

**§ 1653.34 Processing tax levies and Criminal Restitution Orders.**

(a) The payment of tax levies and criminal restitution orders from the TSP is governed solely by the Federal Employees' Retirement Systems Act, 5 U.S.C. chapter 84, and by the terms of this subpart. Although the TSP will honor tax levies or criminal restitution orders properly issued, those entities have no jurisdiction over the TSP and the TSP cannot be made a party to the underlying proceedings.

(b) The TSP will review a tax levy or criminal restitution order to determine whether it is enforceable against the TSP only after it has received a complete copy of the document. Receipt by an employing agency or any other agency of the Government does not constitute receipt by the TSP. Tax levies and criminal restitution orders should be submitted to the TSP record keeper at the current address as provided at <http://www.tsp.gov>. Receipt by the TSP record keeper is considered receipt by the TSP. To be complete, a tax levy or criminal restitution order must meet all the requirements of § 1653.32 or § 1653.33; it must also provide (or be accompanied by a document that provides):

(1) The participant's TSP account number or Social Security number (SSN); and

(2) The name and mailing address of the payee.

(c) As soon as practicable after the TSP receives a document that purports to be a qualifying tax levy or criminal restitution order, the participant's account will be frozen. After the participant's account is frozen, no withdrawal or loan disbursements will be allowed until the account is unfrozen. All other account activity will be permitted, including contributions, loan repayments, adjustments, contribution allocations and interfund transfers. Once a disbursement from the account is made in accordance with the restitution order or levy, the hold will be removed from the participant's account.

(d) As soon as practicable after receipt of a complete copy of a tax levy or criminal restitution order, the TSP will review it to determine whether it is qualifying as described in § 1653.32 or § 1653.33. The TSP will mail a decision letter to all parties containing the following information:

(1) A determination regarding whether the restitution order or levy is qualifying;

(2) A statement of the applicable statutes and regulations;

(3) An explanation of the effect the restitution order or levy has on the participant's TSP account; and

(4) If the qualifying restitution order or levy requires payment, the letter will provide:

(i) An explanation of how the payment will be calculated and an estimated amount of payment;

(ii) The anticipated date of payment.

(e) The TSP decision letter is final. There is no administrative appeal from the TSP decision.

**§ 1653.35 Calculating entitlement.**

A levy or criminal restitution order can only require the payment of a specified dollar amount from the TSP. If the restitution order or levy awards a specific dollar amount, the payee's entitlement will be the lesser of:

(a) The dollar amount stated in the levy or restitution order; or

(b) The vested account balance on the date of disbursement, minus any outstanding loan balance.

**§ 1653.36 Payment.**

(a) Payment pursuant to a qualifying levy or criminal restitution order will be made 30 days after the TSP decision letter.

(b) In no case will payment exceed the participant's calculated entitlement.

(c) The entire amount of a restitution order or levy entitlement must be disbursed at one time. A series of payments will not be made. A payment pursuant to a restitution order or levy extinguishes all rights to any further payment under that order or levy, even if the entire amount of the entitlement cannot be paid. Any further award must be contained in a separate restitution order or levy.

(d) If a participant has funds in more than one type of account, payment will be made from each account in the following order, until the amount of the levy or restitution order is reached:

(1) Civilian account;

(2) Uniformed services account;

(3) Beneficiary participant account.

(e) Payment will be made pro rata from the participant's traditional and Roth balances. The distribution from the traditional balance will be further pro rated between the tax-deferred balance and tax-exempt balance. The payment from the Roth balance will be further pro rated between contributions in the Roth balance and earnings in the Roth balance. In addition, all payments will be distributed pro rata from all TSP Funds in which the participant's account is invested. All pro rated amounts will be based on the balances in each fund or source of contributions on the day the disbursement is made.

(f) The payment is taxable to the participant and is subject to Federal income tax withholding. The tax withholding will be taken from the payee's entitlement and the gross amount of the payment (i.e., the net payment distributed to the payee plus the amount withheld from the payment for taxes) will be reported to the IRS as income to the participant.

(g) A properly paid levy or restitution order cannot be returned to the TSP.

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**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 1220**

[Docket No. AMS-LPS-13-0066]

**Soybean Promotion, Research, and Consumer Information Program: Amendment of Procedures and Notification of Request for Referendum**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Affirmation of interim rule as a final rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) is affirming without changes its interim rule (79 FR 12037) to amend the procedures to Request a Referendum at 7 CFR Part 1220 by removing the specific number of soybean producers eligible to request a referendum under the Soybean Promotion, Research, and Consumer Information program, commonly known as the Soybean Checkoff Program. The number of soybean producers will be replaced with language that allows the Secretary of Agriculture (Secretary) to update this number based on information provided by the U.S. Department of Agriculture (USDA). Additionally, this rule removes specific USDA and Farm Service Agency (FSA) Web site and office addresses and replaces them with more flexible language. These changes will enable AMS to announce future Requests for Referendum without engaging in additional informal rulemaking.

**DATES:** *Effective Date:* September 11, 2014.

**FOR FURTHER INFORMATION CONTACT:** James R. Brow, Agricultural Marketing Specialist, Research and Promotion Division, Livestock, Poultry, and Seed Program, AMS, USDA, Room 2010-S, STOP 0251, 1400 Independence Avenue SW., Washington, DC, 20250-0251; Telephone 202/720-0633; Fax 202/720-

1125; email to [James.Brow@ams.usda.gov](mailto:James.Brow@ams.usda.gov).

#### SUPPLEMENTARY INFORMATION:

This action affirms the interim rule concerning Executive Orders 12866, 12988, and 13563; the Regulatory Flexibility Act (5 U.S.C. 601–612; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101). Further, for this action, the Office of Management and Budget has determined that this action is not significant under Executive Order 12866 and therefore has not been reviewed by OMB.

#### Background Information

The Soybean Promotion, Research, and Consumer Information Act (Act) (7 U.S.C. 6301–6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace, and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 of 1 percent of the net market price of soybeans sold by producers. The final rule establishing a Soybean Promotion, Research, and Consumer Information program was published in the July 9, 1991, issue of the **Federal Register** (56 FR 31043), and assessments began on September 1, 1991.

The Act specifies that the Secretary shall, five years after the conduct of the initial referendum and every five years thereafter, provide soybean producers an opportunity to request a referendum on the Soybean Promotion, Research, and Consumer Information Order (Order). Additionally, the Act specifies that these subsequent polls require that at least 10 percent (not in excess of one-fifth in any one State) of all producers must request a referendum in order to trigger the conduct of a referendum. If a referendum is requested, it will be held within one year of that determination.

The next Request for Referendum will be conducted May 2019, at FSA county offices.

#### Changes to the Regulations

In the interim rule, AMS amended § 1220.616 to remove the specific number of soybean producers from the regulatory language. Data provided by FSA has been used to amend the number of soybean producers prior to any Request for Referendum. The data have been sorted in such a manner as to include all producers who were engaged in the production of soybeans in at least one of the two years prior to

the Request for Referendum, excluding counting a producer more than once if that producer engaged in production during both years. Using the last two crop-year acreage reports for which complete data is available ensures that all eligible producers are counted, as some producers use soybeans in rotation with other crops and do not plant soybeans every year. This methodology is consistent with that used in previous requests for referendum and will continue to be used by USDA to update the number of eligible soybean producers.

For the 2014 Request for Referendum previously conducted and subsequent requests for referendum, the data provided by FSA allows the Secretary to update this number.

In addition to the changes relating to the number of eligible soybean producers, AMS amended §§ 1220.619, 1220.622 and 1220.628 with more flexible language.

#### Comments

On March 4, 2014, USDA published in the **Federal Register** (79 FR 12037) an interim rule with a request for comments to be received by April 3, 2014. USDA received no comments.

#### List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Reporting and recordkeeping requirements, Soybeans and soybean products.

For the reasons set forth in the preamble, 7 CFR Part 1220 is amended as follows:

#### PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

■ Accordingly, the interim rule that amended 7 CFR Part 1220, which was published on March 4, 2014 at 79 FR 12037, is adopted as a final rule without change.

Dated: September 4, 2014.

**Rex A. Barnes,**

*Associate Administrator.*

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 77

[Docket No. APHIS–2014–0058]

### Bovine Tuberculosis Status of Michigan; Advance Counties From Modified Accredited Advanced to Accredited-Free

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the bovine tuberculosis regulations to advance the status of Antrim, Charlevoix, Cheboygan, Crawford, Emmet, Otsego, and Presque Isle Counties in Michigan from modified accredited advanced to accredited-free. We have determined that these counties meet the criteria for accredited-free status. This action relieves certain restrictions on the interstate movement of cattle and bison from these areas of Michigan.

**DATES:** This interim rule is effective on September 10, 2014. We will consider all comments that we receive on or before November 10, 2014.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0058>.
- *Postal Mail/Commercial Delivery:*

Send your comment to Docket No. APHIS–2014–0058, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0058> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. C. William Hench, Senior Staff Veterinarian, Surveillance, Preparedness and Response Services, Cattle Health Center, VS, APHIS, 2150 Centre Avenue, Building B, MSC 3–E–20, Fort Collins, CO 80526–8117; (970) 494–7378.

**SUPPLEMENTARY INFORMATION:**