

1. On page 66997, in the third column, the last line from the bottom of the last full paragraph, the language “years beginning Monday” is corrected to read “years beginning on or after Monday”.

2. On page 67007, in the third column, the second line of the second full paragraph, the language “taxable years beginning Monday” is corrected to read “taxable years beginning on or after Monday”.

**Martin V. Franks,**

*Chief, Publications and Regulations Branch,  
Legal Processing Division, Associate Chief  
Counsel (Procedure and Administration).*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR PART 85

[Docket ID: DOD-2019-OS-0111]

RIN 0790-AK25

#### Health Promotion

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes an unnecessary and outdated Department of Defense (DoD) rule relating to a health promotion program. The majority of the content of this part includes internal DoD policy, which does not require rulemaking. Additionally, since this rule was codified, the General Services Administration (GSA) issued a rule that superseded the public-facing content of this part. Therefore, this part can be removed from the CFR.

**DATES:** This rule is effective on February 28, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Donald Shell, MD, MA, Director, Disease Prevention, Disease Management and Population Health, OASD (HA) Health Services Policy and Oversight, Email: [Donald.shell4civ@mail.mil](mailto:Donald.shell4civ@mail.mil), Phone: (703) 681-1705.

**SUPPLEMENTARY INFORMATION:**

This final rule removes an unnecessary and outdated Department of Defense (DoD) regulation on a health promotion program, which was last updated August 30, 1988 (53 FR 33123). The DoD program continues to operate under the existing internal policies, the General Services Administration (GSA) has since issued a rule that superseded the public-facing content of this part.

Internal policies are available in DoD Instruction (DoDI) 1010.10, “Health

Promotion and Disease Prevention” (available at: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/101010p.PDF?ver=2018-01-12-113645-193>). It is a general practice and goal of DoD to provide healthy environments for Service members, medical beneficiaries, civilian DoD employees, and visitors on military installations.

The rule also sets forth an outdated smoking policy on DoD property. However, since codification of this part, GSA issued a rule at title 41 CFR part 102-74, “Facility Management” (70 FR 67798, Nov. 8, 2005), which regulates smoking policies for the executive branch of the government and superseded this part.

Part 85 should now be removed as its content is either internal or obsolete. This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review,” therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

#### List of Subjects in 32 CFR Part 85

Government employees, Health.

#### PART 85—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 85 is removed.

Dated: February 24, 2020.

**Morgan E. Park,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 232

[Docket ID: DOD-2013-OS-0133]

RIN 0790-ZA14

#### Military Lending Act Limitations on Terms of Consumer Credit Extended to Service Members and Dependents

**AGENCY:** Under Secretary of Defense for Personnel and Readiness, Department of Defense.

**ACTION:** Interpretive rule.

**SUMMARY:** The Department of Defense (Department) is amending its interpretive rule for the Military Lending Act (the MLA). The MLA, as implemented by the Department, limits the military annual percentage rate (MAPR) that a creditor may charge to a

maximum of 36 percent, requires certain disclosures, and provides other substantive consumer protections on “consumer credit” extended to Service members and their families. On July 22, 2015, the Department amended its regulation primarily for the purpose of extending the protections of the MLA to a broader range of closed-end and open-end credit products (the July 2015 Final Rule). On August 26, 2016, the Department issued the first set of interpretations of that regulation in the form of questions and answers. On December 14, 2017, the Department issued a second set of interpretations of that regulation in the form of amended questions and answers. The Department is now withdrawing the amended question and answer number 2 (Q&A #2), published in the December 14, 2017 Interpretive Rule, which discussed when credit is extended for the purpose of purchasing a motor vehicle or personal property and the creditor simultaneously extends credit in an amount greater than the purchase price of the motor vehicle or personal property. In withdrawing this amended question and answer, the Department is reverting back to the original Q&A #2 published in the August 26, 2016 Interpretive Rule. This will allow the Department to conduct additional analysis on this matter. The Department is also adding a new question and answer to address questions about the use of Individual Taxpayer Identification Numbers to identify covered borrowers in the Department’s database.

**DATES: Effective Date:** This interpretive rule is effective February 28, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Cohen, 703-692-5286.

**SUPPLEMENTARY INFORMATION:**

#### I. Background and Purpose

In July 2015, the Department of Defense (Department) issued a final rule<sup>1</sup> (July 2015 Final Rule) amending its regulation implementing the Military Lending Act (MLA)<sup>2</sup> primarily for the purpose of extending the protections of the MLA to a broader range of closed-end and open-end credit products, rather than the limited credit products that had been defined as “consumer credit.”<sup>3</sup> Among other amendments, the July 2015 Final Rule modified provisions relating to the optional mechanism a creditor may use when assessing whether a consumer is a “covered borrower,” modified the

<sup>1</sup> 80 FR 43560 (July 22, 2015).

<sup>2</sup> 10 U.S.C. 987.

<sup>3</sup> 32 CFR 232.3(b) as implemented in a final rule published at 72 FR 50580 (Aug. 31, 2007).