

§ 5.49

6 CFR Ch. I (1–1–23 Edition)

§ 5.49 Prohibition on providing expert or opinion testimony.

(a) Except as provided in this section, and subject to 5 CFR 2635.805, Department employees shall not provide opinion or expert testimony based upon information which they acquired in the scope and performance of their official Department duties, except on behalf of the United States or a party represented by the Department of Justice.

(b) Any expert or opinion testimony by a former employee of the Department shall be excepted from 5.49(a) where the testimony involves only general expertise gained while employed at the Department.

(c) Upon a showing by the requestor of exceptional need or unique circumstances and that the anticipated testimony will not be adverse to the interests of the United States, the appropriate Department official designated in § 5.44 may, consistent with 5 CFR 2635.805, in their discretion and with the concurrence of the Office of the General Counsel, grant special, written authorization for Department employees, or former employees, to appear and testify as expert witnesses at no expense to the United States.

(d) If, despite the final determination of the appropriate Department official designated in § 5.44, a court of competent jurisdiction or other appropriate authority orders the appearance and expert or opinion testimony of a current or former Department employee, that person shall immediately inform the Office of the General Counsel of such order. If the Office of the General Counsel determines that no further legal review of or challenge to the court's order will be made, the Department employee, or former employee, shall comply with the order. If so directed by the Office of the General Counsel, however, the employee, or former employee, shall respectfully decline to testify.

APPENDIX A TO SUBPART C OF PART 5— SERVICE OF PROCESS OF SUMMONSES, COMPLAINTS, AND SUBPOENAS

1. OFFICE OF THE GENERAL COUNSEL— HEADQUARTERS

(a) *In general.* Pursuant to § 5.42, the Office of the General Counsel Headquarters may accept service of process on behalf of the De-

partment, including each of its components, regardless of whether such components are otherwise listed in this appendix.

(b) *Service of Process of Summonses and Complaints.* Pursuant to § 5.42, unless an alternative means of service is specified at <https://www.dhs.gov/office-general-counsel>, mail summonses and complaints against the Department or its personnel in their official capacity by registered or certified mail to Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave SE, Washington, DC 20528-0485. To aid in prompt handling of any summons and complaint, parties are encouraged to also email a copy to OGC@hq.dhs.gov.

(c) *Service of Process for Subpoenas.* Pursuant to § 5.43, unless an alternative means of service is specified at <https://www.dhs.gov/office-general-counsel>, deliver service of process to the following address: Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave SE, Gate 1, Washington, DC 20016.

2. U.S. CUSTOMS & BORDER PROTECTION (CBP)

(a) *Service of Process of Summonses and Complaints.* Pursuant to § 5.42, unless an alternative means of service is specified at <https://www.cbp.gov/service-of-process>, mail summonses and complaints against CBP or its personnel in their official capacity by registered or certified mail to the following address: Office of Chief Counsel, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, Suite 4.4-B, Washington, DC 20229. To aid in prompt handling of any summons and complaint, parties are encouraged to also email a copy to CBP-Service-Intake@cbp.dhs.gov.

(b) *Service of Process for Subpoenas.* Pursuant to § 5.43, unless an alternative means of service is specified at <https://www.cbp.gov/service-of-process>, deliver service of process to the following address: Office of Chief Counsel, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, Suite 4.4-B, Washington, DC 20229. To aid in prompt handling of any subpoena, parties are encouraged to also email a copy to CBP-Service-Intake@cbp.dhs.gov.

(c) *Field Counsel.* CBP field counsel may also accept service of process at their normal duty station, in their discretion.

3. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA)

(a) *Service of Process of Summonses and Complaints.* Pursuant to § 5.42, unless an alternative means of service is specified at <https://www.cisa.gov/contact-us>, mail summonses and complaints against CISA or its personnel in their official capacity by registered or certified mail to the following address: Office of the Chief Counsel, Cybersecurity and Infrastructure Security Agency, 1616 Fort Myer