

### § 3.44

subject to inspection while on, or being removed from, the enclave.

#### § 3.44 Solicitation.

It shall be unlawful for a person (other than an employee using authorized bulletin boards), without prior written approval of the Director, to offer or display any article or service for sale within the enclave buildings or grounds; or to display any sign, placard, or other form of advertisement; or to collect private debts; or to solicit business, alms, subscriptions or contributions, except in connection with approved national or local campaigns for funds for welfare, health and other public interest purposes, or solicitation of labor organization membership or dues as authorized under the Civil Service Reform Act of 1978 (Pub. L. 95-454).

This provision shall not apply to authorized lessees and their agents and employees with regard to space leased for commercial, cultural, educational, or recreational purposes, under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(A)(16)).

## Subpart D—Penalties

### § 3.61 Penalties.

(a) A person found guilty of violating any provision of the regulations in this part is subject to a fine or imprisonment of not more than thirty days or both, for each violation (Pub. L. 107-296, Homeland Security Act of 2002).

(b) Penalties for violation of offenses proscribed by Federal statutes (generally codified in title 18 of the United States Code) and Maryland criminal statutes which are made Federal offenses under the Assimilative Crimes Act and are prescribed in the applicable provisions of those statutes.

[55 FR 2068, Jan. 22, 1990, as amended at 85 FR 72910, Nov. 16, 2020; 88 FR 1135, Jan. 9, 2023]

## PART 4—SERVICE OF PROCESS

Sec.

- 4.1 Suits against the Department and its employees in their official capacities.
- 4.2 Other process directed to the Department or Secretary.

## 45 CFR Subtitle A (10-1-24 Edition)

- 4.3 Process against Department officials in their individual capacities.
- 4.4 Acknowledgment of mailed process.
- 4.5 Effect of regulations.
- 4.6 Materials related to petitions under the National Vaccine Injury Compensation Program.
- 4.7 Congressional subpoenas directed to the Department or Secretary.

AUTHORITY: 5 U.S.C. 301, 42 U.S.C. 300aa-11.

SOURCE: 48 FR 24079, May 31, 1983, unless otherwise noted.

### § 4.1 Suits against the Department and its employees in their official capacities.

Summonses and complaints to be served by mail on the Department of Health and Human Services, the Secretary of Health and Human Services, or other employees of the Department in their official capacities should be sent to the General Counsel, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, DC 20201.

### § 4.2 Other process directed to the Department or Secretary.

Subpoenas and other process (other than summonses and complaints) that are required to be served on the Department of Health and Human Services or the Secretary of Health and Human Services in his official capacity should be served as follows:

(a) If authorized by law to be served by mail, any mailed process should be sent to the General Counsel, Department of Health and Human Services, 200 Independence, S.W., Washington, DC 20201.

(b) If served by an individual, the process should be delivered to the staff in the Office of Legal Resources, Office of the General Counsel, Room 700E, 200 Independence Avenue, S.W., Washington, DC 20201, or in the absence of that staff, to any staff member of or individual assigned to the Immediate Office of the General Counsel, up to and including any Deputy General Counsel.

[48 FR 24079, May 31, 1983, as amended at 73 FR 48151, Aug. 18, 2008]

### § 4.3 Process against Department officials in their individual capacities.

Process to be served on Department officials in their individual capacities must be served in compliance with the

## Dept. of Health and Human Services

## Pt. 5

requirements for service of process on individuals who are not governmental officials. The Office of the General Counsel is authorized but not required to accept process to be served on Departmental officials in their individual capacities if the suit relates to an employee's official duties.

### **§ 4.4 Acknowledgement of mailed process.**

The Department will not provide a receipt or other acknowledgement of process received, except for a return receipt associated with certified mail and, where required, the acknowledgement specified by Rule 4(c)(2)(C) of the Federal Rules of Civil Procedure.

### **§ 4.5 Effect of regulations.**

The regulations in this part are intended solely to identify Department officials who are authorized to accept service of process. Litigants must comply with all requirements pertaining to service of process that are established by statute and court rule even though they are not repeated in these regulations.

### **§ 4.6 Materials related to petitions under the National Vaccine Injury Compensation Program.**

Notwithstanding the provisions of §§4.1, 4.2, and 4.3, service of the Secretary's copies of petitions for compensation under the VICP and of related filings, by mail, shall be served upon the Director, Division of Vaccine Injury Compensation, Office of Special Programs, Health Resources and Services Administration 5600 Fishers Lane, Parklawn Building, Room 16C-17, Rockville, Maryland 20857, or in person, shall be served upon the Director, Division of Vaccine Injury Compensation, Office of Special Programs, Health Resources and Services Administration, 4350 East West Highway, 10th Floor, Bethesda, Maryland 20814.

[67 FR 78990, Dec. 27, 2002]

### **§ 4.7 Congressional subpoenas directed to the Department or Secretary.**

Notwithstanding the provisions of §§4.1, 4.2, and 4.3, service of Congressional subpoenas shall be delivered to the staff in the Office of the Assistant Secretary for Legislation, Department

of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201.

[73 FR 48151, Aug. 18, 2008]

## **PART 5—FREEDOM OF INFORMATION REGULATIONS**

### **Subpart A—General Information About Freedom of Information Act Requests**

#### **Sec.**

- 5.1 Purpose.
- 5.2 Presumption of openness and proactive disclosures.
- 5.3 Definitions.
- 5.4 Regulatory scope.
- 5.5 Interrelationship between the FOIA and the Privacy Act of 1974.

### **Subpart B—How to Request Records under FOIA**

- 5.21 Who can file a FOIA request?
- 5.22 What do I include in my FOIA request?
- 5.23 Where do I send my FOIA request?
- 5.24 How does HHS process my FOIA request?
- 5.25 How does HHS handle requests that involve more than one OpDiv, StaffDiv, or Federal agency?
- 5.26 How does HHS determine estimated completion dates for FOIA requests?
- 5.27 How do I request expedited processing?
- 5.28 How does HHS respond to my request?
- 5.29 How may I request assistance with the FOIA process?

### **Subpart C—Exemptions to Disclosure**

- 5.31 What are the reasons records may be withheld?
- 5.32 Records not subject to the requirements of the FOIA—law enforcement exclusions.

### **Subpart D—Confidential Commercial Information**

- 5.41 How does a submitter identify records containing confidential commercial information?
- 5.42 How does HHS process FOIA requests for confidential commercial information?

### **Subpart E—Fees**

- 5.51 General information on fees for all FOIA requests.
- 5.52 What is the FOIA fee schedule for obtaining records?
- 5.53 How does HHS calculate FOIA fees for different categories of requesters?
- 5.54 How may I request a fee waiver?