

## Department of Justice

## §0.137

(c) Perform such special assignments as may from time to time be made to him by the Attorney General.

(d) Except as otherwise provided in this chapter, receive submittals and requests relative to the functions of his organizational unit.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 445-70, 35 FR 19397, Dec. 23, 1970; Order No. 960-81, 46 FR 52349, Oct. 27, 1981. Redesignated by Order No. 2650-2003, 68 FR 4926, Jan. 31, 2003. Further redesignated by Order No. 3229-2010, 75 FR 70123, Nov. 17, 2010]

### **§0.136 Designation of Acting United States Attorneys.**

Each U.S. Attorney is authorized to designate any Assistant U.S. Attorney in his office to perform the functions and duties of the U.S. Attorney during his absence from office, or with respect to any matter from which he has recused himself, and to sign all necessary documents and papers, including indictments, as Acting U.S. Attorney while performing such functions and duties.

[Order No. 840-79, 44 FR 43468, July 25, 1979. Redesignated by Order No. 2650-2003, 68 FR 4926, Jan. 31, 2003. Further redesignated by Order No. 3229-2010, 75 FR 70123, Nov. 17, 2010]

### **§0.137 Designating officials to perform the functions and duties of certain offices in case of absence, disability or vacancy.**

(a) In case of vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General shall, pursuant to 28 U.S.C. 508(a) perform the functions and duties of and act as Attorney General. When by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Associate Attorney General shall, pursuant to 28 U.S.C. 508(b), perform the functions and duties of and act as Attorney General. In the event of vacancy, absence, or disability in each of these offices, the Solicitor General shall perform the functions and duties of and act as Attorney General.

(b) Every office within the Department to which appointment is required to be made by the President with the advice and consent of the Senate

(“PAS office”) shall have a First Assistant within the meaning of the Federal Vacancies Reform Act of 1998. Where there is a position of Principal Deputy to the PAS office, the Principal Deputy shall be the First Assistant. Where there is no position of Principal Deputy to the PAS office, the First Assistant shall be the person whom the Attorney General designates in writing.

(c) In the event of a vacancy in the office of the head of an organizational unit that is not covered by paragraphs (a) or (b) of this section, the ranking deputy (or an equivalent official) in such unit who is available shall perform the functions and duties of and act as such head, unless the Attorney General directs otherwise. Except as otherwise provided by law, if there is no ranking deputy available, the Attorney General shall designate another official of the Department to perform the functions and duties of and act as such head.

(d) The head of an organizational unit of the Department not covered by paragraphs (a) or (b) of this section is authorized, in the case of absence from office or disability, to designate the ranking deputy (or an equivalent official) in the unit who is available to act as head. If there is no deputy available to act, any other official in such unit may be designated. Alternatively, in his discretion, the Attorney General may designate any official in the Department to act as head when a head who is not covered by paragraphs (a) or (b) of this section is absent or disabled.

[Order No. 755-77, 42 FR 59384, Nov. 17, 1977, as amended by Order No. 1043-84, 49 FR 4469, Feb. 7, 1984; Order No. 1097-85, 50 FR 25708, June 21, 1985; Order No. 1858-94, 59 FR 13883, Mar. 24, 1994; Order No. 2205-99, 64 FR 6526, Feb. 10, 1999. Redesignated by Order No. 2650-2003, 68 FR 4926, Jan. 31, 2003. Further redesignated by Order No. 3229-2010, 75 FR 70123, Nov. 17, 2010]