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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3

[Docket No. USDA–2023–0016]

Debt Management; Administrative Updates

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the U.S. Department of Agriculture's debt management regulations by making two minor clarifying changes pertaining to entities or programs to which some or all of the regulations do not apply.

DATES: Effective December 27, 2023.

FOR FURTHER INFORMATION CONTACT: Mr. Elvis Tull, Branch Chief, Office of the Chief Financial Officer, USDA; 202–205–5369.

SUPPLEMENTARY INFORMATION:

I. Background

The regulations in 7 CFR part 3, “Debt Management,” prescribe standards and procedures for use by U.S. Department of Agriculture (USDA) agencies in the collection, compromise, suspension, or termination of debts owed to the United States. This rule clarifies the scope of debt collection activity as it applies to public international organizations and the availability of administrative review under 7 CFR part 3 for certain debt collection activities involving the Commodity Credit Corporation (CCC).

First, § 3.1, “Purpose and scope,” includes categories of debt collection actions to which 7 CFR part 3 does not apply. One of those categories, found in paragraph (c)(3), is the “[c]ollection of debts owed by foreign governments and, sovereign institutions of foreign governments.”

This amendment clarifies that, in addition to debts owed by foreign governments and sovereign institutions of foreign governments, debts owed by

public international organizations are outside the scope of USDA's debt collection regulations. A public international organization is an organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U.S.C. 288–288f). Examples include the Organization for Economic Cooperation and Development (OECD) and the United Nations. This amendment aligns USDA's debt collection regulations with those of other U.S. Government agencies, such as the Department of State and the United States Agency for International Development, that work with public international organizations. Consistent with the treatment of public international organizations under U.S. law, these agencies group the collection of debts owed by public international organizations along with the collection of debts owed by foreign governments and sovereign institutions of foreign governments in the list of debt collection actions to which their debt management regulations do not apply. Therefore, USDA amends § 3.1(c)(3) to include public international organizations.

Second, 7 CFR part 3, subpart F, establishes consolidated administrative review procedures for debts subject to administrative offset, administrative wage garnishment, and disclosure to credit reporting agencies under subparts D and E of part 3. However, there is a list in § 3.60(b) of certain debt collection proceedings initiated by USDA agencies that are subject to the separate administrative review procedures in 7 CFR part 11, National Appeals Division, rather than the procedures in 7 CFR part 3, subpart F. Among the debt collection proceedings listed in § 3.60(b) are those initiated by CCC.

The statutory authority for the National Appeals Division only specifically requires coverage for the CCC “with respect to domestic programs” (7 U.S.C. 6991(2)(B)). This draws a statutory distinction between domestic CCC programs and CCC programs administered outside the United States by USDA's Foreign Agricultural Service. To clarify that non-domestic CCC programs are addressed under the administrative review procedures of 7 CFR part 3, subpart F, and not subject to the

procedures provided in 7 CFR part 11, USDA amends 7 CFR 3.60(b) by adding the qualifier “(with respect to domestic programs)” to the mention of CCC-initiated debt collection proceedings.

II. Notice and Comment Not Required

This rule is ministerial in nature and makes only clarifying, technical adjustments to align USDA's debt management regulations. Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, USDA finds, for good cause, that prior notice and other public procedure with respect to this action are not necessary and this rule may be made effective less than 30 days after publication in the **Federal Register**. Therefore, this rule will be effective upon publication in the **Federal Register**.

III. Procedural Requirements

Executive Orders 12866 and 14094

The Office of Management and Budget (OMB) has determined that this regulatory action does not meet the criteria for significant regulatory action pursuant to Executive Order 12866, Regulatory Planning and Review, as amended by Executive Order 14094, Modernizing Regulatory Review.

As noted, this rule is ministerial in nature and makes only clarifying, technical adjustments to align USDA's debt management regulations. Accordingly, there are no economic impacts associated with this action.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because USDA was not required to publish notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subjects in 7 CFR Part 3

Administrative practice and procedure, Claims, Government employees, Income taxes, Loan programs—agriculture, Penalties, Reporting and recordkeeping requirements, Wages.

Accordingly, USDA amends 7 CFR part 3 as follows:

PART 3—DEBT MANAGEMENT

■ 1. The authority citation for part 3 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1506, 1981, 1981a, 1981d, and 2008h; 15 U.S.C. 714b; 31 U.S.C. 3701, 3711, 3716–18, and 3720B; and 31 CFR parts 285 and 901–904.

■ 2. In § 3.1, revise paragraph (c)(3) to read as follows:

§ 3.1 Purpose and scope.

* * * * *

(c) * * *

(3) Collection of debts owed by foreign governments, sovereign institutions of foreign governments, or public international organizations.

* * * * *

§ 3.60 [Amended]

■ 3. In § 3.60, in paragraph (b), add the words “(with respect to domestic programs)” after the acronym “CCC”.

Ethel Butler,

Fiscal Policy Division Director, Office of the Chief Financial Officer, U.S. Department of Agriculture.

[FR Doc. 2023–28408 Filed 12–26–23; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Doc. No. AMS–SC–21–0054]

Marketing Order for Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida

AGENCY: Agricultural Marketing Service, (USDA).

ACTION: Final rule.

SUMMARY: This rulemaking amends Marketing Order 905, which regulates the handling of oranges, grapefruit, tangerines, and pummelos grown in Florida. The amendments reduce the size of the Citrus Administrative Committee (Committee), lower the quorum requirements, revise the nomination and selection processes, and remove the requirement to allocate committee seats based on volume from each district. A new section will provide the Committee authority to receive voluntary contributions for promotion and research projects. Also, conforming changes were made to help align the marketing order with the amendments.

DATES: This rule is effective January 26, 2024.

FOR FURTHER INFORMATION CONTACT:

Geronimo Quinones, Marketing Specialist, or Matthew Pavone, Chief, Rulemaking Services Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–8085, or Email: Geronimo.Quinones@usda.gov or Matthew.Pavone@usda.gov.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–8085, or Email: Richard.Lower@usda.gov.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, finalizes amendments to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and pummelos grown in Florida. Part 905, referred to as the “Order,” is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Committee locally administers the Order and is composed of citrus producers and shippers operating within the area of production, and a non-industry member.

The Agricultural Marketing Service (AMS) is issuing this rule in conformance with Executive Orders 12866, 13563, and 14094. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 reaffirms, supplements, and updates Executive Order 12866 and further directs agencies to solicit and consider input from a wide range of affected and interested parties through a variety of means. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

In addition, this rule has been reviewed under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined this rule is unlikely to have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

This rule has also been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule shall not be deemed to preclude, preempt, or supersede any State program covering oranges, grapefruit, tangerines, and pummelos grown in Florida.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act (7 U.S.C. 608c(15)(A)), any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Section 8c(17) of the Act and the supplemental rules of practice authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. In determining whether informal rulemaking is appropriate, AMS is required to consider the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

AMS has considered these factors and has determined that the amendments in this final rule are not unduly complex. The amendments are primarily administrative in nature and adapt the Committee’s rules of practice to better reflect the current state of the Florida citrus industry. In addition, as discussed in the Final Regulatory Flexibility Analysis section below, the amendments are not expected to impose any costs on affected entities.