



Federal Register

**Monday,
April 24, 2000**

Part XVI

**Department of
Veterans Affairs**

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 April 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.

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

Department of Veterans Affairs—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2978	Medication Prescribing Authority	2900-AK05
2979	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
2980	Exemption from Pharmacy Copay	2900-AJ12
2981	Medical Care and Treatment for Which VA Will Not Seek Reimbursement	2900-AJ20
2982	Clothing Allowance	2900-AJ21
2983	Provision of Aids to the Blind	2900-AJ22
2984	Priorities for State Home Grants for Construction, Acquisition, or Renovation	2900-AJ43
2985	Per Diem for Adult Day Health Care of Veterans in State Homes	2900-AJ74
2986	Policy Regarding Participation in National Practitioner Data Bank	2900-AJ76
2987	Aids for the Blind	2900-AJ83
2988	Therapeutic Housing	2900-AK01
2989	Reimbursement/Payment for Uninsured Veterans' Non-VA Emergency Medical Care	2900-AK08
2990	Schedule for Rating Disabilities—The Orthopedic System	2900-AE91
2991	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
2992	Schedule for Rating Disabilities—Digestive System	2900-AF24
2993	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers	2900-AG20
2994	Total Disability Evaluations Based on Inability of the Individual to Engage in Substantially Gainful Employment	2900-AH21
2995	Evidence on File at Date of Death	2900-AH42
2996	Ankylosis and Limitation of Motion of Digits of the Hands	2900-AI44
2997	Veterans Education: Reporting and Recordkeeping Requirements at Flight Schools	2900-AJ23
2998	Dependents Education: Verification of Pursuit and Continued Enrollment	2900-AJ41
2999	Revised Criteria for Monetary Allowance for a Child Born with Spina Bifida Who Is a Child of a Vietnam Veteran ...	2900-AJ51
3000	Certification Evidence for Proof of Service	2900-AJ55
3001	Schedule for Rating Disability: The Spine	2900-AJ60
3002	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
3003	Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance	2900-AJ80
3004	Evidence of Permanent and Total Disability	2900-AJ82
3005	Schedule for Rating Disabilities: Global Assessment of Functioning Scale in the Evaluation of Mental Disorders	2900-AJ84
3006	Benefit of the Doubt	2900-AJ93
3007	Permanent Incapacity for Self-Support	2900-AJ95
3008	Presumptive Service Connection for Hepatitis C Infection	2900-AJ96
3009	Post-Traumatic Stress Disorder Claims Based on Personal Assault	2900-AK00
3010	Minimum Active Duty Requirement	2900-AK02
3011	State Department as Agent of Department of Veterans Affairs	2900-AK03

VA

Department of Veterans Affairs—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3012	Signature by Mark	2900-AK07
3013	Commencement of the Period of Payment	2900-AK09
3014	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources	
		2900-AI71
3015	Contractor Qualifications	2900-AJ05
3016	VA Acquisition Regulation Part 819, Small Business and Small Disadvantaged Business Concerns	2900-AJ36
3017	Universal Product Numbers (UPNs)	2900-AJ45
3018	Construction and Architect-Engineer Contracts	2900-AJ56
3019	Board of Veterans Appeals: Rules of Practice—Subpoenas	2900-AJ58
3020	Notice of Appeal in Simultaneously Contested Claims	2900-AJ73
3021	Rules of Practice; Jurisdiction	2900-AJ97
3022	Headstone and Marker Inscription Policy	2900-AH45
3023	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900-AH46
3024	Eligibility for Burial of Dependent Adult Children of Eligible Veterans	2900-AI95
3025	Use of the Secretary's Authority as Provided by 38 U.S.C. 2402(6)	2900-AJ48
3026	Outer Burial Receptacles	2900-AJ49
3027	Interment or Memorialization in VA National Cemeteries and Certain State Cemeteries—Federal or State Capital Crime	2900-AJ77
3028	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3029	Provision of Drugs and Medicines Prescribed by Non-VA Physicians	2900-AJ24
3030	Advanced Health Care Planning	2900-AJ28
3031	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes	2900-AJ34
3032	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA ..	2900-AE20
3033	Acceptance of Partial Payments; Indemnification of Default	2900-AE60
3034	Schedule for Rating Disabilities—The Skin	2900-AF00
3035	Amendments to Training and Rehabilitation Programs	2900-AG00
3036	Vision	2900-AH43
3037	Intervertebral Disc Syndrome	2900-AI22
3038	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
3039	New Criteria for Approval of Courses for Educational Assistance Programs	2900-AI67
3040	Reservist Education: Monthly Verification of Enrollment and Other Reports	2900-AI68
3041	Veterans Training: Increase in Rates Payable Under 38 U.S.C. Chapter 31	2900-AI74
3042	Use of Facilities To Provide Training or Work Experience for Veterans	2900-AJ01
3043	Eligibility Reporting Requirements	2900-AJ09
3044	Dependents Education: Eligibility and Entitlement Standards	2900-AJ19
3045	Veterans' Benefits Act of 1997	2900-AJ25
3046	Cash Value for National Service Life Insurance (NSLI) Term Capped Policies	2900-AJ35
3047	Well Grounded Claims/Duty to Assist	2900-AJ44
3048	Exclusions from Income	2900-AJ52
3049	Claims Based on Effect of Tobacco Products	2900-AJ59
3050	Modified Eligibility Criteria for the Montgomery GI Bill—Active Duty	2900-AJ69
3051	National Service Life Insurance	2900-AJ78
3052	Increase in Rates Payable under the Montgomery GI Bill—Selected Reserve	2900-AJ88
3053	Increase in Rates Payable under the Montgomery GI Bill—Active Duty	2900-AJ89
3054	Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues	2900-AJ90
3055	Review of Benefit Claims Decisions	2900-AJ99
3056	Veterans Millennium Health Care and Benefits Act	2900-AK04
3057	Revised Definition of a Program of Education Under the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues	2900-AK06
3058	VA Acquisition Regulations Part 801, Legal/Technical Review Requirements	2900-AI96
3059	Sealed Bidding and Competitive Proposals	2900-AI99

VA

Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3060	VA Acquisition Regulations: Part 802, Definition of "Head of Contracting Activity"	2900-AJ26
3061	VA Acquisition Regulations: Part 801, VA Contracting Officer Certification Program	2900-AJ33
3062	Board of Veterans Appeals—Rules of Practice—Attorney Fee Matters	2900-AI98
3063	Delegations of Authority—Appeals Regulations and Rules of Practice	2900-AJ66
3064	Notification of Representatives in Connection with Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AJ75
3065	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
3066	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance	2900-AJ11
3067	Delegation of Authority—Decisionmaking Regarding Discrimination	2900-AJ63
3068	Release of Information from Department of Veterans Affairs Records	2900-AH98
3069	Recognition of Organizations and Accreditation of Representatives	2900-AI93

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3070	Protection of Human Subjects	2900-AJ08
3071	Child Custody	2900-AI10
3072	Loan Guaranty: Advertising and Solicitation Disclosure Requirements	2900-AJ86
3073	Loan Guaranty: Revision to VA Work Rules for Credit Score Loans	2900-AJ91
3074	Loan Guaranty: Credit Standards Revision	2900-AJ92
3075	Appeals Regulations; Rules of Practice	2900-AE78
3076	Rules of Practice; Hearings	2900-AG07
3077	Rules of Practice: Medical Opinions; Appeal Processing and Submission of Additional Evidence	2900-AG90
3078	Operation of Child Care Centers at VA Facilities	2900-AD48

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
3079	Per Diem for Nursing Home Care of Veterans in State Homes	2900-AE87
3080	Medical Evidence That a Disability Has Improved	2900-AH82
3081	New Eligibility Criteria for the Montgomery GI Bill—Active Duty, Other Miscellaneous Issues	2900-AI63
3082	Revision of Decision	2900-AI64
3083	Amended Criteria for Approval of Flight Training Courses	2900-AI76
3084	Child	2900-AJ54
3085	DIC Benefits for Survivors of Certain Veterans Rated Totally Disabled at Time of Death	2900-AJ65
3086	Rate Increase for the Educational Assistance Test Program; 1999-2000 Academic Year	2900-AJ87
3087	VA Acquisition Regulations: Simplified Acquisition Procedures	2900-AJ16
3088	Application of Labor Laws to Government Acquisitions	2900-AJ81
3089	Appeals Regulations, Rules of Practice: Title Change	2900-AJ57
3090	Case Docketing—Appeals Regulations and Rules of Practice	2900-AJ72
3091	Board of Veterans Appeals: Rules of Practice—Revision of Decisions on Grounds of Clear and Unmistakable Error; Clarification	2900-AJ98

DEPARTMENT OF VETERANS AFFAIRS (VA)

Prerule Stage

VETERANS HEALTH
ADMINISTRATION**2978. • MEDICATION PRESCRIBING
AUTHORITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17; 38 CFR 17.33**Legal Deadline:** None

Abstract: The Veterans Health Administration of the Department of Veterans Affairs is considering amending its medical regulations to specify those who are eligible to prescribe medications. The supplementary information portion of the document contains a preliminary list of those under consideration for prescribing medications. To help formulate a proposed rule regarding medication prescribing authority, an advance notice of proposed rulemaking solicits written comments and announces a public hearing.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/00	

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

Agency Contact: Audrey Crenshaw Drake, Program Director Nursing (118), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8424

Fax: 202 273-9066

Email: audrey.drake@mail.va

RIN: 2900-AK05OFFICE OF FINANCIAL
MANAGEMENT**2979. • 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; 38 USC 501; 38 USC 5302; 38 USC 5314; 38 USC 5315

CFR Citation: 38 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**2980. 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	10/00/00	

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

Agency Contact: Carolyn S. West, Acting Director, Field Support, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8206

Email: carol.west@mail.va.gov

RIN: 2900-AJ12**2981. MEDICAL CARE AND
TREATMENT FOR WHICH VA WILL
NOT SEEK REIMBURSEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1729**CFR Citation:** 38 CFR 17.101**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	10/00/00	

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

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

RIN: 2900-AJ20

VA

Proposed Rule Stage

2982. CLOTHING ALLOWANCE**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 1162**CFR Citation:** 38 CFR 3.810**Legal Deadline:** None

Abstract: The regulatory action needs to be amended to contain specific language that submission of torn, worn, damaged clothing is not a specific condition for approving clothing allowances.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Frederick Downs Jr., Chief, Consultant, Prosthetic and Sensory Aids Strategic Healthcare Group, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8515

RIN: 2900-AJ21

2983. PROVISION OF AIDS TO THE BLIND**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1162; 38 USC 1710; 38 USC 1714(b)**CFR Citation:** 38 CFR 3.810**Legal Deadline:** None

Abstract: The regulatory action needs to be amended to contain specific language for furnishing aids for the blind as part of prosthetic services to veterans receiving VA care under the authority of 38 U.S.C. section 1710, as amended by Public Law 104-262 and to those veterans eligible under the authority of 38 U.S.C. 1714(b).

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Frederick Downs Jr., Chief, Consultant, Prosthetic and Sensory Aids Strategic Healthcare Group, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8515

RIN: 2900-AJ22

2984. 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	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Kathleen Greve, Chief, State Home Construction Program (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8536

Email: kathleen.greve@hg.med.va.gov

RIN: 2900-AJ43

2985. 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 58**Legal Deadline:** None

Abstract: This document proposes to establish regulations 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	06/00/00	

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

2986. POLICY REGARDING PARTICIPATION IN NATIONAL PRACTITIONER DATA BANK**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1110 to 11152**CFR Citation:** 38 CFR 46**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its regulations concerning the reporting of physicians, dentists, and other health care practitioners to the National Practitioner Data Bank (NPDB). These regulations concern malpractice payment reporting and clinical privileges actions reporting. These amendments appear to be necessary to make the reporting process more efficient and fair and to ensure that reporting is accomplished in accordance with the statutory framework.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ellen Fox Ph.D., Director, National Center for Ethics (10AE), Department of Veterans Affairs, Veterans Health Administration, 810

VA

Proposed Rule Stage

Vermont Avenue NW, Washington, DC
20420
Phone: 202 273-6926

Kathryn W. Enchelmayer, Office of
Quality and Performance (10Q),
Department of Veterans Affairs, 810
Vermont Avenue NW, Washington, DC
20420
Phone: 202 273-8936

RIN: 2900-AJ76

2987. AIDS FOR THE BLIND

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1701; 38 USC
1710; 38 USC 1714(b)

CFR Citation: 38 CFR 17; 37 CFR
17.154

Legal Deadline: None

Abstract: This document proposes to
establish regulations setting forth the
requirements for the provision of
mechanical and electronic equipment
to aid blind veterans in overcoming the
handicap of blindness.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Don Garner, Director
of Blind Rehabilitation Service,
Department of Veterans Affairs,
Veterans Health Administration, 810
Vermont Avenue NW, Washington, DC
20420
Phone: 202 273-8481

Rose Mary McMahan, Executive
Assistant, Veterans Health
Administration, Department of Veterans
Affairs, 810 Vermont Avenue NW,
Washington, DC 20420
Phone: 202 273-8482

RIN: 2900-AJ83

2988. • THERAPEUTIC HOUSING

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1772

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: This rulemaking proposes to
establish provisions regarding payment
rates and length of stay for veterans
residing in housing under VA's

Compensation Work
Therapy/Transitional Residences
program. These provisions are designed
to ensure that veterans pay an equitable
amount and stay only for the time
necessary to meet the intended goals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christine Woods,
Program Specialist, Department of
Veterans Affairs, Veterans Health
Administration, HQ-Psychosocial
Rehabilitation Services, Bldg. 148, Rm
D133, VA Medical Center, Hampton,
VA 23669
Phone: 757 722-9961
Fax: 757 728-3143

RIN: 2900-AK01

2989. • 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
Proposed Rule	05/00/00	

**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

VETERANS BENEFITS ADMINISTRATION

2990. 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	07/00/00	

**Regulatory Flexibility Analysis
Required:** 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-AE91

2991. 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

VA

Proposed Rule Stage

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

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	07/01/91	
Period End		
NPRM	11/00/00	

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-AF23

2992. 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	07/01/91	
Period End		
NPRM	09/00/00	

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-AF24

2993. 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	10/22/93	
Period End		
Second NPRM	05/00/00	
Second NPRM	06/00/00	
Comment Period		
End		

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

2994. 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	10/00/00	

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

2995. EVIDENCE ON FILE AT DATE OF DEATH

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 501(a)

CFR Citation: 38 CFR 3.1000

VA

Proposed Rule Stage

Legal Deadline: None**Abstract:** This action will clarify the definition of "medical evidence on file at time of death" (Hayes v. Brown).**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

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-AH42**2996. 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	09/00/00	

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**2997. 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	08/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William G. Susling Jr., Education Advisor (225C), 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-AJ23**2998. DEPENDENTS EDUCATION: VERIFICATION OF PURSUIT AND CONTINUED ENROLLMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3680; 38 USC 5113**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**Legal Deadline:** None**Abstract:** VA will propose revising the effective dates of reductions in payments of Survivors' and Dependents' Educational Assistance (DEA) and will propose revising the effective dates of reductions in payment of educational assistance under the Post-Vietnam Era Veterans Educational Assistance Program (VEAP). VA also will propose to remove the requirement that an individual must verify his or her continued enrollment in and pursuit of a program of education leading to a standard college degree before VA will make the monthly payment of educational assistance under either DEA or VEAP.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William G. Susling Jr., Education Advisor (225C), 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-AJ41**2999. 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	
Final Action	10/00/00	

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

VA

Proposed Rule Stage

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

3000. 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	10/00/00	

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

3001. 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	10/00/00	

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-AJ60

3002. 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	05/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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-AJ68

3003. 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	07/00/00	

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 8079, Philadelphia, PA 19101

Phone: 215 842-2000

RIN: 2900-AJ80

3004. 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	10/00/00	

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

VA

Proposed Rule Stage

Phone: 202 273-7210

RIN: 2900-AJ82

3005. SCHEDULE FOR RATING DISABILITIES: GLOBAL ASSESSMENT OF FUNCTIONING SCALE IN THE EVALUATION OF MENTAL DISORDERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 4.125**Legal Deadline:** None**Abstract:** To assure evaluation of mental disorders is based solely on rating schedule criteria.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

Regulatory Flexibility Analysis**Required:** 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-AJ84

3006. 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	12/00/00	

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

Phone: 202 273-7228

Fax: 202 275-4800

RIN: 2900-AJ93

3007. 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	12/00/00	

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

Phone: 202 273-7228

Fax: 202 275-4800

RIN: 2900-AJ95

3008. ● 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 underwent certain treatment procedures during active military, naval, or air 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, 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	05/00/00	

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

3009. ● 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	07/00/00	

VA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/00/00	

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 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7402

Fax: 202 275-1728

Email: capbruss@vba.va.gov

RIN: 2900-AK00**3010. • 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	12/00/00	

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

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

Phone: 202 273-7235

RIN: 2900-AK02**3011. • 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	12/00/00	

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

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

Phone: 202 273-7235

RIN: 2900-AK03**3012. • 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	06/00/00	

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

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

Phone: 202 273-7235

RIN: 2900-AK07**3013. • 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	12/00/00	

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

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

Phone: 202 273-7235

RIN: 2900-AK09**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3014. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SIMPLIFIED ACQUISITION PROCEDURES FOR HEALTH CARE RESOURCES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 8153

VA

Proposed Rule Stage

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	10/00/00	

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

3015. CONTRACTOR QUALIFICATIONS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 38 USC 486(c)

CFR Citation: 48 CFR 809

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend VA Acquisition Regulation to update VA debarment and suspension procedures, remove a certification requirement regarding conflict of interest, add a standard provision for use by contracting officers to collect currently required information, update references and titles, delegate authority, reorganize material, and delete obsolete material.

Timetable:

Action	Date	FR Cite
NPRM	07/00/00	

Regulatory Flexibility Analysis Required: 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
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RIN: 2900-AJ05

3016. VA ACQUISITION REGULATION PART 819, SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

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 819

Legal Deadline: None

Abstract: This rule proposes to amend part 819 of the VA Acquisition Regulation (VAAR) to remove obsolete material, to update references and titles, and to amend the VAAR to correspond to the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	07/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Agency Contact: Rita Williams, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8774
Email: rita.williams@mail.va.gov

RIN: 2900-AJ36

3017. 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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/00	

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

VA

Proposed Rule Stage

Email: donald.kaliher@mail.va.gov

RIN: 2900-AJ45

3018. 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	10/00/00	

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**3019. 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 Period End	04/17/00	
Final Action	10/00/00	

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

3020. 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.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

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

3021. • 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	10/00/00	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C),

VA

Proposed Rule Stage

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

3022. 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	10/00/00	

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-AH45

3023. 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	10/00/00	

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

3024. 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	10/00/00	

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

3025. 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).

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

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**3026. 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 proposed rule to implement the provisions of Public Law 104-275 regarding outer burial receptacles. The proposal 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 proposed 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	10/00/00	

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**3027. 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 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	10/00/00	

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-AJ77**OFFICE OF POLICY AND PLANNING****3028. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS; GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC ch 75; 38 USC 501; PL 98-502**CFR Citation:** 38 CFR 41; 38 CFR 49**Legal Deadline:** None

Abstract: This document proposes to amend part 41 of VA's regulations to add new subparts to codify revised OMB Circular A-133. The Circular provides standards for consistency and uniformity among Federal agencies for the audits of States, local governments, and nonprofit organizations expending Federal awards. Further, this amendment proposes to add a new part 49 to VA's regulations to bring VA in step with other Federal agencies who have already adopted OMB Circular A-110 as a common rule. The Circular provides for uniform administrative requirements for Federal agencies with grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local

Agency Contact: David Walton, Office of Planning and Analysis (008), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5061

RIN: 2900-AJ62

DEPARTMENT OF VETERANS AFFAIRS (VA)

Final Rule Stage

VETERANS HEALTH ADMINISTRATION**3029. 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	12/00/00	

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**3030. ADVANCED HEALTH CARE PLANNING****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.32**Legal Deadline:** None

Abstract: This document amends the VA medical regulations to codify VA policy regarding advance health care

planning. The rule sets forth a mechanism for the use of written advance directives; i.e., a VA living will, a VA durable power of attorney for health care, and a State-authorized advance directive. The rule also sets forth a mechanism for honoring verbal or nonverbal instructions from a patient when the patient is admitted to care when critically ill and loss of capacity may be imminent and the patient is not physically able to sign an advance directive form or the appropriate form is not readily available. This is intended to help ensure that VA acts in compliance with patients' wishes concerning future health care.

Timetable:

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

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

Agency Contact: Ellen Fox Ph.D., Director, National Center for Ethics (10AE), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6926

RIN: 2900-AJ28**3031. 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 37941
Final Action	10/00/00	

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**VETERANS BENEFITS ADMINISTRATION****3032. 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	55 FR 35325
Final Action	04/00/00	

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

Agency Contact: Richard Fyne, Assistant Director for Loan Management (261), Department of

VA

Final Rule Stage

Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7380

RIN: 2900-AE20

3033. 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	04/00/00	

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

3034. 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	09/00/00	

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-AF00

3035. 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 21.260; 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; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523; ...

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

Timetable:

Action	Date	FR Cite
Final Action	10/00/00	

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

3036. 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.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment	07/12/99	
Period End		
Final Action	10/00/00	

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-AH43

3037. 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	04/25/97	
Period End		
Final Action	08/00/00	

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-AI22

3038. 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	08/04/97	
Period End		
Final Action	10/00/00	

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-AI42

3039. 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	04/03/00	
Period Extended		
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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

3040. RESERVIST EDUCATION: MONTHLY VERIFICATION OF ENROLLMENT AND OTHER REPORTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16136(b); 38 USC 3680(g); 38 USC 3684; 38 USC 5113**CFR Citation:** 38 CFR 21.7635; 38 CFR 21.7654; 38 CFR 21.7656**Legal Deadline:** None

Abstract: This rule will expand the current requirement that some reservists receiving educational assistance under the Montgomery GI Bill—Selected Reserve verify their pursuit of a program of education monthly to include those reservists who are pursuing a standard college degree. At the same time, the number of reports VA receives from educational institutions will be reduced. This will be a cost-effective way to reduce overpayments.

Timetable:

Action	Date	FR Cite
NPRM	03/31/98	63 FR 15341
NPRM Comment	06/01/98	
Period End		
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs,

VA

Final Rule Stage

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-AI68

3041. VETERANS TRAINING: INCREASE IN RATES PAYABLE UNDER 38 U.S.C. CHAPTER 31

Priority: Info./Admin./Other

Legal Authority: 38 USC 3108; 38 USC 3462(e); PL 101-237

CFR Citation: 38 CFR 21.260(b)

Legal Deadline: None

Abstract: By statute, the monthly rates of basic subsistence allowance payable under 38 U.S.C. chapter 31 must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic subsistence allowance payable under 38 U.S.C. chapter 31 for fiscal year 1999 are changed to show a 1.6 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	07/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Charles A. Graffam, Veterans Claims Examiner (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7410

RIN: 2900-AI74

3042. 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	10/00/00	

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

3043. ELIGIBILITY REPORTING REQUIREMENTS

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 103-271

CFR Citation: 38 CFR 3.256

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations concerning eligibility verification reports (EVRs) for recipients of pension under programs in effect prior to January 1, 1979. The amendment reduces the number of circumstances under which VA requires such pensioners to furnish annual EVRs. The intended effect of this amendment is to reduce the reporting burden on these beneficiaries, reduce the workload at VA regional offices, and enable VA to use its resources more effectively.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/06/98	63 FR 53593
Interim Final Rule Comment Period End	12/07/98	
Final Action	06/00/00	

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-AJ09

3044. DEPENDENTS EDUCATION: ELIGIBILITY AND ENTITLEMENT STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: PL 90-631, sec 2; 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; 38 USC 3541; 38 USC 3562; 38 USC 3681; 38 USC 3686; 38 USC 3687; 38 USC 5304

CFR Citation: 38 CFR 3.503; 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; 38 CFR 21.3042; 38 CFR 21.3043; 38 CFR 21.3044; 38 CFR 21.3045; 30 CFR 21.3046; 30 CFR 21.3047; ...

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	08/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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-AJ19

3045. VETERANS' BENEFITS ACT OF 1997

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-114, sec 404

VA

Final Rule Stage

CFR Citation: 38 CFR 3.29; 38 CFR 3.31; 38 CFR 3.114; 38 CFR 3.216; 38 CFR 3.814

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations concerning the monetary allowance for children suffering from spina bifida who are children of Vietnam veterans. This amendment is necessary to implement statutory changes contained in the Veterans' Benefits Act of 1997.

Timetable:

Action	Date	FR Cite
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald England, Chief Regulations Staff (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7217

RIN: 2900-AJ25

3046. CASH VALUE FOR NATIONAL SERVICE LIFE INSURANCE (NSLI) TERM CAPPED POLICIES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1906

CFR Citation: 38 CFR 8.14(a); 38 CFR 8.18

Legal Deadline: None

Abstract: National Service Life Insurance regulations are being amended to provide for the payment of cash value for all current and future term capped policies, either by lump sum cash payment or by the purchase of paid-up additions (PUA) or a combination of the two. Under current law, policyholders whose policies lapse prior to age 96 do not receive any value reserved to their policies. Providing the options of cash values for individuals who no longer need insurance or paid-up additions for policyholders who want to retain insurance coverage without incurring further expense enables policyholders to choose what is best for them.

Timetable:

Action	Date	FR Cite
NPRM	02/15/00	65 FR 7467

Action	Date	FR Cite
NPRM Comment	03/16/00	
Period End		
Final Action	10/00/00	

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
Phone: 215 842-2000

RIN: 2900-AJ35

3047. WELL GROUNDED CLAIMS/DUTY TO ASSIST

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.159

Legal Deadline: None

Abstract: This document clarifies VA's policy regarding what action, if any, VA should take to develop information pertaining to benefit claims in adjudication proceedings when presented with claims that are not well grounded.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/98	63 FR 58336
ANPRM Comment	01/28/99	
Period End		
NPRM	12/02/99	64 FR 67528
NPRM Comment	01/31/00	
Period Extended		
Final Action	06/00/00	

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-AJ44

3048. 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	06/00/00	

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-AJ52

3049. 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	04/17/00	
Period End		
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald England, Chief Regulations Staff (211), Department of Veterans Affairs,

VA

Final Rule Stage

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

Phone: 202 273-7217

RIN: 2900-AJ59

3050. MODIFIED ELIGIBILITY CRITERIA FOR THE MONTGOMERY GI BILL—ACTIVE DUTY

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3011; 38 USC 3012; 38 USC 3016

CFR Citation: 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7045

Legal Deadline: None

Abstract: This rule will implement a provision of the Veterans Programs Enhancement Act of 1998 that changes the eligibility criteria for the Montgomery GI Bill—Active Duty.

Timetable:

Action	Date	FR Cite
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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-AJ69

3051. NATIONAL SERVICE LIFE INSURANCE

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 1901 et seq; 38 USC 1981 et seq

CFR Citation: 38 CFR 8.2; 38 CFR 8.3; 38 CFR 8.4; 38 CFR 8.6; 38 CFR 8.9

Legal Deadline: None

Abstract: National Service Life Insurance regulations are being amended by rewriting and reorganizing the text of four sections into a different format to facilitate better

communication of the rules to policyholders and to those who administer the program. This amendment is written in conjunction with Veterans Benefits Administration's (VBA) Plain English initiative and supports an Executive Memorandum, which mandates plain language in written Government communications. The regulation contains information currently provided under sections 8.2, 8.3, 8.4, and 8.9, as well as topics covered by the current section 8.6. The material found in these sections and other related information is combined into one new regulation, section 8.2.

Timetable:

Action	Date	FR Cite
Final Action	02/15/00	65 FR 7436
Final Action Effective	02/15/00	
Final Action-Technical Amendment	04/00/00	

Regulatory Flexibility Analysis

Required: 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
Phone: 215 842-2000

RIN: 2900-AJ78

3052. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 16136

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 for fiscal year 2000 will be changed to show a 1.6 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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-AJ88

3053. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3015

CFR Citation: 38 CFR 21.7136; 38 CFR 21.7137

Legal Deadline: None

Abstract: By statute, the monthly rates of basic educational assistance payable to veterans 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 2000 will be changed to show a 1.6 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	05/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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-AJ89

3054. 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

VA

Final Rule Stage

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	05/00/00	

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

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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**3055. • 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 Period End	04/18/00	
Final Action	10/00/00	

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

Phone: 202 273-7228

Fax: 202 275-4800

RIN: 2900-AJ99**3056. • VETERANS MILLENNIUM HEALTH CARE AND BENEFITS ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; PL 106-117**CFR Citation:** 38 CFR 3.22; 38 CFR 3.55; 38 CFR 3.309**Legal Deadline:** None

Abstract: On November 30, 1999, the Veterans Millennium Health Care and Benefits Act, Public Law 106-117, was enacted. Section 501 of Public Law 106-117 authorizes payment of DIC to the survivors of former POWs who died after September 30, 1999, and who were continuously rated totally disabled due to a service-connected disability for a period of not less than 1 year immediately preceding death. Section 502 restores eligibility to health care benefits under 38 U.S.C. chapter 17 (CHAMPVA), education benefits under chapter 35, and housing loans under chapter 37, to a surviving spouse if their remarriage has been terminated by death or divorce, or if a surviving spouse has ceased living with another person and holding himself or herself out openly to the public as that person's spouse. Section 503 adds bronchiolo-alveolar carcinoma to the list of diseases that VA presumes results from exposure to radiation during active military service. This rule implements these provisions by amending 38 CFR 3.22, 3.55, and 3.309, respectively.

Timetable:

Action	Date	FR Cite
Final Action	06/00/00	

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-AK04**3057. • 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	09/00/00	

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

Agency Contact: William G. Susling Jr., Education Advisor (225C), 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-AK06**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3058. VA ACQUISITION REGULATIONS PART 801, LEGAL/TECHNICAL REVIEW REQUIREMENTS****Priority:** Info./Admin./Other

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

VA

Final Rule Stage

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 801.602-70; 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; 48 CFR 817.402; 48 CFR 819.801; 48 CFR 842.000; 48 CFR 842.102; 48 CFR 842.202; 48 CFR 842.1203; ...

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending the Veterans Affairs Acquisition Regulations (VAAR) to remove requirements from the Code of Federal Regulations that have been determined to be VA internal procedures that do not affect the public.

Timetable:

Action	Date	FR Cite
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no 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-AI96

3059. SEALED BIDDING AND COMPETITIVE PROPOSALS

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 806

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its Acquisition Regulations. Section 806.401 is amended to remove material which conflicts with the Federal Acquisition Regulation.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no 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-AI99

3060. VA ACQUISITION REGULATIONS: PART 802, DEFINITION OF "HEAD OF CONTRACTING ACTIVITY"

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 802

Legal Deadline: None

Abstract: This rule amends the Department of Veterans Affairs Acquisition Regulation (VAAR) concerning the definition of "Head of the Contracting Activity" (HCA). This amendment is necessary to ensure that the VAAR provides a single, consistent definition of HCA in order to unambiguously designate such individuals within the Agency, by specifying that such individuals be appointed in writing by the Procurement Executive, and by amending the definition at 802.100(a), which specifies HCAs by position title.

Timetable:

Action	Date	FR Cite
Final Action	07/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Rita Williams, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8774
Email: rita.williams@mail.va.gov

RIN: 2900-AJ26

3061. VA ACQUISITION REGULATIONS: PART 801, VA CONTRACTING OFFICER CERTIFICATION PROGRAM

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

Legal Deadline: None

Abstract: This rule amends the Department of Veterans Affairs Acquisition Regulation (VAAR) concerning the VA Contracting Officer Certification Program (COCOP). This amendment is necessary to delete information appropriate to an internal directive from the codified regulations. The amendment directs the reader's attention to a specific agency directive for information on the COCOP.

Timetable:

Action	Date	FR Cite
Final Action	07/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Agency Contact: Rita Williams, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8774
Email: rita.williams@mail.va.gov

RIN: 2900-AJ33

VA

Final Rule Stage

BOARD OF VETERANS APPEALS**3062. 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
NPRM Comment Period End	02/09/98	
Final Action	10/00/00	

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**3063. DELEGATIONS OF AUTHORITY—APPEALS REGULATIONS AND RULES OF PRACTICE****Priority:** Substantive, Nonsignificant**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	10/00/00	

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**3064. 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	
Interim Final Rule Comment Period End	03/15/99	
Final Action	10/00/00	

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**3065. 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	10/00/00	

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**OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY****3066. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2000d**CFR Citation:** 38 CFR 23**Legal Deadline:** None

VA

Final Rule Stage

Abstract: In response to President Clinton's request to strengthen enforcement of title IX of the Education Amendments of 1972, the Department of Justice (DOJ) has prepared a draft notice of proposed rulemaking of a common rule for implementing title IX of the Education Amendments of 1972. DOJ prepared the text for VA's adoption of this rule, which will become a new part 23 of title 38 CFR "Nondiscrimination in Federally Assisted Programs of the Department of Veterans Affairs—Effectuation of Title VI of the Civil Rights Act of 1964." The amendment to 38 CFR will ensure VA's compliance with the requirement to publish its regulations to prohibit discrimination based on sex in education programs or activities that receive Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	10/29/99	64 FR 58571
NPRM Comment Period End	12/28/99	
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ellis Jones Hodges, Director, Affirmative Employment Service (06A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7632

RIN: 2900-AJ11

3067. DELEGATION OF AUTHORITY— DECISIONMAKING REGARDING DISCRIMINATION

Priority: Info./Admin./Other

Legal Authority: 5 USC 553

CFR Citation: 38 CFR 2

Legal Deadline: None

Abstract: This document delegates to certain Department of Veterans Affairs officials authority to make final Agency decisions regarding the procedural acceptability of equal employment opportunity discrimination complaints. It also delegates authority to those officials to make final Agency decisions which determine whether a breach of an equal employment opportunity complaint settlement agreement has occurred.

Timetable:

Action	Date	FR Cite
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ventris C. Gibson, Deputy Assistant Secretary for Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-9437
Email: ventris.gibson@mail.va.gov

RIN: 2900-AJ63

OFFICE OF THE GENERAL COUNSEL

3068. 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	
Final Action	10/00/00	

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

3069. RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF REPRESENTATIVES

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: 5 USC 301; 38 USC 501(a); 38 USC 5901 to 5905

CFR Citation: 38 CFR 14.626 to 14.635

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to revise and clarify existing procedures and requirements regarding certification or recognition of service organizations and their representatives and other individuals, agents, and attorneys representing claimants for benefits administered by VA. The revisions are designed to improve VA's ability to assure high quality representation of claimants.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Richard J. Hipolit, Deputy Assistant General Counsel (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6329

RIN: 2900-AI93

DEPARTMENT OF VETERANS AFFAIRS (VA)

Long-Term Actions

VETERANS HEALTH
ADMINISTRATION**3070. 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-AJ08VETERANS BENEFITS
ADMINISTRATION**3071. CHILD CUSTODY****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.24(b); 38 CFR
3.24(c); 38 CFR 3.57(d)**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Donald England
Phone: 202 273-7217**RIN:** 2900-AI10**3072. 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: 202 273-7368**RIN:** 2900-AJ86**3073. 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**3074. 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: 202 273-7368**RIN:** 2900-AJ92

BOARD OF VETERANS APPEALS

**3075. APPEALS REGULATIONS;
RULES OF PRACTICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.3 (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); 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); ...**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 4131
NPRM Comment Period End	03/04/92	
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**3076. RULES OF PRACTICE;
HEARINGS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 20.702; 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;
38 CFR 2.1; 38 CFR 19.75**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**3077. 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**OFFICE OF THE ASSISTANT
SECRETARY FOR ACQUISITION AND
FACILITIES****3078. 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	
Next Action	Undetermined	

**Regulatory Flexibility Analysis
Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Renee Bruce

VA

Long-Term Actions

Phone: 410 605-7388

RIN: 2900-AD48

DEPARTMENT OF VETERANS AFFAIRS (VA)

Completed Actions

3079. PER DIEM FOR NURSING HOME CARE OF VETERANS IN STATE HOMES

Priority: Other Significant

CFR Citation: 38 CFR 17.190 to 17.222

Completed:

Reason	Date	FR Cite
Final Action	01/06/00	65 FR 962
Final Action Effective	02/07/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: L. Nan Stout

Phone: 202 273-8538

Email: nan.stout@mail.va.gov

RIN: 2900-AE87

3080. MEDICAL EVIDENCE THAT A DISABILITY HAS IMPROVED

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.344

Completed:

Reason	Date	FR Cite
Withdrawn	01/13/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donald England

Phone: 202 273-7217

RIN: 2900-AH82

3081. NEW ELIGIBILITY CRITERIA FOR THE MONTGOMERY GI BILL—ACTIVE DUTY, OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.4135; 38 CFR 21.5021; 38 CFR 21.5058; 38 CFR 21.5130; 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7045; 38 CFR 21.7050; 38 CFR 21.7520

Completed:

Reason	Date	FR Cite
Final Action	02/07/00	65 FR 5785
Final Action Effective	02/07/00	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: State

Agency Contact: William G. Susling

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AI63

3082. REVISION OF DECISION

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.7; 38 CFR 3.103(a); 38 CFR 3.105(b); 38 CFR 3.321; 38 CFR 3.400; 38 CFR 3.401; 38 CFR 3.800

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donald England

Phone: 202 273-7217

RIN: 2900-AI64

3083. AMENDED CRITERIA FOR APPROVAL OF FLIGHT TRAINING COURSES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.4200; 38 CFR 21.4263

Completed:

Reason	Date	FR Cite
Final Action	03/08/00	65 FR 12117
Final Action Effective	03/08/00	

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-AI76

3084. CHILD

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.57

Completed:

Reason	Date	FR Cite
Final Action	03/08/00	65 FR 12116
Final Action Effective	03/08/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donald England

Phone: 202 273-7217

RIN: 2900-AJ54

3085. DIC BENEFITS FOR SURVIVORS OF CERTAIN VETERANS RATED TOTALLY DISABLED AT TIME OF DEATH

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.22; 38 CFR 3.54

Completed:

Reason	Date	FR Cite
Final Action	01/21/00	65 FR 3388
Final Action Effective	01/21/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donald England

Phone: 202 273-7217

RIN: 2900-AJ65

3086. RATE INCREASE FOR THE EDUCATIONAL ASSISTANCE TEST PROGRAM; 1999-2000 ACADEMIC YEAR

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Completed:

Reason	Date	FR Cite
Final Action	03/14/00	65 FR 13693
Final Action Effective	03/14/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling

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Fax: 202 275-2636

VA

Completed Actions

Email: edubsusl@vba.va.gov

RIN: 2900-AJ87

3087. VA ACQUISITION REGULATIONS: SIMPLIFIED ACQUISITION PROCEDURES

Priority: Info./Admin./Other

CFR Citation: 48 CFR 813; 48 CFR 852; 48 CFR 853

Completed:

Reason	Date	FR Cite
Final Action	12/15/99	64 FR 69934
Final Action Effective	12/15/99	

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-AJ16

3088. APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Priority: Other Significant

CFR Citation: 48 CFR 822; 48 CFR 852

Completed:

Reason	Date	FR Cite
Withdrawn	02/25/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ramona Jones
Phone: 202 273-8821
Email: jones@mail.va.gov

RIN: 2900-AJ81

3089. APPEALS REGULATIONS, RULES OF PRACTICE: TITLE CHANGE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.608; 38 CFR 20.609; 38 CFR 20.610; 38 CFR 20.711

Completed:

Reason	Date	FR Cite
Final Action	01/11/00	65 FR 1544
Final Action Effective	01/11/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller
Phone: 202 565-5978

RIN: 2900-AJ57

3090. CASE DOCKETING—APPEALS REGULATIONS AND RULES OF PRACTICE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 19.75; 38 CFR 20.704; 38 CFR 20.900

Completed:

Reason	Date	FR Cite
Final Action	03/17/00	65 FR 14471
Final Action Effective	03/17/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller
Phone: 202 565-5978

RIN: 2900-AJ72

3091. • BOARD OF VETERANS APPEALS: RULES OF PRACTICE—REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR; CLARIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 20.1400(b)(1)

Legal Deadline: None

Abstract: This document clarifies a changes to the Board's rules relating to challenges to Board decisions on the grounds of "clear and unmistakable error (CUE)." The CUE rules prohibit challenging a Board decision which has been subsequently decided by a court of competent jurisdiction—usually the U.S. Court of Appeals for Veterans Claims. The reason for this rule is that it would be inappropriate for an inferior tribunal to review the work of a superior.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/12/99	64 FR 73413
Final Action	12/30/99	

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-AJ98

[FR Doc. 00-5298 Filed 04-21-00; 8:45 am]

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