

**Authority:** 5 U.S.C. 8913; Sec. 890.102 also issued under sections 11202(f), 11232(e), and 11246 (b) of Pub. L. 105–33, 111 Stat. 251; Sec. 890.111 also issued under section 1622(b) of Pub. L. 104–106, 110 Stat. 521 (36 U.S.C. 5522); Sec. 890.112 also issued under section 1 of Pub. L. 110–279, 122 Stat. 2604 (2 U.S.C. 2051); Sec. 890.113 also issued under section 1110 of Pub. L. 116–92, 133 Stat. 1198 (5 U.S.C. 8702 note); Sec. 890.301 also issued under section 311 of Pub. L. 111–3, 123 Stat. 64 (26 U.S.C. 9801); Sec. 890.302(b) also issued under section 1001 of Pub. L. 111–148, 124 Stat. 119, as amended by Pub. L. 111–152, 124 Stat. 1029 (42 U.S.C. 300gg–14); Sec. 890.803 also issued under 50 U.S.C. 3516 (formerly 50 U.S.C. 403p) and 22 U.S.C. 4069c and 4069c–1; subpart L also issued under section 599C of Pub. L. 101–513, 104 Stat. 2064 (5 U.S.C. 5561 note), as amended; and subpart M also issued under section 721 of Pub. L. 105–261 (10 U.S.C. 1108), 112 Stat. 2061.

### Subpart A—Administration and General Provisions

- 6. Add § 890.113 to read as follows:

**§ 890.113 Designation of FEHB Program services as emergency services under the Antideficiency Act.**

(a) Any services by an officer or employee under this part and part 892 of this chapter relating to the enrollment of an individual in a health benefits plan under this chapter, or changing the enrollment of an individual already so enrolled, shall be deemed, for purposes of section 1342 of Title 31, United States Code, as services for emergencies involving the safety of human life or the protection of property.

(b) The designation of services as emergency services shall apply to any lapse in appropriations beginning on or after December 20, 2019, the date of enactment of Section 1110(d) of Public Law 116–92.

### Subpart C—Enrollment

- 7. Amend § 890.301 by revising the section heading and adding a heading for paragraph (n) and paragraph (o) to read as follows:

**§ 890.301 Opportunities for employees to enroll or change enrollment; effective dates.**

\* \* \* \* \*

(n) *Determination of lowest-cost nationwide plan option.* \* \* \*

(o) *Pay status during a lapse in appropriations.* An employee, who is furloughed or excepted from furlough and working without pay as a result of a lapse in appropriations, is deemed to be in pay status, during the lapse, for purposes of this section.

## PART 894—FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM

- 8. The authority citation for part 894 is revised to read as follows:

**Authority:** 5 U.S.C. 8962; 5 U.S.C. 8992; Subpart C also issued under section 1 of Pub. L. 110–279, 122 Stat. 2604 (2 U.S.C. 2051); and Sec. 894.601(b) also issued under Pub. L. 116–92, 133 Stat. 1198 (5 U.S.C. 8956 note).

### Subpart D—Cost of Coverage

- 9. Amend § 894.405 by adding paragraph (c) to read as follows:

**§ 894.405 What happens if I go into nonpay status or if my pay/annuity is insufficient to cover the allotments?**

\* \* \* \* \*

(c) If you are a FEDVIP enrollee, who due to a lapse in appropriations is furloughed or excepted from furlough and working without pay due to such a lapse, your FEDVIP coverage will not stop during such a lapse. Upon the end of such a lapse, premiums will be paid to the Carrier from back pay made available as soon as practicable upon the end of such a lapse.

- 10. Amend § 894.406 by adding paragraph (c) to read as follows:

**§ 894.406 What happens if my uniformed services pay or uniformed services retirement pay is insufficient to cover my FEDVIP premiums, or I go into a nonpay status?**

\* \* \* \* \*

(c) If you are a FEDVIP enrollee who is furloughed or excepted from furlough and working without pay due to such a lapse, your coverage will not stop during such a lapse. Upon the end of such a lapse, premiums will be paid to the Carrier using back pay.

### Subpart F—Termination or Cancellation of Coverage

- 11. Amend § 894.601 by revising paragraph (b) to read as follows:

**§ 894.601 When does my FEDVIP coverage stop?**

\* \* \* \* \*

(b) If you go into a period of nonpay or insufficient pay (or insufficient uniformed services pay or uniformed services retirement pay) and you do not make direct premium payments, your FEDVIP coverage stops at the end of the pay period for which your agency, retirement system, OWCP, uniformed services or uniformed services retirement system last deducted your premium payment. *Exception:* If you are an enrollee who is furloughed or excepted from furlough and working without pay during a lapse in

appropriations, your FEDVIP coverage will not stop, and your enrollment may not be cancelled as a result of nonpayment of premiums or other periodic charges due. Pursuant to the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92, such continuation of coverage during a lapse in appropriations applies to any dental or vision contract under 5 U.S.C. chapters 89A and 89B entered into before, on, or after December 20, 2019.

\* \* \* \* \*

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1752

RIN 0572–AC41

### Special Servicing of Telecommunications Programs Loans for Financially Distressed Borrowers

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Final rule; confirmation and response to comments.

**SUMMARY:** The Rural Utilities Service (RUS), a Rural Development agency of the United States Department of Agriculture (USDA), is confirming the final rule published in the **Federal Register** on February 25, 2020 to outline the general policies for servicing actions associated with financially distressed borrowers from the Telecommunications Infrastructure Loan Program, Rural Broadband Program, Distance Learning and Telemedicine Program, Broadband Initiatives Program, and Rural e-Connectivity Pilot Program. This document also provides the Agency an opportunity to acknowledge the one public comment received on the final rule.

**DATES:** Effective April 2, 2021, the final rule published February 25, 2020 at 85 FR 10555 is confirmed.

**FOR FURTHER INFORMATION CONTACT:** Laurel Leverrier, Assistant Administrator Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture (USDA), email: [laurel.leverrier@usda.gov](mailto:laurel.leverrier@usda.gov), telephone: (202) 720–3416.

**SUPPLEMENTARY INFORMATION:** The Rural Utilities Service improves the quality of life in rural America by providing investment capital for deployment of rural telecommunications infrastructure. To achieve the goal of increasing economic opportunity in rural America,

the Agency finances infrastructure that enables access to a seamless, nationwide telecommunications network. With access to the same advanced telecommunications networks as its urban counterparts—especially those designed to accommodate distance learning, telework, and telemedicine—rural America will eventually see improving educational opportunities, health care, economies, safety and security, and ultimately higher employment. The Telecommunications Infrastructure Loan Program, Rural Broadband Program, Distance Learning and Telemedicine Program, Broadband Initiatives Program and ReConnect Program (hereinafter collectively referred to as the “RUS Telecommunications Programs”) provide loan funding to build and expand broadband and telecommunications services in rural communities.

This final rule confirms the final rule that published in the **Federal Register** on February 25, 2020 at 85 FR 10555, which outlines the general policies and procedures for servicing actions associated with the RUS Telecommunications Programs Borrowers in financial distress with the mutual objective of avoiding or resolving a monetary default of the RUS debt. This final rule will ensure that recipients comply with the established objectives and requirements for loans, repaying loans on schedule or within the revised terms as agreed to by the Agency, and act in accordance with any necessary agreements. It will also ensure that the Agency will handle servicing actions in a consistent approach across all RUS Telecommunications Programs, as well as protect the financial interest of the Agency.

#### Summary of Comments and Responses

RUS invited comments on the final rule published in the **Federal Register** on February 25, 2020 at (85 FR 10555). While two comments were received, one was not relevant to this rule. The only relevant comment, submitted by NTCA-THE RURAL BROADBAND ASSOCIATION, contained four (4) modifications/considerations relevant to the servicing rule (SR). The Agency's responses are as follows:

*Issue 1:* NTCA recommends the creation of an interface to guide staff and borrowers to the selection of the most appropriate loan servicing option.

*Agency Response:* RUS agrees that the suggestion to have interface with borrowers to receive guidance from the Agency is a suggestion worth exploring and will take it under consideration. Since every distressed borrower has

distinct financial and legal issues, the agency is considering issuing written guidance, such as FAQs, and implementing, a help desk, or possibly even outreach events such as webinars.

*Issue 2:* NTCA recommends the agency consider historic repayment performance of borrowers (both individually and in the respective programs) in reservicing proceedings.

*Agency Response:* In determining feasibility of any requested action, the agency already takes into consideration the borrower's historical and current financial information, which includes its repayment history. Additionally, the required financial forecast provides the Agency with the borrower's own assessment and prediction as to repayment.

*Issue 3:* NTCA urges consideration of the utilization of waivers to avoid “unnecessary or onerous filings”.

*Agency Response:*

RUS is mindful of the timing and the cost associated with preparing some of the required information to seek special servicing actions. However, the agency needs to request the core documents for consideration of all distressed borrowers so that all every borrower is treated in the same manner. More importantly, these core documents are the minimum financial information that is necessary to make an informed decision on the servicing option.

With respect to the additional documents that may be requested by the Agency under section 1752.6, the agency notes that only information related to the specific servicing action will be requested. That said, the borrower will have ample opportunity to suggest the most efficient and cost-effective ways to provide this information to the RUS.

*Issue 4:* NTCA supports the conclusion of reservicing requests within a reasonable timeframe.

*Agency Response:* RUS agrees that timing is often critical in dealing with financially distressed borrowers whose resources may be limited and are rapidly being depleted. It is nevertheless important not to rush through a process which may lead to overlooking key factors or result in outright errors which may waste precious time in the long run.

As indicated above, most distressed borrowers have distinct financial and legal issues which require different periods to resolve. The time frame for completing a loan workout is a function of numerous factors including: (1) The complexity and depth of the challenges facing the borrower; (2) the completeness and quality of the information provided with the initial

request; (3) how much time since the problems surfaced before the borrower seeks assistance; and (4) the experience and qualifications of management and their team. The availability of resources at RUS may also be a factor. As such, it would not be in the best interest of any of the parties to establish a set timeframe for servicing. Similarly, a “fast track” of the process, or the use of waivers, may not produce the best possible outcome for the borrower.

The RUS appreciates the interest of the NTCA-The Rural Broadband Association (NTCA) with regard to the Special Servicing of Telecommunications Programs Loans for Financially Distressed Borrowers final rule and thanks them for their submission.

**Christopher A. McLean,**

*Acting Administrator, Rural Utilities Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2020-0801; Product Identifier 2019-SW-101-AD; Amendment 39-21472; AD 2021-06-05]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2017-07-08 for Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB-BK 117 D-2 helicopters. AD 2017-07-08 required repetitively inspecting each engine mount elastomeric bushing (elastomeric bushing). Since the FAA issued AD 2017-07-08, Airbus Helicopters has designed an improved engine mount metal bushing (metal bushing). This new AD retains the inspection requirements of AD 2017-07-08 and requires replacing each affected engine mount bushing with an improved engine mount bushing, while also requiring repetitive inspections of the improved engine mount bushing. This AD also prohibits installing an elastomeric bushing on any helicopter. The actions of this AD are intended to address an unsafe condition on these products.