

Subpart C—Proprietary and Privileged Information

- 356.9 Persons authorized to receive proprietary information.
- 356.10 Procedures for obtaining access to proprietary information.
- 356.11 Procedures for obtaining access to privileged information.

Subpart D—Violation of a Protective Order or a Disclosure Undertaking

- 356.12 Sanctions for violation of a protective order or disclosure undertaking.
- 356.13 Suspension of rules.
- 356.14 Report of violation and investigation.
- 356.15 Initiation of proceedings.
- 356.16 Charging letter.
- 356.17 Request to charge.
- 356.18 Interim sanctions.
- 356.19 Request for a hearing.
- 356.20 Discovery.
- 356.21 Subpoenas.
- 356.22 Prehearing conference.
- 356.23 Hearing.
- 356.24 Proceeding without a hearing.
- 356.25 Witnesses.
- 356.26 Initial decision.
- 356.27 Final decision.
- 356.28 Reconsideration.
- 356.29 Confidentiality.
- 356.30 Sanctions for violations of a protective order for privileged information.

AUTHORITY: 19 U.S.C. 1516a and 1677f(f), unless otherwise noted.

SOURCE: 59 FR 229, Jan. 3, 1994, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 356 appear at 78 FR 62418, Oct. 22, 2013.

Subpart A—Scope and Definitions**§ 356.1 Scope.**

This part sets forth procedures and rules for Article 10.12 of the United States-Mexico-Canada Agreement under the Tariff Act of 1930, as amended by title IV of the United States-Mexico-Canada Agreement Implementation Act of 2020 (19 U.S.C. 1516a and 1677f(f)). This part is authorized by section 412(g) of the United States-Mexico-Canada Agreement Implementation Act of 2020.

[86 FR 70048, Dec. 9, 2021]

§ 356.2 Definitions.

For purposes of this part:

(a) *Act* means the Tariff Act of 1930, as amended;

(b) *Administrative law judge* means the person appointed under 5 U.S.C. 3105 who presides over the taking of evidence as provided by subpart D of this part;

(c) *Affected party* means a person against whom sanctions have been proposed for alleged violation of a protective order or disclosure undertaking but who is not a charged party;

(d) *Agreement* means the United States-Mexico-Canada Agreement (USMCA) between Canada, the United Mexican States, and the United States, signed on November 30, 2018, as amended;

(e) *APO Sanctions Board* means the Administrative Protective Order Sanctions Board;

(f) *Article 10.12 Binational Panel Rules* means the USMCA Article 10.12 Binational Panel Rules, established in accordance with Article 10.12.14 of the USMCA, and any subsequent amendments;

(g) *Authorized agency of a free trade area country* means:

(1) In the case of Canada, any Canadian government agency that is authorized by Canadian law to request the Department to initiate proceedings to impose sanctions for an alleged violation of a disclosure undertaking; and

(2) In the case of Mexico, any Mexican government agency that is authorized by Mexican law to request the Department to initiate proceedings to impose sanctions for an alleged violation of a disclosure undertaking;

(h) *Binational panel* means a binational panel established pursuant to Annex 10-B.1 to Chapter Ten of the Agreement for the purposes of reviewing a final determination;

(i) *Charged party* means a person who is charged by the Deputy Under Secretary with violating a protective order or a disclosure undertaking;

(j) *Chief Counsel* means the Chief Counsel for Trade Enforcement and Compliance, U.S. Department of Commerce, or designee;

(k) *Days* means calendar days, except that a deadline which falls on a weekend or holiday shall be extended to the next working day;

(l) *Department* means the U.S. Department of Commerce;