
Prior Approval Listing

U. S. ATTORNEYS MANUAL 1988

PRIOR APPROVAL REQUIREMENTS

TITLE 1: GENERAL

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
1-2.306	Taking exception to the requirement to deposit seized cash into the Marshals Service Seized Asset Deposit Account.	Assistant Attorney General, Criminal Division	
1-4.310	Participation by U.S. Attorneys and Assistant U.S. Attorneys in outside cases.	Deputy Attorney General	Written request required; 28 C.F.R. § 45.735-1; 18 U.S.C. § 25; See USAM 3-2.735(c)
1-4.320	Engaging in any outside employment or the private practice of law by a U.S. Attorney or Assistant U.S. Attorney.	Deputy Attorney General	See 28 C.F.R. § 45.735-9; See USAM 3-2.735(d)(e).
1-4.330	Teaching engagements by U.S. Attorneys and Assistant U.S. Attorneys only when the use of non-public information is contemplated.	Deputy Attorney General	Written request required; 28 C.F.R. § 45.735-12; See 3-2.734(B).
1-5.100	Removal of an Assistant U.S. Attorney.	Associate Attorney General	Coordinated with EOUSA. Written request required; See 28 U.S.C. § 542; See USAM 3-2.752.
1-5.300	Issuing written or oral reprimand, suspension, reduction in grade or pay, and furloughs for 30 days or less for an Assistant U.S. Attorney.	Associate Attorney General	Authority to reprimand AUSA has been redelegated to Director, EOUSA See 3-2.751
1-5.400	Filing a motion to recuse or disqualify a judge in any proceeding in which impartiality might reasonably be questioned.	Assistant Attorney General, Appropriate Division	28 U.S.C. § 445; 47 Fed. Reg. 22094 (5/1/82); 28 C.F.R. § 50.19. Written request and approval required. The views and recommendations of client agency must be submitted with the request.
1-8.030	Proposing new legislation or amendment to new legislation; or any request calling for other action by Congress.	Assistant Attorney General, Office of Legislative Affairs	
1-8.090	Testifying on state or local legislation.	Assistant Attorney General, Office of Legislative Affairs	
1-10.110;.140	Arrangements for GAO visits and authorization to provide GAO with information contained in case files.	Counsel, Executive Office for U.S. Attorneys	DOJ Order No. 2810.1 (dated June 13, 1980).

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
1-13.100; .111; .120	Before a present or former employee of the Department may testify or produce department records in response to a subpoena or demand of the court or other authorities issued in any state or federal proceeding.	Appropriate Department Official	AG Order § 919-80 (dated Dec. 4, 1980) 45 Fed. Reg. 83,210 (1980); 28 C.F.R. § 16.21 et seq. Limited to subpoenas and demands issued for the testimony of Justice Department employees and records only.
1-13.270; .380; .400	Denial of demands for the production or disclosure of any material contained in the files of the Department, any information relating to material contained in the files of the Department, or any information acquired by any person while such person was an employee of the Department as a part of the performance of that person's official duties or because of that person's official status.	Deputy Attorney General	Written approval required. 28 C.F.R. § 16.26 et seq.
1-13.430; .440	To disclose information in violation of 28 C.F.R. § 16.26(b) which sets out those interests that the Department of Justice must protect.	Deputy Attorney General	28 C.F.R. § 16.26(b).
1-14.121	Unusual witness expenses such as babysitting fees, ambulance service or high seasonal accommodation, which cannot be absorbed from witness allowances, require approval.	Special Authorization Unit, Justice Management Division	Written Request: Form OBD-47, "Department of Justice Request and Authorization for Fees and Expenses of Witnesses."
1-14.740	Authorization to sign a pay fee agreement with an expert witness.	Special Authorization Unit, Justice Management Division	Written Request: Form OBD-47.
1-14.750	Authorization to employ expert witness.	Special Authorization Unit, Justice Management Division	Written request and written approval. In emergency situations verbal authorization is sufficient, followed by submission of Form OBD-47.
1-14.750	Psychiatric examinations in tort cases to determine the extent of injuries.	Assistant Attorney General of Appropriate Division	

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TITLE 2: APPEALS

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
2-2.120	All appeals to the lower appellate court; all petitions for certiorari and direct appeals to the Supreme Court; filing of a suggestion for rehearing <u>en banc</u> in a court of appeals; filing any brief amicus in appellate court; and filing petitions in appellate courts for issuance of extraordinary writs.	Solicitor General	The prior authorization is not required for rehearing by the same panel.
2-2.310	To appeal an interlocutory ruling adverse to the government when it is believed that an appeal is appropriate.	Solicitor General	

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TITLE 3: EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

<u>USAM SECTION</u>	<u>TYPE & SCOPE OF APPROVAL</u>	<u>WHO MUST APPROVE</u>	<u>COMMENTS</u>
3-2.213	To appoint Special AUSAs.	Associate Attorney General	Written request and approval. EOUSA administers SAUSA Program.
3-2.250; .311	To hire Assistant U.S. Attorneys and law students.	Director, Office of Atty. Personnel Mgmt.	
3-2.250	To hire non-attorney support personnel GS-15 and below, (except law students.)	Director, EOUSA	Written Approval. Authority may be redelegated.
3-2.300	To detail Schedule C secretaries.	JMD through EOUSA, Personnel Staff EOUSA	Written request including justification.
3-2.312	(1) To designate a supervisory position for pay purposes, or (2) any reorganization of paid attorney supervisory positions.	1) Director, EOUSA or designee, 2) Director, EOUSA	
3-2.316	To request temporary appointments and extensions.	Associate Director, Admin. Services, EOUSA	Written request.
3-2.330	To pay travel expenses for pre-employment interviews.	Director, EOUSA	Written request.
3-2.334	To establish a sabbatical program.	Director, EOUSA	
3-2.335K	Relocation expenses for new employees and transferring employees	Director, EOUSA	Written request and response.
3-2.610	To change tour of duty for general staff of U.S. Attorney's office other than 9 a.m. to 5:30 p.m.	Director, EOUSA	
3-2.630	To request more than two weeks of leave by a United States Attorney.	Director, EOUSA	
3-2.732	To waive name and fingerprint request for employees assigned to non-sensitive positions and all students. (Reserved section in USAM)	Securities Program Staff, JMD	Verbal approval, confirmed in writing.
3-2.732	To access classified information (i.e. security clearance); and to access Sensitive Compartmented Information (SCI). (Reserved section in USAM)	Securities Program Staff, JMD	
3-2.734	For an AUSA to lecture or teach when the use of non-public information is contemplated.	Deputy Attorney General	28 C.F.R. § 45.735-12; See USAM 1-4.330.
3-2.735	For a U.S. Attorney or AUSA to participate in outside cases, engage in outside employment, or the private practice of law.	Deputy Attorney General	28 C.F.R. §§ 45.735-9(c)(3), 45.735-6(b) and (d), or 45.735-9(e); See also 18 U.S.C. § 205; USAM 1-4.310.
3-2.751	To issue written or oral reprimand, suspension, reduction in grade or pay, and furloughs for 30 days or	Associate Attorney General	Authority to reprimand has been redelegated

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
	less.		to the Director, EOUSA.
3-2.752	To remove an Assistant U.S. Attorney.	Associate Attorney General	28 C.F.R. § 0.19(a)(1); Recommendation must be submitted through EOUSA. See USAM 1-5.100.
3-3.220	For a witness to testify in a foreign extradition proceeding who is not a U.S. government employee.	Assistant Attorney General, JMD	
3-3.231	To incur expenses to hire foreign counsel.	Associate Director Admin. Services, EOUSA	
3-3.232	To obtain testimony of foreign national residing abroad.	Office of Int'l Affairs, Criminal Div. or Off. of Foreign Affairs, Civil Div.	Written request required.
3-3.520	Authorization to employ expert witness.	Special Authorization Unit, JMD	See USAM 1-14.750.
3-3.580	Administrative expenses in foreclosure proceeding: foreign travel; work study agreements; equipment purchases and rentals; transportation of property; and space acquisition, release and alteration.	EOUSA, Space Mgmt. and Procurement	
3-3.630	Revocation of an existing or nomination of a new certifying officer.	Director, EOUSA	Written request, and response.
3-3.710	Relocation expenses; foreign travel; or actual subsistence in a non-designated high-rate area.	Director, EOUSA	Written request.
3-3.720	Payment of travel expenses for state and local officials in cases when there is no money in the state or local budget to pay for the travel.	Deputy Director EOUSA	
3-3.730	All foreign travel for employees occupying Executive Schedule positions.	Deputy Attorney General	Written request and response.
3-3.740	Requests for first-class travel.	Director, EOUSA	Written request and response.
3-3.800	Request for relocation expenses.	Director, EOUSA	Written request.
3-3.900	Request to hold asset forfeiture trust.	EOUSA	
3-3.1000	Departure from dist. office conference guidelines	Director, EOUSA	In writing.
3-4.120	To request paid advertisements (except for legal advertisements) to attract job applicants.	Assistant Attorney General, JMD	Written request and response.
3-4.221	To request printing.	Facilities Mgmt. and Support Services, EOUSA	DOJ-2.
3-4.223	To request printing of official court instruments.	Pub. Mgmt. Unit, JMD and EOUSA	If the need is recurring, a DOJ-2 should be

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
3-4.253	To rent copier equipment.	JMD, Office Automation Staff	submitted to EOUSA requesting contractor. In emergency SF-44 may be used, after acquiring authorization from FMISS (not to exceed 90 days).
3-4.352	To use forfeited property for official use.	Facilities Mgmt., EOUSA	
3-4.390	To ship goods pertaining to specific litigation, or records to the Federal Archives or Records Center in excess of \$100.	Property Mgmt., Serv., JMD	Form OBD 136T.
3-5.141; .143	To acquire new space, release space, or relocate.	Asst. Director Facilities Mgmt., EOUSA and GSA	Written request and approval. GSA makes final assignment memo.
3-5.210	Request for parking space.	Facilities Mgmt., EOUSA and GSA	GSA may delegate authority to EOUSA.
3-7.320; .410	To request automated litigating support systems; and word processing equipment.	Associate Director, Information Mgmt.	
3-8.332	Training sponsored or coordinated by the EOUSA including the AGAI and DEI;	Director, Office of Legal Education, EOUSA	Attorney and Non-attorney.
	Training outside of the district or a contiguous district;		
	Office sponsored training which is subject to procurement procedures due to the cost of speakers and/or facilities; and		
	Training for which the total cost, including travel is greater than \$1,500.		
3-8.522	To reduce 80 hour supervisory training requirements based on prior skills and knowledge; and proposed Individual first level Supervisory Training Record.	Director, Office of Legal Education	

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TITLE 4: CIVIL DIVISION

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
4-1.321	Compromise or close any delegated case or claim involving amounts up to \$750,000, except as specified in the delegation or in Section 1(c) of Civil Division Directive No. 145-81.	Civil Division	See Section 4(b) Civil Division Directive No. 145-81; 28 C.F.R. Chapter I, Part O, Appendix to Subpart Y. See USAM 4-3.120; C.F.R. § 04
4-1.325	Execute foreign evidence requests from foreign tribunals.	Office of Foreign Litigation, Civil Division	C.F.R. 101.41
4-3.120	Close, other than by compromise or by entry of judgment, any claim or case on behalf of the United States where the gross amount involved exceeds \$200,000; or accept and reject any offers in compromise of any such claim or case in which the difference between the gross amount of the original claim and the proposed settlement exceeds \$200,000 or 10% of the original claim, whichever is greater; or settlement of the claim would adversely impact other claims totaling more than \$200,000.	Civil Division	Civil Division Directive No. 145-81; 28 C.F.R., Chapter I, Part O, Appendix to Subpart Y.
4-3.120	Accept or reject any offers in compromise of any claim or case against the United States where the principal amount of the proposed settlement exceeds \$200,000.	Civil Division	
4-3.140	In cases where the authority of the Attorney General has been redelegated to the U.S. Attorney and the client agency objects to the compromise, dismissal or closing, then the case may not be compromised, dismissed, or closed without the consent of the Civil Division.	Assistant Attorney General, Civil Division	See Section 1(d)(3), Civil Division Directive No. 145-81; 28 C.F.R., Chapter I, Part O, Appendix to Subpart Y.
4-4.430	An assignment of any interest of the government in any money judgment, lien, or charge in action involved in any case or matter within the general jurisdiction of the Civil Division.	Civil Division	
4-4.550	No compromise should be entered into with the mortgagor prior to liquidation of the security property in HUD multi-family foreclosures.	Civil Division	
4-5.200	The undertaking of representation of government employees in <i>Biven</i> type actions.	Torts Section, Civil Division	
4-6.34	Where a government employee is served with a subpoena <i>duces tecum</i> in litigation and the interested agency wishes to resist production, the U.S. Attorney should never formally resist production by claiming "confidential privilege."	Federal Program Branch, Civil Division	In emergency, USA should contact Federal Program Branch. The Agency employee seeking to resist pro-

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
			duction must have the General Counsel of the agency request authorization from the Civil Div.

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TITLE 5: LAND AND NATURAL RESOURCES DIVISION

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
5-1.302	Filing complaints, stipulations or agreements for entry or judgment or dismissals in all civil cases where the United States is a plaintiff, other than direct referral cases and specific cases or classes of cases the Assistant Attorney General exempts from this requirement, arising from matters in the litigating sections.	Assistant Attorney General, Land and Natural Resources Division	Written approval required.
5-1.321	Indictment of certain cases involving laws within the jurisdiction of the Lands Division.	AAG Lands	Written approval required. In emergency telephone request is acceptable. See USAM 5-1.302.
5-5.112	Entering into a stipulation concluding the substantive rights of the United States or consent to entry of judgment is required in all nondirect referral matters and in the following direct referral matters: Wildlife import, export, Airborne Hunting Act, Bald and Golden Eagle Protection Act, and Wild Horses and Burros Act.	Land and Natural Resources Division	
5-5.125	Filing a separate action in suits against federal agencies, or federal employees acting in their official capacity, if a basis for a counterclaim exists.	Assistant Attorney General, Land and Natural Resources Division	
5-5.210	Certain claims or cases within the area of responsibility of the Lands Division may not be compromised, closed or dismissed.	Assistant Attorney General or Section Chief, Land and Natural Resources Division	See USAM 5-5.230.
5-5.230	Accept or reject offers in compromise in land and condemnation cases in which the amount of the proposed settlement exceeds \$200,000.	Assistant Attorney General, Land and Natural Resources Division	Land and Natural Resources Directive No. 776; 41 Fed. Reg., 53660.
5-6.112	Initiate an action under Section 10 or Section 13 of the River and Harbors Act. Exceptions: 1) All search warrants except under CERCLA; and, 2) PROs if a public health emergency.	Assistant Attorney General, Land and Natural Resources Division	
5-6.310	Initiate certain cases under the supervision of the Environmental Defense Section; and, initiate civil or criminal enforcement actions involving the dredging or filling or alteration of the navigable waters of the United States or their tributaries.	Assistant Attorney General, Land and Natural Resources Division	33 U.S.C. §§ 1311, 1344. See USAM 5-6.310.
5-7.321	Initiate certain cases under the supervision of the General Litigation Section.	See Above.	Exceptions, see USAM 5-1.310; Land and Nat. Re-

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
			sources Dir. No. 7-76; 8-80 and 9-81.
5-7.610	Initiate, settle or compromise any claim or case under the supervision of the General Litigation Section, except direct referral cases.	Attorney General	Written request required. Land and Nat. Resources Dir. No. 7-76; See USAM 5-1.310; 5-7.630.
5-8.620	Settle or dismiss Land and Natural Resources Division cases on appeal.	Assistant Attorney General, Deputy Asst. Attorney General, Land and Natural Resources Div., or appropriate division trial sec., Lands Division	
5-9.321	Initiate, settle or compromise certain cases under the supervision of the Policy, Legislation and Special Litigation Section.	Assistant Attorney General, Land and Natural Resources Division	Written approval required. See USAM 5-5.230.
5-10.310	Initiate actions against foreign vessels and foreign fishermen under the Magnuson Fishery Conservation and Management Act.	Wildlife and Marine Resources Section, Land and Natural Resources Division	See 16 U.S.C. § 1801.
5-10.321	Initiate, settle or compromise certain cases under the supervision of the Wildlife and Marine Resources Section.	Land and Natural Resources Division	Exceptions, See USAM 5-10.310 See also USAM 5-5.230.
5-12.111	Initiate or terminate certain civil cases brought on behalf of the Environmental Protection Agency and other federal agencies.	Assistant Attorney General, Land and Natural Resources Division	See USAM 5-12.102.
5-12.121	Amend a complaint which has been approved and signed by the Assistant Attorney General.	Chief, Environmental Enforcement Section, Land and Natural Resources Division	
5-14.310	Initiate cases under the supervision of the Indian Resources Section, except cases referred by a direct request from a field officer of an agency regarding: 1) Action to recover possession of property from tenants, trespassers and others and actions to enjoin trespassers on Indian land if the damages do not exceed \$200,000; 2) Actions to collect delinquent operation and maintenance charges accruing on Indian irrigation projects of not more than \$200,000; and, 3) Actions to collect damages resulting from the default on a contract to remove timber	Assistant Attorney General, Land and Natural Resources Division	Title 25 U.S.C. Written approval required. See USAM 5-14.321; Land and Natural Resource Directive No. 7-76.

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
	from Indian lands providing such damages do not exceed \$200,000.		
5-15.321	Settlements of land acquisition cases in excess of \$200,000 or when: 1) The compromise of the claim will control or adversely influence the disposition of claims totaling in excess of \$200,000; and, 2) The re-vestment under 40 U.S.C. § 285f of any land or improvements or any interests in land is involved.	Land and Natural Resources Division	
5-15.526	Application for a citation in contempt under Rule 70, F.R.Civ.P. in certain environmental cases.	Land and Natural Resources Division	
5-15.543	Altering pleadings to modify or change the estate being condemned or description of the property.	Land and Natural Resources Division	
5-15.544	The exclusion of property acquired by declaration of taking, or for entering into stipulations for the exclusion of property of high value.	Land and Natural Resources Division	See USAM 5-15.544, Sub-section A.
5-15.551	Waiver of jury trials in cases in the major-tract program.	Land and Natural Resources Division	
5-15.610; .640	Unless the U.S. Attorney is given settlement authority, no cases under the jurisdiction of the Land Acquisition Section may be settled or dismissed.	Attorney General or as delegated	Land and Natural Resources Directive No. 3-83; See USAM 5-15.620; .630.
5-15.631; .640	Settlement of land acquisition cases otherwise authorized when: 1) Settlement exceeds \$200,000 or the compromise of the claim will control or adversely influence the disposition of another claim totaling more than \$200,000; and 2) The agencies involved oppose the proposed closing or dismissal of the case or acceptance or rejection of the offer in compromise.	Assistant Attorney General, Land and Natural Resources Division	Land and Natural Resources Directive No. 3-83.
5-15.650	Dismissal of condemnation cases as to any of the land included in the instructions to condemn, or to change the interest or estate to be acquired.	Land and Natural Resources Division	

PRIOR APPROVALS

TITLE 6: TAX DIVISION

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
6-4.120	Grand Jury investigations limited to tax violations. Exceptions, see section.	Assistant Chief, Criminal Section or higher official, Tax Division	28 C.F.R. § 0.70 IRC § 6103(h); Tax Division Directive No. 53 (3/1/86); Tax Division Directive No. 53 (12/31/97).
6-4.123	Expansion of Title 26 grand jury investigations to include targets not authorized by the Tax Division.	See above	Written request and written approval required.
6-4.127; .211(1); .213; .218; .242	Prosecutions of Title 26 cases resulting from grand jury investigations; charging mail fraud counts, either independently or as predicate acts to a RICO charge: 1) when the only mailing charged is a tax return or other internal revenue form as document; or 2) when the mailing charged is a mailing used to promote or facilitate a scheme which is essentially only a tax fraud scheme.	See above	Written request and written approval required. See USAM 9-105.110; 9-110.414.
6-4.245	The declination of tax prosecutions.	Assistant Attorney General, Tax Division	Written request and written approval required. See USAM 6-4.245, Subpart A; Tax Directive No. 53 (3/1/86).
6-4.245	Presenting the same Title 26 matter to another grand jury of the same grand jury after a no bill.	Assistant Attorney General, Tax Division	Written request and written approval required. See USAM 6-4.245, Subpart B.
6-4.310	Plea to a lesser charge than Tax Division's designated major count.	Chief, Criminal Sec. or higher official Tax Division	Written request and written approval required.
6-4.320; .330	Taking of a <i>nolo contendere</i> or <i>Alford</i> plea in criminal tax prosecution.	Assistant Attorney General, Tax Division	Written request and written approval required. See USAM 9-16.010.
6-5.110	Initiate a suit to collect taxes.	Chief, Civil Trial Sec., Tax Division	
6-5.111	Service of a summons and complaint outside of the United States.	Chief, Civil Trial Sec., Tax Division	Written approval required.
6-5.112	Writs of <i>ne exeat republica</i> .	Chief, Civil Trial Sec., Tax Division	Written approval required.
6-5.120	Intervention in a civil action to assert a federal tax lien on property which is the subject of the action.	Chief, Civil Trial Sec., Tax Division	

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
6-5.214	Utilize the attachment procedure on enforcement applications.	Tax Division	
6-5.323	Removal of an action under 28 U.S.C. § 2410 from a state court to a federal court.	Chief, Civil Trial Sec., Tax Division	
6-6.300; .411; .711	Agreements to compromise, sell property, stipulate for judgment in favor of the taxpayer, or make any other administrative disposition of, any case under the cognizance of the Tax Division except to the extent authority has been delegated to the U.S. Attorneys.	Tax Division	Written approval required.

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TITLE 7: ANTITRUST DIVISION

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
7-5.100; .210	Inquiry into possible antitrust violations.	Director of Operations, Antitrust Division	Written request and written approval required
7-5.310	Grand jury investigation of possible antitrust violations.	Assistant Attorney General, Antitrust Division	Written request and written approval required
7-5.400; .410	Initiate civil or criminal antitrust case.	Assistant Attorney General, Antitrust Division	Written request and written approval required.
7-5.610; .611; 612	Disposition of criminal actions, including plea agreements and sentencing recommendations.	Assistant Attorney General, Antitrust Division	

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TITLE 8: CIVIL RIGHTS DIVISION

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
8-2.120	Institution of judicial proceedings in civil rights cases.	Assistant Attorney General, Civil Rights Division	Written approval required. Some Civil Rights statutes require that the complaint be signed by the Attorney General.
8-2.180; .214	Once the U.S. Attorney determines litigation is warranted to civilly enforce the following civil rights statutes. (1) Section 203 of the Voting Rights Act. (2) Title II of the Civil Rights Act of 1964 (Public Accommodations). (3) Title III of the Civil Rights Act of 1964 (Public Facilities). (4) Section 706 of Title VII of the Civil Rights Act of 1964 (Equal Employment Opportunities). (5) Title VIII of the Civil Rights Act of 1968 (Fair Housing Act).	Assistant Attorney General, Civil Rights Division	Once USA determines litigation is warranted, justification and proposed pleadings are required. The Assistant Attorney General, Civil Rights Division shall retain final authority to determine what cases shall be filed, compromised, or settled.
8-2.261	Investigation of complaints of widespread deprivation in conditions of confinement.	Assistant Attorney General, Civil Rights Division	
8-2.278	Use of official observers at elections.	Assistant Attorney General, Civil Rights Division	
8-2.282	Before filing Section 203 suits (minority language), a memorandum justifying suit and a copy of proposed complaint is required.	Assistant Attorney General, Civil Rights Division	
8-3.110	Discontinuance of an investigation of a criminal civil rights violation, in the absence of state or local prosecution.	Criminal Section, Civil Rights Division	
8-3.130	Institution of felony prosecutions under 18 U.S.C. § 242, all prosecutions under 18 U.S.C. §§ 241 and 245, and prosecutions under 18 U.S.C. § 1001 in which the alleged false official statement relates to a civil rights matter.	Assistant Attorney General, Civil Rights Division	Except 18 U.S.C. § 245, which requires written certification by the Attorney General or Deputy Attorney General that the prosecution is in the public interest and is necessary to secure substantial justice.

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
8-3.195	Disclosure of information pertaining to investigations supervised or reviewed by the Civil Rights Division.	Assistant Attorney General, Civil Rights Division or Deputy Assistant Attorney General, Civil Rights Division	28 C.F.R. § 16.26

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TITLE 9: CRIMINAL

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
9-2.022	Utilize pre-trial diversion if the offense is one listed in USAM 9-22.100.	Criminal Division	See USAM 9-22.100.
9-2.111	Must report facts to the Attorney General for direction before declining prosecution of a violation under Title 11, Chapter 9, or laws relating to insolvent debtors.	Attorney General	Written request required.
9-2.111	Declinations for prosecution for national security reasons.	Assistant Attorney General, Criminal Division; Deputy Attorney General or Attorney General	Initial consultation with Internal Security Section, Criminal Division
9-2.111	Decline to prosecute violations of 150 U.S.C.App. 462(a) involving failure to register with the Selective Service System.	General Litigation, Legal Advice Section, Criminal Division	
9-2.112	Prosecution of offenses under 18 U.S.C. § 245, Federally Protected Activities.	Attorney General or Deputy Attorney General	Written approval required.
9-2.132	Prosecution of the following offenses under the supervision of the Internal Security Section.	Assistant Attorney General, Criminal Division or higher authority	28 C.F.R. §§ 0.55; 0.61; 10.1.
	1) 2 U.S.C. § 192, Contempts of Congress Related to National Security		See U.S.C. 18 § 799; See USAM 9-9.550.
	2) 2 U.S.C. § 261 <i>et seq.</i> , Federal Regulation of Lobbying Act		See USAM 9-90.730.
	3) 8 U.S.C. § 1185(b) and 18 U.S.C. §§ 1542-1544, Travel Controls of Citizens		See USAM 9-90.327.
	4) 18 U.S.C. § 219 <i>et seq.</i> , Officers and Employees of the U.S. Acting as Foreign Agents; and Conflicts of Interest		See USAM 9-90.712; .720; 22 U.S.C. §§ 611 to 621.
	5) 18 U.S.C. § 791 <i>et seq.</i> , Espionage; Unauthorized Disclosure of Classified Information		See USAM 9-90.310; 18 U.S.C. § 441(e).
	6) 18 U.S.C. § 952 <i>et seq.</i> , Neutrality Laws		See USAM 9-90.326.
	7) 18 U.S.C. § 1001, False Statements concerning membership in organizations advocating violent overthrow of government		See USAM 9-90.560.
	8) 18 U.S.C. § 1030(a)(1), Computer Espionage	AAG, Criminal Division or Higher Authority	See USAM 9-90.322.

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
	9) 18 U.S.C. § 1071 <i>et seq.</i> , Harboring		See USAM 9-70.000.
	10) 18 U.S.C. § 1073, Flight to Avoid Prosecution or Giving Testimony		See USAM 9-69.460.
	11) 18 U.S.C. § 1501 <i>et seq.</i> , Obstruction of Justice		See USAM 9-69.000.
	12) 18 U.S.C. § 1542 <i>et seq.</i> , Passport Violations Related to National Security		See USAM 9-90.327; 18 U.S.C. § 1542 <i>et seq.</i> , 8 U.S.C. § 1185 (a).
	13) 18 U.S.C. § 2151 <i>et seq.</i> , Sabotage		See USAM 9-90.110; 18 U.S.C. § 1362.
	14) 18 U.S.C. § 2381 <i>et seq.</i> , Treason, Seditious and Subversive Activities		See USAM 9-90.321, 9-90.530; 18 U.S.C. § 1362.
	15) 18 U.S.C. § 2383, Inciting, Assisting or Engaging in Rebellion or Insurrection		See USAM 9-90.520; .600.
	16) 18 U.S.C. § 2385, Smith Act		See USAM 9-90.540.
	17) 18 U.S.C. § 2386, Voorhis Act		See USAM 9-90.740.
	18) 18 U.S.C. § 3150, Jumping Bail		See USAM 9-90.800.
	19) 22 U.S.C. § 611 <i>et seq.</i> , Foreign Agents Registration Act		See USAM 9-90.710; 22 U.S.C. § 621.
	20) 42 U.S.C. § 2273 <i>et seq.</i> , Atomic Energy Act		See USAM 9-90.420.
	21) 50 U.S.C. § 793 <i>et seq.</i> , Communication of Classified Information by Government Officer or Employee		See USAM 9-90.323.
	22) 50 U.S.C. §§ 851-857, Registration of persons who have knowledge and received training in espionage		See USAM 9-90.750.
	23) 50 U.S.C. § 421, Intelligence Identities Protection Act		See USAM 9-90.324.
	24) 50 U.S.C. § 1701 <i>et seq.</i> , International Emergency Economic Powers Act		See USAM 9-90.640.
	25) 50 U.S.C. § 2401 <i>et seq.</i> , Violations of the Export Administration Act, Arms Export Control Act, Trading with the Enemy Act, and International Economic Powers Act		See USAM 9-90.610.
	26) 50 U.S.C.App. § 5(b), Trading with the Enemy Act		See USAM 9-90.630.
9-2.134	Settlement in asset forfeiture proceedings where the difference	Deputy Attorney General	28 C.F.R. § 0.161; Re-

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
	between the offer in compromise and the value of the property exceeds \$750,000.		quests should be processed through the Asset Forfeiture Office.
9-2.135	Investigation or prosecution of violations of the Foreign Corrupt Practices Act.	Criminal Division	See USAM 9-47.120; 15 U.S.C. §§ 78m(b)(2), (3); 15 U.S.C. § 78dd-1; 15 U.S.C. § 78dd-2.
9-2.136	Initiate a criminal investigation, commence grand jury proceedings, file an information or complaint, or seek the return of an indictment in matters involving overseas terrorism.	Assistant Attorney General, Criminal Division	
9-2.142	Continue and/or initiate a federal prosecution after a state prosecution for the same act against the same defendant, and to initiate a successive federal prosecution based on the same transaction.	Assistant Attorney General, Appropriate Division	Written request required. See USAM 9-63.512.
9-2.143	Proceeding against a juvenile as an adult.	General Litigation and Legal Advice Section, Criminal Division	See USAM 9-2.134; 28 C.F.R. § 0.57.
9-2.145	Dismiss an indictment, information or complaint involving an act of air piracy, contempt of Congress, threat against the President, or failure to register for the Selective Service.	Criminal Division	49 U.S.C. § 1472(i). In exigent situations approval may be obtained verbally.
9-2.147	Agreement or decision involving extradition and deportation to or from foreign countries.	Criminal Division	See USAM 9-16.020; 9-73.510.
9-2.148	Death penalty.	Attorney General	Request is processed through Criminal Division. See USAM 9-2.151; 9-10.000.
9-2.151	Attempting to do any act in Switzerland, even the making of a telephone call to that country, related to any present or possible future criminal prosecution.	Office of Int'l. Affairs, Criminal Division	See USAM 9-13.500.
9-2.151	Issuing any subpoena to obtain records located in a foreign country, and before seeking the enforcement of any such subpoena.	Office of Int'l. Affairs, Criminal Division	See USAM 9-13.500.
9-2.156	Plea bargains or immunity agreements which prejudice civil or tax liability.	Commercial Litigation Branch, Civil Division or Criminal Section, Tax Division	

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
9-2.157	FBI investigation of prospective petit jurors.	Assistant Attorney General, Criminal Division	
9-2.158	Participation of non-Department of Justice attorneys in court proceedings.	Director, EOUSA	
9-2.160	Issuance of a grand jury or trial subpoena to an attorney for information relating to the representation of a client.	Assistant Attorney General, Criminal Div.	
9-2.161	1) Interrogate, arrest, subpoena or indict members of the news media; and, 2) delay notification for a subpoena for the telephone toll records of members of the news media for no more than 45 additional days.	1) Attorney General 2) Assistant Attorney General	1) 28 C.F.R. § 50.10; 2) 28 C.F.R. § 50.10(g)(3); 28 C.F.R. 50.10(g)(3).
9-2.161 (a)	Before the issuance of grand jury or trial subpoenas to attorneys for information relating to the representation of clients.	AAG, Criminal Division	
9-2.172	Compromise or close appearance-bond-forfeiture judgments valued over \$5,000.	Criminal Division	
9-2.300	Move for or consent to closure of a judicial proceeding.	Deputy Attorney General	See 28 C.F.R. § 50.9; AG Order No. 914-80 (10/20/80) Amended AG Order No. 960-80 (10/27/81).
9-3.537	After indictment, any reduction of charges in organized crime cases.	Assistant Attorney General, Criminal Div.	28 C.F.R. § 0.55(g).
9-7.000	Video surveillance in non-public places See 9-7.114.	Director, Office of Enforcement Operations, Criminal Div.	Written request and written approval required. In emergency, verbal approval.
9-7.110	Application for a court order under 18 U.S.C. § 2518 permitting the interception of an oral or wire communication.	Attorney General or Assistant Attorneys General, Appropriate Division	Written request required. AG Order No. 931-81 and 934-81; See USAM 9-7.910; 9-65.770.
9-7.112	Emergency interceptions under 18 U.S.C. § 2518(7) without a court order.	Attorney General	Written request required.
9-7.302	The monitoring of verbal communications when the investigation is of a federal judge, member of Congress, or a high level executive branch official; any public official that is investigated for bribery, extortion or conflict of interest; a federal law enforcement official, diplomat, a person who is a member of the Witness Se-	Assistant Attorney General, Deputy Assistant Attorneys General, or Director Office of Enforcement Operations, Criminal Division	Written request and written approval.

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
	curity Program, or a person in the custody of the Bureau of Prisons or U.S. Marshals Service.		
9-7.333	Application for an extension of an interception.	Attorney General or Assistant Attorneys General, Appropriate Division	Written request required.
9-7.510	Use of intercepted communications under Title III in civil litigation.	Assistant Attorney General, Criminal Division	Written request required.
9-11.120	Resubmission of matter to grand jury after a no bill.	Assistant Attorney General, Criminal Division	See USAM 9-11.120, Sub-section A.
9-11.120	Use of grand jury subpoenas to locate a fugitive.	Assistant Attorney General, Criminal Division	Written request required. Proposed grand jury subpoena and records should be submitted to General Litigation and Legal Advice Section, Criminal Division. See USAM 9-11.120, Sub-sec. B.
9-11.130	Applications to court for an order compelling testimony, immunity, or the production of information by a witness in a proceeding before or ancillary to a court or grand jury of the United States, and the authority to approve the issuance by an agency of the United States of an order compelling testimony or the production of information by a witness in a proceeding before the agency.	Assistant Attorney General, Appropriate Division	Written approval required; 28 C.F.R. § 0.175; Subject to the provision that no such authorization may be given unless the Criminal Division has first indicated that it has no objection to the proposed order.
9-11.160	Resubpoena a contumacious witness before successive grand juries and to seek civil contempt sanctions if the witness refuses to testify.	Assistant Attorney General, Criminal Division	
9-11.242	Appoint non-Department of Justice attorneys as special Assistant U.S. Attorneys.	Director, Executive Office for U.S. Attorneys	
9-11.260	Requests for permission to seek a disclosure order for grand jury materials under Rule 6(e)(3)(C)(iv).	Assistant Attorney General, Appropriate Division	Written request and written approval required.
9-13.510	Letters rogatory.	Office of International Affairs, Criminal Division	Written request required.

Title 9

PRIOR APPROVALS

USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
9-13.525	Before issuing any subpoenas to persons or entities in the United States for records located abroad.	Office of International Affairs, Criminal Division	
9-13.534	Before a prosecutor can travel to a foreign country.	Office of International Affairs, Criminal Division; Executive Office for U.S. Attorneys	
9-13.540	Any proposed contact with the Department of State, U.S. Embassies or any embassy, ministry, consulate, officer, or agency of a foreign government or any international organization concerning a criminal matter, other than the notification of a foreign counsel in case of an arrest of a foreign national.	Office of International Affairs, Criminal Division	
9-13.620	Before using hypnosis on any witness.	Director, Associate Director, Office of Enforcement Operations, Criminal Division	Written request and written approval required. In emergency, verbal request may be approved.
9-15.210	To seek a formal request for international extradition based on federal criminal charges.	Office of International Affairs, Criminal Division	Submit the formal request to OIA; forwarding by OIA to the Dept. of State constitutes approval.
9-15.230	Request for a provisional arrest of a fugitive.	Office of International Affairs, Criminal Division	Verbal request from U.S. Attorney to section of Criminal Division supervising prosecution. Written request from Criminal Division section to Office of International Affairs. State request must include certification of willingness to pay all expenses. Written request and written approval required.
9-15.720	Participation by U.S. Attorneys in any extradition matter on behalf of a foreign government.	Office of International Affairs, Criminal Division	
9-15.800	Any action with respect to a foreign fugitive who is or may be a witness for the government that	Assistant Attorney General, Criminal Division	

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
	would prevent, impede, or delay extradition or deportation.	sion	
9-16.015	To consent to an <i>Alford</i> plea.	AAG, CD	
9-16.020	A recommendation to consent to a plea of <i>nolo contendere</i> or to accept an <i>Alford</i> plea.	Assistant Attorney General, Criminal Division	See USAM 6-4.320; See also Principles of Federal Prosecution, 9-27.000.
9-16.020	To forego an air piracy prosecution in return for a guilty plea for a lesser offense or to decide to not fully prosecute an act of air piracy.	Criminal Division	See USAM 9-63.134; 9-63.181; 49 U.S.C. §§ 1472(i), 1472
9-16.110	Plea agreements are made concerning defendants who are members of Congress, candidates for Congress or federal judges.	Public Integrity Section, Criminal Division	
9-19.220; .221	Search warrant for confidential material in possession of third parties, such as physician-patient or attorney client files.	Deputy Assistant Attorney General, Appropriate Division	In emergency, USA may approve but must notify Deputy Assistant Attorney General within 72 hours or authorization.
9-19.600; .700	In criminal tax offenses where the warrant application involves a search for evidence under the jurisdiction of the Tax Division.	Assistant Attorney General, Tax Division	Written request required. See also USAM 6-4.130.
9-21.121	Utilization of federal prisoners in investigations.	Director, Office of Enforcement Operations, Criminal Division and Bureau of Prisons	Approval can be verbal in exigent circumstances.
9-21.200; .210	Protection of witnesses.	Director, Enforcement Operations, Criminal Division	DOJ Order No. 2110.42 (7/19/83). Immediate contact with the U.S. Marshals Office is essential so that a witness security specialist may be present at any interviews in which details are being considered.
9-21.400	Public disclosure of the identity of a witness in the Witness Security Program.	Director, Office of Enforcement Operations, Criminal Division	
9-21.700	Attorney's request for the appearance of a protected witness in the danger area.	U.S. Marshals Service	Written request required. 10-day prior notification.

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
9-22.100	Waive eligibility criteria in pre-trial diversion cases.	Assistant Attorney General, Criminal Division	Written approval required. See USAM 9-2.022.
9-23.400	Prosecution of a person who has provided information or given testimony pursuant to a compulsion order—except where immunity is approved for the limited purpose of obtaining records pursuant to <i>United States v. Doe</i> , 465 U.S. 605(1984)—for an offense disclosed in, or closely related to, the testimony or information given.	Attorney General	Written approval. See also USAM 9-23.000; 28 C.F.R. §§ 0.175, 0.177.
9-27.440	Government Attorneys should not enter into Alford plea agreement without approval.		AAG Criminal Division.
9-27.640	When entering into a non-prosecution agreement in exchange for a person's cooperation when approval is required by a statute or Department policy for a declination of prosecution or dismissal of a charge with regard to which the agreement is to be made; or the person is a high-level federal, state, or local official; an official or agent of a federal investigative or law enforcement agency; or a person who otherwise is, or is likely to become, of major public interest.	Assistant Attorney General with supervisory responsibility over the subject matter, or assignee.	
9-27.641	When entering into a non-prosecution agreement including any agreement not to prosecute, which purports to bind any other district(s) or division.	United States Attorney in each affected district(s) and/or the Assistant Attorney General in the Criminal Division.	Written approval required.
9-38.000	Petitions for remissions of forfeiture.	Deputy Attorney General; Assistant Attorney General, Criminal Division; Asset Forfeiture Office Criminal Division	28 C.F.R. §§ 0.160, .161; 28 C.F.R. §§ 9.3, 9.4, AG Order No. 1034-83; See 9-111.000.
9-42.451	No commitments to forego administrative remedies of the Department of Health and Human Services should be made for Medicare-Medicaid fraud cases.	Criminal Division	
9-60.710	Prosecutions involving hostage taking.	Criminal Division	18 U.S.C. § 1203; See USAM 9-2.136.
9-63.211	Indictments alleging a violation of 18 U.S.C. § 32(b).	Assistant Attorney General, Criminal Division	

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
9-69.250	Perjury before Congress and contempt of Congress.	General Litigation and Legal Advice Section, Criminal Division	18 U.S.C. § 799; See USAM 9-90.550; 9-2.132.
9-75.300	Prosecution for mailing or transporting obscene material in the jurisdiction through which the material passes.	National Obscenity Enforcement Unit, Criminal Division	
9-75.310	Obtaining or filing any indictment or entering into any plea agreement in multi-prosecution cases.	National Obscenity Enforcement Unit, Criminal Division	
9-76.100	1) If the difference between the total amount of the penalties for violations of the civil penalty provisions of the Federal Aviation Act of 1958 and the amount of a proposed settlement exceeds \$750,000; or, 2) If the U.S. Attorney believes that a compromise settlement should be effectuated in a figure less than is acceptable to the Federal Aviation Administration or the Civil Aeronautics Board.	1) Deputy Attorney General; 2) General Litigation and Legal Advice Section, Criminal Division	28 C.F.R. §§ 0.160, 0.161.
9-100.150	Return of an indictment or filing of complaint under the Controlled Substances Analogue Enforcement Act.	Assistant Attorney General, Criminal Division	21 U.S.C. §§ 802(32), 813. Requests should be processed through the Narc. and Dang. Drg. Sec.
9-100.280	Indictment or prosecution of criminal charges under the Continuing Criminal Enterprise statute.	Assistant Attorney General, Criminal Division	21 U.S.C. § 881.
9-100.290	Use the dangerous special offender statute, 21 U.S.C. § 849 and to request appellate review of a dangerous special offender sentence.	Narcotics and Dangerous Drug Section, Criminal Division	
9-103.132; .140	Instituting grand jury proceedings, seeking an indictment, or filing an information for any offense under the Controlled Substance Registration Act of 1984.	Narcotics and Dangerous Drugs Section, Criminal Division	18 U.S.C. § 2118.
9-103.132	Where a local prosecutor objects to a federal prosecution.	Assistant Attorney General, Criminal Division	
9-105.000	Violation of 18 U.S.C. § 1956(a)(2), money laundering involving extra-territorial jurisdiction; and, if a defendant is an attorney and proceeds represent attorneys' fees.	Assistant Attorney General, Criminal Division	Written request and written approval required.
9-105.110	The use of specific intent language set forth in 18 U.S.C.A. § 1956(a)(1)(A)(ii) in proposed	AAG, Tax Division	See 6-4.125; 6-4.127.

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USAM SECTION	TYPE & SCOPE OF APPROVAL	WHO MUST APPROVE	COMMENTS
	indictment when 1) indictment contains charges for which Tax Division authorization is required and 2) the intent to engage in conduct constituting a violation of 26 U.S.C. § 7201 or 26 U.S.C. § 7206 is the sole or principal purpose of the financial transaction which is the subject of the money laundering count.		
9-105.300	Before an indictment charging a violation of 18 U.S.C. § 1957 is presented if the potential defendant is an attorney and the criminal denied property is or purports to be attorneys fees paid to the attorney for providing representation to a client in a criminal or civil matter.	Assistant Attorney General, Criminal Division.	See 6-4.211(1)
9-110.101; 210; 320	No RICO civil or criminal prosecutions or civil investigative demands.	Organized Crime and Racketeering Section	Written approval required. 18 U.S.C. § 1961 et seq.; 28 C.F.R. § 0.55(g).
9-110.414	Prior to filing a motion for a temporary restraining order under 18 U.S.C. § 1963(d) in connection with a case involving RICO forfeiture.	Organized Crime and Racketeering Section	See 6-4.211(1).
9-110.801	Criminal prosecutions under Section 1952A if a state or local prosecutor with jurisdiction over the offense objects to federal prosecution, or if the views of the appropriate state or local authorities have not been solicited.	Assistant Attorney General, Criminal Division	
9-110.801	A criminal prosecution under Section 1952B.	Assistant Attorney General, Criminal Division	
9-111.300	Forfeiture of assets which have been transferred to attorneys as fees for legal services.	Assistant Attorney General, Criminal Division	
9-121.330	Closing of criminal fines involving corporations which have forfeited the corporate charter, the right to do business, or any corporate power which has an effect less than complete dissolution.	Criminal Division	Written approval required. See 9-111.000.
9-121.500	Close an appearance bond forfeiture judgment of a foreign national.	Collection Unit, Criminal Division	See 9-111.000.

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