DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 9

[DOCKET ID: FSA–2020–0004]

RIN 0503–AA65

Coronavirus Food Assistance Program; Correction

AGENCY: Office of the Secretary, USDA.

ACTION: Correcting amendments.

SUMMARY: The Secretary of Agriculture implemented the Coronavirus Food Assistance Program (CFAP), which provides assistance to agricultural producers impacted by the effects of the COVID–19 outbreak, through a final rule published in the Federal Register on May 21, 2020. We realized that there were errors in some of the payment rates in that final rule. In addition, we were able to reevaluate the payment rates for certain specialty crops based on data that was available from industry in response to the CFAP notice of funding availability, which was published in the Federal Register on May 22, 2020. This document corrects payment rates and categories for those specialty crops that were published in the final rule.

DATES: Effective Date: July 10, 2020.

FOR FURTHER INFORMATION CONTACT:

William L. Beam; telephone: (202) 720–2600 (voice).

SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:


2. Revise §985.141 to read as follows:

§985.141 Assessment rate.

On and after June 1, 2020, an assessment rate of $0.14 per pound is established for Far West spearmint oil. Unexpended funds may be carried over as a reserve.

Bruce Summers,
Administrator, Agricultural Marketing Service.

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BILLING CODE 3410–02–P
payments per commodity will not change CFAP costs.

List of Subjects in 7 CFR Part 9

Agricultural commodities, Agriculture, Disaster assistance, Indemnity payments.

Accordingly, 7 CFR part 9 is corrected by making the following correcting amendments:

PART 9—CORONAVIRUS FOOD ASSISTANCE PROGRAM

1. The authority citation for part 9 continues to read as follows:


2. In § 9.5, amend Table 1 to paragraph (h), as follows:


b. Remove the entry for “Potatoes”;

c. Add the entries for “Potatoes Fresh—Other”, “Potatoes Fresh—Russets”, “Potatoes—Processing”, and “Potatoes—seed” in alphabetical order; and

d. Revise the entries for “Raspberries”, “Rhubarb”, “Tangerines”, and “Taro”.

The revisions and additions read as follows:

§ 9.5 Calculation of payments.

(h) * * *

<table>
<thead>
<tr>
<th>Commodity</th>
<th>CARES Act payment rate for sales losses ($/lb)</th>
<th>CARES Act payment rate for product that left the farm but spoiled or is unpaid due to loss of marketing channel ($/lb)</th>
<th>CCC Payment rate ($/lb)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apples</td>
<td>$0.05</td>
<td>$0.22</td>
<td>$0.04</td>
</tr>
<tr>
<td>Artichokes</td>
<td>0.88</td>
<td>0.69</td>
<td>0.13</td>
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<tr>
<td>Asparagus</td>
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<td>Blueberries</td>
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<td>0.20</td>
<td>0.93</td>
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<tr>
<td>Cantaloupes</td>
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<td>0.14</td>
<td>0.03</td>
</tr>
<tr>
<td>Cucumbers</td>
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<td>0.17</td>
<td>0.03</td>
</tr>
<tr>
<td>Garlic</td>
<td>0.17</td>
<td>1.10</td>
<td>0.22</td>
</tr>
<tr>
<td>Kiwifruit</td>
<td></td>
<td>0.44</td>
<td>0.09</td>
</tr>
<tr>
<td>Mushrooms</td>
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<td>0.58</td>
<td>0.11</td>
</tr>
<tr>
<td>Papaya</td>
<td></td>
<td>0.31</td>
<td>0.06</td>
</tr>
<tr>
<td>Peaches</td>
<td></td>
<td>0.30</td>
<td>0.06</td>
</tr>
<tr>
<td>Potatoes fresh—other</td>
<td>0.01</td>
<td>0.04</td>
<td>0.01</td>
</tr>
<tr>
<td>Potatoes fresh—Russets</td>
<td>0.07</td>
<td>0.09</td>
<td>0.02</td>
</tr>
<tr>
<td>Potatoes—processing</td>
<td>0.02</td>
<td>0.03</td>
<td>0.01</td>
</tr>
<tr>
<td>Potatoes—seed</td>
<td>0.02</td>
<td>0.04</td>
<td>0.01</td>
</tr>
<tr>
<td>Raspberries</td>
<td>0.44</td>
<td>1.69</td>
<td>0.33</td>
</tr>
<tr>
<td>Rhubarb</td>
<td></td>
<td>0.76</td>
<td>0.15</td>
</tr>
<tr>
<td>Tangerines</td>
<td>0.05</td>
<td>0.25</td>
<td>0.05</td>
</tr>
<tr>
<td>Taro</td>
<td>0.12</td>
<td>0.29</td>
<td>0.06</td>
</tr>
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</table>
BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Chapter X

Ratification of Bureau Actions

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Ratification.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), through its Director, is ratifying a number of previous actions by the Bureau. This includes the large majority of the Bureau’s existing regulations, as well as certain other actions. This ratification provides the public with certainty, by resolving any potential defect in the validity of these actions arising from Article II of the United States Constitution.

DATES: This ratification is issued on July 10, 2020 and relates back to the original date of each action that it ratifies.

FOR FURTHER INFORMATION CONTACT: Christopher Shelton, Counsel, Legal Division, at 202–435–7700. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau was established by the Consumer Financial Protection Act of 2010 (CFPA). Section 1011(c)(3) of the CFPA provided that the President may remove the Director of the Bureau only for inefficiency, neglect of duty, or malfeasance in office. The Bureau’s first Director was appointed on January 4, 2012.

On June 29, 2020, the Supreme Court held in Seila Law LLC v. CFPB that the CFPB’s removal provision violates the separation of powers. The Court further held that “the CFPB Director’s removal protection is severable from the other statutory provisions bearing on the CFPB’s authority. The agency may therefore continue to operate, but its Director, in light of our decision, must be removable by the President at will.” The only constitutional defect we have identified in the CFPB’s structure is the Director’s insulation from removal.

II. Overview of This Ratification

To resolve any possible uncertainty the Bureau, through its Director, has decided to ratify a number of official actions from January 4, 2012 to June 30, 2020 (Ratified Actions). Under established case law, any agency may, through ratification, “purge[] any residual taint or prejudice left over from” a potential defect in a prior governmental action. The Bureau is issuing this ratification out of an abundance of caution, and this ratification is not a statement that the Ratified Actions would have been invalid absent this ratification.

Part III of this document sets forth the ratification, while part IV discusses the ratification. Part V discusses certain actions that are outside the scope of the ratification, and finally part VI addresses some additional administrative law matters.

III. Ratification

The Bureau, through its Director, hereby affirms and ratifies the following actions from January 4, 2012 to June 30, 2020 (collectively, the Ratified Actions): 1. Each document published by the Bureau in the “Rules and Regulations” category of the Federal Register, except the July 2017 rule titled “Arbitration Agreements.” The November 2017 rule titled “Payday, Vehicle, and Certain High-Cost Installment Loans.” Aside from those two exceptions, this includes but is not limited to all amendments to the Bureau’s regulations in 12 CFR chapter X, as well as the Bureau’s actions in issuing joint regulations with other agencies.

IV. Discussion of the Ratification

The Bureau’s Director is familiar with the Ratified Actions and has conducted a further evaluation of them for purposes of this ratification. Accordingly, the Director is making an informed decision to ratify them. Based on the Director’s evaluation of the Ratified Actions, it is the Director’s considered judgment that they should be ratified. This decision is reinforced by the fact that, based on the Bureau’s experience as a regulator of markets for consumer financial products and services, the Director is acutely aware that many of the Ratified Actions have engendered significant reliance interests. Consumers, the business community, State and local governments, and other individuals and entities have all relied upon the validity of the Ratified Actions in organizing their activities. This ratification secures those existing reliance interests by avoiding doubt as to the validity of the

2 12 U.S.C. 5491(c)(3).
3 From January 4, 2012 until July 17, 2013, Director Richard Cordray served as a recess appointee, but his recess appointment was not constitutionally proper in light of the Supreme Court’s subsequent decision in NLRR v. Noel Canning, 573 U.S. 513 (2014). See CFPB v. Gordon, 819 F.3d 1179, 1185–86 (9th Cir. 2016) (upholding the Bureau’s ratification of actions from that period, 78 FR 53734 (Aug. 30, 2013)).
4 591 U.S.–2020 (slip op.).
5 Id. at 3.
6 Id. at 32.
7 Some of the Ratified Actions were previously ratified by the Bureau in August 2013. See supra note 3. The Bureau has used the end date of June 30, 2020, in an abundance of caution in order to include 85 FR 20011 (Apr. 3, 2012); 77 FR 35292 (June 9, 2020).
8 78 FR 79410 (Dec. 30, 2013); 79 FR 74068 (Dec. 15, 2014); 80 FR 72711 (Nov. 20, 2015); 81 FR 81745 (Nov. 18, 2016); 82 FR 53481 (Nov. 19, 2017).
10 82 FR 33210 (July 19, 2017).
11 82 FR 3410 (Nov. 17, 2017).
12 Each consumer information publication issued by the Bureau under Regulation X, 12 CFR part 1024, and Regulation Z, 12 CFR part 1026.
13 82 FR 35525 (July 24, 2017); 83 FR 53797 (Oct. 8, 2018); 85 FR 23909 (Apr. 30, 2020).
14 These consumer information publications are reflected in the notices of availability at 79 FR 1836 (Jan. 10, 2014); 80 FR 17414 (Apr. 1, 2015); 80 FR 57154 (Sept. 22, 2015); 85 FR 35292 (June 9, 2020).
15 77 FR 74831 (Dec. 18, 2012); 78 FR 79410 (Dec. 30, 2013); 79 FR 74068 (Dec. 15, 2014); 80 FR 72711 (Nov. 20, 2015); 81 FR 81745 (Nov. 18, 2016); 82 FR 53481 (Nov. 19, 2017).
16 82 FR 58110 (Nov. 24, 2017).
17 82 FR 24306 (Apr. 25, 2013).
18 82 FR 15019 (Apr. 9, 2018); 84 FR 35525 (July 24, 2019); 85 FR 53797 (Oct. 8, 2018); 85 FR 23909 (Apr. 30, 2020).
19 Additionally, this ratification does not waive any statute of limitations or other restriction on challenges to the Ratified Actions.