

## Office of the Secretary, Commerce

## § 15.2

26. This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the simplified acquisition threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

[63 FR 47156, Sept. 4, 1998, as amended at 66 FR 49828, Oct. 1, 2001]

### PART 15—LEGAL PROCEEDINGS

#### Subpart A—Service of Process

Sec.

- 15.1 Scope and purpose.
- 15.2 Definitions.
- 15.3 Acceptance of service of process.

#### Subpart B—Testimony by Employees and the Production of Documents in Legal Proceedings

- 15.11 Scope.
- 15.12 Definitions.
- 15.13 Demands for testimony or production of documents: Department policy.
- 15.14 Demand for testimony or production of documents: Department procedures.
- 15.15 Procedures when a Department employee receives a subpoena.
- 15.16 Legal proceedings between private litigants: Expert or opinion testimony.
- 15.17 Demands or requests in legal proceedings for records protected by confidentiality statutes.
- 15.18 Testimony of Department employees in proceedings involving the United States.

#### Subpart C—Involuntary Child and Spousal Support Allocations of NOAA Corps Officers

- 15.21 Purpose.
- 15.22 Applicability and scope.
- 15.23 Definitions.
- 15.24 Policy.
- 15.25 Procedures.

#### Subpart D—Statement of Policy and Procedures Regarding Indemnification of Department of Commerce Employees

- 15.31 Policy.
- 15.32 Procedures for the handling of lawsuits against Department employees arising within the scope of their office or employment.

AUTHORITY: 5 U.S.C. 301; 15 U.S.C. 1501, 1512, 1513, 1515 and 1518; Reorganization Plan No. 5 of 1950; 3 CFR, 1949–1953 Comp., p. 1004; 44 U.S.C. 3101; subpart C is issued under 37 U.S.C. 101, 706; 15 U.S.C. 1673; 42 U.S.C. 665.

EDITORIAL NOTE: Nomenclature changes to part 15 appear at 62 FR 19669, Apr. 23, 1997.

#### Subpart A—Service of Process

SOURCE: 53 FR 41318, Oct. 21, 1988, unless otherwise noted. Redesignated at 62 FR 19669, Apr. 23, 1997.

##### § 15.1 Scope and purpose.

(a) This subpart sets forth the procedures to be followed when a summons or complaint is served on the Department, a component, or the Secretary or a Department employee in his or her official capacity.

(b) This subpart is intended to ensure the orderly execution of the affairs of the Department and not to impede any legal proceeding.

(c) This subpart does not apply to subpoenas. The procedures to be followed with respect to subpoenas are set out in subpart B.

(d) This subpart does not apply to service of process made on a Department employee personally on matters not related to official business of the Department or to the official responsibilities of the Department employee.

[53 FR 41318, Oct. 21, 1988. Redesignated and amended at 62 FR 19669, 19670, Apr. 23, 1997]

##### § 15.2 Definitions.

For the purpose of this subpart:

(a) *General Counsel* means the General Counsel of the United States Department of Commerce or other Department employee to whom the General Counsel has delegated authority to act under this subpart, or the chief legal officer (or designee) of the Department of Commerce component concerned.

(b) *Component* means Office of the Secretary or an operating unit of the Department as defined in Department Organization Order 1–1.

(c) *Department* means the Department of Commerce.

(d) *Department employee* means any officer or employee of the Department, including commissioned officers of the National Oceanic and Atmospheric Administration.

(e) *Legal proceeding* means a proceeding before a tribunal constituted