



# Federal Register

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**Thursday,  
November 30, 2000**

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**Part XVI**

**Department of  
Veterans Affairs**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF VETERANS AFFAIRS (VA)**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Ch. I**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning October 2000. The purpose in publishing the Department's regulatory agenda is to

allow all interested persons the opportunity to participate in VA's regulatory planning.

**ADDRESSES:** Interested persons are invited to comment on the entries listed in the agenda by contacting the individual agency contact listed for each entry or by writing to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

**FOR FURTHER INFORMATION CONTACT:** Gloria Armstrong at (202) 273-8605.

**SUPPLEMENTARY INFORMATION:** This document is issued pursuant to Executive Order 12866 "Regulatory

Planning and Review" (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that VA will have under development or review. For this edition of VA's regulatory agenda, we have concluded that we do not have any regulatory submissions for the October 2000 Regulatory Plan. However, the Agency's Statement of Regulatory Priorities does appear in this issue of the **Federal Register**.

**Thomas O. Gessel,**  
*Director, Office of Regulations Management.*

Department of Veterans Affairs—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3300	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort; Regional Office Committee on Waiver and Compromises .....	2900-AK10

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3301	Exemption from Pharmacy Copay .....	2900-AJ12
3302	Medical Care and Treatment for Which VA Will Not Seek Reimbursement .....	2900-AJ20
3303	Priorities for State Home Grants for Construction, Acquisition, or Renovation .....	2900-AJ43
3304	Reimbursement/Payment for Uninsured Veterans' Non-VA Emergency Medical Care .....	2900-AK08
3305	Copayments for Medication .....	2900-AK28
3306	Copayments for Extended Care Services .....	2900-AK32
3307	Enrollment Priority Category Status for Purple Heart Awardees .....	2900-AK38
3308	Copayments for Inpatient Hospital Care and Outpatient Medical Care .....	2900-AK50
3309	Schedule for Rating Disabilities—The Orthopedic System .....	2900-AE91
3310	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders .....	2900-AF23
3311	Schedule for Rating Disabilities—Digestive System .....	2900-AF24
3312	Total Disability Evaluations Based on Inability of the Individual to Engage in Substantially Gainful Employment .....	2900-AH21
3313	Ankylosis and Limitation of Motion of Digits of the Hands .....	2900-AI44
3314	Schedule for Rating Disability: The Spine .....	2900-AJ60
3315	Education Provisions of the Veterans Programs Enhancement Act of 1998 .....	2900-AJ68
3316	Evidence of Permanent and Total Disability .....	2900-AJ82
3317	Benefit of the Doubt .....	2900-AJ93
3318	Permanent Incapacity for Self-Support .....	2900-AJ95
3319	Presumptive Service Connection for Hepatitis C Infection .....	2900-AJ96
3320	Post-Traumatic Stress Disorder Claims Based on Personal Assault .....	2900-AK00
3321	Minimum Active Duty Requirement .....	2900-AK02
3322	State Department as Agent of Department of Veterans Affairs .....	2900-AK03
3323	Commencement of the Period of Payment .....	2900-AK09
3324	Service Connection and Chronic Disability .....	2900-AK11
3325	Schedule for Rating Disabilities: Disabilities of the Liver .....	2900-AK12
3326	Governmentwide Debarment and Suspension (Nonprocurement) and Requirement for Drug-Free Workplace (Assistance) .....	2900-AK16
3327	Time Limits, Extensions, and Computation of Time Limits .....	2900-AK17
3328	Finality of Decisions .....	2900-AK18
3329	Delegation of Authority to Issue Decisions on Benefits Claims .....	2900-AK19

VA

## Department of Veterans Affairs—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3330	Individuals and Groups Considered To Have Performed Active Military, Naval, or Air Service .....	2900-AK20
3331	Psychosis .....	2900-AK21
3332	Change of Law-Effect on Benefits .....	2900-AK22
3333	Renouncement of Benefits .....	2900-AK23
3334	Testimony in Support of Benefit Claims .....	2900-AK24
3335	Change in Benefits Based on Oral or Written Information .....	2900-AK25
3336	Acceptable Evidence of Dependents and Age .....	2900-AK26
3337	Acceptable Evidence of Void and Annulled Marriages .....	2900-AK27
3338	Acceptable Evidence of Marriage .....	2900-AK30
3339	Independent Medical Opinions .....	2900-AK31
3340	Acceptable Evidence of Divorce .....	2900-AK34
3341	Acceptable Evidence of Termination of Marital Relationship or Conduct .....	2900-AK35
3342	Acceptable Evidence of Birth .....	2900-AK36
3343	Evidence from Foreign Countries .....	2900-AK37
3344	National Service Life Insurance—Plain English Revision .....	2900-AK43
3345	Acceptable Evidence of Child's Relationship .....	2900-AK47
3346	Acceptable Evidence of Death .....	2900-AK48
3347	Acceptable Evidence of Unexplained Absence for 7 years .....	2900-AK49
3348	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources .....	2900-AI71
3349	Universal Product Numbers (UPNs) .....	2900-AJ45
3350	Construction and Architect-Engineer Contracts .....	2900-AJ56
3351	Rules of Practice; Jurisdiction .....	2900-AJ97
3352	Headstone and Marker Inscription Policy .....	2900-AH45
3353	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries ....	2900-AH46
3354	Eligibility for Burial of Dependent Adult Children of Eligible Veterans .....	2900-AI95
3355	Use of the Secretary's Authority as Provided by 38 U.S.C. 2402(6) .....	2900-AJ48
3356	Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance .....	2900-AK13

## Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3357	Provision of Drugs and Medicines Prescribed by Non-VA Physicians .....	2900-AJ24
3358	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes .....	2900-AJ34
3359	Per Diem for Adult Day Health Care of Veterans in State Homes .....	2900-AJ74
3360	Reasonable Charges for Medical Care or Services .....	2900-AK39
3361	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA .....	2900-AE20
3362	Acceptance of Partial Payments; Indemnification of Default .....	2900-AE60
3363	Schedule for Rating Disabilities—The Skin .....	2900-AF00
3364	Amendments to Training and Rehabilitation Programs .....	2900-AG00
3365	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers .....	2900-AG20
3366	Vision .....	2900-AH43
3367	Intervertebral Disc Syndrome .....	2900-AI22
3368	Claims Based on Aggravation of Nonservice-Connected Disability .....	2900-AI42
3369	New Criteria for Approval of Courses for Educational Assistance Programs .....	2900-AI67
3370	Use of Facilities To Provide Training or Work Experience for Veterans .....	2900-AJ01
3371	Dependents Education: Eligibility and Entitlement Standards .....	2900-AJ19
3372	Veterans Education: Reporting and Recordkeeping Requirements at Flight Schools .....	2900-AJ23
3373	Revised Criteria for Monetary Allowance for a Child Born with Spina Bifida Who Is a Child of a Vietnam Veteran ..	2900-AJ51
3374	Exclusions from Income .....	2900-AJ52
3375	Certification Evidence for Proof of Service .....	2900-AJ55
3376	Claims Based on Effect of Tobacco Products .....	2900-AJ59
3377	Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance .....	2900-AJ80
3378	Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues .....	2900-AJ90
3379	Review of Benefit Claims Decisions .....	2900-AJ99

## VA

## Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3380	Revised Definition of a Program of Education Under the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues .....	2900-AK06
3381	Signature by Mark .....	2900-AK07
3382	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve .....	2900-AK40
3383	Veterans Education: Increased Allowance for the Educational Test Program .....	2900-AK41
3384	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty .....	2900-AK44
3385	End of the Service Members Occupational Conversion and Training Program .....	2900-AK45
3386	Veterans Vocational Rehabilitation and Education: Title Change .....	2900-AK46
3387	Board of Veterans Appeals—Rules of Practice—Attorney Fee Matters .....	2900-AI98
3388	Board of Veterans Appeals: Rules of Practice—Subpoenas .....	2900-AJ58
3389	Delegations of Authority—Appeals Regulations and Rules of Practice .....	2900-AJ66
3390	Notice of Appeal in Simultaneously Contested Claims .....	2900-AJ73
3391	Notification of Representatives in Connection with Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error .....	2900-AJ75
3392	The Board of Veterans Appeal; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakable Error: Content of Record; Advancement on the Docket .....	2900-AJ85
3393	Outer Burial Receptacles .....	2900-AJ49
3394	Interment or Memorialization in VA National Cemeteries and Certain State Cemeteries—Federal or State Capital Crime .....	2900-AJ77
3395	Release of Information from Department of Veterans Affairs Records .....	2900-AH98

## Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3396	Protection of Human Subjects .....	2900-AJ08
3397	Clothing Allowance .....	2900-AJ21
3398	Provision of Aids to the Blind .....	2900-AJ22
3399	Advanced Health Care Planning .....	2900-AJ28
3400	Policy Regarding Participation in National Practitioner Data Bank .....	2900-AJ76
3401	Aids for the Blind .....	2900-AJ83
3402	Therapeutic Housing .....	2900-AK01
3403	Medication Prescribing Authority .....	2900-AK05
3404	Waivers .....	2900-AK29
3405	Evidence on File at Date of Death .....	2900-AH42
3406	Well Grounded Claims/Duty to Assist .....	2900-AJ44
3407	Schedule for Rating Disabilities: Global Assessment of Functioning Scale in the Evaluation of Mental Disorders ...	2900-AJ84
3408	Loan Guaranty: Advertising and Solicitation Disclosure Requirements .....	2900-AJ86
3409	Loan Guaranty: Revision to VA Work Rules for Credit Scored Loans .....	2900-AJ91
3410	Loan Guaranty: Credit Standards Revision .....	2900-AJ92
3411	Sealed Bidding and Competitive Proposals .....	2900-AI99
3412	Appeals Regulations; Rules of Practice .....	2900-AE78
3413	Rules of Practice; Hearings .....	2900-AG07
3414	Rules of Practice: Medical Opinions; Appeal Processing and Submission of Additional Evidence .....	2900-AG90
3415	Appeal Regulations, Rules of Practice: Use of Supplemental Statement of the Case .....	2900-AK33
3416	Delegation of Authority—Decisionmaking Regarding Discrimination .....	2900-AJ63
3417	Operation of Child Care Centers at VA Facilities .....	2900-AD48
3418	Recognition of Organizations and Accreditation of Representatives .....	2900-AI93
3419	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	2900-AJ62

## VA

## Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
3420	Copayments for Outpatient Medical Care and Services .....	2900-AK15
3421	Child Custody .....	2900-AI10
3422	Reservist Education: Monthly Verification of Enrollment and Other Reports .....	2900-AI68
3423	Veterans Training: Increase in Rates Payable Under 38 U.S.C. Chapter 31 .....	2900-AI74
3424	Eligibility Reporting Requirements .....	2900-AJ09
3425	Veterans' Benefits Act of 1997 .....	2900-AJ25
3426	Cash Values for National Service Life Insurance (NSLI) and Veterans Special Life Insurance (VSLI)—Term Capped Policies .....	2900-AJ35
3427	Dependents Education: Verification of Pursuit and Continued Enrollment .....	2900-AJ41
3428	Modified Eligibility Criteria for the Montgomery GI Bill—Active Duty .....	2900-AJ69
3429	National Service Life Insurance .....	2900-AJ78
3430	Increase in Rates Payable under the Montgomery GI Bill—Selected Reserve .....	2900-AJ88
3431	Increase in Rates Payable under the Montgomery GI Bill—Active Duty .....	2900-AJ89
3432	Veterans Millennium Health Care and Benefits Act .....	2900-AK04
3433	Servicemembers' Group Life Insurance and Veterans' Group Life Insurance .....	2900-AK42
3434	VA Acquisition Regulations Part 801, Legal/Technical Review Requirements .....	2900-AI96
3435	Contractor Qualifications .....	2900-AJ05
3436	VA Acquisition Regulations: Part 802, Definition of "Head of Contracting Activity" .....	2900-AJ26
3437	VA Acquisition Regulations: Part 801, VA Contracting Officer Certification Program .....	2900-AJ33
3438	VA Acquisition Regulation Part 819, Small Business and Small Disadvantaged Business Concerns .....	2900-AJ36
3439	Appeals Regulations: Title for Members of the Board of Veterans' Affairs .....	2900-AK14
3440	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance .....	2900-AJ11

## Department of Veterans Affairs (VA)

## Prerule Stage

OFFICE OF FINANCIAL  
MANAGEMENT3300. STANDARDS FOR COLLECTION,  
COMPROMISE, SUSPENSION, OR  
TERMINATION OF COLLECTION  
EFFORT; REGIONAL OFFICE  
COMMITTEE ON WAIVER AND  
COMPROMISES**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 31 USC 3700 et seq; 38 USC 501; 38 USC 5302; 38 USC 5314; 38 USC 5315**CFR Citation:** 31 CFR 900-904; 38 CFR 1.900-1.970**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) proposes to revise its current regulations on debt collection by eliminating some and cross-referencing the remainder to the revised DOJ/Treasury Governmentwide Federal Claims Collection Standards (31 CFR parts 900-904). These regulations will also be updated to comply with the Debt Collection Improvement Act of 1996. In addition, VA also proposes to amend regulations pertaining to the administration of our Regional Office Committees on Waivers and Compromises.**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Peter T. Mulhern, Office of Financial Management (047GC1), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5570  
TDD Phone: 202 273 6574**RIN:** 2900-AK10

## Department of Veterans Affairs (VA)

## Proposed Rule Stage

**VETERANS HEALTH ADMINISTRATION****3301. EXEMPTION FROM PHARMACY COPAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1521; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None**Abstract:** This action clearly establishes the base pension rate adjustment for number of dependents as the income threshold as a means to determine exemption from medication copayment.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Richard E. Rhoades, Director, Field Support, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 02420  
Phone: 202 273-8205**RIN:** 2900-AJ12**3302. MEDICAL CARE AND TREATMENT FOR WHICH VA WILL NOT SEEK REIMBURSEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1729**CFR Citation:** 38 CFR 17.107**Legal Deadline:** None**Abstract:** This document proposes to amend VA's medical regulations to provide that, under specified conditions, VA will not seek reimbursement from health insurance carriers or from veterans in the form of copayments for care or services not adjudicated as service connected.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs,

Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8198

Fax: 202 273-6485

**RIN:** 2900-AJ20**3303. PRIORITIES FOR STATE HOME GRANTS FOR CONSTRUCTION, ACQUISITION, OR RENOVATION****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.216; 38 CFR 17.222**Legal Deadline:** None**Abstract:** This rule proposes to amend the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. VA also provides funds for projects for renovating existing State veterans hospital facilities provided that the renovations would not expand a State's capacity to furnish hospital care. This notice of proposed rulemaking requests comments regarding what regulations should be established with respect to the priorities for awarding State home grants for construction, acquisition, or renovation.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State**Agency Contact:** Frank Salvas, Geriatrics and Extended Care (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8536

**RIN:** 2900-AJ43**3304. REIMBURSEMENT/PAYMENT FOR UNINSURED VETERANS' NON-VA EMERGENCY MEDICAL CARE****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1725; PL 106-117**CFR Citation:** 38 CFR 17**Legal Deadline:** NPRM, Statutory, May 22, 2000, 180 days after effective date of PL 106-117.**Abstract:** This document proposes to amend the Department of Veterans Affairs medical regulations to provide regulations governing the circumstances which certain reimbursement or payment may be provided for certain uninsured enrolled veterans' non-VA emergency treatment.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Roscoe G. Butler, Chief, Policy and Operations (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8302

Fax: 202 273-9609

Email: roscie.butler@mail.va.gov

**RIN:** 2900-AK08**3305. • COPAYMENTS FOR MEDICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1521; 38 USC 1722A; PL 106-117**CFR Citation:** 38 CFR 17.110**Legal Deadline:** None**Abstract:** This document proposes to amend VA medical regulations to implement medication co-payment changes as provided for by Public Law 106-117, The Veterans Millennium Health Care and Benefits Act.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8198

Fax: 202 273-6485

**RIN:** 2900-AK28

VA

Proposed Rule Stage

**3306. • COPAYMENTS FOR EXTENDED CARE SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1710; 38 USC 1720D; 38 USC 1722A; PL 106-117**CFR Citation:** 38 CFR 17.111**Legal Deadline:** None**Abstract:** This document proposes to amend VA's medical regulations to establish a mechanism regarding copayments for extended care services.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Carolyn S. West, Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8206  
Fax: 202 273-6485  
Email: carol.west@mail.va.gov**RIN:** 2900-AK32**3307. • ENROLLMENT PRIORITY CATEGORY STATUS FOR PURPLE HEART AWARDEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; PL 106-117**CFR Citation:** 38 CFR 17.36**Legal Deadline:** None**Abstract:** Pursuant to the Veteran's Health Care Eligibility Reform Act of 1996, VA implemented a national enrollment system to manage the delivery of VA hospital and outpatient care. Veterans are eligible to be enrolled based on the Secretary's determination concerning which of the seven priority categories of veterans to enroll. Section 112 of Public Law No. 106-117, the Veteran's Millennium Health Care and Benefits Act, amended the priority categories to include veterans awarded the Purple Heart in priority category three. Accordingly, we intend to change our medical regulations at 38 CFR 17.36 to reflect this statutory change. We also propose to amend the enrollment application form to reflect this statutory change and to add to the form instructions, a

consent to release information, a statement regarding Paperwork Reduction Act requirements, and a statement setting forth Privacy Act information.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roscoe G. Butler, Chief, Policy and Operations (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8302

Fax: 202 273-9609

Email: roscie.butler@mail.va.gov

**RIN:** 2900-AK38**3308. • COPAYMENTS FOR INPATIENT HOSPITAL CARE AND OUTPATIENT MEDICAL CARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1710; PL 106-117**CFR Citation:** 38 CFR 17.108**Legal Deadline:** None**Abstract:** This document proposes to amend VA's medical regulations to set forth a mechanism for determining copayments for inpatient medical care.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8198

Fax: 202 273-6485

**RIN:** 2900-AK50**VETERANS BENEFITS ADMINISTRATION****3309. SCHEDULE FOR RATING DISABILITIES—THE ORTHOPEDIC SYSTEM****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None**Abstract:** These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the orthopedic system.**Timetable:**

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	07/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

**RIN:** 2900-AE91**3310. SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a**Legal Deadline:** None

VA

Proposed Rule Stage

**Abstract:** These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the neurological system.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20169
ANPRM Comment Period End	07/01/91	56 FR 20169
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

RIN: 2900-AF23

**3311. SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM****Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.114**Legal Deadline:** None

**Abstract:** These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the digestive system.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	56 FR 20168
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs,

Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

RIN: 2900-AF24

**3312. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 501(a); 38 USC 512(a); 38 USC 1110; 38 USC 1131; 38 USC 1155; 38 USC 1502; 38 USC 1521(a)

**CFR Citation:** 38 CFR 3.321; 38 CFR 3.340; 38 CFR 3.341; 38 CFR 3.342; 38 CFR 4.16; 38 CFR 4.17; 38 CFR 4.18

**Legal Deadline:** None

**Abstract:** This action will amend the regulations in part 3 of title 38, United States Code, and in the Schedule for Rating Disabilities in part 4 to provide clear and objective standards for determining whether a veteran is entitled to a total evaluation based on his or her inability to perform substantially gainful employment due to disability.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH21

**3313. ANKYLOSIS AND LIMITATION OF MOTION OF DIGITS OF THE HANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71a**Legal Deadline:** None

**Abstract:** This document revises the evaluation criteria for ankylosis and limitation of motion of the fingers to ensure that veterans diagnosed with these conditions receive consistent evaluations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

RIN: 2900-AI44

**3314. SCHEDULE FOR RATING DISABILITY: THE SPINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71a**Legal Deadline:** None

**Abstract:** This amendment will contain additions, deletions, and revisions of terminology pertaining to spinal disabilities based on a systematic review of the medical criteria used to evaluate disabilities of the spine.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AJ60

VA

Proposed Rule Stage

**3315. EDUCATION PROVISIONS OF THE VETERANS PROGRAMS ENHANCEMENT ACT OF 1998****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 16136; 38 USC 3034; 38 USC 3241; 38 USC 3485; 38 USC 3537; 38 USC 3677; 38 USC 3684; 38 USC 5101**CFR Citation:** 38 CFR 21.4145; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4262**Legal Deadline:** None**Abstract:** This rule will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998. This will include revising the calculation of the reporting fee paid to educational institutions; making advance payments to work-study students optional rather than mandatory; and revising the approval criteria for on-job training programs offered by the Federal Government or by State or local governments.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AJ68**3316. EVIDENCE OF PERMANENT AND TOTAL DISABILITY****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.3(a)**Legal Deadline:** None**Abstract:** This amendment would allow VA to accept the following types of evidence as establishing that a veteran is permanently and totally disabled, without need for medical evidence: (1) Status as a nursing home patient, (2) SSA determination of total disability, and (3) attainment of age 65.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

**RIN:** 2900-AJ82**3317. BENEFIT OF THE DOUBT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 5107(b)**CFR Citation:** 38 CFR 3.102**Legal Deadline:** None**Abstract:** This action proposes to amend 38 CFR part 3 by adding a new subpart D—Universal Adjudication Rules. This new subpart would consist of reorganized sections from existing subpart A. The first of these sections to be reorganized is the general concept of “benefit of the doubt.” The intended effect of this amendment is to retain the existing provision but rewritten in a reorganized format using plain language principles and recognizing decisions of the U.S. Court of Appeals for Veterans Claims.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AJ93**3318. PERMANENT INCAPACITY FOR SELF-SUPPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 1115; 38 USC 1311; 38 USC 1313; 38 USC 1314; 38 USC 1521; 38 USC 1541; 38 USC 1542; PL 101-508; PL 102-568**CFR Citation:** 38 CFR 3.356**Legal Deadline:** None**Abstract:** This action proposes to amend 38 CFR part 3 to conform it to the Presidential Memorandum of June 1, 1998, Plain Language in Government Writing, by revising provisions on helpless children in section 3.356 and by incorporating rules on helpless children in VA's Adjudication Procedures Manual, M21-I.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AJ95**3319. PRESUMPTIVE SERVICE CONNECTION FOR HEPATITIS C INFECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.318**Legal Deadline:** None**Abstract:** This document proposes to amend the Department of Veterans Affairs adjudication regulations to establish presumptive service connection for hepatitis C infection in veterans who were exposed to blood during combat who underwent certain treatment procedures during active duty service. The intended effect of this rule is to ensure that veterans who may have been exposed to the hepatitis C virus during active military service, because they underwent hemodialysis,

VA

Proposed Rule Stage

transfusion of blood or blood products before January 1, 1993, or solid organ transplant before January 1, 1993, will be service-connected for hepatitis C infection.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

RIN: 2900-AJ96

**3320. POST-TRAUMATIC STRESS DISORDER CLAIMS BASED ON PERSONAL ASSAULT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1154**CFR Citation:** 38 CFR 3.304**Legal Deadline:** None

**Abstract:** This document proposes to amend the Department of Veterans Affairs (VA) adjudication regulations on the proof of stressor in claims for service connection of post-traumatic stress disorder resulting from personal assault. It provides that alternative evidence other than the veteran's military records may constitute credible supporting evidence of the stressor. It also implements decisions by the U.S. Court of Appeals for Veterans Claims, which state that VA Adjudication Procedure Manual provisions on this issue are the equivalent of regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/16/00	65 FR 61132
NPRM Comment	12/15/00	
Period End		
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810

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RIN: 2900-AK00

**3321. MINIMUM ACTIVE DUTY REQUIREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5303A**CFR Citation:** 38 CFR 3; 38 CFR 3.12a**Legal Deadline:** None

**Abstract:** This document explains the minimum active-duty service requirement (MADSR) for entitlement to VA benefits in "plain language." It incorporates a provision from the adjudication procedures manual, M21-1, not currently addressed in the regulation, to allow for public comment. It also corrects in M21-1, the date of enactment of the law under which the MADSR was authorized. This does not affect entitlement or eligibility to VA benefits previously established under the manual provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7235

RIN: 2900-AK02

**3322. STATE DEPARTMENT AS AGENT OF DEPARTMENT OF VETERANS AFFAIRS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5106**CFR Citation:** 38 CFR 3; 38 CFR 3.108**Legal Deadline:** None

**Abstract:** This document reorganizes and rewrites in "plain language" the regulation that identifies the State

Department as an agent of the Department of Veterans Affairs for purposes of accepting, developing, and assisting with claims and evidence. It incorporates a provision in the adjudication procedures manual regarding services offered by the Department of State.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7235

RIN: 2900-AK03

**3323. COMMENCEMENT OF THE PERIOD OF PAYMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5111**CFR Citation:** 38 CFR 3; 38 CFR 3.31**Legal Deadline:** None

**Abstract:** This document explains in "plain language" when benefit payments begin for certain original, reopened, or increased awards. It also clarifies procedures to enhance consistency of application and proposes to remove two requirements from the adjudication procedures manual, M21-1, that are inconsistent with governing authority.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7235

RIN: 2900-AK09

VA

Proposed Rule Stage

**3324. • SERVICE CONNECTION AND CHRONIC DISABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1110; 38 USC 1131**CFR Citation:** 38 CFR 3.303**Legal Deadline:** None

**Abstract:** Title 38 Code of Federal Regulations section 3.303 concerns the basic principles of service connection. This includes provisions on chronic disabilities and continuity of symptomatology. Section 3.303 is being revised into Reader Focused Writing. In addition, VA plans to make substantive changes needed to implement the U.S. Court of Appeals for Veterans Claims' holdings in the Savage, McManaway, and Hodges cases.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AK11**3325. • SCHEDULE FOR RATING DISABILITIES: DISABILITIES OF THE LIVER****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.114**Legal Deadline:** None

**Abstract:** This document proposes to amend the Department of Veterans Affairs Schedule for Rating Disabilities by revising the portion of the Digestive System that addresses disabilities of the liver.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/00	65 FR 48205
NPRM Comment Period End	10/06/00	65 FR 48205
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

**RIN:** 2900-AK12**3326. • GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND REQUIREMENT FOR DRUG-FREE WORKPLACE (ASSISTANCE)****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 44; 38 CFR 48**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is planning to revise its portion of the Governmentwide nonprocurement common rule (NCR) for debarment and suspension found at 38 CFR part 44. The proposed changes include: Drafting the rule in a plain language style and format; reconciling technical differences between the NCR and the Federal Acquisition Regulation; enhancing and clarifying the existing rule; and establishing a separate part at 38 CFR part 48 for the drug-free workplace requirements that are in subpart F of the existing rule.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Undetermined

**Agency Contact:** Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AK16**3327. • TIME LIMITS, EXTENSIONS, AND COMPUTATION OF TIME LIMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5103; 38 USC 7105(c)**CFR Citation:** 38 CFR 3.109; 38 CFR 3.110**Legal Deadline:** None

**Abstract:** This provision explains in "plain language" about time limits for providing evidence to VA to complete claims, how those time limits are computed, and under what circumstances extensions to the time limits may be allowed.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7235

**RIN:** 2900-AK17**3328. • FINALITY OF DECISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 502; 38 USC 511; 38 USC 5104; 38 USC 5109A; 38 USC 5112(b)(6)**CFR Citation:** 38 CFR 3.104**Legal Deadline:** None

**Abstract:** This amendment informs claimants in "plain language" when a VA decision is final, how a decision by one VA office affects other VA offices, and under what circumstances a VA decision may be changed.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans

VA

Proposed Rule Stage

Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

RIN: 2900-AK18

### 3329. • DELEGATION OF AUTHORITY TO ISSUE DECISIONS ON BENEFITS CLAIMS

**Priority:** Info./Admin./Other

**Legal Authority:** 38 USC 512

**CFR Citation:** 38 CFR 3.100

**Legal Deadline:** None

**Abstract:** This is a plain language restatement of the existing delegations of authority to issue decisions on benefit claims.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
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RIN: 2900-AK19

### 3330. • INDIVIDUALS AND GROUPS CONSIDERED TO HAVE PERFORMED ACTIVE MILITARY, NAVAL, OR AIR SERVICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 101; 38 USC 102; 38 USC 107; 38 USC 501(a); 38 USC 1152; 38 USC 1504, 5303(c); PL 95-202; ...

**CFR Citation:** 38 CFR 3.7

**Legal Deadline:** None

**Abstract:** This amendment reorganizes the current regulation and rewrites it in "plain language." The regulation identifies civilian groups and individuals determined to have performed active service based on their service to U.S. Armed Forces. We propose to add three new groups, under the authority of Public Law No. 95-202, based on the recent decision of the

Secretary of the Air Force that the service of these group members constitutes active military service.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

RIN: 2900-AK20

### 3331. • PSYCHOSIS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501(a)

**CFR Citation:** 38 CFR 3.384

**Legal Deadline:** None

**Abstract:** This document proposes to amend the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term is used but not defined in certain statutes that provide presumptive service connection for compensation or health care purposes.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 272-7210

RIN: 2900-AK21

### 3332. • CHANGE OF LAW-EFFECT ON BENEFITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 186; 38 USC 5112(b)(6); 38 USC 5110(g)

**CFR Citation:** 38 CFR 3.114

**Legal Deadline:** None

**Abstract:** These amendments are plain language restatements of adjudication regulations dealing with the effective dates that must be assigned when entitlement or non-entitlement to benefits is based on a change of law or a change VA rules.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
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RIN: 2900-AK22

### 3333. • RENOUNCEMENT OF BENEFITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 5306

**CFR Citation:** 38 CFR 3.106

**Legal Deadline:** None

**Abstract:** This revision explains in "plain language" who has the right to renounce benefits, how to renounce benefits, and what renouncement means to a claimant. It discusses effective dates for the termination of renounced benefits, as well as the right to reapply for benefits that have been renounced. A substantive change in the effective date of a renouncement is proposed to cover the renouncement of benefits when an award is already in suspense.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

VA

Proposed Rule Stage

Phone: 202 273-7235

RIN: 2900-AK23

**3334. • TESTIMONY IN SUPPORT OF BENEFIT CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5711(a)(3)**CFR Citation:** 38 CFR 3.200**Legal Deadline:** None

**Abstract:** This proposal is a rewrite of the current regulation concerning the requirements for submitting oral and written testimony. We also propose to incorporate two provisions currently found in the adjudication procedure manual. The changes will make the regulation easier to understand and give claimants more information about the requirements for submitting oral and written testimony.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

RIN: 2900-AK24

**3335. • CHANGE IN BENEFITS BASED ON ORAL OR WRITTEN INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 5104**CFR Citation:** 38 CFR 3.103**Legal Deadline:** None

**Abstract:** This rulemaking intends to amend VA's due process regulation to allow reporting requirements to be met and allow benefit modifications to be based on information provided orally or by electronic means (e-mail, facsimile, or other means). This should help both beneficiaries and VA since it would allow benefit modifications to be done more quickly and reduce overpayments. It would also allow those receiving pension or parents' DIC to report promptly the deaths of family

members, since this could affect entitlement to benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Donald England, Chief, Policy and Regulations, C & P Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7210

RIN: 2900-AK25

**3336. • ACCEPTABLE EVIDENCE OF DEPENDENTS AND AGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5124**CFR Citation:** 38 CFR 3.204**Legal Deadline:** None

**Abstract:** This amendment restates the current regulation in "plain language" and eliminates the requirement that statements acceptable as proof of age or relationship must be written.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

RIN: 2900-AK26

**3337. • ACCEPTABLE EVIDENCE OF VOID AND ANNULLED MARRIAGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 103**CFR Citation:** 38 CFR 3.207**Legal Deadline:** None

**Abstract:** This amendment explains in "plain language" what VA considers

acceptable evidence of a void or annulled marriage.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

RIN: 2900-AK27

**3338. • ACCEPTABLE EVIDENCE OF MARRIAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 103**CFR Citation:** 38 CFR 3.205**Legal Deadline:** None

**Abstract:** This revision explains in "plain language" what evidence is acceptable to VA as proof of marriage.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

RIN: 2900-AK30

**3339. • INDEPENDENT MEDICAL OPINIONS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5109; 38 USC 5701(b)(1); 38 USC 52a(f)(3)**CFR Citation:** 38 CFR 3.328**Legal Deadline:** None

**Abstract:** This amendment is a plain language restatement of the existing regulation dealing with independent

VA

Proposed Rule Stage

medical opinions that may be requested to resolve complex or controversial medical issues that may arise in a claim for veterans' benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

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**RIN:** 2900-AK31**3340. • ACCEPTABLE EVIDENCE OF DIVORCE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5124**CFR Citation:** 38 CFR 3.206**Legal Deadline:** None

**Abstract:** This is a plain language restatement of the adjudication regulation setting forth what VA will accept as evidence of a valid divorce.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

**RIN:** 2900-AK34**3341. • ACCEPTABLE EVIDENCE OF TERMINATION OF MARITAL RELATIONSHIP OR CONDUCT****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 101(3); 38 USC 103(d); 38 USC 1311(e)(2)**CFR Citation:** 38 CFR 3.215**Legal Deadline:** None

**Abstract:** This a plain language restatement of the adjudication regulations that sets forth what VA will accept as evidence that a relationship warranting an inference of remarriage has terminated.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

**RIN:** 2900-AK35**3342. • ACCEPTABLE EVIDENCE OF BIRTH****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5124**CFR Citation:** 38 CFR 3.209**Legal Deadline:** None

**Abstract:** This is a plain language restatement of the adjudication regulation that describes what evidence is acceptable to prove birth and relationship.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AK36**3343. • EVIDENCE FROM FOREIGN COUNTRIES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5712**CFR Citation:** 38 CFR 3.202**Legal Deadline:** None

**Abstract:** This is a plain language restatement of the adjudication regulation dealing with the authentication requirements for evidence given under oath before an official in a foreign country.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7235

**RIN:** 2900-AK37**3344. • NATIONAL SERVICE LIFE INSURANCE—PLAIN ENGLISH REVISION****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 38 USC 1901 to 1929; 38 USC 1981 to 1988**CFR Citation:** 38 CFR 8.0; 38 CFR 8.1**Legal Deadline:** None

**Abstract:** This document proposes to amend 38 CFR 8.0 and 8.1 by revising the text into a different format to promote better communication to policyholders and program administrators. This amendment is written in conjunction with VA's plain English (Reader Focused Writing) initiative.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** George Poole, Chief, Program Administration and Oversight Staff (Insurance Service), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101  
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VA

Proposed Rule Stage

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 RIN: 2900-AK43

**3345. • ACCEPTABLE EVIDENCE OF CHILD'S RELATIONSHIP****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(4)**CFR Citation:** 38 CFR 3.210**Legal Deadline:** None

**Abstract:** This revision explains in plain language what is acceptable evidence of a child's relationship to a veteran.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
 Phone: 202 273-7235

RIN: 2900-AK47

**3346. • ACCEPTABLE EVIDENCE OF DEATH****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5106; 38 USC 5124**CFR Citation:** 38 CFR 3.211**Legal Deadline:** None

**Abstract:** This is a plain language restatement of the adjudication regulation that describes what evidence is acceptable to prove death.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7235  
 RIN: 2900-AK48

**3347. • ACCEPTABLE EVIDENCE OF UNEXPLAINED ABSENCE FOR 7 YEARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 108**CFR Citation:** 38 CFR 3.212**Legal Deadline:** None

**Abstract:** This revision explains in plain language what evidence is acceptable for a finding of presumptive death. It incorporates a provision from the Adjudication Procedure Manual that explains what evidence of search for a missing person must show.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
 Phone: 202 273-7235

RIN: 2900-AK49

**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3348. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SIMPLIFIED ACQUISITION PROCEDURES FOR HEALTH CARE RESOURCES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 8153**CFR Citation:** 48 CFR 801; 48 CFR 806; 48 CFR 812; 48 CFR 837; 48 CFR 852; 48 CFR 873**Legal Deadline:** None

**Abstract:** VA intends to withdraw the proposed rule concerning simplified acquisition procedures for health care resources published in the Federal Register on November 9, 1998 (63 FR 60256), and to promulgate a new proposed rule concerning simplified acquisition procedures for health care

resources. The new proposed rule document would amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to establish simplified procedures for the competitive acquisition of health care resources, consisting of commercial services or the use of medical equipment or space, pursuant to 38 U.S.C. 8151-8153. Public Law 104-262, the Veterans' Health Care Eligibility Reform Act of 1996, authorized VA to prescribe simplified procedures for the procurement of health care resources. The proposed rule would prescribe those procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60256
NPRM Comment Period End	01/08/99	
Second NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420  
 Phone: 202 273-8819  
 Email: donald.kaliher@mail.va.gov

RIN: 2900-AI71

**3349. UNIVERSAL PRODUCT NUMBERS (UPNS)****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 811; 48 CFR 852**Legal Deadline:** None

**Abstract:** This rulemaking action would provide new contract clauses whereby Department of Veterans Affairs contracting officers could require contractors to furnish products marked at the case, box, and unit of use levels with Universal Product Numbers (UPNs) for scanning using bar code readers.

VA

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8819  
Email: donald.kaliher@mail.va.gov

**RIN:** 2900-AJ45**3350. CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS****Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 801; 48 CFR 832; 48 CFR 836; 48 CFR 843; 48 CFR 846; 48 CFR 852**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to revise and update section numbers and titles, to make minor grammatical corrections and revisions, to delegate authority, and to update parts 836, Construction and Architect-Engineer Contracts, and 852, Solicitation Provisions and Contract Clauses, all to correspond to the Federal Acquisition Regulation (FAR). The rule would clarify how existing VAAR clauses relating to construction contracts are to be used, remove obsolete or duplicative materials, update the VAAR regarding certified cost or pricing data, and provide Agency procedures regarding disclosure of the Government cost estimate on construction contracts. The rule would also remove a "guarantee" clause from the VAAR and provide for VA contracting officers to use the FAR

"warranty" clause for construction contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8819  
Email: donald.kaliher@mail.va.gov

**RIN:** 2900-AJ56**BOARD OF VETERANS APPEALS****3351. RULES OF PRACTICE; JURISDICTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 511(a); 38 USC 7104; 38 USC 7105; 38 USC 7108**CFR Citation:** 38 CFR 20.101; 38 CFR 20.203**Legal Deadline:** None

**Abstract:** The Board of Veterans Appeals is responsible for ensuring that it has jurisdiction over cases before it prior to adjudicating those cases on their merits. The proposed regulatory amendments would make it clear that the Board may raise jurisdictional issues sua sponte, and they provide procedural protections for parties (permit a hearing and submission of argument and evidence) when it does so.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C),

Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978

**RIN:** 2900-AJ97**NATIONAL CEMETERY SYSTEM****3352. HEADSTONE AND MARKER INSCRIPTION POLICY****Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 501; 38 USC 2306**CFR Citation:** 38 CFR 1.630; 38 CFR 1.632**Legal Deadline:** None

**Abstract:** The proposed rule revises 38 CFR 1.630 to implement Department of Veterans Affairs (VA) regulations on its inscription policy for use on Government-provided headstones or markers. The amendment formalizes implementation of an all-inclusive inscription policy. This policy change provides for the payment at Government expense of text only, space permitting, for optional inscriptions on all Government headstones or markers. The rule is published as a proposed rule in the Federal Register to provide information to the public on specific changes to VA's inscription policy for Government furnished headstones or markers. A 60-day public comment period is provided. The proposed rule will not have a significant economic impact on a substantial number of small entities and only individual VA beneficiaries could be directly affected.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Deanna L. Wilson, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5154

VA

Proposed Rule Stage

TDD Phone: 202 273-6697

RIN: 2900-AH45

**3353. STATE CEMETERY GRANTS: AID TO STATES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS CEMETERIES****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 2408**CFR Citation:** 38 CFR 39.1; 38 CFR 39.2; 38 CFR 39.3; 38 CFR 39.7; 38 CFR 39.8; 38 CFR 39.9 (New)**Legal Deadline:** None**Abstract:** The proposed rule revises 38 CFR part 39 to amend Department of Veterans Affairs (VA) regulations for the State Cemetery Grants Program to implement and update information on program requirements and the application process for participants. The amendment formalizes new standards and provides guidance on how States may obtain funding for grants to expand, establish, or improve State veterans cemeteries. The rule is published as proposed in the Federal Register to provide information to the public on how to apply for Federal funding for State veterans cemeteries. A 60-day public comment period is provided. It is subject to the requirements of the Administrative Procedures Act and E.O. 12866 because the rule is an interpretation of statute. The proposed rule will not have a significant economic impact on a substantial number of small entities; only those States that apply for funding may be direct beneficiaries.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Agency Contact:** Deanna L. Wilson, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5154

TDD Phone: 202 273-6697

RIN: 2900-AH46

**3354. ELIGIBILITY FOR BURIAL OF DEPENDENT ADULT CHILDREN OF ELIGIBLE VETERANS****Priority:** Other Significant**Legal Authority:** 38 USC 2402(5)**CFR Citation:** 38 CFR 1.620(c)**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) proposes to amend regulations to specify that the eligibility of veterans' adult children for burial in a national cemetery is only for those who have become permanently incapable of self support before attaining the age of 21 years due to a physical or mental disability. Current regulations do not clearly express this requirement.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Deanna L. Wilson, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5154  
TDD Phone: 202 273-6697

RIN: 2900-AI95

**3355. USE OF THE SECRETARY'S AUTHORITY AS PROVIDED BY 38 U.S.C. 2402(6)****Priority:** Other Significant**Legal Authority:** 38 USC 2402(6)**CFR Citation:** 38 CFR 1.620(d)**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) is issuing a proposed rule to define individuals and groups of individuals, who are otherwise not eligible for burial in a VA national cemetery, that would be considered under the Secretary's authority in 38 U.S.C. 2402(6). These new regulations establish a consistent basis for VA to determine those individuals or groups of individuals that VA may consider for eligibility under 38 U.S.C. 2402(6).**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Deanna L. Wilson, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5154  
TDD Phone: 202 273-6697

RIN: 2900-AJ48

**OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY****3356. • NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; HANDICAP; AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 794; 42 USC 2000d-1; 42 USC 6101**CFR Citation:** 38 CFR 18**Legal Deadline:** None**Abstract:** The Department of Justice, pursuant to Executive Order 12250, is requesting that Federal agencies with title VI, section 504, and Age Discrimination Act regulations jointly issue amendments to their regulations to incorporate the Civil Rights Restoration Act of 1987 revisions.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tyrone Eddins, External Affairs Manager, Office of Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-9437  
Fax: 202 273-6579

RIN: 2900-AK13

## Department of Veterans Affairs (VA)

## Final Rule Stage

**VETERANS HEALTH  
ADMINISTRATION****3357. PROVISION OF DRUGS AND  
MEDICINES PRESCRIBED BY NON-VA  
PHYSICIANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

**Abstract:** This document amends the "Medical" regulations concerning the criteria for provision of drugs and medicines by non-VA physicians for certain veterans. It is our view that the statutory framework inherently requires that the drugs provided be suitable; i.e., FDA-approved, high quality, and best value. In this regard, we have established a list of suitable drugs and medicines in the VA national formulary. Also, we have established a mechanism for allowing the provision of drugs and medicines not listed in the formulary. These changes are needed to ensure that VA provides only those drugs and medicines intended to be provided under the statutory authority. Also, this document makes nonsubstantive changes for the purpose of avoiding unnecessary duplication.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None

**Agency Contact:** Jeff Ramirez, Pharmacy Service (119), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8428

**RIN:** 2900-AJ24**3358. PROVISION OF DRUGS AND  
MEDICINES TO CERTAIN VETERANS  
IN STATE NURSING HOMES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

**Abstract:** This document amends the Department of Veterans Affairs medical

regulations concerning the provision of drugs and medicines prescribed by non-VA physicians for certain veterans who are permanently housebound or in need of regular aid and attendance. The regulations are amended to allow prescriptions to be filled by non-VA pharmacies in State homes under contract with VA for filling prescriptions for patients in State homes. This is consistent with VA's special relationship with State homes. It will eliminate duplication in services and will help improve timeliness for filling prescriptions in State homes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/14/98	63 FR 37779
Interim Final Rule Effective	07/14/98	
Interim Final Rule Comment Period End	09/14/98	
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jeff Ramirez, Pharmacy Service (119), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8428

**RIN:** 2900-AJ34**3359. PER DIEM FOR ADULT DAY  
HEALTH CARE OF VETERANS IN  
STATE HOMES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1741; 38 USC 1742; 38 USC 1743**CFR Citation:** 38 CFR 51; 38 CFR 52; 38 CFR 58**Legal Deadline:** None

**Abstract:** This document proposes to establish a new part 52 setting forth a mechanism for paying per diem to State homes providing adult day health care to eligible veterans. The intended effect of the proposed regulations is to ensure that veterans receive high quality care in State homes.

**Timetable:**

Action	Date	FR Cite
NPRM	06/28/00	65 FR 39835
NPRM Comment Period End	08/28/00	65 FR 39835
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

**Agency Contact:** L. Nan Stout, Chief, State Home Per Diem Program (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8538

Email: nan.stout@mail.va.gov

**RIN:** 2900-AJ74**3360. • REASONABLE CHARGES FOR  
MEDICAL CARE OR SERVICES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

**Abstract:** This document amends the Department of Veterans Affairs (VA) regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to a veteran: For a non-service-connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health plan contract; for a non-service-connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or for a non-service-connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance. This document also amends the regulations to update data bases and other provisions for the purpose of providing more precise charges.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/00	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8210

VA

Final Rule Stage

Fax: 202 273-6485

RIN: 2900-AK39

**VETERANS BENEFITS  
ADMINISTRATION****3361. LOAN GUARANTY: TITLE  
EVIDENCE REQUIREMENTS AND  
OCCUPANCY REQUIREMENTS FOR  
CONVEYANCE OF PROPERTIES TO  
VA****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38  
USC 3703(c)(1); 38 USC 3720**CFR Citation:** 38 CFR 36.4320**Legal Deadline:** None

**Abstract:** Present regulations give loan holders a choice of various forms of title evidence when conveying a property to the Secretary of Veterans Affairs. The regulations will be amended to authorize the Secretary to specify the title documentation necessary for conveyance of properties to the Secretary and establish a date by which such title evidence must be received.

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/90	55 FR 31847
NPRM Comment Period End	10/05/90	
NPRM Comment Period Extended	10/05/90	
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7380

RIN: 2900-AE20

**3362. ACCEPTANCE OF PARTIAL  
PAYMENTS; INDEMNIFICATION OF  
DEFAULT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38  
USC 3703; 38 USC 3732**CFR Citation:** 38 CFR 4202; 38 CFR  
4275; 38 CFR 4301; 38 CFR 4315; 38  
CFR 4323**Legal Deadline:** None

**Abstract:** Public Law 101-237, the Veterans Home Loan Indemnity and Restructuring Act of 1989, amended 38 U.S.C. 3732(a) to require holders of VA-guaranteed loans that are in default to notify VA if they refuse a partial payment of the amount owed when submitted by the veteran borrower. Notification may include a statement as to the circumstances of the default and the reason for the holder's refusal; these regulations will also set out the changed requirements with regard to establishing a veteran's liability to the Government in the event of foreclosure of a VA-guaranteed loan. In the past, veterans were liable if their VA loan foreclosed. Public Law 101-257 liability will only be established in the event of fraud, misrepresentation, or bad faith.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/94	59 FR 9944
NPRM Comment Period End	05/02/94	
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None

**Agency Contact:** Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7380

RIN: 2900-AE60

**3363. SCHEDULE FOR RATING  
DISABILITIES—THE SKIN****Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.118**Legal Deadline:** None

**Abstract:** These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate skin conditions.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20171
ANPRM Comment Period End	07/01/91	
NPRM	01/19/93	58 FR 4969
NPRM Comment Period End	03/22/93	
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 272-7210

RIN: 2900-AF00

**3364. AMENDMENTS TO TRAINING  
AND REHABILITATION PROGRAMS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 102-568

**CFR Citation:** 38 CFR 21.40; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523; 38 CFR 21.260; 38 CFR 21.6005; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6052; 38 CFR 21.6054; 38 CFR 21.6056; 38 CFR 21.6058; ...

**Legal Deadline:** None

**Abstract:** The Veterans' Benefits Act of 1992 extended the termination date for the program of vocational training for certain pensioners through December 31, 1995, and made permanent the programs protecting health care benefits for pensioners who lose their benefits due to income from work or training and the special counseling and employment services program for veterans with total disability ratings because of individual unemployability. In addition, the law authorizes a 10 percent increase in subsistence allowance for participants in the vocational rehabilitation program and extends eligibility for vocational rehabilitation to veterans with service-

VA

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connected disability of 10 percent under certain conditions. The change also includes revisions to implement regulatory reform.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** David James, Counseling Psychologist (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7438  
TDD Phone: 202 275-5636

**RIN:** 2900-AG00**3365. REVISED DEFINITION OF NET VALUE AND REVISED CRITERIA FOR PRE-FORECLOSURE DEBT WAIVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 3720(a); 38 USC 3732(a)**CFR Citation:** 38 CFR 36.4301; 38 CFR 36.4323**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs is proposing to amend its loan guaranty regulations to revise the definition of property improvements for purposes of determining the net value of a foreclosed property and to clarify VA's position on pre-foreclosure debt waivers for liable veterans in cases involving transferee defaults. These changes will account for actual property appraisal procedures and will clarify Agency policy on preforeclosure debt waivers. Note: Because the original Notice of Proposed Rulemaking (NPRM) was published on September 22, 1993 (58 FR 49251), VA will republish the NPRM to provide for a new notice and comment period before proceeding with a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/93	58 FR 49251
NPRM Comment Period End	10/22/93	58 FR 49251
Second NPRM	08/01/00	65 FR 46882
Second NPRM Comment Period End	10/02/00	65 FR 46882
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7380

**RIN:** 2900-AG20**3366. VISION****Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.75**Legal Deadline:** None

**Abstract:** This action will amend the vision portion of the rating schedule to provide current medical terminology, clarify ambiguous evaluation criteria, and add medical conditions not presently in the rating schedule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	64 FR 25246
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

**RIN:** 2900-AH43**3367. INTERVERTEBRAL DISC SYNDROME****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None

**Abstract:** This action ensures that veterans diagnosed with intervertebral disc syndrome meet uniform criteria and receive consistent evaluations.

**Timetable:**

Action	Date	FR Cite
NPRM	02/24/97	62 FR 8204
NPRM Comment Period End	04/25/97	62 FR 8204
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7210

**RIN:** 2900-AI22**3368. CLAIMS BASED ON AGGRAVATION OF NONSERVICE-CONNECTED DISABILITY****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.310**Legal Deadline:** None

**Abstract:** This document amends VA regulations concerning secondary service connection for certain disabilities. This amendment is necessary because of a recent decision by the U.S. Court of Veterans Appeals and will establish a new means by which veterans may be compensated for disabilities related to other service-connected conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	62 FR 30547
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Janice Jacobs, Consultant, Regulations Staff (211B),

VA

Final Rule Stage

Department of Veterans Affairs,  
Veterans Benefits Administration, 810  
Vermont Avenue NW, Washington, DC  
20420

Phone: 202 273-7210

RIN: 2900-AI42

### 3369. NEW CRITERIA FOR APPROVAL OF COURSES FOR EDUCATIONAL ASSISTANCE PROGRAMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 3680A

**CFR Citation:** 38 CFR 21.4251; 38 CFR 21.4252; 38 CFR 21.4253; 38 CFR 21.7122; 38 CFR 21.7622

**Legal Deadline:** None

**Abstract:** This rule will bring various regulations into agreement with the Veterans Benefits Improvements Act of 1996. It will include new criteria for use in approving courses for the educational programs VA administers; it will include new criteria for VA to use in approving enrollments in courses. It will make other changes for the purposes of clarification.

#### Timetable:

Action	Date	FR Cite
NPRM	02/02/00	65 FR 4914
NPRM Comment Period Extended	04/03/00	65 FR 4914
Final Action	12/00/00	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AI67

### 3370. USE OF FACILITIES TO PROVIDE TRAINING OR WORK EXPERIENCE FOR VETERANS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-446

**CFR Citation:** 38 CFR 21.299

**Legal Deadline:** None

**Abstract:** The Veterans Benefits Improvement Act of 1994 authorized

the Secretary to use any federally recognized Indian tribe to provide training or work experience as part or all of a veteran's vocational rehabilitation program without pay or for nominal pay. This change to VA regulations implements this Act.

#### Timetable:

Action	Date	FR Cite
Final Action	03/00/01	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** Tribal

**Agency Contact:** Dr. Charles A Graffam, Veterans Claims Examiner (28), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7437

RIN: 2900-AJ01

### 3371. DEPENDENTS EDUCATION: ELIGIBILITY AND ENTITLEMENT STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 90-631, sec 2; 38 USC 3541; 38 USC 3562; 38 USC 3681; 38 USC 3686; 38 USC 3687; 38 USC 5304; PL 97-377, sec 156; 38 USC 501(a); 38 USC 3482; 38 USC 3501; 38 USC 3511; 38 USC 3512; 38 USC 3532; 38 USC 3533

**CFR Citation:** 38 CFR 3.503; 38 CFR 21.3042; 38 CFR 21.3043; 38 CFR 21.3044; 38 CFR 21.3045; 30 CFR 21.3046; 30 CFR 21.3047; 38 CFR 3.667; 38 CFR 3.707; 38 CFR 3.807; 38 CFR 21.3020; 38 CFR 21.3021; 38 CFR 21.3023; 38 CFR 21.3040; 38 CFR 21.3041; ...

**Legal Deadline:** None

**Abstract:** This document will amend Department of Veterans Affairs education regulations to provide a new interpretation of when the eligibility period ends for children eligible for Survivors' and Dependents' Educational Assistance. It will also make changes to clarify many of these regulations and other changes to make the regulations easier to use.

#### Timetable:

Action	Date	FR Cite
Final Action	02/00/01	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Email: edubsusl@vba.va.gov

RIN: 2900-AJ19

### 3372. VETERANS EDUCATION: REPORTING AND RECORDKEEPING REQUIREMENTS AT FLIGHT SCHOOLS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 16136; 38 USC 3002; 38 USC 3034; 38 USC 3202; 38 USC 3241; 38 USC 3452; 38 USC 3471; 38 USC 5101

**CFR Citation:** 38 CFR 21.4235; 38 CFR 21.4263

**Legal Deadline:** None

**Abstract:** Veterans are required by statute to apply for any benefit the Department of Veterans Affairs administers. This proposal will describe the information to be included in an application for educational assistance for the pursuit of flight training. VA believes that, in order to comply with various statutory requirements connected with the educational programs VA administers, flight schools with courses approved for VA training will have to keep some records beyond those required by the Federal Aviation Administration. This proposal will state those recordkeeping requirements.

#### Timetable:

Action	Date	FR Cite
NPRM	04/03/00	65 FR 17477
NPRM Comment Period End	06/02/00	65 FR 17477
Final Action	12/00/00	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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VA

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 Email: edubsusl@vba.va.gov  
 RIN: 2900-AJ23

### 3373. REVISED CRITERIA FOR MONETARY ALLOWANCE FOR A CHILD BORN WITH SPINA BIFIDA WHO IS A CHILD OF A VIETNAM VETERAN

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 38 USC 1805  
**CFR Citation:** 38 CFR 3.814  
**Legal Deadline:** None

**Abstract:** To revise criteria for evaluation of spina bifida by clarifying them and making them more objective.

#### Timetable:

Action	Date	FR Cite
NPRM	03/13/00	65 FR 13254
NPRM Comment Period End	05/12/00	65 FR 13254
Final Action	04/00/01	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
 Phone: 202 272-7210

RIN: 2900-AJ51

### 3374. EXCLUSIONS FROM INCOME

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 10602(c)  
**CFR Citation:** 38 CFR 3.261; 38 CFR 3.262; 38 CFR 3.272  
**Legal Deadline:** None

**Abstract:** To exclude from countable income for VA purposes amounts received under the Victims of Crime Act of 1984.

#### Timetable:

Action	Date	FR Cite
Final Action	04/00/01	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janice Jacobs, Consultant, Regulations Staff (211B),

Department of Veterans Affairs,  
 Veterans Benefits Administration, 810  
 Vermont Avenue NW, Washington, DC  
 20420  
 Phone: 202 273-7210

RIN: 2900-AJ52

### 3375. CERTIFICATION EVIDENCE FOR PROOF OF SERVICE

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 38 USC 501  
**CFR Citation:** 38 CFR 3.203  
**Legal Deadline:** None

**Abstract:** To allow the claimants' representatives to certify photocopies as proof of service.

#### Timetable:

Action	Date	FR Cite
NPRM	06/27/00	65 FR 39580
NPRM Comment Period End	08/28/00	65 FR 39580
Final Action	12/00/00	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
 Phone: 202 273-7402  
 Fax: 202 275-1728  
 Email: capbruss@vba.va.gov

RIN: 2900-AJ55

### 3376. CLAIMS BASED ON EFFECT OF TOBACCO PRODUCTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 38 USC 501; 38 USC 1103  
**CFR Citation:** 38 CFR 3.300; 38 CFR 3.310  
**Legal Deadline:** None

**Abstract:** To implement Public Law 105-206, which prohibits service connection for injury or disease attributable to the use of tobacco products by the veteran during the veteran's military service, except for disability or death that is otherwise shown to have been incurred or aggravated during service, or that meets the presumptive requirements of the law.

#### Timetable:

Action	Date	FR Cite
NPRM	02/16/00	65 FR 7807
NPRM Comment Period End	04/17/00	65 FR 7807
Final Action	04/00/01	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Donald England, Chief, Policy and Regulations, C & P Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
 Phone: 202 273-7210

RIN: 2900-AJ59

### 3377. ACCELERATED BENEFITS OPTION FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-368, sec 302

**CFR Citation:** 38 CFR 9.13

**Legal Deadline:** None

**Abstract:** Section 302 of the Veterans Program Enhancement Act of 1998 (Pub. L. 105-368) authorizes the payment of accelerated benefits in the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs, effective February 9, 1999. This rule amends Department of Veterans Affairs (VA) regulations by providing an accelerated benefit option that will permit terminally ill members access to life insurance benefits before they die.

#### Timetable:

Action	Date	FR Cite
NPRM	07/20/00	65 FR 44999
NPRM Comment Period End	08/18/00	65 FR 44999
Final Action	12/00/00	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

**Agency Contact:** Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 13399, Philadelphia, PA 19101  
 Phone: 215 842-2000  
 Fax: 215 381-3502

VA

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Email: issghosm@vba.va.gov

RIN: 2900-AJ80

**3378. MISCELLANEOUS MONTGOMERY GI BILL ELIGIBILITY AND ENTITLEMENT ISSUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3012**CFR Citation:** 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7073**Legal Deadline:** None

**Abstract:** This document will revise several regulations dealing with eligibility for the Montgomery GI Bill—Active Duty and entitlement under that benefit program. The regulations will be brought into agreement with the governing statutory language.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AJ90

**3379. REVIEW OF BENEFIT CLAIMS DECISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5109(a); 38 USC 7105(a)**CFR Citation:** 38 CFR 3.105; 38 CFR 3.2100; 38 CFR 3.2600**Legal Deadline:** None

**Abstract:** This document amends the Department of Veterans Affairs adjudication regulations concerning the revision of decisions that are not clearly and unmistakably erroneous. This rulemaking authorizes designated personnel at VA regional offices to review certain adjudicated claims and, if warranted, grant a benefit sought by the claimant.

**Timetable:**

Action	Date	FR Cite
NPRM	02/18/00	65 FR 8329
NPRM Comment	04/18/00	65 FR 8329
Period End		
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7402

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RIN: 2900-AJ99

**3380. REVISED DEFINITION OF A PROGRAM OF EDUCATION UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND OTHER MISCELLANEOUS ISSUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3002; 38 USC 3011; 38 USC 3031**CFR Citation:** 38 CFR 21.7020; 38 CFR 21.7050; 38 CFR 21.7131**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) will amend its educational assistance regulations to reflect statutory changes contained in the Veterans Millennium Health Care and Benefits Act of 1999. These changes set forth a revised definition of a program of education under the Montgomery GI Bill—Active duty (MGIB) and new eligibility criteria that will allow additional individuals to establish eligibility for educational assistance under the MGIB.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK06

**3381. SIGNATURE BY MARK****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5101**CFR Citation:** 38 CFR 3; 38 CFR 3.113**Legal Deadline:** None

**Abstract:** This document explains in “plain language” how a claimant can use a mark or thumbprint in place of a signature. It also proposes to withdraw the requirement for a separate sheet of paper to certify the accuracy of the information provided on an Eligibility Verification Report signed by a mark or thumbprint.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/00	65 FR 45952
NPRM Comment	09/25/00	65 FR 45952
Period End		
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Candice Weaver, Consultant, Compensation and Pension Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7235

RIN: 2900-AK07

**3382. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16131**CFR Citation:** 38 CFR 21.7636**Legal Deadline:** None

**Abstract:** By statute, the monthly rates of basic educational assistance payable to reservists under the Montgomery GI Bill—Selected Reserve must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Selected Reserve

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for fiscal year 2001 will be changed to show a 3.0 percent increase in these rates.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AK40

**3383. • VETERANS EDUCATION: INCREASED ALLOWANCE FOR THE EDUCATIONAL TEST PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 2143; 10 USC 2144

**CFR Citation:** 38 CFR 21.5820; 38 CFR 21.5822

**Legal Deadline:** None

**Abstract:** The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance test program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 2000-01 academic year should be increased by 4 percent over the rates payable for the 1999-2000 academic year. The regulations dealing with these rate will be amended accordingly.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AK41

**3384. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 3015; 38 USC 3032

**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137

**Legal Deadline:** None

**Abstract:** By statute, the monthly rate of basic educational assistance payable under the Montgomery GI Bill—Active Duty must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Active Duty for fiscal year 2001 will be changed to show a 3 percent increase in these rates.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AK44

**3385. • END OF THE SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 1143

**CFR Citation:** 38 CFR 21.4131; 38 CFR 21.4135; 38 CFR 21.4800; 38 CFR 21.4802; 38 CFR 21.4810; ...

**Legal Deadline:** None

**Abstract:** Veterans are no longer training under the Service Members Occupational Conversion and Training Program. The program has not been funded. Regulations governing the program are obsolete and will be rescinded.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Additional CFR Citations: 38 CFR 21.4812; 38 CFR 21.4820; 38 CFR 21.4822; 38 CFR 21.4823

**Agency Contact:** William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AK45

**3386. • VETERANS VOCATIONAL REHABILITATION AND EDUCATION: TITLE CHANGE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 512

**CFR Citation:** 38 CFR 21.50; 38 CFR 21.53; 38 CFR 21.60; 38 CFR 21.68; 38 CFR 21.4250; ...

**Legal Deadline:** None

**Abstract:** VA administers a vocational rehabilitation program that provides eligible veterans, with compensable service-connected disabilities, all service and assistance necessary to enable them to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. Due to an increased emphasis on helping these veterans obtain and maintain suitable employment, VA has decided to change the title of those employees who deal principally with this program. All

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appropriate rules will be changed to show that these employees deal with vocational rehabilitation and employment.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Additional CFR Citations: 38 CFR 21.74; 38 CFR 21.98; 38 CFR 21.100; 38 CFR 21.155

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**RIN:** 2900-AK46**BOARD OF VETERANS APPEALS****3387. BOARD OF VETERANS APPEALS—RULES OF PRACTICE—ATTORNEY FEE MATTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5902; 38 USC 5904; 38 USC 5905**CFR Citation:** 38 CFR 20.3; 38 CFR 20.609; 38 CFR 20.610**Legal Deadline:** None

**Abstract:** The Board of Veterans Appeals is amending its rules of practice to end the practice of paying attorney fees from past-due benefits, establish safeguards in case of “disinterested third-party” payees who are individuals, and simplify certain notice procedures. These changes are necessary to permit VA to focus on activities more directly benefiting veterans and their families, i.e., deciding claims and coordinating benefit payments to veterans and their families, and to clarify the situations in which third parties may pay a claimants’ legal fees.

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/97	62 FR 64790

Action	Date	FR Cite
NPRM Comment	02/09/98	62 FR 64790
Period End		
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978

**RIN:** 2900-AI98**3388. BOARD OF VETERANS APPEALS: RULES OF PRACTICE—SUBPOENAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 5711; 38 USC 5713; 38 USC 7102(a)**CFR Citation:** 38 CFR 20.711**Legal Deadline:** None

**Abstract:** VA has the authority to issue subpoenas to compel the attendance of witnesses and/or the production of evidence. This authority has been delegated to Members of the Board through Rule of Practice 711 (38 CFR 20.711), which also sets forth the relevant procedures and generally provides that subpoenas will be issued pursuant to a motion filed with the Board, which is in turn decided by a Board Member or panel of Members.

**Timetable:**

Action	Date	FR Cite
NPRM	02/15/00	65 FR 7468
NPRM Comment	04/17/00	65 FR 7468
Period End		
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978

**RIN:** 2900-AJ58**3389. DELEGATIONS OF AUTHORITY—APPEALS REGULATIONS AND RULES OF PRACTICE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501(a); 38 USC 512; 38 USC 7101(a); 38 USC 7102; 38 USC 7104**CFR Citation:** 38 CFR 19.2; 38 CFR 19.14; 38 CFR 20.102; 38 CFR 20.606(d)**Legal Deadline:** None

**Abstract:** The Board of Veterans Appeals is amending its Appeals Regulation and Rules of Practice to update the delegations of authority to Members of the Board and to include the definition of “Chief Members” to whom some authority is delegated.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978

**RIN:** 2900-AJ66**3390. NOTICE OF APPEAL IN SIMULTANEOUSLY CONTESTED CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 19.192; 38 CFR 20.502**Legal Deadline:** None

**Abstract:** The Board of Veterans Appeals is amending its Appeals Regulation and a Rule of Practice concerning simultaneously contested claims to make them more consistent with an authorizing statute and with each other. The statutory provision is currently implemented in two regulations. 38 U.S.C. 7105A(b) provides that when one contesting party files his or her “formal appeal” the “substance” of the formal appeal will be communicated to the other contesting parties who then have 30 days to file an answering brief or argument.

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**Timetable:**

Action	Date	FR Cite
NPRM	10/01/99	64 FR 53302
NPRM Comment Period End	11/30/99	64 FR 53302
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978

**RIN:** 2900-AJ73**3391. NOTIFICATION OF REPRESENTATIVES IN CONNECTION WITH MOTIONS FOR REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7104(d); 38 USC 7111**CFR Citation:** 38 CFR 20.1405**Legal Deadline:** None

**Abstract:** The Board of Veterans Appeals is amending its Rules of Practice at 38 CFR part 20 to add procedures for notifying representatives when parties file motions to challenge final Board decisions on the grounds of "clear and unmistakable error" (CUE). The change is required to help assure that veterans have the benefit of representation in connection with CUE motions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/12/99	64 FR 7090
Interim Final Rule Effective	02/12/99	64 FR 7090
Interim Final Rule Comment Period End	03/15/99	64 FR 7090
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978

**RIN:** 2900-AJ75**3392. THE BOARD OF VETERANS APPEAL; RULES OF PRACTICE—MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR: CONTENT OF RECORD; ADVANCEMENT ON THE DOCKET****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7104(d); 38 USC 7111**CFR Citation:** 38 CFR 20.1403; 38 CFR 20.1405(a); 38 CFR 20.1405(b)**Legal Deadline:** None

**Abstract:** The Board of Veterans Appeals is amending its Rules of Practice at 38 CFR part 20 to add procedures which would (1) eliminate a provision relating to "constructive notice" as to the record to be reviewed in connection with challenges to Board decisions on the grounds of clear and unmistakable error (CUE) and (2) add a provision to provide for advancing CUE motions on the docket.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978

**RIN:** 2900-AJ85**NATIONAL CEMETERY SYSTEM****3393. OUTER BURIAL RECEPTACLES****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); PL 104-275**CFR Citation:** 38 CFR 1.629**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is issuing a rule to implement the provisions of Public Law 104-275 regarding outer burial receptacles. The rule establishes new regulations to notify individuals that they may choose to privately purchase an outer burial receptacle in lieu of using a Government-provided grave liner in VA national cemeteries, where

such grave liners are authorized. VA will provide a monetary allowance for the privately purchased outer burial receptacle. The rule establishes the requirements for the allowance to be paid and the manner in which it will be paid.

**Timetable:**

Action	Date	FR Cite
NPRM	04/18/00	65 FR 20787
NPRM Comment Period End	06/19/00	65 FR 20787
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None

**Agency Contact:** Kenneth Greenberg, Program Analyst (402), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5179  
TDD Phone: 202 271-6697

**RIN:** 2900-AJ49**3394. INTERMENT OR MEMORIALIZATION IN VA NATIONAL CEMETERIES AND CERTAIN STATE CEMETERIES—FEDERAL OR STATE CAPITAL CRIME****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 2411; PL 105-116**CFR Citation:** 38 CFR 1; 38 CFR 39**Legal Deadline:** None

**Abstract:** Public Law No. 105-116, 111 Stat. 2381 (codified at 38 U.S.C. 2411), provides that, under certain circumstances, the remains of certain persons who committed Federal or State capital crimes may not be interred in a VA national cemetery and the memory of such persons may not be memorialized in a VA national cemetery. These statutory provisions also impose conditions on the receipt by a State of a VA grant to the State for veteran's cemetery regarding such interments or memorializations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/00	65 FR 45332
NPRM Comment Period End	09/19/00	65 FR 45332
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None

VA

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**Agency Contact:** Deanna L. Wilson, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5154  
TDD Phone: 202 273-6697

**RIN:** 2900-AJ77

#### OFFICE OF THE GENERAL COUNSEL

#### 3395. RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

**Legal Authority:** 5 USC 552; 5 USC 552a; 38 USC 5701

**CFR Citation:** 38 CFR 1.500 to 1.584

**Legal Deadline:** None

**Abstract:** This document amends the Department of Veterans Affairs regulations governing the confidentiality and release of VA records subject to the Privacy Act, 5 U.S.C. 552a, the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the veterans' records confidentiality statute (section 5701), 38 U.S.C. 5701. The amendments will implement court decisions and executive branch guidance issued since the regulations were originally published. The amendment is part of

the Administration's effort to simplify, clarify, and modernize Federal regulations.

#### Timetable:

Action	Date	FR Cite
NPRM	09/10/98	63 FR 48455
NPRM Comment Period End	11/09/98	63 FR 48455
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lorraine M. Johnson, Deputy Assistant General Counsel (024A), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-6381

**RIN:** 2900-AH98

#### Department of Veterans Affairs (VA)

#### Long-Term Actions

#### VETERANS HEALTH ADMINISTRATION

#### 3396. PROTECTION OF HUMAN SUBJECTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 16

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Judy Williams  
Phone: 202 273-8284

**RIN:** 2900-AJ08

#### 3397. CLOTHING ALLOWANCE

**Priority:** Info./Admin./Other

**CFR Citation:** 38 CFR 3.810

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Frederick Downs  
Phone: 202 273-8515

**RIN:** 2900-AJ21

#### 3398. PROVISION OF AIDS TO THE BLIND

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 3.810

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Frederick Downs  
Phone: 202 273-8515

**RIN:** 2900-AJ22

#### 3399. ADVANCED HEALTH CARE PLANNING

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 17.32

#### Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58677
NPRM Comment Period End	01/04/99	63 FR 58677
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ellen Fox

Phone: 202 273-6926

**RIN:** 2900-AJ28

#### 3400. POLICY REGARDING PARTICIPATION IN NATIONAL PRACTITIONER DATA BANK

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 46

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kathryn W. Enchelmayer  
Phone: 202 273-8936

**RIN:** 2900-AJ76

#### 3401. AIDS FOR THE BLIND

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 17; 37 CFR 17.154

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

VA Long-Term Actions

**Agency Contact:** Don Garner  
Phone: 202 273-8481

Rose Mary McMahon  
Phone: 202 273-8482

**RIN:** 2900-AJ83

**3402. THERAPEUTIC HOUSING**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 17

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Christine Woods  
Phone: 757 722-9961  
Fax: 757 728-3143

**RIN:** 2900-AK01

**3403. MEDICATION PRESCRIBING AUTHORITY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 17; 38 CFR 17.33

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Audrey Crenshaw Drake  
Phone: 202 273-8424  
Fax: 202 273-9066  
Email: audrey.drake@mail.va

**RIN:** 2900-AK05

**3404. • WAIVERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 1722A; PL 106-117

**CFR Citation:** 38 CFR 17.105

**Legal Deadline:** None

**Abstract:** The purpose of this document is to provide regulations to formally establish the waiver process for veterans' copayments.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8198  
Fax: 202 273-6485

**RIN:** 2900-AK29

**VETERANS BENEFITS ADMINISTRATION**

**3405. EVIDENCE ON FILE AT DATE OF DEATH**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3.1000

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janice Jacobs  
Phone: 202 273-7210

**RIN:** 2900-AH42

**3406. WELL GROUNDED CLAIMS/DUTY TO ASSIST**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 3.159

**Timetable:**

Action	Date	FR Cite
ANPRM	10/30/98	63 FR 58336
ANPRM Comment	01/28/99	63 FR 58336
Period End		
NPRM	12/02/99	64 FR 67528
NPRM Comment	01/31/00	64 FR 67528
Period Extended		
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janice Jacobs  
Phone: 202 273-7210

**RIN:** 2900-AJ44

**3407. SCHEDULE FOR RATING DISABILITIES: GLOBAL ASSESSMENT OF FUNCTIONING SCALE IN THE EVALUATION OF MENTAL DISORDERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 4.125

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Caroll McBrine  
Phone: 202 272-7210

**RIN:** 2900-AJ84

**3408. LOAN GUARANTY: ADVERTISING AND SOLICITATION DISCLOSURE REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 36.4227; 38 CFR 36.4365

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Finneran  
Phone: 202 273-7369  
Fax: 202 273-3523  
Email: lgyrfinn@vba.va.gov

**RIN:** 2900-AJ86

**3409. LOAN GUARANTY: REVISION TO VA WORK RULES FOR CREDIT SCORED LOANS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 36.4346; 38 CFR 3702(c)(1)

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Fyne  
Phone: 202 273-7380

**RIN:** 2900-AJ91

## VA

## Long-Term Actions

**3410. LOAN GUARANTY: CREDIT STANDARDS REVISION****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4337**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Robert Finneran

Phone: 202 273-7369

Fax: 202 273-3523

Email: lgyrfinn@vba.va.gov

**RIN:** 2900-AJ92**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3411. SEALED BIDDING AND COMPETITIVE PROPOSALS****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 806**Timetable:**

Action	Date	FR Cite
NPRM	03/11/98	63 FR 11865
NPRM Comment	05/11/98	63 FR 11865
Period End		
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Donald E. Kaliher

Phone: 202 273-8819

Email: donald.kaliher@mail.va.gov

**RIN:** 2900-AI99**BOARD OF VETERANS APPEALS****3412. APPEALS REGULATIONS; RULES OF PRACTICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.3 (Revision); 38 CFR 20.609 (Revision); 38 CFR 20.903 (Revision); 38 CFR 20.1000; 38 CFR 20.1001; 38 CFR 20.1002; 38 CFR 20.1100 (Revision); 38 CFR 19.10; 38 CFR 19.15 (Revision); 38 CFR 19.39; 38 CFR 20.3; 38 CFR 20.101 (Revision); 38 CFR 20.102 (Revision); 38 CFR 20.201 (Revision); 38 CFR 20.605 (Revision); ...**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 4131
NPRM Comment	03/04/92	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

**RIN:** 2900-AE78**3413. RULES OF PRACTICE; HEARINGS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 20.702; 38 CFR 2.1; 38 CFR 19.75; 38 CFR 20.703; 38 CFR 20.704; 38 CFR 20.707; 38 CFR 20.711; 38 CFR 20.714; 38 CFR 20.716; 38 CFR 20.717; 38 CFR 20.1003**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

**RIN:** 2900-AG07**3414. RULES OF PRACTICE: MEDICAL OPINIONS; APPEAL PROCESSING AND SUBMISSION OF ADDITIONAL EVIDENCE****Priority:** Other Significant**CFR Citation:** 38 CFR 19.36; 38 CFR 20.800; 38 CFR 20.801; 38 CFR 20.802; 38 CFR 20.901; 38 CFR 20.1304**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

**RIN:** 2900-AG90**3415. • APPEAL REGULATIONS, RULES OF PRACTICE: USE OF SUPPLEMENTAL STATEMENT OF THE CASE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7105(d)**CFR Citation:** 38 CFR 19.31; 38 CFR 20.302(c); 38 CFR 20.501(c)**Legal Deadline:** None**Abstract:** The Board of Veterans' Appeals is amending its appeals regulations and Rules of Practice to clarify that a "Supplemental Statement of the Case" (SSOC) is to be used only to inform an appellant of material changes in, or additions to, the information included in the Statement of the Case (SOC) or a prior SSOC. The prior rule permitted new issues to be added to the SOC, resulting in confusion for appellants, regional offices, and the Board as to what issues were actually on appeal. Since 1966, the manual provisions governing the regional office have prohibited using an SSOC to reply to new issues. This rule will conform the Board's rules with agency practice.**Timetable:**

Action	Date	FR Cite
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 565-5978**RIN:** 2900-AK33**OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY****3416. DELEGATION OF AUTHORITY—DECISIONMAKING REGARDING DISCRIMINATION****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 2**Timetable:**

Action	Date	FR Cite
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Ventris C. Gibson

Phone: 202 273-9437

Email: ventris.gibson@mail.va.gov

**RIN:** 2900-AJ63

## VA

## Long-Term Actions

OFFICE OF THE ASSISTANT  
SECRETARY FOR ACQUISITION AND  
FACILITIES3417. OPERATION OF CHILD CARE  
CENTERS AT VA FACILITIES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17

## Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53078
NPRM Comment Period End	01/26/90	54 FR 53078
Next Action	Undetermined	

Regulatory Flexibility Analysis  
Required: Undetermined

Government Levels Affected: None

Agency Contact: Renee Bruce  
Phone: 410 605-7388

RIN: 2900-AD48

## OFFICE OF THE GENERAL COUNSEL

3418. RECOGNITION OF  
ORGANIZATIONS AND  
ACCREDITATION OF  
REPRESENTATIVES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 14.626 to 14.635

## Timetable:

Action	Date	FR Cite
NPRM	11/04/98	63 FR 59495
NPRM Comment Period End	01/04/99	63 FR 59495
Final Action	10/00/01	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: State

Agency Contact: Richard J. Hipolit  
Phone: 202 273-6329

RIN: 2900-AI93

## OFFICE OF POLICY AND PLANNING

3419. AUDITS OF STATES, LOCAL  
GOVERNMENTS, AND NONPROFIT  
ORGANIZATIONS; GRANTS AND  
AGREEMENTS WITH INSTITUTIONS  
OF HIGHER EDUCATION, HOSPITALS,  
AND OTHER NONPROFIT  
ORGANIZATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 41; 38 CFR 49

## Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis  
Required: NoSmall Entities Affected: Governmental  
Jurisdictions, OrganizationsGovernment Levels Affected: State,  
LocalAgency Contact: David Walton  
Phone: 202 273-5061

RIN: 2900-AJ62

## Department of Veterans Affairs (VA)

## Completed Actions

3420. • COPAYMENTS FOR  
OUTPATIENT MEDICAL CARE AND  
SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1151; 38 USC  
1710; 38 USC 1720; 38 USC 1722; PL  
106-117

CFR Citation: 38 CFR 17.109

Legal Deadline: None

Abstract: This amendment proposes to  
amend VA's medical regulations to  
establish a mechanism for determining  
co-payments for outpatient medical  
care and services.

## Timetable:

Action	Date	FR Cite
Withdrawn-Merged With 2900-AK50	09/15/00	

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carolyn S. West,  
Program Analyst (174), Department of  
Veterans Affairs, Veterans HealthAdministration, 810 Vermont Avenue  
NW, Washington, DC 20420  
Phone: 202 273-8206  
Fax: 202 273-6485  
Email: carol.west@mail.va.gov

RIN: 2900-AK15

## 3421. CHILD CUSTODY

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.24(b); 38 CFR  
3.24(c); 38 CFR 3.57(d)

## Completed:

Reason	Date	FR Cite
Withdrawn	08/08/00	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Donald England  
Phone: 202 273-7210

RIN: 2900-AI10

3422. RESERVIST EDUCATION:  
MONTHLY VERIFICATION OF  
ENROLLMENT AND OTHER REPORTS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.7635; 38 CFR  
21.7654; 38 CFR 21.7656

## Completed:

Reason	Date	FR Cite
Final Action	10/16/00	65 FR 61100

Regulatory Flexibility Analysis  
Required: Yes

Government Levels Affected: None

Agency Contact: William G. Susling  
Phone: 202 273-7187  
Fax: 202 275-2636  
Email: edubsusl@vba.va.gov

RIN: 2900-AI68

3423. VETERANS TRAINING:  
INCREASE IN RATES PAYABLE  
UNDER 38 U.S.C. CHAPTER 31

Priority: Info./Admin./Other

CFR Citation: 38 CFR 21.260(b)

## VA

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	08/25/00	65 FR 51763
Final Action Correction	10/12/00	65 FR 60724

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Charles A. Graffam  
Phone: 202 273-7410

RIN: 2900-AI74

**3424. ELIGIBILITY REPORTING REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.256**Completed:**

Reason	Date	FR Cite
Final Action	03/30/00	65 FR 16827
Final Action Effective	03/30/00	65 FR 16827

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Janice Jacobs  
Phone: 202 273-7210

RIN: 2900-AJ09

**3425. VETERANS' BENEFITS ACT OF 1997****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.29; 38 CFR 3.31; 38 CFR 3.114; 38 CFR 3.216; 38 CFR 3.814**Completed:**

Reason	Date	FR Cite
Final Action	06/02/00	65 FR 35280

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Donald England  
Phone: 202 273-7210

RIN: 2900-AJ25

**3426. CASH VALUES FOR NATIONAL SERVICE LIFE INSURANCE (NSLI) AND VETERANS SPECIAL LIFE INSURANCE (VSLI)—TERM CAPPED POLICIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 8.14(a); 38 CFR 8.18**Completed:**

Reason	Date	FR Cite
Final Action	09/11/00	65 FR 54798

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** George Poole  
Phone: 215 842-2000  
Fax: 215 381-3502  
Email: issgpool@vba.va.gov

RIN: 2900-AJ35

**3427. DEPENDENTS EDUCATION: VERIFICATION OF PURSUIT AND CONTINUED ENROLLMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.4135; 38 CFR 21.4138; 38 CFR 21.4204; 38 CFR 21.5130; 38 CFR 21.5131; 38 CFR 21.5133; 38 CFR 21.5200**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** William G. Susling  
Phone: 202 273-7187  
Fax: 202 275-2636  
Email: edubsusl@vba.va.gov

RIN: 2900-AJ41

**3428. MODIFIED ELIGIBILITY CRITERIA FOR THE MONTGOMERY GI BILL—ACTIVE DUTY****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7045**Completed:**

Reason	Date	FR Cite
Final Action	04/18/00	65 FR 20745
Final Action Effective	04/18/00	65 FR 20745

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** William G. Susling  
Phone: 202 273-7187  
Fax: 202 275-2636  
Email: edubsusl@vba.va.gov

RIN: 2900-AJ69

**3429. NATIONAL SERVICE LIFE INSURANCE****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 8.2; 38 CFR 8.3; 38 CFR 8.4; 38 CFR 8.6; 38 CFR 8.9**Completed:**

Reason	Date	FR Cite
Final Action-Technical Amendment	04/12/00	65 FR 19658
Final Action-Technical Amendment Effective	04/12/00	65 FR 19658

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** George Poole  
Phone: 215 842-2000  
Fax: 215 381-3502  
Email: issgpool@vba.va.gov

RIN: 2900-AJ78

**3430. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7636**Completed:**

Reason	Date	FR Cite
Final Action	10/04/00	65 FR 59127

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** William G. Susling  
Phone: 202 273-7187  
Fax: 202 275-2636  
Email: edubsusl@vba.va.gov

RIN: 2900-AJ88

**3431. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137**Completed:**

Reason	Date	FR Cite
Final Action	07/20/00	65 FR 44979
Final Action Effective	07/20/00	65 FR 44979
Final Action--Technical Amendment	09/13/00	65 FR 55192

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** William G. Susling  
Phone: 202 273-7187  
Fax: 202 275-2636  
Email: edubsusl@vba.va.gov

RIN: 2900-AJ89

## VA

## Completed Actions

**3432. VETERANS MILLENNIUM HEALTH CARE AND BENEFITS ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.22; 38 CFR 3.55; 38 CFR 3.309**Completed:**

Reason	Date	FR Cite
Final Action	07/14/00	65 FR 43699

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Bill Russo  
 Phone: 202 273-7402  
 Fax: 202 275-1728  
 Email: capbruss@vba.va.gov

**RIN:** 2900-AK04**3433. • SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1965 to 1980**CFR Citation:** 38 CFR 9.2**Legal Deadline:** None

**Abstract:** VA is proposing to amend 38 CFR 9.2 to provide former servicemembers an additional opportunity to increase their amount of insurance coverage.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/24/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 13399, Philadelphia, PA 19101  
 Phone: 215 842-2000  
 Fax: 215 381-3502  
 Email: issghosm@vba.va.gov

**RIN:** 2900-AK42**3434. VA ACQUISITION REGULATIONS PART 801, LEGAL/TECHNICAL REVIEW REQUIREMENTS****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 801.602-70; 48 CFR 817.402; 48 CFR 819.801; 48 CFR

842.000; 48 CFR 842.102; 48 CFR 842.202; 48 CFR 842.1203; 48 CFR 801.602-71; 48 CFR 801.602-72; 48 CFR 801.602-73; 48 CFR 801.602-74; 48 CFR 801.602-75; 48 CFR 815.805-4; 48 CFR 816.102(a); 48 CFR 817.102-1; ...

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Donald E. Kaliher  
 Phone: 202 273-8819  
 Email: donald.kaliher@mail.va.gov

**RIN:** 2900-AI96**3435. CONTRACTOR QUALIFICATIONS****Priority:** Other Significant**CFR Citation:** 48 CFR 809**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Donald E. Kaliher  
 Phone: 202 273-8819  
 Email: donald.kaliher@mail.va.gov

**RIN:** 2900-AJ05**3436. VA ACQUISITION REGULATIONS: PART 802, DEFINITION OF "HEAD OF CONTRACTING ACTIVITY"****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 802**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Rita Williams  
 Phone: 202 273-8774  
 Email: rita.williams@mail.va.gov

**RIN:** 2900-AJ26**3437. VA ACQUISITION REGULATIONS: PART 801, VA CONTRACTING OFFICER CERTIFICATION PROGRAM****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 801**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Rita Williams  
 Phone: 202 273-8774  
 Email: rita.williams@mail.va.gov

**RIN:** 2900-AJ33**3438. VA ACQUISITION REGULATION PART 819, SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 819**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Rita Williams  
 Phone: 202 273-8774  
 Email: rita.williams@mail.va.gov

**RIN:** 2900-AJ36**3439. • APPEALS REGULATIONS: TITLE FOR MEMBERS OF THE BOARD OF VETERANS' AFFAIRS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 512; 38 USC 7101(a)**CFR Citation:** 38 CFR 19.2**Legal Deadline:** None

**Abstract:** The Board of Veterans' Appeals is amending its regulations to provide that a Member of the Board may also be known as a "veterans law judge." Individuals deciding appeals in other parts of the Federal Government are typically known as "judges," e.g., "administrative law judges" and "administrative judges." Giving Board members the title of "veterans law judge" would provide a more accurate title than "member" and would

VA

Completed Actions

enhance confidence in the system through recognition that appeals are being adjudicated by legal professionals.

**Timetable:**

Action	Date	FR Cite
Final Action	09/14/00	65 FR 55461

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C),

Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420  
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RIN: 2900-AK14

**3440. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 23

**Completed:**

Reason	Date	FR Cite
Final Action	08/30/00	65 FR 52858
Final Action Effective	09/29/00	65 FR 52858

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 2900-AJ11

[FR Doc. 00-23093 Filed 11-29-00]

BILLING CODE 8320-01-S