

the regulatory provision from which the exemption is granted. The notice must specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### III. Background

#### *Current Regulatory Requirements*

The Commercial Driver's License (CDL) requirements in 49 CFR part 383, subpart G, Required Knowledge and Skills, specifically section 49 CFR 383.133(c)(1)-(2) require the following: *Test methods:* (1) A State must develop, administer and score the skills tests based solely on the information and standards contained in the driver and examiner manuals referred to in § 383.131(a) and (b); and (2) A State must use the standardized scores and instructions for administering the tests contained in the examiner manual referred to in § 383.131(b).

#### *Applicant's Request*

On October 25, 2021, the American Association of Motor Vehicle Administrators (AAMVA) requested that FMCSA consider granting the States of Maryland, New Hampshire, and Virginia (the pilot States) a multi-year exemption to allow these 3 pilot States to continue using revised CDL vehicle inspection and revised control skills procedures. The requested exemption would enable these pilot States to continue operating under the pilot model without the burden of reverting to the older CDL test model requiring cost and delays associated with the re-configuration of testing locations and retraining of CDL test examiners.

On August 16, 2021, AAMVA requested a 90-day waiver from 49 CFR 383.133 to enable the pilot States to complete field tests of the new CDL skills test procedures. This waiver request was subsequently granted on August 31, 2021 for the period of September 1, 2021 through December 1, 2021, after FMCSA determined that CDL skills testing conducted under the terms and conditions of the waiver would achieve an equivalent level of safety to the current regulations. AAMVA now seeks to allow the pilot States to continue operating under the revised CDL vehicle inspection and revised control skills procedures once the field test waiver period has concluded. According to AAMVA, the requested exemption "would permit these States to continue CDL testing without the burden of reverting back to the older CDL test model which would require cost and delays associated with re-

configuration of testing locations and retraining of CDL examiners."

AAMVA also notes that the requested exemption would allow continued use of the revised testing system by the pilot States operating under the current waiver while AAMVA and FMCSA analyze the field test results and determine if any additional adjustments warrant further review by the Agency and testing by these pilot States. If the Agency adopts the modernized test, the requested exemption will minimize the back-and-forth and confusion of rotating between CDL test models in the 3 pilot States during the exemption period. If FMCSA does not accept the modernized test, the pilot States would revert to the current system but would need up to 30 days to transition and notify industry of the return to the current CDL test model. A copy of the AAMVA exemption application is in the docket listed at the beginning of this notice.

### IV. Equivalent Level of Safety

In granting AAMVA's original waiver request from 49 CFR 383.133, the FMCSA determined that a waiver of the traditional pre-trip inspection and basic vehicle control skills testing requirements would not have an adverse impact on safety because the revised skills test will provide a comparable level of rigor as the current tests to ensure that participating CDL applicants demonstrate a level of knowledge and skills that prove they can operate commercial motor vehicles safely. AAMVA requested the exemption be granted under the same terms and conditions as the waiver. Under the terms of the waiver, the tests must be administered in a controlled setting, located within States' skills testing facilities. All other safety requirements, such as requiring the applicant to pass the traditional on-road test segment of the skills test, continue to apply. In addition, the pilot States may administer the revised examinations only to applicants who are domiciled in their respective States. The pilot States must continue to be prohibited from issuing CDLs to field test applicants unless the applicant passes all the required segments of the skills test.

### V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on the American Association of Motor Vehicle Administrators (AAMVA) application for an exemption from 49 CFR 383.133(c)(1)-(2). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be

considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; Matching Program

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice of a modified matching program.

**SUMMARY:** This is an 18-month re-establishment computer matching agreement (CMA) with the Defense Manpower Data Center (DMDC), Department of Defense (DoD) and the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA), regarding Veterans who are in return to active duty and in receipt of compensation or pension benefits. The purpose of this CMA is to re-establish the agreement between VA, Veterans Benefits Administration (VBA) and the DoD, DMDC. DoD will disclose information about individuals who have returned to active duty. VBA will use this information as a match for recipients of Compensation and Pension benefits for adjustments of awards.

**DATES:** Comments on this matching program must be received no later than January 10, 2022. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for 18 months from the effective date of this notice.

**ADDRESSES:** Comments may be submitted through [www.Regulations.gov](http://www.Regulations.gov) or mailed to VA Privacy Service, 810

Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to "CMA #2 Return to Active Duty #87". Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

**FOR FURTHER INFORMATION CONTACT:**

Charlene Small (VBA), Program Analyst, Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420, 202-306-8914, *Charlene.small@va.gov*.

**SUPPLEMENTARY INFORMATION:** This agreement continues an arrangement for a periodic computer-matching program between the United States Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) as the matching recipient agency and the Department of Defense (DoD), Defense Manpower Data Center (DMDC) as the matching source agency. This agreement sets forth the responsibilities of VBA and DoD with respect to information disclosed pursuant to this agreement and considers both agencies' responsibilities under the Privacy Act of 1974, 5 U.S.C. 552a, as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, and the regulations promulgated thereunder, including computer matching portions of a revision of OMB Circular No. A-130, 65 FR 77677 dated December 12, 2000.

**PARTICIPATING AGENCIES:**

VA, VBA as the matching recipient agency and DoD, DMDC as the matching source agency.

**AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:**

The legal authority for conducting the matching program for use in the administration of VA's Compensation and Pension Benefits Programs is contained in 38 U.S.C. 5304(c), Prohibition Against Duplication of Benefits, which precludes pension, compensation, or retirement pay on account of any person's own service, for any period for which he receives active duty pay. The head of any Federal department or agency shall provide, pursuant to 38 U.S.C. 5106, such information as requested by VA for the purpose of determining eligibility for, or amount of benefits, or verifying other information with respect thereto.

**PURPOSE(S):**

The purpose of this matching program between VBA and DoD is to identify those Veterans and VA beneficiaries who are in receipt of certain VA benefit payments and have returned to active duty. VBA has the obligation to reduce

or suspend compensation and pension benefit payments to Veterans who have returned to active duty. VBA will use the DoD records provided in the match to update the master records of Veterans and VA beneficiaries receiving benefits and to adjust their VA benefits, accordingly, if needed.

**CATEGORIES OF INDIVIDUALS:**

(1) Veterans who have applied for compensation for service-connected disability under 38 U.S.C. Chapter 11.

(2) Veterans who have applied for nonservice-connected disability under 38 U.S.C. Chapter 15.

(3) Veterans entitled to burial benefits under 38 U.S.C. Chapter 23.

(4) Surviving spouses and children who have claimed pensions based on nonservice-connected death of a Veteran under 38 U.S.C. Chapter 15.

(5) Surviving spouses and children who have claimed death compensation based on service-connected death of a Veteran under 38 U.S.C. Chapter 11.

(6) Surviving spouses and children who have claimed dependency and indemnity compensation for service-connected death of a Veteran under 38 U.S.C. Chapter 13.

(7) Parents who have applied for death compensation based on service connected death of a Veteran under 38 U.S.C. Chapter 11.

(8) Parents who have applied for dependency and indemnity compensation for service-connected death of a Veteran under 38 U.S.C. Chapter 13.

(9) Individuals who applied for educational assistance benefits administered by VA under title 38 of the U.S. Code.

(10) Individuals who applied for educational assistance benefits maintained by the Department of Defense under title 10 of the U.S. Code that are administered by VA.

(11) Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Emergency Veterans' Job Training Act of 1983, Public Law 98-77.

(12) Any VA employee who generates or finalizes adjudicative actions using the Benefits Delivery Network (BDN) or the Veterans Service Network (VETSNET) computer processing systems.

(13) Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Service Members Occupational Conversion and Training Act of 1992, Public Law 102-484.

(14) Representatives of individuals covered by the system.

**CATEGORIES OF RECORDS:**

The record, or information contained in the record, may include:

(1) Identifying information (*e.g.*, name, address, social security number);

(2) Military service and active duty separation information (*e.g.*, name, service number, date of birth, rank, sex, total amount of active service, branch of service, character of service, pay grade, assigned separation reason, service period, whether Veteran was discharged with a disability, reenlisted, received a Purple Heart or other military decoration);

(3) Payment information (*e.g.*, Veteran payee name, address, dollar amount of readjustment service pay, amount of disability or pension payments, number of non-pay days, any amount of indebtedness (accounts receivable) arising from title 38 U.S.C. benefits and which are owed to the VA);

(4) Medical information (*e.g.*, medical and dental treatment in the Armed Forces including type of service connected disability, medical facilities, or medical or dental treatment by VA health care personnel or received from private hospitals and health care personnel relating to a claim for VA disability benefits or medical or dental treatment);

(5) Personal information (*e.g.*, marital status, name and address of dependents, occupation, amount of education of a Veteran or a dependent, dependent's relationship to Veteran);

(6) Education benefit information (*e.g.*, information arising from utilization of training benefits such as a Veteran trainee's induction, reentrance or dismissal from a program or progress and attendance in an education or training program);

(7) Applications for compensation, pension, education and vocational rehabilitation benefits and training—which may contain identifying information, military service and active duty separation information, payment information, medical and dental information, personal and education benefit information relating to a Veteran or beneficiary's incarceration in a penal institution (*e.g.*, name of incarcerated Veteran or beneficiary, claims folder number, name and address of penal institution, date of commitment, type of offense, scheduled release date, Veteran's date of birth, beneficiary relationship to Veteran and whether Veteran or beneficiary is in a work release or half-way house program, on parole or has been released from incarceration);

(8) VA employee's BDN or VETSNET identification numbers, the number and kind of actions generated and/or

finalized by each such employee, the compilation of cases returned for each employee.

**SYSTEM(S) OF RECORDS:**

Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA (58 VA 21/22/28), published at 86 FR 61858 (November 8, 2021), last amended at 84 FR 4138 on February 14, 2019.

**Signing Authority**

The Senior Agency Official for Privacy, 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. Joseph S. Stenaka, Executive Director for Information Security Operations, Chief Privacy

Officer and Chair of the VA Data Integrity Board approved this document on November 30, 2021 for publication.

Dated: December 3, 2021.

**Amy L. Rose,**

*Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.*

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