

§0.64-5

28 CFR Ch. I (7-1-08 Edition)

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EDITORIAL NOTE: Criminal Division Directive 8-75, was superseded by Criminal Division Directive 58, appearing at 44 FR 18661, Mar. 29, 1979.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

Department of Justice

§0.65

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 Land 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, its agencies, officers, or contractors, without regard to whether the same are in or related to the lands enumerated in paragraphs (a) (1) and (2) of this section, and

(4) The other natural resources in or related to such lands, water, and air, except that the following matters which would otherwise be included in such assignment are excluded therefrom:

(i) Suits and matters relating to the use or obstruction of navigable waters or the navigable capacity of such waters by ships or shipping thereon, the same being specifically assigned to the Civil Division;

(ii) Suits and matters involving tort claims against the United States under the Federal Tort Claims Act and special acts of Congress, the same being specifically assigned to the Civil Division;

(iii) Suits and matters involving the foreclosure of mortgages and other liens held by the United States, the same being specifically assigned to the Civil and Tax Divisions according to the nature of the lien involved;

(iv) Suits arising under 28 U.S.C. 2410 to quiet title or to foreclose a mortgage or other lien, the same being specifically assigned to the Civil and Tax Divisions according to the nature of the lien held by the United States, and all other actions arising under 28 U.S.C. 2410 involving federal tax liens held by the United States, which are specifically assigned to the Tax Division;

(v) Matters involving the immunity of the Federal Government from State and local taxation specifically delegated to the Tax Division by §0.71.

(b) Representation of the interests of the United States in all civil litigation in Federal and State courts, and before the Indian Claims Commission, pertaining to Indians, Indian tribes, and Indian affairs, and matters relating to restricted Indian property, real or personal, and the treaty rights of restricted Indians (except matters involving the constitutional and civil rights of Indians assigned to the Civil Rights Division by subpart J of this part).

(c) Rendering opinions as to the validity of title to all lands acquired by the United States, except as otherwise specified by statute.

(d) Civil and criminal suits and matters involving air, water, noise, and other types of pollution, the regulation of solid wastes, toxic substances, pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act, and the control of the environmental impacts of surface coal mining.

(e) Civil and criminal suits and matters involving obstructions to navigation, and dredging or filling (33 U.S.C. 403).

(f) Civil and criminal suits and matters arising under the Atomic Energy