

§ 5.88

§ 5.88 Testimony in litigation in which the United States is a party.

(a) Whenever, in any legal proceeding in which the United States is a party, the attorney in charge of presenting the case for the United States requests it, the General Counsel shall arrange for an employee of the Agency to testify as a witness for the United States.

(b) The attendance and testimony of named employees of the Agency may not be required in any legal proceeding by the judge or other presiding officer, by subpoena or otherwise. However, the judge or other presiding officer may, upon a showing of exceptional circumstances (such as a case in which a particular named FEMA employee has direct personal knowledge of a material fact not known to the witness made available by the Agency) require the attendance and testimony of named FEMA personnel.

§ 5.89 Waiver.

The General Counsel (or, as to employees of the Office of Inspector General, the Inspector General) may grant, in writing, a waiver of any policy or procedure prescribed by this subpart, where waiver is considered necessary to promote a significant interest of the Agency or for other good cause. In granting such waiver, the General Counsel (or Inspector General) shall attach to the waiver such reasonable conditions and limitations as are deemed appropriate in order that a response in strict compliance with the terms of a subpoena duces tecum or the providing of testimony will not interfere with the duties of the employee and will otherwise conform to the policies of this part. The Director may, in his or her discretion, review any decision to authorize a waiver of any policy or procedure prescribed by this subpart.

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Subpart A—General

Sec.

- 6.1 Purpose and scope of part.
- 6.2 Definitions.
- 6.3 Collection and use of information (Privacy Act statements).
- 6.4 Standards of accuracy.
- 6.5 Rules of conduct.

44 CFR Ch. I (10–1–07 Edition)

- 6.6 Safeguarding systems of records.
- 6.7 Records of other agencies.
- 6.8 Subpoena and other legal demands.
- 6.9 Inconsistent issuances of FEMA and/or its predecessor agencies superseded.
- 6.10 Assistance and referrals.

Subpart B—Disclosure of Records

- 6.20 Conditions of disclosure.
- 6.21 Procedures for disclosure.
- 6.22 Accounting of disclosures.

Subpart C—Individual Access to Records

- 6.30 Form of requests.
- 6.31 Special requirements for medical records.
- 6.32 Granting access.
- 6.33 Denials of access.
- 6.34 Appeal of denial of access within FEMA.

Subpart D—Requests To Amend Records

- 6.50 Submission of requests to amend records.
- 6.51 Review of requests to amend records.
- 6.52 Approval of requests to amend records.
- 6.53 Denial of requests to amend records.
- 6.54 Agreement to alternative amendments.
- 6.55 Appeal of denial of request to amend a record.
- 6.56 Statement of disagreement.
- 6.57 Judicial review.

Subpart E—Report on New Systems and Alterations of Existing Systems

- 6.70 Reporting requirement.
- 6.71 Federal Register notice of establishment of new system or alteration of existing system.
- 6.72 Effective date of new system of records or alteration of an existing system of records.

Subpart F—Fees

- 6.80 Records available at fee.
- 6.81 Additional copies.
- 6.82 Waiver of fee.
- 6.83 Prepayment of fees.
- 6.84 Form of payment.
- 6.85 Reproduction fees.

Subpart G—Exempt Systems of Records

- 6.86 General exemptions.
- 6.87 Specific exemptions.

AUTHORITY: 5 U.S.C. 552a; Reorganization Plan No. 3 of 1978; and E.O. 12127.

SOURCE: 44 FR 50293, Aug. 27, 1979, unless otherwise noted.