

Items and Services, published in the **Federal Register** on December 28, 2020, to allow Department of Veterans Affairs (VA) officials the opportunity for further review and consider the new regulations.

DATES: The effective date of the rule amending 38 CFR part 17 published at 85 FR 84245, December 28, 2020, is delayed until February 26, 2021.

FOR FURTHER INFORMATION CONTACT: Penny Nechanicky, National Program Director for Prosthetic and Sensory Aids Service (10P4RK), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; penny.nechanicky@va.gov; (202) 461-0337. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

This rulemaking adopts proposed amendments to VA's regulations governing the provision of prosthetic and rehabilitative items and services as medical services to veterans. It establishes a new section for the provision of prosthetic and rehabilitative items and services, clarifies eligibility for such items and services, and defines the types of prosthetic and rehabilitative items and services available to eligible veterans.

VA bases this action on the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review." That memorandum directed the heads of Executive Departments and Agencies to consider temporarily postponing for 60 days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect. The memorandum also noted certain exceptions that do not apply here. VA therefore is delaying the effective date for the rule entitled "Prosthetic and Rehabilitative Items and Services" to February 26, 2021, determining 30 days is sufficient time to assess without unduly impacting or delaying delivery of support and services.

The Agency's implementation of this action without opportunity for public comment is based on the good cause exception in the Administrative Procedure Act, 5 U.S.C. 553(b)(B), in that seeking public comment would be impracticable, unnecessary and contrary to the public interest. The temporary delay in effective date until February 26, 2021, will give Agency officials the opportunity to review and consider the new regulations, as required by the memorandum of the Assistant to the

President and Chief of Staff, dated January 20, 2021. The Prosthetic and Rehabilitative Items and Services rule would have taken effect on January 27, 2021. The effective date for this regulation will be extended by 30 days from the original effective date. It would not have been possible to provide a meaningful opportunity for public comment prior to that effective date, and delay of the effective date is in the public interest because it allows an opportunity for the new Administration to consider the policy implications of the final rule before it becomes final. Thus, the good cause exception in 5 U.S.C. 553(b)(B) applies to VA's decision to extend the effective date of the Prosthetic and Rehabilitative Items and Services rule without first going through notice and comment.

In taking this action, the Agency also invokes the good cause exception in 5 U.S.C. 553(d)(3), which allows the action to be immediately effective for "good cause" rather than subject to the requirement in the Administrative Procedure Act (5 U.S.C. 553(d)) that a minimum of 60 days is required before a rule may become effective. The nature of this action is to extend by 30 days the effective date of a final rule that otherwise would become effective on January 27, 2021. Seeking prior public comment on this postponement would have been impracticable, as well as contrary to the public interest, in the orderly issuance and implementation of regulations.

Signing Authority

The Acting Secretary of Veterans Affairs, or designee, approved this document 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. Chris Diaz, Acting Chief of Staff and White House Liaison, Department of Veterans Affairs, approved this document on January 25, 2021, for publication.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

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LEGAL SERVICES CORPORATION

45 CFR Part 1611

Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation (LSC) is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines issued by the U.S. Department of Health and Human Services (HHS).

DATES: Effective January 28, 2021.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Senior Assistant General Counsel, Legal Services Corporation, 3333 K St. NW, Washington, DC 20007; (202) 295-1563; sdavis@lsc.gov.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act (Act), 42 U.S.C. 2996f(a)(2), requires LSC to establish maximum income levels for individuals eligible for legal assistance. Section 1611.3(c) of LSC's regulations establishes a maximum income level equivalent to 125% of the Federal Poverty Guidelines (Guidelines), which HHS is responsible for updating and issuing. 45 CFR 1611.3(c).

Each year, LSC updates appendix A to 45 CFR part 1611 to provide client income eligibility standards based on the most recent Guidelines. The figures for 2021, set out below, are equivalent to 125% of the Guidelines published by HHS on January 15, 2021.

In addition, LSC is publishing a chart listing income levels that are 200% of the Guidelines. This chart is for reference purposes only as an aid to recipients in assessing the financial eligibility of an applicant whose income is greater than 125% of the applicable Guidelines amount, but less than 200% of the applicable Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with 45 CFR 1611.3, 1611.4, and 1611.5).

Except where there are minor variances due to rounding, the amount by which the guideline increases for each additional member of the household is a consistent amount.

List of Subjects in 45 CFR Part 1611

Grant programs—law, Legal services.

For reasons set forth in the preamble, the Legal Services Corporation amends 45 CFR part 1611 as follows:

PART 1611—ELIGIBILITY

- 1. The authority citation for part 1611 continues to read as follows:

Authority: 42 U.S.C. 2996g(e).

- 2. Revise appendix A to part 1611 to read as follows:

Appendix A to Part 1611—Income Level for Individuals Eligible for Assistance

LEGAL SERVICES CORPORATION 2021 INCOME GUIDELINES *

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	\$16,100	\$20,113	\$18,525
2	21,775	27,213	25,050
3	27,450	34,313	31,575
4	33,125	41,413	38,100
5	38,800	48,513	44,625
6	44,475	54,938	51,150
7	50,150	62,713	57,675
8	55,825	69,813	64,200
For each additional member of the household in excess of 8, add:	5,675	7,100	6,525

* The figures in this table represent 125% of the Federal Poverty Guidelines by household size as determined by HHS.

REFERENCE CHART—200% OF FEDERAL POVERTY GUIDELINES *

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	\$25,760	\$32,180	\$29,640
2	34,840	43,540	40,080
3	43,920	54,900	50,520
4	53,000	66,260	60,960
5	62,080	77,620	71,400
6	71,160	88,980	81,840
7	80,240	100,340	92,280
8	89,320	111,700	102,720
For each additional member of the household in excess of 8, add:	9,080	11,360	10,440

* The figures in this table represent 200% of the Federal Poverty Guidelines by household size as determined by HHS.

Dated: January 22, 2021.

Stefanie Davis.

Senior Assistant General Counsel.

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