

the law and the public interest. Once your comment has been posted publicly at <https://www.regulations.gov>—as legally required by FTC Rule 4.9(b), 16 CFR 4.9(b)—we cannot redact or remove your comment, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments it receives on or before December 16, 2022. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/siteinformation/privacypolicy>.

#### VII. Communications by Outside Parties to the Commissioners or Their Advisors

Under Commission Rule 1.18(c)(1), 16 CFR 1.18(c)(1), the Commission has determined that communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner advisor will be subject to the following treatment: written communications and summaries or transcripts of all oral communications must be placed on the rulemaking record. Unless the outside party making an oral communication is a member of Congress, communications received after the close of the public-comment period are permitted only if advance notice is published in the Weekly Calendar and Notice of "Sunshine" Meetings.

#### List of Subjects in 16 CFR Part 461

Consumer protection, Impersonation, Trade Practices.

■ For the reasons stated above, the Federal Trade Commission proposes to amend 16 CFR chapter I by adding part 461 to read as follows:

#### PART 461—RULE ON IMPERSONATION OF GOVERNMENT AND BUSINESSES

Sec.

- 461.1 Definitions.
- 461.2 Impersonation of government prohibited.
- 461.3 Impersonation of businesses prohibited.
- 461.4 Means and instrumentalities prohibited.

**Authority:** 15 U.S.C. 41–58.

#### § 461.1 Definitions.

As used in this part:

*Business* means a corporation, partnership, association, or any other entity that provides goods or services, including not-for-profit entities.

*Government* includes Federal, State, local, and tribal governments as well as agencies and departments thereof.

*Officer* includes executives, officials, employees, and agents.

#### § 461.2 Impersonation of government prohibited.

It is unlawful to falsely pose as or to misrepresent, directly or by implication, affiliation with, including endorsement or sponsorship by, a government entity or officer thereof.

#### § 461.3 Impersonation of businesses prohibited.

It is unlawful to falsely pose as or to misrepresent, directly or by implication, affiliation with, including endorsement or sponsorship by, a business or officer thereof.

#### § 461.4 Means and instrumentalities prohibited.

It is unlawful to provide the means and instrumentalities for a violation of § 461.2 or § 461.3.

By direction of the Commission.

**April J. Tabor,**

*Secretary.*

[FR Doc. 2022–21289 Filed 10–14–22; 8:45 am]

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 29 CFR Part 2570

RIN 1210–AC05

#### Posting of Hearing Transcript Regarding Proposed Amendment to Exemption Procedures Regulation and Closing of Reopened Comment Period

**AGENCY:** Employee Benefits Security Administration, Department of Labor.

**ACTION:** Announcement of hearing transcript posting and closing of the reopened comment period.

**SUMMARY:** As discussed in the **DATES** section below, the Department of Labor's Employee Benefits Security Administration (EBSA) is announcing that it has posted the transcript of the virtual public hearing regarding the proposed amendment to its exemption procedure regulation online and determined the closing date for the proposed amendment's reopened comment.

**DATES:** The public hearing transcript was posted to EBSA's website on October 6, 2022, and the reopened comment period for the proposed amendment will close on October 28, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Contact Brian Shiker, Office of Exemption Determinations, EBSA, by phone at (202) 693–8552 (not a toll-free number) or email [bshiker.brian@dol.gov](mailto:bshiker.brian@dol.gov).

**SUPPLEMENTARY INFORMATION:** On March 15, 2022, the Department published in the **Federal Register** a proposed amendment<sup>1</sup> (the Rule) that would update its existing procedures governing the filing and processing of applications for administrative exemptions from the prohibited transaction provisions of the Employee Retirement Income Security Act, the Internal Revenue Code, and the Federal Employees' Retirement System Act. The Department received 29 comment letters on the Rule before the public comment period ended on May 29, 2022.

On August 22, 2022, the Department announced in a **Federal Register** notice<sup>2</sup> that it would hold a virtual public hearing regarding the Rule on September 15, 2022 and then reopen the Rule's public comment period from the hearing date until approximately 14 days after the Department published the hearing transcript on EBSA's website. The notice also stated that the Department will publish a **Federal Register** notice that announces it has posted the hearing transcript to EBSA's website and when the reopened comment period closes.

The Department held the virtual public hearing on September 15, 2022, and eight organizations were represented at the hearing. The Department reopened the Rule's comment period on the hearing date.

In accordance with the August 22, 2022 **Federal Register** notice, the Department is hereby providing notice that it posted the hearing transcript to EBSA's website on October 6, 2022, and the Rule's reopened comment period that began on September 22, 2022 will close on October 28, 2022.<sup>3</sup>

The Department encourages all interested parties to submit comments on the Rule before the reopened comment period closes. All written comments should be identified by RIN 1210–ACO5 and sent to the Office of Exemption Determinations through the Federal eRulemaking Portal. Federal eRulemaking Portal: [https://](https://www.dol.gov/agencies/ebsa)

<sup>1</sup> 87 FR 14722.

<sup>2</sup> 87 FR 51299.

<sup>3</sup> The hearing transcript may be accessed at: <http://www.dol.gov/agencies/ebsa>.

[www.regulations.gov](http://www.regulations.gov) at Docket ID number: EBSA–2022–0003. Please follow the instructions for submitting comments.

All comments on Rule and requests to testify at the hearing are available to the public without charge online at <https://www.regulations.gov>, at Docket ID number: EBSA–2022–0003 and <https://www.dol.gov/agencies/ebsa>. They also are available for public inspection in EBSA’s Public Disclosure Room, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue NW, Washington, DC 20210.

Signed in Washington, DC, this 6th day of October 2022.

**Ali Khawar,**

*Principal Deputy Assistant Secretary,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

[FR Doc. 2022–22243 Filed 10–14–22; 8:45 am]

**BILLING CODE 4510–29–P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 36

[2900–AR78]

#### Loan Guaranty: Loss-Mitigation Options for Guaranteed Loans

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Department of Veterans Affairs (VA) Loan Guaranty Service (LGY) is requesting public comment on expanding VA’s incentivized loss-mitigation options available to servicers that assist veterans whose VA-guaranteed loans are in default. Although VA identifies, below, specific topics and questions for discussion, it encourages commenters to discuss any other topic that will help VA as it explores whether to expand the incentivized loss-mitigation options outlined in VA regulation.

**DATES:** Comments must be received on or before January 17, 2023.

**ADDRESSES:** Comments must be submitted through [www.regulations.gov](http://www.regulations.gov). Except as provided below, comments received before the close of the comment period will be available at [www.regulations.gov](http://www.regulations.gov) for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on the following website as soon as possible after they have been received: [https://](https://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov). VA will not post on [www.regulations.gov](http://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm the individual. VA encourages individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period’s closing date is considered late and will not be considered in any future proposed rulemaking or otherwise addressed by VA.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Trevayne, Assistant Director for Loan and Property Management, and Stephanie Li, Chief of Regulations, 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

provides financial incentives to loan servicers for helping veterans avoid the foreclosure of their VA-backed loans. 38 CFR 36.4319. As VA continues to consider how best to serve veterans, VA is requesting public comment on whether expanding VA’s incentivized loss-mitigation tools for servicers might help veterans retain their homes. VA is also requesting specific comments on the recent use of VA’s loan refunding authority and loan deferment as temporary home retention options to assist certain veteran borrowers.

In response to the COVID–19 pandemic, VA developed new, temporary home retention options to assist veterans with VA-guaranteed loans who were financially affected, either directly or indirectly, by the COVID–19 National Emergency. Use of these new options, including loan deferment,<sup>1</sup> the Veterans Assistance Partial Claim Payment program (VAPCP),<sup>2</sup> and the COVID–19 Refund Modification,<sup>3</sup> is limited to certain guaranteed loans (*i.e.*, those in which a veteran has outstanding payments associated with a COVID–19

forbearance). A common thread across these three temporary home retention options is the veteran’s ability to defer missed mortgage payments until the first of the following occurs: (i) the maturity date of the VA-guaranteed loan, (ii) the date of transfer of the property, or (iii) the date the guaranteed loan is refinanced or otherwise paid in full. The major difference is that VA does not act as a mortgage investor of last resort for the loan deferment option but does for the VAPCP and the COVID–19 Refund Modification. While VA has seen significant use of both the VAPCP and the COVID–19 Refund Modification, fewer servicers have opted for loan deferment.

As VA explores changes to its incentivized loss-mitigation options, VA is interested in understanding whether loan deferment would be a viable incentivized loss-mitigation option. VA is also interested in how changes to the VAPCP or COVID–19 Refund Modification programs might affect veterans, servicers, and taxpayers. In sum, VA is requesting public comment on whether expanding VA’s incentivized loss-mitigation tools, outlined at 38 CFR 36.4319, might further assist veterans who have VA-backed loans to retain their homes, and is including the following specific questions:

#### Questions Related to Flexibility/ Adaptability of VA’s Incentivized Loss-Mitigation Options

1. Are VA’s incentivized loss-mitigation options, outlined at 38 CFR 36.4319, flexible and adaptable, particularly for those transitional times when the market is in flux (*e.g.*, rising interest rate environments, recession, etc.)? Please, where possible, provide data and evidence in support of your response. What could VA do to increase the flexibility and adaptability of section 36.4319’s incentivized loss-mitigation options?

#### Questions Related To Evaluating VA Loss-Mitigation Options

2. Should VA have a prescribed order of loss-mitigation options that servicers must follow, or would stakeholders like to see VA’s regulation continue to provide VA’s preferred order of consideration (*i.e.*, a hierarchy for review)? If VA were to incentivize options such as loan deferment and/or a partial loan refunding option (*e.g.*, VAPCP or COVID–19 Refund), where should these options rank among other options, and should they be either prescribed or preferred?

3. During the COVID–19 pandemic, veterans were given more opportunity to

<sup>1</sup> VA Circular 26–21–19, Loan Deferment as a COVID–19 Home Retention Option (Sept. 29, 2021, expiring July 1, 2023 unless otherwise renewed), [https://www.benefits.va.gov/HOMELOANS/resources\\_circulars.asp](https://www.benefits.va.gov/HOMELOANS/resources_circulars.asp).

<sup>2</sup> 38 CFR 36.4800 *et seq.* (sunset date October 28, 2022).

<sup>3</sup> VA Circular 26–21–13, COVID–19 Home Retention Waterfall and COVID–19 Refund Modification (July 23, 2021, expiring July 1, 2023 unless otherwise renewed), [https://www.benefits.va.gov/HOMELOANS/resources\\_circulars.asp](https://www.benefits.va.gov/HOMELOANS/resources_circulars.asp).