

G. Program Income

Issue: Timing for entering program income into the IDIS. Commenter asked whether program income is to be entered into the IDIS at the time of receipt or when it is reported in the annual action plan.

HUD Response: A participating jurisdiction's program income must be deposited in the participating jurisdiction's HOME Investment Trust Fund local account pursuant to 24 CFR 92.503(a) and reported in IDIS at the time it is received. If a participating jurisdiction's written agreement permits the state recipient or subrecipient to retain program income, then the program income must be reported in IDIS at the time it is received by the state recipient or subrecipient. If a participating jurisdiction permits a state recipient or subrecipient to retain program income, then the participating jurisdiction is still responsible for requiring that this information be entered into IDIS. The use of State recipients, subrecipients, or contractors does not relieve the participating jurisdiction of this responsibility, but a State participating jurisdiction may rely upon a state recipient for compliance with recordkeeping requirements under 24 CFR 92.508(a)(5)(iii) and (b) and need not duplicate such efforts.

Issue: Conflict with Department of Treasury. A commenter asked whether there is a conflict with the Department of Treasury in allowing a participating jurisdiction to accumulate expenditure of program income, as Treasury requires program income to be expended first.

HUD Response: Due to HOME funds' statutory 24-month commitment deadline, HUD established requirements for HOME program income that differ from those applicable to other Federal grant programs. Requiring participating jurisdictions to expend program income first places an additional barrier to committing allocated HOME funds by the 24-month commitment deadline. Therefore, HUD determined that the revised provisions for program income in the interim rule and finalized in this final rule are necessary so that participating jurisdictions can avoid losing allocated HOME funds that are subject to the 24-month commitment deadline.

Issue: Loss of appropriated funds. A commenter stated that HUD must prevent participating jurisdictions from losing appropriated HOME funds when they expend program income.

HUD Response: HUD agrees and established provisions in the interim rule and final rule to ensure that participating jurisdictions do not lose

allocated HOME funds subject to the 24-month commitment deadline because they have expended program income.

III. Findings and Certifications

Information Collection Requirements

In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements contained in this rule have been submitted to OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0171.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and the private sector. This rule will not impose any Federal mandates on any State, local, or tribal governments or the private sector within the meaning of UMRA.

Environmental Review

When the interim rule was published, a Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). Because this rule finalizes the interim rule without change, the previous FONSI remains applicable.

Impact on Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. As discussed, this regulation changes the manner in which HUD measures compliance with the statutory 24-month commitment deadline in the HOME program and does not alter the manner in which participating jurisdictions administer their HOME programs. Given this fact, HUD anticipates the regulatory changes will have minimal, or no, economic impacts.

Therefore, the undersigned certifies that this rule will not have a significant impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments nor preempt State law within the meaning of the Executive order.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number applicable to the program that would be affected by this rule is 14.239.

List of Subjects

24 CFR Part 91

Aged, Grant programs-housing and community development, Homeless, Individuals with disabilities, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 92

Administrative practice and procedure, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

■ Accordingly, for the reasons stated in the preamble, the interim rule amending 24 CFR parts 91 and 92 that was published at 81 FR 86947 (December 2, 2016) is adopted as final without change.

Marion M. McFadden,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2022–20425 Filed 9–21–22; 8:45 am]

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4000, 4233, and 4903

RIN 1212–AB55

Change of Address; Technical Amendments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) relocated on August 1, 2022, and is amending its regulations

that reference its former street address to reflect the new street address.

DATES: This rule is effective September 22, 2022.

FOR FURTHER INFORMATION CONTACT:

Karen Levin (levin.karen@pbgc.gov), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024-2101; 202-229-3559. If you are deaf or hard of hearing or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Through July 31, 2022, the Pension Benefit Guaranty Corporation (PBGC) resided and accepted mail at 1200 K Street NW, Washington, DC, 20005-4026. On August 1, 2022, PBGC officially relocated to a new street address: 445 12th Street SW, Washington, DC 20024-2101.

PBGC is promulgating these amendments without advance notice or an opportunity for public comment because they fall under the “good cause” exemption of the Administrative Procedure Act at 5 U.S.C. 553(b)(3)(B). PBGC finds that notice and comment are unnecessary because these amendments are merely technical; they effect no substantive changes to any rule. For the same reason, these amendments fall within the “good cause” exception to the delayed effective date provisions of the Administrative Procedure Act and the Congressional Review Act at 5 U.S.C. 553(d)(3), 808(2). Moreover, because these amendments are exempt from the notice and comment procedure of the Administrative Procedure Act under 5 U.S.C. 553(b), PBGC is not required to conduct a regulatory flexibility analysis under 5 U.S.C. 603 or 604.¹

PBGC has determined that this action is not a “significant regulatory action” under the criteria set forth in Executive Order 12866.

List of Subjects

29 CFR Part 4000

Administrative practice and procedure, Pension insurance.

29 CFR Part 4233

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4903

Claims.

For the reasons given above, PBGC amends 29 CFR parts 4000, 4233, and 4903 as follows.

PART 4000—FILING, ISSUANCE, COMPUTATION OF TIME, AND RECORD RETENTION

■ 1. The authority citation for part 4000 continues to read as follows:

Authority: 29 U.S.C. 1083(k), 1302(b)(3).

§ 4000.3 [Amended]

■ 2. Amend § 4000.3(c)(3) by:

■ a. Removing “1200 K Street, NW, Washington, DC. 20005-4026;” and adding in its place “445 12th Street SW, Washington, DC 20024-2101;”

■ b. Removing “(TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to the appropriate number.)” and adding in its place “(If you are deaf or hard of hearing or have a speech disability, please dial 7-1-1 to access telecommunications relay services.)”.

PART 4233—PARTITIONS OF ELIGIBLE MULTIEmployer PLANS

■ 3. The authority citation for part 4233 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1413.

§ 4233.11 [Amended]

■ 4. Amend § 4233.11 by removing “1200 K Street NW, Washington, DC 20005-4026,” wherever it appears, and adding in its place “445 12th Street SW, Washington, DC 20024-2101.”

Appendix A to Part 4233 [Amended]

■ 5. Amend appendix A to part 4233 by removing “1200 K Street NW, Washington, DC 20005-4026” wherever it appears, and adding in its place “445 12th Street SW, Washington, DC 20024-2101”.

PART 4903—DEBT COLLECTION

■ 6. The authority citation for part 4903 continues to read as follows:

Authority: 5 U.S.C. 5514; 29 U.S.C. 1302(b); 31 U.S.C. 3701-3719, 3720A; 5 CFR part 550, subpart K; 31 CFR part 285; 31 CFR parts 900-904.

§ 4903.21 [Amended]

■ 7. Amend § 4903.21(c) by removing “1200 K Street NW, Washington, DC 20005.” and adding in its place “445 12th Street SW, Washington, DC 20024-2101.”

Issued in Washington, DC, by

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 97

[Docket ID: DOD-2018-OS-0103]

RIN 0790-AK11

Release of Official Information in Litigation and Presentation of Witness Testimony by DoD Personnel (*Touhy* Regulation)

AGENCY: Office of the General Counsel of the Department of Defense (DoD), DoD.

ACTION: Final rule.

SUMMARY: DoD is finalizing the requirements for submitting subpoenas and litigation requests to the Department as well as the procedures that its personnel will follow to respond. These amendments consolidate component-level requirements and procedures into a single, updated Department-level *Touhy* rule.

DATES: This final rule is effective on October 24, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Shellman, 703-571-0793, denise.v.shellman.civ@mail.mil.

SUPPLEMENTARY INFORMATION:

A. Background and Legal Basis for This Rule

The Housekeeping Statute, 5 U.S.C. 301, authorizes agency heads to promulgate regulations governing “the custody, use, and preservation of its records, papers, and property.”

The Supreme Court held in *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951), that under such authority, agency heads may establish procedures for determining whether to release official information and allow personnel testimony sought through a subpoena or other litigation request. This regulation sets forth DoD’s procedures, which as the Supreme Court explained, are useful and necessary as a matter of internal administration to prevent possible harm from unrestricted disclosures in court.

In DoD Directive 5145.01, “General Counsel of the Department of Defense (GC DoD),” December 2, 2013, as amended (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/514501p.pdf>), and pursuant to 10 U.S.C. 113, the Secretary of Defense has delegated the authority to establish those procedures to the General Counsel.

This rule’s corresponding internal issuance is DoD Directive 5405.2, “Release of Official Information in

¹ See 5 U.S.C. 601(2), 604(a).