as noted above.

In those cases where an employee is transferred to another office or agency, the Administrative Division of the Department of Justice will be responsible for forwarding information concerning the employee's leave to the employing office.

Terminal Leave

General rule.—5 U.S.C. 6306 provides for a lump-sum payment for accumulated and current accrued annual leave when an employee is separated from the Government service, or when he is transferred to an agency under a different leave system.

Transfers *without break in service* do not require lump-sum payments except when to a position not under the same leave system. A break in service of even one day requires lump-sum payment for leave and refund upon reemployment under the same leave system.

The law is mandatory and the employee has no choice in its

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application, nor can leave payment be denied an employee regardless of leave system even though separated under charges. Change cannot be made in dates of resignation or separation to avail of the law's benefits.

The employee's last day of active service normally is to be considered the day preceding the period for which lump-sum payment is made. The employee's cease-active-duty date is the last date he is physically on duty. If he has no current accrued annual leave the effective date of separation is the same as the cease-active-duty date. If he has current accrued annual leave and is granted it, the effective date of separation is at the expiration of such leave. The lump-sum payment covers the period following separation date.

Limitation on payments.—Public Law 102, approved July 2, 1953, limits lump-sum payments for separations after August 31, 1953, to a total of 30 days leave or pay for the amount of leave carried forward from the previous year (the employee's ceiling), whichever is larger. In other words, if an employee is separated after August 31, 1953, having carried over 25 days accumulated leave from the previous year, the most he could be paid for in a lump sum would be 30 days. Five days of the current year's accrued leave could be added to the 25 days accumulated leave resulting in a lump-sum payment for 30 days leave. If the employee brought forward 69 days as accumulated leave from the previous year he could receive payment for only 69 days in a lump sum regardless of how much unused accrued (current) leave he might have to his credit. He would have to use the current year's leave to date of separation or forfeit it as the law provides.

Payment to retirees.—Reemployed annuitants separated are entitled to payment for their annual leave at their full salary rate in a lump sum without reduction by the amount of their annuities. (See 36 Comp. Gen. 209, 340.)

Payment to beneficiaries.—The beneficiaries of deceased employees may receive payment in a lump sum for accumulated leave including the *unused current years accrued leave*. However, employees with more than 30 days of accumulated leave who are separated or leave the Government for any reason other than death continue to be barred from receiving a lump sum payment for unused current accrued leave.

Payment on entry into armed forces.—See Section VI, Military Leave, Leave Policies and Regulations, Memorandum No. 344.

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Use of current surplus leave.—See Section II.F, Granting Annual Leave, Leave Policies and Regulations, Memorandum No. 344.

Sick leave prior to separation.—5 U.S.C. 6306 has no effect whatever upon the granting of sick leave immediately prior to separation under the laws, regulations, and decisions of the General Accounting Office controlling the granting of sick leave. Sick leave immediately prior to separation is required to be granted and paid for as leave in accordance with the usual procedure and may not be combined with terminal, annual or vacation leave to determine the amount of the lump-sum payment, except to the extent necessary to determine the tax deduction pursuant to the rule stated by the Treasury Department in its circular of January 20, 1945, relative to withheld taxes for lump-sum payments under said act. The time and date of expiration of the sick leave should be construed as the date of separation.

Payroll procedures.—The lump-sum payment covering leave is not subject to retirement deductions nor to insurance or health benefit deductions; does not include leave credits earned during period covered by the lump-sum payment; and does not include a within-grade increase, except where the employee has completed the waiting period and has met all other conditions for a within-grade increase on or before the date of separation. (See Section X.D.2, Leave Policies and Regulations, Memorandum No. 344.) However, if the employee's salary has been subject to social security, social-security deductions will be made on payment for leave accrued after January 1, 1951. The lump-sum payment is to be computed on the basis of the employee's rights at the time of separation under all applicable laws and regulations existing at that time which would have affected his compensation had he remained in the service for the period covered by his leave. A holiday immediately following expiration of leave may not be paid for, but any holiday falling within the period covered by the leave due day may be paid for. In other words, the date through which payment shall be made will be determined just as though the employee had remained in an active duty status and used his leave in the regular manner, except that where territorial post differentials and cost-of-living allowances are payable, an employee who, incident to separation, departs from his post of duty in a leave status in order to use accrued annual leave in excess of that for which lump-sum payment may be made, loses entitlement to differential and cost-of-living allowance on date of departure from such post so that such allowances may not be included in payment for

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excess leave or in lump-sum leave payment. The appropriation current at the time of separation (last day of active duty) is chargeable with the entire amount of the lump-sum payment. (See 26 Comp. Gen. 102.)

Although salary payments to a reemployed annuitant are reduced by the amount of his annuity, lump-sum payment for annual leave upon separation may be paid at the classification rate for the position held without reduction of the amount of the retirement annuity. (See 36 Comp. Gen. 209, 340.)

Withholding taxes shall be deducted on all lump-sum payments for leave. Both the regular salary payment and the lump-sum payment should be combined into a single entry on the payroll if possible, the tax to be computed on the gross figure.

If the lump-sum payment for accrued leave is made at a different time or on a different payroll, the tax will be determined by a straight 20% deduction on the gross amount due, without any exemptions being allowed.

Available as setoff.—The lump-sum payment is available as a setoff against any amount due from the former employee to the United States, whether the lump sum is payable to the former employee, to his beneficiary or his estate.

Refund for terminal leave.—If the employee has received a lump-sum payment for previous service under the same leave system and is reemployed prior to the expiration of the period covered by the leave payment, refund is required in an amount equal to the compensation between the date of reemployment and the expiration of such leave. The amount of leave represented by the refund shall be credited to the employee's leave account. New employees who have been required to make a refund may use the leave recredited to them at any time after appointment, even though further credit of leave will not be granted until 90 days have expired.

Refunds are to be turned over to the Marshal for deposit to the credit of the Justice appropriation.

Any information the United States Attorney secures regarding a refund which may be due should be transmitted to the Department with the request for appointment.

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**OVERTIME, COMPENSATORY TIME
AND HOLIDAY WORK****FEDERAL HOLIDAYS AND HOLIDAY PAY**

The following holidays should be observed as nonwork days:

- New Year's Day, January 1.
- George Washington's birthday, 3rd Monday in February.
- Memorial Day, Last Monday in May
- Independence Day, July 4.
- Labor Day, the 1st Monday in September.
- Columbus Day, 2nd Monday in October.
- Veterans Day, 4th Monday in October.
- Thanksgiving Day, the 4th Thursday in November.
- Christmas Day, December 25.
- Any other day designated as a holiday by Federal Statute or Executive Order of the President.

Whenever any of the above holidays fall on Sunday, offices shall be closed on the following Monday, and all employees shall be excused from work on that day (Executive Order No. 10358, June 9, 1952). Also, under current law (5 U.S.C. 6103) when a legal holiday falls on Saturday, the preceding Friday will be the legal holiday.

"Intermittent" employees (less than full-time with no pre-scheduled regular tour of duty and paid at per diem or per hour rates) are not entitled to premium compensation for any holidays.

A regular employee required to work on a day designated as a holiday by Federal statute or Executive Order, during hours which fall within his basic workweek of 40 hours, shall receive additional compensation equal to his regular hourly rate for the number of hours worked, not to exceed 8 hours, provided that anyone required to work on a holiday shall be paid for at least 2 hours of such holiday work. Hours of work in excess of 8 performed on such a holiday shall be paid for at the overtime rate (time and a half). Holiday work must be paid for since compensatory time off may not be granted for holiday work. (26 Comp. Gen. 431)

Payment for holiday work will be allowed only when the work has been authorized in writing in advance by the Deputy Attorney General, Assistant Attorney General for Administration, or other officer of the Department designated by the Attorney General for that purpose. United States Attorneys are not entitled

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to holiday pay, and it is not the policy of the Department to authorize holiday work for Assistant United States Attorneys.

Under the present law and Executive Order 10358, where holidays falling on Saturday or Sunday are transferred to the preceding Friday or following Monday respectively, the Saturday or Sunday is not considered a holiday also. Work on such a Saturday or Sunday should be treated as regular overtime in accordance with regulations in the section "Overtime and Compensatory Leave."

OVERTIME AND COMPENSATORY LEAVE

Authority for.—The United States Attorney is authorized to order overtime for which compensatory leave is acceptable. Compensatory leave may not be credited unless the overtime has been specifically ordered. Overtime regulations and instructions on granting of compensatory time are contained in the Department's Memorandum No. 706, and on payment for overtime in No. 342 as revised, and are incorporated herein by reference.

Paid overtime must be authorized in writing in advance by the Assistant Attorney General for Administration, or any other officer of the Department designated by the Attorney General for that purpose. Authorization will be granted only where it is essential that overtime be performed because of unforeseen or uncontrollable circumstances.

Eligibility.—All civil service employees are eligible for compensatory leave or payment in cash for overtime worked when properly ordered or authorized, subject to salary limitations as set forth below. United States Attorneys are not eligible for compensatory leave or payment for overtime. It is the general policy of the Department not to order overtime for Attorney personnel.

Computation.—The hours and minutes of overtime performed shall be totaled at the end of each pay period and odd minutes of less than a quarter hour shall be disregarded. A maximum of eight hours overtime may be allowed on a workday and sixteen on a non-workday. All payroll computations for overtime will be in conformity with the rates, rules and salary tables contained in current U.S. Civil Service Commission tables.

Securing authority for paid overtime.—Authority for holiday work or paid overtime should be submitted in advance through the Executive Office for U.S. Attorneys on Form DJ 25-B on the basis of pay periods and not less frequently than once a month.

Compensatory time off.—Within the salary limitations set forth

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above, eligible employees may be credited with compensatory time off for overtime worked as follows:

1. *Authorizing compensatory time.* An employee whose rate of basic pay is less than the maximum rate for grade GS-10 may request that he be granted compensatory time off in lieu of overtime pay, the amount of time off to be equal to the time spent in irregular or occasional overtime work. Compensatory leave will be authorized or approved in total each pay period in increments of one hour. At the end of each pay period the hours and minutes of compensatory leave earned will be totaled on the time and attendance report and odd minutes of less than one hour will be dropped from the total. Compensatory leave is always to be taken and charged to the leave balance in multiples of one hour.

2. *Requiring use of compensatory time.* An employee whose rate of basic pay is in excess of the rate for grade GS-10 of the Classification Act may, at the discretion of the head of the department, be required to take compensatory time off in lieu for overtime for irregular or occasional overtime work.

Time limit on use of compensatory time.—Compensatory time off may be accumulated and used during the leave year without regard to pay periods. If it is not taken within the leave year, the employee loses his right both to compensatory time off and to overtime pay unless the failure is due to an exigency of service beyond the employee's control.

Granting compensatory leave upon resignation.—When an employee who has not been permitted to use his compensatory leave is separated, the effective date of separation should be set to allow the use of such time off prior thereto.

Records.—Complete records of all overtime must be maintained on Standard Form No. 1130, Time and Attendance Report. Separate columns are provided under "Time in Pay Status" for showing paid overtime and compensatory overtime. Compensatory time taken will be recorded in the appropriate column under "Time Absent." The section in the lower left corner headed "Compensatory Time" must be complete in all respects.

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EMPLOYEE ACTIVITIES**STANDARDS OF CONDUCT**

See 28 CFR Part 45.

The Attorney General's Order No. 350, dated December 31, 1965, prescribes the policies, standards, and instructions relating to the conduct and behavior of employees and former employees of the Department of Justice.

A copy of the Order and all revisions thereof should be given to each new employee at the time of employment.

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**EMPLOYEE PERFORMANCE AND UTILIZATION
PERFORMANCE RATINGS****In General**

Once each year, as of March 31, the working efficiency and job performance of each employee will be reviewed as required by law (5 U. S. C. 4301-4308).

A performance rating plan, approved by the Civil Service Commission, is available upon request to the Personnel Office of the Department. Each new employee should be furnished a copy of the plan, and it should be carefully followed by rating officers in assigning ratings.

Three performance ratings are provided as follows:

1. Outstanding.
2. Satisfactory.
3. Unsatisfactory.

Outstanding Ratings

Outstanding Ratings should be assigned only in those cases where the performance so far exceeds the normal requirements that it deserves special recognition and commendation and must be approved by the Assistant Attorney General for Administration. Such rating must be supported by a statement in writing setting forth in detail the performance in every respect and the reasons for considering each aspect worthy of special commendation.

Unsatisfactory Ratings

Regulations require that 90 days' notice must be given an employee before an "unsatisfactory" rating is prepared. The warning must indicate the following:

- (1) How his performance is deficient.
- (2) What he should do to correct the deficiencies.
- (3) That he must maintain the current level of performance with respect to other aspects on which his performance is adequate.
- (4) That unless he improves those aspects which are deficient within 90 days he will be given a rating of "unsatisfactory."

The notice to the employee may be in the form of a memorandum to him, or the notice may be given orally. In either case, a copy of the notice (if a written one) or a memorandum stating the facts of notification from the person who informed the employee should be transmitted to the Employee Relations Unit

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for inclusion in the employee's personnel folder. In any case where a rating of "unsatisfactory" is being assigned, the rating should indicate that the employee has received a warning in accordance with this section.

Any employee whose performance rating is "unsatisfactory" shall not be permitted to remain in his position. He may be separated from the service, or he may be reassigned or demoted to a position for which he is qualified and in which satisfactory performance could be expected. If he is reassigned, he shall be paid at the minimum rate in the new position; if he is demoted, he shall be paid at a rate not in excess of the middle rate for the lower grade. He is not required to serve a new probationary period because of such reassignment or demotion.

Notice of Ratings

Recommendations for "outstanding" performance ratings must be received in the Personnel Office *not later than April 15*.

Appeals

Any employee may obtain a review of his performance rating. If it is an appeal from an "unsatisfactory" rating, he must submit his request for review, supported by a detailed statement of the reasons for appeal, to the Director, Office of Personnel and Training of the Department within 30 days of the receipt of notice. All such requests will be reviewed by the Performance Rating Committee appointed by the Assistant Attorney General for Administration. After final action further appeal is possible to the Performance Rating Board of Review of the United States Civil Service Commission.

Employees desiring to appeal a "satisfactory" rating may either appeal to the Department Performance Rating Committee or the Civil Service Commission Performance Rating Board of Review, but may not do both.

Within-grade Salary Increases

See Department of Justice Memo 485, dtd Sept. 15, 1966.

RECOGNITION AND AWARDS PROGRAM

See Dept. of Justice Memo's No 601 and 671 and Supplement 1 to Memo 601.

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EMPLOYEE RELATIONS

LABOR-MANAGEMENT RELATIONS

See Dept. of Justice Memo No. 666.

EQUAL EMPLOYMENT OPPORTUNITY

See Dept. of Justice Memo's No. 420 and 635 and Supplements 1, 2, and 3 to Memo 635.

EMPLOYEE GRIEVANCES

See 28 CFR Part 46.

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INSURANCE AND ANNUITIES

FEDERAL EMPLOYEES' COMPENSATION ACT

The Federal Employees' Compensation Act is a law to provide compensation for disability and death, medical care, and rehabilitation services for all civil employees and officers of the United States who suffer injury while in the performance of their duties. It is administered through the Bureau of Employees' Compensation (BEC) of the U.S. Department of Labor.

All United States Attorneys' offices have been furnished with pamphlets BEC-550, "Work Injury Benefits for Federal Employees", which provides general information on the principal features of the Act, and BEC-576, "Medical Facilities", which lists medical facilities to be used by employees when injured. These pamphlets should be kept in a central location for easy reference.

Procedures to be Followed

An employee injured at work should follow several simple rules required by the compensation law and the regulations of the Bureau of Employment Compensation:

(a) He should report his injury immediately to his supervisor and obtain first aid as directed:

(b) If further medical treatment is needed, he should obtain an order from his supervisor or the health unit for treatment by an authorized physician or hospital;

(c) He should make a written report of his injury within 48 hours on BEC Form CA-1, "Employee's Notice of Injury". Compensation may be denied if the notice of injury is not given within this time or if the immediate supervisor does not have actual notice of the injury. However, compensation may be allowed if the notice is filed within one year after the injury and there is reasonable cause for not giving notice within 48 hours.

It is the responsibility of the supervisor to ensure that an employee receives prompt medical treatment and that the necessary BEC forms are filed.

Employees injured on the job should obtain first aid treatment in a health unit, when available. If further medical treatment or examination is needed, the nurse will refer them to the appropriate facility. Where health units are not available, supervisors are authorized to refer injured employees to the Government facility or the private physicians listed in pamphlet BEC-576, "Medical Facilities" for treatment. In localities where there are no Federal

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or in medical emergencies, the supervisor shall authorize treatment by any qualified physician in the area. Either form CA-16 medical facilities or designated physicians listed in the pamphlet, (where there is no doubt the injury was sustained in performance of duty) or form CA-17 (where there is doubt of the injury being incurred in the line of duty) should be completed by the supervisor and will serve as the authorization for an employee to receive treatment or examination of his injury.

The basic forms, CA-1, "Employee's Notice of Injury" and CA-1, "Superior's Report of Injury" are to be used in all injury cases regardless of how minor the injury appears and must be filed by the supervisor to assure that an employee receives the benefits available to him under the Act. Form CA-1 may be completed by someone else if the injured employee is unable to do so. Upon receipt of the form, the supervisor should complete his statement and obtain the statements of witnesses which are to be entered on the reverse side of CA-1. If the employee was examined or treated by a physician, it is the supervisor's responsibility to insure that BEC is furnished with a medical report on the reverse side of CA-2 or on form CA-20.

For employees in Washington, D.C., both copies of forms CA-1, CA-2, and CA-20 should be submitted to the Personnel Office of the Department for processing. For field employees, the original of each form should be forwarded to the Bureau of Employees' Compensation regional office serving the area listed in pamphlet BEC-550, "Work Injury Benefits for Federal Employees" and the duplicate copies forwarded to the Employee Relations Unit, Personnel Office of the Department.

An injured employee is required to file a written claim for disability compensation (CA-4) within 60 days after the injury. (If the injured employee has one or more dependents of the class shown on form CA-4a, this form must be completed together with CA-4). Compensation may be allowed, however, if the claim is made within one year after the injury and there is reasonable cause for not filing the claim. In the event of death, a written claim for compensation (CA-5) by or on behalf of the dependents is required before compensation may be paid. (Since this form is not stocked by agencies, BEC will immediately send the supervisor the forms and instructions when it receives notice of the death.) This claim is to be filed within one year of death.

Failure to give notice of injury or to file claim for compensation for disability or death within one year after the injury or

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death will not bar the claim if the claim is filed within five years after the injury or death and if it is found (1) the failure was due to circumstances beyond the control of the person claiming benefits, or (2) the claimant has shown sufficient cause or reason in explanation thereof, and material prejudicial to the interest of the United States has not resulted.

It is the supervisor's responsibility to notify BEC on form CA-3 immediately when the injured employee returns to work or when his disability ceases.

A small supply of forms CA-1, CA-2, CA-16 and CA-17 should be maintained in each United States Attorney's office and can be requisitioned in the usual manner. Form BEC-136, which can be obtained from BEC, lists the most important forms used under the Act, and gives instructions regarding completion and source of supply.

For treatment of health benefits enrollment when an employee becomes a beneficiary of compensation under the Act, please refer to Federal Personnel Manual Supplement 890-1, Federal Employees Health Benefits, Subchapter S17. For treatment of life insurance coverage, please refer to Federal Personnel Manual Supplement 870-1, Life Insurance, Subchapter S7. For election between retirement annuity and compensation, and between survivor annuity and compensation benefits, please see Federal Personnel Manual Supplement 831-1, Retirement, Subchapters S7 and S17-7.

Questions regarding procedures under the Act may be directed to the Employee Relations Unit of the Personnel office of the Department.

Benefits

Benefits

1. Medical Care

An injured employee is entitled to first aid and medical care for his injury; this includes hospital care when needed. When travel is necessary to get medical care, the injured employee may be furnished transportation and may be reimbursed for his travel and incidental expenses.

2. Minimum and Maximum Compensation

Compensation for disability may not exceed 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule. For total disability, it may not be less than 75 percent

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of the monthly pay of the first step of grade 2 of the General Schedule or his actual pay, whichever is less.

Compensation for death is computed on a minimum pay equal to the first step of grade 2 of the General Schedule. The total compensation may not exceed the employee's pay or 75 percent of the monthly pay of the highest step of grade 15 in the General Schedule.

3. *Temporary Total Disability*

An injured employee is entitled to compensation equal to 66-2/3 percent of his pay when he loses pay due to temporary total disability resulting from the injury. He may receive 75 percent of his pay when he has one or more dependents (wife or husband who is wholly dependent because of disability, an unmarried child under 18 years of age, or a wholly dependent parent). Compensation begins when the employee starts to lose pay if the injury causes permanent disability or if he loses pay for more than 21 days; otherwise compensation begins on the fourth day after pay stops.

Compensation may not be paid while an injured employee receives pay for leave. While he has sick or annual leave to his credit he may elect whether to receive pay for leave or to receive compensation.

4. *Permanent Total Disability*

When the injury causes permanent total disability an injured employee is entitled to compensation until his death. Some, although not all, of the examples of total disability are loss, or loss of use, of both arms; or both feet; or both legs; or both eyes or the sight thereof. Compensation for total disability equals 66-2/3 percent of the employee's pay, and 75 percent when he has a dependent. He may receive additional compensation not to exceed \$300 per month when the services of an attendant are needed constantly by reason of his disability.

5. *Partial Disability*

An injured employee may receive compensation computed on his loss of wage-earning capacity when he is unable to return to his usual employment because of partial disability due to the injury, the compensation will equal 66-2/3 percent of his loss; it will equal 75 percent of his loss when he has a dependent. The compensation will be paid so long as there is a loss of wage-earning capacity.

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Compensation is provided for specified periods of time for the permanent and total loss, or loss of use, of each of certain members and functions of the body. Compensation for proportionate periods of time is payable for partial loss, or loss of use, of each member. The compensation for partial disability will equal $66\frac{2}{3}$ percent of the employee's pay; and 75 percent of his pay when he has a dependent. Proper and equitable compensation not to exceed \$3500 may be paid for serious disfigurement of the face, head, or neck, if of a character likely to handicap a person in securing or maintaining employment. Compensation for loss of wage-earning capacity may be paid after the schedule expires.

6. Vocational Rehabilitation

Vocational rehabilitation, job counseling, and placement assistance may be provided an injured employee when he is unable to return to his usual employment because of permanent disability due to the injury. He may also receive additional compensation not to exceed \$100 per month necessary for his maintenance when he is pursuing an approved training course.

7. Death

A sum not to exceed \$800 may be paid for funeral and burial expenses. When an employee's home is within the United States, an additional sum may be paid for transporting the remains to his home if he dies away from his home, official duty station, or outside the United States.

When there are no children entitled to compensation the employee's widow, or widower who is wholly dependent because of disability, may receive compensation equal to 45 percent of the employee's pay until she dies or marries or, if a widower, until he dies, marries, or becomes capable of self-support. On remarriage a widow (or widower) will be paid a lump sum equal to 24 times the monthly compensation she was receiving on her own behalf.

When there is a child entitled to compensation the compensation for the widow or widower will equal 40 percent of the employee's pay plus 15 percent for each child not to exceed 75 percent of the employee's pay. A child is entitled to compensation until he dies, marries, or reaches 18 years of age, or if over 18, and incapable of self-support, becomes capable of self-support. If an unmarried child is a student at the time he reaches 18 years of age compensation may be continued for as long as he continues to be a student or until he marries. It may not, however, be continued beyond the end of the semester or enrollment period after he reaches 23 years

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of age or has completed four years of school beyond the high school level.

8. *Election Between Annuity and Compensation*

As a general rule, a person may not concurrently receive compensation from BEC and a retirement or survivor annuity from the Civil Service Commission. The beneficiary may elect to receive the benefit which is the more advantageous to him. Certain exceptions to this rule are explained in FPM Supplement 831--Retirement.

Questions concerning benefits under the Act may be directed to the Employee Relations Unit of the Personnel Office.

RETIREMENT

The overall responsibility for administration of the Civil Service Retirement System rests with the U.S. Civil Service Commission. The Commission adjudicates all claims arising under the retirement laws. The United States Marshal is responsible for the maintenance of individual Retirement Records and the processing of retirement forms for employees in his District, including those in the Office of the United States Attorney. The question whether an employee is subject to the Civil Service Retirement Act is governed by the appointment itself, and the individual does not have a choice as to retirement coverage. Form DJ-50, Notification of Personnel Action, indicates whether the employee is subject to the Act, or to Social Security.

The obligations, rights and privileges of membership in the Civil Service Retirement System are explained in the Certificate of Membership (Standard Form 105). Every employee subject to the Act should be given a certificate and urged to preserve it as a part of his valuable personal papers. The United States Marshal as Payroll Officer is responsible for the issuance of the certificate.

Each employee subject to the Act should also be given a copy of Pamphlet 18, Your Retirement System, which can be requisitioned in the usual manner. The pamphlet gives information concerning the system, including: membership, deductions; crediting of civilian and military service; retirement eligibility; types of annuities; annuity compensations; death benefits; and refunds.

Designation of Beneficiary

When an employee enters on duty in a position in which he is subject to the Act, he should be informed that any lump sum death benefit under the Act will be paid to the person or persons

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named in the order of precedence shown on Standard Form 2808, Designation of Beneficiary. A designation of beneficiary is for lump-sum benefit purposes only, and does not affect the right of any person who qualifies to receive survivor annuity benefits. If the employee does not wish payment to be made in this order, he must file SF 2808, which must be signed and witnessed in duplicate and forwarded to the U.S. Civil Service Commission, Bureau of Retirement, Insurance and Occupational Health, Washington, D.C. 20415. One receipted copy will be retained at the Commission and the other receipted copy will be returned to the employee.

Optional Retirement

An eligible employee who wishes to apply for optional retirement completes Standard Form 2801, Application for Retirement and gives it to the United States Marshal for the District who will complete Part I of the form and sign it. It should be noted that the United States Marshal is authorized, in the interest of obtaining the earliest possible commencement of annuity, to submit the application to the Civil Service Commission up to 6 weeks prior to the retirement date. The employee should therefore consider this in deciding when to submit the application. On the date of final separation which the employee has designated on SF 2801, the United States Attorney's office should *immediately* submit Standard Form 52 (Request for Personnel Action) and Standard Form 1150 (Record of Leave Data Transferred) to the Executive Office for United States Attorneys. After receipt of these forms from the Executive Office, the Processing Unit of the Personnel Office will prepare Form DJ-50 (Notification of Personnel Action) and forward it to the United States Attorney's office. The Form DJ-50, together with SF-54 (if any), triplicate copy of all SF 2803's (if eligible for transfer), and SF-2810 (please refer to following instructions) should be given immediately to the U.S. Marshal, who is responsible for submitting final retirement papers to the Civil Service Commission.

When the Employee Relations Unit of the Personnel Office of the Department receives Standard Forms 52 and 1150 from the Executive Office, a review will be made of the employee's official personnel file in order to ascertain if the employee executed Standard Form 54 (Designation of Beneficiary, Federal Employees Group Life Insurance) and if the employee's health benefits enrollment is eligible for transfer to the Civil Service Commission. (The

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Employee Relations Unit of the Personnel Office will make the health benefits determination in accordance with FPM Supplement 890-1, Federal Employee's Health Benefits, Subchapter S14-2.) If SF-54 is on file, it will be forwarded with Form DJ-50. If the employee's health benefits enrollment is eligible for transfer to the Commission, the Employee Relations Unit of the Personnel Office will forward with Form DJ-50 the triplicate (employing office) copy of all Standard Form 2809's (Health Benefits Registration Form). No SF 2809 will be forwarded if the enrollment is not eligible for transfer.

If the enrollment is eligible for transfer, the United States Attorney's office is responsible for preparing Standard Form 2810 (Notice of Change in Health Benefits Enrollment), indicating "transfer out" to the Civil Service Commission. If the enrollment is not eligible for transfer, the United States Attorney's office is responsible for preparing SF 2810, indicating termination. The U.S. Marshal is responsible for completing the agency data (Items 3 through 7) on SF-2810, and signing it as the authorized agency official.

Disability Retirement

An eligible employee who wishes to apply for disability retirement should have the following forms completed and given to the U.S. Marshal for processing and transmittal to the Civil Service Commission:

1. SF 2801 (Application for Retirement). The U.S. Marshal completes Part 1 of the form, and signs it.
2. SF 2801-A (Superior Officer's Statement in Connection with Application for Total Disability Retirement)
3. SF 2801-B (Physician's Statement in Connection with Application for Total Disability Retirement). If the physician or the retiring employee prefers, SF 2801-B may be submitted in a sealed envelope marked with the applicant's name and the words "Disability Retirement—Privileged—Private". (Please refer to FPM Supplement 831-1, Retirement, Subchapter S10-7)

The employee should be carried in a leave, or leave-without-pay status with his permission, until the Application is acted upon by the Commission. If the Commission approves the disability retirement, it will forward a notice of approval to the U.S. Marshal who will give one copy to the United States Attorney. On the date of final separation which the employee designates (and which may be the day following the date of the Commission's notice of ap-

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proval or any day thereafter), the United States Attorney's office should submit the copy of the Commission's notice of approval, Standard Form 52 (Request for Personnel Action) and Standard Form 1150 (Record of Leave Data Transferred) to the Executive Office for United States Attorneys. After receipt of these forms from the Executive Office, the Processing Unit of the Personnel Office will prepare Form DJ-50 (Notification of Personnel Action) and forward it to the United States Attorney's office. The Form DJ-50, together with SF 54 (if any), triplicate copy of all SF 2809's (if eligible for transfer), and SF 2810 (please refer to following instructions) should be given immediately to the U.S. Marshal, who is responsible for submitting final retirement papers to the Civil Service Commission, Bureau of Retirement, Insurance and Occupational Health, Washington, D.C. 20415. When the Personnel Office of the Department receives Standard Forms 52 and 1150 from the Executive Office, a review will be made of the employee's official personnel file in order to ascertain if the employee executed Standard Form 54 (Designation of Beneficiary, Federal Employees Group Life Insurance) and if the employee's health benefits enrollment is eligible for transfer to the Civil Service Commission. (The Personnel Office will make the health benefits determination in accordance with FPM Supplement 890-1, Federal Employee's Health Benefits, Subchapter S14-2.) If SF 54 is on file, it will be forwarded with Form DJ-50. If the employee's health benefits enrollment is eligible for transfer to the Commission, the Personnel Office will forward with Form DJ-50 the triplicate (employing office) copy of all Standard Form 2809 (Health Benefits Registration Form). No SF 2809 will be forwarded if the enrollment is not eligible for transfer.

If the enrollment is eligible for transfer, the United States Attorney's office is responsible for preparing Standard Form 2810 (Notice of Change in Health Benefits Enrollment), indicating "transfer out" to the Civil Service Commission. If the enrollment is not eligible for transfer, the United States Attorney's office is responsible for preparing SF 2810, indicating termination. The U.S. Marshal is responsible for completing the agency data (Items 3 through 7) on SF 2810, and signing it as the authorized agency official.

Refund

An employee who is eligible and who desires to receive a refund of the contributions he has made to the retirement fund should

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file a completed Standard Form 2802, Application for Refund of Retirement Deductions, with the U.S. Marshal for processing and transmittal to the Civil Service Commission.

Deposit or Redeposit

An employee who wishes to make a deposit or redeposit to the retirement fund should complete standard Form 2803, Application to Make Deposit or Redeposit and forward it to the U.S. Marshal for processing and transmittal to the Employee Relations Unit Personnel Office of the Department, and ultimate transmittal to the Civil Service Commission. The Commission will advise the employee of the amount due and issue instructions for payment.

Forms

The United States Attorney's office should maintain a sufficient supply of the following forms which may be requisitioned in the usual manner:

- (1) SF 2800—Application for Death Benefits
- (2) SF 2801—Application for Retirement
- (3) SF-2801-A—Superior Officer's Statement in Connection with Application for Total Disability Retirement
- (4) SF-2801-B—Physician's Statement in Connection with Application for Total Disability Retirement
- (5) SF 2802—Application for refund of Retirement Deductions
- (6) SF 2803—Application to Make Deposit or Redeposit
- (7) SF 2808—Designation of Beneficiary
- (8) Pamphlet 18—Your Retirement System

FPM Supplement 831-1

Each United States Attorney's and United States Marshal's office has a copy of Federal Personnel Manual Supplement 831-1, Retirement, which sets forth the procedures and instructions for administration of the retirement system. The Manual is kept current by FPM Letters, Bulletins, and Supplement installments which the Department forwards automatically upon receipt from the Civil Service Commission to all United States Attorneys' and Marshals' offices. Questions concerning the retirement system can usually be resolved by the Manual supplement or inquiries may be directed to the Employee Relations Unit of the Personnel Office of the Department.

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UNEMPLOYMENT COMPENSATION

5 U.S.C. 8501-8508, Unemployment Compensation for Federal Employees (UCFE), is administered by the Secretary of Labor and provides that State unemployment insurance offices will take claims of former Federal employees and will determine their eligibility to receive unemployment benefits under State law provisions. The State eligibility and disqualification provisions, and the amount of benefits, vary considerably.

The major determination in allowing unemployment compensation is whether the individual has performed "Federal civilian service" within a base period as determined under applicable State law. "Federal civilian service" means service performed in the employ of the United States or any instrumentality wholly or partially owned by the United States, with the following exceptions which are applicable to Department personnel:

(1) Service performed outside the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands by an individual who is not a citizen of the United States;

(2) Service performed by an employee excluded by 5 CFR 831.201 (a) (5) from civil service retirement coverage provided by Subchapter III, Chapter 83, Title 5, U.S.C., because paid on a contract or fee basis;

(3) Service performed in a hospital, home, or other institution of the United States by a patient or inmate thereof;

(4) Service performed as an employee receiving nominal pay and allowances of \$12 or less per annum.

The applicable regulations require that each agency furnish information to employees explaining their rights and responsibilities under the UCFE program. This requirement is met by preparation of Standard Form 8 (Notice to Federal Employee about Unemployment Compensation), which informs the employee that he may have rights to unemployment compensation, explains the basic eligibility requirements, tells him to go to the nearest employment office, and describes the documents he should take with him when he files a claim. It also contains the name of the payroll office (U.S. Marshal) where his payroll records are maintained so that the State employment security agency may know where to send a request for wage and separation information.

The United States Attorney is responsible for issuing SF-8 to his employees in the following circumstances, and within the indicated time limitations:

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(1) Upon termination for any reason, on or before the last day of active duty;

(2) Upon retirement, on or before the last day of active duty;

(3) Upon transfer to the jurisdiction of another payroll office, even within the Department, on or before the last day of active duty status (please note that no notice is required for transfers between the offices of the United States Attorney and United States Marshal in the same district as both are within the jurisdiction of the same payroll office);

(4) Intermittent employees who are placed in nonpay status. The SF-8 is issued only the first time in each calendar year that they are placed in nonpay status. Issuance of the form is not required for subsequent periods of nonpay status during the year as long as the individual is paid through the same payroll office;

(5) Employee is going to be on involuntary nonpay status (at the Department's initiative, as in cases of RIF, furlough, suspension pending action, and disciplinary suspension) for a period of seven consecutive calendar days or more, on or before the last day of active duty;

(6) Employee is going to be on voluntary nonpay status (at the individual's request, such as travel, education or sickness after exhaustion of sick leave), as soon as it is known that leave without pay will be for seven consecutive calendar days or more. Issuance of SF-8 should never be delayed pending receipt of SF-50.

Each U.S. Marshal has been furnished a copy of the Department of Labor's manual entitled "Unemployment Compensation for Federal Employees," which is kept current by bulletins. The manual sets forth all regulations covering the program and inquiries should be resolved by reference thereto. The manual also includes addresses of State Employment Security Agencies.

Because of the differences in State unemployment compensation laws it is impossible to furnish specific information to employees regarding their rights. The employee should, however, be aware that issuance of SF-8 in no way guarantees the employee a right to unemployment compensation since this is a matter for determination by the State agency.

Each United States Attorney should maintain a stock of SF-8, which can be requisitioned in the usual manner.

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GROUP LIFE INSURANCE

Nearly all Federal employees are eligible to participate in the Federal Employees Group Life Insurance Program. The main exception to coverage is those excluded because their appointment is limited to one year or less. The Federal Government as the employer pays one-third the cost of the regular insurance.

The overall responsibility for administration of the insurance plan rests with the Civil Service Commission. The Office of Federal Employees Group Life Insurance in New York City has the responsibility for settling claims. The U.S. Marshal has been designated as Insurance Officer and is responsible for the maintenance of insurance records and making the necessary certifications in individual cases involving claims, notices, etc., for all employees in his District, including those in the office of the United States Attorney.

When a new employee enters on duty or when an employee first becomes eligible for life insurance coverage, he should be given the following forms:

- (1) SF-176-A—The Federal Employees Group Life Insurance Program
- (2) SF-176—Election, Declination, or Waiver of Life Insurance Coverage

Standard Form 176-A gives complete information concerning the program, including: eligibility; choices; nature, amount and cost of insurance; accidental death and dismemberment protection; designations of beneficiary; conversion privileges upon separation from Federal service; conditions for continuing life insurance after retirement; and consequences of waiver.

Each employee, except those excluded from life insurance coverage by law or regulation, is required to elect or decline the optional insurance and to elect or waive the regular insurance, on SF-176. An employee has 31 days after appointment or after becoming eligible for life insurance coverage to file an SF-176. He automatically has regular insurance coverage from the first day in a duty and pay status unless he checks box C and returns the completed form during his first pay period. He does not have optional insurance coverage unless he completes the form, marking box A, and returns it within 31 days. If an employee has not returned a completed form within that time, after he has been contacted and urged to do so, a form should be filed for him, declining the optional insurance. (See Instruction 2 on the reverse

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side of the original copy of SF-176 and FPM Supplement 870-1, Life Insurance, Subchapter S2-1.)

Both copies of the completed form should be date-stamped, and the original forwarded to the Processing Unit of the Personnel Office, Department of Justice, Washington, D.C. 20530, for inclusion in the employee's official personnel folder. For employees in the United States Attorneys' and Marshals' offices, the duplicate copy of the completed form may be kept in the Marshal's office for payroll purposes. Effective dates of the employee's decision and deductions are explained in the table on the reverse side of the original copy of SF-176.

If an employee elects regular insurance, he should be given Form G.3385F (Certificate of Regular Insurance). If he elects optional insurance, he should be given both Form G.3385F and Form G.3385 OPT (Certificate Supplement—Optional Insurance).

Please note that a properly executed waiver of regular insurance or a declination of optional insurance remains in effect until canceled even though the employee may transfer to another agency or be reappointed after a break in service. (See Federal Personnel Manual Supplement 870-1, Life Insurance, Subchapter S2-3.) For the conditions to be met, and the procedure to be followed, in canceling a waiver or declination, please refer to Federal Personnel Manual Supplement 870-1, Life Insurance, Subchapter S2-4.

When an employee becomes insured, he should be informed that any life insurance death benefit will be paid to his heirs in the order of precedence indicated on Standard Form 54, Designation of Beneficiary, Federal Employees Group Life Insurance Program. (See also Federal Personnel Manual Supplement 870-1, Life Insurance, Subchapter S9.) If the employee does not wish payment to be made in this order, he must file SF 54, which must be signed and witnessed in duplicate, and forward both copies to the Employee Relations Unit of the Personnel Office of the Department. One receipted copy will be retained in the employee's official personnel folder at the Department and the other receipted copy will be returned to the employee. It should be noted that a designation of beneficiary is automatically canceled when an employee transfers to another agency.

For the procedure to be followed in the event of termination and conversion of life insurance, and the requirement that the office promptly issue the notice of conversion privilege to the employee, please refer to FPM Supplement 870-1, Life Insurance, Subchapter S5. For an employee in his office, the United States

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Attorney is responsible for issuing Standard Form 55, Notice of Conversion Privilege. The U.S. Marshal is responsible for issuing Standard Form 56, Agency Certification of Insurance Status, for both his employees and those in the United States Attorney's office.

For the procedure to be followed in the event of an employee's death, please refer to the section entitled "Death in Service." For disposition of the SF-54 upon retirement, please refer to section entitled "Retirement". For treatment of life insurance coverage in the event the employee becomes a beneficiary of compensation under the Federal Employees Compensation Act, please refer to FPM Supplement 870-1, Subchapter S7.

Each United States Attorney's and United States Marshal's office has a copy of Federal Personnel Manual Supplement 870-1, Federal Employees Group Life Insurance, which sets forth the procedures and instructions for administration of the life insurance program. The Manual is kept current by FPM Letters, Bulletins, and Supplement Installments which the Department forwards automatically upon receipt from the Civil Service Commission to all United States Attorney's and Marshal's offices. The Manual Supplement should be utilized extensively in the administration of the program. Questions concerning the life insurance program can usually be resolved by the Manual Supplement or inquiries may be directed to the United States Marshal's office.

The following forms should be regularly requisitioned in the usual manner and stocked by the United States Attorney's office:

- 1.) G.3385T—Certificate of Regular Insurance
- 2.) G.33850PT—Certificate Supplement—Optional Insurance
- 3.) SF-51—Request for Insurance
- 4.) SF-54—Designation of Beneficiary
- 5.) SF-55—Notice of Conversion Privilege
- 6.) SF-176—Election, Declination, or Waiver of Life Insurance Coverage
- 7.) SF-176-A—The Federal Employees Group Life Insurance Program
- 8.) FE-6—Claim for Death Benefits, Federal Employees Group Life Insurance

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HEALTH BENEFITS PROGRAM

The Federal Employees Health Benefits Program provides protection for civilian employees and their families against the cost of illness or accident. The program is entirely voluntary and generally all full-time employees are eligible for coverage except those serving under appointments limited to one year or less. The Federal Government as the employer, pays part of the cost and the employee pays the remainder. The U.S. Marshal is responsible for administration of the health benefits program within his District.

When an employee enters on duty or when he first becomes eligible for coverage, he should be given the following forms:

- 1.) SF 2809-A—The Federal Employees Health Benefits Program
- 2.) SF 2809—Health Benefits Registration Form
- 3.) A set of brochures of all participating plans in the area where he is located.

Standard Form 2809-A gives information concerning the program, including: cost; types and description of plans available; types of enrollment; conversion privileges upon separation from the Federal service; conditions for continuing health benefits coverage after retirement; and consequences of election not to enroll. The employee should study SF 2809-A and the brochures, which describe the health benefits plans, and decide whether to enroll in a health benefits plan and, if so, which one.

Each employee, except those excluded from health benefits coverage by law or regulations, must register either to enroll in a plan or not to enroll. An employee has 31 days after appointment, or after becoming eligible for health benefits coverage, to register on SF 2809. If an eligible employee has not returned a completed form within that time, after he has been contacted and urged to do so, a form should be filed for him, with the notation that he was contacted but declined to register. These SF 2809's will be regarded as registrations not to enroll. (See FPM Supplement 890-1, Subchapter S5-6.)

When the employee completes the SF 2809, there should be noted thereon the date the office received it. The form should then be given to the U.S. Marshal, who will complete the remaining agency data, including signature of authorized agency official and make proper distribution of the form.

The United States Attorney's office is responsible for *immediately* preparing Standard Form 2810 (Notice of Change in Health

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Benefits Enrollment) upon the transfer or separation of any employee in the office. Preparation of SF 2810 should *not* be delayed pending receipt of Form DJ-50. The form should be given to the U.S. Marshal, who will complete the agency data (Items 3 through 7) and sign it as the authorized agency official, and make proper distribution of the form.

For instructions in completing SF 2810 in the event of death, please refer to section entitled "Death in Service". For instructions in completing SF 2810 in the event of retirement, please refer to section entitled "Retirement". For treatment of health benefits coverage in the event the employee becomes a beneficiary of compensation under the Federal Employees Compensation Act, please refer to FPM Supplement 890-1, Subchapter S17.

Each United States Attorney and United States Marshal has a copy of Federal Personnel Manual Supplement 530-1, Federal Employees Health Benefits, which sets forth in detail the procedures and instructions for administration of the health benefits program. The Manual is kept current by FPM Letters, Bulletins, and Supplement Installments which the Department forwards automatically upon receipt from the Civil Service Commission. The Manual Supplement should be utilized extensively in the administration of the program. Questions concerning the health benefits program can usually be resolved by the Manual Supplement, or inquiries may be directed to the United States Marshal's office.

Forms

The following forms should be regularly requisitioned in the usual manner and stocked by the United States Attorney's office:

- 1.) SF 2800—Health Benefits Registration Form
- 2.) SF 2809 A—Federal Employees Health Benefits Program
- 3.) SF 2810—Notice of Change in Enrollment

DEATH IN SERVICE

Upon the death of an employee, the United States Attorney's office should *immediately* submit Standard Form 52 (Request for Personnel Action) and Standard Form 1150 (Record of Leave Data Transferred) to the Executive Office for U.S. Attorneys. The Personnel Office of the Department will be given these forms and will then prepare Form DJ-50 (Notification of Personnel Action) and return it to the originating office.

There follows a concise checklist for ready reference in processing forms for death in service. Following the checklist are

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more detailed instructions for processing forms for death benefits available under the Federal Employees Group Life Insurance Program, the Civil Service Retirement Act, the Federal Employees Health Benefits Program, and unpaid compensation. These instructions provide for a convenient division of authority between the United States Attorney's and United States Marshal's offices in the areas covered. This division may be adjusted in any manner acceptable to both offices.

All forms referred to in this section may be requisitioned in the usual manner.

Checklist for Processing of Forms

1. *In general*

a. In the event of death of an employee, the United States Attorney should *immediately* notify the United States Marshal or Payroll Officer of such death.

b. Standard Forms 52 (Request for Personnel Action) and 1150 (Record of Leave Data Transferred) should be *immediately* submitted to the Executive Office for U.S. Attorneys in order that the Department may prepare and return Form DJ-50 (Notification of Personnel Action).

2. *Federal Employees Group Life Insurance*

a. If the employee was insured:

(1) The United States Marshal *immediately* prepares Standard Form 56 (Agency Certification of Insurance Status) and forwards the duplicate copy to:

Office of Federal Employees Group Life Insurance
4 East 24th Street
New York, New York 10010

(2) The United States Marshal forwards the following to the Processing Unit of the Personnel Office:

(a) FE-6—Claim for Death Benefits

(b) SF-56 (Original copy)—Agency Certification of Insurance Status

(c) Certified copy of death certificate

b. If the employee waived insurance, no further action need be taken.

3. *Civil Service Retirement*

a. If the employee was subject to the Civil Service Retirement Act:

(1) The United States Marshal should *immediately* release the following forms to the Civil Service Commission:

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(a) Standard Form 2806—Retirement Record Card (If there is no survivor eligible to continue health benefits or if the employee elected not to enroll in a health benefits program, such notation must be entered on SF 2806.)

(b) Standard Form 2807—Register of Separations

(2) If and when Standard Form 2800 (Application for Death Benefits, Civil Service Retirement System) is filed, it should be sent, together with a certified copy of the death certificate and any supporting evidence, to the Civil Service Commission.

b. If the employee was not subject to the Civil Service Retirement Act, no further action need be taken, except for notification of next of kin. (Please refer to subsection entitled "Civil Service Retirement Act Benefits".)

4. *Federal Employees Health Benefits Program*

a. If the employee's enrollment is eligible for transfer to the Civil Service Commission:

(1) *After* receipt of Form DJ-5 from the Department, the United States Marshal releases the following forms to the Civil Service Commission:

(a) Standard Form 2809's (triplicate copy)—Health Benefits Registration Form. (This form(s) is forwarded by the Department with Form DJ-50.)

(b) Standard Form 2810—(quaduplicate copy)—Notice of Change in Health Benefits Enrollment, indicating transfer.

b. If the employee's enrollment is not eligible for transfer to the Civil Service Commission, Standard Form 2810, Notice of Change in Health Benefits Enrollment, is prepared, indicating termination. The notation that no survivor is eligible to continue health benefits must be entered on Standard Form 2806, Retirement Record Card.

c. If the employee was not enrolled, a notation to that effect must be entered on Standard Form 2806, Retirement Record Card.

5. *Federal Employees' Group Life Insurance Benefits*

Upon the death of an employee the United States Attorney should immediately ascertain, by reference to Standard Form 176 (Election, Declination, or Waiver of Life Insurance Coverage) whether a deceased employee, who was eligible for life insurance coverage, elected or waived such coverage. If the employee waived

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coverage, no further action need be taken. If the employee was covered, the following steps should be taken.

Upon the death of an employee it is the responsibility of the U.S. Marshal as Payroll Officer to *immediately* prepare Standard Form 56, Agency Certification of Insurance Status, and send the duplicate copy only (instructions for disposition of the original copy are set forth below) to:

Office of Federal Employees Group Life Insurance
4 East 24th Street
New York, New York 10010

In preparing SF 56, the U.S. Marshal should contact the Employee Relations Unit of the Personnel Office of the Department for instructions in completing Part 4 of the form, concerning Standard Form 54 (Designation of Beneficiary).

Upon the death of an employee, it is the responsibility of the United States Attorney's or United States Marshal's office to promptly contact the person entitled to the benefit and assist him in filing Form FE-6 Claim for Death Benefits, Federal Employees Group Life Insurance. The person or persons who appear to be entitled under the order of precedence or by designation of beneficiary should be invited to file. The order of precedence is set forth on Standard Form 54 (Designation of Beneficiary, Federal Employees Group Life Insurance Program) and in Federal Personnel Manual, Supplement 870-1, Life Insurance, Subchapter S9. If the employee designated a beneficiary by executing SF-54, it will be filed in his official personnel folder and therefore the Processing Unit of Personnel Office should be contacted for information regarding any such beneficiary.

Form FE-6 should be executed in duplicate by the claimant. One copy should be retained by the claimant. A copy of the death certificate must also be submitted with the claim. The United States Attorney is responsible for securing these documents from a claimant in case of death of an employee and will forward the original copy of the claim to the U.S. Marshal with the copy of the death certificate. The Marshal is responsible for sending the following papers, for both his employees and those of the United States Attorney, to the Personnel Office of the Department:

Form FE-6
Standard Form 56 (original copy)
Copy of death certificate

The Employee Relations Unit of the Personnel Office will, after processing transmit the claim and supporting documents to the

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OFEGLI which will settle the claim through direct correspondence with the claimant.

6. *Civil Service Retirement Act Benefits*

Upon the death of an employee, the United States Attorney or United States Marshal should ascertain, by reference to Form DJ-50 (Notification of Personnel Action) whether the deceased employee was subject to the Civil Service Retirement Act. If the employee was not subject to the Act, no further action need be taken by the office, except the next of kin or emergency addressee should be contacted and if the deceased employee had prior service subject to the Act, the next of kin should contact the Civil Service Commission directly concerning possible benefits.

If the employee was subject to the Act, the following steps should be taken. In the case of the death of an employee, the United States Attorney's office should contact the next of kin or emergency addressee and advise such person of the right to apply for death benefits under the Act. He should render assistance in completing Standard Form 2800, Application for Death Benefits (Civil Service Retirement System). The SF 2800 should be accompanied by a certified copy of the death certificate and any other evidence the form may require. The Civil Service Commission determines what benefits are payable and may request the applicant to submit additional evidence. The United States Attorney should give the SF 2800, death certificate, and any supporting evidence to the U.S. Marshal for processing and transmittal to the Civil Service Commission.

7. *Federal Employees Health Benefits Program*

Upon the death of an employee, the United States Attorney or United States Marshal should immediately ascertain, by reference to the original (payroll) copy of Standard Form 2809 (Health Benefits Registration Form) whether a deceased employee, who was eligible for health benefits coverage elected to enroll or not to enroll under the program. If the employee elected not to enroll, no further action need be taken, except the U.S. Marshal must note in the Remarks column of Standard Form 2806 (Retirement Record Card) "Not enrolled for health benefits". (Refer to FPM Supplement 890-1, Federal Employees Health Benefits, Subchapter S16-3.) If the employee was enrolled, the following steps should be taken.

When the Employee Relations Unit of the Personnel Office receives Standard Forms 52 and 1150 from the Executive Office for U.S. Attorneys a review will be made of the employee's official

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personnel folder in order to determine if the employee's enrollment is eligible for transfer to the Civil Service Commission. (The Employee Relations Unit of the Personnel Office of the Department will make this determination in accordance with FPM Supplement 890-1, Federal Employees Health Benefits, Subchapter S16-2.)

If the employee's enrollment is eligible for transfer to the Civil Service Commission, the triplicate copy of SF 2809 will be returned to the United States Attorney's office together with Form DJ-50. The United States Attorney's office is responsible for preparing Standard Form 2810 (Notice of Change in Health Benefits Enrollment), indicating "transfer out" to the Civil Service Commission. The United States Attorney should give the SF 2810 to the U.S. Marshal, who will complete the agency data (Items 3 through 7) and sign it as the authorized agency official, together with all SF 2809's. The U.S. Marshal is responsible for releasing the following forms to the Bureau of Retirement, Insurance and Occupational Health, Civil Service Commission, Washington, D.C. 20415:

- a. Standard Form 2809(s) (triplicate copy)—Health Benefits Registration Form
- b. Standard Form 2810 (quadruplicate copy)—Notice of Change in Health Benefits Enrollment, indicating "transfer out" to the Civil Service Commission.

The U.S. Marshal will effect disposition of the remaining copies of SF 2810 in accordance with instructions on that form.

If the Employee Relations Unit, Personnel Office of the Department determines that the employee's enrollment is not eligible for transfer to the Civil Service Commission, the Department will forward to the United States Attorney's office only Form DJ-50, without any SF 2809's. In this event, the United States Attorney's office is responsible for preparing SF 2810 (Notice of Change in Health Benefits Enrollment), indicating termination. The United States Attorney should give the SF 2810 to the U.S. Marshal, who will complete the agency data (Items 3 through 7) and sign it as the authorized agency official. The U.S. Marshal will forward the quadruplicate copy of SF 2810 to the Employee Relations Unit Personnel Office of the Department, and will effect disposition of the remaining copies of the form in accordance with the instructions contained thereon. The U.S. Marshal must also note in the Remarks column of Standard Form 2806 (Retirement Record Card) "No survivor eligible to continue health

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benefits". (Refer to FPM Supplement 890-1, Federal Employees Health Benefits, Subchapter S16-3.)

8. *Unpaid Compensation*

Unpaid compensation includes, but is not limited to, the following:

a. All per diem in lieu of subsistence, mileage and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith for which reimbursement is due;

b. All allowances upon changes of official station;

c. All quarters and cost-of-living allowances and overtime or premium pay;

d. Amounts due for payment of cash awards;

e. Amounts due as refund of salary deductions for incomplete United States Savings Bonds;

f. Payment for all accumulated and current accrued annual leave equal to the compensation the decedent would have received had he remained in service until the expiration of the period of such annual leave;

g. The amounts of all checks drawn in payment of such compensation which were not delivered by the Government to the employee during his lifetime or of any unnegotiated checks returned to the Government because of the death of the employee.

Unpaid compensation does not include any deductions made under the Civil Service Retirement Act.

Upon the death of an employee in his office, it is the responsibility of the United States Attorney's or United States Marshal's office to promptly contact the person or persons who appear to be entitled to the unpaid compensation under the order of precedence or by designation of beneficiary. The order of precedence is set forth on Standard Form 1152 (Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee). If the employee designated a beneficiary by executing SF 1152, it will be filed in his official personnel folder and therefore the Processing Unit of the Personnel Office should be contacted for information regarding any such beneficiary.

If the claimant(s) who appears entitled to the benefit is the spouse of the deceased or a beneficiary designated by the deceased on SF 1152, the claimant should be invited to file Standard Form 1153 (Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee). If the claimant(s) who appears entitled to the benefit is neither the

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spouse nor the designated beneficiary of the deceased, he should be invited to file Standard Form 1155 (Claim for Unpaid Compensation of Deceased Civilian Employee (No Designated Beneficiary or Surviving Spouse)).

The DJ-50 covering the termination of service and showing the amount due the employee for annual leave will be forwarded to the United States Attorney's or United States Marshal's office, together with any designation of beneficiary on file. No payments of any kind due at time of death will be made until receipt of the DJ-50 from the Department.

The claim and any uncashed checks of the deceased employee should be forwarded to the U.S. Marshal who will process the claim and checks in accordance with the instructions for accounting procedures governing the preparation, submission and payment of claims.

9. *Federal Employee Compensation Act*

Certain payments for preparing and transporting remains and for transporting household effects and dependents are payable by the Government when an employee dies while in a travel status away from his official station or while performing official duties outside the continental United States (5 U. S. C. 5742). Specific instructions will be issued to the United States Attorney or United States Marshal upon receipt of notice of death in such instances.

10. *Forms*

The following forms should be regularly requisitioned in the usual manner and stocked by both the United States Attorney and Marshal, unless otherwise indicated:

- a. SF-52—Request for Personnel Action
- b. SF-1150—Record of Leave Data Transferred
- c. SF-56—Agency Certification of Insurance Status (U.S. Marshal only)
- d. FE-6—Claim for Death Benefits, Federal Employees Group Life Insurance
- e. SF-2800—Application for Death Benefits, Civil Service Retirement System
- f. SF-2807—Register of Separations and Transfers (U.S. Marshal only)
- g. SF-2810—Notice of Change in Health Benefits Enrollment
- h. SF-1153—Claim of Designated Beneficiary and/or Sur-

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viving Spouse for Unpaid Compensation of Deceased Civilian Employee

i. SF-1155—Claim for Unpaid Compensation of Deceased Civilian Employee (No Designated Beneficiary or Surviving Spouse)

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EXTERNAL RELATIONS

ATTENDANCE AT MEETINGS

The following regulations have been prescribed to govern attendance at conferences, conventions or other meetings which are concerned with the functions or activities of the Department or will improve the conduct, supervision, or management of Department operations:

1. (a) Officers and employees of the Department may attend conferences, conventions or other meetings at Government expense provided: (1) they have been invited to participate in the conference or meeting in their official capacity; (2) they are to take an active part in the conference or meeting, and such participation will benefit the Department; and (3) the expense is approved in advance by the Executive Office for U.S. Attorneys and for availability of funds by the Assistant Attorney General for Administration.

(b) Request for authority to incur the expense (Form 25-B) should be submitted to the Executive Office for U.S. Attorneys at least one week in advance, and should state: (1) the basis for attendance; (2) the nature, location and duration of the meeting; (3) the kind and extent of participation; (4) the benefit to be derived by the Department; and (5) the total estimated cost, including per diem, travel and fees (if any).

2. When circumstances do not justify attendance at conferences or meetings at Government expense, officers and employees may be excused by the head of the division or office to attend such meeting without loss of pay or charge to leave, provided: (a) the conference or meeting is directly related to the individual's work in the Department and (b) the officer or employee attends at personal expense.

3. When circumstances do not warrant attendance under items 1 and 2 above, annual leave may be granted at the discretion of the division or office head.

**PRODUCTION OR DISCLOSURE OF MATERIAL
OR INFORMATION**

Disclosure to the General Public

Disclosure to members of the general public of official files, documents, records and reports of any branch of the Department of Justice, including the offices of United States Attorneys, is

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governed by the "Public Information" section of the Administrative Procedure Act (5 U. S. C. 552) and by the Department of Justice implementing regulations entitled "Production or Disclosure of Material or Information", 28 C.F.R. Part 16, Subpart A.

The present public information statute became effective on July 4, 1967. Speaking generally, it requires disclosures to members of the general public of a broad range of official records, subject to certain specific exemptions. Denial of a request for an official record on the basis of a claimed exemption is subject to judicial review.

In determining whether a particular record is subject to or exempt from disclosure, United States Attorneys are to follow the interpretive guidelines set forth in the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act".

The Department regulations cited above prescribe the procedures by which records made available pursuant to the public information statute are to be furnished to members of the public. The regulations cover such matters as execution of prescribed forms for requesting records and fees for locating and reproducing requested records. United States Attorneys' offices may continue to furnish to the public, informally and without compliance with the procedures prescribed in the Department regulations, information and records which prior to enactment of the present public information statute were furnished customarily in the regular performance of their duties.

Of particular importance to United States Attorneys in handling requests for official records in their custody are the exemptions for internal communications and investigative reports. The statute expressly provides that "inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency" and "investigatory files compiled for law enforcement purposes except to the extent available by law to a private party" are exempt from disclosure to the public. The former exemption covers, among other things, evaluative memoranda prepared by attorneys concerning litigation. Included with the latter exemption are FBI and attorney investigative reports. The scope of these and the other exemptions are described in the Attorney General's Memorandum, cited above.

No employee or former employee of the Department of Justice shall in response to a demand of a court or other authority,

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produce any material contained in the files of the Department of Justice or disclose any information relating to material contained in the files of the Department of Justice or disclose any information or produce any material acquired as a part of the performance of his official duties or because of his official status without the prior approval of the Attorney General.

Whenever a subpoena, order, or other demand is served upon a United States Attorney or any other employee or former employee of the Department of Justice for the production of such material or the disclosure of such information, he shall immediately notify the Attorney General and the United States Attorney for the district where the issuing court or other authority is located. The United States Attorney shall immediately request instructions from the Attorney General. If possible, the Attorney General shall be notified before the employee or former employee concerned replies to or appears before the court or other authority. The notice to the Attorney General and the request for instructions from the Attorney General required by this paragraph shall be directed to the officer in charge of the division, bureau or office of the Department having responsibility for the information or material demanded.

If response to the demand is required before the instructions from the Attorney General are received, the United States Attorney, or other attorney as may be designated for the purpose, shall appear with the employee or former employee of the Department upon whom the demand has been made, shall furnish the court or other authority with a copy of the regulations contained in Department Order No. 381-67, as published in Subpart B of Part 16 of Title 28, Code of Federal Regulations, and shall inform the court or other authority that the demand has been or is being, as the case may be, referred for the prompt consideration of the Attorney General. The court or other authority shall be requested respectfully to stay the demand pending receipt of the requested instructions from the Attorney General.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with the previous paragraph pending receipt of instructions from the Attorney General, or if the court or other authority rules that the demand must be complied with irrespective of the instructions from the Attorney General not to produce the material or disclose the information sought, the employee or former employee upon whom

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the demand has been made shall respectfully decline to comply with the demand (*United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951)).

FINGERPRINTING

Whenever any person is taken into custody in connection with a violation of Federal criminal law, the fingerprints of such person shall be taken immediately. Persons arrested on civil process should not be compelled to submit to fingerprinting if they object. It is the definite responsibility of the U.S. Marshal to assure the taking of the fingerprints and their immediate transmittal to the "Director, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C., Attention—Identification Division". In cases where persons surrender directly to the office of the United States Attorney or appear for arraignment under an indictment or information, the United States Attorney shall contact the Marshal to see that fingerprints are taken before the subjects are released on bond, probation, or payment of fine. Such fingerprints should be forwarded to the Federal Bureau of Investigation without delay. Fingerprint cards and other appropriate supplies may be secured by communicating with the Director, Federal Bureau of Investigation, Washington, D.C.

It is also the responsibility of the United States Marshal to effect the proper completion of each fingerprint card by recording thereon all pertinent data called for by the fingerprint form if ascertainable and available. Fingerprint cards submitted to the Department by United States Marshals must indicate the name and title of the individual who actually took the prints, in view of the fact that they may be used in court and the taker may be called upon to testify concerning the taking of the fingerprints. United States Marshals and their deputies should never place any notation on a fingerprint card which may justify the belief that the individual so noting the card took the fingerprints if such is not the fact.

Each fingerprint record for persons in the custody of the U.S. Marshal shall indicate as to the contributor thereof "United States Marshal" with the post office address of the Marshal's office. Fingerprints taken by representatives of any agency should be signed by the individual doing the work and not by the Marshal or one of his deputies.

Only *one* set of the fingerprints of each subject should be taken, this set to be transmitted to the Federal Bureau of Investi

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gation at Washington, D.C. Search of the criminal identification records on file in the Bureau is made promptly upon the receipt of fingerprint cards and a reply normally is forwarded within 24 hours, giving the prior criminal record or advising that no such record is on file. In the event fingerprints are not acknowledged promptly after submission of the cards, the Marshal should notify the Director, Federal Bureau of Investigation. On the same day the fingerprint report is received indicating criminal record or absence of criminal record, the Marshal shall advise the United States Attorney and the Probation Officer accordingly.

A U.S. Marshal or Deputy U.S. Marshal is vested with the power to require a person held under valid arrest to submit to having his fingerprints recorded. He likewise has the power to exercise such force as is reasonably necessary for this purpose. An exercise of excessive force, however, may constitute an unlawful assault. If any subject arrested under criminal process expresses a positive objection to the taking of his fingerprints, the U.S. Marshal should contact the United States Attorney at once and follow his instructions.

Following disposition of a case after submission of fingerprints by the U.S. Marshal, it is incumbent upon such Marshal to report to the Federal Bureau of Investigation, on the appropriate form provided (DJ-10), the result of the prosecution for the purposes of completing this entry in the criminal record. When any prisoner becomes a fugitive at any time before the ultimate disposition of his case, the U.S. Marshal charged with the custody of said prisoner shall notify the Federal Bureau of Investigation, upon the form provided, of his fugitive status. These instructions shall apply also when a prisoner released on bail pending appeal fails to surrender to proper custody, in such instances as those where he has been released after conviction pending appeal and the judgment of conviction is later affirmed.

Persons applying to the United States Attorney or U.S. Marshal for the return of their fingerprint records should be advised that such records will not be returned or destroyed.

United States Attorneys are directed to oppose vigorously all petitions, applications, or motions filed in any district court seeking the return or destruction of fingerprint records. Whenever such a petition, application or motion is filed, the United States Attorney will immediately advise the Department of that fact and of the steps being taken in opposition. He should urge in opposition that the Attorney General is an indispensable party to such litiga-

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tion and that service upon that official may be had only in the District of Columbia, *Williams v. Fanning*, 332 U.S. 490. It is believed that the Attorney General is an indispensable party to litigation seeking the return of fingerprint records, since they are in his custody rather than in that of the local United States Attorney or U.S. Marshal.

The action taken by the court on any such petition, application or motion should be immediately reported to the Department. In the event fingerprint records are ordered returned or destroyed, the United States Attorney should notify the Department immediately.

Registration and fingerprint records made in connection with alien registration or immigrant visas pursuant to the provisions of Title II, Chapter 3, Sections 221 (b), 223 and 262 of the Immigration and Nationality Act of 1952 (66 Stat. 162) are available to the United States Attorneys for use in connection with prosecutions conducted by them 8 U.S.C. 1201 (b), 1301 and 1302).

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**MANAGEMENT INFORMATION, PROGRAMS
AND REPORTS****EXAMINATION OF OFFICES**

"The Office of Judicial Examinations employs a staff of Examiners who conduct examinations and inspections of the offices of the United States Attorneys, United States Marshals, and United States Courts. This Office reports on conditions found and, when appropriate, recommends changes or other action for consideration of the responsible officials."

MONTHLY STATISTICAL AND CASE RECORD REPORTS**General**

Reports of cases and collections are forwarded to the Office of Management Support, Administrative Division, each month under the Docket and Reporting System (Dept. Memo. 590, 7-1-68).

In addition, Form USA-5 (Rev. 6-6-68), Monthly Statistical Report of U.S. Attorney, must be forwarded to the Office of Management Support not later than the fifth of the following month in order to be included in the current month's statistics.

All mail for the Office of Management Support should be sent in envelopes addressed specifically and directly to that office and should not be sent to the Department in an envelope containing mail for any other office.

Detailed instructions on the preparation of all reports are contained in the Docket and Reporting System Manual (Dept. Memo. 590, 7-1-68).

Inquiries concerning the case reporting system, the collection reporting system, and the monthly statistical report should be directed to the Office of Management Support, Administrative Division.

Financial Summary

The financial summary is designed to provide input to a ledger-type record which will show the amount of money due the United States for each class of transaction, in each district and nationwide, and also show totals for each type of transaction. While the form does not provide for opening or closing balances, the Department is able to obtain such balances by processing the data provided by the United States Attorneys through the computer.

1. *Post-Judgment Collections.*—Lines 1 through 6 deal with post-judgment information while line 7 deals with pre-judgment

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information. *Do not include* information on line 7 in the totals shown on line 6. In order for the information on lines 1-6 to be valid, *report each stage of the transaction in the month in which it occurs.*

Although unlikely, it is possible for a judgment to be imposed, partially collected, partially compromised and partially closed as uncollectible *all in the same month.* In such event, *report each stage of the transaction in the appropriate column.* As an example, if a \$1000 judgment is obtained and later compromised for \$600, enter the \$1000 in column A at the time of imposition and enter the \$400 in column C at the time of the compromise. If the debtor then paid \$500 and convincingly showed that he was unable to make further payment, enter the \$500 in Column B at the time of collection, and enter in Column D the remaining \$100 written off as uncollectible when that determination was made. Assuming this to be the only activity during the month, the entries on line 4 would appear as follows:

Column A	Column B	Column C	Column D
\$1000	\$500	\$400	\$100

If, as is more likely, this series of transactions occurred *over a period of months, report each step in the month it happened.* For example, if a \$1000 judgment is obtained in July, show the amount in Column A of the July report. If in August the judgment was compromised for \$600, report the amount of \$400 in Column C of the August report. If the debtor made two \$250 payments in September and October, report \$250 in Column B in the September and October reports. Should a determination then be reached in November that the balance should be closed as uncollectible, report the \$100 in Column D of the November report.

In instances where a judgment is obtained and it is agreed to accept *payment by installment,* report the full amount of the judgment in Column A in the month in which the judgment is obtained. Each time an installment payment is received, report the amount of the installment payment in Column B in the month received until the account is closed.

2. *Pre-Judgment Collections.*—June 7 deals with pre-judgment matters whether they are classified as cases or matters. However, line 7 should include only *liquidated claims,* i.e.:

- a. Claims in which the precise amount of indebtedness or damages due has been determined by agreement.

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b. Claims in which a payment has been made.

c. Claims in which an agreement has been reached to compromise the claim for less than the face amount or a decision made to write it off.

d. Claims in which there is some other development which resolves the amount due or how it will be collected.

When a pre-judgment claim is referred to the United States Attorney, whether by the Department or another agency, do not report the amount in Column A until *such time* as it meets one of the tests outlined in (a) through d) above. Do not report claims solely because a case or matter is being handled by the office. Do not report the amount of claim in Column A of line 7 until both the Government and the adverse party determine that the amount is properly due prior to judgment.

As collections are taken, report the amount in Column B. If it is decided to compromise the claim for an amount less than the original claim reported in Column A, report the amount of the reduction in Column C. If it is determined to close the account as uncollectible or return it to the referring agency, report the amount still outstanding in Column D.

If it is decided to seek judgment *and judgment is obtained*, report the uncollected balance of the pre-judgment claim on line 7 Column D to close it *and report the amount of the judgment* on line 4 Column A.

Man-Hours Summary

This portion of the Monthly Statistical Report provides information concerning general performance.

Use lines 8 through 15 to report the actual number of hours spent in each of the listed categories. Do not include travel time. Line 16 is the total of Lines 8 through 15. *Do not report fractions of an hour.* If more than one-half hour, round to an hour; if less, drop.

Use Lines 17 and 18 to report the number of clerical and attorney hours available during the month. For each class of employee, *accumulate* the number of hours in "pay status", *subtract* the number of leave hours taken (annual, sick, compensatory and LWOP, and *add* the number of overtime hours worked. *Do not report fractions of an hour.*

Please note that Line 17 for Clerical Hours Available contains

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special detail blocks. Report in Block A (Regular Time) the number of hours in "pay status" *minus* leave taken. Report in Block B (Overtime) the number of hours of overtime worked during the period whether paid or compensatory. Thus, Block A *plus* Block B *must* equal Block C.

On Line 18, do not report the detail figures for arriving at the total available attorney hours.

COMMISSIONERS' REPORTS

Form No. DJ-105 (Report of Proceedings before United States Commissioners) is executed in triplicate by the Commissioner for cases he handles, and distributed as follows:

- Original—to United States Attorney.
- Duplicate—to United States Marshal.
- Triplicate—retained by Commissioner.

In those cases where the proceedings are not completed on the same day, two or more reports will be received, one covering the proceedings on the first day and additional reports showing the various steps or disposition of the case.

United States Attorneys are responsible for furnishing supplies of the form to the Commissioners.

FORMS AND REPORTS MANAGEMENT

General

Information and regulations pertaining to the Department's forms and reports coordination programs are set forth in Dept. Memo. 603. The Office of Management Support will supervise administration of these programs.

One person in each United States Attorney's office should be assigned the responsibility for securing compliance with regulations relating to forms and reports, promoting efficient paperwork practices, and maintaining an up-to-date inventory of "special" forms and of periodic reports.

Forms

A "special" form is one developed for use in an individual district. A "special" form will generally be approved if the following circumstances prevail:

1. Time can be saved in recording information.
2. No standardized form is available.

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3. Local rules or practices preclude use of a standardized form.
4. Information to be recorded is not available in other records or cannot be handled by revising an existing form.
5. Procedures relating to the form are in accordance with regulations.

Insofar as possible, standardized forms provided by the Department or the Clerk of Court should be used.

The numbering system adopted for identifying the district conforms to the system used in the Department's central files. When a form has become obsolete, the number assigned to it should not be reused unless the superseding form bears the same title and is used for the same specific purpose.

Two copies of any new or revised form mimeographed in the field must be sent immediately to the Office of Management Support together with one completed copy of Form DJ-1 for approval. The Department must also be notified if any forms reproduced in the field are discontinued. The "special" forms inventory maintained in the United States Attorney's office must be noted accordingly when a new form is adopted or one is discontinued.

To reduce printing costs, field offices should mimeograph "special" forms if a mimeograph machine is available without charge. Otherwise, requisitions for the printing or reproduction of "special" field forms should be submitted on Form DJ-2, (Rev. 1-71), to the Office of Management Support, Department of Justice, Washington, D.C. 20530. Orders for specially printed letterheads should be submitted, on Form DJ-2 (Rev. 1-71), to the Office of Administrative Services, Department of Justice, Washington, D.C. 20530 Attn: Printing Management Unit. Instructions for executing the requisition form are included on the reverse of the form. This is the only allowable procedure for reproducing special forms other than free mimeographing.

Each form in use should be identified in the upper left corner. This identification should include the symbol for the office originating the form, the district number, the number of the form as shown on the forms inventory for the district, and the edition or revision date. Example: Form USA-23-20 (Ed. 3-1-360)

When a numbered form is revised, the abbreviation "Rev." should be substituted for "Ed." and the new date shown in parentheses under the form number. The form number should also be shown on the second and subsequent pages of a form. The page number, except Page 1, should be added under the form identification unless otherwise shown.

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OFFICE FILES AND RECORDS

General

The records and files of a United States Attorney's office are permanent official records and should be maintained in such manner that an incoming official will have a complete and permanent record of all business handled by his predecessor.

Docket Records

Case dockets.—The records prescribed by the United States Attorneys Docket and Reporting System Manual (Department Memo. 590, 7-1-68) shall be maintained on a current basis at the headquarters office of the district.

Grand jury docket.—A formal grand jury docket is not required by the Department and docket sheets will not be provided for this purpose. However, an agenda or calendar of matters to be presented to the grand jury should be prepared prior to the meeting of each grand jury and the action taken should be recorded in the United States Attorneys' files. Forms No. D.C. 53 (Record of Grand Jurors Concurring) and No. D.C. 55 (Report of Failure to Concur in Indictment), available in the Clerk's office, are provided for use of the grand jury in reporting its findings.

Witness docket.—No witness docket as such should be maintained by United States Attorneys. Information regarding witnesses is available from copies of the Certificate of Attendance (Form No. USA-793).

Case Files

Case folders.—A criminal or civil case folder shall be set up for each case and should contain all reports and preliminary papers, copies of indictments or pleadings, etc., and all correspondence relating thereto. Each folder should reflect the complaint or claim number assigned under the numbering system established for reporting new matters. As a case progresses, the folder should be transferred from one file to another, according to the status of the case, under the following general arrangement of files:

Criminal:

(1) Complaint File—For the filing of letters, reports, etc., relating to alleged violations of law, prior to the institution of criminal proceedings.

(2) Grand Jury File—Cases which are ready for presentation to the grand jury.

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(3) Pending Case File—All pending cases, after the filing of an information or indictment.

(4) Closed Case File—Closed cases.

(5) Appeal File—Cases which are pending in an appellant court.

Civil:

(1) Preliminary matters.

(2) Pending cases.

(3) Closed cases.

(4) Appeals.

Official Receipt File

The quadruplicate copies of Receipt Form No. USA-207—Revised issued for collections made by United States Attorneys will be filed in accordance with instructions in Department Memo 207—Revised.

Debtor Index and Payment Record File

Instructions in the Docket and Reporting System Manual (Department Memo. 590, 7-1-68) should be followed in maintaining the prescribed Debtor Index and Payment Record (Form No. USA-117).

Miscellaneous Correspondence

Miscellaneous correspondence, including carbon copies of all outgoing telegrams, letters, etc., which do not relate to a case should be separately filed in folders. Separate folders may be used for special subjects, or for different departments or individual officials when necessary.

Personnel Files

Personnel folders maintained in the Department have been designated the official folders for all employees of the office of the United States Attorney. United States Attorneys should not maintain separate files but should forward all necessary personnel papers to the Department for inclusion in the official folder. When an employee transfers to another Government agency his official folder will be forwarded to the employing agency by the Department.

Administrative Files

Copies of correspondence, office copies of personnel actions, position descriptions or other miscellaneous informational material

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relating to the personnel of the office may be kept in a separate file to be designated as an administrative file. This file should not contain any material which is properly for inclusion in the official personnel folders maintained in the Department.

DISPOSAL OF RECORDS**In General**

The Department's Records Management Program provides for the preservation of records of permanent value or historical interest, the retirement of records no longer needed for current operations and the destruction of non-record material.

In the following pages, authority for the disposition of most United States Attorneys' closed and inactive records by destruction or transfer to a General Services Administration Federal Records Center is described as well as the operations and procedures of the Federal Records Center.

All United States Attorneys are urged to take advantage of the Federal Records Center's facilities as storage and maintenance of closed and inactive records in these centers is less expensive than storage of records in Government office space. However, those records that are obsolete or unnecessary for retention and are authorized for destruction should be destroyed and not sent to the Federal Records Center. You are reminded that the Federal Records Centers want only those records that are closed or inactive and are being retired to the Center because they have not reached the required retention period for destruction or have no authorization for destruction.

Those records that the United States Attorney believes to have permanent value or historical interest should not be destroyed. A description of the foregoing material with dates and number of linear feet should be forwarded to the Director, Records Administration Office, Department of Justice, Washington, D.C. 20530, for advice as to retention or disposition.

Records may be disposed of as follows:

- (a) Burning or by equally complete methods of destruction, in the presence of a representative of the United States Attorney's office, of all confidential or other records which in the opinion of the officer having jurisdiction over the records require destruction to avoid disclosure of information that might be prejudicial to the interests of the Government. All FBI reports or other investigative reports must be considered confidential.

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(b) Sale as waste paper, after maceration or treatment to destroy the record contents in the presence of a representative of the United States Attorney's office, of all records not included in Item (a) above.

A well organized records retirement program will systematically save valuable office space, release filing equipment for reuse and make the use of needed records more efficient.

On November 1 of each year United States Attorneys should box and ship to the Federal Records Center all cases and matters closed up to June 30 of the same year. Those cases that have been completed as to litigation or appeals but will be continued as to collection of fines or other matters should be retained. Further, if a case or matter was closed for a period in excess of that shown for retention on the disposal schedule, on this and subsequent pages, consideration should be given to disposing or destroying the files.

Special attention should be given to such non-record material as obsolete forms, publications, extra copies of correspondence and duplicate copies which may be destroyed without authority.

Classified Information

The destruction of classified information, records requiring safeguarding in the interest of national defense, is regulated by Part XII, Section 1201 of the Attorney General's Order No. 279-62.

The Order 279-62 is published in a separate booklet "Regulations Relating to the Protection of Defense Information".

United States Attorneys' Disposal Schedule

1. Closed civil and criminal case files in the United States Attorneys' offices, including both "matters" and "cases" ("closed" in the sense that action has been concluded by a verdict or by a discontinuance, dismissal, quashing, or transfer to another United States Attorney's office) whether or not prosecutive action was taken. Destroy 15 years after the case is closed except for the following:

Case files for cases handled in the United States Attorney's office which are listed in annual reports of the Attorney General. Retain.

Case files maintained as "precedent files". Retain.

Case files initiated before 1889. Retain.

Case files of United States Attorneys' offices, for the territorial

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period, located in former territories in continental United States. Retain.

2. General files of United States Attorneys, not part of organized case files, containing correspondence and related papers pertaining to the operation and administration of the offices. Destroy after 5 years except for the following:

General files for the territorial period located in former territories in continental United States. Retain.

3. U.S. Attorneys' Grand Jury Dockets, dated 1889 and later. Dispose after 15 years.

Dockets prepared by the U.S. Attorney's office for the meeting of each grand jury, showing the names of alleged offenders, names of witnesses for the Government, and other essential information. Entries are made numerically. Later annotations of the dockets show action of the grand jury and date of action, and often this entry is signed by the foreman or clerk of the grand jury. If a "true bill" is returned, criminal court number is usually entered when the indictment is filed in the U.S. District Court.

4. Grand Jury Records, dated 1889 and later, except those covered by item 5. Destroy after 15 years.

Minutes, dockets, shorthand notes on proceedings and transcripts of proceedings, and related papers created by grand juries (in the custody of U.S. Attorneys). The minutes consist mainly of docket sheets showing the grand jury case number, title of the case, type of violation, names of agent or inspector and Assistant U.S. Attorney handling the case, names of witnesses, date the case was presented to the grand jury, information as to whether a "true bill" or "no bill" was voted, usually including a tabulation listing the number of jurors present and the number voting for an indictment and the date an indictment was filed in open court. The minutes also sometimes include court reporter oaths and immunity waivers of individuals waiving protection of the Fifth Amendment and a listing of the jurors and their addresses.

5. Records of Special Investigating Grand Juries. Retain.

Records of special investigations by grand juries initiated and undertaken independently of U.S. Attorneys.

6. Land and Natural Resources Case Files.

The case files consist of appraisals, reports, pleadings, transcripts of hearings, copies of title evidence, correspondence, exhibits, trial data, and related papers. Filed by case numbers. Basic records in condemnation proceedings are filed in the District Courts. Papers, including preliminary and final title opinions,

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summarizing action on each case are maintained in the records of the Department at Washington. The cases here covered contain some work papers and correspondence that are not duplicated.

Destroy 5 years after the case has been closed and final distribution made to the parties entitled thereto or the return of the funds to the Treasury under the provisions of 28 U. S. C. 2042, except for the following:

Original appraisals or title evidence, if included in the files. Transfer to the acquiring agency or to the Department of Justice for such transfer.

7. Rental Files. Destroy 5 years after the termination of the Government's use of the property and the distribution of the rental paid therefor.

Collection documents and working papers relating to properties rentals in Government housing projects and other property controlled by the Government, turned over to the Land and Natural Resources Division for collection. Records of condemnation and negotiations are in case files in the courts. Basic fiscal records of collections and payments are in the Registries of the District Courts.

8. Disbursement Files. Destroy after 5 years.

Schedules and related papers pertaining to payments for properties purchased or occupied on rental bases. Duplicated by basic fiscal records in files of Registries, District Courts.

9. Administrative Correspondence Files. Destroy after 5 years.

Correspondence relating to office administration, leasing of office space, procurement, mimeograph and other services, personnel (other than official personnel folders, which are filed at Washington), and other "housekeeping" material. Filed in subject file scheme.

10. Office Reading Copies of Correspondence. Destroy after 2 years.

Chronological files of copies of correspondence, pertaining to cases and to office administration. Substantial information is duplicated in case files.

11. Commissioners' reports on indigent prisoners (Form 1042 R. S.), and related correspondence. Destroy two years after discharge of the prisoner.

12. FBI reports when filed separate from case files. Destroy after 5 years.

13. Parole and pardon files, including reports and correspondence. Destroy after 10 years.

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14. Complaint dockets. Destroy after 15 years.
15. Criminal dockets. Destroy after 15 years.
16. Civil dockets. Destroy after 10 years.
17. Witness dockets. Destroy after 10 years.
18. Second offense records. Destroy after 15 years.
19. Removal case files. Destroy after 10 years.
20. Statistical records, including criminal docket reports statistical and financial summaries, and lists of cases. Destroy after 5 years.
21. Closed office accounts. Destroy after 5 years.
22. Ignoramuses. Destroy after 3 years.
23. Reports of narcotic cases (Treasury Department, Internal Revenue Service Form 1507). Destroy after 5 years.
24. Compromise letters in narcotic, and internal revenue cases. Destroy after 9 years.
25. Copies of monthly listings of cases, matters, and collections prepared by the Office of Management Support. Destroy 6 months after date of report.
Copies of the Monthly (statistical) Report for United States Attorney (Form USA-123) prepared by the Office of Management Support. Destroy 5 years after date of report.
26. Receipt for monies received by United States Attorneys in satisfaction of debts due the United States. Contained on Form No. USA-200 (Rev. 3-3-58), or any equivalent form. Destroy 5 years from date of issue.
27. The Debtor Index and Payment Record Card Form No. USA-117, or its equivalent. This is an index of debtors who owe money to the United States and a record of the amount due and payments thereon. Destroy 15 years after case is closed.
28. Time and Attendance Reports (Form SF-1130 or equivalent).
 - a. Final card showing accumulated leave on separation of employee. Transfer to National Personnel Records Center, GSA. (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118, after 3 years.
 - b. Other copies, destroy 3 years after audit of related pay periods by Department of Justice examiners.

Additional Disposal Authority

The following types of documents have been authorized for disposal after the periods of time specified after each item. In the event that any United States Attorney desires to use the au-

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thority contained in this disposal table, the listed documents must be removed from the files and the remainder retained until it is eligible for disposition.

1. Papers in closed civil case files that are duplicated in the files of Federal courts, including copies of complaints, petitions, informations, writs, declarations, libels, pleadings, process, court orders, judgments, decrees, opinions, and related papers. Destroy one year after the case is closed.

2. Papers in closed criminal case files that are duplicated in the files of Federal courts, including copies of bills of indictment and information, pleadings, process, briefs, transcripts of records, court orders, judgments, opinions, sentences, and related papers. Destroy one year after the case is closed.

3. Correspondence in civil and criminal cases or on matters between the United States Attorneys' offices and headquarter's units of the Department of Justice. Destroy one year after the case is closed.

4. All copies of case reports and memoranda from United States Attorneys' offices to headquarter's units of the Department of Justice, and case memoranda received from such units. Destroy one year after the case is closed.

The records listed below were accumulated during the periods of time indicated after each item and have been authorized for destruction by the Congress.

1. Files of hearing officers created pursuant to Section 5 (g) of the Selective Service and Training Act of 1940 to hear claims of conscientious objectors from military training and service, consisting of copies of hearing officers' reports and related papers including copies of notices to conscientious objectors and replies thereto concerning dates and places of hearings, docket sheets, notes and related materials. 1940—March 31, 1947. (This material will be turned over to the United States Attorneys for disposition by the Hearing Officer in each district.)

2. Copies of Selective Service Forms (DSS Form 551) showing records of delinquents under the Selective Service Act, sent by local boards to United States Attorneys' offices, and copies of their letters of acknowledgement. October 1940—May 1947.

3. Case files and general records pertaining to the arrest, detention and/or internment of alien enemies during World War I under the provisions of Section 12 of the President's Proclamation of April 6, 1917, and supplementary Proclamations of December 11, 1917, and April 19, 1918, including copies of

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official circulars and replies thereto, requests for and copies of Presidential warrants, receipts for prisoners, applications for and orders of parole, parole bonds, applications for exemption from classification of alien enemy, reports of Federal investigative agencies, alien report cards, testimony, war zone passes, copies of declarations of intention of naturalization correspondence and related papers. 1917-20.

4. Applications to United States Attorneys for permission to travel, submitted by alien enemies during World War II, together with related correspondence and copies of permits issued. 1941-45.

5. Notification of change of address and employment submitted to the United States Attorneys by alien enemies of World War II. (Duplicated in substance in the permanent files of the Immigration and Naturalization Service) 1941-45.

Transfer of Records to Federal Records Centers

Section 505 (d) of the Federal Records Act of 1950 authorizes the Administrator of General Services to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies. Such centers are known as Federal Records Centers. A list of Federal Records Centers showing the areas served thereby is included herein.

Whenever records are transferred to a Federal Records Center for storage, a report covering the number of cubic feet of records transferred should be sent to the Records Administration Office, Department of Justice on Standard Form 135.

Procedures for Transfers to Federal Records Centers

The following procedures will govern the transfer of records to Federal Records Centers:

1. Federal Records Centers will accept for transfer any records offered by Federal agencies, subject to the following conditions:

a. That the records are not authorized for immediate disposal; and

b. That facilities for housing and providing reference service on the records are available. Priority will be given to the removal of records from office space convertible to office use, from leased space, and from filing equipment which can be reused.

2. Transfers may be initiated by either oral or written request to the Deputy Regional Director for Records Manage-

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ment in the General Services Administration region in which the records are located. Requests shall specify the nature and quantity of the records proposed for transfer.

3. Federal Records Centers will furnish agencies with a receipt acknowledging the transfer of records.

Surveys of Records Available for Transfer

Surveys will be conducted by the regional Records Management Service for the purpose of recommending records for transfer to Federal Records Centers upon request of the United States Attorney. Recommendations on files to be transferred will be made by the Records Administration Office.

Release of Equipment

Equipment received with the transfer of records to a Federal Records Center will, when emptied and if needed, be returned on request to the agency from which the records were received. If the return of such equipment is not required, it will be disposed of in accordance with applicable excess property regulations.

Restrictions on Use of Records

Restrictions lawfully imposed on the use of transferred records will be observed and enforced by the Federal Records Centers, subject to the provisions of Section 507 (b) of the Federal Records Act of 1950.

To conform with restrictions placed on departmental records transferred to the custody of the National Archives, the following restrictions apply to United States Attorneys' records transferred to General Services Administration Federal Records Centers: Restrictions on the use of records that are 25 years or more old shall be left to the discretion of the Records Center Chiefs. The use of records which are less than 25 years old shall be restricted to the extent that only authorized employees of the Department of Justice and of the United States Attorneys' offices may have access to them; except that other persons may have access to them only with the specific approval of the United States Attorney from whose office the records were transferred.

Disposal Clearances

No records of a Federal agency still in existence shall be disposed of by a Federal Records Center except with the concurrence of the agency concerned.

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GSA Federal Records Center

GSA Region	Areas Served	Mailing Addresses
	Designated records of the Military Department and the U.S. Coast Guard	National Personnel Records Center, GSA (Military Personnel Records) 9700 Page Boulevard St. Louis, Mo. 63132
	Entire Federal Government (for personnel and pay records of separated Civilian employees; other designated records).	National Personnel Records Center, GSA (Civilian Personnel Records) 111 Winnebago Street St. Louis, Mo. 63118
1	Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.	Federal Records Center, GSA 380 Trapelo Road Waltham, Massachusetts 02154
2	New York, New Jersey except areas south of Trenton, Puerto Rico, and the Virgin Islands.	Federal Records Center, GSA 641 Washington St. New York, N. Y. 10014
	New Jersey south of Trenton, Delaware and Pennsylvania east of Lancaster.	Federal Records Center, GSA 5000 Wissahickon Avenue Philadelphia, Pennsylvania 19144
	Pennsylvania except areas of Lancaster.	Federal Records Center, GSA Naval Supply Dept. Bldg 308 Mechanicsburg, Pennsylvania 17055
3	District of Columbia, Maryland, West Virginia, and Virginia.	Washington National Records Center General Services Administration Washington, D. C. 20409
4	North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida.	Federal Records Center, GSA 1557 St. Joseph Avenue East Point, Georgia 30044
5	Kentucky, Illinois, Wisconsin, Michigan, Indiana, and Ohio.	Federal Records Center, GSA 7201 South Leamington Avenue Chicago, Illinois 60638
6	Kansas, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, and Missouri except greater St. Louis area.	Federal Records Center, GSA 2206 East Bannister Rd. Kansas City, Mo. 64131
	Greater St. Louis area (Missouri only).	National Personnel Records Center, GSA (Civilian Personnel Records) 111 Winnebago Street St. Louis, Mo. 63118
7	Texas, Oklahoma, Arkansas, and Louisiana.	Federal Records Center, GSA 4900 Hemphill Street Post Office Box 6216 Fort Worth, Texas 76115
8	Colorado, Wyoming, Utah, Arizona, and New Mexico.	Federal Records Center, GSA Building 48, Denver Federal Center Denver, Colorado 80225
9	Nevada except Clark County, California except Southern California, and Pacific Ocean areas.	Federal Records Center, GSA Building 1, 100 Harrison St. San Francisco, California 94105
	Clark County, Nevada, and Southern California (Counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Orange, Los Angeles, Riverside, Inyo, Imperial, San Diego).	Federal Records Center, GSA 4747 Eastern Avenue Bell, California 90201
10	Washington, Oregon, Idaho, Montana, and Alaska.	Federal Records Center, GSA 6125 Sand Point Way Seattle, Washington 98115

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SERVICES AND COMMUNICATIONS

PRINTING

General Procedures

Request for printing of letterheads, forms, etc., should be submitted, on Form DJ-2, to the Department in accordance with instructions in Procurement of Supplies, Equipment and Services.

Pursuant to the provisions of 44 U. S. C. 501, the Joint Committee on Printing has authorized field printing for the offices of United States Attorneys of such records, transcripts, briefs, etc., required for official use as, in the opinion of the United States Attorney, it is impracticable to have printed at the Government Printing Office due to the period of time necessary to accomplish such work.

The regulations of the Joint Committee on Printing require that there appear on each original printing of all jobs (other than letterheads, envelopes, etc.) the name of the Department and name and location of the plant which data shall be known as the imprint.

Illustration: Justice—Acme Printing Co., New York, N.Y. The imprint shall be printed with the job and under no circumstances shall such printing be made a separate operation.

Report on Printing

United States Attorneys will submit to the Assistant Attorney General for Administration, prior to the close of each fiscal quarter, a report on J.C.P. (Joint Committee on Printing) Form No. 2, in triplicate, covering all transactions concerning composition, printing, binding, and blank book work procured from commercial sources during the fiscal quarter. Forms may be obtained from the Department upon request. The report must be made prior to the close of each fiscal quarter whether or not there has been any printing or binding procured.

A sample of each job will not be necessary with the report; however, upon review of the report the Joint Committee on Printing may wish to see one or more completed jobs, in which event a sample will be requested.

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Economy

While it is realized that at times some corrections will be necessary, an earnest effort should be made to see that briefs are complete before being sent to the printer, so as to make alterations after proofs unnecessary. Every effort must also be made to have briefs prepared in sufficient time so that the printing may be done without incurring charges for overtime.

Vouchers

Upon completion of the work by the printer, he should execute a voucher on Standard Form 1034. The printing charges must be itemized therein. The following certificate must be on or attached to all vouchers involving payments for field printing. It shall be signed by the responsible officer in the field under whose authority the field printing is procured:

I hereby certify as responsible officer that the field printing covered by this voucher was procured in accordance with the applicable Government Printing and Binding Regulations of the Joint Committee on Printing.

Signed _____

(United States Attorney)

The voucher should be certified by an authorized certifying officer and transmitted to the Marshal for payment in the usual manner.

Proceedings in Forma Pauperis

28 U. S. C. 1915 (b) provides that "In any civil or criminal case the court may, upon the filing of a like affidavit, direct that the expense of printing the record on appeal, if such printing is required by the appellate court, be paid by the United States, and the same shall be paid when authorized by the Director of the Administrative Office of the United States Courts.

Printing expenses in such instances are not payable from Department of Justice appropriations.

LIBRARIES

United States Attorneys' libraries are under the supervision of the Librarian of the Department. All requisitions for library materials, accompanied by a statement justifying the request on the basis of official need, are to be sent directly to the Librarian for

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approval. Consultation with the Librarian on problems related to the libraries is encouraged.

Each office shall have one person designated whose responsibility it is to see that the library is properly maintained.

Books are not to be maintained in offices where there are no personnel permanently assigned.

Libraries are to be evaluated at least annually by the United States Attorney or someone whom he designates for the purpose of verifying that all materials being received are needed for official purposes. Those determined not to be shall be reported promptly to the Librarian of the Department.

Each office is authorized to subscribe to two legal periodicals of its own choosing.

OFFICE SPACE

Minor adjustments in the utilization of office space may be made at the local level but any request for a substantial increase or reduction in office quarters must be submitted to the Facilities Management Section of the Administrative Division for review and decision.

CORRESPONDENCE**Preparation**

All communications should be answered promptly in a courteous manner avoiding suited and stereotyped phrases.

Correspondence to the Department should be addressed as follows:

Department of Justice
Washington D.C. 20530

On the communication itself, immediately above the salutation should be typed the name of the division, if known, or the name of the individual to whom the communication should be directed, i.e.,

Attention: Criminal Division, or,
Attention: John Doe, Civil Division.

Correspondence concerning personnel shall be directed as follows:

1. United States Attorneys, regular and special Assistants—to the Executive Office for U.S. Attorneys.

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2. Clerical or stenographic personnel—to the Administrative Assistant Attorney General.

All communications for the Federal Bureau of Investigation, Immigration and Naturalization Service, Bureau of Prisons, Bureau of Narcotics and Dangerous Drugs, and Law Enforcement Assistance Administration, should be addressed directly to each. Communications addressed to officials of the Department for personal attention should be placed in envelopes addressed directly to the official by name and title, and marked "For Personal Attention Only".

All information necessary to identify the case or file should be included at the beginning of the letter. Complete information should be contained in the communication to avoid delay in response or the return of correspondence for additional information. All correspondence with the Department shall be submitted in duplicate. The following specific points should be noted:

1. Confine each communication to one subject or case. If the correspondence covers more than one case or subject a carbon copy for each case or subject must be submitted.

2. Immediately after the salutation, quote the full title of the case including the given name, the surname and all known initials of the parties to the action. Be sure to quote the Department of Justice file number, if one is assigned.

3. The statute or offense involved should be completely stated. It is undesirable merely to quote title and sections from the Code. If a docket case or a statute is not involved, then the subject matter should be briefly outlined.

4. Enter the Zip Code number 20530 after the abbreviation "D.C.", when directing correspondence to the Department. When addressing other branches of the Government use their designated Zip Code. The United States Attorney should enter his own Zip Code number on the letterhead of all Department stationery and wherever his address is given or appears.

5. Carbon copies of letters and enclosures should be securely fastened or stapled to the letter of transmittal except that checks, money orders, cash, negotiable instruments, etc., should be fastened with paper clips to the face of the letter of transmittal. The duplicate copy of receipt Form No. USA-200 must accompany all remittances.

6. Whenever legal papers such as warrants, copies of in-

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dictments, etc., are forwarded to other districts for handling, the letter of transmittal should be forwarded in duplicate. This will provide a copy for both the United States Attorney and the Marshal of the receiving district.

7. The name of the official signing each letter to the Department should be typewritten directly above his title, and beneath the space reserved for the autograph signature. All letters must be properly signed, but as the autograph signature is not always legible the name of the official should also be typewritten, as indicated above. All communications should be signed in person by the head of the office in which they originate, but when this is impracticable letters may be signed by a subordinate, with the knowledge and consent of the head of the office. This includes forms such as DJ-25, USA-41, DJ-10, etc.

8. Correspondence sent to other Government agencies or departments should be forwarded in duplicate. Except in direct reference matters a copy of the communication should also be sent to the Department of Justice.

9. Letters requesting that information be obtained from any other department relative to Government cases should contain, if possible, a notation of the file or reference number in the department where the case arose, as well as the file number of the Department of Justice, if known, and such letters should be in triplicate in order that the extra copy may be referred to the department interested.

10. Two copies of all papers filed by any party or by the court including pleadings, proposed findings, judgments, opinions or other papers of record, briefs, memoranda, and offers in compromise, must be forwarded promptly to the Department with the following exceptions:

Civil Division cases—No papers need be forwarded where United States Attorneys have delegated authority to handle cases (See Title 3).

Internal Security Division cases—One copy should be forwarded.

Tax Division cases—Three copies of the initial pleading in any tax litigation, and three copies of all briefs filed. In all other matters, two will be adequate.

On those pleadings which need no comment a letter of transmittal is not required. However in the upper right hand corner should appear a notation of where and when the pleading was

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served or filed. If known, the name of the division in charge of the case and the Department file number should be stated. In criminal pleadings, the last date for reply should be shown. The transmitter may affix his signature and date forwarded if desired.

SAMPLE LETTER TO DEPARTMENT

Department of Justice
Washington, D. C. 20530

ATTENTION: JOHN DOE, CRIMINAL DIVISION

Sir:

Re: U. S. v. Lewis C. Pitney
Violation U. S. Stolen Property Act;
DJ File No. 122-51-43.

I have your letter dated January 4, 1953, concerning the above mentioned matter.

Respectfully,
George H. Roberts
United States Attorney
(Signature)

B: John Doe, Assistant

MAIL

The following regulations apply to the forwarding of mail:

1. Envelopes used for the transmission of official mail through the Post Office Department will carry in lieu of any penalty clause the following legend "POSTAGE AND FEES PAID U.S. DEPARTMENT OF JUSTICE". No postage shall be purchased or affixed to mail including air mail, registered mail, certified mail, special delivery, foreign mail, parcel post or any other class of mail requiring postage. Designation of the above special services should be plainly written, typed or stamped on the envelope. Use of this material for personal correspondence is strictly forbidden.

2. All mail between the Department and offices outside the continental United States should be sent via air mail.

3. Whenever possible, correspondence addressed to the Department of Justice not transmitting bulky enclosures and not of an urgent nature should be held until the close of each business day and placed in one or several large envelopes. This procedure will

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effect a saving in postage and will expedite the handling of mail in the Department. Air mail should be used when speed of delivery is essential and in preference to more expensive forms of communications (telegrams, long distance calls, etc.). Mail schedules should be consulted in order that the proper means of communication may be used to insure delivery within the time limit in which action is to be taken. All communications to the Department meeting a "deadline" or where immediate action is required should be conspicuously marked so that they may be given special handling. Words such as "DEADLINE," "IMMEDIATE ACTION REQUIRED" typed in caps on a tag and securely stapled to the communication will be of assistance in identifying and expediting this mail.

4. Care should be exercised in mailing or shipping important files, documents, and papers, valuable merchandise, checks and currency. Attention should be given to the manner of wrapping and method of transmittal, using first-class mail, special delivery, special handling, registration, express, etc. when it is deemed necessary. Material such as books, maps, and relatively unimportant documents should not be sent by registered mail. The contents of package before wrapping, use good strong wrapping paper, and seal with scotch filament "glass" or similar durable tape. Seal flaps well and reinforce with tape over flap.

5. The Post Office Department offers both registered mail and certified mail service in addition to first-class service.

	<i>Registered mail (cents)</i>	<i>Certified mail (cents)</i>
Fee in addition to postage	75	30
Return receipt request at time of mailing:		
Showing to whom and when delivered	10	10
Showing to whom, when, and address where delivered	35	35
Delivery restricted to address only	50	50

All offices are urged to utilize the more economical certified mail service in lieu of registered mail service whenever possible. Official mail should not be insured since no indemnity is collected for its loss.

6. Court documents, destined for Switzerland, should not be dispatched by ordinary mail but should be transmitted via the American Legation at Berne.

7. Consult the U.S. Post Office Adaptability Guidelines. (Available from your local Post Office.)

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TELEPHONE AND TELEGRAPH EXPENSES

General

United States Attorneys are authorized generally to incur expenses for telegrams and long distance telephone messages sent in accordance with regulations.

The cost of telegrams and long distance telephone messages is payable as follows :

1. When sent by a United States Attorney, or any of his regular Assistants, on official business; by the Marshal, from "Salaries and Expenses, United States Attorneys and United States Marshals, Department of Justice."
2. When pertaining to leave of absence from duty, by the sender, personally. (6 Comp. Gen. 422.)
3. When sent under ordinary circumstances to reserve rooms, sleeping car or other accommodations, by the sender, personally. (21 Comp. Gen. 292.)

Telephone

All telephone companies should be requested to render bills promptly at the close of the month. The appropriation current at the end of the billing period should be charged with the expense.

Bills rendered by telephone companies upon their regular form should be accepted. Invoices or bills submitted by public utility companies, whose rates are fixed or adjusted by Federal, State, or other regulatory body, do not require certification by the vendor. (Accounting Systems Memo No. 38, March 9, 1955).

The General Accounting Office has approved the use of mechanically prepared statements in billing Government agencies for toll messages. Such bills show the date, place called, and the charge for each toll message.

Standard Form No. 1034 and 1034a (or Standard Form No. 1035 and 1035a where more space is necessary) should be used for vouchering telephone expenses. Bills received for telephone services should be attached to the voucher form.

All vouchers supporting payment for official long-distance telephone tolls should bear the following certificate: "Pursuant to Section 4 of the act approved May 10, 1939 (31 U. S. C. 680a), I certify that the use of the telephone for the official long-

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distance calls listed herein was necessary in the interest of the Government." This certificate must be signed by an authorized certifying officer.

Officers charged with the duty of approving telephone bills should maintain a record system of all toll messages, preferably on separate slips in the form similar to that used by the companies themselves, showing when each message was sent, to whom and by whom, and whether on personal or official business, in order that the bills, when received, may be, by reference to the slips, audited for approval and payment and charges payable by the Government distinguished from those payable by individual officers or employees. However, in those offices located in Federal buildings equipped with a central switchboard, the memorandum slips or "tickets" submitted to the United States Attorney by the General Services Administration may be used in lieu of the above record for verifying toll calls.

Whenever personal telephone calls appear on official bills, it is directed that charges for all such personal calls be indicated on the telephone bills and only the amount properly chargeable to the Department appropriation be paid therefrom. The amount of the personal calls, plus the required Federal tax thereon, should be collected from the employee and paid over to the Marshal at the time the voucher is submitted to him for payment. The total amounts for (a) official calls, (b) personal calls, and (c) tax should be separately stated on the voucher covering payment of official calls.

Telegraph

Standard Form No. 1034 shall be used for vouchering expenses of telegrams.

Vouchers must be supported and accompanied by the *originals of outgoing telegrams*, filed with the agents of the telegraph company and bearing the distinctive marks of transmission, and by *carbon or tissue copies* of received or collect telegrams. If charge is made for telephone service in connection with a telegram, this fact must be stated on the voucher and the additional cost specified.

Telegrams should be sent only when necessary, and GSA Federal Telecommunications Service Centers should be used whenever possible. Charges for manifestly unnecessary telegrams or unnecessary words therein are subject to disapproval and disallowance.

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TITLE 8: ADMINISTRATIVE DIVISION**TELEPHONE SERVICE****Expenses for Additional Service**

United States Attorneys are required to submit request for authorization to incur expenses for additional telephone service or equipment whether such service is furnished over a joint switchboard operated by another Government agency or by a telephone company under contract. This applies when the monthly recurring charge exceeds \$50 or when the action constitutes a major change as defined below.

1. Installation or relocation of one or more telephone switchboard positions.
2. Installation or relocation of dial private branch exchange systems (PBX).
3. Installation or relocation of foreign exchange or inter-city voice facilities, including wide area telephone service (WATS).
4. Installation or relocation of data transmission facilities.
5. Installation, relocation or removal of teletypewriter, facsimile, data or other type of telegraph grade services and terminal equipment, including TWX, TELEX, Western Union and GSA Advanced Records System (ARS service).
6. Installation, relocation, or removal of communications security equipment or services.
7. Installation of new or major changes to existing radio frequency systems.
8. Installation, relocation or removal of closed circuit TV or other video systems.

Requests for Additional Service

Request for increases of existing telephone services should be submitted via letter or memorandum to the Facilities Management Section, Office of Administrative Services. A copy of the Order for Telephone Service, Standard Form 145, should accompany the letter or memorandum. The SF 145 is normally prepared by the telephone company or GSA representative and should be fully detailed to indicate precise equipment affected.

Authority for telephone service or equipment remains in effect without regard to the fiscal year. Increases in telephone rates or charges resulting from action of State regulatory bodies are not considered increases in service requiring a new request for authorization. Authorization for telephone service to be installed only

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for the duration of term of court is not required, provided the service is disconnected at the close of that specific term of court.

The following information should be shown on a request for authorization:

1. Description of additional item.
2. Monthly recurring rate applicable thereto.
3. Nonrecurring charge, such as a service connection, installation or other flat charge.

In addition, the request for additional service or equipment should fully explain the need for such service so that it can be determined whether the expense involved is justified.

Attachments to Telephones

The Department forbids the use by any of its personnel of any mechanical or recording device attached to telephones unless connecting and use of such equipment complies with existing law.

Local and Long Distance Calls

It is not necessary to secure an authorization to incur expenses for local or long distance telephone calls made on official business. Long distance calls should be made only when time does not permit the use of less expensive means of communications such as mail and teletype. The Federal Telecommunications System should be used for all long distance calls when the cost of such calls exceeds 40 cents for the first three minutes. Commercial lines should be used when the cost of the call is less than 40 cents for the first three minutes. The Telephone Users Guide which includes telephone numbers should be consulted when placing long distance calls through FTS.

TELEGRAMS**Government Facilities**

United States Attorneys may send messages to the Washington Departmental Communications Center and to most other points through the facilities of the General Services Administration Federal Telecommunications Service Centers located in most major cities. It is the policy of the Department to use these governmental teletype facilities for official business when such business requires more rapid handling than afforded by the postal system. Teletype should be used instead of telephone facilities to transmit lengthy communications and whenever a written record is essential.

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GSA provides teletype service through their service centers at a charge of 6 cents per word for transmitting messages with no charge for receiving.

Many United States Attorney's offices are located in the same building as the GSA service center. The center should be contacted to make arrangements for the pickup and delivery of messages.

United States Attorneys not located in the same building as the GSA service center are encouraged to use the GSA facilities if the location of the center is convenient and satisfactory arrangements can be made for message pickup and delivery.

Those offices not located near a center may request departmental assistance in determining optimum communications requirements and procedures. Offices exhibiting high traffic volumes may qualify for installation of communications equipment within their offices. Requests for assistance or equipment installation should be directed to the Administrative Division, Office of Administrative Services, Department of Justice, Washington, D.C. 20530.

A listing of GSA Federal Telecommunications Service Centers follows.

GSA FEDERAL TELECOMMUNICATIONS SERVICE CENTERS

<i>CITY, STATE & ZIP CODE</i>	<i>ADDRESS</i>	<i>ARS RI & DAC</i>	<i>PERSONNEL COVERAGE*</i>	<i>TWX AND TELETYPE NUMBERS</i>	<i>FTS TELEPHONE NUMBER</i>
* Aberdeen S.D. 57401	Rm. 24, P.O. & Cthse, 4th & Lincoln St.	RUCHLBK 45104	7:45A-5:15P	TWX—None TELEX—None	605 225-7284
* Albany N.Y. 12207	Rm. 323, FOB 445 Broadway	RUEVDDM 75119	8:00A-5:30P	TWX—None TELEX—None	518 472-5348 518 472-4411
Albuquerque N.M. 87103	Rm. 1407, FOB 517 Gold Av SW	RUWLRDG 35120	7:45A-5:15P	TWX 910 989-1690 TELEX—None	505 247-2103
Atlanta Ga. 30323	Rm. 146-D Peachtree - 7th Bldg., 50 7th Street, NE	RUEVDAA 21126	8:00-6:00P	TWX 810 751-3298 TELEX 54-2212	404 526-5651
Auburn Wash. 98002	GSA Center Rm. 1251	RUWLRBD 71213	8:00A-4:30P	TWX—None TELEX—None	206 833-5419
Austin Tex. 78701	Rm. G-105, Fed. Ctr. 300 E. 8th St.	RUCHMCS 37146	8:00-5:00P	TWX—None TELEX—None	512 475-5141
* Birmingham Ala. 35203	Rm. 511, 2121 8th Ave., North	RUEVDEA 21132	8:00A-4:45P	TWX—None TELEX—None	205 325-3248
* Boise Idaho 83702	Rm. 389, Fed. Bldg. & Cthse. 5th & Fort St.	RUWLRDL 63120	7:45A-5:00P	TWX—None TELEX—None	208 342-2200
Boston Mass. 02109	Rm. 604, P.O. & Cthse Bldg. Post Office Sq.	RUEVDAC 25102	8:00A-6:00P	TWX 710 321-0649 TELEX 94-6224	617 223-2645
* Buffalo N.Y. 14202	Rm. 125, U.S. Cthse, 68 Court Street	RUEVDDN 75123	8:00A-5:30P	TWX—None TELEX—None	716 842-3679 716 842-3311

Burlington Vt. 05401	Rm. 237, New FOB, 11 Elmwood Ave.	RUEVDDO 75125	8:00A-5:00P	TWX—None TELEX—None	802 862-6365
Chicago Ill. 60604	Rm. 467. U.S. Cthse & Fed Bldg 219 S. Dearborn St.	RUCHLAC 27132	8:00A-5:30P	TELEX 254004 TWX 910 221-1342	312 353-5520
Chicago Ill. 60638	7201 South Leamington St.	RUCHLAW 27134	8:30-5:00P	TWX—None TELEX—None	(Commercial) **312 582-2175
Cincinnati Ohio 45202	Rm. 434, P.O. & Cthse 5th & Walnut	RUEVEKI 33130	8:15A-5:00P	TWX—None TELEX 021-373	513 684-2507
Cleveland Ohio 44199	Rm. M-153, FOB, 1240 E. 9th St.	RUEVEKJ 61174	8:30-5:00P	TWX—None TELEX 985572	216 522-4008
# Columbia S.C. 29201	Rm. 109, 1801 Assembly St.	RUEVDAV 21213	8:15A-5:00P	TWX—None TELEX—None	803 253-3395
# Columbus Ohio 43215	Rm. 504, New FOB 85 Marconi Blvd	RUEVDBD 33113	7:30A-4:30P	TWX—None TELEX—None	614 469-7471
Dallas Tex. 75202	Rm. 1302, Santa Fe Bldg. 1114 Commerce St.	RUCHLAE 37102	8:00A-6:00P	TWX 910 861-4219 TELEX 73-314	214 749-2613
Denver Colo. 80202	Rm. 1433, Fed Bldg. 1961 Stout St.	RUEVNDJ 35102	7:45A-5:15P	TWX 910 931-2646 TELEX—None	303 297-4374
Denver Colo. 80225	Bldg. 41, Denver Fed Ctr.	RUWLRDK 35113	7:45A-5:15P	TWX 910 937-0740 TELEX—None	303 233-8051 303 233-0402
# Des Moines Iowa 50309	Rm 225, Fed. Bldg. 210 Walnut St.	RUCHLAB 23128	7:30A-5:00P	TWX—None TWX—None	515 284-4450

<i>CITY, STATE & ZIP CODE</i>	<i>ADDRESS</i>	<i>ARS RI & DAC</i>	<i>PERSONNEL COVERAGE*</i>	<i>TWX AND TELEX NUMBERS:</i>	<i>FTS TELEPHONE NUMBER</i>
Detroit Mich. 48226	Rm. 1002, FOB 231 W. Lafayette Street	RUCHMCT 41117	8:00A-5:00P	TWX—None TELEX—None	313 226-6127
El Paso Tex. 79901	Rm. 117, FOB 511 E. San Antonio St.	RUCHMCV 37145	8:00A-5:00P	TWX—None TELEX—None	915 533-5310
Ft. Worth Tex. 76102	Rm. 13A28 819 Taylor	RUCHMCI 37143	7:45A-5:00P	TWX—None TELEX 758268	817 334-3359
* Greensboro N.C. 27402	Rm. B-23, Fed Bg 320 S. Ashe St.	RUEVDAY 31202	7:45A-5:00P	TWX—None TELEX—None	919 275-9491
* Hartford Conn. 06103	Rm. G-26 Cthse & FOB, 450 Main St.	RUEVDBO 57165	8:00A-5:00P	TWX—None TELEX—None	203 244-2000
* Helena Mont. 59601	Rm. 104, FOB 6th & Park Av.	RUWLRBF 71208	8:00A-5:00P	TWX—None TELEX—None	406 442-3240
Honolulu Hawaii 96813	Rm. 110, P.O. & Cthse	RUHHAKA 11011	7:30A-4:30P	TWX—None TELEX—None	**808 5881-806 or 807 (Via S.F. or Wash., D.C. switchboard)
* Houston Tex. 77002	Rm. 6311, FOB 515 Rusk Ave.	RUHLBO 37121	7:45A-4:45P	TWX—None TELEX—None	713 226-4011
* Indianapolis Ind. 46204	Rm. 326-A, P.O. & Cthse	RUHLBR 33119	7:30-4:45P	TWX—None TELEX—None	317 633-8913
Jacksonville Fla. 32202	Rm. G-25, FOB Box 35002 400 Bay St.	RUEVEKG 43104	8:00A-5:00P	TWX—None TELEX—None	904 791-2531

Kansas City Mo. 64106	Rm. G-31, 601 E. 12th St.	RUCHLAA 23132	8:00A-5:00P	TWX 910 771-2022 TELEX 4-2285	816 374-3056
Kansas City Mo. 64131	Rm. 203, 1500 E. Bannister Rd.	RUCHLBS 23138	8:00A-5:00P	TWX—None TELEX 4-26152	816 361-7710
* Little Rock Ark. 72201	Rm. 1130, FOB 700 W. Capitol Street	RUCHLDI 73117	8:00A-5:00P	TWX—None TELEX—None	501 372-5201
Los Angeles Calif. 90012	Rm. 4033-A, 300 N. Los Angeles Street	RUWLRBG 47102	8:30A-5:00P	TWX 910 321-3051 TELEX 67-4225	213 688-3238
* Louisville Ky. 40202	Rm. 234, P.O. & Fed Bldg. 601 W. Broadway	RUCHLBU 33109	8:00A-5:00P	TWX—None TELEX—None	502 582-5011 -5101
* Memphis Tenn. 38103	Rm. 237, FOB 167 N. Main St.	RUCHLDS 73123	8:00A-5:00P	TWX—None TELEX—None	901 534-3657
Miami Fla. 33130	Rm. 219, 51 S.W. First Ave.	RUEVEKH 43107	8:00A-5:00P	TWX—None TELEX—None	305 350-5176
Milwaukee Wis. 53202	Rm. 451, P.O. & Cthse., 517 E. Wisconsin Ave.	RUCHMCU 27163	7:45A-4:00P	TWX—None TELEX—None	414 272-3986
Twin Cities Minn. 55401	Rm. G-73 Fort Snelling	RUCHMCR 45102	7:30A-6:00P	TWX 910 576-2695 TELEX 29652	612 725-4656
* Nashville Tenn. 37203	Rm. 187, U.S. Cthse., 801 Broadway	RUCHLBP 21143	8:00A-5:15P	TWX—None TELEX—None	615 242-5306
New Orleans La. 70130	Rm. 602, FOB 600 South St.	RUCHLDP 53119	7:45A-5:15P	TWX 810 951-6246 TELEX 58-239	504 527-6644
New York N.Y. 10007	Rm. 2312, FOB 26 Federal Plaza	RUEVDAE 57134	8:00A-5:30P	TWX 710 581-4174 TELEX 1-2005	212 264-1295

<i>CITY, STATE & ZIP CODE</i>	<i>ADDRESS</i>	<i>ARS RI & DAC</i>	<i>PERSONNEL COVERAGE*</i>	<i>TWX AND TELEX NUMBERS:</i>	<i>FTS TELEPHONE NUMBER</i>
Oklahoma City Okla. 73102	Rm. B-303, New Fed. Bldg. 200 N.W. Fourth St.	RUCLAM 37136	8:00A-5:00P	TWX—None TELEX—None	405 236-2252
* Omaha Nebr. 68102	Rm. 1311, FOB 215 N. 17th St.	RUCLAO 23141	7:30A-5:00P	TWX—None TELEX—None	402 221-4797
Philadelphia Pa. 19106	Rm. 110-112, U.S. Custom Hse 2nd & Chestnut	RUEVDDG 61129	8:30A-6:30P	TWX 710 670-0352 TELEX 84-5265	215 597-4370
Phoenix Ariz. 85025	Rm. 3441, Fed. Bldg., 230 N. First Ave.	RUWLRAI 47121	7:45A-5:50P	TWX 910 951-1346 TELEX—None	602 261-3291
* Pittsburgh Pa. 15222	Rm. 445A, FOB 1000 Liberty Av.	RUEVDDL 61112	8:00A-5:30P	TWX—None TELEX—None	412 842-3486 412 644-3311
Portland Ore. 97205	Rm. 209, New U.S. Cthse. 620 S.W. Main St.	RUWLRAO 63127	8:00A-5:00P	TWX 910 464-4723 TELEX 3-6780	503 226-3578
Richmond Va. 23219	Rm. 1213, FOB 400 N. Eighth St.	RUEVDDU 83117	8:30A-5:00P	TWX 710 956-0122 TELEX—None	703 649-2202
Sacramento Calif. 95814	Rm. 8515, FOB 650 Capitol Mall	RUWLRRQ 61121	8:00A-5:00P	TWX—None TELEX—None	916 449-3405
Salt Lake City Utah 84111	Rm. 2419, FOB 125 S. State St.	RUWLRLBA 35109	7:45A-5:15P	TWX 910 925-5625 TELEX—None	801 524-5263
* San Antonio Tex. 78205	Rm. 235, F.O. Bldg., 615 E. Houston St. F.O. Box 1607	RUCLLBN 37128	8:00A-5:00P	TWX—None TELEX—None	512 225-4319

San Francisco Calif. 94102	Rm. 8026, 450 Golden Gate Av.	RUWLRAB 67108	8:00A-5:30P	TWX—None TELEX—None	415 556-6944
San Francisco Calif. 94111	Rm. 119, U.S. Appraisers Bldg. 630 Sansome St.	RUWLRBP 67112	8:45A-5:30P	TWX—None TELEX—None	415 556-5294
San Francisco Calif. 94103	Rm. 306, 49 4th St.	RUWLRBQ 67115	7:30A-5:30P	TWX 910 372-6614 TELEX 34377	415 556-3042
Seattle Wash. 98104	Rm. 2095, FOB 909 First Ave.	RUWLRAA 71204	8:00A-5:00P	TWX 910 444-2278 TELEX 32-482	206 583-5353
# Spokane Wash. 99201	Rm. 208, FOB Lincoln & Riverside Sts.	RUWLRBJ 71212	8:00A-5:00P	TWX—None TELEX—None	509 838-4572
St. Louis Mo. 63118	Rm. 113, New FRC 111 Winnebago St.	RUCHLDK 73114	7:30A-6:30P	TWX 910 761-0490 TELEX 44-899	314 622-5743
# Tucson Ariz. 85701	Rm. 233, Fed. Bldg., Scott & Broadway Sts.	RUWLRAN 47134	8:00A-5:00P	TWX—None TELEX—None	602 792-6201
# Tulsa Okla. 74103	Rm. B-204, P.O. & Cthse. Bldg. 333 W. 4th St.	RUCHLAK 37130	8:00A-5:00P	TWX—None TELEX—None	918 584-7628
Washington D.C. 20407	Rm. 1707, GSA ROB, 7th & D Sts. S.W.	RUEVDAG 83120	8:00A-10:00P	TWX 710 822-9427 TELEX 89-656	202 963-5115
Washington D.C. 20405	Rm. B-42, GSA Bldg., 19th & F Sts. N.W.	RUEVDEE 83185	8:30A-6:00P	TWX 710 822-1960 TELEX 892515	202 343-2212

<i>CITY, STATE & ZIP CODE</i>	<i>ADDRESS</i>	<i>ARS RI & DAC</i>	<i>PERSONNEL COVERAGES*</i>	<i>TWX AND TELEX NUMBERS:</i>	<i>FTS TELEPHONE NUMBER</i>
Washington D.C. 20240	Rm. 1038, Interior Bldg. 19th & C Sts., N.W.	RUEVDEG 83138	7:30A-7:00P	TWX—None TELEX—None	202 343-3497
San Juan P.R.	(Hato Rey) Rm 201 Pan Am Bldg. 225 Ponce DeLeon Ave.	RUEVDAG	8:30A-5:00P		

* Local Standard Time, Monday through Friday

** Not on FTS

Receive Station Only

TITLE 8: ADMINISTRATIVE DIVISION**Commercial Facilities**

Commercial teletype facilities should only be used when access to the governmental system is not available. When using commercial facilities particular attention should be given to word economy.

Originating Messages

Standard Form 14, Telegraphic Message, is prescribed for use in preparing telegrams, teletype messages for transmission by wire, cable or radio communications facilities. Generally, only the original SF-14 need be submitted to the message center. Carbons may be prepared in accordance with standard office procedures or to satisfy local communication center requirements. Communication centers are normally responsible only for electrical transmission and will not accept copies for internal distribution. Classified messages may not be sent over the system unless they are off-line encrypted. Contact your local communication center for further information regarding transmission of classified material. Standard Forms 14 should be prepared in accordance with the sample. If additional pages are required only the security classification and page information blocks need be filled in.

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Instructions for Preparation of Telegrams TELEGRAPHIC MESSAGE

NAME OF AGENCY ①	PRECEDENCE ACTION: ② INFO:	SECURITY CLASSIFICATION ③
ACCOUNTING CLASSIFICATION ④	DATE PREPARED ⑤	TYPE OF MESSAGE ⑥
FOR INFORMATION CALL		<input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS
NAME ⑦	PHONE NUMBER ⑧	
THIS SPACE FOR USE OF COMMUNICATION UNIT ⑨		
MESSAGE TO BE TRANSMITTED (<i>Use double spacing and all capital letters</i>)		
⑩		

TO:

EXPLANATION

- Department of Justice, Division or Bureau, location.
- Type one of the following as appropriate:
 - ROUTINE** — This is the normal administrative precedence.
 - PRIORITY** — This is the maximum precedence normally assigned to administrative communications and should only be used when rapid notification or response is essential.
 - IMMEDIATE** — This precedence is normally used only for communications which require immediate action and are operational in nature.
- Type Unclassified in this space.
- Type Division, Bureau or Agency originating message.
- Type current date and time.
- Type X in the appropriate box.
 - SINGLE ADDRESS** — Message to only one addressee.
 - BOOK MESSAGE** — Multiple address message handled by Communication Center as several single address messages so that *individual addressee's* are not informed of other addressees.
 - MULTI-ADDRESSES MESSAGE** — Message to more than one addressee, each of whom will be aware of all other addressees.
- Type the name of person drafting message.
- Type phone number of person drafting message.
- Do not type in this space.
- Type complete address information and text of message.
- Type individual page number and total number of pages.

SECURITY CLASSIFICATION

PAGE NO. NO. OF PGS.

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Certification

In each office a designated employee should be responsible for determining the necessity and official nature of a message before it is released for transmission.

Word Economy

In preparing telegrams all unnecessary words, initials, and figures in the body of the telegram, and also following the signature, should be omitted.

The word count upon which charges for domestic commercial telegrams are based, consists of the words in the body of the message, but does not include the addressee's name, address and destination or the sender's signature and title. Additional matter such as an alternate address or destination or the sender's address following his signature will be counted as chargeable words. The sender should not include his address except when the message is addressed to state or county officials or other persons who would not otherwise have this information.

In messages to foreign countries, everything transmitted is counted as words including words in the address and the signature. Count the entire name of a city, town, village, State or Territory in the body of the message, as one word, Example: New York will be counted as two words rather than four. All geographic names are so counted.

Punctuation should be used within the body of the telegram.

Numbers and amounts should be written as figures, never as words. Groups of figures or letters or combinations of figures and letters when not dictionary words are counted at the rate of 5 (or a fraction thereof) to a word. In certain cases small groups may be combined to save words. *Example:* et al = 2 words; etal = 1 word.

Requests for further information regarding preparation or transmission of telegrams, or installation of teletype equipment should be directed to the Administrative Division, Office of Administrative Services, Department of Justice, Washington, D.C. 20530.

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**PROCUREMENT OF SUPPLIES, EQUIPMENT
AND SERVICE****SUPPLIES AND EQUIPMENT**

1. One person in each office should be assigned the responsibility of ordering the supplies and maintaining a simple inventory system. Quantity requirements should be carefully estimated in order to avoid overstocking and also to keep the number of special requisitions at a minimum.

2. United States Attorneys may procure *expendable* supplies (except specially printed forms) from local sources when the order does not exceed \$25. This authorization is limited to the purchase of items similar to those listed in the Department's list of supplies and forms stocked. Non-expendable items which are accountable on property records shall not be purchased locally. Bills for supplies purchased locally should be paid by the United States Marshal from the administrative expense allotment. Standard Form No. 44, Purchase Order—Invoice—Voucher is available for documenting such purchases.

3. In those cities where the Federal Supply Service operates retail stores convenient to United States Attorneys' offices, such stores should be patronized to the extent of the foregoing authorization. Applications for Retail Store "Charge Plates" are required to be cleared with this Department's Procurement and Materiel Management Section.

4. Requisitions for supplies ordered from the Procurement and Materiel Management Section must be signed by the United States Attorney and submitted on Forms DJ-20 and DJ-20b (Continuation Sheet). Requisitions should be prepared in accordance with the following instructions. Calendars, diaries and dated desk pads, should be ordered by special requisition prior to July 1 each year.

5. The item number and letter or form number given to designate the article in the List of Supplies should be placed in the first column. Use double spacing between items.

6. The quantity on hand must be stated.

7. The columns for price and cost should not be used by the ordering office.

8. The names of officials will not be placed on letterheads, envelopes, or forms. No embossed stationery will be supplied at Government expense.

9. Samples must be furnished in duplicate for specially printed envelopes and letterheads.

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10. Requisitions for typewriters should specify the make, carriage length and type style, and should state whether the requested machine is for replacement purposes, and if so, should include the description of the machine replaced, i.e., the make, model, serial number, condition, and an estimate of the cost of repairs needed.

11. Requisitions for supplies and special equipment not shown on the List of Supplies must be supported by an explanation of the necessity for such items.

12. The processing of requisitions will be facilitated by listing items in the following order on Requisition Form DJ-20:

First—Supplies stocked by the Department.

Second—Forms stocked by the Department.

Third—Specially printed envelopes.

Fourth—Special supply items not stocked by the Department.

Fifth—(on a separate page) office furniture and other non-expendable equipment.

13. Bills of transportation companies covering shipments on Government bills of lading are paid by the Department in Washington. The United States Attorney should forward all such bills to the Marshal for transmission to the Department.

14. All shipping documents received from General Services Administration should be checked against the "C" copy of the Multiline Requisition before being discarded. When the shipment is complete sign and return to the Department the "C" copy of the Multiline Requisition. Do not hold the "C" copy for any open items amounting to less than \$5. These items should be reordered on your next requisition.

SERVICES BY CONTRACT

Under 41 U.S.C. 5, procurement for services and supplies, other than personal, in excess of \$2500 must be secured by contract from the lowest responsible bidder after widest possible advertisement. If the needs of the service are of a continuing nature and the amount thereof for a fiscal year will exceed \$2500, they should be procured by contract after advertising, even though the individual purchases or deliveries, or the service during any month or quarter do not exceed \$2500.

Any office which has a need for supplies, or services which may exceed \$2500, and which are not available from the General Services Administration; any GSA established contract source; or another Federal agency, shall submit a request together with adequate specifications or a defined scope of work, to the Pro-

TITLE 8: ADMINISTRATIVE DIVISION

curement and Materiel Management Section. That Section shall take all necessary action in accordance with prescribed laws and regulations to establish a formal contract for the supplies or services required.

The General Services Administration has regional contracts for local services such as laundry and cleaning, reporting service, rubber stamps, typewriter and office machine repair, furniture repair, automotive repair, etc. Offices requiring local services of any type, particularly on typewriter and office machine repairs, should contact the nearest General Services Administration representative for information.

MACHINE REPAIRS

United States Attorneys may have typewriters and other office machines repaired in the field within the approved quarterly authorization for expenses of their offices.

If the United States Attorney is in a district where a contract for such repairs has been executed by the General Services Administration and use of the contract has been made mandatory, the company holding the contract must be employed. In all other instances, estimates from two or more local repair agencies should be obtained and the lowest estimate accepted.

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PERSONAL PROPERTY MANAGEMENT**PROPERTY ACCOUNTABILITY**

The Department has established principles, standards and related requirements with respect to the maintenance of records and procedures for the control on non-expendable personal property. United States Attorneys have responsibility for the maintenance of a current property record and for the submission of annual inventory reports for all offices under their supervision. Annual inventory reports shall be submitted in accordance with the following schedule:

Alabama, Alaska, Arizona, Arkansas, California, Canal Zone, Colorado, Connecticut, Delaware, D.C., Florida	January 1 through 31
Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland	March 1 through 31
Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Ne- braska, Nevada, New Hampshire	May 1 through 31
New Jersey, New Mexico, New York, North Carolina, North Dakota	July 1 through 31
Ohio, Oklahoma, Oregon, Pennsyl- vania, Puerto Rico, Rhode Island, South Carolina, South Dakota	September 1 through 30
Tennessee, Texas, Utah, Vermont, Vir- gin Islands, Virginia, Washington, West Virginia, Wisconsin, Wyoming	November 1 through 30

United States Attorneys will receive machine listings of accountable property approximately one month before their respective inventories are due. Each item on the list is to be checked and any discrepancies should be noted in the "Remarks" column. Any items of nonconsumable property in the United States Attorney's custody which he deems to be accountable, but which are not included on the machine listing, should be noted at the end of the list in order that the Department may consider whether they should be carried on the property record.

The original listing, when certified correct by the United States Attorney and returned to the Department, will constitute the inventory report. A copy of the report should be retained by the

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United States Attorney and all accountable property received or disposed of during the ensuing year should be noted thereon.

Certain publications such as the United States Reports, Federal Reporter Second, the Federal Supplements and State Reports, have additional volumes added to them each year. Offices charged with these types of publications should carefully check the total number of volumes in their sets since it is important that the property records of the Department be maintained in an up-to-date condition. Recompiled volumes and pocket supplements are not to be reflected on the inventory records. All Government publications furnished by authority of law to officers of the Government, for their official use, shall be stamped "Property of the United States Government" and shall be preserved by such officials and by them delivered to their successors in office as a part of the property appertaining to the office. (44 U.S.C. 92).

Loss or theft of nonconsumable property must be promptly reported to the Assistant Attorney General for Administration. Each such report must be accompanied by an affidavit executed by the person to whose custody the property was entrusted and giving a full explanation of the circumstances under which the loss or theft occurred. It is advisable for United States Attorneys to maintain a memorandum record of their accountable property which is located at offices other than their headquarters.

The Chief, Procurement and Materiel Management Section, is hereby designated as Property Management Officer with primary responsibility for the following:

1. Supervising the maintenance of property records, including item control
2. Furnishing data as required for the establishment of and subsequent recording in property and general ledger accounts.
3. Reconciling annual, periodic or special inventories with property records to assure that divisional property officers have accounted for all property for which they are responsible.
4. Evaluating the effectiveness of property management procedures and practices.

The Property Management Officer shall determine the items and amounts to be capitalized based upon the following standards.

All non-expendable property acquired at a cost to the Department will be capitalized at the original cost if readily determinable otherwise at the estimated acquisition cost. Non-expendable property acquired at no cost will be capitalized at the depreciated value (estimated if not known) of such items.

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Cash, commercial or trade discounts will be deducted from the gross price in arriving at the amount to be capitalized.

Where the cost of an article of non-expendable property is f. o. b. destination the destination cost will be capitalized. If the cost is f. o. b. point of origin with the Government to pay the transportation cost, the combined cost will be capitalized.

Betterments or improvements which materially increase the value of the property and substantially increase its useful life will be capitalized. Cost of ordinary repairs and replacement of parts will not be capitalized.

Each United States Attorney shall be the property officer for his office, having responsibility and authority to receipt for and report upon non-expendable property and having custody and supervision over all property assigned to his office.

Relief from responsibility may be given to an accountable property officer for lost, stolen, damaged or destroyed property only upon written recommendation of the Property Management Officer approved by the Assistant Attorney General for Administration.

Each employee shall be held responsible for the proper use and protection of property in his custody and control and may be held financially liable for violations which result in loss to the Government.

Definitions

Accountability

The duty of accounting by designated officials for property through maintenance of records prescribed by the Assistant Attorney General for Administration. Accountability also includes responsibility for property unless such accountability is specifically delegated to another individual to whom the property is officially entrusted.

Accountable Property

All personal property coming into possession of the Department for which accountability is established.

Accountable Property Officer

An employee or officer of an organizational entity who has responsibility for administrative control over property entrusted to his unit or group.

Equipment

Includes all non-expendable property which is to be capitalized as non-expendable property.

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Personal Property

Property of any kind in possession of the Department, or any interest therein, except real estate.

Expendable Property

An article of personal property which has only incidental value and which, when applied to use, is consumed, loses its identity, or becomes a component part of other property. Unlike non-expendable property it is not capitalized.

Non-expendable Property

Non-expendable property is an article of personal property which (1) is complete in itself, (2) does not lose its identity or become a component part of other property when put to use and (3) is of a durable nature with an expected life service of one year or more. In addition, to be considered non-expendable, property should be significant as to price, quantity or nature. To be significant as to *price*, a replacement value of \$25 shall be considered a reasonable guide line. Some items, such as books, may have a small unit price but the total cost may be significant enough to warrant capitalization when there is a substantial *quantity* of such items. Items of a *nature* for which receipts from individuals are ordinarily required, badges, handcuffs, guns, etc., shall also be considered non-expendable property.

Property Records

These records shall be maintained by the Procurement and Materiel Management Section and will consist of punched cards, a composite record of property by classes.

Excess Property

Obsolete books or other publications should be turned over to the building custodian to be disposed of as scrap. When there is any doubt as to the propriety of such a disposition, instructions should be requested from the Department.

The Department maintains a centrally controlled system for handling excess and surplus property. In order to comply with GSA Regulations it is necessary that the Procurement and Materiel Management Section be furnished the following information:

A. *Description*: Property reported as excess must be described in detail such as:

1. Desk—Flat top, executive, standard clerical or typist (if typist, left or right compartment, center drop), double or single

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pedestal, wood or metal, oak, walnut, mahogany, green or gray finish, etc.

2. Chair—Metal or wood, oak, walnut, mahogany, green or gray, rotary or leg, w/arms or w/o arms, plain or padded, etc.

3. Cabinet—Type (storage, wardrobe, record, file, etc), metal or wood, w/lock or w/o lock. In the case of filing cabinets—number of drawers and size (card, legal or letter). In the case of storage cabinets—number of shelves and doors, etc.

4. Machine—Type, manufacturer, serial and model number, electrically or hand operated, current, voltage, etc. In the case of typewriters—type (standard, noiseless or portable), carriage width, and type face is also needed.

5. Receivers and Transmitters—manufacturer, type, model, and serial numbers, AM or FM, frequency, etc.

Any other excess items should be described in corresponding detail.

B. Condition: The importance of listing the correct condition of the equipment cannot be overstressed. GSA has worked out the following Condition Codes:

<i>Code</i>	<i>Means</i>	<i>Code</i>	<i>Means</i>
N	New	1	Excellent
E	Used, reconditioned	2	Good
O	Used, usable without repairs	3	Fair
R	Repairs required	4	Poor
X	Salvage, items of no further value for use as originally intended but having some value in excess of their basic material content.		

For example, An office machine that has been used but was in good condition and usable without repairs, would come under condition O-2. Equipment or supplies which were new, but from storage, and were in only good or fair condition would be listed as N-2 or N-3, respectively. Used property in poor condition and requiring major repairs would be in condition R-4. Other property requiring repairs, whether used or unused, could be classed as R-1, R-2, or R-3, in accordance with the extent of the repairs needed.

C. Acquisition Value: This is another requirement in reporting excess items to GSA. Disposal instructions vary with the value of the item, therefore it is important that this acquisition value be as accurate as possible. In the event that the acquisition value is unknown, such value may be estimated.

TITLE 8: ADMINISTRATIVE DIVISION**Disposition on Separation**

It is the responsibility of the United States Attorney to see that all accountable items issued to members of his staff are returned and that all obligations are liquidated before payment of final salary is made at time of separation from the service.

An outgoing United States Attorney must turn over to his successor all Government property in his custody and transmit a receipted inventory thereof to the Department. There should be specified in the inventory every article of nonconsumable or accountable property with a full explanation as to the omission of any article theretofore charged to the United States Attorney. The outgoing United States Attorney should request the Department to furnish a special inventory listing for this purpose. Marshals have been instructed to withhold final salary payment until notice has been received from the Department that the United States Attorney has accounted for all property charged to him.

SEIZED PROPERTY

The Marshal is required to submit a quarterly report of seized property to the Department on Form No. USM-101.

The United States Attorney should, upon request, furnish the Marshal information as to the probable disposition date of cases in which seized property is involved, and the reasons for delay in termination.

SHIPMENTS OF GOVERNMENT PROPERTY

Packages should be shipped by parcel post, freight or express. Although shipment by freight is generally cheaper than by express, it should be borne in mind that freight charges are based on a minimum of 100 pounds. Care should be exercised to ship packages by the cheapest method.

All shipments of Government property by freight or express must be made on Government bills of lading (Standard Form No. 1103) which may be secured from the Procurement and Materiel Management Section of the Department. The original of each bill of lading must be forwarded to the consignee when shipment is made, and upon delivery of the shipment this copy, properly executed, should be surrendered to the last carrier. For further information refer to Title V (Transportation), Chapter 3000—Freight Transportation Services Furnished for the Account of the United States in the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

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It is important that the original of the bill of lading be filled in properly as to the appropriation chargeable for the expenses. Failure to do this will result in improper billing by the carrier.

In order to assist the Department in the audit of transportation vouchers covering freight shipments, one memorandum copy (yellow) of all bills of lading issued must be forwarded at the time of shipment to the Office of Budget and Accounts, Department of Justice, Washington, D.C. 20530.

Compliance with the above instructions together with the instruction contained in paragraphs 2 and 6 on the reverse of the bill of lading will aid materially in the handling of these accounts.

The transportation companies' bills, supported by the original bill of lading, should be forwarded to the Department of Justice in Washington for payment, and no payments should be made in the field.

Every effort should be made to secure Government-owned vehicles for shipments by motor transportation if such vehicles are available from another branch of the Government at the point where needed. No commercial vehicle may be hired until the United States Attorney is satisfied that the need cannot be supplied by Government-owned vehicles.

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ECONOMY OF OPERATIONS

In all instances, expenses of operating the United States Attorney's office should be kept to a minimum.

Among the economies which should be effected by United States Attorneys are:

1. Reducing the number of Assistants and clerical personnel traveling to places of holding court and reducing the number of autos used in transporting the personnel to such places;

2. Keeping under control the number of witnesses subpoenaed and limiting the number to those without whom the case could not be litigated successfully;

3. Notifying witnesses promptly of postponements.

4. Calling of cases to trial as promptly as the state of the docket and legal problems permit, particularly actions involving seizures;

5. Using every expedient available to reduce storage expenses on seized automobiles, foodstuffs, and the like;

6. Utilizing Government physicians whenever possible for medical examinations;

7. Negotiation of fees of expert witnesses in order to keep them as moderate as possible;

8. Limiting transcripts purchased to essential needs, and

9. Using the most economical means of communication for transaction of official business.

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ADVANCE PAYMENTS

In accordance with 31 U. S. C. 529, prohibiting advance payment of public moneys, no disposition of funds should be made for services rendered, purchases made, etc., until the transaction has actually been accomplished. The only exception to this rule permits advance payment of fees for services in legal proceedings in State or local courts when required by local law or post office box rentals. Where the State law requires that the fees of State, county, or municipal officials for certain services be paid in advance, the appropriation may be charged, upon a showing of necessity.

The voucher covering fees in legal proceedings should be supported by a reference to this section of the Manual, as well as the reference to the State statute(s) prescribing the fee and requiring the advance payment. In addition, the voucher should contain a certificate, signed by the official procuring the services,

I certify that this advance payment is necessary in the public interest.

If payments may be made after the services have been rendered, there can be no change in the procedure prescribed by 31 U. S. C. 529.

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ADVERTISING

All advertising and publication on behalf of the United States required by law, rule of court, or court order is authorized generally and may be paid for at a price not to exceed the commercial rates charged to private individuals with the usual discounts without Departmental approval.

Advertising under the name of the United States Attorney or the Clerk of Court will be handled by the United States Attorney. The latter will also advise the Marshal on the manner of publication when court orders do not contain specific instructions on publication. Advertising Voucher forms (Standard Form No. 1144—Revised) supported by Advertising Order forms (Standard Form No. 1143—Revised) should be prepared in triplicate, fully executed by the claimant and certified by the proper officials in the spaces provided therefor.

The *advertising order* form should be reworded, or such information added to the printed matter appearing thereon, as will show definitely the *style of type, set-up, and rate* applicable. Instructions on the advertising order form require the matter to be set solid. Therefore, all published matter must be *set solid* as required unless otherwise specially authorized by the Department. When the matter is *not* to be set solid, typewritten instructions to this effect should be added to the form. The copy of material to be printed accompanying the order should also be prominently marked as to whether or not it is to be set solid (identical with instructions on advertising order). Where it is the local custom to publish legal notices with paragraphs and display headings and no deviation from the custom is permitted, the Department will have no objection to following the local practice, but payment will be made only for the space necessary for setting up solid.

Copies of the advertisement must be attached to the original and duplicate copies of the advertising voucher.

In those cases where multiple bills or invoices are received from a single newspaper publisher for advertisements over an extended period of time and no objection is raised by such publisher to making a single payment therefor, such may be processed for payment on a single Standard Form 1034 Revised, Public Voucher for Purchases and Service Other Than Personal, attaching Standard Form 1144 Revised, properly executed, as supporting documents.

TITLE 8: ADMINISTRATIVE DIVISION
APPROPRIATIONS CHARGEABLE

The appropriation "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice" symbol 15-0322, is chargeable with expenses of operating the United States Attorney's office.

The date or dates on which fees are earned, services rendered, or expenses incurred, and not the date of certification or payment, determines the fiscal year from which payment shall be made except that bills for metered commodities or services such as electricity, telephone, etc., shall be paid from the appropriation current at the end of the billing period.

The following specific expenses are chargeable to the United States Attorneys appropriation:

1. Salaries of the United States Attorneys, Assistants and clerical force.
2. Interpreters.
3. Consultants obtained by United States Attorneys.
4. Expenses of hearing officers, conscientious objector cases.
5. Appraisers (except in lands matters), guardians ad litem, if obtained by United States Attorneys.
6. Commissioners' and other expenses of Lands Division matters, *except* expert witnesses, appraisers, engineers, geologists, etc. (See "Administrative and Fiscal Instructions" in Title 5).
7. Travel and subsistence expenses of United States Attorneys, Assistants, and clerical force.
8. United States Attorneys' communication expenses.
9. Storage expenses for United States Attorneys' offices.
10. Advertising under name of United States Attorney or clerk.
11. Post office, box rentals, lock boxes, safes, etc., for United States Attorneys' offices.
12. Rental of office space for United States Attorneys.
13. United States Attorneys' miscellaneous office expenses as authorized by the Department.
14. Transcript and grand jury reporting.
15. Filing and recording fees in State or local courts.
16. Depositions, notary fees, etc.
17. United States Attorneys' printing and binding.
18. Expenses of producing records under a subpoena duces tecum.
19. Physical examination of injured persons where trial may result for the purpose of making the record for future use, and

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of defendants in criminal cases and witnesses who allege illness for the purpose of delaying trial, reason for not appearing, etc.

20. Expenses of defending Government employees in State or Federal courts for acts done in the performance of their official duties.

21. Awards to employees under the Incentive Awards program.

The following expenses are payable from the appropriation "Fees and Expenses of Witnesses":

1. Fees for attendance, per diems in lieu of subsistence, and mileage for travel of witnesses incident to attendance upon United States courts or United States Commissioners' hearings.

2. Per diems in lieu of subsistence and traveling expenses of Government employees attending upon court when properly payable.

3. Fees, per diem in lieu of subsistence, and traveling expenses of expert witnesses (other than Bands or Antitrust).

4. Physical examinations of plaintiffs, witnesses, or defendants in contemplation of testimony in court.

5. Expenses of examining prisoners to determine sanity as provided for in Sections 4241-4248, Title 18, U. S. C. (including employment of psychiatrists, hospital expenses incident thereto and testimony).

The above lists do not prohibit payment of other legal expenses when properly payable. Neither shall the listing be considered an authorization for paying any of the above expenses when they must be previously authorized or approved by the Department.

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Item 3 of the schedule of charges promulgated by the Judicial Conference pursuant to Section 40c (2) of the Bankruptcy Act reads as follows:

For filing petitions for review and for filing petitions for reclamation of property, \$10 for each petition filed, to be paid at the time of filing by the petitioner, provided that no charge shall be made for petitions for review or for reclamation of property filed on behalf of the United States.

TITLE 8: ADMINISTRATIVE DIVISION**CERTIFYING OFFICERS**

Based on 31 U. S. C. 82b et seq., and applicable regulations, vouchers involving expenses of the United States Attorney's office must be certified by an authorized certifying officer of that office before submission to the United States Marshal for payment.

There should be two certifying officers in each United States Attorney's office, one of which will be the United States Attorney.

When a new United States Attorney enters on duty, the Department sends out appropriate forms and instructions so that he may qualify as a certifying officer. The employee who is already a certifying officer continues on in such capacity unless the United States Attorney requests the termination of that designation and the designation of someone else. Authorized certifying officer designations remain in effect until revoked by the Assistant Attorney General for Administration.

The Department procures bonds under Public Law 323, approved August 9, 1955, covering all certifying officers who are approved by the Department to act in that capacity. Any person who has been designated by the Department to act as an authorized certifying officer is automatically bonded in the amount of \$2,000.

Signature card, Standard Form No. 210, should be executed in duplicate by each United States Attorney or person nominated by him. This form should be forwarded to the Department for approval in each case. Upon receipt of authority from the Department, the officer may begin to certify.

Should a certifying officer cease to function in such capacity, the Assistant Attorney General for Administration should be notified immediately. Likewise, the Department should be advised of any proposed replacement or addition. Each office should also report immediately the amount of any loss covered by the bond; any claim against the surety; and any amount recovered.

Vouchers for payment must be signed by an authorized certifying officer and the following information must be typed or stamped thereon: the name of the authorized certifying officer, the words "Authorized Certifying Officer," and the date of certification.

Certifying officers are notified of exceptions in the audit of their vouchers by the General Accounting Office on Standard Form No. 1100—Revised ("Notice of Exception" and "Reply to Exception") and informal "Request for Information." These should be answered immediately. If there will be a delay in se-

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curing the necessary information or collection, the General Accounting Office should be so advised.

The reply should be made on the forms mentioned above, signed by the responsible officer and forwarded to the General Accounting Office. If a collection is involved, the collection schedule number, name of disbursing officer, and the disbursing symbol number must be shown. The Marshal's office will furnish that information upon request.

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COMMISSIONERS AND APPRAISERS

General.—It is the policy of the Department to pay commissioners appointed for special purposes, or appraisers, the fees and expenses set by the court, but it reserves the right to refuse payment of unusual or unreasonable fees or expenses.

Vouchers for expenses and compensation of such commissioners or appraisers must be supported by copies of the order making the appointment and fixing compensation and expenses.

Lands Matters.—Commissioners in Lands Division matters are payable from the appropriation, Salaries and Expenses, Attorneys and Marshals.

Appraisers, expert witnesses, etc., are payable from the Lands Division appropriation and expenses for payment to such persons may not be incurred without prior authorization.

Submit Form USA-41 as soon as court order is entered appointing a Commissioner.

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**COMPTROLLER GENERAL AND DEPARTMENT
RULINGS**

Vouchers containing questionable items of expense may be submitted to the Assistant Attorney General for Administration for administrative audit and advice prior to payment.

Decisions are also rendered by the Comptroller General on any question of law involving certification and payment on vouchers by certifying and disbursing officers. Any such decision rendered shall govern the General Accounting Office in passing upon the account containing such voucher.

A decision of the Comptroller General should not be confused with any pre-audit of vouchers by the Department.

A United States Attorney desiring to secure a ruling or decision of the Comptroller General shall set forth the facts pertaining to the case in full in a letter and forward it to the Assistant Attorney General for Administration in the Department for submission to the General Accounting Office. This requirement does not apply to appeals to the Comptroller General in connection with exceptions or disallowances made by that Office.

TITLE 8: ADMINISTRATIVE DIVISION**COLLECTIONS**

Detailed procedures on the handling of collections are set forth in Dept. Memo. 207, 2nd Revision, dated March 10, 1958, and supplements, and Dept. Memo. 213, February 25, 1957. These two directives should be retained in a separate binder with the Docket and Reporting System Manual (Dept. Memo. 590, July 1, 1968) which contains detailed directions to the Office of Management Support, Administrative Division.

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DELINQUENT FEDERAL TAXES

Under Section 6331, Internal Revenue Code of 1954, the Internal Revenue Service may levy on salaries of Government employees in order to satisfy unpaid taxes.

The following regulations have been issued by the Treasury Department and the Comptroller General:

1. The notice of levy will be served by the Regional Director of Internal Revenue on the designated officer responsible for the payment of salaries against which levies are made. This will be the Marshal for each judicial district.

2. The levy will be on the net amount due the employee.

3. No changes in normal pay roll procedures will be involved where the notice of levy exceeds the "take home pay." In such cases, the employing agency will place the following legend on the face of the check below the payee's name:

Not negotiable by payee. For deposit by District Director of Internal Revenue pursuant to levy under the Internal Revenue Code.

The check(s) number, amount, name of employee and his tax account number will be listed in a transmittal letter and forwarded to the place requested by the Collection Officer serving the levy. The individual earnings record will be noted as to the disposition of the check(s).

4. If the notice of levy is less than the "take home pay," action should be taken to have a check drawn to the employee for the amount in excess of the notice of levy, the balance (amount appearing in notice of levy) to be disposed of as provided in paragraph 6.

5. When an employee makes a satisfactory arrangement with the Internal Revenue Service to liquidate his tax liability by payroll deduction, such fact will be evidenced, and authorization for payroll deductions will be furnished, by a written agreement on Internal Revenue Service Form No. 2159, "Agreement for Liquidation of Federal Tax Through Payroll Deduction" to be executed by the Collection Officer of Internal Revenue Service and the employee. The original of the agreement, signed by both parties, will be transmitted to the payroll office of the employing agency, and following receipt, the employing agency is authorized and shall cause the amount agreed upon to be deducted from each salary payment to the employee until

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the total tax liability, as evidenced by the agreement, has been liquidated.

6. The deductions made under provisions of paragraphs 4 and 5 will be entered in an appropriate column on the earnings record and the control register. One check will be drawn to each District Director of Internal Revenue concerned for the total of such deductions on each payroll applicable to his district. The employing agency will prepare a list showing the name of the employee, amount, and employee's tax account number to accompany the check forwarded to the place requested by the Internal Revenue Collection Officer.

7. A levy will be on only the payment due the employee following receipt of the levy. Future levies *may* be made if in the meantime the employee has not satisfied his tax liability.

8. It will not be necessary that the amount due under the levy be paid over immediately after service of notices of levy or that a separate check be drawn for each notice of levy served. However, payment should be made to the appropriate District Director, as indicated in the notice of levy, at the time the payroll is disbursed and, if more than one employee is involved, an itemized statement should accompany the remittance. The Comptroller General has issued specific instructions to all departments and agencies covering the manner of payment.

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ERRONEOUS PAYMENTS TO EMPLOYEES

Authority to collect indebtedness resulting from erroneous payments to United States Attorneys or members of their staffs has been delegated to the United States Marshals. The following regulations have been prescribed by the Attorney General by Order No. 185-59 for the collection of indebtedness resulting from erroneous payments to employees of the Department of Justice:

1. For the purposes of this order, payments which are incorrect as a matter of law shall be considered to be erroneous payments, as well as payments involving incorrect computations.

2. Whenever it is discovered that an erroneous payment has been made to an employee, the appropriate fiscal or payroll officer shall make a written statement of the circumstances resulting in the erroneous payment and a determination of the amount paid in error. The employee shall be notified by a duly authorized official of the nature of the overpayment and the amount thereof, and shall be requested to make refund immediately. If the employee is unable to comply with the request, arrangements shall, if possible, be made for repayment by deductions from future salary payments to be made to the employee. In the event that the employee does not agree to make repayment by deductions from salary payments and disputes the validity of the claim, he shall be permitted, for his information, to review the statement prepared by the fiscal or payroll officer referred to above. On the basis of such statement, the duly authorized official shall direct that deductions be made from the employee's salary payments in accordance with paragraphs 3 and 4 hereof, and the employee shall be notified accordingly. The employee shall be advised of his right to file, and of the procedure with respect to the filing of, a claim in the General Accounting Office or the Court of Claims for the amount of any deductions which he believes have been improperly made from payments otherwise due him.

3. Collection of the indebtedness shall be by payment in full by the employee when notified of the indebtedness or by periodic deductions from salary payments due the employee. The amount of the indebtedness may be collected in monthly installments, or at officially established regular pay-period intervals, by deductions in reasonable amounts from the current pay account of the employee.

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4. Collection shall be effected at the earliest practicable date within the period or anticipated period of employment. The collection period shall not exceed six months in any case, unless a longer period for such purpose is allowed by the duly authorized official. However, the amount of any single deduction shall not exceed an amount equal to two-thirds of the payment from which the deduction is made, unless the deduction of a greater amount is necessary to effect collection in full within the period or anticipated period of employment.

5. Deductions may be made only from basic compensation, basic pay, special pay, incentive pay, or retainer pay, or in the case of persons not entitled to basic pay, other authorized pay.

6. If an employee retires or resigns, or his employment is otherwise terminated before the indebtedness is full satisfied, collections shall be effected by making deductions from any subsequent payments, of whatever nature, due such person from the Department. If such person is subject to the Civil Service Retirement Act, the Civil Service Commission shall be advised of the outstanding indebtedness.

7. In case collection of a salary overpayment is effected in the same calendar year in which the overpayment is made, only the net amount of the overpayment shall be collected. However, if collection is effected in a year other than such calendar year, the gross amount earned, including taxes, shall be collected. In the latter case, subsequent adjustment can be made by the employee on his income tax return for the year involved.

8. Whenever an erroneous payment is discovered after the payee's employment with the Department has been terminated, the duly authorized officer shall attempt to collect the indebtedness by means of refund or setoff. If collection cannot be effected by such means, the amount of indebtedness shall be certified to the General Accounting Office as a claim against the employee. Any collection of the indebtedness made by the Department after such certification of the claim shall be promptly reported to the General Accounting Office.

9. Collections shall not be made from payments due an employee from another Government agency. However, collection of erroneous payments by deduction from salary payments shall not be affected by the transfer of the employee from one organizational unit of the Department of Justice to another. The releasing fiscal office shall advise the employing office of

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the amount of the indebtedness still due and of the arrangements for payment. Adjustment between appropriations shall be handled in accordance with the settlement procedures prescribed by the Comptroller General of the United States pursuant to section 3(a) of the act of July 15, 1954, 68 Stat. 483 (31 U. S. C. 581d).

10. Nothing in these regulations shall be construed as relieving from liability any officer certifying payroll vouchers or related documents in the certification of erroneous or unlawful payments under the authorized certifying officers' act of December 29, 1941, 55 Stat. 875, as amended (31 U. S. C. 82b-82e), nor shall these regulations preclude collection of erroneous payments on behalf of other Government agencies under the act of August 3, 1950, 64 Stat. 393 (5 U. S. C. 5513).

The above regulations are supplemented by the Joint Regulations promulgated by the Comptroller General (4 C.F.R. 101-105) prescribing standards for the administrative collection of Government claims of \$20,000 or less, and adopted and incorporated by reference as a part of the Department of Justice claims regulations under the provisions of Memorandum No. 489, Supplement No. 2.

The waiver of claims for erroneous payments of pay is authorized under certain conditions by Public Law 90-616, 82 Stat. 1212, approved October 21, 1968. Procedures to be followed by the United States Attorneys' offices in processing employees' requests for waiver of claims for erroneous payments of pay are set forth in the Department's Memorandum No. 634.

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EXPENSES, LIMITATIONS AND RESPONSIBILITIES

The Department's regulations governing the administrative control of funds under apportionments are contained in a memorandum from the Assistant Attorney General for Administration, dated July 15, 1970. Such regulations prescribe a system of administrative control restricting obligations or expenditures from exceeding appropriation or administrative subdivisions, and fixing responsibility for incurring obligations or making expenditures in excess of such amounts.

31 U. S. C. 665 provides that no officer or employee shall make or authorize an expenditure, or create or authorize any obligations in excess of an appropriation or apportionment thereof. Any officer or employee violating this section shall, upon conviction, be fined not more than \$5,000 or imprisoned not more than 2 years, or both.

Under the above statute, full responsibility is placed upon the person who makes or authorizes an expenditure. Expenses incurred contrary to regulation will be at the individual's risk and he will be personally liable for the charge and subject to disciplinary action.

Congress has required that each appropriation be apportioned among the four quarters of each fiscal year, thereby establishing four individual fiscal periods. The obligations for the 93 judicial districts collectively for any quarter cannot exceed the apportionment for such quarter.

The general rule for payment of expenses is that the district which incurs the expense (e. g. district in which case is pending) shall be charged with it. For instance, whenever a deposition is taken outside a district, payment of all expenses (including witnesses) shall be made by the district requiring or using the deposition.

Classification and Authorization

Expenses payable from the appropriation "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice" are classified into two groups: a. Administrative expenses, and b. Litigative expenses.

Administrative Expenses cover those operating readily controllable (exclusive of salaries), as distinguished from Litigative Expenses.

Litigative Expenses shall be those which result directly from action of the courts or in connection with cases, namely:

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Travel to court, or in connection with serving process, or transporting prisoners

Printing

Fees (other than witness fees) such as local filing fees, appraisers, guardians ad litem.

Interpreters

Advertising

Reporting

Medical Expense

Guards

Storage

And other expenses incidental to court proceedings

Subject to revocation or limitations imposed by the Department, United States Attorneys shall have general authority to incur obligations, pursuant to law, for such litigative expenses without prior approval from Washington, except on specific items listed below, for which prior Departmental approval is necessary.

Expenses Requiring Prior Departmental Approval

The following expenses, payable by the Marshal, may not be incurred without prior approval of the Department:

Chargeable to "Salaries and Expenses, United States Attorneys and Marshals".

1. Additional telephone service or equipment.
2. Travel of United States Attorneys or their staffs (Submit Form DJ-10):
 - a. Outside the continental limits of the United States.
 - b. To Washington, D.C., or
 - c. In connection with attendance at meetings or training programs.
3. Personal services, including occasional, and unscheduled "time-and-one-half" overtime (Submit Form DJ-25).
4. Fees for commissioners (including lands commissioners), appraisers in other than lands cases, consultants, and other special personal services (except interpreters). (Submit Form USA-41 for lands commissioners; Form DJ-25 for others.)

Chargeable to "Fees and Expenses of Witnesses"

1. Employment of expert witnesses.
2. Physical examination of plaintiffs, witnesses or defendants *in contemplation of testimony* in court as an expert witness.

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3. Expenses of examining prisoners in accordance with Sections 4244-4248, Title 18, U.S.C. (including employment of psychiatrists, hospital expenses incident thereto, and testimony).

4. Unusual witness expenses, such as cost of ambulance to transport an invalid witness to court.

Specific authority must be requested in advance for any of the above expenses, on Form DJ-25.

Procedure for Securing Prior Approval

When Departmental approval is required before incurring an expense item, application for authority to incur the expense should be made on Form DJ-25, original and 4 copies or, when applicable, Form DJ-10, original and 2 copies. The requests should be submitted to the Executive Office for United States Attorneys. After action on the request by the Department, the original and one carbon copy will be returned to the United States Attorney. The original should be attached to the voucher covering payment of the expense.

In emergency cases, telegraphic authority may be requested from the Department, but the required Form DJ-25 must be submitted immediately thereafter.

Form DJ-25 should be prepared in the following manner:

1. The estimated total expenses, the nature, and purpose should be clearly stated. Estimates should be as accurate as possible.

2. The necessity for incurrence of the expenses must be fully explained.

3. The exact date the obligation will be incurred must be stated. If this is impossible, the approximate date must be shown.

4. File initials, title of case, names of individuals, violation involved, etc., should be included if known.

After the expense has been incurred pursuant to authority on Form DJ-25, vouchers should be prepared and submitted promptly for payment.

Form DJ-10 requesting authority for travel should contain detailed information relating to the travel, such as name of case, name of district, indication of recommendation by head of office, detailed itinerary, etc.

Special Assistants, Special Attorneys or other individuals temporarily assigned to the field in connection with a case will clear Form DJ-25 or other authorization media, when necessary,

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through the United States Attorney's office so that the latter may have a record of the anticipated expenses in the case.

The United States Attorney for the district *in which a case is pending* will be responsible for forwarding Form DJ-25 when required by the regulations, even though the service may have been performed in another district.

Whenever authorizations are not used or can be canceled, the Department should be notified promptly. This should be done by merely writing the word "Cancel" in bold script across the face of the authorization and returning it to the Department, attention: Assistant Attorney General for Administration. If authorized DJ-25 does not provide for a sufficient amount of money to cover the total expenses, forward a Supplemental DJ-25.

Accounting Procedures

Department Memo. 533, as revised, prescribes the system to be used in controlling, recording, and reporting collections and processes, obligations, disbursements, and advances to witnesses.

Dept. Memo. 533 and any supplements thereto should be retained in a separate binder with the Docket and Reporting System Manual (Memo. 590, 7-1-68).

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FOREIGN COUNSEL

In the interest of economy and better fiscal procedures, the following guidelines are suggested to assist offices in the hiring of foreign counsel.

Initial Contacts. After the necessity for such counsel has been approved by the head of the Division or Office, the United States Embassy or Consulate in the country involved should be requested to furnish a list of qualified and suitable counsel. The letter should, of course, explain the nature of the lawsuit and the type of special qualifications, if any, which may be required. As a general policy consular officers do not recommend a particular attorney with respect to private matters. However, in Government cases consular officers will recognize the Government's interest involved and will be prepared to give information. These officials maintain lists of qualified foreign counsel and based upon their experience they usually know those who have previously represented the United States and the rates they have charged.

Negotiation. Upon receipt of the above list, the various attorneys should be sent a uniform letter explaining in detail the facts and legal issues involved and requesting that those interested submit a statement of proposed charges under the following categories: (1) Daily fee for preparation of case; (2) Daily fee for courtroom attendance; and (3) Travel and other miscellaneous expenses. In other words there should be an agreement of all the essentials necessary to an employment contract.

Fiscal. After it is determined which counsel is most suitable on the basis of *both* qualifications and cost and before any final commitment is made, a Form 25-B showing all fiscal details should be submitted in the regular way for necessary clearance as to funds, etc., then forwarded for approval. It is important that all arrangements for such employment be handled by this Department and not delegated to another government agency.

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INDIGENT PERSONS

Generally, expenses incurred on behalf of indigent persons will be handled in the same manner as expenses incurred on behalf of the Government.

For certification as to witness fees and expenses, see "Certificate of Attendance and Payment" in section entitled "Regular Witnesses and Subpoenas", this Title.

For stenographic and notarial charges related to depositions see "Depositions" in section entitled "Regular Witnesses and Subpoenas".

Expenses pursuant to a court's order allowing witnesses for an indigent under Rule 17 (b) may include those of state or federal guards, etc., in producing prisoners under writs of habeas corpus ad testificandum.

The following chart sets forth the appropriations chargeable for expenses in indigent proceedings:

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<i>Controlling Rule or Law</i>	<i>Nature of Expense</i>	<i>Agency & Appropriation Chargeable</i>
15 (c) FRCrP (Deposition) 17 (b) FRCrP (Subpoena) 28 USC 1915	Travel of indigent's attorney.	Adm. Off. U.S. Cts.
	Deponent's fees & expenses. (Either fact or expert witnesses.)	Dept. of Justice—F. & E. of Witnesses.
	Witness fees and expenses, (Fact witnesses only.)	Dept. of Justice—F. & E. of Witnesses.
	Witness fees and expenses in habeas corpus cases if under Rule 17 (b) witnesses could be compelled to appear.	Dept. of Justice—F. & E. of Witnesses.
	Stenographic or notarial expenses, including copies of depositions.	Dept. of Justice—F. & E.
	Expenses in producing prisoner witnesses for indigent.	Dept. of Justice—F. & E. U. S. Atty. & Mar.
	28 FRCrP -----	Experts or expert witnesses, if to aid court in its duties.
28 FRCrP(?) ----	Psychiatric examination if to aid in sentencing.	Adm. Off. U.S. Cts.
18 USC 4244 -----	Psychiatric examination of defendant.	Dept. of Justice—F. & E. of Witnesses.
28 USC 753 (f) ..	Official transcript of court hearings.	Adm. Off. U.S. Cts.
28 USC 1915 -----	Collection of non-prepaid expenses in habeas corpus cases.	If Federal confinement involved, Marshal collects only if costs imposed on petitioner. If State confinement involved, Marshal collects from unsuccessful party.
28 USC 1916 -----	Collection of non-prepaid expenses in seamen cases.	Marshal required to collect at conclusion of case.

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INTERPRETERS

United States Attorneys are generally authorized to incur expenses covering the employment of interpreters, payable from the appropriation "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice".

Interpreters are required to execute anti-strike and subversive activity affidavits in connection with each employment. Standard Form No. 61 (June 1967 Edition) should be used for this purpose, striking out the sections which are not applicable. The affidavits should be retained in the United States Attorney's files.

It is the duty of the United States Attorney to so arrange for the trial of cases in which the services of interpreters may be necessary, that they may be disposed of consecutively at the commencement of the term of court, thus obviating unnecessary expense.

The following rates should be used as a general guide for employment of interpreters:

Interpreters:

Usual fee	\$10 to \$20 per day
Unusual dialects	\$25 per day
Indian, Mexican, etc. (Border States)	\$5 to \$20 per day
Hawaii, Panama, and Puerto Rico	\$5 to \$20 per day
Chinese	\$10 to \$20 per day

If unusual circumstances exist in your District which require payment of interpreter's fees in excess of those authorized, advance approval should be obtained from the Assistant Attorney General for Administration.

In addition to the above, actual travel expenses by common carrier will be allowed, or 10¢ a mile for travel by private automobile, plus \$12 per day subsistence, including the time necessarily occupied in going to and returning from the place of attendance, where attendance is at points so far removed from their respective residences as to prohibit return thereto from day to day.

Effort should be made to contract for services at the lowest possible rate and at less than the full fee if the interpreter will not be required for a full day.

Accounts of interpreters should be vouchered on Form DJ-94a, and DJ-94b (memorandum), for compensation, and Standard Form 1012 Revised for travel expenses and subsistence.

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NOTARIAL EXPENSES OF EMPLOYEES

After January 1, 1955, officers and employees of the Department of Justice who are required to serve as notaries public in connection with the performance of public business may be allowed their expenses under the following conditions:

1. Performance of the notarial duties must have been ordered as a part of the duties of the officer or employee.
2. If the individual subsequent to December 31, 1954 had qualified for his own purposes, and was thereafter required to serve officially, such percentage of his actual qualifying expenses shall be paid him as his official use of his authority bears to his use of his notarial powers, the individual's certificate being acceptable as to percentage.
3. If qualification is wholly the result of official requirements the entire actual expenses will be paid.
4. The expense of obtaining commissions will include bond premiums and official seal, etc.
5. Payments subsequent to initial qualification will be limited to actual expenses of maintaining the notarial authority.
6. Funds available for personal services or general administrative expenses for the fiscal year in which the actual expense was incurred shall be used in making payments.
7. Receipts or other evidence of actual expenses shall be required only if the amount is in excess of \$15.
8. Payments will be made to the employee-notary using the customary voucher form employed for reimbursement of non-travel expenses, in such manner and under such limitations as are imposed on office administrative expenses by each of the respective offices, bureaus and divisions of the Department.

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PAYROLLS

Vouchers

Salary payments shall be made on a biweekly basis, the following vouchers being used:

1. Standard Form 1128—Revised, regular employees.
2. Form DJ-94a, and DJ-94b, expert witnesses, stenographic reporters hired on an individual basis, part-time or intermittent employees.
3. Form DJ-94a, and DJ-94b, Special Assistants or Special Attorneys.

Offices which have a large number of employees may use Standard Form 1013a (and Standard Form 1013c—memorandum copy) for payrolls of regular employees. However, Standard Forms 1128 and 1128a shall be used for the execution of the payroll certification and summary.

All pay vouchers regardless of the form on which they are rendered shall be prepared and submitted for payment at least in triplicate. In those districts where payments by the Marshal are not yet subject to site audit, a quadruplicate copy will also be submitted to the Marshal. Forms DJ-94a, and DJ-94b (memorandum) covering compensation of all Special Assistants or Special Attorneys must be submitted to the Department for payment; other salary vouchers will be paid by the Marshal. United States Attorneys should comply with requests from the Marshal as to the number of copies required.

Preparation

Salary payments to regular employees will be made in accordance with the current U.S. Civil Service Commission Salary Table.

Payroll vouchers must not be prepared or certified prior to the last day of the pay period and each item shown thereon should be complete for the period covered thereby. Friday of the week following the close of each pay period is established as payday. Whenever a Friday designated as payday falls on a holiday, salary checks may be delivered on the preceding Thursday.

Payrolls should show the full given name, the additional initials, if any, and the surname of the payee. If, however, a person's official signature consists only of initials plus the surname, the name should be listed on the payroll according to his official signature. Immediately following the employee's name on the

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payroll there should be indicated in parentheses the number of withholding tax exemptions as reflected on the Treasury Form No. W-4 filed by the employee. The signatures of the payees need not be affixed to payroll voucher Standard Forms 1103 or 1128, but the certificate of payee on other forms must be executed.

Proper deductions to be made for retirement, social security, withholding tax, bonds, etc., should be indicated in each case opposite the employee's name and all totals must be entered on the face of Standard Form 1128.

Under a ruling of the Bureau of Internal Revenue, territorial cost-of-living allowances are not subject to withholding taxes or social security deductions. Territorial post differentials, however, are considered wages and therefore subject to such deductions.

Fanfold notices of personnel actions on regular employees will indicate whether an individual's appointment is subject to retirement deductions or F.I.C.A. deductions.

Only the first \$7,800 salary paid in any calendar year is subject to social security deductions (F.I.C.A.), such deductions to be made at the rate of 4 4/5 percent of the gross amount earned each pay period until \$374.40 has been deducted. The current CSC salary table should be used in determining social security deductions. Marshals, who maintain the employees' earnings record cards, should be consulted when it is known that the \$7,800 limitation will be reached before the end of the year.

In any pay period in which the maximum deduction for social security is reached, but does not exactly equal 4 4/5 percent of the gross compensation due during that pay period, it will be necessary to make two entries on the payroll under the employee's name. The first entry will show the amount of gross compensation subject to insurance and the second will show the balance of the gross compensation not subject to insurance.

In view of the requirements of the Internal Revenue Service, it is necessary that the social security number of each member of the staff appear on his Individual Pay Card, Standard Form No. 1127. This record is maintained by the United States Marshal.

If the payroll reflects social security deductions, an entry should be made in the "Amount Earned" column on the reverse side showing the total amount of earnings subject to F.I.C.A. and the total not subject to F.I.C.A.

Payment made to the Internal Revenue Service for social security must in all cases equal 9 3/5 percent of the gross com-

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compensation paid to covered employees during the calendar quarter. This necessitates a contribution by the employer of 4 4/5 percent of the gross compensation which shall be entered and charged on each payroll. The employer's share in an amount equal to the total of the employee's deductions, will be entered (following the totals for all employees) in the "Gross Amount Earned" and "F.I.C.A." columns opposite the words "Agency Contributions."

Complete regulations concerning group life insurance and information regarding payroll deductions will be found in the section entitled "Group Life Insurance." The amount deducted from an employee for group life insurance shall be shown on the payroll (Standard Form No. 1128, Revised) opposite his name.

Following the totals for all employees on the payroll an amount equal to one-half the total employee contribution adjusted to the next highest penny should be entered in the "Gross Amount Earned" and "Insurance" columns opposite the caption "Agency Contributions."

The Government is also required (beginning July 14, 1957) to contribute to the Civil Service retirement fund an amount equal to the retirement deductions withheld from the salaries of employees subject to retirement. This contribution should be shown at the foot of the payroll in the same manner as FICA and insurance deductions.

Erroneous deductions should be adjusted on subsequent payrolls. The United States Marshal should be consulted concerning entries in this connection.

After all entries have been made, final totals of the columns should then be taken and carried to the Certification and Summary side of the payroll voucher.

Every payroll voucher must be certified by an authorized certifying officer of the United States Attorney's office.

Deductions for Special Employees

Payroll deductions for special employees who are paid on Form No. DJ-94a will depend upon whether the individual's employment comes within the applicable law or regulations. If employees to be paid by the Marshal on Form DJ-94a are subject to deductions, the reverse side of the form must be executed. For employees paid from Washington, the deductions will be computed in the Department. The following is set forth as a guide in preparing vouchers:

Civil Service Retirement—Rarely necessary, and if so it will

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be for Special Assistants or Special Attorneys for which a fanfold containing proper directions has been received.

F. I. C.A.—a. Special Attorneys or Special Assistants—follow instructions on fanfold;

b. Part-time or intermittent employees—deduction to be made;

c. Expert witnesses or persons on a contract or fee basis (such as consultants, land appraisers, stenographic reporters or similar employees)—not subject to F.I.C.A. deductions.

Federal Withholding Taxes—Generally, as to all except (c) above.

State Taxes—If State taxes are being withheld from regular employees, follow State law or regulations or agreement between State and United States Treasury Department.

Authority for Payment

The Department notifies the United States Attorney of every personnel action affecting the base pay of an employee. This is done either by Form DJ-50 (Notice of Personnel Action) or Standard Form No. 1126 (Payroll Change Slip), which are known as fanfold notices. *No payments may be made until receipt of the notice reflecting the effective date of the action.*

In those cases where the base pay remains the same but the net pay is changed because of changes in bond deductions, tax deductions, etc., it is the responsibility of the United States Attorney to see that a Standard Form No. 1126 is prepared.

Copies of fanfold actions should be distributed as follows:

1. Form No. DJ-50 (Notice of Personnel Action)—covering changes in status, appointment, resignation, etc.):

Form DJ-50 (1)—To employee (for information only).

Form DJ-50 (2)—To duplicate copy of the first payroll reflecting action.

Form DJ-50 (2a)—To employee with first paycheck reflecting action.

2. Standard Form No. 1126 (Payroll Change Slip)—covering periodic step increases in salary, or other changes in wages):

(When prepared in the field, the remaining copies may be destroyed.)

All the above forms except Form DJ-50 (1) should disclose complete payroll change data. In addition, changes should be made, if necessary, in Item 9 on Copies 1, 2 and 2a of Form DJ-50

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to reflect the employee's accurate status regarding insurance deductions.

The fanfold number (for example, M-3980) should be entered in the last column of the payroll under "Change Slip Number"; no other descriptive matter need be shown.

Final Salary Payments

Marshals will prepare compensation vouchers of employees whose services are terminated by death.

Regulations covering payment of terminal leave upon separation from the service by resignation, transfer, etc., are set forth in Attendance and Leave.

Final salary payments, including payment for terminal leave, can not be made until receipt of the fanfold notice showing effective date of separation and until property charged to the employee is returned and all obligations are liquidated.

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STATE OR LOCAL LITIGATION FEES

United States Attorneys have been given general authority to incur expenses of recording judgments, statements of judgment and costs, securing copy of papers, fees for service and filing, appeal bonds, fees for witnesses, etc., required by State or local law without approval of the Department. Expenses should be charged to the appropriation "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice," except that fees for witnesses in such cases are chargeable to the appropriation "Fees and Expenses of Witnesses, Department of Justice."

All expenses of this nature shall be vouchered on Standard Form 1034 Revised. A reference to the State law authorizing the particular fee should be included in the voucher. If advance payment of such fees is necessary, proper certificate and United States Attorneys' Manual reference as specified in Advance Payments must also be included.

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STORAGE

Storage of automobiles, foodstuffs, etc., seized for violation of law will be handled by the United States Marshal who assumes custody under proper court order. Any other property which must be stored for safekeeping may be turned over to the Marshal who is cognizant of existing storage contracts or reputable firms equipped to store material.

Expenses of storage of seized property must be kept to the absolute minimum. United States Attorneys are directed to frequently review pending cases involving the storage of seized goods and to take every possible step to expedite conclusion of such cases.

Whenever the court grants a petition by the General Services Administration for delivery of a forfeited item to the Government for official use, a copy of the forfeiture decree must be transmitted *immediately* to the Regional Counsel of the General Services Administration serving the area in which the action takes place. Delays in this respect will not be excused. The General Services Administration will take the proper steps to dispose of the property promptly. The United States Marshal should also be notified of the forfeiture in order that he will be prepared to release the property upon request of the agency entitled to it.

Title to all unreturned alien enemy contraband property in the custody of United States Marshals and other police authorities in consequence of the contraband property control program during World War II shall be deemed to have vested in the United States on March 16, 1950. All questions relating to such property should be addressed to the Assistant Attorney General for Administration.

Marshals are authorized and instructed to accept and store valuable property seized as evidence by the Federal Bureau of Investigation incident to an arrest or in connection with searches and seizures under warrants. Such items will include money, negotiable instruments, jewelry, cigarettes, liquor, tires, etc. This applies only to such property as is to be used in evidence, the storage of any other property in the possession of the FBI being the responsibility of the representatives of that Bureau. In any case in which a question exists as to whether particular property will or may be used in evidence, the question should be determined by the United States Attorney of the district where the property is to be stored. The United States Attorney will make the determination and notify the United States Mar-

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shal in any instance in which the question is submitted to him either by the FBI or the Marshal. The latter will be guided by the United States Attorney's determination. The Marshal shall return the property to the owner, subrogee or assignee upon order of the court or written instructions from the United States Attorney. United States Attorneys should see that Marshals receive authority to return the property promptly in order to avoid storage charges.

Exhibits, abandoned or unclaimed property in connection with litigation which the United States Attorney cannot return to its lawful owner, should be turned over to the Marshal of the district who will be responsible for it in his report of abandoned and unclaimed personal property.

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**TRAVEL AND TRANSPORTATION
TRANSPORTATION REQUESTS****General**

United States of America Transportation Request, Standard Form 1169, is prescribed by the Comptroller General of the United States, and procedures for its use are included in Title 5 of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

Issue and Use

Transportation requests are issued in books of ten each for use by United States Attorneys and their subordinates for official travel only. Transportation requests should be handled with the same care as cash. All persons chargeable with or using them shall be responsible for their use in accordance with the Standardized Government Travel Regulations, the Department's regulations contained in Dept. Memo. 657, as revised, and instructions contained herein.

Unused requests must be returned to the proper issuing office upon termination of employment in the office.

All spoiled (or canceled) transportation requests, both original and copy, must be forwarded promptly to the Office of Budget and Accounts, Department of Justice, Washington, D.C. 20530.

Official travel by common carrier such as railroads, airlines, bus lines, steamship, and Pullman companies should be obtained by use of Government transportation requests if the cost of the ticket, exclusive of Federal tax, exceeds \$15. Tickets costing \$15 or less, exclusive of Federal tax, should be paid for from personal funds and reimbursement claimed on the travel voucher.

Transportation requests must *not* be used for personal travel; for limousine, intra-city transit or "drive-yourself" cars; or issued to travel agencies except in foreign countries where no other means of securing accommodations is available. Transportation requests shall not be issued for personal transportation services to include at additional cost unauthorized services, to obtain transportation services exceeding those authorized; such as, extra-fare trains or planes, stopovers which increase the cost of passage, higher priced indirect routings, etc. When such services are obtained, the additional cost should be paid personally by the traveler at the time tickets are secured. When travel is to be performed

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a sufficient number of requests for the proposed travel should be detached and furnished to the employee.

Expenses of official travel must be paid out of Department of Justice appropriations. Funds received by a traveler from any other source, including funds received from common carriers, must be forwarded to the Office of Budget and Accounts of the Department for deposit in the Treasury of the United States.

When an expert witness is entitled to transportation, he should be issued a transportation request if feasible. The appropriation on the transportation request should be changed to read "Fees and Expenses of Witnesses".

Unused Tickets, Lower Cost Accomodations, Voided TRs

Redemption of unused or partially used tickets will be handled entirely by the Office of Budget and Accounts of the Department. Any ticket secured in exchange for a transportation request, which is unused in part or in whole, should be *promptly transmitted under separate cover* to the Office of Budget and Accounts, Department of Justice, Washington, D.C. 20530, together with the number of the transportation request and a brief explanation as to what portion of the ticket was not used, the date, time, place of cancelation and the name or number of the canceling ticket agent. Also, the Office of Budget and Accounts should be notified when a carrier redeems a ticket that has been only partially used or when accomodations less costly than those called for by the ticket are furnished. *Both* the original and the memorandum copy of the transportation requests that have been voided for any reason should be *promptly transmitted under separate cover* to the Office of Budget and Accounts at the above address.

Any unused tickets which were purchased at a reduced price with a specific time limit shown thereon must be sent to the Department immediately so that refund may be secured prior to the expiration date.

Loss

The loss of any transportation requests or of tickets secured in exchange therefor must be reported immediately to the Office of Budget and Accounts, Department of Justice, Washington, D.C. 20530, together with all available information relative to the approximate date and locality where the loss occurred. In the event that a ticket secured on a Government transportation request is lost and subsequently used by the finder, the person losing the ticket is personally responsible for the value of it.

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TITLE 8: ADMINISTRATIVE DIVISION**Preparation**

The original and carbon of each transportation request must be executed simultaneously by typewriter, indelible pencil, or pen. Travelers shall report each GTR used to buy transportation services by listing them on SF-1012, Travel Voucher, under the caption "Transportation Requests Issued" and by attaching the memorandum copy of the GTR (buff colored) to the travel voucher when the voucher is forwarded for administrative approval. This rule applies whether or not the user is entitled to reimbursement of any expenses incurred in connection with the travel related to the use of the GTR. Each U.S. Attorney's office shall separate the GTRs from the vouchers after administrative approval, and assemble and forward them monthly in one group to the U.S. Marshal's office so that they may be transmitted to the Office of Budget and Accounts together with other documents supporting monthly reports.

In view of the many classes of transportation and accommodations available, all copies of transportation requests must clearly show the class of transportation or accommodation desired, detailed routing, value, etc.

Particular attention should be given to the following points in preparing requests:

(1) The writing must be legible, the request must be dated, the title of traveler should be shown, and if issued for more than one traveler the names of all travelers should be listed on the reverse side.

(2) The class of travel should be clearly indicated. If the travel is of mixed classes, the points between which different class travel is made should be indicated. Example: Washington to New York by coach; New York to Rochester by first-class; Rochester to Washington air tourist.

(3) The cost of the ticket must be inserted on the carbon copy in the space provided.

(4) Each official stopover to be made while traveling by air must be shown.

(5) Any change in class of travel or accommodations made after issuance of a transportation request should be reported promptly to the Office of Budget and Accounts, Department of Justice, Washington, D.C., 20530.

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Special Tickets

Through fares, special fares, commutation fares, excursion and reduced-rate round-trip fares should be utilized for official travel when it can be determined prior to the start of a trip that any such type of service is practical and economical to the Government. Round-trip tickets should be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that such tickets will be utilized.

All space or accommodations not to be used must be canceled within the time limits required by the transportation company. Travelers may be required to bear penalties imposed for failure to cancel.

Supply

Applications for additional supplies of the requests should be made by letter addressed to the Office of Budget and Accounts, Department of Justice, Washington, D. C. 20530.

TRAVEL**Authority**

Travel is governed by the Standardized Government Travel Regulations as supplemented by the Department's Travel Regulations Memo. No. 657, Revised. The United States Attorney has final responsibility for the enforcement of travel regulations, limiting travel to the minimum consistent with the requirements of the public business, and effecting other economies wherever possible.

United States Attorneys and their regular Assistants may travel within their respective districts, or outside the district when it is necessary for them to appear before appellate courts, without Departmental approval or authorization. All other travel by these persons, including travel to Washington, D.C., must be authorized in advance of the travel.

Travel of *one* clerk at a time for any United States Attorney's office for the purpose of attending court is authorized. All other travel by clerks must be authorized by the Department in advance of the travel.

Special Assistants to United States Attorneys who perform the work of regular Assistants are authorized to travel within their respective districts in the same manner as regular Assistants. *All* travel of special Assistants who are appointed for specific cases must be authorized by the Department in advance of the travel.

Requests for authorization to travel should be submitted on

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Form DJ-10 to the Executive Office for United States Attorneys. Travel made in anticipation of subsequent approval will be at the risk of the individual making such travel.

All requests for travel should be carefully scrutinized to determine whether the trip is essential and the cost involved is justified. Unnecessary travel should be avoided through efficient scheduling of work, elimination of duplication of effort, and use of communication services, where possible, in lieu of travel.

The services of travel agencies should not be utilized.

Travelers should use the same care in incurring expenses that a prudent person would exercise if traveling on personal business. The leave clerk should be notified promptly of any leave taken at the beginning or end of a trip, or during a trip.

Payment for Travel

Travelers will be reimbursed for expenses of official travel in accordance with regulations. Although the traveler's reimbursement voucher is paid by the Marshal, bills of transportation companies are settled by the Department in Washington. Travel expenses must be paid out of Justice funds. Funds received by a traveler from any other source, including attendance at meetings, depositions at expense of opposing counsel and funds received from common carriers, must be forwarded to the Assistant Attorney General for Administration for deposit in the Treasury of the United States.

Travel advances should be held to a minimum and allowed only when it is indicated that an advance is required and justified. In no case should the amount of advance exceed the amount of estimated per diem cost of the trip. Where the advance exceeds the amount subsequently claimed on the travel voucher, the excess amount should be returned with the travel voucher. In the event of cancellation or indefinite postponement of travel, the travel advance shall be refunded within one week from date of cancellation or postponement.

Requests for advance of funds should be made on Standard Form No. 1038, and after approval by an authorized certifying officer, should be submitted to the Marshal who will furnish the funds. Information on any balance due the Government from previous advances must be shown on the Standard Form No. 1038.

Per Diem Allowances

1. *General.* Claims for per diem in lieu of subsistence should be kept to an absolute minimum. In order to reduce the time away

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from the official station, employees should carefully plan their travel itineraries to eliminate layovers, to avoid overnight stays wherever possible, and to return to their official stations promptly upon the completion of official business.

2. *CONTINENTAL UNITED STATES.* A rate of \$25 shall be generally authorized for per diem in lieu of subsistence for travel on official business within the continental United States; *except* that a lesser rate may be established whenever officials authorizing or approving travel deem it appropriate and in the best interests of the Government; and, *except* as provided in subsections d, e, f and g below.

Whenever it is determined specifically that, because of the nature of a trip, a lesser rate than \$25 will be sufficient to meet reasonable and necessary travel expenses, such a lesser rate will be established in terms of a predetermined flat rate that is fixed on the basis of estimated costs—not a variable or uncertain amount. The establishment of a lesser per diem rate than \$25 may depend upon the places to which employees must travel, the type of assignment, period of duty at the same station, and other factors.

3. *OUTSIDE CONTINENTAL UNITED STATES.* The rate of per diem for travel outside the continental United States shall not exceed (1) the rate prescribed by the Secretary of State for foreign areas and published in the Standardized Regulations (Government Civilians, Foreign Areas), and (2) the rate prescribed by the Secretary of Defense for non-foreign areas and published in Civilian Personnel Per Diem Bulletins.

4. *PER DIEM RATES FOR TRAVEL OF LESS THAN 24 HOURS.* For travel of less than 24 hours when a night's lodging is not required, the per diem rate shall be (1) \$10 in the continental United States, or (2) one-half of the prescribed rate elsewhere. However, no per diem shall be allowed when the travel period is 12 hours or less during the same calendar day, except when the travel period is 6 hours or more and begins before 6:00 a.m. or terminates after 8:00 p.m., or except when travel is performed under the provisions of BOB Circular A-56 and Department Memo No. 501, Revised.

5. *REDUCTION OF PER DIEM WHEN MEALS AND/OR LODGING ARE FURNISHED.* When meals and/or lodgings are furnished without charge or at a nominal cost by a Federal

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Government Agency, the authorized per diem will be reduced as indicated below:

- a. Lodging furnished at no cost—reduce per diem by 50%
- b. Lodging furnished at nominal cost—reduce per diem by 50% and add the nominal cost to the resultant figure
- c. Meals furnished at no cost—reduce per diem by 10% each for morning and noon meals and 20% for the evening meal
- d. Meals furnished at nominal cost—reduce per diem by 10% each for morning and noon meals and 20% for the evening meals and add the nominal cost to the appropriate resulting figure

6. *ACTUAL SUBSISTENCE EXPENSES BASIS.* In exceptional circumstances where the maximum per diem allowance would be much less than the amount required to meet subsistence expenses of the traveler, actual subsistence expenses on specific travel assignments will be allowed only when authorized or approved (usually in advance) by the Assistant Attorney General for Administration.

7. *UNIFORM RATES FOR TEAMS AND CONFERENCE ATTENDEES.* Whenever official travel involves a team or group of employees from more than one Division, Office or district, who travel on the same assignment to the same temporary duty stations, the authorizing and approving officials shall agree to the extent practicable on a uniform per diem rate for all travelers in the group or team. Also, authorizing and approving officials shall comply with a request of the Bureau of the Budget that whenever a meeting or conference is arranged which will involve the travel of attendees from other agencies, the agency or agencies sponsoring the meeting or conference should recommend to the other participating agencies a uniform rate of per diem allowance that would be reasonable in view of the circumstances of the particular meeting or conference.

8. *SERVICE AT A TEMPORARY DUTY POINT IN EXCESS OF 60 DAYS.* When an employee assignment requires a tour of duty at the same temporary duty station of more than 60 days, a change of official station should generally be made, except as specified below:

- a. *Restriction on Travel Authorization.* Unless waived under the provisions of subsection (2) below, travel authorizations shall expire automatically after 60 days at the same temporary duty station.

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b. *Continuance of Per Diem.*

(1) *General.* If an employee has been located in the same temporary duty station for 60 days, per diem may be continued only under a new or amended travel authorization supported by a statement of justification, unless continuance is provided under subsection (5) below.

(2) *Reduction Within the Continental United States.* When per diem is continued after 60 days at the same temporary duty station, it should be reduced to not exceed \$19. The 60-day period will be computed beginning at 12:01 a.m. on the day following the day of arrival at the temporary duty location.

(3) *Statement of Justification.* The statement of justification should present reasons for continuing per diem at the same location in excess of 60 days and for not changing the employee's official station. In determining the need for continuance of per diem, officials should bear in mind that per diem may not be used to augment salary and that the movement of family and household goods may be less costly than extending per diem over a long period. The statement of justification should be signed only by Heads of Divisions or Offices for employees at the Departmental level; or by the Associate Deputy Attorney General for United States Attorneys, and United States Marshals. Service for the employees of the district offices under their supervision. The statement should be attached to the new or amended travel authorization.

(4) *Same Temporary Duty Station.* The employee is considered as located at the same temporary duty station even though he uses the duty station as a base from which trips to secondary points are made, or when he temporarily interrupts his stay to return to headquarters for consultation on the assignment. Such trips or interruptions will be considered temporary and would not break the 60-day period, if they are less than seven consecutive days.

(5) *Waiver of Per Diem Reduction and Justification for Per Diem Continuance.* Heads of Divisions and Offices for employees at the Departmental level, and the Directors, Executive Office for the United States Attorneys, and United States Marshals' Service for the employees of the district offices under their supervision may waive, when justified, (i) the requirement to reduce the per diem rate after 60 days, and

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(ii) the requirement for individual justification for continuance of per diem beyond 60 days as provided herein. Such waivers would cover specific groups of employees where circumstances warrant such action and should include a statement of justification. A copy of the waiver signed by the proper authority shall be furnished the appropriate voucher examination office for attachment to existing travel authorizations. Where waivers are provided, the restrictions on the travel authorization prescribed in subsection 8(a), and the issuance of new or amended travel authorizations in subsection 8b(1) would not be required.

Computations

Allowance will be made for fractional days of travel on a basis of quarter days except that: Per diem is not allowable for trips performed wholly within 10 hours or less during the same calendar day, except in case such trip is 6 hours or more and begins before 6:00 a.m. or terminates after 8:00 p.m.

When travel is made by common carrier, per diem will begin with the quarter day in which the carrier is *scheduled* to depart from its terminal, instead of actual time of departure.

When travel is by privately owned conveyance, and begins within 30 minutes prior to the end of a quarter day, the employee must explain the official necessity for beginning or ending his travel at that time in order to receive per diem for the quarter day.

No allowance in lieu of subsistence will be made for time spent at a designated official station; while absent on official business but because of illness no official duties are performed; or incident to delay upon private business.

No per diem will be allowed to an employee while he is in a travel status and assigned to a place which happens to be his home.

Whenever a traveler takes leave of absence of any kind because of incapacitation due to illness or injury not caused by his own misconduct, the prescribed per diem in lieu of subsistence, if any, shall be continued for periods not to exceed 14 calendar days (including fractional days) in any 1 period of absence unless, under the circumstances in a particular case, a longer period is approved by the Department. No additional evidence of the illness or injury need be submitted with the travel voucher but the type of leave and duration thereof must be shown on the voucher.

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Mode of Transportation and Accommodations

General. Care and forethought should be exercised in determining the most economical mode of transportation and in securing travel accommodations. Unnecessary expenses will be collected from the person responsible for such expense. Travel should be performed by common carrier whenever possible.

Train. Reimbursement for travel by train is limited to cost of lowest first-class accommodations available. For travel within a radius of 250 miles of headquarters, coach accommodations should be used. Travel by more costly means must be fully explained in the voucher to the satisfaction of the United States Attorney.

Air. Coach or tourist accommodations should be obtained for all air travel, if available. Travel by jet airplanes when necessary is authorized. Travel by more costly means must be fully explained in the voucher to the satisfaction of the United States Attorney.

Private automobile or airplane. United States Attorneys, Assistant United States Attorneys and Clerical employees will be allowed reimbursement at the rate of 10 cents per mile for the use of privately owned automobiles or airplanes *within their judicial district*, it having been determined that such mode of transportation is more advantageous to the Government.

Travel by privately owned automobile or airplane *outside of the district* will be reimbursed at the rate of 10 cents per mile, computed from official station *not to exceed the cost of travel by common carrier plus incidental expenses* (unless such travel is determined to be more advantageous to the Government by (a) the United States Attorney for travel to appellate courts, or (b) the Department for all other such travel). The basis for computing cost of travel by common carrier shall be air travel, for regularly scheduled flights, to destination or nearest point serviced by an airline. Travel by other means between nearest point serviced by an airline and final destination shall be computed on common carrier transportation available in the area.

In claims for mileage, distances between points traveled shall be as shown in standard highway mileage guides or by speedometer readings. Any unusual circumstances or deviations from standard highway mileage guides must be explained on the voucher.

Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same vehicle, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other

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passengers (whether or not Government employees) may travel with him and contribute to defraying the operating expenses.

Pursuant to Comptroller General's Decision No. B-131810 of June 4, 1957 (36 Comp. Gen. 795), the Department has prescribed regulations for mileage allowances for mixed travel (personal and official). These regulations are set forth, with examples, in Appendix, Form 69.

The allowances permitted under section 2.3, BOB Circular A-56, Revised, will apply when privately owned automobiles are used in connection with employees' changes of official station or with certain newly hired persons or student trainees traveling to their first permanent duty station.

Rental of Automobiles and Aircraft. The rental of automobiles (including automobiles obtained from motor pools operated by the General Services Administration), or the charter of aircraft must be authorized in advance by the Department. Form DJ-10 shall be used to request and authorize automobile or aircraft rental.

Government transportation requests should not be used for rentals. When personal credit cards are used, evidence of payment of any amount claimed in the official voucher must be furnished.

Vehicles should be obtained at the lowest available rates and the rental agency should be informed that travel is for official Government purposes so that the customary discounts allowed for official travel may be obtained. Reimbursement will be made at the minimum rates applicable to that portion of use for official Government purposes. Any extra charges, such as for air-conditioned automobiles, will be at personal expense.

Taxicabs. Reimbursement for fares paid will be allowed for essential travel by taxicab. Wherever practicable, special transportation services, such as bus or limousine, provided for travel to and from air terminals should be used. Reimbursement will be limited to \$10 plus 15% tips for each taxicab trip except in emergency or unusual situations. Justification for a higher cost will be required. Points (addresses) between which taxicabs are used must be shown in the travel voucher in each instance.

Local transportation. Employees are entitled to reimbursement for local streetcar or bus fares paid in connection with official business.

Superior accommodations. Compartments or other superior accommodations may be used for the purpose of security only in instances where the traveler is carrying classified material in his possession. When superior accommodations are used, an affirma-

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tive statement must be included in the voucher that the traveler carried classified material and the accommodations were necessary for purposes of security.

Toll Charges and Parking Fees

Reimbursement will be allowed for parking fees, ferry fares and bridge, road, and tunnel tolls incurred while on official business except that out-of-town overnight parking fees will not be allowed. Reimbursement for parking at a common carrier terminal point, while the traveler is away from his official station, will be allowed only to the extent that the parking fees, plus the allowable mileage to and from the terminal, does not exceed the estimated cost of transportation to and from the terminal by the lowest regular means (taxicab, bus, limousine, etc.).

Telephone and Telegraph

Long distance telephone calls made by employees to their own offices while away from headquarters should be made "Collect." Reimbursement will be allowed for all cash payments for telephone or telegraph messages. No receipts will be required for local telephone calls or for long distance calls of \$15 or under. Copies of telegrams are required in lieu of receipts.

Receipts

Receipts are required for all expenses in excess of \$15.

Receipt Standard Form 1165 is available for use. The receipt will be signed and must be attached to the original of the voucher upon which claim for reimbursement is made.

Receipts should show the nature of the expense and must be in the correct and proper amounts paid. *Under no circumstances should receipts be submitted for signature in blank.* Securing the signature of a payee to a blank receipt may be considered cause for dismissal from the service.

When receipts are required, the submission of them is mandatory and mere inconvenience in securing receipts will not be considered as an acceptable basis for their absence.

Vouchers

Vouchers are paid by the United States Marshal upon certification by the payee and an authorized certifying officer of the United States Attorney's office. Travel expense vouchers should ordinarily be prepared only once a month in order to reduce the number of vouchers and work incident thereto. The trips will be

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entered on the voucher in chronological order from the beginning to the end of the period. In cases where monthly vouchers would result in a severe hardship to the employee, they may be submitted at more frequent intervals provided the expenses aggregate at least \$50.

The vouchers (S.F. 1112) should be complete in every respect including particularly the following information:

- (1) Department and payee's name, address, dates covered by voucher, and amount of advance if any.
- (2) Dates of travel, points of travel, speedometer readings, and number of miles.
- (3) Explanation of reimbursable miscellaneous expenses, supported by receipts for items in excess of \$15.
- (4) If travel by common carrier, number of transportation requests, date, amount, class of service, and points between which used.
- (5) Time and date of departure and arrival for per diem claimed.

Where applicable, supporting documents should be attached to the voucher (i.e., authorizations, receipts Forms DJ-10, etc.)

Change in Duty Station or Overseas Assignment

The approval and payment of moving expenses are subject to the provisions of Bureau of the Budget Circular No. A-56, Revised, and the Department's Memo Nos. 501 and 657, Revised.

United States Attorneys' offices have relatively few changes of duty stations or overseas assignments; therefore, detailed regulations are not spelled out herein. Condensed information relative to movement of household goods and personal effects, when allowed, is as follows:

1. *Between points with the Continental United States.* Employee makes all shipping arrangements with mover and pays for same. Government Bills of Lading are not to be used. Employee will be reimbursed on a commuted basis in accordance with rates prescribed by General Services Administration BULLETIN FPMR A-2, as revised.
2. *To and from points outside the Continental United States.* Employee makes all shipping arrangements, but wherever possible, Government Bills of Lading or Purchase Orders will be used and the Government will reimburse the carrier. If Bills of Lading or Purchase Orders are not used, reimbursement to

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the employee shall be made for transportation expenses actually and necessarily incurred within prescribed limitations.

Contractual arrangements for overseas employment and/or home leave will be made through the Personnel Office of the Department.

3. *General information.* Net weight restrictions for the movement of household goods and personal effects are 11,000 pounds for employees with immediate families and 5,000 pounds for those without immediate families.

Additional Information

Questions on matters not specifically covered by regulations shall be referred to the Executive Office for U.S. Attorneys. Travelers, auditors, and other persons concerned may secure an interpretation or decision regarding travel regulations by submitting the matter in writing to the Assistant Attorney General for Administration through the Executive Office for U.S. Attorneys.

Approval of Supplementary Regulations

Supplementary instructions pertaining to travel by personnel under jurisdiction of the United States Attorney, not inconsistent with regulations, may be issued, provided they are approved in advance by the Assistant Attorney General for Administration. Two copies of any such proposed regulations should be transmitted to the Assistant Attorney General for Administration through the Executive Office for U.S. Attorneys.

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VOUCHERS

Preparation

If possible, vouchers should be prepared and submitted for payment within the week in which the expenses are incurred. The prompt submission of vouchers to the United States Marshal for payment is essential.

Each original voucher must be complete in every respect as to appropriation symbol and title, signature, if required, certification, and detailed description of the article or service involved to permit the Department to classify the expenditure accurately for budget purposes. It must also contain a notation as to whether the payment will be complete, partial, or final. Vouchers covering payments to individuals must show the full given name, the additional initials, if any, and the surname of the payee. The signature, if required, should conform to the name of the payee typed on the top of the voucher.

All copies of vouchers must bear a reference to the authority for payment of the expense. When authorization is made on Form 25-B a copy of the authorization may be attached; or in lieu thereof, a reference to the fiscal number stamped on the lower right-hand corner of the DJ-25 should be noted on the face of the voucher. If general authority exists for payment of certain expenses, a specific reference to the United States Attorneys' Manual, circular, contract, or other authority should be indicated.

In maintaining the account for the appropriation, "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice," it is necessary for the Department to be able to distinguish, for statistical and budgetary purposes, expenditures resulting from the activities of the United States Attorneys' office from those of the Marshals'. Accordingly, *vouchers covering expenditures relating to the United States Attorneys' offices must be plainly coded at the time of preparation with the letter "A" as A 1530322 Salaries and Expenses, United States Attorneys and Marshals, Department of Justice, FY—.*"

Vouchers covering expenses incurred during different fiscal years must be separately prepared.

United States Attorneys and their certifying officers are responsible for the accuracy of vouchers in order to eliminate disallowances by the General Accounting Office.

TITLE 8: ADMINISTRATIVE DIVISION**Forms**

Vouchers of all types shall be prepared in triplicate (more copies if necessary). The following voucher forms should generally be used for the payment of expenses:

1. Standard Form No. 1034 Revised, miscellaneous office or general expenses.
2. Standard Form No. 1012 Revised all travel and subsistence expenses.
3. Standard Form No. 1128 Revised salaries of regular employees.
4. Form No. DJ-94a, and DJ-94b (memorandum) compensation of special Assistants.
5. Form No. DJ-94a, and DJ-94b (memorandum) compensation of expert witnesses, stenographic reporters hired on an individual basis, lands commissioners, or other part-time or intermittent employees.

Copies of DJ-25 authorization and receipts if necessary shall be attached to the original copies of vouchers.

Submission and Payment

General expense vouchers payable from appropriations under the control of the Marshal should be submitted to him for payment, unless specific instructions exist for submission to the Department for payment. Expenses in connection with cases handled by special Assistants or other attorneys temporarily assigned to the field are considered "field expenses" and will ordinarily be paid in the field except in those instances where the expenses are authorized to be paid from appropriations not advanced to the Marshal. Even though the request for authorization may necessarily have to originate in Washington and the vouchers be sent there for certification, the vouchers will be returned to the United States Attorney's office for payment by the Marshal.

Vouchers chargeable to a prior fiscal year's appropriation cannot be paid in the field but should be sent to the Department for settlement.

Record of Expenses and Taxing Costs

In order that a complete report of all taxable items in a case may be submitted when necessary (see Cooperation With Marshals), it is required that each voucher (payable by either the Marshal or the Department) should be noted as it passes through the office and a proper record made. Regulations under Request to

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Incur Expenses require that all authorizations for "field expenses" be routed through the United States Attorney's office so that he will be on notice of expenses to be incurred which may be taxable. If in unusual circumstances the vouchers do not clear through the United States Attorney's office, he should ascertain the amount involved from the Department.

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WITNESSES

REGULAR WITNESSES

General Regulations

When necessary, the court or other proper official may be requested to issue subpoenas for witnesses to appear before the court, grand jury, or in proper cases before a master, referee or Commissioner. "Request subpoenas" directing a witness to appear before the United States Attorney or his Assistants are not permissible. Witnesses should be limited to the number actually necessary to the successful prosecution of the case.

Praecipes for subpoenas for witnesses are not required by Rule 17 (a), Fed. Rules Crim. Proc., and Rule 45 (a), Fed. Rules Civ. Proc. Praecipes for subpoenas should not be prepared unless local rules or practice makes their use mandatory. Any praecipes necessary should be prepared by the United States Attorney or the Assistant in charge of the case.

To facilitate services of the subpoena, proper addresses of witnesses desired should be furnished in each instance. If the witness' office and residence addresses are known they should both be given. The Marshal should be advised as to the race, height weight, age, and any unusual mark or identification of the witness wanted so that the proper service may be made from the description given.

Regular Witnesses

Section 102(b) of Public Law 274, 90th Congress, amends 28 USC 1821, by increasing the witness allowances to the following amounts, effective December 22, 1968:

1. \$20 per day for each day's attendance and for the time necessarily occupied in going to and returning from the place of giving testimony.

2. Mileage at 10 cents (computed according to the Rand McNally Standard Highway Mileage Guide).

3. \$16 per day for subsistence when the distance is so great that the witness cannot return home the same night he testifies.

Travel to or from the continental United States and travel between territories and possession is allowed on the basis of *Actual Expense of Travel*. The statute refers to travel at the lowest first-class rate available at the time reservations are made. Air travel is more commonly used today and, therefore, the air transportation is allowed at the "Most Economical Accommodations

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Available." This includes coach or tourist accommodations by jet planes.

This law does not affect government-employee witnesses, whose allowances come within 28 USC 1823. They shall continue to be allowed per diem in lieu of subsistence at the rate of \$25 and actual transportation, or 10 cents per mile when privately-owned automobile is used.

The liberal allowances provided by this new statute should now enable witnesses to appear without personal losses caused by high seasonal accommodations, babysitting fees, ambulance service, and other unusual expenses.

Witnesses in the District Courts for the District of Canal Zone, Guam, and the Virgin Islands shall receive the same fees and allowances provided for witnesses in other District Courts of the United States.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of \$1 per day.

Fees in Alaska are different from those allowed in the continental United States. Department Order No. 214-60 and Order No. 408-69 should be consulted in this respect.

The following miscellaneous rules are in existence regarding allowance of witness fees:

1. Allowances for per diems for travel and attendance and subsistence of witnesses are to be computed upon the calendar day. (6 Comp. Gen. 487).

2. Unusual witness expenses such as babysitting fees, ambulance service, high seasonal accommodations, etc., which cannot be absorbed from witness allowance, require prior approval from the Assistant Attorney General for Administration. Application for such approval should be made on Form DJ-25.

3. No constructive or double mileage fees shall be allowed by reason of any person being summoned both as a witness and a juror. (28 U.S.C. 1824.)

4. When a witness is subpoenaed in more than one case between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

5. The appropriation acts provide that no witness is to be

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paid more than one attendance fee for any 1 day. This also applies to witnesses before United States Commissioners.

6. Witnesses who reside at the place where they attend should not be paid for days on which court is not in session and no service is rendered.

7. No officer of any court of the United States located in any State, Territory or the District of Columbia shall be entitled to witness fees for attendance before any court or Commissioner where he is officiating. (28 U.S.C. 1823 (c).)

8. The Attorney General has ordered that mileage payable to witnesses shall be computed on the basis of highway distances as stated in any generally accepted highway mileage guide which contains a short-line nation-wide table of distances and which is designated by the Assistant Attorney General for Administration for such purpose: *Provided*, that with respect to travel in areas for which no such highway mileage guide exists, mileage payable under 28 U.S.C. 1821 shall be computed on the basis (a) of the mode of travel actually employed, (b) of a usually-traveled route, and (c) of distances as generally accepted in the locality. Since August 1, 1956, Marshals have been using the short-line nation-wide distance tables and maps in the Rand McNally Standard Highway Mileage Guide in paying witnesses in the United States regardless of the means of travel actually used. Mileage from residence to the nearest point appearing in the Guide will be computed via the direct highway route.

Advances

If it should become apparent that any important witness regularly subpoenaed, or otherwise retained, on behalf of the United States and absolutely essential to the proper presentation of the case, is unable to attend court for want of sufficient funds with which to defray expenses of travel and subsistence, the United States Attorney may request the Marshal for the district in which the witness resides to supply sufficient funds to enable the witness to attend. This does not constitute an exception to the rule that the subpoena itself should be transmitted through the Marshal in the issuing district. The United States Attorney will also notify the Marshal of his own district that the request for an advance has been made, stating where the witness is to testify.

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Witnesses Before Commissioners

Commissioners are required to certify as to the attendance of witnesses appearing before them. However, in any criminal case before a Commissioner where more than four witnesses are necessary, the approval of the United States Attorney must be obtained before the Commissioner can certify the attendance. The United States Attorney should furnish a certificate of approval to Commissioners, upon request, after determining to his satisfaction that the necessity for an appearance of such witness is justified (28 U. S. C. 1922).

FOREIGN WITNESSES

Subpoena of American Citizens (National¹ or Alien Residents²) of the United States in Foreign Countries. Although 28 U.S.C. 1783, as revised in 1964, no longer requires that subpoenas be served by consular officers, the State Department has declared its willingness to continue assisting the Department of Justice whenever possible. There will be instances when service will have to be made by one of the alternative methods prescribed by Rule 4 (i) (as amended effective July 1, 1966), because the country involved (e.g., Switzerland) does not permit foreigners to serve legal documents of any kind. In such instances, the attorney in charge of the case should request special instructions from the Office of the Assistant Attorney General for Administration.

A subpoena which specifically provides for service by a consular officer will receive expeditious handling.

American citizens are entitled to receive compensation for necessary travel to the United States and attendance expenses. The Consular Mission can make such payments directly from Justice funds when effecting service of the subpoena, provided the Assistant Attorney General for Administration gives disbursing authorization. To guard against possible misuse of large sums of cash and failure of witnesses to appear, it is urged that the cooperation of the court be obtained in drafting court orders to provide for a *ticket* for the transportation. (Refer to sample court orders at the

¹ The term "National of the United States" means a citizen of the United States, or a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

² The term "Alien Resident" means a person who has been lawfully admitted for permanent residence in the United States, i.e., the status of having been accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not have changed.

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end of this section.) The expenses of attendance may be in cash on the basis of \$20 per day (rates prescribed in 28 U.S.C. 1821) for the first two or three days' absence from home; there also may be a cash allowance in an estimated amount for incidental expenses such as transportation to and from terminals. It is important that all United States Attorneys and Department attorneys observe the following procedure to accomplish effective service:

1. Secure a court order in accordance with the above instructions and 28 U.S.C. 1783 at least two weeks prior to trial, if possible.

2. Send the original and one copy of the subpoena and court order to: Office of Special Consular Services, Department of State, Room 1805, New State, Washington, D.C. 20520. That office will send your communication by diplomatic pouch to the appropriate United States Consular Mission and also transmit disbursing authorization with the subpoena. In your letter of transmittal, advise the consular officer that the return may be made on the reverse of the subpoena or on a separate paper, and indicate where the return should be forwarded.

3. Send one copy of the Court Order to the Assistant Attorney General for Administration, Attention: Office of Budget and Accounts, Witness Authorizations, to serve as basis for disbursing authorization.

Foreign Nationals Residing in Foreign Countries including Mexico and Canada, as Witnesses Before United States Courts. Since foreign nationals residing in foreign countries are not subject to the subpoena power of United States Courts, their attendance can be obtained only on a voluntary basis. Obtaining testimony from foreign nationals is often a delicate matter, and care must be taken in negotiations so as not to offend the sovereignty of the foreign country involved. When the testimony of *employees* of foreign governments is contemplated, it is imperative that the attorney submit an appropriate request directly to the Assistant Attorney General for Administration prior to communicating with the witness or foreign government. This office, through the State Department, will request the United States Consular Mission to obtain the approval of the foreign government concerned. Even though a definite trial date may not be known, certain negotiations can be conducted by the consular officer in advance.

The increased witness allowances under 28 U.S.C. 1821 is now generally acceptable to foreign nationals. Therefore, payment of

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the statutory rates of \$20 fee, \$16 subsistence and *actual cost* of transportation may be made on the basis of the witness attendance certificate, and Form DJ-25 is not necessary. (If the witness does not agree to pay his expense of transportation to and from the terminals from these allowances, the United States Attorney must obtain special authorization on Form DJ-25.) If the witness requires an advance of travel funds from the Embassy or Consulate, the United States Attorney should notify the Assistant Attorney General for Administration a week in advance, if possible, so that the consular officer can be authorized to furnish a ticket and, if necessary, the first day's witness allowance. The United States Marshal of the trial district will be notified of such authorization, so he can adjust payments accordingly.

Depositions of witnesses in foreign countries. See Depositions section.

If assistance is desired on witness matters, please call extension 3547 of the Department or write the Assistant Attorney General for Administration, Attention: Office of Budget and Accounts.

UNITED STATES DISTRICT COURT DISTRICT OF	(Guide, when a <i>Ticket</i> is to be tendered)
UNITED STATES OF AMERICA, -v- Defendant	<u>ORDER</u>
Upon the affidavit of _____, Assistant United States Attorney for the of _____ District of _____, sworn to this _____ day it is _____	
ORDERED that a subpoena issue, in accordance with the provisions of Section 1783, Title 28, United States Code, as revised, (and Rule 17(e) (2) of the Federal Rules of Criminal Procedure), to the United States Consular Officer in _____ Com- manding _____ to appear on the _____ day of _____ before the United States District Court for the _____ District of _____, Room _____, United States Courthouse, _____, (and to produce _____ records)*, and it is _____	
FURTHER ORDERED that the United States Consular Officer in _____ be and he hereby is directed to serve said subpoena and a copy of the order upon _____ and upon serving said subpoena tender to _____ a ticket at the lowest first- class rate available for () one-way or () roundtrip between _____ and _____ to and from terminals and for two days' attendance. The United States Marshal shall pay \$36 a day to the witness for each subsequent day of attendance before the United States District Court.	
Dated:	U. S. D. J.

UNITED STATES DISTRICT COURT DISTRICT OF	(GUIDE, when court requires <i>Cash</i> to be tendered)
UNITED STATES OF AMERICA, -v- DEFENDANT	<u>ORDER</u>
Upon the affidavit of _____, Assistant United States Attorney for the of _____ District of _____, sworn to this _____ day of it is _____	
ORDERED that a subpoena issue, in accordance with the provisions of Section 1783, Title 28, United States Code, as revised, (and Rule 17 (E) (2) of the Federal Rules of Criminal	

* Insert if applicable

**Suggested amount—2 days @ \$36.00 plus \$10 transportation to & from terminals

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Procedure), to the United States Consular Officer in _____ day of _____ commanding _____ to appear on the _____ before the United States District Court for the _____ District of _____ Room _____, United States Courthouse, (and to produce _____ records)*, and it is _____

FURTHER ORDERED that the United States Consular Officer in _____ be and he hereby is directed to serve said subpoena and a copy of the order upon _____ and upon serving said subpoena tender to _____

\$ _____ cash for a ticket at the lowest first-class rate available for () one-way or () roundtrip between _____ and _____, and \$82**, constituting the amount necessary for traveling expenses to and from terminals and for two days' attendance. The United States Marshal shall pay \$36 a day to the witness for each subsequent day of attendance before the United States District Court. Deponent has been informed by experienced travel counsel of the American Express Company that the actual expense of travel by _____ at _____ rate between _____ and _____ is \$ _____

Dated: _____

U.S.D.J.

GOVERNMENT EMPLOYEE WITNESSES

Marshals have been instructed that expenses of travel and subsistence solely for the purpose of serving subpoenas upon Government officers, agents or employees should not be incurred. The United States Attorney may be called upon by the Marshal to have said subpoenas delivered by mail directly to the officer whose attendance is desired, or in the case of agents or other employees, to the head of the office in which they are employed, in sufficient time to enable them to acknowledge the receipt of the subpoenas and to reach the place at which their attendance is desired at the time specified. Form No. USA-150 may be used in lieu of subpoena at the discretion of the United States Attorney. Its use should be limited to investigative personnel who worked on the case. When used, it should be forwarded in duplicate to the prospective witness.

Special Agents of the FBI and Government agents generally should not be subpoenaed from distant points unless their testimony is material and there is every reason to believe that there will be no postponement of the trial. Contact your local FBI office when FBI witnesses are needed.

Government employees *stationed in Washington* for testimony in other districts should be secured in the same manner as armed forces witnesses outside the district, e.g., by submission of Form No. DJ-49. A subpoena may be mailed direct to the witness at the same time the request is submitted to the Department.

Government employees stationed outside Washington may be secured by the United States Attorney through direct communication (or subpoena) with the witness.

Any officer or employee of the United States or any agency thereof, summoned as a witness on behalf of the United States, shall

*Insert if applicable

**Suggested amount—2 days @ \$36 plus \$10 for transportation to and from terminals.

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be paid his necessary expenses incident to travel by common carrier, or, if travel is made by privately owned automobile, to mileage at a rate of 10 cents a mile, together with a per diem allowance at the rate of \$25 in lieu of subsistence within the continental United States, and at the maximum rates prescribed by the Bureau of the Budget pursuant to the Travel Expense Act of 1949, as amended (5 U.S.C. 836) outside the continental United States. Such per diem allowances shall be paid in accordance with the provisions of the Standardized Government Travel Regulations. Such expenses for appearing as a witness in any case involving the activity in connection with which such person is employed, shall be payable from the appropriation otherwise available for travel expenses of such officer or employee upon proper certification by a certifying officer of the department or agency concerned. Such employees shall not be paid witness fees, but the period of such service shall be without loss of salary or compensation and shall not be deducted from any authorized leave of absence with pay. (28 U.S.C. 1823 (a) and (b).)

The following Federal officers or employees who testify on behalf of the United States in cases handled by United States Attorneys at times when they *are not in a duty status and receive no compensation in their Federal position* are entitled to the same fees, mileage, and allowances as regular witnesses under 28 U.S.C. 1821:

1. Persons employed without compensation, except Selective Service personnel—see Selective Service Cases.
2. Temporary or substitute employees (4 Comp. Gen. 748).
3. Employees compensated wholly by fees.
4. When-actually-employed persons.

Payment shall be made from the Department of Justice witness appropriation without regard to the nature of their testimony.

In those cases where expenses are properly payable from the Department of Justice appropriation, Government transportation requests should be issued to the witness by the Marshal or United States Attorney to cover any transportation by common carrier. The appropriation on the transportation request should be changed to read "Fees and Expenses of Witnesses, Department of Justice." Where expenses are payable by *another* department, the witness should be advised to secure Government transportation requests from his own department. If, however, his office is unable to furnish him the transportation requests, they may be furnished

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from books of the United States Attorney or Marshal. Reimbursement for the cost thereof will then be handled by the Marshal in accordance with the instructions for billing other Government agencies.

Officers and employees must not be "reimbursed" for return fare and per diem until after the expense has been incurred and proper slip furnished, and an effort should be made to secure the employee's consent to have settlement in full for all expenses deferred until after his return to his official headquarters. This will eliminate the necessity of preparing two accounts.

An employee directed, while on leave, to perform temporary duty at a place other than his regular duty station and permitted to return to the place where he was on leave to resume his vacation, is entitled to reimbursement of the authorized expenses of the travel involved, but if his leave status is terminated at the completion of the temporary duty and he is required to return to his regular duty station, he may be allowed only such travel expenses as represent the difference between cost of return to official headquarters via temporary place of duty and cost of direct return from place where on leave. (16 Comp. Gen. 481.)

An employee on leave of absence, who, while on leave, performs temporary duty en route to his regular station, is entitled to per diem in lieu of subsistence for the period of temporary duty but not to transportation from place of temporary duty to official station. (16 Comp. Gen. 481.) The above two rulings are applicable in the case of a Government employee serving as a witness.

ARMED FORCES WITNESSES

Within district.—If the witness is a member of the armed forces and is known to be stationed within the United States Attorney's district, the Staff Judge Advocate or legal officer should be contacted to determine the place where the witness may be subpoenaed by the United States Marshal. This will avoid conflict with the military justice regulations prohibiting the service of summons or other civil process on military personnel at military establishments.

Exception.—When Air Force personnel must incur traveling expenses to appear as witnesses, from within or outside the United States Attorney's district, the procedure set forth below for obtaining witnesses from outside the district should be followed.

Outside of district.—To obtain a member of the armed forces who is not stationed within the district, Form No. DJ-49 (original

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only) (Appendix, form) should be sent *promptly* to the office of the Assistant Attorney General for Administration, giving all the necessary data. This does not preclude the issuance of a subpoena at the same time if the United States Attorney wishes to answer any inquiry from the court about service on the witness.

Form DJ-49 should be received in the Department two weeks before the desired appearance if possible. In emergency cases, the United States Attorney may call or wire the Department.

Certification and payment.—When the witness is discharged, the United States Attorney should certify, on the back of the serviceman's travel orders, the date and hour of his discharge as a witness. The United States Attorney should then return the copy of the orders bearing his certificate to the witness to deliver to his commanding officer. In the absence of written orders, a separate statement will be prepared by the United States Attorney. The regular certificate of attendance showing the hour, as well as the date of appearance and discharge, must also be furnished the serviceman who will be instructed to contact the Marshal regarding payment. The front of the form should be filled in by U.S. Attorneys' offices. They are also responsible for supplying or assisting witnesses in entering information on the back of the form pertaining to the witness' travel date(s) coming to court, attendance date(s), date(s) of travel returning home, points between which travel was performed, mode of travel, mileage one way, and number of round trips. United States Marshals should certify the one-way mileage claimed by the witness and should complete the section of the form headed "For Marshal's Use Only" before payment is made to the witness.

If the witness is a *civilian* employee of the armed forces, the United States Attorney must first determine the civilian's present office address since records of civilians in the field are not maintained in the headquarters office in Washington. If the civilian is located outside the district of trial, the witness should be obtained in the same manner as military personnel, outlined above. If the witness is located within the district of trial, he may be subpoenaed.

PRISONERS AS WITNESSES

A Federal prisoner serving a sentence may be produced to testify or to be prosecuted in another district only upon a writ of habeas corpus in proper form.

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Writs ad testificandum must not be used to produce Federal prisoners for examination by United States Attorneys or investigative agencies.

The Marshal serving the writ and the warden or superintendent having custody of the prisoner must be named in the writ. Departmental regulations specify that the Marshal of the district in which the prisoner is in custody should serve the writ or if this is impossible the Marshal in the issuing district may serve the writ requiring production of the prisoner. The United States Attorney should consult with the Marshal for his district to insure that the writ will be directed to the proper individuals.

A prisoner (Federal, State, or County) in custody awaiting trial may be paid the regular attendance fee if testifying as a witness (6 Comp. Gen. 588). Conversely, no attendance fee shall be paid to persons already convicted, whether under state or federal law (18 Comp. Gen. 609). Further, no mileage or per diems are allowable for any prisoners.

Except in the most meritorious cases, United States Attorneys will oppose the granting of writs of habeas corpus ad testificandum in civil cases.

United States Attorneys are directed to arrange for the prisoner's trial or testimony as soon as possible after arrival so that the prisoner may be returned to the institution without undue delay.

EXPERT WITNESSES**General**

Whenever the United States Attorney expects to use expert testimony of any kind, he should make every effort to secure government employees in specialized fields from field offices of agencies such as the FBI, Bureau of Standards, Securities and Exchange Commission, Department of the Interior, Corps of Engineers, United States Public Health Service, Veterans Administration, etc. United States Attorneys should familiarize themselves with the government facilities available in their localities in order to be prepared when cases arise. There are also instances when certain government agencies in Washington can offer special assistance.

Each United States Attorney's office should establish a panel or list of expert witnesses in the most frequently used categories showing the fees and other allowances each will accept. Such a

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list will facilitate the procurement of the services quickly without negotiation each time. Additional names of qualified *medical experts* may be secured from local Federal hospitals, many of which have contracts with local doctors for specialized work. Although these contracts would not include service as expert witnesses, many of these doctors may be willing to serve at reasonable fees. The United States Navy District Headquarters Offices maintain lists of Navy Reserve doctors who are now in private practice and who might make suitable witnesses. These lists, which may be of assistance to United States Attorneys, can be obtained from the Legal Officer at the Navy District Headquarters. Legal officers at other military posts as well as Public Health Service, and Veterans Administration may also be of assistance. Additional information may be obtained upon request to the Assistant Attorney General for Administration.

Fact witnesses, entitled only to the regular statutory fees, should not be hired as expert witnesses. The following guides are set forth to assist in determining whether a person should be considered as an expert witness:

1. If the testimony covers more than a mere recitation of facts such as opinions on hypothetical situations, diagnoses, analyses of facts, drawing conclusions, etc., all of which involve technical thought or effort independent of mere facts, the individual qualifies as an expert witness. However, testimony with respect to knowledge acquired on the job, although technical in nature, does not entitle one to an expert's fees if the testimony is purely factual. Type or nature of the testimony is the ultimate test.

2. Care should be exercised in hiring government employees as expert witnesses since they pose special problems. When used in cases involving their own agencies they usually appear in their official capacities. In such instances no witness fees of any kind are payable. They are allowed only their regular travel expenses as provided in 28 U.S.C 1823. When, however, they appear not in connection with their usual work or in cases not affecting their own agencies, they are regarded as witnesses on a loan or detail, with or without reimbursement, depending on prior arrangements, or they may be engaged on a fee basis. To be entitled to a fee as an expert witness, the government employee must be qualified on the stand and the nature of his testimony must be the same as in the case of any expert witness. He would have to testify on his own time (i.e., while on leave, leave without pay, or

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on his nonduty day). A fee under these circumstances is not a violation of the dual compensation statutes.

FBI Services

The FBI laboratory facilities are available for handwriting and typewriting comparisons and other document studies, as well as for studies in chemistry, toxicology, ballistics, hair, fibers, metallurgy, and other related subjects. It is prepared to supply technical assistance and information in the fields of dynamics, electrical engineering, electricity, fluorescence, histology, light, mathematics, mechanical engineering, metallography, mineralogy, and physical chemistry.

To facilitate the assignment of expert witnesses from the FBI laboratory, it is desirable that as much notice as possible be given to the Bureau concerning the date upon which the testimony of the expert witness who has made a laboratory examination will be required.

Evidence should be sent directly to the FBI laboratory in Washington, D.C., for examination. Contact the local office of the FBI when FBI witnesses are needed and for assistance in the proper method of packing and transmitting evidence.

Name Check

In the interest of internal security and the proper handling of the government's litigation, extreme caution should be exercised in the employment of expert witnesses, consultants, etc. In particular, careful consideration should be given to their professional ability, personal character and integrity, and loyalty to the country. If there is any doubt as to the latter, a name check should be secured from the FBI.

Negotiations

Actual arrangements for expert witnesses must be made by the United States Attorney since he alone has the opportunity to explore the local situation. In so doing he has a chance to exert a decided influence on the terms of the final arrangements through judicious negotiation and bargaining with prospective witnesses. Advance approval from the Department must be secured in each instance where payment is to be made from a Department of Justice appropriation (see "Allowances" below). A Form DJ-25 should be submitted setting forth complete information required in the form. The prospective expert witness

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should be requested to specify his fee prior to the submission of the Form DJ-25 and, if proper, submit Form DJ-25a (contract). If the expert is a Government employee and his agency requires reimbursement, the type of expenses must be specified.

Form DJ-25a is to be used under the conditions outlined below as the agreement between the witness and the Government concerning fees and allowances. This contract remains in effect until the conclusion of the service unless amended by a supplemental authorization and agreement.

Separate arrangements should be made between the trial or negotiation attorney and the witness as to specific details of the service to be rendered, extent and type of work, type of report, etc.

Form DJ-25a should be used:

1. When anticipated preparation time (as distinguished from court attendance) will be for *more than five days*, or
2. At the discretion of the trial or negotiating attorney in any instance; or
3. When requested by the Department.

The form *should not* be used for Federal Government employees or for expert witnesses in Land and Natural Resources cases.

A daily or hourly fee for witness's preparation for trial is preferable to a fixed fee. The witness should be advised that a day represents eight or more hours service. Daily fees will be prorated when less than eight hours service is rendered. If incidental expenses, such as rentals, chemical analysis, etc., are anticipated, they should be described and shown in an estimated amount.

The fee for court attendance may be negotiated on a daily basis when the estimated time of attendance is four or more hours. When it is known in advance that the expert's attendance will be for less than four hours, the fee should be negotiated at less than daily rates.

Reimbursement for necessary expenses of transportation by the most economical mode of transportation available will be allowed.

If travel is to be by common carrier, a Government Transportation Request should be furnished the witness whenever possible. Coach or less than first-class accommodations should be secured if available.

Mileage at 10 cents per mile may be allowed for the use of privately owned automobiles when the trip does not exceed 100 miles one way. Mileage for trips in excess of 100 miles one way,

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should be held to not exceeding the constructive cost of coach, standard, or first class air accommodation whichever is the lowest available. If air transportation is not available, the comparison will be made with other means of transportation available in the area between the nearest point serviced by an airline and the final destination. The actual cost of first-class air travel between most points is generally less than 8 cents per mile.

Per diem in lieu of subsistence at not to exceed the rate of \$20 a day may be negotiated in accordance with the Standardized Government Travel Regulations, or actual expenses of subsistence, not to exceed \$25 a day, may be allowed. Actual expenses, when allowed, should be limited to reasonable and personal expenses for the expert only and must be itemized on the travel voucher.

Forms DJ-25 and DJ-25a

Approval by the Assistant Attorney General for Administration must be obtained prior to the employment of an expert witness. If an emergency occurs, telephonic authority should be secured followed by a Form DJ-25. Form DJ-25a, in triplicate, when required, should be submitted to the Department promptly when it is learned that an expert witness will be needed. No service should be performed until the approved Form DJ-25 and DJ-25a, if required, are received from the Assistant Attorney General for Administration.

After approval, the following distribution will be made:

1. Form DJ-25: Original—Attorney will attach to original voucher.
3 copies—Department will retain.
Do not give witness Form DJ-25.
2. Form DJ-25a: Original—Department will retain.
1 copy—Attorney will deliver to witness.
1 copy—Attorney will attach to original of witness's voucher.

Supplemental Requests

Supplemental, Form DJ-25, and Form DJ-25a, if applicable, should be submitted when additional preparation will exceed the amount originally authorized by more than \$100 or when incidental expenses exceed the original estimate of such expenses by 20%. In an emergency, a supplemental request may be made to the Department by telephone. Such request must be confirmed immediately thereafter by the submission of Forms DJ-25 and DJ-25a.

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Since the duration of court attendance cannot be controlled, necessary attendance beyond the estimate will be allowed on the voucher without supplemental Forms DJ-25 and DJ-25a if the trial attorney notifies the Department as soon as this situation becomes known so the obligation can be increased. Any unused amount estimated for court attendance cannot be applied to additional day of preparation.

Allowances

Expert witnesses are not entitled to receive and must not be paid the regular witness fees and mileage pursuant to 28 USC 1821. The mileage and subsistence for experts must be included with the fees on the Form DJ-25.

Expert witnesses on behalf of the United States in prosecutions for violations of the Federal Food, Drug, and Cosmetic Act are paid by the Department of Health, Education and Welfare.

No charges will be made for services supplied by the FBI.

Government doctors and physicians may accept the expert witness fees for services rendered as expert witnesses in separate cases on behalf of the United States without violating the dual compensation statute (31 Comp. Gen. 563), provided such fees are on a job basis as distinguished from a rate of compensation per day.

Expenses of expert witnesses, including appraisers, etc., in Land and Natural Resources Division matters, are payable from that Division's appropriation. (See "Administrative and Fiscal Instructions" in Title 5 of this Manual.)

Rates

In connection with Department Memo. 478, the table below indicates the average daily rates of compensation which may be negotiated with expert witnesses:

Physicians:	
Examinations	\$25 to \$100
Testimony	\$50 to \$150
Specialists, Such as Cardiac, Neurologists, etc.:	
Examinations	\$50 to \$100
Testimony	\$50 to \$175
Psychiatrists and Psychologists:	
Examinations	\$25 to \$100
Testimony	\$50 to \$150
Chemists:	
Analysis	\$15 to \$50
Testimony	\$50 to \$100

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Geologists and Mining Experts:	
Preparation	\$50 to \$100
Testimony	\$50 to \$125
Appraisers:	
Preparation	\$25 to \$100
Testimony	\$50 to \$125
Handwriting Experts:	
Examinations	\$25 to \$75
Testimony	\$50 to \$125

If no more than one or two hours of service is anticipated, the fee should be negotiated on an hourly basis instead of a fixed fee. The rate of \$25 to \$35 per hour may be negotiated for physical and mental examinations.

In unusual cases requiring medical experts to remain in court more than 5 hours consideration will be given to a higher fee for testimony.

Payment

All accounts of expert witnesses (except in lands matters) will be paid by the Marshal on the following voucher forms:

1. For compensation—Form DJ-94a, and DJ-94b (memorandum).
2. For travel or subsistence allowance—Standard Form 1012.

A copy of Form DJ-25 and, if applicable, Form DJ-25a must be attached to the voucher. If vouchers contain charges for Sunday compensation, it must be shown affirmatively that services were actually and necessarily rendered on such days. On travel vouchers the purpose for each trip must be shown.

Reimbursement for incidental expenses must be supported by proper receipts.

CERTIFICATE OF ATTENDANCE AND PAYMENT

Form USA-798-Revised (Certificate of Attendance of Witness) shall be executed for each witness appearing on behalf of the United States. This is a three-part form to be distributed as follows:

1. Marshal's copy
2. Case file copy
3. Witness index card

Attendance of the witness should be initialed in the appropriate block on the face of the form daily by a representative of the Unit-

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ed States Attorney's office, or the Department of Justice Attorney who actually conducts the case. Upon discharge of the witness, the certificate should be signed by the United States Attorney or an Assistant United States Attorney. The original should be forwarded to the Marshal promptly or given to the witness for presentation to the Marshal as his claim for allowances.

The following regulations govern the certification of attendance on Form No. USA-798-Revised:

1. When cases are handled by attorneys of other Government agencies under their own authority, the United States Attorney is not required to certify attendance since he would not normally have personal knowledge of attendance of the witness. However, if the Department of Justice appropriation is chargeable with the payment of witnesses, the United States Attorney or an Assistant United States Attorney must certify and in this connection shall secure information from the appropriate attorney on which to base his certification.

2. The United States Attorney or an Assistant United States Attorney must certify to attendance of indigent defendants' witnesses subpoenaed under Rule 17 (c), Fed. Rules Crim. Proc. in the same manner as for regular witnesses subpoenaed on behalf of the United States.

At times, these officials must accept as true, statements by the indigent, his attorney or the witness regarding attendance, even though the certifying officer may have no personal knowledge of the facts. Each United States Attorney is at liberty to work out locally in conjunction with the United States Marshal whatever safeguarding arrangements he considers necessary.

3. The certificate must be signed personally by either a United States Attorney or an Assistant United States Attorney. There is no authority to delegate the making of such certification to any person, and no clerk or other unauthorized person should sign it. Certificates should not be signed in blank but only after the certificate of the witness has been fully executed. Each time the testimony of a Federal employee or a member of the Armed Forces relates to other than his official duties, a form USA-54 must also be completed and forwarded to the Office of Budget and Accounts. This form should be completed at the time the attendance certificate is prepared.

United States Marshals will refuse payment of witness fees

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and mileage where the certification of attendance has not been executed legally.

Witnesses subpoenaed to attend before a commissioner will not be given advances without specific authority from the United States Attorney in the district where the witness is to appear.

Advances to witnesses are optional and are made at the discretion of the Marshal.

United States Attorneys will be held strictly responsible for limiting their recommendations for advances to those cases in which the witness is absolutely essential. Requests for advances to witnesses as a matter of course are prohibited.

Subpoena Duces Tecum

Expenses for producing records in court under a subpoena duces tecum are payable from the appropriation "Salaries and Expenses, United States Attorneys and Marshals." Authorization to pay such expenses need not be requested from the Department.

Whenever a subpoena duces tecum is served upon a United States Attorney or other officer or employee of the Department to produce any official file, document, record, etc., he should proceed as outlined in Department Order 381-67, set forth in Government Property, Records, and Safeguarding.

In lieu of subpoenas duces tecum involving armed forces documents it is urged that letter requests be forwarded for certified and authenticated copies of documents under the seal of the respective branch of the service. See Rule 44, Fed. Rules Civ. Proc. and Rule 27, Fed. Rules Crim. Proc. Letter requests which may indicate the estimated trial date instead of the actual date should be forwarded as soon as the United States Attorney anticipates his requirements, in order to give the armed forces as much notice as possible in locating the documents. It will greatly facilitate the United States Attorney's case if the request indicates the purpose or use of the documents to enable the service to supply the specific evidence requested and to eliminate the production of an unnecessary amount of unrelated material. In the exceptional cases requiring production of official documents or records by a representative of the armed forces, the procedure for attendance of military witnesses, set out elsewhere in this section, should be followed.

To expedite the procurement of *fiscal records* a letter should be directed to the Comptroller General, attention Records Management and Service Branch, General Accounting Office, Washington,

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D.C., 20548. All agencies are now required to forward original fiscal records to the General Accounting Office and in most cases the agencies retain none of these records. Again, sufficient time should be given for locating the documents in the various repositories of the General Accounting Office.

Personnel of the State Director's Office of Selective Service Records who produce records of the Selective Service System in Federal courts in obedience to subpoenas duces tecum are entitled in all cases to the witness fee for each day's attendance and travel and subsistence expense in the manner as salaried employees and officers of the United States. The production of such records is not a part of the Official duties of the personnel of the Office of Selective Service Records so as to charge such expense to that Office and accordingly, such expense will be paid from the Department of Justice appropriation for witness fees.

Subpoenas Served on Department of Justice Employees

When a subpoena is served on an officer or an employee of the Department by or on behalf of a private litigant, the Federal Rules of Civil Procedure require that he be tendered one day's witness fee plus mileage. Any other service is not legal service under the rules.

Frequently, the purpose of the subpoena is served by the submission of a document or paper to the court, instead of personal appearance by an officer or employee. If the substituted type of compliance has been accepted by the litigant, it is the policy of the Department to consider that the fee and the mileage have been earned. In such case, the fee and mileage previously received will be forwarded to the Office of Budget and Accounts, Administrative Division, for deposit into the appropriate Miscellaneous Receipt Account.

If the officer or employee complies with the subpoena by appearing in court in his *official capacity*, he must look to the private litigant for his fees and mileage to cover his expenses. No charge will be made against his annual leave. Amounts received in excess of actual expenses shall be forwarded for deposit in the same manner as outlined above.

If subpoenaed in his *private capacity*, the Justice employee will look to the litigant for his fees and mileage. Such absences will be charged to leave. All fees and mileage received are for retention by the employee.

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MEDICAL EXAMINATIONS

Authorizations

All expenses of physical or psychiatric examinations which are payable from the appropriation "Fees and Expenses of Witnesses" require the approval of the Assistant Attorney General for Administration, Form DJ-25 to be submitted in advance of the examination. The request must indicate the purpose of the examination and status of the person examined. Expenses payable from the appropriation "Salaries and Expenses, United States Attorneys and Marshals" are authorized generally as litigative. Expenses of examination for the convenience of the court will be paid from court funds upon proper authorization of the Administrative Office or the United States Courts. The following should be used as a guide for payment of all medical examinations and attendant hospital charges:

1. Payable from court funds—upon submission of requests on Form OA19 to the Administrative Office of the United States Courts—

a. if ordered by the court to aid in determining length or type of sentence, to evaluate the effect of imprisonment, or to predict the chance of rehabilitation,

b. if service comes under the Criminal Justice Act.

2. Payable from "Salaries and Expenses, United States Attorneys and Marshals" as a litigative expense—without submission of Form DJ-25, if examination is of primary importance, for examination of:

a. injured persons, where trial may result, to make the record for future use,

b. of defendants in criminal cases who allege illness to delay trial, etc., and

c. of witnesses who allege illness for failure to respond to subpoena.

3. Payable from "Fees and Expenses of Witnesses"—upon submission of a Form 25b where examination is for the purpose of qualifying the physician to serve as an expert witness under circumstances of 2a, b, or c above.

Psychiatric Expenses (18 U.S.C. 4244)

See Department Memo No. 355. The portion relating to examinations of indigents and, especially, sanity determinations for the purpose of defense is being revised. Court-appointed counsel re-

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questing examinations to determine sanity at the time of the offence should claim expenses under the Criminal Justice Act. The Department will give assistance on individual cases as problems arise if you forward detailed facts and a copy of the court order. See Title 2, page for procedure to be followed when the psychiatric examination concludes that the accused is incompetent to stand trial.

Examinations

Selection of doctors or hospitals. Each United States Attorney's office should establish a panel of psychiatrists and hospitals with a schedule of rates.

In many jurisdictions the court will desire assistance in the selection of qualified psychiatrists and hospitals or other appropriate facilities where persons whose mental competency is in question may be detained for observation and examination. The following may be of assistance.

The term "qualified psychiatrist" is not defined in the statute and determination of qualifications is for the court to decide. The policies of the American Psychiatric Association may be of assistance to the court in making its determination. If a psychiatrist has passed the examination in psychiatry given by the American Board of Psychiatry and Neurology, he may be presumed to be qualified. If no psychiatrist is available who has passed such examination, a psychiatrist who is a member of the American Psychiatric Association may meet the requirements. Names of psychiatrists in a given State who are members of the American Psychiatric Association and those who have passed the examination of the American Board of Psychiatry and Neurology may be obtained from the Director, Bureau of Prisons.

Where commitment is made to the Attorney General, the investigation and making of arrangements should be expedited so that insane or incompetent persons will not remain in local jails or temporary facilities any longer than necessary. Prompt action should be taken on defendants committed to institutions for observation. They should not be allowed to remain there indefinitely but action should be taken to dispose of the matter at the earliest possible time. The court's attention should be directed to any order which fails to specify a date of return of the prisoner.

In many instances it is more practical and economical to pay a private doctor an examination fee of \$50 to \$100 than a hospital fee for 20 days or more.

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Consideration should be given to examinations on an out-patient basis at a local hospital, preferably Government institution. The facilities of the Public Health Service, Veterans Administration, and the Department of the Army and Navy, and many State institutions are often available for examinations. Considerable time and money can be saved by using the services and facilities of the foregoing rather than sending defendants to the Springfield Medical Center, whose charges of \$40 per day must be reimbursed to the Bureau of Prisons in accordance with Bureau of Budget Regulations. The courts should be informed of this.

If the court is of the opinion that an accused should be committed for observation and the court or United States Attorney does not know of a suitable hospital or facility, the Director, Bureau of Prisons, will be glad to assist in the location of a suitable facility. Where commitment for observation is ordered and there is a choice of hospital or facility for commitment, the one which does not require the employment of guards should be selected.

Referrals to Federal institutions should be accompanied by all available information concerning the individual together with a presentence report if available, or in the case of commitment, a copy of the report on physical or psychiatric examination.

Authorization for Payment

After the purpose of the examination or testimony has been clearly determined, requests for authorization for payment should be submitted on Form DJ-25 with a copy of the court order attached in advance of incurrence of the expenses. This also applies to examinations made at hospitals. If the rates or anticipated expense at Federal hospitals cannot be determined, make a statement to this effect on the Form DJ-25, and the Department will complete this information.

Prolonged hospitalization. There should be a periodic follow-up of persons committed to hospitals for examination or observation to insure that the commitment period provided in the court order is not exceeded. Such follow-ups will also serve as reminders to hospitals to expedite examinations and to furnish reports sooner. If the court order does not provide for a copy of the doctor's report to the United States Attorney, it is suggested that you arrange for the hospital to notify you immediately when a report is being sent to the judge. You are then in a position to request prompt disposition of the case. A procedure should be set up in each district for notify-

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ing the Marshal to pick up the defendant promptly upon completion of the examination.

Defendants with history of mental illness. Where it is established that the accused has previously been in an institution, or has had an extensive history of mental illness, consideration should be given to withholding the filing of charges (or dismissal as required or commitment to a State or local institution.

DEPOSITIONS

Depositions should be taken whenever possible in order to reduce expenditures. Particularly should this rule be applied when it is necessary to secure testimony of a witness living more than 100 miles from the place of trial.

Depositions should be taken before notarial officers or other officers authorized to administer oaths. Depositions before Commissioners should be taken only when such other officers are not available.

No payments from Department appropriations will be made to Commissioners or stenographers before a Commissioner, for taking depositions. The Commissioners' fee (established by 28 U.S.C. 633) is held to include the writing of the deposition either by himself or his stenographer and is allowed in his account, payable from court funds.

Otherwise, United States Attorneys are authorized to incur the necessary expenses of taking depositions. Whenever a salaried reporter takes a deposition, he is entitled to compensation for the original transcript and for such number of copies as are ordered at rates to be agreed upon with the United States Attorney, but no attendance fee may be paid. The salaried reporter is not controlled by the court reporting law as to charges he may make for work not regulated by that statute. Payment for stenographic service should be in accordance with rates prevailing in the locality.

Payment for reporting or transcribing depositions and expenses of notaries, etc., will be made from the appropriation "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice." Vouchers covering payment for notarial fees must be submitted in the name of the individual rendering the service since firms cannot be notaries. Voucher Form No. DJ-94a and DJ-94b (memorandum) will be used for notarial fees, and for payment to individuals for reporting or transcribing depositions; if reporting services are performed under contract with a reporting company, as distinct from personal services, use voucher Form No. S.F. 1034.

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Payment to witnesses will be made from the appropriation "Fees and Expenses of Witnesses, Department of Justice" in the usual manner.

The district which requires or uses the deposition is chargeable with all expenses (including witness payments) even though the deposition may have been taken in another district.

Stenographic and notarial charges related to depositions for indigent persons should be certified by an authorized certifying officer of the United States Attorney's office, since that office is in a better position to pass upon the correctness or reasonableness of the charges.

Depositions to be taken in a foreign country must be channeled through the State Department, Office of Special Consular Services, Washington, D.C. If a foreign witness must travel to the place designated for the taking of deposition, notify the Office of the Assistant Attorney General for Administration approximately one week in advance so that that office can authorize the consular officer to pay the witness in the same manner as witnesses appearing in Federal district courts. Similar authorization can be given to pay for the services of interpreters and stenographers if such services are not available in the embassy or consulate.

Depositions to be taken in the United States at the request of a foreign court are not to be confused with those described in the foregoing paragraph. Detailed procedures, including the manner of seeking reimbursement for these expenses, is outlined in Department Memo No. 386.

If, in connection with *depositions* to be taken in a foreign country, it is anticipated that witnesses will be examined on the premises of our Diplomatic or Consular Mission, arrangements can be made through the Office of the Assistant Attorney General for Administration for advance authority to be given to the consular officer to reimburse these witnesses in the same manner as witnesses appearing in Federal District Courts. Similar authorization can be given to the consular officer to pay for the services of interpreters and stenographers, if such services are not available in the Embassy or in the Consulate. Please submit such requests to the Office of the Assistant Attorney General for Administration as soon as the need is anticipated.

Letters Rogatory; Depositions; Service of Summons and Other Court Orders.

United States Attorneys' offices desiring to send any of the above legal papers to foreign countries should forward them to

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the Office of Special Consular Services, Department of State, Main State, Room 1805, Washington, D.C. 20520. That office will place your communication in the diplomatic pouch to the country involved. In cases where United States Attorneys desire further assistance, the letters rogatory should be forwarded to the Civil Division, Attention: Foreign Litigation Unit, for transmittal to the State Department. In view of the changed procedure, it is necessary to indicate the method of handling desired for the consular officer or other person performing the services. Certain foreign countries do not permit consular officials to perform these services; in those countries, public officials or local attorneys are required to effect the service or to conduct the examination. Letters Rogatory should be addressed "To the Appropriate Judicial Authority in (name the country)". As explained in the Advisory Committee's Note concerning the changes in Rule 28(b), there will be instances where letters rogatory will be less expensive and the preferred method of obtaining testimony from witnesses abroad.

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REPORTING AND TRANSCRIPTS

Salaried Court Reporters

General.—28 U.S.C. 753 provides that each district court shall appoint one or more court reporters who shall attend each session and shall record verbatim by shorthand or by mechanical means:

1. All proceedings in criminal cases in open court.
2. All proceedings in other cases in open court.
3. Such other proceedings as the judge may direct, or as may be required by rule or order of the court, or as may be requested by any party to the proceedings.

The reporter shall transcribe and certify all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him and filed with the clerk.

The Department interprets the language of the statute to mean that every word in criminal proceedings should be recorded (including closing arguments of counsel to the jury as well as defense counsel's summation). It is suggested that in districts where it is the practice not to record the proceedings in full that United States Attorneys make application to the court to take such corrective measures as may be necessary to assure compliance with the statutory requirement.

Transcript.—Upon the request of any party to the proceeding or of a judge of the court, the reporter is to transcribe the requested parts of the proceedings, promptly furnishing to the clerk for the records of the court a certified copy of the transcribed part. No transcripts of proceedings are to be considered as official except those made from the records taken by the salaried reporter.

Fees and expenses.—The salaried reporter is entitled to receive in addition to salary, such fees for transcripts as may be prescribed from time to time by the court with the approval of the Judicial Conference. These fees are collectible from the parties, including the United States. The Department of Justice is not chargeable for any part of transcript furnished to its opponent nor to persons proceeding in forma pauperis, nor for the reporter's travel expenses, except that on approval of the court in any district, the cost of the original and copies may be apportioned among the persons to whom they are furnished. If the Government requires daily transcript, any additional expense involved in turning out fast copy must be borne by the reporter.

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Salaried reporter as grand jury stenographer and deposition reporter.—The court reporter law is not applicable to grand jury reporting or to deposition work. However, when services for grand jury reporting are contracted for, the salaried court reporter may submit a bid. The salaried reporter may be employed in any instance where a deposition is necessary. (See Depositions in the section on witnesses.)

Grand Jury Reporting

General. Grand jury reporting can be done by an employee of the United States Attorney's office (Rule 6(d), Fed. Rules Crim. Proc.), by a contract reporter employed for the purpose after competition or otherwise, or by the salaried court reporter if available, unless the temporary or intermittent services of private individuals can be obtained under the exception permitted by 5 U.S.C. 55a. Annual contracts should be obtained where the volume of the reporting justifies this method; in other cases, reporters may be engaged in connection with each separate grand jury. If it is necessary to employ an outside reporter, daily attendance charges are payable for temporary or intermittent grand jury reporting service at the local prevailing rate. If the salaried reporter is employed, daily attendance charges are not allowable; only transcript fees may be paid. If travel is necessary in connection with the grand jury reporting, travel expenses and subsistence at the rate of \$16 are allowable. Charges for grand jury reporting are to be treated as litigation expenses.

Contracts. If the cost for grand jury reporting is to exceed \$2500 for the year, it is required that bids be secured as provided in Procurement of Supplies, Equipment and Services.

Use of Salaried Court Reporter. The salaried court reporter may submit a bid for grand jury reporting under the following conditions:

1. If the bid contains a quotation for his own services on a time basis, that is, by the day or hour, the quotation will have to be disregarded as such income would be considered as salary and in violation of 5 U.S.C. 58, 62, which prohibits receipt of two salaries.

2. If the salaried court reporter's bid is for the services of someone in addition to himself, the per diem or per hour quotation can be accepted for the assistant's service but not for the salaried reporter himself.

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3. If the quotation is wholly for transcript charges with no per diem or hourly rated, the salaried court reporter's bid, if low, may be accepted whether it is exclusively for his own services or for his services and those of others.

4. If the quotation is for transcript rates only (no fee for reporting), his quotation may be accepted even though the quoted rates are higher than those fixed by the Judicial Conference.

If the cost is less than \$2500 making solicitation of bids unnecessary, the salaried court reporter may be used. No attendance charge is authorized.

Check of Grand Jury Reporters.—Before any official salaried Federal court reporter is used to take testimony before a grand jury, the United States Attorney should submit Department of Justice Form No. DJ-52 to the Security Officer, Department of Justice, and await advice before proceeding with the hearing.

A similar name check, using Form No. DJ-52, is also required before any contract or free-lance reporter may be employed for grand jury reporting. In those cases, the Form No. DJ-52 will be forwarded as indicated above.

The forms should also be used for any person associated with the reporter in turning out the grand jury minutes.

The attorney who arranges for the reporting or a representative of his office will sign the form as the submitting officer.

Employment of Independent Reporters

Departmental appropriations are not available for payment of compensation of court reporters. When a reporter is required in a separate proceeding at a time when the salaried court reporter is busy, the matter of obtaining additional reporters is for the consideration of the court.

The appropriation "Salaries and Expenses, United States Attorneys and Marshals" may be charged for hearings before Commissioners, etc. (not a part of a case in court or in a lands matter) taken by an independent reporter, unless in the particular district such proceedings come within the scope of the Court Reporter Act.

Employment of Additional Reporters in Lands Cases

In view of the difficulty in obtaining the services of the salaried court reporters in lands commissioners hearings, and because Departmental appropriations may not be used for additional re-

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porters, the Director of the Administrative Office for United States Courts has advised that, in special cases, when the regular salaried court reporter will not be available to report the commissioners' hearings, they will authorize the temporary appointment of a court reporter for that purpose. In such cases, the United States Attorney should communicate with the judge and request him to secure authority for the appointment from the Administrative Office for United States Courts.

**Grand Jury Reporters' Secrecy Obligations—
Grand Jury Proceedings**

Pursuant to Rule 6(e) Federal Rules of Criminal Procedure, an obligation of secrecy is imposed on all participants with regard to the disclosure of matters occurring before the Grand Jury. Interpreters, stenographers, and other participants should be informed of their obligation, and administered the oath in the appropriate manner as set forth in Rule 6(c). A record of all such oaths should be kept on file.

Expenses

Expenses for reporting service and transcripts are considered litigative expenses for which prior Departmental approval is not required. Such expenses, however, must be limited to those cases of special importance in which such action is necessary to protect the interests of the Government. Daily or rush delivery, as distinguished from ordinary delivery, should not be ordered unless absolutely necessary. The United States Attorney should monitor requests for use of daily transcripts from his Assistant United States Attorneys and grant approval only when he determines that it is absolutely essential.

Transcripts

Ordinarily only one transcript should be purchased in any case, except Court of Claims cases or depositions. Any decision by the United States Attorney to order more than one transcript must be based on absolute necessity for, and availability of funds. Transcript should be purchased for the following officials only, as required:

1. Heads of the legal divisions of the Department and their Assistants.
2. United States Attorneys and their Assistants.
3. Any other attorney assisting in the trial of the case.

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Other Government departments or agencies interested in the purchase of transcript should make arrangements for payment direct from their appropriations. No part of Department of Justice funds are available for payment of transcript, original or copy, furnished to the court either at his request or that of the Government attorney. The statute requires the official reporter to furnish one copy of any record transcribed to the Clerk of the Court for the official records. That copy is available to the judge along with all other official court records. Therefore, since the judge is entitled to be supplied with transcript at his express direction without compensation to the reporter, his order that the parties share the cost of his transcript would not have the effect of charging the Government with a proportionate part of the Conference approved rates.

Under Section 208(b) of the Federal Coal Mine Safety Act (30 U.S.C. 478b), the cost of transcript in connection with proceedings before a U.S. Circuit Court of Appeals is chargeable to the party making the appeal. Such expenses should not be paid from Department of Justice funds.

The rates are:

Ordinary Transcript:	\$1.00 for the original \$.40 for each copy
Daily Transcript:	\$2.00 for the original \$.50 for each copy

To date the new rates have become effective in the following Districts:

Ala., M.	La., E.	Ohio, S.
Ala., N.	La., W.	Okla., E.
Alaska	Md.	Okla., W.
Ariz.	Mass.	Ore.
Ark., E.	Mich., E.	Pa., E.
Ark., W.	Mich., W.	Pa., W.
Calif., C.	Minn.	R. I.
Calif., E.	Miss., N.	S. C.
Calif., N.	Miss., S.	S. D.
Calif., S.	Mo., E.	Tenn., E.
Colo.	Mo., W.	Tenn., M.
Conn.	Mont.	Tenn., W.
Del.	Nebr.	Texas, E.*
D.C.	Nevada	Texas, S.
Fla., M.	N. H.	Texas, W.

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Fla., S.	N. J.	Vt.
Ga., M.	N. M.	Va., E.
Ga., N.	N. Y., E.	Va., W.
Ga., S.	N. Y., N.	Wash., E.
Hawaii	N. Y., S.	Wash., W.
Idaho	N. Y., W.	W. Va., N.
Ind., S.	N. C., E.	W. Va., S.
Iowa, N.	N. C., M.	Wisc., E.
Kans.	N. D.	Wisc., W.
Ky., E.	Ohio, N.	Wyo.

The rates in Maine have been raised to \$1.00 and \$.40 for ordinary with the daily to be fixed by agreement and approved by the court but not to exceed the new maximum rates.

**“TRANSCRIPTS FOR PERSONS ALLOWED TO SUE,
DEFEND, OR APPEAL IN FORMA PAUPERIS”**

All such expenses are payable by the Administrative Office of the United States Courts, Washington, D.C. 20544, from its appropriation. *No funds of the Department of Justice are available for this purpose.* The following is quoted from Bulletin No. 320, January 28, 1947, issued by the Administrative Office to all court reporters of United States District Courts:

Fees for transcripts furnished in criminal or habeas corpus proceedings to persons (or their attorneys) allowed to sue, defend, or appeal in forma pauperis are payable by the office from the appropriation “Miscellaneous Expenses, United States Courts.” Fees for transcripts furnished in any other proceedings to persons (or their attorneys) permitted to appeal in forma pauperis are payable in a like manner. A formal request to incur the expense should be submitted in quintuplicate on AO Form 19 * * *.

The Bulletin specifies the information required. Supplement 1 to Bulletin 320 gives additional instructions to reporters whose responsibility it is to secure the authorization for payment. The Bulletin is based on 28 U.S.C. 753(f).

Vouchers

Vouchers of stenographers employed to take testimony should be made on Form DJ-94a, and DJ-94b (memorandum). Purchase of transcript should be vouchered on SF-1034—Revised, except that transcript purchased from stenographers may be combined with salary on Form DJ-94a, and DJ-94b (memorandum). Stand-

*Shall apply in forma pauperis cases only where court order authorizing furnishing of said in forma pauperis transcript is dated after October 7, 1968.

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ard Form 1012—Revised should also be used in instances where travel and subsistence are involved.

Vouchers covering reporting services should clearly state:

1. Whether for grand jury work or court work.
2. If the reporting is for court work, the court should appear, i.e., Federal District Court, Western District of Oklahoma; or County Court, Montgomery County, Md., etc.
3. Whether for attendance or transcript.
4. If for attendance, the number of days or units of charge, the dates on which the services were rendered, and the rates.
5. If for transcript, whether for original and/or copy (s), and the number of pages (folios).
6. Whether the transcript is for ordinary delivery, daily delivery, or faster service.
7. If the reporting is of testimony given by deposition, the fact of its being a deposition should appear on the voucher.

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REPORT OF TAXABLE COSTS

When costs are taxable in favor of the Government in cases handled by United States Attorneys, their Assistants, or other Departmental attorneys through the office of the United States Attorney, every effort should be made to see that all taxable items are reported to the Clerk of the Court. United States Attorneys must notify the Marshals in their districts immediately when it has been determined that application will be made for taxation of costs. Marshals will submit their lists of costs to the United States Attorney for inclusion in the bill of costs.

United States Attorneys shall execute Form No. A.O. 133 (Bill of Costs) which may be secured from the clerk of court. All properly taxable items should be claimed as indicated by the form. Unusual items of expense with which the Government is charged through frivolous or unnecessary moves on the part of the opposition should be presented for taxation. The form must be filed with the Clerk of the Court within the time allowed in each instance.

In accordance with the prevailing rate of 2½¢ per page charged by clerks for photostatic reproductions, United States Attorneys should include such items in the bill of costs at the same rate.

United States Attorneys should study the changes made by 28 U.S.C. 1923 in the amounts of attorneys' fees which may be taxed as costs, particularly the increase from \$10 to \$20 in the docket fee for the trial without a jury. A fee of \$20 should be included in the attorney's bill of costs for default judgments when making up such bill for taxation purposes. This should be the rule whether the default judgment is entered by the judge or by the clerk pursuant to Rule 55(b)(1), Fed. Rules Civ. Proc. If any clerk declines to tax costs as a matter of course in these amounts, the facts should be reported promptly to the Department in order that it may be determined whether to appeal the action of the clerk to the court to secure a judicial determination of the issue.