

required to track the percentage of supported and non-supported students enrolled in each of their approved programs and to confirm their compliance with the required 85/15 percent ratio (38 CFR 21.4201(e)–(f)). During the time the ratio of supported students to non-supported students exceeds 85 percent, no new students can be certified to receive VA education benefits for that program (38 CFR 21.4201(g)(2)). For the 85/15 calculations, new students include students returning after a break in enrollment unless the break is wholly due to circumstances beyond the student's control (38 CFR 21.4201(g)(6)). The 85/15 rule allows VA to continue to pay benefits for students already enrolled in the program and receiving benefits prior to the ratio of supported students exceeding 85 percent of the total population enrolled in the program (38 CFR 21.4201(g)(2)).

A program suspended for violating the 85/15 rule still may retain all of its current students. VA beneficiaries already enrolled in the program will be allowed to receive benefits for the program as long as they remain continuously enrolled, even if the ratio of supported students rises above 85 percent. Also, a beneficiary enrolled at an educational institution organized on a term, semester or quarter basis need not attend summer sessions to maintain continuous enrollment. Further, as provided in 38 U.S.C. 3680A(d) and 38 CFR 21.4201, any school is permitted to request a waiver from 85/15 reporting. Finally, there are exceptions to compliance with the 85/15 rule, such as the following:

- VA beneficiaries receiving Veteran Readiness and Employment (Chapter 31), or Survivors' and Dependents' Educational Assistance (Chapter 35) benefits.
- Certain types of education and training institutions such as high schools, aero clubs, and farm cooperative courses.
- Sites approved for on-the-job or apprenticeship training.

In 2020, the VA Education Service informed schools that a student who has a payment plan with an ETI also should be considered supported for calculating the 85/15 ratio. After consulting with various partners as well as striving to interpret T&F payment plans in a manner which balances the best interests of students with the statutory mandate of the 85/15 rule, VA amended its guidance regarding payment plans at ETIs in a policy advisory issued on August 31, 2021: Clarification Concerning Tuition and Fees Payment Plans for Standard Terms and 85/15

Calculations. The policy set forth in the aforementioned advisory is as follows:

For classifying a student as supported or non-supported on VA form 22–10215, Statement of Assurance of Compliance with 85/15 Enrollment Ratios, a student enrolled in an ETI will be considered to be supported by the ETI unless *all* of the following apply (*i.e.*, if *all* of the following apply the student will be considered non-supported):

1. The availability and requirements of the payment plan are available for review and/or inspection by students, the State approving agency and VA (a) on the school's website and (b) in a dated hard copy on file at every campus of the ETI.

2. The ETI T&F payment plan includes the following provisions:

a. The payment plan is available to any enrolled student who is interested in participating.

b. The payment plan explicitly requires the student to pay the outstanding balance by the end of the 85/15 reporting period (academic term or calendar quarter) (*i.e.*, the ETI requires the payment plan to be paid off in full no later than the end of the term).

c. The payment plan must be paid in full before students can begin training for the next term.

To reiterate, unless *all* of the aforementioned conditions are met by the ETI and its T&F payment plan, the school's payment plan will still be considered a source of institutional support and should still be reported on the supported student count side of the 85/15 supported to non-supported ratio (*i.e.*, the side that cannot exceed 85%). Conversely, if all of the aforementioned apply, the T&F payment plan should not be construed as providing institutional support so a student participating in one is *not* to be considered supported and should be reported on the non-supported side of the 85/15 ratio (*i.e.*, the side that must be at least 15%).

The 85/15 rule ensures a minimum number of students who are not receiving VA funds are willing to pay for the full cost of the program to ensure the price of the program responds to the general demands of the open market and a minimum number of non-VA beneficiaries find the program worthwhile and valuable. VA cannot ensure compliance with the 85/15 rule nor ensure GI Bill beneficiaries are not being overcharged if there is an unpaid balance at the end of the reporting period that could subsequently be waived or otherwise written off.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this

document on January 28, 2022 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.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2022–02305 Filed 2–3–22; 8:45 am]

BILLING CODE 8320–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3040

[Docket No. RM2020–8]

Update to Competitive Product List

AGENCY: Postal Regulatory Commission.
ACTION: Direct final rule.

SUMMARY: The Commission is announcing an update to the competitive product list. This action reflects a publication policy adopted by Commission rules. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The competitive product list, which is re-published in its entirety, includes these updates.

DATES: This rule is effective March 21, 2022, without further action, unless adverse comment is received by March 7, 2022. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: For additional information, this document can be accessed electronically through the Commission's website at <https://www.prc.gov>.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6800.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Commission Process
- III. Authorization
- IV. Modifications
- V. Ordering Paragraphs

I. Introduction

Pursuant to 39 U.S.C. 3642(d)(2) and 39 CFR 3040.103, the Commission provides an Update to Competitive Product List by listing all necessary modifications to the competitive product list between October 1, 2021 and December 31, 2021.

II. Commission Process

Pursuant to 39 CFR part 3040, the Commission maintains a Mail

Classification Schedule (MCS) that includes rates, fees, and product descriptions for each market dominant and competitive product, as well as product lists that categorize Postal Service products as either market dominant or competitive. *See generally* 39 CFR part 3040. The product lists are published in the Code of Federal Regulations as 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List and Appendix B to Subpart A of Part 3040—Competitive Product List pursuant to 39 U.S.C. 3642(d)(2). *See* 39 U.S.C. 3642(d)(2). Both the MCS and its product lists are updated by the Commission on its website on a quarterly basis.¹ In addition, these quarterly updates to the product lists are also published in the **Federal Register** pursuant to 39 CFR 3040.103. *See* 39 CFR 3040.103.

III. Authorization

Pursuant to 39 CFR 3040.103(d)(1), this Update to Product Lists identifies any modifications made to the market dominant or competitive product list, including product additions, removals, and transfers.² Pursuant to 39 CFR 3040.103(d)(2), the modifications identified in this document result from the Commission's most recent MCS update posted on the Commission's website on January 9, 2022, and supersede all previous product lists.³

IV. Modifications

The following list of products is being added to 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. First-Class Package Service Contract 118
2. Parcel Select Contract 48
3. Parcel Select & Parcel Return Service Contract 14
4. Priority Mail Contract 721
5. Priority Mail Contract 722
6. Priority Mail Contract 723
7. Priority Mail Contract 724
8. Priority Mail Contract 725
9. Priority Mail Contract 726
10. Priority Mail Contract 727
11. Priority Mail Contract 728
12. Priority Mail Contract 729
13. Priority Mail Contract 730
14. Priority Mail Contract 731

¹ *See* <https://www.prc.gov/mail-classification-schedule> in the Current MCS section.

² 39 CFR 3040.103(d)(1). More detailed information (e.g., Docket Nos., Order Nos., effective dates, and extensions) for each market dominant and competitive product can be found in the MCS, including the "Revision History" section. *See, e.g.*, file "MCSRedline01092022.docx," available at <https://www.prc.gov/mail-classification-schedule>.

³ Previous versions of the MCS and its product lists can be found on the Commission's website, available at <https://www.prc.gov/mail-classification-schedule> in the MCS Archives section.

15. Priority Mail Contract 732
16. Priority Mail Contract 733
17. Priority Mail Contract 734
18. Priority Mail & First-Class Package Service Contract 202
19. Priority Mail & First-Class Package Service Contract 203
20. Priority Mail & First-Class Package Service Contract 204
21. Priority Mail & First-Class Package Service Contract 205
22. Priority Mail & First-Class Package Service Contract 206
23. Priority Mail & First-Class Package Service Contract 207
24. Priority Mail & First-Class Package Service Contract 208
25. Priority Mail & First-Class Package Service Contract 209
26. Priority Mail & First-Class Package Service Contract 210
27. Priority Mail & First-Class Package Service Contract 211
28. Priority Mail & First-Class Package Service Contract 212
29. Priority Mail Express Contract 91
30. Priority Mail Express Contract 92
31. Priority Mail Express Contract 93
32. Priority Mail Express & Priority Mail Contract 126
33. Priority Mail Express & Priority Mail Contract 127
34. Priority Mail Express & Priority Mail Contract 128
35. Priority Mail Express, Priority Mail & First-Class Package Service Contract 77
36. Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 10
37. Priority Mail, First-Class Package Service & Parcel Select Contract 3
25. Priority Mail & First-Class Package Service Contract 179
26. Priority Mail & First-Class Package Service Contract 180
27. Priority Mail Express Contract 60
28. Priority Mail Express Contract 65
29. Priority Mail Express & Priority Mail Contract 72
30. Priority Mail Express & Priority Mail Contract 73
31. Priority Mail Express & Priority Mail Contract 101
32. Priority Mail Express & Priority Mail Contract 111
33. Priority Mail Express & Priority Mail Contract 119
34. Priority Mail Express & Priority Mail Contract 124
35. Priority Mail Express, Priority Mail & First-Class Package Service Contract 38
36. Priority Mail Express, Priority Mail & First-Class Package Service Contract 43
37. Priority Mail Express, Priority Mail & First-Class Package Service Contract 47
38. Priority Mail Express, Priority Mail & First-Class Package Service Contract 52

The above-referenced changes to the competitive product list are incorporated into 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List.

V. Ordering Paragraphs

It is ordered:

1. Part 3040 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this rule, effective 45 days after the date of publication of the Notice in the **Federal Register** without further action, unless adverse comments are received.

2. The Secretary shall arrange for publication of this rule in the **Federal Register**.

3. Interested persons may submit adverse comments no later than 30 days from the date of the publication of this rule in the **Federal Register**.

4. If adverse comments are received, the Secretary will publish a timely withdrawal of the rule in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

List of Subjects in 39 CFR Part 3040

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3040—PRODUCT LISTS

■ 1. The authority citation for part 3040 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3040 to read as follows:

Appendix A to Subpart A of Part 3040—Market Dominant Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

FIRST-CLASS MAIL *

Single-Piece Letters/Postcards

Presorted Letters/Postcards

Flats

Outbound Single-Piece First-Class Mail

International

Inbound Letter Post

USPS MARKETING MAIL (COMMERCIAL AND NONPROFIT) *

High Density and Saturation Letters

High Density and Saturation Flats/Parcels

Carrier Route

Letters

Flats

Parcels

Every Door Direct Mail—Retail

PERIODICALS *

In-County Periodicals

Outside County Periodicals

PACKAGE SERVICES *

Alaska Bypass Service

Bound Printed Matter Flats

Bound Printed Matter Parcels

Media Mail/Library Mail

SPECIAL SERVICES *

Ancillary Services

International Ancillary Services

Address Management Services

Caller Service

Credit Card Authentication

International Reply Coupon Service

International Business Reply Mail Service

Money Orders

Post Office Box Service

Stamp Fulfillment Services

NEGOTIATED SERVICE AGREEMENTS *

Domestic *

International *

Inbound Market Dominant Multi-Service

Agreements with Foreign Postal

Operators

NONPOSTAL SERVICES *

Alliances with the Private Sector to Defray

Cost of Key Postal Functions

Philatelic Sales

MARKET TESTS *

Plus One

Commercial PO Box Redirect Service

Extended Mail Forwarding

■ 3. Revise Appendix B to Subpart A of Part 3040 to read as follows:

Appendix B to Subpart A of Part 3040—Competitive Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

DOMESTIC PRODUCTS *

Priority Mail Express

Priority Mail

Parcel Select

Parcel Return Service

First-Class Package Service

USPS Retail Ground

INTERNATIONAL PRODUCTS *

Outbound International Expedited Services

Inbound Parcel Post (at UPU rates)

Outbound Priority Mail International

International Priority Airmail (IPA)

International Surface Air Lift (ISAL)

International Direct Sacks—M-Bags

Outbound Single-Piece First-Class Package

International Service

Inbound Letter Post Small Packets and Bulky

Letters

NEGOTIATED SERVICE AGREEMENTS *

Domestic *

Priority Mail Express Contract 74

Priority Mail Express Contract 77

Priority Mail Express Contract 81

Priority Mail Express Contract 83

Priority Mail Express Contract 87

Priority Mail Express Contract 88

Priority Mail Express Contract 89

Priority Mail Express Contract 90

Priority Mail Express Contract 91

Priority Mail Express Contract 92

Priority Mail Express Contract 93

Parcel Return Service Contract 11

Parcel Return Service Contract 14

Parcel Return Service Contract 17

Parcel Return Service Contract 18

Priority Mail Contract 80

Priority Mail Contract 153

Priority Mail Contract 292

Priority Mail Contract 360

Priority Mail Contract 457

Priority Mail Contract 479

Priority Mail Contract 504

Priority Mail Contract 505

Priority Mail Contract 507

Priority Mail Contract 509

Priority Mail Contract 511

Priority Mail Contract 523

Priority Mail Contract 529

Priority Mail Contract 530

Priority Mail Contract 531

Priority Mail Contract 533

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Priority Mail Contract 595

Priority Mail Contract 596

Priority Mail Contract 601

Priority Mail Contract 604

Priority Mail Contract 605

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Priority Mail Contract 611

Priority Mail Contract 614

Priority Mail Contract 615

Priority Mail Contract 618

Priority Mail Contract 628

Priority Mail Contract 631

Priority Mail Contract 640

Priority Mail Contract 641

Priority Mail Contract 642

Priority Mail Contract 645

Priority Mail Contract 647

Priority Mail Contract 650

Priority Mail Contract 655

Priority Mail Contract 657

Priority Mail Contract 658

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Priority Mail Contract 707

Priority Mail Contract 708

Priority Mail Contract 709

Priority Mail Contract 710

Priority Mail Contract 711

Priority Mail Contract 712

Priority Mail Contract 713

Priority Mail Contract 714

Priority Mail Contract 715

Priority Mail Contract 716

Priority Mail Contract 717

Priority Mail Contract 718

Priority Mail Contract 719

Priority Mail Contract 720

Priority Mail Contract 721

Priority Mail Contract 722

Priority Mail Contract 723

Priority Mail Contract 724

Priority Mail Contract 725

Priority Mail Contract 726

Priority Mail Contract 727

Priority Mail Contract 728

Priority Mail Contract 729

Priority Mail Contract 730

Priority Mail Contract 731

Priority Mail Contract 732

Priority Mail Contract 733

Priority Mail Contract 734

Priority Mail Express & Priority Mail Contract

International, Priority Mail International & First-Class Package International Service Contract 8	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 1	Inbound Direct Entry Contracts with Foreign Postal Administrations
International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 9	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 2	Inbound Direct Entry Contracts with Foreign Postal Administrations 1
International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contracts	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contracts	Inbound EMS
International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 1	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 1	Inbound EMS 2
International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 2	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 1	Inbound Air Parcel Post (at non-UPU rates)
International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 3	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 2	Inbound Competitive Multi-Service Agreements with Foreign Postal Operators
International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 4	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 3	Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1
International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 5	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 4	SPECIAL SERVICES *
International Priority Airmail Contracts	International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service with Reseller Contract 5	Address Enhancement Services
International Priority Airmail, International Surface Air Lift, Commercial ePacket, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contracts	Inbound International *	Greeting Cards, Gift Cards, and Stationery
	International Business Reply Service (IBRS)	International Ancillary Services
	Competitive Contracts	International Money Transfer Service—Outbound
	International Business Reply Service Competitive Contract 1	International Money Transfer Service—Inbound
	International Business Reply Service Competitive Contract 3	Premium Forwarding Service
	Inbound Direct Entry Contracts with Customers	Shipping and Mailing Supplies
	Inbound Direct Entry Contracts with Foreign Postal Administrations	Post Office Box Service
		Competitive Ancillary Services
		NONPOSTAL SERVICES *
		Advertising
		Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
		Mail Service Promotion
		Officially Licensed Retail Products (OLRP)
		Passport Photo Service
		Photocopying Service
		Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property
		Training Facilities and Related Services
		USPS Electronic Postmark (EPM) Program
		MARKET TESTS *
		[FR Doc. 2022-02278 Filed 2-3-22; 8:45 am]
		BILLING CODE 7710-FW-P