

Department of Justice

§ 65.80

28 CFR part 20) shall apply with respect to information, including criminal history information and criminal intelligence systems operating with the support of Federal law enforcement assistance.

Subpart G—Repayment of Funds

§ 65.60 Repayment of funds.

(a) If Federal law enforcement assistance provided under this subdivision is used by the recipient of such assistance in violation of these regulations, or for any purpose other than the purpose for which it is provided, then such recipient shall promptly repay to the Attorney General an amount equal to the value of such assistance.

(b) The Attorney General may bring a civil action in an appropriate United States District Court to recover any amount authorized to be repaid under law.

Subpart H—Definitions

§ 65.70 Definitions.

(a) *Law enforcement emergency.* The term *law enforcement emergency* is defined by the Act as an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law. The Act specifically *excludes* the following situations when defining “law enforcement emergency”:

(1) The perceived need for planning or other activities related to crowd control for general public safety projects; and,

(2) A situation requiring the enforcement of laws associated with scheduled public events, including political convention and sports events.

(b) *Federal law enforcement assistance.* The term *Federal law enforcement assistance* is defined by the Act to mean funds, equipment, training, intelligence information, and personnel.

(c) *Federal law enforcement community.* The term *Federal law enforcement community* is defined by the Act as the heads of the following departments or agencies:

- (1) Federal Bureau of Investigation;
- (2) Drug Enforcement Administration;
- (3) Criminal Division of the Department of Justice;
- (4) Internal Revenue Service;
- (5) Customs Service;
- (6) Department of Homeland Security;
- (7) U.S. Marshals Service;
- (8) National Park Service;
- (9) U.S. Postal Service;
- (10) Secret Service;
- (11) U.S. Coast Guard;
- (12) Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (13) National Security Division of the Department of Justice; and
- (14) Other Federal agencies with specific statutory authority to investigate violations of Federal criminal law.

(d) *State.* The term *state* is defined by the Act as any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

[50 FR 51340, Dec. 16, 1985, as amended by Order No. 2865-2007, 72 FR 10069, Mar. 7, 2007]

Subpart I—Immigration Emergency Fund

SOURCE: Order No. 1892-94, 59 FR 30522, June 14, 1994, unless otherwise noted.

§ 65.80 General.

The regulations of this subpart set forth procedures for implementing section 404(b) of the Immigration and Nationality Act (“INA”), 8 U.S.C. 1101 note, by providing for Presidential determinations of the existence of an immigration emergency, and for payments from the Immigration Emergency Fund or other funding available for such purposes, to State and local governments for assistance provided in meeting an immigration emergency. The regulations of this subpart also establish procedures by which the Attorney General may draw upon the Immigration Emergency Fund, without a Presidential determination that an immigration emergency exists, to provide funding to State and local governments