

President or Vice President, or the employee's prior position on a Presidential Transition Team from an organization, established for more than two years, that is described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) of the Internal Revenue Code. The organization, the legal services provider that the organization pays for legal services, and the individual attorney providing legal services must meet the requirements described in paragraph (a) of this section. The term "*pro bono services*" includes the provision of outside legal services as described in this section.

(c) *Role of designated agency ethics official.* The designated agency ethics official must determine whether the organization, the legal services provider that the organization pays for legal services, and the individual attorney providing legal services meet the requirements described in paragraph (a) of this section.

Example 1 to paragraph (c): A Department of Justice employee is an eyewitness in an Inspector General investigation and is called to testify before Congress. A local law firm offers to represent the employee at no cost. The employee consults with an agency ethics official, who determines that the attorney who would represent the employee is neither an agent of a foreign government nor a lobbyist. However, the law firm is representing a party in a case to which the employee is assigned. The ethics official determines that the law firm is a person who has interests that may be substantially affected by the performance or nonperformance of the employee's official duties. Accordingly, the employee may not accept the offer of *pro bono* legal services from the law firm.

Example 2 to paragraph (c): A Securities and Exchange Commission employee is harassed by a supervisor and files a complaint. A nonprofit legal aid organization focusing on harassment cases offers *pro bono* legal services to the employee at no cost. The employee consults with an agency ethics official, who determines that the attorney who would represent the employee is neither an agent of a foreign government nor a lobbyist, and neither the attorney nor the nonprofit legal aid organization has interests that may be substantially affected by the performance or nonperformance of the employee's official duties. Accordingly, the employee may accept the offer of *pro bono* legal services from the nonprofit legal aid organization.

Example 3 to paragraph (c): A registered 501(c)(3) organization whose

mission focuses on assisting those experiencing workplace harassment offers to pay for legal services for the Securities and Exchange Commission employee from the preceding example. The legal services themselves are performed by attorneys outside the organization. The employee confers with an agency ethics official who determines that the 501(c)(3) organization has been in operation for more than two years, neither the organization nor the attorneys performing legal services have interests that may be substantially affected by the performance or nonperformance of the employee's official duties, and the attorneys performing the legal services are neither agents of foreign governments nor lobbyists. Accordingly, the employee may accept the legal services even though they are provided by attorneys outside of the 501(c)(3) organization.

Example 4 to paragraph (c): A Department of State employee is asked to testify in a legal proceeding relating to a prior position at the Department of Justice. An attorney at a large national law firm offers *pro bono* services to the employee. The employee confers with an agency ethics official who determines that although the attorney offering representation is neither an agent of a foreign government nor a lobbyist, the law firm is currently registered pursuant to 2 U.S.C. 1603(a), some members of the firm are registered lobbyists, and the firm has business before other parts of the Department of State. However, neither the attorney nor the law firm has interests that may be substantially affected by the performance or nonperformance of the employee's official duties. Accordingly, the employee may accept the offer of *pro bono* legal services.

(d) *Appeal process.* An employee may appeal to the Office of Government Ethics in matters when the agency is the party opponent in the legal action. An employee may appeal the designated agency ethics official's determination that the *pro bono* legal services are prohibited; or a failure by the designated agency ethics official to provide a determination regarding whether the *pro bono* legal services are prohibited within 30 days. Appeals should be submitted within 60 days of denial by the designated agency ethics official, or within 90 days of submission to the designated agency ethics official, in the case of a request that has not been acted upon.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS-NOP-19-0106; NOP-19-03]

RIN 0581-AD98

National Organic Program; National List of Allowed and Prohibited Substances (2022 Sunset); Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correcting amendment.

SUMMARY: On February 28, 2022, the Agricultural Marketing Service (AMS) published a rule removing sixteen substances from the National List of Allowed and Prohibited Substances (National List). That document accidentally omitted nonorganic whey protein concentrate from the amendatory instructions. This document corrects the amendatory language, removing nonorganic whey protein concentrate from the National List, as intended in the previous document.

DATES:

Effective: May 25, 2023.

Compliance: Use of nonorganic whey protein concentrate in organic products is prohibited after March 15, 2024.

FOR FURTHER INFORMATION CONTACT:

Jared Clark, Standards Division, National Organic Program. Telephone: (202) 720-3252. Email: jared.clark@usda.gov.

SUPPLEMENTARY INFORMATION: A final rule published in the **Federal Register** on February 28, 2022 (87 FR 10930) removed substances from the National List following the procedures detailed in the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. 6501-6524). Removing these substances implements recommendations from the National Organic Standards Board and effectively prohibits their use in organic production.

One change discussed in the final rule was removing nonorganic whey protein concentrate from the National List. While the rule discussed this change and the justification, the rule's instructions for changing the regulation did not include the removal. This document corrects this by removing the entry for whey protein concentrate at 7 CFR 205.606(x). As discussed in the final rule, use of nonorganic whey protein concentrate in organic products is prohibited after March 15, 2024.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agricultural commodities, Agriculture, Animals, Archives and records, Fees, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

For the reasons set forth in the preamble, the Agricultural Marketing Service amends 7 CFR part 205 as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6524.

§ 205.606 [Amended]

■ 2. Amend § 205.606 by removing paragraph (x).

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2023–11149 Filed 5–24–23; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Rural Utilities Service****7 CFR Part 1740**

[Docket No. RUS–22-Telecom-0056]

RIN 0572–AC62

Rural eConnectivity Program

AGENCY: Rural Utilities, USDA.

ACTION: Final rule; confirmation and response to comments.

SUMMARY: The Rural Utilities Service (RUS or Agency), an agency in the United States Department of Agriculture (USDA) Rural Development Mission area, published a final rule with comment in the **Federal Register** on January 30, 2023, to make updates to the Rural eConnectivity Program (ReConnect Program) regulation to ensure that requirements are clear, accurate as presented and in compliance with Federal reporting requirements. Through this action, RUS is confirming the final rule as it was published and providing responses to the public comments that were received.

DATES: As of May 25, 2023, the final rule published January 30, 2023, at 88 FR 5724, effective May 1, 2023, is confirmed.

FOR FURTHER INFORMATION CONTACT: Laurel Leverrier, Assistant

Administrator; Telecommunication Program; Rural Development; U.S. Department of Agriculture; 1400 Independence Avenue SW; Room 4121–S; Washington, DC 20250; telephone 202–720–3416, email laurel.leverrier@usda.gov. Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at 202–720–2600.

SUPPLEMENTARY INFORMATION: The ReConnect Program was authorized by the Consolidated Appropriations Act, 2018 (Pub. L. 115–141), which directed the program to be conducted under the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*). The ReConnect Program provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. In facilitating the expansion of broadband services and infrastructure, the program fuels long-term rural economic development and opportunities across rural America.

The final rule that published January 30, 2023, (88 FR 5724), included a 60-day comment period that ended on March 31, 2023. The intent of the changes outlined in the final rule was to remove outdated requirements and ensure that the requirements in the regulation are clear, accurate as presented, and in compliance with Federal reporting requirements. The Agency received comments from 3 respondents. Respondents included one telecommunications company and two industry associations. The following are the comments received and the Agency's responses:

Comment: Cimarron Telephone Company, LLC stated that the requirement to have a Tribal Resolution of Support be part of the ReConnect Program application may deter some potential applicants from the program. The respondent also states that this could lessen the amount of rural Americans receiving any service or lessen the chance that current services would be upgraded. The respondent offered examples they personally experienced that lead them to encourage the Agency to change this requirement. The respondent recommends requiring the resolution to be submitted within 120 days of the applicant being selected for an award.

Agency response: The Agency appreciates the comments provided by the respondent; however, it is a priority of this Administration that tribal sovereignty be respected by not imposing federal projects over tribal lands without their consent.

Comment: NCTA—The internet and Telephone Association expressed

appreciation for the work done by the Agency to streamline the requirements of the ReConnect Program. They also praised the Agency for its clarification of the Buy America requirements. The respondent also encourages the Agency to allow awardees to continue to use their parent entity's consolidated audit after an award is made, if applicable.

Agency response: The Agency appreciates the comments provided by the respondent.

Comment: NTCA—The Rural Broadband Association expressed concern about the impact of the Build America, Buy America Act on non-Federal entities who receive ReConnect Program funding. Additionally, the respondent offered data indicating that there would be strain on the supply chains which produce needed equipment for those non-Federal entities required to comply with the law. The respondent feels that there are two standards, depending on what type of organization your entity is, and that by treating all entities the same would make it easier for all companies to comply with the Build America, Buy America Act.

Agency response: The Agency appreciates the comments provided by the respondent; however, the entity status for compliance with the Build America, Buy America Act is set in statute, whereas the RUS Buy American requirement applies to all entities also by statute. As such, the requested change is beyond the control of the agency.

No change to the rulemaking is necessary. The RUS appreciates comments from interested parties. The Agency confirms the final rule without change.

Andrew Berke,

Administrator, Rural Utilities Service.

[FR Doc. 2023–11134 Filed 5–24–23; 8:45 am]

BILLING CODE 3410–15–P

FEDERAL ELECTION COMMISSION**11 CFR Part 110**

[Notice 2023–09]

Contributions in the Name of Another

AGENCY: Federal Election Commission.

ACTION: Interim final rule.

SUMMARY: The Commission is removing the regulatory prohibition on knowingly helping or assisting any person in making a contribution in the name of another. The Commission is taking this action to implement the order of the United States District Court in *FEC v.*