

## § 77.5

this section, the attorney is encouraged to consult with a supervisor or Professional Responsibility Officer to determine the best course of conduct.

(d) *Rules that impose an irreconcilable conflict.* If, after consideration of traditional choice-of-law principles, the attorney concludes that multiple rules may apply to particular conduct and that such rules impose irreconcilable obligations on the attorney, the attorney should consult with a supervisor or Professional Responsibility Officer to determine the best course of conduct.

(e) *Supervisory attorneys.* Each attorney, including supervisory attorneys, must assess his or her ethical obligations with respect to particular conduct. Department attorneys shall not direct any attorney to engage in conduct that violates section 530B. A supervisor or other Department attorney who, in good faith, gives advice or guidance to another Department attorney about the other attorney's ethical obligations should not be deemed to violate these rules.

(f) *Investigative Agents.* A Department attorney shall not direct an investigative agent acting under the attorney's supervision to engage in conduct under circumstances that would violate the attorney's obligations under section 530B. A Department attorney who in good faith provides legal advice or guidance upon request to an investigative agent should not be deemed to violate these rules.

### § 77.5 No private remedies.

The principles set forth herein, and internal office procedures adopted pursuant hereto, are intended solely for the guidance of attorneys for the government. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party to litigation with the United States, including criminal defendants, targets or subjects of criminal investigations, witnesses in criminal or civil cases (including civil law enforcement proceedings), or plaintiffs or defendants in civil investigations or litigation; or any other person, whether or not a party to litigation with the United States, or their counsel; and shall not be a basis for dismissing

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criminal or civil charges or proceedings or for excluding relevant evidence in any judicial or administrative proceeding. Nor are any limitations placed on otherwise lawful litigative prerogatives of the Department of Justice as a result of this part.

### PART 79—CLAIMS UNDER THE RADIATION EXPOSURE COMPENSATION ACT

#### Subpart A—General

Sec.

- 79.1 Purpose.
- 79.2 General definitions.
- 79.3 Compensable claim categories under the Act.
- 79.4 Determination of claims and affidavits.
- 79.5 Requirements for medical documentation, contemporaneous records, and other records or documents.

#### Subpart B—Eligibility Criteria for Claims Relating to Leukemia

- 79.10 Scope of subpart.
- 79.11 Definitions.
- 79.12 Criteria for eligibility for claims relating to leukemia.
- 79.13 Proof of physical presence for the requisite period and proof of participation onsite during a period of atmospheric nuclear testing.
- 79.14 Proof of initial exposure prior to age 21.
- 79.15 Proof of onset of leukemia more than two years after first exposure.
- 79.16 Proof of medical condition.

#### Subpart C—Eligibility Criteria for Claims Relating to Certain Specified Diseases Contracted After Exposure in an Affected Area (“Downwinders”)

- 79.20 Scope of subpart.
- 79.21 Definitions.
- 79.22 Criteria for eligibility for claims relating to certain specified diseases contracted after exposure in an affected area (“downwinders”).
- 79.23 Proof of physical presence for the requisite period.
- 79.24 Proof of initial or first exposure after age 20 for claims under § 79.22(b)(1).
- 79.25 Proof of onset of leukemia at least two years after first exposure, and proof of onset of a specified compensable disease more than five years after first exposure.
- 79.26 Proof of medical condition.
- 79.27 Indication of the presence of hepatitis B or cirrhosis.