

States Attorney for the district embracing the place where the civil action or proceeding is brought fully addressing whether the person was acting as a covered person at the time of the incident out of which the suit arose, and a copy of the report shall be sent by the appropriate Federal agency to the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice.

(c) A report under this section shall be submitted at the earliest possible date, or within such time as shall be fixed upon request by the United States Attorney or the responsible Branch Director of the Torts Branch.

**§ 15.4 Removal and defense of suits.**

(a) The United States Attorney for the district where the civil action or proceeding is brought, or any Director of the Torts Branch, Civil Division, Department of Justice, is authorized to make the statutory certification that the Federal employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose.

(b) The United States Attorney for the district where the civil action or proceeding is brought, or any Director of the Torts Branch, Civil Division, Department of Justice, is authorized to make the statutory certification that the covered person was acting at the time of the incident out of which the suit arose under circumstances in which Congress has provided by statute that the remedy provided by the Federal Tort Claims Act is made the exclusive remedy.

(c) A certification under this section may be withdrawn if a further evaluation of the relevant facts or the consideration of new or additional evidence calls for such action. The making, withholding, or withdrawing of certifications, and the removal and defense of, or refusal to remove or defend, such civil actions or proceedings shall be subject to the instructions and supervision of the Assistant Attorney General in charge of the Civil Division or his or her designee.

**PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION**

**Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act**

- Sec.
- 16.1 General provisions.
- 16.2 Public reading rooms.
- 16.3 Requirements for making requests.
- 16.4 Responsibility for responding to requests.
- 16.5 Timing of responses to requests.
- 16.6 Responses to requests.
- 16.7 Classified information.
- 16.8 Business information.
- 16.9 Appeals.
- 16.10 Preservation of records.
- 16.11 Fees.
- 16.12 Other rights and services.

**Subpart B—Production or Disclosure in Federal and State Proceedings**

- 16.21 Purpose and scope.
- 16.22 General prohibition of production or disclosure in Federal and State proceedings in which the United States is not a party.
- 16.23 General disclosure authority in Federal and State proceedings in which the United States is a party.
- 16.24 Procedure in the event of a demand where disclosure is not otherwise authorized.
- 16.25 Final action by the Deputy or Associate Attorney General.
- 16.26 Considerations in determining whether production or disclosure should be made pursuant to a demand.
- 16.27 Procedure in the event a department decision concerning a demand is not made prior to the time a response to the demand is required.
- 16.28 Procedure in the event of an adverse ruling.
- 16.29 Delegation by Assistant Attorneys General.

**APPENDIX TO SUBPART B—REDELEGATION OF AUTHORITY TO THE DEPUTY ASSISTANT ATTORNEY GENERAL FOR LITIGATION, ANTI-TRUST DIVISION, TO AUTHORIZE PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION**

**Subpart C—Production of FBI Identification Records in Response to Written Requests by Subjects Thereof**

- 16.30 Purpose and scope.
- 16.31 Definition of identification record.
- 16.32 Procedure to obtain an identification record.