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# UNITED STATES ATTORNEYS' MANUAL

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**U.S. Department of Justice**

**OCTOBER 1997**

## FOREWORD

I am pleased to present the 1997 *United States Attorneys' Manual*. This is the first edition of the *Manual* to be available in print and on USABook, a computer legal research program developed by the Executive Office for United States Attorneys.

The *United States Attorneys' Manual* was first published in 1953 as a tool for federal prosecutors to perform their duties. This edition represents the fourth revision of the *Manual*. Previously, the *Manual* has been as large as 11 volumes containing both policy and procedures, often making it difficult to locate Department policy. The 1997 edition is one-indexed policy volume, and each litigating title has an accompanying workbook which includes procedures.

The 1997 edition of the *Manual* is the direct result of an enormous cooperative effort throughout the Department of Justice. I would like to express my appreciation to the Assistant Attorneys General of the Litigating Divisions and to the United States Attorneys who committed their time and resources to this project. I especially would like to thank Helen Fahey, United States Attorney, Eastern District of Virginia, for leading this effort, Carol DiBattiste, Director, Executive Office for United States Attorneys, for her guidance, Assistant United States Attorney David Nissman, Editor In Chief of the *Manual*, and Ed Hagen, Assistant Director, Publications Staff, Executive Office for United States Attorneys, for publishing this new edition, Charysse Alexander, Assistant United States Attorney, Northern District of Georgia, for her work on the Criminal portion of the *Manual*, and Judith A. Beeman, Executive Assistant, Executive Office for United States Attorneys, for coordinating this project.

I am confident that the 1997 edition of the *United States Attorneys' Manual* will be a valuable resource for all federal prosecutors and Department of Justice personnel.



Janet Reno

## Disclaimer

There are some confusions with the issue numbers and the dates. There might be editorial and filing errors:

- The number 11 was not included in the title on the top of the print original, instead it was numbered as 12, but it was mentioned as eleventh in the 1<sup>st</sup> paragraph;
- The issue dates “January 2004” and “January 2005” were mentioned in the 1<sup>st</sup> paragraph of the last update (February 2008), but no pages with these dates could be found in the contents.
- The Update 7 was issued in November 2003, the Update 8 was issued in October 2004, and the Update 9 was issued in January 2006

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U. S. Department of Justice

Executive Office for United States Attorneys

Washington, D.C. 20530

June 30, 1998

MEMORANDUM

TO: Holders of the United States Attorneys' Manual

FROM: Donna A. Bucella  
Director

*DMB*

*S/S*

*2/2000*

SUBJECT: June 1998 Hard Copy Update

CONTACT: Judy Beeman  
Regina Barrett  
USAM Staff  
202-514-4633

Ed Hagen  
Publications Staff  
National Advocacy Center  
803-544-5156

Please find attached the first hard copy update to the 1997 edition of the United States Attorneys' Manual (USAM). It includes all changes to the USAM since it was consolidated and published as a one indexed policy volume in November 1997. These changes have already been included in the electronic version of the USAM which is on USABook. The latest CD-ROM update to USABook is dated June 1998.

If you have any questions concerning the attached, please contact Ed Hagen, Judy Beeman or Regina Barrett at the numbers listed above. Questions concerning the CD-ROM update to USABook should be directed to Ed Hagen.

Attachment

# UNITED STATES ATTORNEYS' MANUAL

UPDATE -- JUNE 1998

Attached is the first hard copy update to the United States Attorneys' Manual (USAM). It includes all revisions made to the USAM since November 1997. These changes have already been made electronically to USABook. Many of the revisions are minor such as grammar or cites, noted since the 1997 USAM was published. Two bluesheets have been incorporated into the text: 9-7.320, Consensual Monitoring, dated March 3, 1998; and 9-75.000, Child Exploitation, dated June 3, 1998. Other substantive revisions are listed below:

## Title 1: GENERAL

1-4.300 Participation in Outside Activities (updated policy)  
Changes made to: 1-4.320; .330; .340; .350; .400; .410; .440.  
(Change No. 1)

## Title 3: EOUSA

3-2.200 Assistant United States Attorneys (last paragraph revised)  
(Change No. 4)  
3-11.144 Private Counsel Program (second paragraph revised) (Change No. 6)  
3-13.512 Motor Vehicle Management (new paragraph on seat belt usage  
added at 3-13.530) (Change No. 7)

## Title 6: TAX DIVISION

6-5.323 Procedures. Changes made to (A) Notice to Tax Division and IRS;  
and (E) Priority. (Change No. 14)

## Title 7: ANTITRUST DIVISION

7-3.200 Antitrust (new organizational chart) (Change No. 16)

Title 9: CRIMINAL DIVISION

9-2.400 Prior Approvals (change made to prior approval 9-7.302 to reflect policy change on consensual monitoring. **(Change No. 17)** Change made to prior approval 9-75.000 to reflect changes in CEOS policy). **(Changes No. 27)**

9-4.000 Statutes -- (revised) **(Change No. 18)**

9-4.200 Legislative Histories (new resource manual cite).

9-7.302 Consensual Monitoring -- "Procedures for Lawful, Warrantless Interceptions of Verbal Communications." Updated guidelines. **Remove bluesheet 9-7.301 et seq, dated March 3, 1998. (Change No. 19)**

9-8.230 Additional Resource Materials (new section) **(Change No. 20)**

9-69.460 Federal Information; Indictment; Removal--Approval Required (Criminal Resource Manual at 1787 moved into text) **(Change No. 24)**

9-75.000 Obscenity, Sexual Exploitation, Sexual Abuse, and Related Offenses. (revised policy) **Remove bluesheet 9-75.000, dated June 3, 1998. (Change No. 25)**

Questions concerning this update should be directed to:

Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at 803-544-5156.

Judy Beeman or Regina Barrett, USAM Staff, Executive Office for United States Attorneys, at 202-514-4633.

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UPDATE -- NO. 2 -- JULY 1999

Attached is the second hard copy update to the United States Attorneys' Manual (USAM) which was published in September 1997. The first update was issued in June 1998. This update includes all revisions made to the USAM since June 1998. These changes have already been made electronically to USABook. Many of the revisions are minor such as grammar or cites. Three bluesheets have been incorporated into the text: USAM 3-15.120.C, Revised Policy Re Grand Jury Information; USAM 3-15.170, Revised Policy Re Deputation (Authorization to Carry Firearms); and USAM 9-63.110, Interference with Flight Crew Members and Attendance. Other substantive revisions are listed below:

TITLE 3: EOUSA

- 3-1.200 Added new approval requirement re awards, see 3-4.451.
- 3-2.201 Added new USAM provision re Disciplinary Actions on AUSAs.
- 3-4.441 New USAM provision re disciplinary actions and grievances.
  
- 3-8.215 Added new section on Translation Services.
- 3-8.700 Updated text on Travel Authority.
- 3-8.800 Updated text on Relocation.
  
- 3-10.180 Updated text on Civil Compromise Policy
- 3-11.000 Chapter revised and updated.
- 3-12.400 Updated text.
  
- 3-13.310 Comprehensive Retention Schedule moved from Resource Manual to text of USAM.
- 3-13.512 Added text at "F" re Use of Seat Belts.
- 3-13.530 Added text re Use of Seat Belts
  
- 3-15.120 Updated text at "B" and "C" to incorporate bluesheet on Revised Policy Re Grand Jury Information, dated February 26, 1999. **Remove bluesheet.**
- 3-15.170 Updated text to incorporate bluesheet on Revised Policy Re Deputation ( Authority to Carry A Firearm), dated May 5, 1999. **Remove bluesheet.**

July 2000  
(3-4)

TITLE 9: CRIMINAL

- 9-63.100 New section to incorporate bluesheet on Interference with Flight Crew Members and Attendants, dated July 28, 1999. **Remove bluesheet.**

Questions concerning this update should be directed to: Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 544-5156, or to Judy Beeman or Regina Barrett, USAM Staff, Executive Office for United States Attorneys at (202) 514-4633.

**UNITED STATES ATTORNEYS' MANUAL**

**UPDATE -- NO. 3 -- JULY 1999**

11/23/03

**(Supplement)**

Please find attached new text creating USAM 9-63.110 which was inadvertently omitted from USAM update No. 2 issued July 1999. Please remove Bluesheet USAM 9-63.110, Interference with Flight Crew Members and Attendants, from your Manual and replace with the new text. Questions should be directed to: Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 544-5156, or to Judy Beeman or Regina Barrett, USAM Staff, Executive Office for United States Attorneys at (202) 514-4633.



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UPDATE -- NO. 4 -- AUGUST 2000

Attached is the third hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued on: June 1998, July 1999, and July 1999 (Supplement). The enclosed changes incorporate five bluesheets. They are: USAM 3-13.250, Revised Evidence Policy (July 5, 1999); USAM 9-63.000, Interference with Flight Crew Members and Attendance (July 28, 1999); USAM 9-2.032, Notification to the Criminal Division of Certain Prosecutions of Attorneys (December 10, 1999); USAM 5-1.100, 5-2.000, 5-2.220, 5-5.230, 5-5.240, Redelegation of Authority to Initiate and to Compromise Environment and Natural Resources Division Cases (March 21, 2000); and USAM 1-8.070, 1-8.075, 1-8.080, Advocating Passage or Defeat of State and Local Legislation and Comity Considerations (May 11, 2000). Please remove these bluesheets from your USAM.

Please note that the enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new. The following text contains revisions:

TITLE 1: GENERAL

1-3.000 Prior Approval Listing--reflects change at 1-8.070

1-8.000 Revised policy on advocating passage of state and local legislation and comity considerations. Affects 1-8.070, .075, and .080.

*Aug 1999 Cases  
Revisions*

TITLE 3: EOUSA

3-4.630 Change to 3-4.630 B, Excused Absences, and 3-4.630 B1, Voting and Registration.

3-8.520, .280 Updated cite at 3-9.520C. Deleted Order No. at 3-8.280.

3-10.150 Updated Order No.

3-13.250 Revised evidence policy.

3-13.232 Added cross reference.

TITLE 5: ENVIRONMENT AND NATURAL RESOURCES DIVISION

5-1.000 Revised policy on redelegation of authority to initiate and to compromise Environment and Natural Resources Division cases. Affects 5-1.100, 5-2.000, 5-2.220, 5-5.230, and 5-5.240.

TITLE 8: CIVIL RIGHTS DIVISION

8-2.230 Cite change.

Title 9: CRIMINAL DIVISION

- |                            |   |
|----------------------------|---|
| 9-2.032                    | Incorporates new policy on notification to the Criminal Division of certain prosecutions of attorneys.  |
| 9-2.155                    | Updated cite.   |
| 9-11.241                   | Department of Justice Attorneys Authorized to Conduct Grand Jury Proceedings--last sentence changed to reflect Deputy Assistant Attorney General. |
| 9-13.200; .534<br>9-16.050 | Editors note added at 9-13.200. Cite change at 9-13.534. References added.  |
| 9-63.100                   | Revised policy on interference with flight crew members and attendants, dated July 28, 1999. (Previously issued in July 1999 Supplement.)         |
| 9-75.000                   | Changes made to 9-75.000 as a result of the Child Online Protection Act of 1998 and the Child Pornography Protection Act.                         |
| 9-110.000                  | Reference change.   |

USAM distribution inquiries should be directed to Regina Barrett, USAM Staff, Executive Office for United States Attorneys (EOUSA) at (202) 514-4633. Questions concerning the substance of the USAM should be directed to Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 544-5156, or Judy Beeman, USAM Staff, EOUSA at (202) 514-4633.

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UNITED STATES ATTORNEYS' MANUAL

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UPDATE -- NO. 5 -- OCTOBER 2001

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Attached is the fifth hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued on: June 1998, July 1999, July 1999 (Supplement) and August 2000. The enclosed changes incorporate three bluesheets. They are: USAM 3-16.110, Expungement Under 18 U.S.C. Sec. 3607, dated March 19, 2001; USAM 9-10.000, Capital Case Review, dated June 20, 2001; and USAM 9-91.000, Proscribed Material Support or Resources to Designated Foreign Terrorist Organizations Under 18 U.S.C. Sec. 2339B, dated June 28, 2001. Please remove these bluesheets from your USAM.

Please note that the enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new. We have included a cover page that states when each update was issued. Please place in the front of your USAM.

The following text contains revisions:

TITLE 1: GENERAL

- 1-2.115 Title change.
- 1-2.300 Reference change.

TITLE 2: APPEALS

- 2-2.600 Reinserted prior approval listing.

TITLE 3: EOUSA

- 3-1.200 Updated prior approval listing.
- 3-4.441 Updated policy.
- 3-4.630 Reference update and new language
- 3-7.000 Revised Table of Contents
- 3-7.200; .212; Extensively revised language.
- .300; .320; .330
- 3-8.700 Updated policy.
- 3-12.600 Cite revisions.
- 3-16.110 Updated text – Incorporation of March 19, 2001, bluesheet.
- 3-19.411; .421 Cite revisions.
- 3-19.700 Resource Manual #147 moved into text.

TITLE 4: CIVIL

4-4.410 Reference change.

TITLE 5: ENVIRONMENT AND NATURAL RESOURCES DIVISION

5-2.000 Reference changes.

5-5.100; .220; Updated dollar amounts per ENRD Directive 01-1  
.230; .240 issued January 18, 2001, by Associate Attorney General  
Dan Marcus, and Bluesheet dated March 21, 2000,  
increasing USA settlement authority to \$1,000,000 for  
certain Environmental crimes cases – see section for statutes.

5-6.530 Minor revisions.

5-11.113 Minor revisions.

5-15.000; .321 Updated dollar amounts per ENRD Directive 01-1.  
.322; .534; .630

TITLE 6: TAX

6-2.000 Reference changes.

6-4.211; .310 Reference changes.

TITLE 7: ANTITRUST

7-1.100 Grammatical change.

TITLE 8: CIVIL RIGHTS

8-3.200 Reinserted prior approval listing.

TITLE 9: CRIMINAL

9-2.400 Updated prior approval listing. Updated within 9-2.400 at  
9-2.032; 9-10.020; 040; 055; 090; 100; 9-41.010.

9-6.200 Updated text re AG Victim Witness Guidelines.

9-7.302 Grammatical changes.

9-10.000 Revised Death Penalty Protocol – Incorporation of  
June 20, 2001, bluesheet.

9-16.030	Minor text revision.
9-16.320	New language.
9-19.300	Deleted text at 9-19.300.
9-19.240	Cite change.
9-27.400	Correction to text.
9-47.100; .110	Revised text and cite change.
9-63.161	Reference change.
9-69.000	Reference change.
9-75.610	Revised text.
9-91.000; .100	New chapter on terrorism – Incorporation of June 28, 2001, bluesheet.
9-100.200	Reference added.
9-105.750	Reference change.
9-113.310	Reference change.
9-119.300	Reference change.

USAM distribution inquiries should be directed to Regina Barrett, USAM Staff, Executive Office for United States Attorneys (EOUSA) at (202) 514-4633. Questions concerning the substance of the USAM should be directed to Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 544-5156, or Judy Beeman, USAM Staff, EOUSA at (202) 514-4633.

# UNITED STATES ATTORNEYS' MANUAL

## UPDATE -- NO. 6 -- NOVEMBER 2002

Attached is the sixth hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued: June 1998, July 1999, July 1999 (Supplement), August 2000, and October 2001. The enclosed changes incorporate three bluesheets. They are: USAM 9-75.030, dated April 16, 2002, re Revised Policy Re Coordination of Cases and Investigations; USAM 9-11.130, 9-16.500, and 9-27.760, dated July 26, 2002, re Limitation on Identifying Uncharged Third-Parties Publicly; and USAM 8-1.100(B), 8-3.010, and 8-3.120 re New Notification Requirements in Human Trafficking and Involuntary Servitude Cases, effective November 1, 2002. Please remove these bluesheets from your USAM.

Please note that the enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new. We have included a cover page that states when each update was issued. Please place in the front of your USAM.

The following text contains revisions:

### TITLE 1: GENERAL

1-2.105	Revised text.
1-8.010	Added reference.

### TITLE 3: EOUSA

3-11.100	Payment Processing Internal Controls: This section has been replaced with revised text affecting the Federal Financial Managers' Integrity Act of 1982 (FMFIA). Procedures for complying with FMFIA are now found in the United States Attorneys' Procedures (USAPS) as follows:
----------	--

USAP 3-11.100.001	Overview
USAP 3-11.110.001	Definitions
USAP 3-11.120.001	Standards for Internal Financial Control-Employee Responsibility
USAP 3-11.120.002	Branch Office Procedures
USAP 3-11.130.001	Receipt of Payments
USAP 3-11.132.001	Exception Register (USA 247A) Preparation
USAP 3-11.134.001	Receipt, Conversion, and Security of Cash
USAP 3-11.141.001	Electronic Funds Transfer
USAP 3-11.143.001	Indirect Payments

USAP 3-11.145.001	Application of Payments for Civil Debts
USAP 3-11.146.001	Application of Payments for Criminal Debts
USAP 3-11.147.001	Reconciliation of Monthly Bank Statement
USAP 3-11.310.001	(Procedures for Retention of Documents related to Internal Control Process are found at this cite.)

**The following Title 3 sections have been deleted:**

3-11.110	3-11.120	3-11.121	3-11.130	3-11.131
3-11.132	3-11.133	3-11.134	3-11.135	3-11.140
3-11.141	3-11.142	3-11.143	3-11.144	3-11.145
3-11.146	3-11.147	3-19.120	3-19.122	3-19.123
3-19.125	3-19.300	3-19.700	3-19.714	3-19.820

**The following Title 3 sections have been revised or are new:**

3-1.200	Cite deletions.
3-1.200	Deleted reference.
3-3.000	Deleted reference.
3-4.213	Revised.
3-4.300	Revised.
3-4.410	New.
3-4.430	Substantially revised.
3-4.511	Revised.
3-4.534	New.
3-4.536	New.
3-4.630	Deleted reference.
3-6.100	Revised language.
3-19.100	Added USAP cite.
3-19.210	Minor revision.

TITLE 4 - CIVIL DIVISION

4-8.100 Minor text change.  
4-8.205 Added text.

TITLE 8 - CIVIL RIGHTS DIVISION

(Remove bluesheet USAM 8-1.100(B); 8-3.010; and 8-3.120 re New Notification Requirements in Human Trafficking and Involuntary Servitude Cases, effective November 1, 2002.)

8-1.100 Minor change  
8-3.010 Revised - slavery statutes added.  
8-3.120 Revised.

Title 9 CRIMINAL DIVISION

(Remove bluesheet affecting USAM 9-11.130, 9-16.500, and 9-27.760, dated July 26, 2002, re Limitation on Identifying Uncharged Third-Parties Publicly.)

9-11.130 Revised.  
9-16.500 Revised.  
9-27.760 Revised.

(Remove bluesheet USAM 9-75.030, dated April 16, 2002, re Revised Policy Re Coordination of Cases and Investigations.)

9-75.030 Revised  
  
9-2.400 Revised (update cite at 9-75.030).  
9-4.010 Revised.  
9-4.128 Minor revisions.  
9-4.129 Revised.  
9-4.151 Minor revisions.  
9-4.159 Minor revisions.  
9-4.166 Minor revisions.  
9-4.170 Minor revisions.



USAM distribution inquiries should be directed to Regina Barrett, USAM Staff, Executive Office for United States Attorneys (EOUSA), at (202) 514-4633. Questions concerning the substance of the USAM should be directed to Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 544-5156, or Judy Beeman, USAM Staff, EOUSA at (202) 514-4633.

# UNITED STATES ATTORNEYS' MANUAL

## UPDATE -- NO. 7 -- NOVEMBER 2003

Attached is the seventh hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued: June 1998, July 1999, July 1999 (Supplement), August 2000, October 2001, and November 2002.

The enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new. Please note that the following two bluesheets have been incorporated into the text of this update: USAM 9-7.500, Prior Consultation with the Computer Crime and Intellectual Property Section of the Criminal Division (CCIPS) for Pen Register and Trap and Trace Orders Capable of Collecting Uniform Resource Locators (URLs), dated February 6, 2003; and USAM 9-75.110, Protocol for Nationwide Child Exploitation Investigations, dated February 6, 2003.

We have included a cover page that states when each update was issued. Please place in the front of your USAM.

The following text contains revisions:

### TITLE 1: GENERAL

1-2.123	New section regarding PRAO
1-4.010	Revised cross-reference.
1-7.000	New

### TITLE 3: EOUSA

3-1.120	Deleted reference to Resource Manual 1.
3-1.200	Deleted reference to Resource Manual 56.
3-3.000	Removed reference to Resource Manual 6.
3-4.213	Revised.
3-4.300	Revised.
3-4.330	Substantially revised.
3-4.410	Added cite to USAP 3-6.0001 Paragraph C.
3-4.451	Revised.
3-4.536	Revised.
3-4.550	Deleted Paragraph D.
3-6.100	Removed reference to Resource Manual 7 and 8.
3-15.120	Deleted cross-reference to Resource Manual in Paragraph B.

### **The following Title 3 sections have been deleted.**

3-4.431

### TITLE 4 - CIVIL DIVISION

4-4.100	Minor text change.
4-7.010	Revised.
4-8.205	Revised.

## TITLE 8 - CIVIL RIGHTS DIVISION

8-1.100 Minor change in Paragraph B.  
8-3.010 Revised - slavery statutes added.  
8-3.120 Paragraph 2 Revised.  
8-3.200 Revised.

## Title 9 CRIMINAL DIVISION

9-2.170 Paragraph B substantially revised.  
9-2.400 Added new approval under 9-7.500  
9-3.000 Posted the URL for the Criminal Division organizational chart.  
9-4.010 Revised to reflect renaming of sections.  
9-4.112 Revised to reflect renaming of sections.  
9-4.115 Revised to reflect renaming of sections.  
9-4.118 Revised to reflect renaming of sections.  
9-4.124 Revised to reflect renaming of sections.  
9-4.126 Revised to reflect renaming of sections.  
9-4.127 Revised to reflect renaming of sections.  
9-4.129 Revised to reflect renaming of sections.  
9-4.130 Revised to reflect renaming of sections.  
9-4.131 Revised to reflect renaming of sections.  
9-4.132 Revised to reflect renaming of sections.  
9-4.134 Revised to reflect renaming of sections.  
9-4.135 Revised to reflect renaming of sections.  
9-4.139 Revised to reflect renaming of sections.  
9-4.142 Revised to reflect renaming of sections.  
9-4.144 Revised to reflect renaming of sections.  
9-4.147 Revised to reflect Paragraph 9-4.147 in lieu of 2 Paragraphs numbered 9-4.146.  
9-4.151 Revised to reflect renaming of sections.  
9-4.159 Revised to reflect renaming of sections.  
9-4.161 Revised to reflect renaming of sections.  
9-4.165 Revised to reflect renaming of sections.  
9-4.166 Revised to reflect renaming of sections.  
9-4.168 Revised to reflect renaming of sections.  
9-4.169 Revised to reflect renaming of sections.  
9-4.170 Revised to reflect renaming of sections.  
9-4.171 Revised to reflect renaming of sections.  
9-4.129 Revised to reflect renaming of sections.  
9-7.500 New.  
9-75.030 Revised.  
9-75.110 Extensively revised. (Bluesheet text added)  
9-114.200 Added cross-reference to new Resource Manual 2290.  
9-119.500 Added cross-reference to new Resource Manual 2290.

### **The following Title 9 sections have been added.**

9-7.500 Bluesheet text added.

USAM distribution inquiries should be directed to Nancy Bowman, Publications Unit,

Office of Legal Education, National Advocacy Center, at (803) 576-7659. Questions concerning the substance of the USAM should be directed to Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 576-7657, or Judy Beeman, USAM Staff, EOUSA at (202) 514-4633.

# UNITED STATES ATTORNEYS' MANUAL

## UPDATE -- NO. 8 -- OCTOBER 2004

Attached is the eighth hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued: June 1998, July 1999, July 1999 (Supplement), August 2000, October 2001, November 2002, and November 2003.

The enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new.

We have included a cover page that states when each update was issued. Please place in the front of your USAM.

The following text contains revisions:

### TITLE 1: GENERAL

1-2.123      New section regarding PRAO.  
1-6.300      Deleted the word "not".

### TITLE 3: EOUSA

3-1.200      Approvals for recusals under 3-2.170 changed to reflect new USAP procedures and deletion of 3-2.171.  
3-1.200      Deleted cross-reference to Resource Manual 155 across from 3-4.451.  
3-1.200      Removed the item cross-referencing Resource Manual 58.  
3-15.180     Changed cross-reference at end to USAP 3-15.180.001(M).  
3-16.100     New provision.  
3-16.110     Inserted into paragraph "A" Each United States . . . these local systems."  
3-16.130     Replaced cross-reference to Resource Manual 135 with paragraphs of text.  
3-2.170      Approvals for recusals changed to reflect new USAP procedures.  
3-4.334      Substantially rewritten.  
3-4.340      Deleted cross-reference to Resource Manual 51.  
3-4.451      Substantially revised.  
3-4.534      Paragraph "C" amended to insert "non-supervisory" and "not supervise any AUSAs".  
3-4.620      Retitled as "Flexible Work Options" with all new text.  
3-4.830      Removed cross-reference to Resource Manual 66.

### The following Title 3 sections have been deleted.

3-15.150  
3-2.171  
3-4.792  
3-5.140

## TITLE 5 - ENVIRONMENTAL AND NATURAL RESOURCES DIVISION

5-15.003	New.
5-15.200	Substantially revised.
5-15.201	Added "Much of" at beginning, and deleted paragraph "C".
5-15.300	Deleted first sentence and added sentence at the end.
5-15.320	Deleted two phrases.
5-15.321	Minor revisions.
5-15.322	Extensive revisions.
5-15.511	Deleted "real and personal" in first sentence; deleted last sentence.
5-15.512	Much of paragraph two removed; other minor revisions.
5-15.514	"and to insure . . . litigation jurisdiction" deleted from paragraph 2.
5-15.515	Significantly revised.
5-15.516	Extension revisions.
5-15.520	Minor revisions.
5-15.523	Deleted "or field representative".
5-15.524	Renamed, significant revisions.
5-15.525	Minor revisions.
5-15.526	Minor revisions.
5-15.530	Minor revisions.
5-15.532	Added "usually" to title; text significantly revised.
5-15.533	Minor revisions.
5-15.535	Significant revisions.
5-15.536	Minor revisions.
5-15.537	Significant revisions.
5-15.540	Deleted "If a defendant . . . acquiring agency."
5-15.542	Minor revisions.
5-15.543	Minor revisions.
5-15.544	Title now begins "Revestment" rather than "Exclusion"; minor changes to text.
5-15.545	Title now ends "Revestment" rather than "Exclusion"; minor changes to text.
5-15.550	Extensively revised.
5-15.552	Extensively revised.
5-15.553	Minor revisions.
5-15.554	Minor revisions.
5-15.555	Minor revisions.
5-15.556	Minor revisions.
5-15.560	Revised.
5-15.562	Removed "the" from last sentence.
5-15.581	Minor revisions.
5-15.582	Deleted most of text.
5-15.592	Minor revisions.
5-15.620	Minor revisions.
5-15.630	Minor revisions.
5-15.631	Minor revisions.
5-15.640	Revised.
5-15.650	Revised.
5-15.964	Corrected typographical error in title; text significantly revised.

**The following Title 5 sections have been deleted.**

5-15.513  
5-15.517  
5-15.546  
5-15.632  
5-15.965

**Title 9 CRIMINAL DIVISION**

9-2.170 Deleted reference to Resource Manual 21, which has been deleted.  
Time for filing notice of appeals is 30 days, not 10 days.

9-2.400 Changed DSS telephone number from 514-0859 to DSS (202) 616-5731 throughout the chapter. Also, changed I.N.S. to D.H.S.  
Approvals changed.

9-4.129 Changed the reference to 18 U.S.C. 1203 to show the "Criminal Division Section" as CTS. Changed the telephone number to 202-514-0849. Dropped the \*\* as no approval is required.

9-7.301 Replaced both references to "September 20, 1998" with "May 30, 2002"

9-7.302 Extensively revised.

9-8.110 Replaced language regarding 1985 memorandum with 1995 memorandum.

9-8.130 Changed cross-reference to TVCS to Domestic Security Section of the Criminal Division (DSS).

9-59.100 First paragraph substantially revised.

9-59.110 Substantially revised.

9-64.200 Changed references from TVCS to DSS and changed contact number.

USAM distribution inquiries should be directed to Nancy Bowman, Publications Unit, Office of Legal Education, National Advocacy Center, at (803) 576-7659. Questions concerning the substance of the USAM should be directed to Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 576-7657, or Judy Beeman, USAM Staff, EOUSA at (202) 514-4633.

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## UNITED STATES ATTORNEYS' MANUAL

UPDATE -- NO. 9 -- JANUARY 2006

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Attached is the ninth hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued: June 1998, July 1999, July 1999 (Supplement), August 2000, October 2001, November 2002, November 2003, and January 2005.

The enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new.

We have included a cover page that states when each update was issued. Please place in the front of your USAM.

The following blue sheets have been incorporated.

- 9-85.210 Approval Requirements for Election Crime cases, dated July 25, 2005.
- 9-105.300 Approval Requirements for Money Laundering Cases, dated July 12, 2005.
- 9-13.200 Communications with Represented Persons, dated May 25, 2005.

The following text contains revisions:

TITLE 3: EOUSA

- 3-4.213 Paragraph E rewritten. Paragraph G replaced with text of former RM 157.
- 3-4.335 Deleted cross-references at beginning and end and replaced with cross-references to USAP 3-4.335.002. Inserted "religion, parental status, sexual orientation, protected genetic information."
- 3-4.451 Changed performance at the outstanding level from 120 days to "6 months and high performance is expected to continue for a minimum of 6 months after the QSI.

TITLE 4: CIVIL DIVISION

- 4-8.100 Deleted McDade who has left Department of Justice.
- 4-8.310 Deleted reference to computerizing investigation records from the table.

TITLE 9: CRIMINAL DIVISION

- 9-2.400 Deleted the approvals based on 9-13.250 and 28 C.F.R. § 77.9.
- 9-4.129 Add section 832 to 18 U.S.C. § 831, which is already CTS/FBI. Add 18 U.S.C. § 1038 as new item assigning to CTS/FBI. Change 2339A-C to 2339A-D
- 9-13.200 Incorporates Blue Sheet 9-23.200; Extensively revised to comply with 530B.
- 9-13.220 Revised and moved to CRM 296
- 9-13.230 Revised and moved to CRM 297
- 9-13.231 Revised and moved to CRM 298
- 9-16.050 Changed 161-163 to 161-63
- 9-37.000 Revised into one general provision



9-85.210	Incorporates Blue Sheet 9-85.210
9-90.000	Changed all references to the Internal Security Section (ISS) to Counterespionage Section (CES).
9-90.600	Removed "Export Control Unit of" and changed the phone number to 514-1187
9:105.300	Incorporates Blue Sheet 9-105.300.

**The following Title 9 sections have been deleted.**

9-13.232  
9-13.233  
9-13.240  
9-13.241  
9-13.242  
9-13.250  
9-13.260  
9-37.001  
9-37.002  
9-37.100  
9-37.110  
9-37.120  
9-37.130

USAM distribution inquiries should be directed to Nancy Bowman, Publications Unit, Office of Legal Education, National Advocacy Center, at (803) 705-5659. Questions concerning the substance of the USAM should be directed to Ed Hagen, Publications Staff, Office of Legal Education, National Advocacy Center, at (803) 705-5657, or Judy Beeman, USAM Staff, EOUSA at (202) 514-4633.

# UNITED STATES ATTORNEYS' MANUAL

## UPDATE -- NO. 10 -- JANUARY 2007

Attached is the tenth hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued: June 1998, July 1999, July 1999 (Supplement), August 2000, October 2001, November 2002, November 2003, January 2005, and January 2006.

The enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new.

We have included a cover page that states when each update was issued. Please place in the front of your USAM.

The following blue sheets have been incorporated.

9-13.400	Approval requirements for media subpoenas, dated September 5, 2006
9-5.001 9-5.100	Principles of Federal Prosecution dated October 20, 2006 with regard to the disclosure of exculpatory and impeachment information.
9-2.136 9-2:400	Notification, consultation, and approval requirements for international terrorism matters, domestic terrorism matters, and weapons of mass destruction, torture, war crimes and genocide matters, dated October 26, 2006.

The following text contains revisions:

### TITLE 3: EOUSA

3-2.160	Completely rewritten to reflect statute change.
3-4.300	Added Swains Island and certain inhabitants of the Commonwealth of the Northern Mariana Islands.
3-4.308	Deleted the last sentence.

### TITLE 4: CIVIL

4-4.400	Replaced Hillis with Kirschman
4-4.414	Edits to first two paragraphs

### TITLE 6: Tax

6-4.360	Added sentence noting the new tax resource manual provisions regarding restitutions.
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### TITLE 9: CRIMINAL DIVISION

9-2.136	Completely revised old text. Added cross-reference to Criminal Resource Manual 88.
9-2.137	New
9-2.138	New

- 9-2.400 Notification, consultation, and approval requirements for international terrorism matters, domestic terrorism matters, and weapons of mass destruction, torture, war crimes and genocide matters. Made changes recommended by OEO to 9-5.150, 9-11.260, 9-16.010, 9-72.100, and 9-79.400.
- 9-5.001 New
- 9-5.100 Changed the names of investigative agencies and deleted a sentence in the preface. "It also includes ... prosecution evidence.
- 9-5.150 Substantially revised
- 9-11.260 Revised to reflect amendments to Rule 6.
- 9-13.400 Title and body substantially revised
- 9-16.010 Substantially revised
- 9-16.015 Substantially revised
- 9-16.050 Changed Criminal Resource Manual cross-reference to 162
- 9-19.200 Substantially revised
- 9-19.210 "Other than ... Public Communication added to title. "held by disinterested" changed to "held by a disinterested"
- 9-19.221 Title changed from "Request for Authorization to the Deputy Assistant Attorney General" to "Request for Authorization to a Deputy Assistant Attorney General"
- 9-19.240 Title changed from "Who Holds" to "Holding" and the body was substantially revised.
- 9-19.300 Added phrase "applicable to obtaining documentary materials held by disinterested third parties (other than those held in relation to some form of public communication)"
- 9-19.700 Substantially revised
- 9-27.440 Added "which discusses the approval requirement" at the end of Paragraph 1, and other small clerical changes.
- 9-27.500 Added "which discusses the approval requirement" at the end of Paragraph 1, and other small clerical changes.
- 9-72.100 Completely revised.
- 9-79.400 Added Reference to PSE Unit.

**The following Title 9 Section has been deleted**

9-19.600

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## UNITED STATES ATTORNEYS' MANUAL

UPDATE -- NO. 12 -- FEBRUARY 2008

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Attached is the eleventh hard copy update to the United States Attorneys' Manual (USAM) published in September 1997. Previous updates were issued: June 1998, July 1999, July 1999 (Supplement), August 2000, October 2001, November 2002, November 2003, January 2004, January 2005, January 2006, and January 2007.

The enclosed changes consist of replacement chapters. Please remove the old chapter and replace with the new.

We have included a cover page that states when each update was issued. Please place in the front of your USAM.

The following bluesheets have been incorporated:

- |          |  |
|----------|--|
| 9-2.138  | Consultation and Approval Requirements for Weapons of Mass Destruction (WMD) Matters – dated June 28, 2007   |
| 9-2.139  | Notification, Consultation and Approval Requirements for Torture, War Crimes, and Genocide Matters – dated June 28, 2007   |
| 9-91.000 | Defining “Personnel” and “Training Elements of Material Support for Foreign Terrorist Organization Statute – June 28, 2007. This bluesheet deletes Chapter 9-91.000. |
| 9-10.000 | Death Penalty Protocol – dated June 25, 2007   |
| 9-10.110 | Death Penalty Protocol – dated June 29, 2007 (first sentence added to 9-10.110)  |
| 9-50.101 | CHIP Guidance – dated January 29, 2007   |
| 9-75.110 | Revised Protocol for Nationwide Child Exploitation Investigations – dated May 9, 2007  |

The following text contains revisions:

TITLE 1: ORGANIZATION AND FUNCTION

- |         |  |
|---------|--|
| 1-1.100 | Inserted reference to the online USAM                      |
| 1-1.200 | Changed the room number                                    |
| 1-1.300 | Added reference to the online USAM                         |
| 1-1.500 | Added reference to the online USAM and orders to go to OLE |
| 1-1.700 | Added references to hard-copy updates and the online USAM  |
| 1-2.010 | Deleted  |
| 1-2.101 | Deleted  |
| 1-2.102 | Deleted  |
| 1-2.103 | Deleted  |
| 1-2.104 | Deleted  |

1-2.105	Deleted
1-2.106	Deleted
1-2.107	Deleted
1-2.108	Deleted
1-2.109	Deleted
1-2.110	Deleted
1-2.111	Deleted
1-2.112	Deleted
1-2.113	Deleted
1-2.114	Deleted
1-2.115	Deleted
1-2.116	Deleted
1-2.117	Deleted
1-2.118	Deleted
1-2.119	Deleted
1-2.120	Deleted
1-2.121	Deleted
1-2.123	Deleted
1-2.200	Deleted
1-2.207	Deleted
1-2.300	Deleted
1-2.301	Deleted
1-2.302	Deleted
1-2.303	Deleted
1-2.304	Deleted
1-2.305	Deleted
1-2.306	Deleted
1-2.307	Deleted
1-2.308	Deleted
1-2.309	Deleted
1-2.310	Deleted
1-2.400	Deleted
1-2.401	Deleted
1-2.402	Deleted
1-2.403	Deleted
1-2.500	Deleted
1-4.400	Updated

TITLE 3: EOUSA

3-1.200	Deleted cross reference to RM 62 from the 3-4.630 approval
3-2.120	Corrected case citation
3-2.201	Deleted
3-4.300	Changed "Intelligence Research" to "Intelligence"
3-4.441	Deleted
3-4.550	Completely rewritten
3-4.630	Cross references to RM 61 and 62 replaced with cross references to USAP 3-4630.003
3-4.752	New
3-4.771	New
3-8.130	Removed two cross references to Title 6 sections

TITLE 4: CIVIL

4-4.400 Replaced Hollis with Kirschman  
4-5.640 Changed the contact telephone number  
4-8.100 Jost is now Deputy Director; added Jill Furman, Assistant Director,  
(202) 307-0090  
4-10.110 Changed 2-2.120 to 2-2.121 et seq

TITLE 6: Tax

6-1.100 Substantially revised during a comprehensive revision to Title 6  
6-1.120 Substantially revised during a comprehensive revision to Title 6  
6-1.130 Substantially revised during a comprehensive revision to Title 6  
6-2.000 References to 6-5.111, 6-5.112, and 6-5.324 deleted; 6-5.120  
renumbered 6-5.130; 6-5.210 renumbered 6-5.200; added prior  
approval for 6-4.130  
6-4.010 Revised as part of the Title 6 revision project  
6-4.120 Revised as part of the Title 6 revision project  
6-4.121 Revised as part of the Title 6 revision project  
6-4.122 Revised as part of the Title 6 revision project  
6-4.123 Revised as part of the Title 6 revision project  
6-4.125 Revised as part of the Title 6 revision project  
6-4.126 Revised as part of the Title 6 revision project  
6-4.130 Revised as part of the Title 6 revision project; added a new paragraph  
at the conclusion of this chapter  
6-4.200 Revised as part of the Title 6 revision project  
6-4.210 Revised as part of the Title 6 revision project  
6-4.211 Revised as part of the Title 6 revision project  
6-4.212 Revised as part of the Title 6 revision project  
6-4.213 Revised as part of the Title 6 revision project  
6-4.214 Revised as part of the Title 6 revision project  
6-4.215 Deleted  
6-4.216 Deleted  
6-4.217 Revised as part of the Title 6 revision project  
6-4.218 Revised as part of the Title 6 revision project  
6-4.219 Revised as part of the Title 6 revision project  
6-4.240 Revised as part of the Title 6 revision project  
6-4.241 Deleted  
6-4.242 Revised as part of the Title 6 revision project  
6-4.243 Revised as part of the Title 6 revision project  
6-4.244 Revised as part of the Title 6 revision project  
6-4.245 Revised as part of the Title 6 revision project  
6-4.246 Revised as part of the Title 6 revision project  
6-4.247 Revised as part of the Title 6 revision project  
6-4.248 Revised as part of the Title 6 revision project  
6-4.249 Revised as part of the Title 6 revision project  
6-4.270 Revised as part of the Title 6 revision project  
6-4.310 Revised as part of the Title 6 revision project  
6-4.311 Deleted  
6-4.320 Revised as part of the Title 6 revision project  
6-4.330 Revised as part of the Title 6 revision project

6-4.330 Revised as part of the Title 6 revision project  
 6-4.350 Revised as part of the Title 6 revision project  
 6-4.360 Revised as part of the Title 6 revision project  
 6-4.370 Revised as part of the Title 6 revision project  
 6-4.400 Revised as part of the Title 6 revision project  
 6-5.010 Revised as part of the Title 6 revision project; cross reference to Tax  
 RM 3-4 changed to 4  
  
 6-5.100 New  
 6-5.110 Revised as part of the Title 6 revision project  
 6-5.111 Deleted  
 6-5.112 Deleted  
 6-5.113 Deleted  
 6-5.120 Revised as part of the Title 6 revision project  
 6-5.130 Revised as part of the Title 6 revision project  
 6-5.140 New  
 6-5.200 New  
 6-5.210 Revised as part of the Title 6 revision project  
 6-5.212 Deleted  
 6-5.213 Deleted  
 6-5.220 Revised as part of the Title 6 revision project  
 6-5.221 Deleted  
 6-5.230 Revised as part of the Title 6 revision project; "Civil Trial Section [if  
 a court renders" (if added)  
 6-5.240 Revised as part of the Title 6 revision project  
 6-5.250 New  
 6-5.260 New  
 6-5.300 Revised as part of the Title 6 revision project  
 6-5.310 New  
 6-5.320 Revised as part of the Title 6 revision project  
 6-5.322 Deleted  
 6-5.323 Deleted  
 6-5.324 Deleted  
 6-5.330 Revised as part of the Title 6 revision project  
 6-5.340 Deleted  
 6-5.350 Deleted  
 6-5.400 Revised as part of the Title 6 revision project  
 6-5.410 New  
 6-5.420 New  
 6-5.430 New  
 6-5.440 New  
 6-5.450 New  
 6-5.460 New; "Bivens or Tort Theories" added to title  
 6-5.470 New  
 6-5.480 New  
 6-5.490 New  
 6-5.500 Revised as part of the Title 6 revision project  
 6-5.520 Deleted  
 6-5.521 Deleted  
 6-5.522 Deleted  
 6-5.523 Deleted  
 6-5.524 Deleted  
 6-5.530 Deleted

6-5.540	Deleted
6-5.550	Deleted
6-5.600	Revised as part of the Title 6 revision project
6-5.620	Revised as part of the Title 6 revision project
6-5.621	Revised as part of the Title 6 revision project
6-5.622	Revised as part of the Title 6 revision project
6-5.623	New
6-5.630	New
6-5.640	New
6-5.650	New
6-5.700	Revised as part of the Title 6 revision project
6-5.710	New
6-5.712	Deleted
6-5.720	Revised as part of the Title 6 revision project
6-5.722	Deleted
6-5.723	Deleted
6-5.724	Deleted
6-5.725	Deleted
6-5.730	New
6-5.740	New
6-5.750	New
6-5.800	New
6-6.100	Revised as part of the Title 6 revision project
6-6.120	Revised as part of the Title 6 revision project
6-6.140	Revised as part of the Title 6 revision project
6-6.140	Revised as part of the Title 6 revision project
6-6.200	Revised as part of the Title 6 revision project
6-6.300	Revised as part of the Title 6 revision project
6-6.400	Revised as part of the Title 6 revision project
6-6.412	Revised as part of the Title 6 revision project
6-6.420	Revised as part of the Title 6 revision project
6-6.421	Revised as part of the Title 6 revision project
6-6.422	Revised as part of the Title 6 revision project
6-6.430	Revised as part of the Title 6 revision project
6-6.440	Revised as part of the Title 6 revision project
6-6.450	Revised as part of the Title 6 revision project
6-6.500	Revised as part of the Title 6 revision project
6-6.520	Revised as part of the Title 6 revision project
6-6.530	Revised as part of the Title 6 revision project
6-6.540	Revised as part of the Title 6 revision project
6-6.550	Revised as part of the Title 6 revision project
6-6.600	Revised as part of the Title 6 revision project
6-6.612	Revised as part of the Title 6 revision project
6-6.613	Revised as part of the Title 6 revision project
6-6.620	Revised as part of the Title 6 revision project
6-6.622	Revised as part of the Title 6 revision project
6-6.700	Revised as part of the Title 6 revision project
6-7.100	Revised as part of the Title 6 revision project
6-7.200	Revised as part of the Title 6 revision project
6-8.010	Revised as part of the Title 6 revision project
6-8.100	Revised as part of the Title 6 revision project
6-8.200	Revised as part of the Title 6 revision project



6-8.300	Revised as part of the Title 6 revision project
6-8.400	Revised as part of the Title 6 revision project
6-8.420	Revised as part of the Title 6 revision project
6-8.430	Revised as part of the Title 6 revision project

TITLE 9: CRIMINAL DIVISION

9-2.138	Revised and divided, creating 9-2.139
9-2.139	New
9-2.400	All of the 9-10.000 approvals redone to reflect the rewrite of that chapter; redid the approvals for 9-2.138 and 9-2.139 to reflect the recent revisions to those sections; replaced all references to "Criminal Divisions" with "National Security Division" for CTS and CES
9-5.150	Substantially revised
9-10.010	Substantially rewritten
9-10.020	Deleted and replaced with a new provision
9-10.030	Deleted and replaced with a new provision
9-10.040	Deleted and replaced with a new provision
9-10.050	New
9-10.055	New
9-10.060	Deleted and replaced with a new provision
9-10.070	Deleted and replaced with a new provision
9-10.080	Deleted and replaced with a new provision
9-10.090	Deleted and replaced with a new provision
9-10.100	Deleted and replaced with a new provision
9-10.110	Deleted and replaced with a new provision
9-10.120	Deleted and replaced with a new provision
9-10.130	New
9-10.140	New
9-10.150	New
9-10.160	New
9-10.170	New
9-10.180	New
9-10.190	New
9-13.400	Title and body substantially revised
9-27.120	Added cross reference to RM 792
9-50.000	New
9-64.200	Deleted the last sentence before the chart
9-75.110	Substantially rewritten
9-90.000	Replaced all references to "Criminal Division" with "National Security Division"
9-105.750	Cross references to USAM 6-4.124 and 6-4.125 replaced with cross reference to USAM 6-4.210

**The following Title 9 Section has been deleted**

9-91.000

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Education, National Advocacy Center, at (803) 705-5657, or Judy Beeman, USAM Staff, EOUSA at (202) 514-4633.