

Columbia felony offenders who are eligible for parole. The Commission took over this responsibility on August 5, 1998 as a result of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, 112 Stat. 11231(a)(1), 111 Stat. 712, 745 (effective August 5, 1998). The Commission's new duties included medical parole determinations for D.C. offenders previously made by the D.C. Board of Parole pursuant to the Medical and Geriatric Parole Act of 1992, D.C. Law 9–271; D.C. Official Code 24–461, *et seq.* (effective May 15, 1993).

The Commission promptly enacted regulations to implement its new duties, which included the rule that set forth criteria and procedures for implementing the medical parole provisions in D.C. Code 24–261–64, 267 at 28 CFR 2.77. 63 FR 39172–39183 (July 21, 1998). Regulation 28 CFR 2.77 governs the Commission's decision to release a D.C. prisoner on medical parole. The Commission exercises its discretion to grant medical parole to eligible prisoners on the basis of either terminal illness or permanent and irreversible incapacitation if the Commission determines the prisoner meets certain eligibility criteria. Originally, prisoners convicted of certain violent offenses were excluded from benefits of medical parole. (D.C. Law 9–271; D.C. Official Code 24–467.)

In 2012, the D.C. Council amended D.C. Code 24–267 when it approved the Compassionate Release Authorization Amendment Act of 2012, D.C. Law 19–318 (Act 19–479). D.C. Law 19–318 rewrote section 24–467, which formerly read: “Persons convicted of first degree murder or persons sentenced for crimes committed when armed under 22–4502, or under 22–4504(b), and 22–2803, shall not be eligible for geriatric or medical parole.” Effective June 15, 2013, D.C. Law 19–318 removed the exception for medical parole.

The Revitalization Act requires the Commission to follow District of Columbia parole law and regulations and authorizes the Commission to “amend or supplement” the parole regulations of the District of Columbia as it sees fit. See D.C. Code 24–1231(a)(1)(2001). As part of that authority, the Parole Commission has decided to update its regulation in light of the change in D.C. law that relates to the medical parole exception by promulgating a final rule to amend 28 CFR 2.77 to remove paragraph (g)(1). As a result, prisoners convicted of certain violent offenses will not be excluded from the benefit of medical parole and 28 CFR 2.77 will comport with current D.C. law. See D.C. Code 24–267.

The rule change does not impact the sole discretion and jurisdiction of the Commission to grant medical parole. See D.C. Code 24–1231(a)(1)(2001); D.C. Code 24–463. Following the rule change, the Commission will still consider whether to exercise its discretion to grant medical parole for those prisoners previously excluded from medical parole as it will any other prisoner.

Because this action is being taken to conform with a change in D.C. statute, it is being published as a final rule.

#### **Executive Orders 12866 and 13563**

This regulation has been drafted and reviewed in accordance with Executive Order 12866, “Regulation Planning and Review,” section 1(b), Principles of Regulation, and in accordance with Executive Order 13565, “Improving Regulation and Regulatory Review,” section 1(b), General Principles of Regulation. The Commission has determined that this rule is not a “significant regulatory action” under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

#### **Executive Order 13132**

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Under Executive Order 13132, this rule does not have sufficient federalism implications requiring a Federalism Assessment.

#### **Regulatory Flexibility Act**

This rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

#### **Unfunded Mandates Reform Act of 1995**

This rule will not cause State, local, or tribal governments, or the private sector, to spend \$100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. No action under the Unfunded Mandates Reform Act of 1995 is necessary.

#### **Small Business Regulatory Enforcement Fairness Act of 1996 (Subtitle E—Congressional Review Act)**

This rule is not a “major rule” as defined by Section 804 of the Small Business Regulatory Enforcement

Fairness Act of 1996 Subtitle E—Congressional Review Act, now codified at 5 U.S.C. 804(2). This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on the ability of United States-based companies to compete with foreign-based companies. Moreover, this is a rule of agency practice or procedure that does not substantially affect the rights or obligations of non-agency parties, and does not come within the meaning of the term “rule” as used in Section 804(3)(C), now codified at 5 U.S.C. 804(3)(C). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### **List of Subjects in 28 CFR Part 2**

Administrative practice and procedure, Prisoners, Probation and parole.

#### **The Final Rule**

Accordingly, the U.S. Parole Commission amends 28 CFR part 2 as follows:

#### **PART 2—[AMENDED]**

■ 1. The authority citation for 28 CFR part 2 continues to read as follows:

**Authority:** 18 U.S.C. 4203(a)(1) and 4204(a)(6).

■ 2. Revise § 2.77(g) to read as follows:

#### **§ 2.77 Medical parole.**

\* \* \* \* \*

(g) Notwithstanding any other provision of this section, a prisoner shall not be eligible for medical parole on the basis of a physical or medical condition that existed at the time the prisoner was sentenced (D.C. Code 24–462).

**Patricia K. Cushwa,**

*Chairman (Acting), U.S. Parole Commission.*

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#### **PENSION BENEFIT GUARANTY CORPORATION**

#### **29 CFR Part 4044**

#### **Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in

Single-Employer Plans to prescribe interest assumptions under the asset allocation regulation for plans with valuation dates in the fourth quarter of 2021. These interest assumptions are used for valuing benefits under terminating single-employer plans and for other purposes.

**DATES:** Effective October 1, 2021.

**FOR FURTHER INFORMATION CONTACT:** Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202-229-3839. (TTY users may call the Federal relay service toll free at 1-800-877-8339 and ask to be connected to 202-229-3839.)

**SUPPLEMENTARY INFORMATION:** PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions—including interest assumptions—for valuing benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974 (ERISA). The interest assumptions in the regulation are also published on PBGC's website (*https://www.pbgc.gov*).

PBGC uses the interest assumptions in appendix B to part 4044 ("Interest Rates Used to Value Benefits") to determine the present value of annuities in an involuntary or distress termination of a single-employer plan under the asset allocation regulation. The assumptions

are also used to determine the value of multiemployer plan benefits and certain assets when a plan terminates by mass withdrawal in accordance with PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281).

The fourth quarter 2021 interest assumptions will be 2.40 percent for the first 20 years following the valuation date and 2.11 percent thereafter. In comparison with the interest assumptions in effect for the third quarter of 2021, these interest assumptions represent a decrease of 5 years in the select period (the period during which the select rate (the initial rate) applies), an increase of 0.27 percent in the select rate, and a decrease of 0.12 percent in the ultimate rate (the final rate).

**Need for Immediate Guidance**

PBGC has determined that notice of, and public comment on, this rule are impracticable, unnecessary, and contrary to the public interest. PBGC routinely updates the interest assumptions in appendix B of the asset allocation regulation each quarter so that they are available to value benefits. Accordingly, PBGC finds that the public interest is best served by issuing this rule expeditiously, without an opportunity for notice and comment, and that good cause exists for making the assumptions set forth in this amendment effective less than 30 days

after publication to allow the use of the proper assumptions to estimate the value of plan benefits for plans with valuation dates early in the fourth quarter of 2021.

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

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

**List of Subjects**

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

■ 1. The authority citation for part 4044 continues to read as follows:

**Authority:** 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. In appendix B to part 4044, add an entry for "October–December 2021" at the end of the table to read as follows:

**Appendix B to Part 4044—Interest Rates Used to Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the month—	The values of $i_t$ are:					
	$i_t$	for $t =$	$i_t$	for $t =$	$i_t$	for $t =$
October–December 2021 .....	0.0240	1–20	0.0211	>20	N/A	N/A

Issued in Washington, DC, by  
**Hilary Duke,**  
*Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.*  
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**BILLING CODE 7709-02-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Parts 8a and 36**  
**RIN 2900-AR09**

**Nomenclature Change for Position Title**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs is amending its regulations to revise the title of the "Director, Loan Guaranty Service" to "Executive Director, Loan Guaranty Service" and to remove references to the position of "Deputy Under Secretary for Economic Opportunity." These amendments reflect current agency organizational structure and are necessary to ensure consistency between the agency and its regulations.

**DATES:** This rule is effective September 15, 2021.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Li, Chief of Regulations, Loan Guaranty Service, (26A), 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:** A number of VA regulations reference the "Director, Loan Guaranty Service", but the title for this position has been amended from "Director, Loan Guaranty Service" to "Executive Director, Loan Guaranty Service." Also, certain VA regulations reference the "Deputy Under Secretary for Economic Opportunity," but that position has been eliminated within the Veterans Benefits Administration. To ensure accuracy and consistency between the agency and its regulations, this final rule revises VA regulations to reflect this nomenclature change and organizational structure.

Additionally, VA notes that there is a technical drafting error at