



Federal Register

**Monday,
December 9, 2002**

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 October 2002. The purpose in publishing the

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

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

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

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 "Regulatory Planning and Review" (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that VA will have under development or review. For this edition of the Department of Veterans Affairs regulatory agenda, VA's most important significant regulatory action is included in The Regulatory Plan.

Roland Halstead,
Acting Director, Office of Regulatory Law.

Department of Veterans Affairs—Proposed Rule Stage

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2973	Payment for Non-VA Physician Services Associated With Either Outpatient or Inpatient Care Provided at Non-VA Facilities	2900-AK94
2974	Reasonable Charges for Medical Care or Services	2900-AL06
2975	VA Homeless Providers Grant and Per Diem Program Regulations	2900-AL30
2976	Schedule for Rating Disabilities—The Musculoskeletal System	2900-AE91
2977	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
2978	Schedule for Rating Disabilities—Digestive System	2900-AF24
2979	Schedule for Rating Disability: The Spine	2900-AJ60
2980	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
2981	Definition of Psychosis for Certain VA Purposes	2900-AK21
2982	Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program	2900-AK77
2983	Tuition Assistance Top Up, Licensing and Certification, and Duty To Assist	2900-AK80
2984	Veterans Education: Additional Opportunity To Participate in the Montgomery GI Bill and Other Miscellaneous Issues	2900-AK81
2985	Schedule for Rating Disabilities; Evaluation of Tinnitus	2900-AK86
2986	Accelerated Payments Under the Montgomery GI Bill—Active Duty Program	2900-AL22
2987	Amendments to Training and Rehabilitation Programs	2900-AL24
2988	Schedule for Rating Disabilities; Malignant Neoplasms	2900-AL27
2989	Schedule for Rating Disabilities; Evaluation of Multiple Scars	2900-AL32
2990	Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War	2900-AL36
2991	Effective Dates of Benefits for Disability or Death Caused by Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary	2900-AL37
2992	Administration of VA Education Benefits—Centralized Certification	2900-AL43
2993	Universal Product Numbers (UPNs)	2900-AJ45
2994	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
2995	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900-AH46
2996	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort; Regional Office Committee on Waiver and Compromises	2900-AK10
2997	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62
2998	Privacy Act of 1974—Exemption of Police and Security Records	2900-AL33

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Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2999	Provision of Drugs and Medicines Prescribed by Non-VA Physicians	2900-AJ24
3000	Advanced Health Care Planning	2900-AJ28
3001	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes	2900-AJ34
3002	Grants to States for Construction and Acquisition of State Home Facilities	2900-AJ43
3003	Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities (Reg Plan Seq No. 114)	2900-AK08
3004	Reasonable Charges for Medical Care or Services	2900-AK39
3005	Reasonable Charges for Medical Care or Services	2900-AK73
3006	Health Care for Children Born With One or More Covered Birth Defects to Vietnam Veterans	2900-AK88
3007	Civilian Health and Medical Program of Department of Veterans Affairs (CHAMPVA)	2900-AK89
3008	Fisher Houses and Other Temporary Lodging	2900-AL13
3009	Copayments for Inpatient Hospital Care Under Geographic Means Test	2900-AL35
3010	Priorities for Outpatient Medical Services and Inpatient Hospital Care	2900-AL39
3011	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment	2900-AH21
3012	Schedule for Rating Disabilities; The Eye	2900-AH43
3013	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
3014	Exclusions From Income and Net Worth Computations	2900-AJ52
3015	State Department as Agent of Department of Veterans Affairs	2900-AK03
3016	Governmentwide Debarment and Suspension (Nonprocurement) and Requirement for Drug-Free Workplace (Assistance)	2900-AK16
3017	Finality of Decisions	2900-AK18
3018	Renouncement of Benefits	2900-AK23
3019	Independent Medical Opinions	2900-AK31
3020	Evidence From Foreign Countries	2900-AK37
3021	Filipino Veterans Benefit Improvements	2900-AK65
3022	Loan Guaranty: Pre-Purchase Counseling Requirements	2900-AK76
3023	Vocational Training for Certain Children of Vietnam Veterans—Covered Birth Defects and Spina Bifida	2900-AK90
3024	Time Limit for Request for De Novo Review	2900-AK97
3025	Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses	2900-AK98
3026	Plain Language (Reader Focused Writing) Initiative; National Service Life Insurance (NSLI)	2900-AL09
3027	Exceptions to Definition of Date of Receipt Based on Special or Unforeseen Circumstances	2900-AL12
3028	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance Program	2900-AL17
3029	Service Connection by Presumption of Aggravation of a Chronic Preexisting Disease; Presumption of Herbicide Exposure	2900-AL20
3030	Loan Guaranty: Implementation of Public Law 107-103	2900-AL23
3031	Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease	2900-AL26
3032	Veterans Education: Veterans Education and Benefits Expansion Act of 2001	2900-AL28
3033	Compensation and Pension Provisions of the Veterans Education and Benefits Expansion Act of 2001	2900-AL29
3034	Independent Study Approved for Certificate Programs and Other Miscellaneous Issues	2900-AL34
3035	Testimony Certified or Under Oath	2900-AL38
3036	Increase in Rates Payable Under the Montgomery GI Bill—Selective Reserve	2900-AL41
3037	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources	2900-AI71
3038	Sealed Bidding and Competitive Proposals	2900-AI99
3039	The Board of Veterans' Appeals; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakable Error: Content of Record; Advancement on the Docket	2900-AJ85
3040	Rules of Practice: Medical Opinions From the Veterans Health Administration	2900-AK52
3041	Appeals Regulations: Title for Members of the Board of Veterans Appeals	2900-AK62
3042	Board of Veterans' Appeals: Rules of Practice—Appeal Withdrawal	2900-AK71
3043	Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans	2900-AL08
3044	Board of Veterans' Appeals Rules of Practice: Use of Supplemental Statement of the Case	2900-AL42
3045	Eligibility for Burial of Dependent Adult Children of Eligible Veterans; and Eligibility for Burial of Certain Filipino Veterans	2900-AI95
3046	Headstone and Marker Application Required	2900-AL40
3047	Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance	2900-AK13
3048	Release of Information From Department of Veterans Affairs Records	2900-AH98
3049	Recognition of Organizations and Accreditation of Representatives	2900-AI93

VA

Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3050	Referral of Information Regarding Criminal Violations	2900-AL31

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3051	Protection of Human Subjects	2900-AJ08
3052	Appeals Regulations; Rules of Practice	2900-AE78

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
3053	Medical Benefits Package; Copayments for Extended Care Services	2900-AK32
3054	Enrollment—Provision of Hospital and Outpatient Care to Veterans	2900-AK38
3055	Copayments for Inpatient Hospital Care and Outpatient Medical Care	2900-AK50
3056	Filipino Veterans Eligible for Hospital Care, Nursing Home Care, and Medical Services	2900-AL18
3057	Schedule for Rating Disabilities—The Skin	2900-AF00
3058	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers	2900-AG20
3059	Evidence on File at Date of Death	2900-AH42
3060	Intervertebral Disc Syndrome	2900-AI22
3061	Ankylosis and Limitation of Motion of Digits of the Hands	2900-AI44
3062	Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance	2900-AJ80
3063	National Service Life Insurance	2900-AK43
3064	Veterans Vocational Rehabilitation and Education: Title Change	2900-AK46
3065	Monetary Allowances for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects	2900-AK67
3066	Recoupment of Nondisability Severance Pay From VA Compensation	2900-AK95
3067	Increase in Rates Payable Under the Educational Assistance Test Program	2900-AL02
3068	Adjudication, Fiduciary Activities—Nomenclature Changes	2900-AL10
3069	Cross Reference Change in Forms To Be Furnished	2900-AL19
3070	Duty Periods; Inactive Duty for Training	2900-AL21
3071	Construction and Architect-Engineer Contracts	2900-AJ56
3072	Board of Veterans' Appeals—Rules of Practice—Attorney Fee Matters	2900-AI98
3073	Board of Veterans Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AK74
3074	Board of Veterans' Appeals: Rules of Practice—Attorney Fee Matters; Notice of Disagreement Matters	2900-AL25
3075	Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Capital Crimes	2900-AJ77

Department of Veterans Affairs—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2900-AD48	Operation of Child Care Centers at VA Facilities	07/30/2002	Withdrawn
2900-AK58	Loan Guaranty: Multifamily Transitional Housing for Homeless Veterans Program	08/13/2002	Withdrawn
2900-AK75	Veterans Affairs Acquisition Regulation: Revisions to VA Acquisition Regulations Parts 801 Through 805	08/16/2002	Withdrawn
2900-AK92	Enrollment Decision Levels—Provision of Hospital and Outpatient Care to Veterans	06/21/2002	Withdrawn
2900-AL05	Reasonable Charges for Medical Care or Services	09/13/2002	Withdrawn

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Department of Veterans Affairs—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
2900-AL16	Loan Guaranty: Availability of Vendee Financing for VA-Acquired Properties	10/08/2002	Withdrawn

Department of Veterans Affairs (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

2972. WAIVERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 38 CFR 17.105

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Nancy Howard, Senior Program Analyst (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8198

Fax: 202 273-4897

Email: nancy.howard@hq.med.va.gov

RIN: 2900-AK29

2973. PAYMENT FOR NON-VA PHYSICIAN SERVICES ASSOCIATED WITH EITHER OUTPATIENT OR INPATIENT CARE PROVIDED AT NON-VA FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501

CFR Citation: 38 CFR 17.56

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulations concerning payment for non-VA physician services that are associated with either

outpatient or inpatient care provided to eligible VA beneficiaries at non-VA facilities. Currently, 38 CFR 17.56 requires all VA facilities to reimburse for non-VA physician services based upon the Centers for Medicare and Medicaid Services (CMS) physician fee schedule in effect at the time the services are provided. However, it has been determined that special circumstances exist in the State of Alaska. Since a large portion of VA health care provided in Alaska is obtained from non-VA sources, this could negatively impact the quality of care provided veterans living in that State. Therefore, to ensure that the amounts paid to physicians better represent the local cost to furnish a service and to achieve program cost reduction, VA is proposing through this document that an Alaska-specific payment methodology be established for inpatient and outpatient non-VA physician services with that State.

Timetable:

Action	Date	FR Cite
NPRM	06/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rex Gilmore, Health Administration Service (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8300

RIN: 2900-AK94

2974. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721; 38 USC 1729

CFR Citation: 38 CFR 17.101

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to veterans for nonservice-connected disabilities. This document amends the regulations to revise the charge structure and update other provisions for the purpose of providing more precise charges.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Cleaver, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8210
Fax: 202 273-4897

Related RIN: Related To 2900-AJ30, Related To 2900-AK39, Related To 2900-AK73

RIN: 2900-AL06

2975. • VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 2011; PL 107-95

CFR Citation: 38 CFR 17; 38 CFR 61

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs medical regulations concerning the VA Homeless Providers Grant and Per Diem Program to implement the provisions of the Homeless Veterans

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Comprehensive Assistance Act of 2001 (HVCAA).

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roger J. Casey, Mental Health and Behavioral Science Program, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8442

RIN: 2900-AL30

VETERANS BENEFITS ADMINISTRATION**2976. SCHEDULE FOR RATING DISABILITIES—THE MUSCULOSKELETAL SYSTEM**

Priority: Other Significant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71(a)

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs Schedule for Rating Disabilities that addresses musculoskeletal conditions. The intended effect is to update this portion of the rating schedule to ensure that it uses current medical terminology and unambiguous criteria, and that it reflects medical advances that have occurred since the last review. We also propose to make nonsubstantive editorial changes throughout this portion of the Schedule.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	04/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810

Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AE91

2977. SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS

Priority: Other Significant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20169
ANPRM Comment Period End	07/01/91	
NPRM	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AF23

2978. SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM

Priority: Other Significant

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

Action	Date	FR Cite
ANPRM Comment Period End	07/01/91	
NPRM	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AF24

2979. 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 document amends the Department of Veterans Affairs Schedule for Rating Disabilities by revising that portion of the Musculoskeletal System that addresses disabilities of the spine. The intended effect of this action is to update this portion of the rating schedule to ensure that it uses current medical terminology and unambiguous criteria and that it reflects medical advances that have occurred since the last review.

Timetable:

Action	Date	FR Cite
NPRM	09/04/02	67 FR 56509
NPRM Comment Period End	11/04/02	
Final Action	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AJ60

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Proposed Rule Stage

2980. 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. This rule is being amended to reflect additional work study opportunities provided under the Veterans Education and Benefits Expansion Act of 2001.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

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

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AJ68**2981. DEFINITION OF PSYCHOSIS FOR CERTAIN VA PURPOSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.384**Legal Deadline:** None

Abstract: This document proposes to amend the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term

is used but not defined in certain statutes that provide presumptive service connection for compensation or health care purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63352
NPRM Comment Period End	12/10/02	
Final Action	10/00/03	

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

Phone: 202 273-7211

RIN: 2900-AK21**2982. ADDITIONAL DISABILITY OR DEATH DUE TO HOSPITAL CARE, MEDICAL OR SURGICAL TREATMENT, EXAMINATION, TRAINING AND REHABILITATION SERVICES, OR COMPENSATED WORK THERAPY PROGRAM****Priority:** Other Significant**Legal Authority:** 38 USC 1151**CFR Citation:** 38 CFR 3.358; 38 CFR 3.800**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning awards of compensation or dependency and indemnity compensation for additional disability or death caused by VA hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy (CWT) program.

Under the proposed amendment, benefits will be payable for additional disability or death caused by hospital care, medical or surgical treatment, or examination only if VA is at fault or "an event not reasonably foreseeable" proximately caused the disability or death. Benefits will also be payable for additional disability or death proximately caused by VA's provision of training and rehabilitation services or CWT program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 111 W. Huron Street, Room 22, Buffalo, NY 14202

Phone: 716 551-4842

RIN: 2900-AK77**2983. TUITION ASSISTANCE TOP UP, LICENSING AND CERTIFICATION, AND DUTY TO ASSIST****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3014; 38 USC 3015; 38 USC 3034; 38 USC 3241; 38 USC 3471; 38 USC 3513; 38 USC 3501**CFR Citation:** 38 CFR 21.1029 to 21.1033; 38 CFR 21.4005; 38 CFR 21.4008; 38 CFR 21.4009; 38 CFR 21.4146**Legal Deadline:** None

Abstract: Regulations implementing provisions of the Veterans Benefits and Health Care Improvement Act of 2000, Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and the Veterans Claims Assistance Act of 2000 that affect VA education benefits programs. These provisions include payment under Survivors' and Dependents' Educational Assistance Program, Post-Vietnam Era Veterans Educational Assistance Program, and The Montgomery GI Bill-Active Duty Program for the costs of taking tests needed to obtain a license or certification. They also include payment of benefits under the Montgomery GI Bill-Active Duty Program of the difference between the portion of tuition and fees covered by the tuition assistance program administered by the various military departments and the actual charges made by an educational institution. The proposed rule also establishes clear guidelines consistent with the intent of Congress regarding the timing and scope of assistance VA will provide to a claimant who files a substantially complete application for benefits under

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Proposed Rule Stage

any of the education programs VA administers or who tries to reopen a previously denied claim.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

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

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

Phone: 202 273-7187

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RIN: 2900-AK80

2984. VETERANS EDUCATION: ADDITIONAL OPPORTUNITY TO PARTICIPATE IN THE MONTGOMERY GI BILL AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3011 to 3012; 38 USC 3015; 38 USC 3018C; 38 USC 3080; 38 USC 16132**CFR Citation:** 38 CFR 21.4138; 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7136; 38 CFR 21.7540**Legal Deadline:** None

Abstract: The Veterans Benefits and Health Care Improvement Act of 2000 affects the Montgomery GI Bill—Active Duty and the Montgomery GI Bill—Selected Reserve. These include providing an opportunity for some service members to participate in the Montgomery GI Bill—Active Duty; repealing the requirement that only the initial period of active duty be considered in determining eligibility for the Montgomery GI Bill—Active Duty; increasing the Montgomery GI Bill—Active Duty for those who contribute additional money; and changing the rules for determining when benefits may be paid during the interval between terms. The regulations governing Montgomery GI Bill will be revised accordingly.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	

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

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

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RIN: 2900-AK81

2985. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF TINNITUS

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.87 (Diagnostic Code 6260)**Legal Deadline:** None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) Schedule for Rating Disabilities to state more explicitly the method of evaluation of tinnitus under diagnostic code 6260 in that portion of the rating schedule that addresses evaluation of disabilities of the ear. The intended effect of this action is to codify current standard VA practice by stating that recurrent tinnitus will be assigned only a single 10-percent evaluation, whether it is perceived in one ear, both ears, or somewhere in the head.

Timetable:

Action	Date	FR Cite
NPRM	09/19/02	67 FR 59033
NPRM Comment Period End	11/18/02	
Final Action	10/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** RIN 2900-AK86 withdrawn

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

Phone: 202 273-7211

RIN: 2900-AK86

2986. ACCELERATED PAYMENTS UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY PROGRAM

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3013, 3014A; 38 USC 3034; 38 USC 3452; 38 USC 3501; 38 USC 3684**CFR Citation:** 38 CFR 21.4000; 38 CFR 21.7020; 38 CFR 21.7076; 38 CFR 21.7140; 38 CFR 21.7142**Legal Deadline:** None

Abstract: This document amends the education regulations governing various aspects of the educational assistance programs the Department of Veterans Affairs administers in order to implement some of the provisions of the Veterans Education and Benefits Expansion Act of 2001. These provisions include accelerated payments to individuals under the Montgomery GI Bill—Active Duty program who are enrolled in approved training programs that lead to employment in high tech industries and whose charged tuition and fees exceed an amount equal to 200 percent of the monthly basic rate of educational assistance otherwise payable. This document also amends the regulation defining educational institution to include certain private technology industries.

Timetable:

Action	Date	FR Cite
NPRM	09/11/02	67 FR 57543
NPRM Comment Period End	11/12/02	
Final Action	04/00/03	

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

Agency Contact: Lynn M. Cossette, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL22

VA

Proposed Rule Stage

2987. AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3100 to 3121; PL 102-568; PL 104-275; PL 106-419; PL 107-103**CFR Citation:** 38 CFR 21, subpart A**Legal Deadline:** None

Abstract: This complete revision of 38 CFR 21 (subpart A) implements changes to the chapter 31 Vocational Rehabilitation and Employment Program. Substantive changes are required under the several public laws that this revision implements. This revision also implements a number of decisions by the U.S. Court of Appeals for Veterans Claims. The following changes are representative of the changes proposed: Authorizes increases in subsistence allowance; extends eligibility for vocational rehabilitation and employment to veterans with 10 percent service-connected conditions under certain circumstances; amends chapter 31 entitlement criteria; redefines employment handicap and serious employment handicap; changes requirements for an independent living program; requires veterans who complete training to actively participate in a job search to receive an employment adjustment allowance; prohibits benefits to fugitive felons; authorizes extensions of the period of chapter 31 eligibility and restoration of entitlement used by certain reservists recalled to active duty; and increases the limit on the number of new entrants into an independent living program in a fiscal year. This revision streamlines administrative procedures and clarifies the intent of the governing sections of title 38, United States Code. In addition, this revision also implements regulatory reform and plain-language English.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

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

Agency Contact: Charles A. Graffam, Consultant (282), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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Related RIN: Merged With 2900-AG00**RIN:** 2900-AL24**2988. • SCHEDULE FOR RATING DISABILITIES; MALIGNANT NEOPLASMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4**Legal Deadline:** None

Abstract: This amendment would raise the criteria for evaluating malignant neoplasms throughout the rating schedule in order to assure that they reflect the effect of current treatment methods to ensure that veterans with malignant neoplasms receive fair and consistent evaluations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

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

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AL27**2989. • SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 115**CFR Citation:** 38 CFR 4.118**Legal Deadline:** None

Abstract: This amendment would clarify the method of evaluating multiple scars in a uniform and consistent manner.

Timetable:

Action	Date	FR Cite
NPRM	10/29/02	67 FR 65915
NPRM Comment	12/30/02	
Period End		
Final Action	04/00/03	

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

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AL32**2990. • PRESUMPTION OF SERVICE CONNECTION FOR CIRRHOSIS OF THE LIVER IN FORMER PRISONERS OF WAR****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); 38 USC 1112(b)**CFR Citation:** 38 CFR 3.309(c)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning presumptive service connection for certain diseases. The proposed amendment would add cirrhosis of the liver to the list of diseases for which entitlement to service connection is presumed for former prisoners of war (POWs). The intended effect is to make it easier for former POWs to obtain compensation benefits for cirrhosis based on scientific and medical research showing a higher risk of death from cirrhosis in former POWs than in the general population.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

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

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 111 W. Huron Street, Room 22, Buffalo, NY 14202
Phone: 716 551-4842

Related RIN: Previously reported as 2900-AK86**RIN:** 2900-AL36

VA

Proposed Rule Stage

2991. • EFFECTIVE DATES OF BENEFITS FOR DISABILITY OR DEATH CAUSED BY HERBICIDE EXPOSURE; DISPOSITION OF UNPAID BENEFITS AFTER DEATH OF BENEFICIARY**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.816**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning certain awards of disability compensation and dependency and indemnity compensation (DIC). Under the proposed amendment, certain awards of disability compensation or DIC made pursuant to liberalizing regulations concerning diseases presumptively associated with herbicide exposure may be made effective retroactive to the date of the claim or the date of a previously denied claim, even if such date is earlier than the effective date of the regulation establishing the presumption. The proposed rule also provides that VA may pay to certain survivors or the estate of a deceased beneficiary any amounts the beneficiary was entitled to receive under the effective-date provisions of this proposed rule, but which were not paid prior to the beneficiary's death. This amendment is necessary to reflect the requirements of court orders in a class-action case.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

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

Agency Contact: David Barrans, Staff Attorney (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6332

RIN: 2900-AL37**2992. • ADMINISTRATION OF VA EDUCATION BENEFITS—CENTRALIZED CERTIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3672; 38 USC 3675; 38 USC 3676**CFR Citation:** 38 CFR 21.4266**Legal Deadline:** None

Abstract: This document proposes to amend VA education regulations to allow educational institutions to centralize recordkeeping and certification duties to one location for branch campuses. Current regulations require the branches to maintain records for veterans and dependents receiving VA educational assistance benefits at the branch campus.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

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

Agency Contact: Lynn M. Cossette, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL43**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****2993. UNIVERSAL PRODUCT NUMBERS (UPNS)****Priority:** Substantive, Nonsignificant**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	04/00/03	

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8819
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Email: donald.kaliher@mail.va.gov

RIN: 2900-AJ45**2994. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 48 USC 486(c)**CFR Citation:** 38 CFR 8**Legal Deadline:** None

Abstract: This rulemaking action would amend the Department of Veterans Affairs acquisition regulation to update position titles, to remove obsolete or duplicative material, to delegate authority, and to make plain language revisions to the text. In addition, the rule would update material to correspond to the requirements of the Federal Acquisition Regulation (FAR) and would provide agency procedures for compliance with FAR requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/03	

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK78

VA

Proposed Rule Stage

NATIONAL CEMETERY SYSTEM

2995. STATE CEMETERY GRANTS: AID TO STATES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS CEMETERIES**Priority:** Other Significant**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 will be 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 will be 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	04/00/03	

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

Agency Contact: Karen Barber, Program Analyst (402B3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AH46

OFFICE OF FINANCIAL MANAGEMENT

2996. STANDARDS FOR COLLECTION, COMPROMISE, SUSPENSION, OR TERMINATION OF COLLECTION EFFORT; REGIONAL OFFICE COMMITTEE ON WAIVER AND COMPROMISES**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3700 et seq; 38 USC 501; 38 USC 5302; 38 USC 5314; 38 USC 5315**CFR Citation:** 31 CFR 900 to 904; 38 CFR 1.900 to 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 to 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
NPRM	04/00/03	

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

Agency Contact: Peter T. Mulhern, Office of Finance (047GC1), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5570
TDD Phone: 202 273 6574

RIN: 2900-AK10

OFFICE OF POLICY AND PLANNING

2997. 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 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	04/00/03	

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

Agency Contact: Judith Jamison, Office of Policy and Planning (008), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5117

RIN: 2900-AJ62**2998. • PRIVACY ACT OF 1974—EXEMPTION OF POLICE AND SECURITY RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 552**CFR Citation:** 38 CFR 1.582**Legal Deadline:** None

VA

Proposed Rule Stage

Abstract: This document proposes to amend the Department of Veterans Affairs regulations governing the confidentiality and release of VA records subject to the Privacy Act, 5 U.S.C. 552a. We propose to revise section 1.582, which exempts certain records from the provisions of the Privacy Act authorized under 5 U.S.C. 552a(j)(2) and (k)(2). This revision would have the intended effect of

permitting VA to exempt a new Privacy Act systems of records relating to policy and security records.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tanya Al-Khateeb, Office of Security and Law Enforcement (07B), Department of Veterans Affairs, Office of Policy and Planning, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5511

RIN: 2900-AL33

Department of Veterans Affairs (VA)

Final Rule Stage

VETERANS HEALTH ADMINISTRATION**2999. PROVISION OF DRUGS AND MEDICINES PRESCRIBED BY NON-VA PHYSICIANS**

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.96

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

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

3000. 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 advanced 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	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ellen Fox M.D., Director, National Center for Ethics

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Phone: 202 273-6926

RIN: 2900-AJ28

3001. PROVISION OF DRUGS AND MEDICINES TO CERTAIN VETERANS IN STATE NURSING HOMES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.96

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/98	63 FR 37779
Interim Final Rule Effective	07/14/98	
Interim Final Rule Comment Period End	09/14/98	
Final Action	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

VA

Final Rule Stage

Government Levels Affected: None

Agency Contact: Jeff Ramirez,
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Administration, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-8428

RIN: 2900-AJ34**3002. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES****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 amends 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. This 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
Interim Final Rule	06/26/01	66 FR 33845
Interim Final Rule Comment Period End	08/27/01	
Final Action	09/00/03	

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

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

Phone: 202 273-8536

RIN: 2900-AJ43**3003. PAYMENT OR REIMBURSEMENT FOR EMERGENCY TREATMENT FURNISHED AT NON-VA FACILITIES**

Regulatory Plan: This entry is Seq. No. 114 in part II of this issue of the **Federal Register**.

RIN: 2900-AK08**3004. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/00	65 FR 65906
Interim Final Rule Comment Period End	01/02/01	
Final Action	12/00/02	

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

Agency Contact: David Cleaver, Chief
Business Office (161), Department of
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Administration, 810 Vermont Avenue
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Related RIN: Related To 2900-AJ30,
Related To 2900-AK73, Related To
2900-AL05, Related To 2900-AL06

RIN: 2900-AK39**3005. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

Abstract: This document amends VA's medical regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to a veteran for nonservice-connected disabilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/01	66 FR 23326
Interim Final Rule Comment Period End	07/09/01	
Final Action	12/00/02	

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

Agency Contact: David Cleaver, Chief
Business Office (161), Department of
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Administration, 810 Vermont Avenue
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Related RIN: Related To 2900-AJ30,
Related To 2900-AK39, Related To
2900-AL05, Related To 2900-AL06

RIN: 2900-AK73**3006. HEALTH CARE FOR CHILDREN BORN WITH ONE OR MORE COVERED BIRTH DEFECTS TO VIETNAM VETERANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 1721; PL 106-419**CFR Citation:** 38 CFR 17.900 to 1905**Legal Deadline:** None

Abstract: The document proposed to establish regulations regarding health care benefits for women Vietnam veterans' children with covered birth defects. It would revise the current regulations regarding health care for Vietnam veterans' children suffering from spina bifida to also encompass health care for women Vietnam veterans' children with certain other birth defects. This is necessary to provide health care for such children

VA

Final Rule Stage

in accordance with recently enacted legislation (Pub. L. 106-419, November 1, 2000).

Timetable:

Action	Date	FR Cite
NPRM	01/02/02	67 FR 209
NPRM Comment Period End	02/01/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Email:

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RIN: 2900-AK88

3007. CIVILIAN HEALTH AND MEDICAL PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398; PL 107-14; 38 USC 1713

CFR Citation: 38 CFR 17.271; 38 CFR 17.272; 38 CFR 17.274

Legal Deadline: Final, Statutory, October 1, 2001.

Abstract: This document implements provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and the Veterans' Survivor Benefits Improvement Act of 2001. These changes extend CHAMPVA eligibility to persons age 65 and over who would have otherwise lost their CHAMPVA eligibility due to attainment of entitlement to hospital insurance benefits under Medicare Part A. This rule also implements coverage of physical examinations required in connection with school enrollment for beneficiaries through age 17 and reduces the catastrophic cap for CHAMPVA dependents and survivors for each calendar year. These regulatory changes implement the statutory provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/02	67 FR 4357

Action	Date	FR Cite
Interim Final Rule Effective	01/30/02	
Correction to Interim Final Rule	02/14/02	67 FR 6874
Interim Final Rule Comment Period End	04/01/02	67 FR 4357
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: EFFECTIVE DATES: This document was effective on January 30, 2002, except for 38 CFR 17.271(b) and 17.272(a)(31)(x), which was effective October 1, 2001, and for 38 CFR 17.274(c), which was effective January 1, 2002.

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RIN: 2900-AK89

3008. FISHER HOUSES AND OTHER TEMPORARY LODGING

Priority: Other Significant

Legal Authority: PL 106-414, sec 221

CFR Citation: 38 CFR 60 (New)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to establish requirements regarding the use of Fisher Houses and other temporary lodging by veterans receiving VA medical care or Compensation and Pension (C&P) examinations and by family members or other persons accompanying veterans to provide the equivalent of familial support. This is necessary to implement provisions of the Veterans Benefits and Health Care Improvement Act of 2000.

Timetable:

Action	Date	FR Cite
NPRM	04/30/02	67 FR 21191
NPRM Comment Period End	07/01/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AL13

3009. • COPAYMENTS FOR INPATIENT HOSPITAL CARE UNDER GEOGRAPHIC MEANS TEST

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-135; 38 USC 1710

CFR Citation: 38 CFR 17.108

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) medical regulations concerning inpatient hospital care copayments. To be consistent with the Veterans' Health Care Program Enhancement Act of 2001, this proposed amendment will have the intended effect of reducing the amount certain veterans will pay for inpatient care copayment who live in high cost of living areas.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Fax: 202 273-4897

Email: nancy.howard@hq.med.va.gov

RIN: 2900-AL35

3010. • PRIORITIES FOR OUTPATIENT MEDICAL SERVICES AND INPATIENT HOSPITAL CARE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101; 38 USC 501; 38 USC 1705; 38 USC 1710; PL 104-262

VA

Final Rule Stage

CFR Citation: 38 CFR 17.49**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its medical regulations to establish that in scheduling appointments for non-emergent outpatient medical services and admissions for inpatient hospital care, VA will give priority to veterans with service-connected disabilities rated 50 percent or greater and veterans needing care for a service-connected disability. The Veterans' Eligibility Reform Act of 1996 authorizes VA to ensure that these two categories of veterans receive priority access to this type of care. The intended effect of this proposed rule is to carry out that authority.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/02	67 FR 58528
Interim Final Rule Effective	09/17/02	
Interim Final Rule Comment Period End	11/18/02	
Final Action	04/00/03	

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

Agency Contact: Amy Hertz, Program Analyst, Office of Policy and Planning (105), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8412

RIN: 2900-AL39**VETERANS BENEFITS ADMINISTRATION****3011. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT****Priority:** Substantive, Nonsignificant**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 amends 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	10/01/01	66 FR 49886
NPRM Comment Period End	11/30/01	
Final Action	04/00/03	

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: 202 273-7211

RIN: 2900-AH21**3012. SCHEDULE FOR RATING DISABILITIES; THE EYE****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.75**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is proposing to amend that portion of its Schedule for Rating Disabilities that addresses disabilities of the eye. The intended effect of this action is to update this portion of the rating schedule to ensure that it uses current medical terminology and unambiguous criteria and that it reflects medical advances that have occurred since the last review.

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	12/00/02	

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

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

Phone: 202 273-7211

RIN: 2900-AH43**3013. CLAIMS BASED ON AGGRAVATION OF NONSERVICE-CONNECTED DISABILITY****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.310**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	
Final Action	04/00/03	

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

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RIN: 2900-AI42**3014. EXCLUSIONS FROM INCOME AND NET WORTH COMPUTATIONS****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.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

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

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RIN: 2900-AJ52

3015. 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	08/22/01	66 FR 44095
NPRM Comment Period End	10/22/01	
Final Action	04/00/03	

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

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RIN: 2900-AK03

3016. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND REQUIREMENT FOR DRUG-FREE WORKPLACE (ASSISTANCE)**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 44; 38 CFR 48 (New)**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3099
NPRM Comment Period End	03/25/02	
Final Action	02/00/03	

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

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RIN: 2900-AK16

3017. FINALITY OF DECISIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 502; 38 USC 511; 38 USC 5104; 38 USC 5109A; 38 USC 5112(b)(6)**CFR Citation:** 38 CFR 3.104**Legal Deadline:** None

Abstract: This amendment informs claimants in "plain language" when a VA decision is final, how a decision by one VA office affects other VA

offices, and under what circumstances a VA decision may be changed.

Timetable:

Action	Date	FR Cite
NPRM	10/23/01	66 FR 53565
NPRM Comment Period End	12/24/01	
Final Action	04/00/03	

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

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RIN: 2900-AK18

3018. RENOUNCEMENT OF BENEFITS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5306**CFR Citation:** 38 CFR 3.106**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	09/24/01	66 FR 48845
NPRM Comment Period End	11/23/01	
Final Action	04/00/03	

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

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VA

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RIN: 2900-AK23

3019. INDEPENDENT MEDICAL OPINIONS**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5109; 38 USC 5701(b)(1); 38 USC 52a(f)(3)**CFR Citation:** 38 CFR 3.328**Legal Deadline:** None

Abstract: This amendment is a plain language restatement of the existing regulation dealing with independent medical opinions that may be requested to resolve complex or controversial medical issues that may arise in a claim for veterans' benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/07/01	66 FR 64174
NPRM Comment Period End	02/11/02	
Final Rule	04/00/03	

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

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RIN: 2900-AK31

3020. EVIDENCE FROM FOREIGN COUNTRIES**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5712**CFR Citation:** 38 CFR 3.202**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/19/01	66 FR 53139
NPRM Comment Period End	12/18/01	
Final Action	04/00/03	

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

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RIN: 2900-AK37

3021. FILIPINO VETERANS BENEFIT IMPROVEMENTS**Priority:** Other Significant**Legal Authority:** 38 USC 107**CFR Citation:** 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations to reflect changes made by the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2001, which changed the rate of compensation payments to certain Filipino veterans residing in the U.S., and the Veterans Benefits and Health Care Improvement Act of 2000, which changed the amount of the burial benefit paid to the survivors of certain Filipino veterans who were residing in the U.S. at the time of their deaths.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/01	66 FR 66763
Interim Final Rule Effective	12/27/01	
Interim Final Rule Comment Period End	02/25/02	
Final Action	04/00/03	

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

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RIN: 2900-AK65

3022. LOAN GUARANTY: PRE-PURCHASE COUNSELING REQUIREMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 3203; 38 USC 3210; 38 USC 3220**CFR Citation:** 38 CFR 36.4332**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its loan guaranty regulations to require that all first-time homebuyers seeking to obtain VA guaranteed home loans complete 3 hours of homeowners' counseling.

Timetable:

Action	Date	FR Cite
NPRM	10/11/01	66 FR 51893
NPRM Comment Period End	12/10/01	
Final Action	06/00/03	

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

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RIN: 2900-AK76

3023. VOCATIONAL TRAINING FOR CERTAIN CHILDREN OF VIETNAM VETERANS—COVERED BIRTH DEFECTS AND SPINA BIFIDA**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101; 38 USC 501; 38 USC 512; 38 USC 5112; PL 106-419, sec 401**CFR Citation:** 38 CFR 21.8010 to 21.8410**Legal Deadline:** None

Abstract: This document proposes to establish regulations regarding provision of vocational training and rehabilitation for women Vietnam veterans' children with covered birth defects. It revises the current regulations regarding vocational training and rehabilitation for Vietnam veterans' children suffering from spina bifida to also encompass vocational training and rehabilitation for women

VA

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Vietnam veterans' children with certain other birth defects.

Timetable:

Action	Date	FR Cite
NPRM	01/02/02	67 FR 215
NPRM Comment Period End	02/01/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK90

3024. TIME LIMIT FOR REQUEST FOR DE NOVO REVIEW

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5109(a); 38 USC 7105(a)

CFR Citation: 38 CFR 3.2600

Legal Deadline: None

Abstract: This document amends VA regulations concerning the time a claimant has in which to request a de novo review of their claim at the Veterans Service Center level. (This would reduce the time from the current 60 days to 15 days.) We believe this amendment will reduce unnecessary delays in the appeals process and will not adversely affect claimants.

Timetable:

Action	Date	FR Cite
NPRM	03/11/02	67 FR 10866
NPRM Comment Period End	05/10/02	
Final Rule	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK97

3025. EXTENSION OF THE PRESUMPTIVE PERIOD FOR COMPENSATION FOR GULF WAR VETERANS' UNDIAGNOSED ILLNESSES

Priority: Other Significant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.317

Legal Deadline: None

Abstract: The Department of Veterans Affairs extends the period within which undiagnosed illnesses due to service in the Gulf War Theater of Operations must become manifest to a compensable degree in order for service connection to be established, to an ending date of December 31, 2006.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/01	66 FR 56614
Interim Final Rule Effective	11/09/01	
Interim Final Rule Comment Period End	01/08/02	
Final Action	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK98

3026. PLAIN LANGUAGE (READER FOCUSED WRITING) INITIATIVE; NATIONAL SERVICE LIFE INSURANCE (NSLI)

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 38 USC 1901 to 1929; 38 USC 1981 to 1988

CFR Citation: 38 CFR 8.3 to 8.11

Legal Deadline: None

Abstract: This rule will amend 38 CFR 8.3 through 8.32 by revising the text into a different format to promote better

communication to policyholders and program administrators. This amendment is written in conjunction with VA's Plain Language (Reader Focused Writing) Initiative.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AL09

3027. EXCEPTIONS TO DEFINITION OF DATE OF RECEIPT BASED ON SPECIAL OR UNFORESEEN CIRCUMSTANCES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5110

CFR Citation: 38 CFR 3.1(r)

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning the definition of "date of receipt" by authorizing the Under Secretary for Benefits to establish exceptions to the general rule when special or unforeseen circumstances hinder the normal course by which VA would receive a claim, information, or evidence. The intended effect is to ensure that a significant number of claimants are not deprived of potential entitlement to benefits because of unexpected delays or impediments not caused by the claimants.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Beth McCoy, Consultant, Regulations Staff,

VA

Final Rule Stage

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RIN: 2900-AL12

3028. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3015; 38 USC 3032; 38 USC 3532; 38 USC 3686; 38 USC 3687

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3131; 38 CFR 21.3300; 38 CFR 21.3333; 38 CFR 21.7136-7137

Legal Deadline: None

Abstract: By statute, the rates of basic educational assistance under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance programs must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing these programs for fiscal year 2002 are changed to show a 3.4 percent increase in these rates. In addition, the regulations are changed to show a separate increase for both programs effective January 1, 2002, due to an increase provided for in the Veterans Education and Benefits Expansion Act of 2001, Public Law No. 107-103. Public Law No. 107-103 also provides an increase in Montgomery GI Bill—Active Duty program rates for October 1, 2003, and October 1, 2004. The regulations are amended to show these two additional statutory rate increases.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn M. Cossette, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL17

3029. SERVICE CONNECTION BY PRESUMPTION OF AGGRAVATION OF A CHRONIC PREEXISTING DISEASE; PRESUMPTION OF HERBICIDE EXPOSURE

Priority: Other Significant

Legal Authority: 38 USC 1112; 38 USC 1116

CFR Citation: 38 CFR 3.307; 38 CFR 3.309

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning presumptive service connection to provide for service connection for aggravation of a chronic disease which preexisted the veteran's entry into military service. The United States Court of Appeals for the Federal Circuit has concluded that the current prohibition against granting service connection for aggravation of disability that preexisted the veteran's entry into active military service is not in accordance with the statute. This document also amends a VA adjudication regulation to conform to a recently enacted Public Law which eliminated the requirement that a Vietnam veteran must develop a disease associated with herbicide agents before the VA will presume exposure to herbicides during the veteran's service in Vietnam. This amendment is necessary to make the regulations conform with the statute.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL20

3030. LOAN GUARANTY: IMPLEMENTATION OF PUBLIC LAW 107-103

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 2102; 38 USC 3703(a)(1) and (c)(1); 38 USC 3714(d); 38 USC 3761

CFR Citation: 38 CFR 36.4302; 38 CFR 36.4308; 38 CFR 36.4404; 38 CFR 36.4527

Legal Deadline: None

Abstract: VA is amending its loan guaranty regulations to implement certain provisions of Public Law 107-103, the Veterans Education and Benefits Expansion Act of 2001. VA proposes to incorporate into the regulations the following changes: (1) An increase in the maximum amount of entitlement from \$50,750 to \$60,000; (2) a revision of the requirements for direct housing loans to Native American veterans; (3) a revision of the loan assumption notice requirement; and (4) an increase in the amount of assistance for specially adapted housing from \$43,000 to \$48,000 for severely disabled veterans and from \$8,250 to \$9,250 for less severely disabled veterans.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Anne DeSena, Assistant Director for Loan Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL23

3031. • SCHEDULE FOR RATING DISABILITIES; GUIDELINES FOR APPLICATION OF EVALUATION CRITERIA FOR CERTAIN RESPIRATORY AND CARDIOVASCULAR CONDITIONS; EVALUATION OF HYPERTENSION WITH HEART DISEASE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.104

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Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) Schedule for Rating Disabilities, 38 CFR part 4, in order to clarify the evaluation of certain respiratory and cardiovascular conditions and to explain that hypertension and hypertensive or other heart diseases will be separately evaluated. The intended effect of this amendment is to clarify the use of the current criteria for evaluating respiratory and cardiovascular conditions, particularly in cases where alternative criteria are provided, in order to ensure that veterans receive consistent evaluations and are not required to undergo unnecessary tests.

Timetable:

Action	Date	FR Cite
NPRM	08/22/02	67 FR 54394
NPRM Comment Period End	10/21/02	
Final Action	04/00/03	

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

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RIN: 2900-AL26

3032. • VETERANS EDUCATION: VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3511; 38 USC 3512; 38 USC 3540; 38 USC 3543; 38 USC 3672; 38 USC 3675; 38 USC 3680A; 38 USC 3011(c)

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3046; 38 CFR 21.3104; 38 CFR 21.3300; 38 CFR 21.3301; 38 CFR 21.3302; 38 CFR 21.3303; 38 CFR 21.3305; 38 CFR 21.3306

Legal Deadline: None

Abstract: Final regulations implementing some of the provisions in The Veterans Education and Benefits Expansion Act of 2001. The provisions are: Restoring benefits for individuals ordered to active duty on or after September 11, 2001; an additional

opportunity for Vietnam Era Veterans to qualify for benefits under the Montgomery GI Bill program; establishing an ending date to the eligibility period for spouses under the Survivors' and Dependents' Educational Assistance program; expanding special restorative training benefits to include certain disabled spouses and surviving disabled spouses; allowing payment of education benefits for distance learning courses that are part of a certificate program offered by institutions of higher learning; and increasing the amount of scholarship funds someone in a Senior Reserve Officer Training Corps program can receive and remain eligible under the Montgomery GI Bill.

Timetable:

Action	Date	FR Cite
Final Action	12/00/02	

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

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RIN: 2900-AL28

3033. • COMPENSATION AND PENSION PROVISIONS OF THE VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001

Priority: Substantive, Nonsignificant**Legal Authority:** PL 107-103

CFR Citation: 38 CFR 3.3; 38 CFR 3.307; 38 CFR 3.317; 38 CFR 3.353; 38 CFR 3.665; 38 CFR 3.666; ...

Legal Deadline: None

Abstract: The document amends the Department of Veterans Affairs (VA) adjudication regulations to reflect the statutory provisions of the Veterans Education and Benefits Expansion Act of 2001. These changes address the presumption of service connection for respiratory cancers based on herbicide exposure in Vietnam; benefits for Gulf War veterans' chronic disabilities; repeal of the limitation of benefits for incompetent institutionalized veterans; non-service-connected pension eligibility; the limitation on pension for

certain recipients of Medicaid-covered nursing home care; the prohibition on certain benefits to fugitive felons; and the limitation on the payment of compensation for veterans remaining incarcerated since October 7, 1980.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

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

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RIN: 2900-AL29

3034. • INDEPENDENT STUDY APPROVED FOR CERTIFICATE PROGRAMS AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 16131; 10 USC 16132; 10 USC 16133; 10 USC 16136

CFR Citation: 38 CFR 21.7540; 38 CFR 21.7550; 38 CFR 21.7576; 38 CFR 21.7620

Legal Deadline: None

Abstract: Changes are made to existing regulations to show that Montgomery GI Bill—Selected Reserve benefits may be provided for distance education courses that are part of a certificate program. The certificate must be offered by an institution of higher education. Payment for these courses was provided in the Veterans Education and Benefits Expansion Act of 2001. We also will amend the regulations to remove the language “in connection with the Persian Gulf war” and “during the Persian Gulf war” to reflect the removal of this language from title 10 U.S.C. The language was removed from sections in title 10 U.S.C. that address preservation of entitlement for those ordered to active duty in support of contingency operations.

VA

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Timetable:

Action	Date	FR Cite
Final Action	12/00/02	

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

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RIN: 2900-AL34**3035. • TESTIMONY CERTIFIED OR UNDER OATH****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5711(a)(3)**CFR Citation:** 38 CFR 3.200**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulation that requires written and oral testimony to be certified or given under oath or affirmation in most cases. VA believes that the global requirements in this regulation are no longer necessary to establish the credibility of most testimony offered in support of a claim for benefits. Removal of this regulation will help to streamline the claims process without affecting program integrity.

Timetable:

Action	Date	FR Cite
NPRM	07/31/02	67 FR 49646
NPRM Comment Period End	09/30/02	
Final Action	04/00/03	

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

Additional Information: See related RIN 2900-AK24. On March 5, 2002, VA inadvertently withdrew RIN 2900-AK24 in the April 2002 Unified Agenda but subsequently published the proposed rule on 7/31/02 at 67 FR 49646.

Agency Contact: Robert M. White, Compensation and Pension Service (211), Department of Veterans Affairs,

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

Phone: 202 273-7228

Fax: 202 275-4800

Email: capbwhit@vba.va.gov

Related RIN: Duplicate of 2900-AK24**RIN:** 2900-AL38**3036. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTIVE RESERVE****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16131**CFR Citation:** 38 CFR 21.7636**Legal Deadline:** None

Abstract: By statute, the monthly rates of basic educational assistance payable to reservists under the Montgomery GI Bill—Selected Reserve program must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing the basic rates payable under the Montgomery GI Bill—Selected Reserve for fiscal year 2003 (October 1, 2002, through September 30, 2003) are changed to show a 1.5 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	12/00/02	

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

Agency Contact: Lynn M. Cossette, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294

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RIN: 2900-AL41**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3037. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SIMPLIFIED ACQUISITION PROCEDURES FOR HEALTH CARE RESOURCES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 8153**CFR Citation:** 48 CFR 801; 48 CFR 806; 48 CFR 812; 48 CFR 837; 48 CFR 852; 48 CFR 873**Legal Deadline:** None

Abstract: VA withdrew the proposed rule concerning simplified acquisition procedures for health care resources published in the Federal Register on November 9, 1998 (63 FR 60256), and promulgated a new proposed rule concerning simplified acquisition procedures for health care resources. The new proposed rule document amends 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 rule prescribes those procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60256
NPRM Comment Period End	01/08/99	
Second NPRM	06/07/01	66 FR 30659
Second NPRM Comment Period End	08/06/01	
Final Action	12/00/02	

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

Fax: 202 273-9302

VA

Final Rule Stage

Email: donald.kaliher@mail.va.gov

RIN: 2900-AI71

3038. SEALED BIDDING AND COMPETITIVE PROPOSALS**Priority:** Info./Admin./Other**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 that 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	04/00/03	

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

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

Fax: 202 273-9302

Email: donald.kaliher@mail.va.gov

Related RIN: Merged With 2900-AK78

RIN: 2900-AI99

BOARD OF VETERANS APPEALS**3039. THE BOARD OF VETERANS' APPEALS; RULES OF PRACTICE—MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR; CONTENT OF RECORD; ADVANCEMENT ON THE DOCKET****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7104(d); 38 USC 7111**CFR Citation:** 38 CFR 20.1403; 38 CFR 20.1405(a); 38 CFR 20.1405(b)**Legal Deadline:** None

Abstract: The Board of Veterans Appeals is amending its Rules of Practice at 38 CFR part 20 to add

procedures which would (1) eliminate a provision relating to “constructive notice” as to the record to be reviewed in connection with challenges to Board decisions on the grounds of clear and unmistakable error (CUE) and (2) add a provision to provide for advancing CUE motions on the docket.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

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

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

RIN: 2900-AJ85

3040. RULES OF PRACTICE: MEDICAL OPINIONS FROM THE VETERANS HEALTH ADMINISTRATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 5107(a)**CFR Citation:** 38 CFR 20.901(a)**Legal Deadline:** None

Abstract: The Board of Veterans' Appeals (Board) is amending its appeals regulations to clarify that it may obtain medical opinions from VA's Veterans Health Administration (VHA). The current rule, 38 CFR 20.901(a), makes an obsolete reference to the “Chief Medical Director,” a title eliminated in 1992 and replaced by “Under Secretary for Health.” The revised rule would clarify that the Board may obtain opinions from VHA, not from the individual who happens to be the Under Secretary for Health.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/01	66 FR 38158
Interim Final Rule Effective	07/23/01	
Interim Final Rule Comment Period End	09/21/01	
Final Action	04/00/03	

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

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman,

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

RIN: 2900-AK52

3041. APPEALS REGULATIONS: TITLE FOR MEMBERS OF THE BOARD OF VETERANS APPEALS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 512; 38 USC 7101(a)**CFR Citation:** 38 CFR 19.2**Legal Deadline:** None

Abstract: The Board of Veterans' Appeals proposes to amend its appeals regulations to provide that a member of the Board of Veterans' Appeals (Board) may also be known as a “Veteran Law Judge.” This duplicates, in proposed rule format, a final rule previously published in the Federal Register on September 14, 2000 (65 FR 55461). Individuals deciding appeals in other parts of the Federal Government are typically known as “judges”; e.g., “administrative law judges” and “administrative judges.” Giving board members the title of “veteran law judges” would provide a more accurate title than “member” and would enhance confidence in the system through recognition that appeals are being adjudicated by legal professionals.

Timetable:

Action	Date	FR Cite
NPRM	03/06/01	66 FR 13463
NPRM Comment Period End	05/07/01	
Final Action	12/00/02	

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

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

RIN: 2900-AK62

3042. BOARD OF VETERANS' APPEALS: RULES OF PRACTICE—APPEAL WITHDRAWAL**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7105(b)(2)

VA

Final Rule Stage

CFR Citation: 38 CFR 20.204**Legal Deadline:** None

Abstract: The Board of Veterans' Appeals is removing a restriction in its Rules of Practice (Rule of Practice 204; 38 CFR 20.204) that bars an appellant's representative from withdrawing a Notice of Disagreement or a Substantive Appeal that the appellant filed personally without the appellant's written consent. VA believes that the restriction, adopted in the early 1960s, is an outdated and unnecessary intrusion into the relationship between appellants and their representatives, which creates needless delay through unnecessary procedural complexity.

Timetable:

Action	Date	FR Cite
NPRM	02/01/02	67 FR 4939
NPRM Comment Period End	04/02/02	
Final Rule	04/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AK71

3043. BOARD OF VETERANS' APPEALS: SPEEDING APPELLATE REVIEW FOR AGING VETERANS

Priority: Other Significant

Legal Authority: 38 USC 501(a); 38 USC 7107

CFR Citation: 38 CFR 20.900(c)

Legal Deadline: None

Abstract: The Board of Veterans' Appeals may advance a case on its docket for earlier consideration for "sufficient cause shown," 38 U.S.C. section 7107(a)(2). This regulation will expand the regulatory definition of "sufficient cause" in the Board's Rules of Practice to include advanced age. This will permit the Board, on motion, to expedite consideration of appeals from veterans and dependents, age 75 or more, who may be nearing the end of their life expectancy. There is now a sizable cohort of veterans of advanced age, particularly surviving combat

veterans from World War II and the Korean War. No other alternatives are available. This amendment will not entail any risks or costs to the public or to the Government other than the costs normally associated with drafting, Agency review, and publication.

Timetable:

Action	Date	FR Cite
NPRM	06/12/02	67 FR 40255
NPRM Comment Period End	08/12/02	
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AL08

3044. • BOARD OF VETERANS' APPEALS RULES OF PRACTICE: USE OF SUPPLEMENTAL STATEMENT OF THE CASE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7105(d); 38 USC 7105A

CFR Citation: 38 CFR 20.302(c); 38 CFR 20.501(c)

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its Rules of Practice to remove the requirement that an appellant must file a timely substantive appeal with respect to issues covered in a Supplemental Statement of the Case (SSOC) that were not in the original Statement of the Case (SOC). This rule amends 38 CFR 20.302(c) and 20.501(c) to eliminate the language relating to responding to "new issues" in SSOCs.

Timetable:

Action	Date	FR Cite
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman,

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

Related RIN: Related To 2900-AK91

RIN: 2900-AL42

NATIONAL CEMETERY SYSTEM

3045. ELIGIBILITY FOR BURIAL OF DEPENDENT ADULT CHILDREN OF ELIGIBLE VETERANS; AND ELIGIBILITY FOR BURIAL OF CERTAIN FILIPINO VETERANS

Priority: Other Significant

Legal Authority: 38 USC 2402(5); PL 106-419

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. It also proposes to amend regulations to specify that the eligibility of certain Filipino veterans will be eligible for burial in a National Cemetery. Certain Filipino veterans of WWII, to include Commonwealth Army veterans and veterans of Recognized Guerilla Forces, may be eligible if the veteran was a permanent resident of the U.S. and met other enabling conditions.

Timetable:

Action	Date	FR Cite
NPRM	04/16/02	67 FR 34884
NPRM Comment Period End	07/15/02	
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen Barber, Program Analyst (402B3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
Fax: 202 273-6697

Email: karen.barber@mail.va.gov

RIN: 2900-AI95

VA

Final Rule Stage

3046. • HEADSTONE AND MARKER APPLICATION REQUIRED**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-103, sec. 502**CFR Citation:** 38 CFR 1.632**Legal Deadline:** None

Abstract: This rule will amend the Department of Veterans Affairs (VA) regulations to reflect changes made by the Veterans Education and Benefits Expansion Act of 2001. We propose to amend through regulation the changes to burial benefits that will allow VA to furnish an appropriate Government headstone or marker for the graves of eligible veterans buried in private cemeteries, regardless of whether the grave has been previously marked with a privately purchased marker. The provision applies to eligible veterans who have died on or after December 27, 2001, the date of enactment of Public Law 107-103.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/03	

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

Agency Contact: Karen Barber, Program Analyst (402B3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
Fax: 202 273-6697
Email: karen.barber@mail.va.gov

RIN: 2900-AL40**OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY****3047. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; HANDICAP; AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 794; 42 USC 2000d-1; 42 USC 6101**CFR Citation:** 38 CFR 18**Legal Deadline:** None

Abstract: The Department of Justice, pursuant to Executive Order 12250, is requesting that Federal agencies with title VI, section 504, and Age Discrimination Act regulations jointly issue amendments to their regulations to incorporate the Civil Rights Restoration Act of 1987 revisions.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	04/00/03	

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

Agency Contact: Tyrone Eddins, External Affairs Manager, Office of Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 501-2801
Fax: 202 501-2885

RIN: 2900-AK13**OFFICE OF THE GENERAL COUNSEL****3048. RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS****Priority:** Other Significant**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	04/00/03	

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**3049. RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF REPRESENTATIVES****Priority:** Substantive, Nonsignificant**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	04/00/03	

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
ADMINISTRATION3051. PROTECTION OF HUMAN
SUBJECTS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 16**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Judy Williams

Phone: 202 273-8284

RIN: 2900-AJ08

BOARD OF VETERANS APPEALS

3052. APPEALS REGULATIONS;
RULES OF PRACTICE**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.3 (Revision); 38 CFR 20.609 (Revision); 38 CFR 20.903 (Revision); 38 CFR 20.1000; 38 CFR 20.1001; 38 CFR 20.1002; 38 CFR 20.1100 (Revision); 38 CFR 19.10; 38 CFR 19.15 (Revision); 38 CFR 19.39; 38 CFR 20.3; 38 CFR 20.101 (Revision); 38 CFR 20.102 (Revision); 38 CFR 20.201 (Revision); 38 CFR 20.605 (Revision); ...**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 4131
NPRM Comment 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

Department of Veterans Affairs (VA)

Completed Actions

3053. MEDICAL BENEFITS PACKAGE;
COPAYMENTS FOR EXTENDED CARE
SERVICES**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.36; 38 CFR 17.38; 38 CFR 17.111**Completed:**

Reason	Date	FR Cite
Final Action	05/17/02	67 FR 35037
Final Action Effective	06/17/02	67 FR 53037

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard

Phone: 202 273-8198

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Email: nancy.howard@hq.med.va.gov

RIN: 2900-AK32

Email: roscoe.butler@hq.med.va.gov

RIN: 2900-AK383055. COPAYMENTS FOR INPATIENT
HOSPITAL CARE AND OUTPATIENT
MEDICAL CARE**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.108; 38 CFR 17.110**Completed:**

Reason	Date	FR Cite
Final Action	05/02/02	67 FR 21998
Final Action Effective	05/02/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard

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RIN: 2900-AK50**Government Levels Affected:** None**Agency Contact:** Roscoe G. Butler

Phone: 202 273-8302

Fax: 202 273-9609

Email: roscoe.butler@hq.med.va.gov

RIN: 2900-AL183057. SCHEDULE FOR RATING
DISABILITIES—THE SKIN**Priority:** Other Significant**CFR Citation:** 38 CFR 4.118**Completed:**

Reason	Date	FR Cite
Final Action	07/31/02	67 FR 49590
Final Action Effective	08/30/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Caroll McBrine

Phone: 202 273-7211

RIN: 2900-AF003054. ENROLLMENT—PROVISION OF
HOSPITAL AND OUTPATIENT CARE
TO VETERANS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.36**Completed:**

Reason	Date	FR Cite
NPRM	07/23/02	67 FR 48078
Final Action	10/09/02	67 FR 62887
Final Action Effective	11/08/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Roscoe G. Butler

Phone: 202 273-8302

Fax: 202 273-9609

3056. FILIPINO VETERANS ELIGIBLE
FOR HOSPITAL CARE, NURSING
HOME CARE, AND MEDICAL
SERVICES**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.42; 38 CFR 17.39**Completed:**

Reason	Date	FR Cite
Final Action	06/17/02	67 FR 41178
Final Action Effective	06/17/02	

Regulatory Flexibility Analysis**Required:** No3058. REVISED DEFINITION OF NET
VALUE AND REVISED CRITERIA FOR
PRE-FORECLOSURE DEBT WAIVERS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4301; 38 CFR 36.4323**Completed:**

Reason	Date	FR Cite
Final Action	10/08/02	67 FR 62646
Final Action Effective	11/07/02	

Regulatory Flexibility Analysis**Required:** No

VA

Completed Actions

Government Levels Affected: None

Agency Contact: Richard Fyne
Phone: 202 273-7380

RIN: 2900-AG20

3059. EVIDENCE ON FILE AT DATE OF DEATH

Priority: Other Significant

CFR Citation: 38 CFR 3.1000

Completed:

Reason	Date	FR Cite
Final Action	10/28/02	67 FR 65707
Final Action Effective	11/27/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Bisset
Phone: 202 273-7213
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RIN: 2900-AH42

3060. INTERVERTEBRAL DISC SYNDROME

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 4.71(a)

Completed:

Reason	Date	FR Cite
Final Action	08/22/02	67 FR 54345
Final Action Effective	09/23/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Caroll McBrine
Phone: 202 273-7211

RIN: 2900-AI22

3061. ANKYLOSIS AND LIMITATION OF MOTION OF DIGITS OF THE HANDS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 4.71a

Completed:

Reason	Date	FR Cite
Final Action	07/26/02	67 FR 48784
Final Action Effective	08/26/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Caroll McBrine
Phone: 202 273-7211

RIN: 2900-AI44

3062. ACCELERATED BENEFITS OPTION FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 9.1(b); 38 CFR 9.14

Completed:

Reason	Date	FR Cite
Final Action	08/12/02	67 FR 52413
Final Action Effective	08/12/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer
Phone: 215 842-2000
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Email: issghosm@vba.va.gov

RIN: 2900-AJ80

3063. NATIONAL SERVICE LIFE INSURANCE

Priority: Info./Admin./Other

CFR Citation: 38 CFR 8.0; 38 CFR 8.1

Completed:

Reason	Date	FR Cite
Final Action	08/26/02	67 FR 54737
Final Action Effective	08/26/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: George Poole
Phone: 215 842-2000
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Email: issgpool@vba.va.gov

RIN: 2900-AK43

3064. VETERANS VOCATIONAL REHABILITATION AND EDUCATION: TITLE CHANGE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.50; 38 CFR 21.53; 38 CFR 21.60; 38 CFR 21.68; 38 CFR 21.74; 38 CFR 21.98; 38 CFR 21.100; 38 CFR 21.155; 38 CFR 21.4250; ...

Completed:

Reason	Date	FR Cite
Final Action	08/22/01	66 FR 44052
Final Action Effective	08/22/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling
Phone: 202 273-7187
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RIN: 2900-AK46

3065. MONETARY ALLOWANCES FOR CERTAIN CHILDREN OF VIETNAM VETERANS; IDENTIFICATION OF COVERED BIRTH DEFECTS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.27; 38 CFR 3.29; 38 CFR 3.114; 38 CFR 3.216; 38 CFR 3.261

Completed:

Reason	Date	FR Cite
Final Action	07/31/02	67 FR 49585
Final Action Effective	07/31/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Caroll McBrine
Phone: 202 273-7211

Related RIN: Related To 2900-AK88, Related To 2900-AK90

RIN: 2900-AK67

3066. RECOUPMENT OF NONDISABILITY SEVERANCE PAY FROM VA COMPENSATION

Priority: Other Significant

CFR Citation: 38 CFR 3.700

Completed:

Reason	Date	FR Cite
Final Action	09/27/02	67 FR 60867
Final Action Effective	09/27/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Bisset
Phone: 202 273-7213
Fax: 202 275-1728

RIN: 2900-AK95

3067. INCREASE IN RATES PAYABLE UNDER THE EDUCATIONAL ASSISTANCE TEST PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Completed:

Reason	Date	FR Cite
Final Action	05/14/02	67 FR 34404
Final Action Effective	05/14/02	

VA

Completed Actions

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: William G. Susling
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RIN: 2900-AL02

3068. ADJUDICATION, FIDUCIARY ACTIVITIES—NOMENCLATURE CHANGES

Priority: Info./Admin./Other

CFR Citation: 38 CFR 3; 38 CFR 14

Completed:

Reason	Date	FR Cite
Final Action	07/17/02	67 FR 46868
Final Action Effective	07/17/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Randy A. McKeivitt
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RIN: 2900-AL10

3069. CROSS REFERENCE CHANGE IN FORMS TO BE FURNISHED

Priority: Other Significant

CFR Citation: 38 CFR 3.150

Completed:

Reason	Date	FR Cite
Final Action	06/14/02	67 FR 40867
Final Action Effective	06/14/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Randy A. McKeivitt
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RIN: 2900-AL19

3070. DUTY PERIODS; INACTIVE DUTY FOR TRAINING

Priority: Other Significant

CFR Citation: 38 CFR 3.6

Completed:

Reason	Date	FR Cite
Final Action	07/31/02	67 FR 49584
Final Action Effective	07/31/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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3071. CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Priority: Info./Admin./Other

CFR Citation: 48 CFR 801; 48 CFR 832; 48 CFR 836; 48 CFR 843; 48 CFR 846; 48 CFR 852

Completed:

Reason	Date	FR Cite
Final Action	07/30/02	67 FR 49257
Final Action Effective	08/29/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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3072. BOARD OF VETERANS' APPEALS—RULES OF PRACTICE—ATTORNEY FEE MATTERS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.3; 38 CFR 20.609; 38 CFR 20.610

Completed:

Reason	Date	FR Cite
Final Action	05/23/02	67 FR 36102
Final Action Effective	06/24/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900-AI98

3073. BOARD OF VETERANS APPEALS: RULES OF PRACTICE—EFFECT OF PROCEDURAL DEFECTS IN MOTIONS FOR REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.1404(b); 38 CFR 20.1409(b)

Completed:

Reason	Date	FR Cite
Final Action	07/17/02	67 FR 46869
Final Action Effective	07/17/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900-AK74

3074. BOARD OF VETERANS' APPEALS: RULES OF PRACTICE—ATTORNEY FEE MATTERS; NOTICE OF DISAGREEMENT MATTERS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.609

Completed:

Reason	Date	FR Cite
Final Action	07/31/02	67 FR 49599

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900-AL25

3075. PROHIBITION OF INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERIES AND CERTAIN STATE CEMETERIES DUE TO CAPITAL CRIMES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 1; 38 CFR 39

Completed:

Reason	Date	FR Cite
Final Action	10/08/02	67 FR 62642
Final Action Effective	11/07/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2900-AJ77

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