

§0.64-3

28 CFR Ch. I (7-1-12 Edition)

§ 0.64-3 Delegation respecting designation of certain Department of Agriculture employees (Tick Inspectors) to carry and use firearms.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise all the power and authority vested in the Attorney General under section 2274 of title 7, U.S. Code, concerning the designation of certain Department of Agriculture employees (Tick Inspectors) to carry and use firearms. This delegation includes the power and authority to issue, with the Department of Agriculture, joint rules and regulations pertaining to the carrying and use of such firearms, which would, when promulgated, supersede the existing regulations pertaining to the carrying and use of firearms by Tick Inspectors, promulgated by the Attorney General and contained in Attorney General's Order No. 1059-84. The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate all of this authority under section 2274 to his Deputy Assistant Attorneys General and appropriate Office Directors and Section Chiefs.

[Order No. 1064-84, 49 FR 35934, Sept. 13, 1984]

§ 0.64-4 Delegation respecting temporary transfers, in custody, of certain prisoner-witnesses from a foreign country to the United States to testify in Federal or State criminal proceedings.

The Assistant Attorney General, Criminal Division, in consultation with the Assistant Attorney General for National Security in matters related to the National Security Division's activities, is authorized to exercise all of the power and authority vested in the Attorney General under 18 U.S.C. 3508 that has not been delegated to the Director of the United States Marshals Service under 28 CFR 0.111a, including specifically the authority to determine whether and under what circumstances temporary transfer of a prisoner-witness to the United States is appropriate or inappropriate; to determine the point at which the witness should be returned to the transferring country; and to enter into appropriate agreements with the transferring country regarding the terms and conditions

of the transfer. The Assistant Attorney General, Criminal Division is authorized to redelegate this authority within the Criminal Division to the Deputy Assistant Attorneys General and to the Director and Deputy Directors of the Office of International Affairs.

[Order No. 2865-2007, 72 FR 10066, Mar. 7, 2007]

§ 0.64-5 Policy with regard to bringing charges under the Economic Espionage Act of 1996, Pub. L. 104-294, effective October 11, 1996.

The United States may not file a charge under 18 U.S.C. 1831 of the Economic Espionage Act of 1996 (the "EEA") (18 U.S.C. 1831 *et seq.*), or use a violation under section 1831 of the EEA as a predicate offense under any other law, without the personal approval of the Attorney General, the Deputy Attorney General, the Assistant Attorney General for National Security, or the Assistant Attorney General, Criminal Division (or the Acting official in each of these positions if a position is filled by an Acting official). Violations of this regulation are appropriately sanctionable and will be reported by the Attorney General to the Senate and House Judiciary Committees. Responsibility for reviewing proposed charges under section 1831 of the EEA rests with the Counterespionage Section of the National Security Division, which will consult, as necessary, with the Computer Crime and Intellectual Property Section of the Criminal Division. This regulation shall remain in effect until October 11, 2011.

[Order No. 2865-2007, 72 FR 10066, Mar. 7, 2007]

APPENDIX TO SUBPART K OF PART 0

CRIMINAL DIVISION

[Directive 8-75]

EDITORIAL NOTE: Criminal Division Directive 8-75, was superseded by Criminal Division Directive 58, appearing at 44 FR 18661, Mar. 29, 1979.

[Directive 58]

DELEGATION RESPECTING DENIAL OF INFORMATION REQUESTS

The Assistant Attorney General in charge of the Criminal Division, hereby, delegates pursuant to 28 CFR 16.5(b) (as amended

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March 1, 1975) and 28 CFR 16.45(a), his authority under those sections to deny a request for information under 5 U.S.C. 552(a) or 5 U.S.C. 552a to the Director and Associate Director of the Office of Legal Support Services of the Criminal Division and to the Deputy Assistant Attorney General of the Criminal Division who supervises that Office. The Director, Associate Director, or Deputy Assistant Attorney General making the denial shall be the "person responsible for the denial," within the meaning of 5 U.S.C. 552(a).

[Directive No. 73]

REDELEGATION OF AUTHORITY TO DEPUTY ASSISTANT ATTORNEYS GENERAL AND DIRECTOR OF THE OFFICE OF INTERNATIONAL AFFAIRS RESPECTING TRANSFER OF OFFENDERS TO AND FROM FOREIGN COUNTRIES

By virtue of the authority vested in me by § 0.64 -2 of title 28 of the Code of Federal Regulations, the authority delegated to me by that section to exercise all of the power and authority vested in the Attorney General under Section 4102 of title 18, U.S. Code, which has not been delegated to the Director of the Bureau of Prisons, including specifically the authority to find the transfer of offenders to or from a foreign country under a treaty as referred to in Public Law 95-44 appropriate or inappropriate, is hereby redelegated to each of the Deputy Assistant Attorneys General and the Director of the Office of International Affairs of the Criminal Division.

[Directive No. 81A]

REDELEGATION OF AUTHORITY TO DEPUTY ASSISTANT ATTORNEYS GENERAL AND DIRECTOR AND DEPUTY DIRECTORS OF THE OFFICE OF INTERNATIONAL AFFAIRS REGARDING AUTHORITY TO ACT AS CENTRAL AUTHORITY OR COMPETENT AUTHORITY UNDER TREATIES AND EXECUTIVE AGREEMENTS ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

By virtue of the authority vested in me by § 0.64-1 of title 28 of the Code of Federal Regulations, the Authority delegated to me by that section to exercise all of the power and authority vested in the Attorney General under treaties and executive agreements on mutual assistance in criminal matters is hereby redelegated to each of the Deputy Assistant Attorneys General, to the Director of the Office of International Affairs and to each of the Deputy Directors of the Office of International Affairs, Criminal Division.

[Directive No. 81B]

REDELEGATION OF AUTHORITY TO DEPUTY ASSISTANT ATTORNEYS GENERAL AND DIRECTOR AND DEPUTY DIRECTORS OF THE OFFICE OF INTERNATIONAL AFFAIRS RESPECTING TEMPORARY TRANSFERS, IN CUSTODY, OF CERTAIN PRISONER-WITNESSES FROM A FOREIGN COUNTRY TO THE UNITED STATES .

By virtue of the authority vested in me by 28 CFR 0.64-4, the authority delegated to me by that section to exercise all of the power and authority vested in the Attorney General under section 3508 of title 18, United States Code, which has not been delegated to the Director, United States Marshals Service under 28 CFR 0.111a, is hereby redelegated to each of the Deputy Assistant Attorneys General, and to the Director and each of the Deputy Directors of the Office International Affairs, Criminal Division.

[44 FR 18661, Mar. 29, 1979, as amended at 45 FR 6541, Jan. 29, 1980; 48 FR 54595, Dec. 6, 1983; 59 FR 42161, Aug. 17, 1994; 59 FR 46550, Sept. 9, 1994]

Subpart L—Environment and Natural Resources Division

SOURCE: Order No. 423-69, 34 FR 20388, Dec. 31, 1969, unless otherwise noted. Redesignated by Order No. 2865-2007, 72 FR 10066, Mar. 7, 2007.

§ 0.65 General functions.

The following functions are assigned to and shall be conducted, handled, or supervised by the Assistant Attorney General in charge of the Environment and Natural Resources Division:

(a) Civil suits and matters in Federal and State courts (and administrative tribunals), by or against the United States, its agencies, officers, or contractors, or in which the United States has an interest, whether for specific or monetary relief, and also nonlitigation matters, relating to:

(1) The public domain lands and the outer continental shelf of the United States.

(2) Other lands and interests in real property owned, leased, or otherwise claimed or controlled, or allegedly impaired or taken, by the United States, its agencies, officers, or contractors, including the acquisition of such lands by condemnation proceedings or otherwise,

(3) The water and air resources controlled or used by the United States,