

provides the effective date of the determination by VA or the date the Secretary received the SSA notice of award for SSDI or SSI benefits, and directs the holder of each FFELP loan made to the borrower to submit a disability claim to the guaranty agency in accordance with paragraph (g)(1) of this section.

(iii) If the claim meets the requirements of paragraph (g)(1) of this section and § 682.406, the guaranty agency pays the claim and must—

(A) Discharge the loan, in the case of a discharge based on data from VA; or

(B) Assign the loan to the Secretary, in the case of a discharge based on data from the SSA.

(iv) The Secretary reimburses the guaranty agency for a disability claim after the agency pays the claim to the lender.

(v) Upon receipt of the claim payment from the guaranty agency, the loan holder returns to the person who made the payments any payments received on or after—

(A) The effective date of the determination by VA that the borrower is unemployable due to a service-connected disability; or

(B) The date the Secretary received the SSA notice of award for SSDI or SSI benefits.

(vi) For a loan that is assigned to the Secretary for discharge based on data from the SSA, the Secretary discharges the loan in accordance with paragraph (c)(3)(iv) of this section.

(vii) If the borrower notifies the Secretary that they do not wish to receive the discharge, the borrower will remain responsible for repayment of the borrower's loans in accordance with the terms and conditions of the promissory notes that the borrower signed.

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PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

■ 5. The authority citation for part 685 continues to read in part as follows:

Authority: 20 U.S.C. 1070g, 1087a, *et seq.*, unless otherwise noted.

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■ 6. Section 685.213 is amended by:

■ a. In paragraph (b)(1) introductory text, removing the words “To qualify” and adding, in their place, “Except as provided in paragraph (d)(2) of this section, to qualify”.

■ b. In paragraph (c)(1) introductory text, removing “To qualify” and adding in their place “Except as provided in paragraph (d)(1) of this section, to qualify”.

■ c. Removing paragraph (c)(1)(v).

■ d. Adding paragraphs (d) and (e).

■ e. Removing the parenthetical authority citation at the end of the section.

The additions read as follows:

§ 685.213 Total and permanent disability discharge.

* * * * *

(d) *Discharge without an application.*

(1) The Secretary may discharge a loan under this section without an application or any additional documentation from the borrower if the Secretary—

(i) Obtains data from the Department of Veterans Affairs showing that the borrower is unemployable due to a service-connected disability; or

(ii) Obtains data from the Social Security Administration (SSA) showing that the borrower qualifies for SSDI or SSI benefits and that the borrower's next scheduled disability review will be no earlier than five nor later than seven years.

(2) [Reserved]

(e) *Notification to the borrower.* (1) After determining that a borrower qualifies for a total and permanent disability discharge under paragraph (d) of this section, the Secretary sends a notification to the borrower informing the borrower that the Secretary will discharge the borrower's title IV loans unless the borrower notifies the Secretary, by a date specified in the Secretary's notification, that the borrower does not wish to receive the loan discharge.

(2) Unless the borrower notifies the Secretary that the borrower does not wish to receive the discharge the Secretary discharges the loan—

(i) In accordance with paragraph (b)(4)(iii) of this section for a discharge based on data from the SSA; or

(ii) In accordance with paragraph (c)(2)(i) of this section for a discharge based on data from VA.

(3) If the borrower notifies the Secretary that they do not wish to receive the discharge, the borrower will remain responsible for repayment of the borrower's loans in accordance with the terms and conditions of the promissory notes that the borrower signed.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 9

RIN 2900-AR24

Extension of Veterans' Group Life Insurance (VGLI) Application Periods in Response to the COVID-19 Public Health Emergency

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, without change, an interim final rule amending the Department of Veterans Affairs (VA) regulation regarding Veterans' Group Life Insurance (VGLI). The amendment was necessary in order to extend the deadline for former members to apply for VGLI coverage following separation from service to address the inability of former members directly or indirectly affected by the 2019 Novel Coronavirus (COVID-19) public health emergency to purchase VGLI.

DATES: *Effective* September 22, 2021.

FOR FURTHER INFORMATION CONTACT: Paul Weaver, Department of Veterans Affairs Insurance Service (310/290B), 5000 Wissahickon Avenue, Philadelphia, PA 19144, (215) 842-2000, ext. 4263. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: An interim final rule amending VA's regulation regarding the deadline for former members to apply for VGLI coverage following separation from service was published in the **Federal Register** on June 9, 2021 (86 FR 30541).

VA provided a 30-day comment period that ended on July 9, 2021. No comments were received. Based on the rationale set forth in the interim final rule, we now adopt the interim final rule as a final rule without change.

Administrative Procedure Act

In the June 9, 2021, **Federal Register** notice, VA determined that there was a basis under the Administrative Procedure Act for issuing the interim final rule with immediate effect. We invited and did not receive public comment on the interim final rule. This document adopts the interim final rule as a final rule without change.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and

benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at www.regulations.gov.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The provisions contained in this final rulemaking are applicable to individual Veterans, and applications for VGLI, as submitted by such individuals, and are specifically managed and processed within VA and through Prudential Insurance Company of America, which is not considered to be a small entity. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by the State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more (adjusted annually for inflation) in any given year. This final rule will have no such effect on State, local, and tribal governments or on the private sector.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Program number and title for this rule is 64.103, Life Insurance for Veterans.

List of Subjects in 38 CFR Part 9

Life insurance, Military personnel, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on August 16, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

PART 9—SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Accordingly, the Department of Veterans Affairs is adopting the interim rule amending 38 CFR part 9 that was published at 85 FR 35562 on June 9, 2021, as final without change.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AR05

Loan Guaranty: COVID–19 Veterans Assistance Partial Claim Payment Program

AGENCY: Department of Veterans Affairs.

ACTION: Technical amendments.

SUMMARY: The Department of Veterans Affairs (VA) is making technical amendments to the final rule published on Friday, May 28, 2021. The final rule establishes the COVID–19 Veterans Assistance Partial Claim Payment program (COVID–VAPCP), a temporary program to help Veterans return to making normal loan payments on a VA-guaranteed loan after exiting a forbearance for financial hardship due, directly or indirectly, to the COVID–19 national emergency.

DATES: These technical amendments are effective August 23, 2021.

FOR FURTHER INFORMATION CONTACT:

Andrew Trewayne, Assistant Director, Loan Property and Management, Loan Guaranty Service (26), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–8862. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: VA is amending its final rule, “RIN 2900–AR05; Loan Guaranty: COVID–VAPCP”, that was published on May 28, 2021, in the **Federal Register** at 86 FR 28692. In the Paperwork Reduction Act section of the final rule, VA noted it had submitted to the Office of Management and Budget (OMB) for approval new information collections under 38 CFR 36.4803 and 36.4805 through 36.4807. OMB has approved these collections of information and assigned an OMB control number. Therefore, VA is issuing these technical amendments to add the OMB control number to the published regulation.

List of Subjects in 38 CFR Part 36

Condominiums, Housing, Individuals with disabilities, Loan programs—housing and community development, Loan programs—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

For the reasons set forth in the preamble, the VA amends 38 CFR part 36 to read as follows:

PART 38—PENSIONS, BONUSES, AND VETERAN'S RELIEF

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501 and 3720.

■ 2. Amend § 36.4803 by revising the sentence in parenthesis at the end of the section to read as follows:

§ 36.4803 General requirements of the COVID–19 Veterans Assistance Partial Claim Payment program.

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(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0889).

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■ 3. Amend § 36.4805 by revising the sentence in parenthesis at the end of the section to read as follows:

§ 36.4805 Terms of the partial claim payment.

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(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0889).

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■ 4. Amend § 36.4806 by revising the sentence in parenthesis at the end of the section to read as follows:

§ 36.4806 Terms of the assistance to the veteran.

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