Federal Register

Tuesday,
May 27, 2003

Part XVII

Department of Veterans Affairs

Semiannual Regulatory Agenda

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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 in the spring 2003. 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, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Gloria Armstrong at (202) 273-9515.

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.

William A. Moorman,

Assistant to the Secretary, Office of Regulation Policy and Management.

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2884	Waivers	2900-AK29
2885	Payment for Non-VA Physician Services Associated With Either Outpatient or Inpatient Care Provided at Non-VA Facilities	2900-AK94
2886	Reasonable Charges for Medical Care or Services; 2003 Methodology Changes	2900-AL06
2887	Copayments for Extended Care Services	2900-AL49
2888	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
2889	Schedule for Rating Disabilities—Digestive System	2900-AF24
2890	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
2891	Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants	2900-AK80
2892	Veterans Education: Additional Opportunity To Participate in the Montgomery GI Bill and Other Miscellaneous Issues	2900-AK81
2893	Schedule for Rating Disabilities; Malignant Neoplasms	2900-AL27
2894	Administration of VA Education Benefits—Centralized Certification	2900-AL43
2895	Survivors' and Dependents' Educational Assistance Program Eligibility Period for Eligible Children and Other Miscellaneous Issues	2900-AL44
2896	Headstone and Marker Inscription	2900-AL50
2897	Disease Associated With Exposure to Certain Herbicide Agents: Chronic Lymphocytic Leukemia	2900-AL55
2898	Annual Risk Allowance for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance	2900-AL56
2899	Loan Guaranty: Assistance to Certain Disabled Veterans in Acquiring Specially Adapted Housing	2900-AL58
2900	Compensation for Certain Cases of Bilateral Deafness	2900-AL59
2901	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
2902	Board of Veterans' Appeals Rules of Practice: Notice Procedures Relating to Withdrawal of Services by a Representative	2900-AL45
2903	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900-AH46
2904	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort; Regional Office Committee on Waiver and Compromises	2900-AK10
2905	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2906	Advanced Health Care Planning	2900-AJ28
2907	Grants to States for Construction and Acquisition of State Home Facilities	2900-AJ43
2908	VA Homeless Providers Grant and Per Diem Program Regulations	2900-AL30
2909	Copayments for Inpatient Hospital Care Under Geographic Means Test	2900-AL35
2910	Priorities for Outpatient Medical Services and Inpatient Hospital Care	2900-AL39

VA

Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2911	Charges Used for Recovery From Tortiously Liable Third Parties for Medical Care or Services Provided by the Department of Veterans Affairs	2900-AL48
2912	Enrollment-Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Enrollment Level Decision	2900-AL51
2913	Reasonable Charges for Medical Care or Services; 2003 Update	2900-AL57
2914	Sensori-Neural Aids	2900-AL60
2915	Schedule for Rating Disabilities—The Musculoskeletal System	2900-AE91
2916	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment	2900-AH21
2917	Schedule for Rating Disabilities—The Eye	2900-AH43
2918	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
2919	Exclusions From Income and Net Worth Computations	2900-AJ52
2920	Schedule for Rating Disability—The Spine	2900-AJ60
2921	Definition of Psychosis for Certain VA Purposes	2900-AK21
2922	Filipino Veterans Benefit Improvements	2900-AK65
2923	Loan Guaranty: Pre-Purchase Counseling Requirements	2900-AK76
2924	Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program	2900-AK77
2925	Schedule for Rating Disabilities; Evaluation of Tinnitus	2900-AK86
2926	Time Limit for Request for De Novo Review	2900-AK97
2927	Exceptions to Definition of Date of Receipt Based on Special or Unforeseen Circumstances	2900-AL12
2928	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance Program	2900-AL17
2929	Accelerated Payments Under the Montgomery GI Bill—Active Duty Program	2900-AL22
2930	Loan Guaranty: Implementation of Public Law 107-103	2900-AL23
2931	Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease	2900-AL26
2932	Veterans Education: Veterans Education and Benefits Expansion Act of 2001	2900-AL28
2933	Compensation and Pension Provisions of the Veterans Education and Benefits Expansion Act of 2001	2900-AL29
2934	Schedule for Rating Disabilities; Evaluation of Multiple Scars	2900-AL32
2935	Independent Study Approved for Certificate Programs and Other Miscellaneous Issues	2900-AL34
2936	Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War	2900-AL36
2937	Effective Dates of Benefits for Disability or Death Caused by Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary	2900-AL37
2938	Testimony Certified or Under Oath	2900-AL38
2939	Increase in Rates Payable Under the Montgomery GI Bill—Selective Reserve	2900-AL41
2940	Veterans Education: Increased Allowances for the Educational Assistance Test Program	2900-AL52
2941	Loan Guaranty: Hybrid Adjustable Rate Mortgages	2900-AL54
2942	Compensation and Pension Provisions of the Veterans Benefits Act of 2002	2900-AL62
2943	Sealed Bidding and Competitive Proposals	2900-AI99
2944	Implementing the Health Insurance Portability and Accountability Act (HIPAA)	2900-AL53
2945	Appeals Regulations; Rules of Practice	2900-AE78
2946	The Board of Veterans' Appeals; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakable Error	2900-AJ85
2947	Rules of Practice: Medical Opinions From the Veterans Health Administration	2900-AK52
2948	Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans	2900-AL08
2949	Board of Veterans' Appeals Rules of Practice: Use of Supplemental Statement of the Case	2900-AL42
2950	Eligibility for a Headstone or Marker for Graves Already Marked at Private Expense; Applications for Headstone and Marker	2900-AL40
2951	Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance	2900-AK13
2952	Release of Information From Department of Veterans Affairs Records	2900-AH98
2953	Delegations of Authority; Office of Regulatory Policy and Management (ORPM)	2900-AL61
2954	Privacy Act of 1974—Exemption of Police and Security Records	2900-AL33

VA

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2955	Governmentwide Debarment and Suspension (Nonprocurement) and Requirement for Drug-Free Workplace (Assistance)	2900-AK16

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
2956	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes	2900-AJ34
2957	Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities	2900-AK08
2958	Reasonable Charges for Medical Care or Services	2900-AK39
2959	Reasonable Charges for Medical Care or Services	2900-AK73
2960	Health Care for Children Born With One or More Covered Birth Defects to Vietnam Veterans	2900-AK88
2961	Civilian Health and Medical Program of Department of Veterans Affairs (CHAMPVA)	2900-AK89
2962	Fisher Houses and Other Temporary Lodging	2900-AL13
2963	Vocational Training for Certain Children of Vietnam Veterans—Covered Birth Defects and Spina Bifida	2900-AK90
2964	Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses	2900-AK98
2965	Service Connection by Presumption of Aggravation of a Chronic Preexisting Disease; Presumption of Herbicide Exposure	2900-AL20
2966	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources	2900-AI71
2967	Appeals Regulations: Title for Members of the Board of Veterans Appeals	2900-AK62
2968	Board of Veterans' Appeals: Rules of Practice—Appeal Withdrawal	2900-AK71
2969	Eligibility for Burial of Dependent Adult Children of Eligible Veterans and Eligibility for Burial of Certain Filipino Veterans	2900-AI95
2970	Recognition of Organizations and Accreditation of Representatives	2900-AI93
2971	Referral of Information Regarding Criminal Violations	2900-AL31

Department of Veterans Affairs—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2900-AJ08	Protection of Human Subjects	04/10/2003	Withdrawn
2900-AJ24	Provision of Drugs and Medicines Prescribed by Non-VA Physicians	03/26/2003	Withdrawn
2900-AJ45	Universal Product Numbers (UPNs)	03/18/2003	Withdrawn
2900-AK03	State Department as Agent of Department of Veterans Affairs	01/17/2003	Withdrawn
2900-AK18	Finality of Decisions	01/17/2003	Withdrawn
2900-AK23	Renouncement of Benefits	01/17/2003	Withdrawn
2900-AK31	Independent Medical Opinions	01/17/2003	Withdrawn
2900-AK37	Evidence From Foreign Countries	01/17/2003	Withdrawn
2900-AL09	Plain Language (Reader Focused Writing) Initiative; National Service Life Insurance (NSLI)	03/10/2003	Withdrawn
2900-AL24	Amendments to Training and Rehabilitation Programs	03/26/2003	Withdrawn

VETERANS HEALTH ADMINISTRATION

2884. 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
NPRM	10/00/03

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: 202 254-0320
Fax: 202 254-0396
Email: nancy.howard@hq.med.va.gov

RIN: 2900–AK29

2885. 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
NPRM	09/00/03

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

2886. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES; 2003 METHODOLOGY CHANGES

Priority: Economically Significant. Major under 5 USC 801.

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
NPRM	06/00/03

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: 202 254-0361

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

RIN: 2900–AL06

2887. ● COPAYMENTS FOR EXTENDED CARE SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1710B

CFR Citation: 38 CFR 17.111

Legal Deadline: None

Abstract: This document proposes to amend VA's medical regulations concerning copayments for extended care services provided or furnished by VA to veterans for nonservice-connected disabilities. This document amends the regulations to enhance the spousal protection provisions covering assets. This change would bring VA closer to State medical assistance policies in protecting spouses from potential impoverishment.

Timetable:

Action	Date
NPRM	09/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donna Canada, Chief Business Office (161), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254-0321
Fax: 202 254-0396

Daniel Schoeps, Geriatrics and Extended Care (114), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8540

RIN: 2900–AL49

VETERANS BENEFITS ADMINISTRATION

2888. 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	
ANPRM	05/02/91	56 FR 20169
ANPRM Comment Period End	07/01/91	
NPRM	07/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AF23

2889. 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	
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	
NPRM	10/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AF24

2890. 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 proposed rule amendment will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998 and Veterans Education and Expansion Act of 2001. This amendment will include 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
NPRM	09/00/03

Regulatory Flexibility Analysis Required: 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
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AJ68

2891. VETERANS AND DEPENDENTS EDUCATION: TOPPING-UP TUITION ASSISTANCE; LICENSING AND CERTIFICATION TESTS; DUTY TO ASSIST EDUCATION CLAIMANTS

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

Timetable:

Action	Date
NPRM	07/00/03

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
Fax: 202 275-2636
Email: edubsusl@vba.va.gov

RIN: 2900–AK80

2892. 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
NPRM	05/00/03

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
Fax: 202 275-2636
Email: edubsusl@vba.va.gov

RIN: 2900–AK81

2893. 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
NPRM	12/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AL27

2894. 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 the Department of Veterans Affairs(VA) rules governing certification of enrollment in approved courses for the training of veterans and other eligible persons under education benefit programs VA administers. As part of the approval requirements, educational institutions designate an official of the institution (a VA certifying official) to certify the enrollment of veterans and other eligible persons to VA. As a general rule, VA rules currently require that each branch or extension of an educational institution must perform the certifications and maintain records for veterans and other eligible persons at the branch or extension. The proposed rule would expand current regulations to allow an educational institution to combine the certification functions at one or more of its locations, to include branches and extensions not located with the same State.

Timetable:

Action	Date
NPRM	06/00/03

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
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL43

2895. • SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM ELIGIBILITY PERIOD FOR ELIGIBLE CHILDREN AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101; 38 USC 3002; 38 USC 3501; 38 USC 3512; 38 USC 5113

CFR Citation: 38 CFR 21.3041; 38 CFR 21.4151; 38 CFR 21.5021

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to amend its education regulations to reflect changes in the eligibility period for children due to statutory provisions in Veterans Benefits and Health Care Improvement Act of 2000 and the Veterans Benefits and Expansion Acts of 2001 and 2002.

Timetable:

Action	Date
NPRM	09/00/03

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

Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL44

2896. ● HEADSTONE AND MARKER INSCRIPTION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 2306

CFR Citation: 38 CFR 1.630

Legal Deadline: None

Abstract: This document will amend the Department of Veterans Affairs (VA) regulations to revise existing regulations to the Government-furnished headstones or markers inscription policy. The intended effect of this proposed rule is meant to clarify the inscription policies for Government-furnished headstones and markers.

Timetable:

Action	Date
NPRM	08/00/03

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–AL50

2897. ● DISEASE ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS: CHRONIC LYMPHOCYTIC LEUKEMIA

Priority: Other Significant

Legal Authority: 38 USC 1116

CFR Citation: 38 CFR 3.309(e)

Legal Deadline: NPRM, Statutory, March 24, 2003, 38 USC 1116(c)(1)(A).

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations concerning presumptive service connection for certain diseases for which there is no record during service. This amendment is necessary to implement a decision of the Secretary of Veterans Affairs that there is a positive association between exposure to herbicides used in the Republic of Vietnam during the Vietnam era and the subsequent development of chronic lymphocytic leukemia. The intended effect of this amendment is to establish presumptive service connection for that condition based on herbicide exposure.

Timetable:

Action	Date	
NPRM	03/26/03	68 FR 14567
NPRM Comment Period End	05/27/03	
Final Action	09/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Joseph 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–AL55

2898. ● ANNUAL RISK ALLOWANCE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1965 to 1980

CFR Citation: 38 CFR 9.15 (new)

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs regulations relating to Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) to establish a method to determine the amount of the annual risk allowance that is to be paid to the insurance company or companies for administering the SGLI/VGLI programs. It also will serve to inform the public that a profit component is being introduced for the first time as a part of the basic cost of program administration.

Timetable:

Action	Date
NPRM	05/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeanne King, Insurance Specialist, Department of Veterans Affairs, VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101
Phone: 215 842-2000
Fax: 215 381-3502
Email: issjking@vba.va.gov

RIN: 2900–AL56

2899. ● LOAN GUARANTY: ASSISTANCE TO CERTAIN DISABLED VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 2101

CFR Citation: 38 CFR 36.4400

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to amend is loan guaranty regulations concerning assistance to certain disabled veterans in acquiring specially adapted housing. The primary intent is to revise these regulations to improve clarity to the reader. Additional changes are made to incorporate the provisions of a legal decision of the VA Office of General Counsel.

Timetable:

Action	Date
NPRM	11/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900–AL58

2900. ● COMPENSATION FOR CERTAIN CASES OF BILATERAL DEAFNESS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1160(a)(3)

CFR Citation: 38 CFR 3.383(a)(3)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its

adjudication regulations concerning the level of hearing loss at which VA may pay disability compensation as if the combination of disabilities in both ears were service-connected, even though disability in one ear is service connected and disability in the other ear is not. This amendment liberalizes the ''paired organ'' rule for bilateral deafness and provides a definition for the term ''deafness.'' This amendment is necessary to implement a recent legislative change. Rather than requiring total deafness in both ears to trigger the paired organ rule, the proposed amendment would allow VA to consider partial nonservice-connected hearing loss in one ear when evaluating disability caused by compensable service-connected hearing loss in the other ear.

Timetable:

Action	Date
NPRM	07/00/03

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–AL59

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

2901. 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
NPRM	09/00/03

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
Fax: 202 273-9302
Email: donald.kaliher@mail.va.gov

RIN: 2900–AK78

BOARD OF VETERANS APPEALS

2902. ● BOARD OF VETERANS' APPEALS RULES OF PRACTICE: NOTICE PROCEDURES RELATING TO WITHDRAWAL OF SERVICES BY A REPRESENTATIVE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 5901 to 5904; 38 USC 7105(a)

CFR Citation: 38 CFR 20.608(b)(2)

Legal Deadline: None

Abstract: The Board of Veterans' Appeal proposes to amend its Rules of Practice to simplify notice procedures relating to withdrawal of services by a representative after certification of an appeal. Rule 608(b)(2) (38 CFR 20.608(b)(2)), relating to withdrawal of services by a representative after certification of an appeal, requires service of papers on the parties by certified mail, return receipt requested, and requires filing a signed certification of receipt with the Board. The proposed amendment will eliminate the requirement of mailing by certified mail and replace it with a certification by the mailer.

Timetable:

Action	Date
NPRM	10/00/03

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–AL45

NATIONAL CEMETERY SYSTEM

2903. 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	
NPRM	05/01/03	68 FR 23249
NPRM Comment Period End	06/30/03	
Final Action	10/00/03	

Regulatory Flexibility Analysis Required: No

VA — Proposed Rule Stage

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
Phone: 202 273-5183
Fax: 202 273-6697
Email: karen.barber@mail.va.gov

RIN: 2900–AH46

OFFICE OF FINANCIAL MANAGEMENT

2904. 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
NPRM	06/00/03

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

2905. 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
NPRM	10/00/03

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

Department of Veterans Affairs (VA) — Final Rule Stage

VETERANS HEALTH ADMINISTRATION

2906. 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
NPRM	11/02/98 63 FR 58677
NPRM Comment Period End	01/04/99
Final Action	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900–AJ28

2907. 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	
Interim Final Rule	06/26/01	66 FR 33845
Interim Final Rule Comment Period End	08/27/01	
Final Action	10/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Frank Salvas, Geriatrics and Extended Care (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8536

RIN: 2900–AJ43

2908. 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 Comprehensive Assistance Act of 2001 (HVCAA).

Timetable:

Action	Date	
Interim Final Rule	03/19/03	68 FR 13590
Interim Final Rule Effective	03/19/03	
Interim Final Rule Comment Period End	05/19/03	
Final Action	10/00/03	

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

2909. 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
Final Action	09/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: 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: 202 254-0320
Fax: 202 254-0396
Email: nancy.howard@hq.med.va.gov

RIN: 2900–AL35

2910. 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

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	
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	10/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Amy Hertz, Office of Policy and Planning (105D), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8934

RIN: 2900–AL39

2911. ● CHARGES USED FOR RECOVERY FROM TORTIOUSLY LIABLE THIRD PARTIES FOR MEDICAL CARE OR SERVICES PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101; 38 USC 501; 38 USC 1701; 38 USC 1705; 38 USC 1710; 38 USC 1721; 38 USC 1722; 38 USC 1729; ...

CFR Citation: 38 CFR 17.101; 38 CFR 17.102

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs(VA) medical regulations with respect to charges used for recovering from tortiously liable third parties the reasonable value of medical care and services provided by VA. The amendment reflects the decision of the Director of the Office of Management and Budget (OMB) to use the ''reasonable charges'' determined in accordance with the provisions of 38 CFR 17.101 for this purpose, rather than the rates generated by the methodology at 38 CFR 17.102(h).

Timetable:

Action	Date
Final Action	06/00/03

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: 202 254-0361

RIN: 2900–AL48

2912. ● ENROLLMENT-PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS—SUBPRIORITIES OF PRIORITY CATEGORIES 7 AND 8 AND ENROLLMENT LEVEL DECISION

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 104-262

CFR Citation: 38 CFR 17.36

Legal Deadline: None

Abstract: As required by Public Law 104-262, the Veterans' Health Care Eligibility Reform Act of 1996, the Secretary of the Department of Veterans Affairs must make an annual decision concerning enrollment in VA's health care system in order to ensure that medical services provided are both timely and acceptable in quality. This document amends existing regulations to establish subpriorities within priority categories 7 and 8 and to publish FY 2003 enrollment decision as determined by the Secretary.

Timetable:

Action	Date	
Interim Final Rule	01/17/03	68 FR 2670
Interim Final Rule Effective	01/17/03	
Interim Final Rule Comment Period End	03/18/03	
Final Action	09/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Amy Hertz, Office of Policy and Planning (105D), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8934

Roscoe G. Butler, Chief, Policy and Operations (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8302
Fax: 202 273-9609
Email: roscoe.butler@hq.med.va.gov

RIN: 2900–AL51

2913. ● REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES; 2003 UPDATE

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 regulation concerning ''reasonable charges'' for medical care and services provided or furnished by VA to veterans for nonservice-connected disabilities. This document amends the regulation to update data bases and other provisions for the purpose of providing more current and more precise charges.

Timetable:

Action	Date	
Interim Final Rule	04/29/03	68 FR 22966
Interim Final Rule Comment Period End	06/30/03	
Final Action	10/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Related RINs: 2900-AJ30; 2900-AK39; 2900-AK73; 2900-AL06

Agency Contact: David Cleaver, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254-0361

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

RIN: 2900–AL57

2914. ● SENSORI-NEURAL AIDS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1707

CFR Citation: 38 CFR 17.149

Legal Deadline: None

Abstract: This document amends Department of Veterans Affairs (VA) medical regulations concerning sensori-nerual aids. 38 CFR section 17.149 authorizes VA to provide sensori-nerual aids (i.e., eyeglasses, contact lenses, hearing aids) to seven groups of veterans as identified in the regulation in section 17.149, paragraphs (b)(1)-(b)(7). The veterans presently identified in section 17.149, paragraph (b)(2) are veterans who are former prisoners of war. Section 17.149, paragraph (b)(2) will be revised to include veterans who were awarded the Purple Heart. It will also note that the authority for this regulation, previously identified as 38 U.S.C. 1701(6)(A)(i), has been recodified as 38 U.S.C. 1707 pursuant to Public Law No. 107-135.

Timetable:

Action	Date
Final Action	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: John G. Clements, Prosthetic Program Manager (113), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8515
Fax: 202 273-9110
Email: john.clements@hg.med.va.gov

RIN: 2900–AL60

VETERANS BENEFITS ADMINISTRATION

2915. 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 amends 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 make nonsubstantive editorial changes throughout this portion of the schedule.

Timetable:

Action	Date	
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	02/11/03	68 FR 6998
NPRM Comment Period End	04/14/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AE91

2916. 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	
NPRM	10/01/01	66 FR 49886
NPRM Comment Period End	11/30/01	
Final Action	12/00/03	

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–AH21

2917. 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 amending 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	
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	07/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AH43

2918. 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	
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKevitt, Consultant, C&P Service (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

Fax: 202 273-1728
Email: caprmcke@vba.va.gov

RIN: 2900–AI42

2919. 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.

Timetable:

Action	Date
Final Action	10/00/03

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–AJ52

2920. 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 Musculosketetal 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	
NPRM	09/04/02	67 FR 56509
NPRM Comment Period End	11/04/02	
Final Action	10/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AJ60

2921. 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 amends 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	
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: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AK21

2922. 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	
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	10/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Randy A. McKevitt, Consultant, C&P Service (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Fax: 202 273-1728
Email: caprmcke@vba.va.gov

RIN: 2900–AK65

2923. 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	
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

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900–AK76

2924. 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 3.154; 38 CFR 3.358; 38 CFR 3.361; 38 CFR 3.362; 38 CFR 3.363; 38 CFR 3.400; 38 CFR 3.708; 38 CFR 3.800

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending 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 this 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
NPRM	12/12/02 67 FR 76322
NPRM Comment Period End	02/10/03
Final Action	10/00/03

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

2925. 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 amends 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
NPRM	09/19/02 67 FR 59033
NPRM Comment Period End	11/18/02
Final Action	07/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: RIN 2900-AK86 withdrawn

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AK86

2926. 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
NPRM	03/11/02 67 FR 10866
NPRM Comment Period End	05/10/02
Final Rule	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKevitt, Consultant, C&P Service (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Fax: 202 273-1728
Email: caprmcke@vba.va.gov

RIN: 2900–AK97

2927. 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
Final Action	06/00/03

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–AL12

2928. 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 to 21.7137

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
Final Action	09/00/03

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
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL17

2929. 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	
NPRM	09/11/02	67 FR 57543
NPRM Comment Period End	11/12/02	
Final Action	05/00/03	

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
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL22

2930. 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 is incorporating into the regulations the following statutory 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	
Interim Final Rule	02/10/03	68 FR 6625
Interim Final Rule Effective	02/10/03	
Interim Final Rule Comment Period End	04/11/03	
Final Action	10/00/03	

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
Phone: 202 273-7368
Fax: 202 275-3523

RIN: 2900–AL23

2931. 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

Legal Deadline: None

Abstract: This document amends 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
NPRM	08/22/02 67 FR 54394
NPRM Comment Period End	10/21/02
Final Action	12/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AL26

2932. 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
Final Action	07/00/03

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
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL28

2933. 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
Final Action	06/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKevitt, Consultant, C&P Service (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Fax: 202 273-1728
Email: caprmcke@vba.va.gov

RIN: 2900–AL29

2934. 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
NPRM	10/29/02 67 FR 65915
NPRM Comment Period End	12/30/02
Final Action	12/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900–AL32

2935. 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.

Timetable:

Action	Date
Final Action	09/00/03

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
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL34

2936. 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) is amending its adjudication regulations concerning presumptive service connection for certain diseases. The 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
NPRM	02/10/03 68 FR 6679
NPRM Comment Period End	04/11/03
Final Action	10/00/03

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

2937. 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) amends 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. This amendment 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 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
NPRM	01/28/03 68 FR 4132
NPRM Comment Period End	03/31/03
Final Action	06/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Joseph 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

2938. 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) is amending 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
NPRM	07/31/02 67 FR 49646
NPRM Comment Period End	09/30/02
Final Action	06/00/03

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 July 31, 2002, 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

2939. 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
Final Action	07/00/03

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
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL41

2940. • VETERANS EDUCATION: INCREASED ALLOWANCES FOR THE EDUCATIONAL ASSISTANCE TEST PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2143; 10 USC 2144; 10 USC 2145

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs rules governing educational allowances payable under the Educational Assistance Test Program, which increased by 4.3 percent. The regulations are being amended to show the new benefit rates.

Timetable:

Action	Date
Final Action	10/00/03

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
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900–AL52

2941. • LOAN GUARANTY: HYBRID ADJUSTABLE RATE MORTGAGES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 3703(c)(1)

CFR Citation: 38 CFR 36.4212; 38 CFR 36.4254; 38 CFR 36.4311; 38 CFR 36.4312

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to implement sections 303 and 308 of Public Law No. 107-330, the Veterans Benefits Act of 2002. VA is incorporating into the regulations the following changes: The addition of hybrid adjustable rate mortgages which will allow VA to guarantee loans with interest rates that remain fixed for a period of not less than the first 3 years of the loan after which the rate can be adjusted annually and an increase in the fee paid for assuming a VA guaranteed loan from .50 percent to 1.00 percent of the loan amount.

Timetable:

Action	Date
Interim Final Rule	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900–AL54

2942. • COMPENSATION AND PENSION PROVISIONS OF THE VETERANS BENEFITS ACT OF 2002

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1114(k); 38 USC 1562

CFR Citation: 38 CFR 3.27; 38 CFR 3.350(a); 38 CFR 3.802

Legal Deadline: None

Abstract: Section 1114(k) of title 38, U.S.C., authorizes VA to pay special monthly compensation if a woman veteran, as the result of service-connected disability, has suffered the anatomical loss of one or both breasts (including loss by mastectomy). As part of the Veterans Benefits Act of 2002, Congress amended 38 U.S.C. 1114(k) to authorize special monthly

compensation for loss in a woman of 25 percent or more of tissue from a single breast or both breasts in combination, including loss by mastectomy or partial mastectomy, or following receipt of radiation treatment of breast tissue.
Section 1562 of title 38, U.S.C., authorizes VA to pay a monthly pension to Medal of Honor recipients, beginning as of the date of application for such benefit. As a part of Veterans Benefits Act of 2002, Congress amended 38 U.S.C. 1562 to provide for an annual increase in the Medal of Honor pension effective December 1st of each year, beginning December 1, 2004, by a percentage equal to the cost of living adjustment of benefits paid under title II of the Social Security Act. These amendments are necessary to make to the regulation conform with the statute.

Timetable:

Action	Date
Final Action	07/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cheryl Konieczny, Consultant, Regulations Staff, (211A), Department of Veterans Affairs, Veterans Benefits Administration, Compensation and Pension Service, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6779

RIN: 2900–AL62

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

2943. 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	
NPRM	03/11/98	63 FR 11865
NPRM Comment Period End	05/11/98	
Final Action	09/00/03	

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

2944. ● IMPLEMENTING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-101

CFR Citation: 48 CFR 824; 48 CFR 852

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs Acquisition Regulation (VAAR) to incorporate contract language required to implement the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law No. 104-191, title II, subtitle F, sections 261-264, 119 Stat. 1936, 2021-34 (11196). As mandated by HIPAA, the Department of Health and Human Services published rules that establish ''Standards for Privacy of Individually Identifiable Health Information'' (Privacy Rule) found at 45 CFR parts 106 and 164, subparts A and C, to protect the privacy of protected health information and the security of electronically protected health information in the hands of covered entities, including the Veterans Health Administration, and its business associates. This document adds a contract clause to the VAAR that will require VA contractors to protect the privacy and security of this information as defined and required by the Privacy and Security Rules.

Timetable:

Action	Date
Interim Final Rule	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cathy Dailey, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition and Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8774
Fax: 202 273-9302
Email: cathy.dailey@mail.va.gov

RIN: 2900–AL53

BOARD OF VETERANS APPEALS

2945. APPEALS REGULATIONS; RULES OF PRACTICE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 511; 38 USC 512; 38 USC 512(a); 38 USC 5903 to 5905; 38 USC 7102 to 7105; 38 USC 7109(c)

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); ...

Legal Deadline: None

Abstract: The Board of Veterans Appeals will be further revising a recent restructuring of its Appeals Regulations and Rules of Practice (54 FR 34334) in order to address questions which have arisen since that restructuring was proposed. No other alternatives are available. These additional revisions will not entail any costs to the public or to the Government other than the costs normally associated with drafting, Agency review, and publication.

Timetable:

Action	Date	
NPRM	02/03/92	57 FR 4131
NPRM Comment Period End	03/04/92	
Final Action	10/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: These proposed regulations were previously a part of RIN 2900-AE02.

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–AE78

2946. THE BOARD OF VETERANS' APPEALS; RULES OF PRACTICE—MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7104(d); 38 USC 7111

CFR Citation: 38 CFR 20.1403; 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 a provision to provide for advancing Clear and Unmistakable Error (CUE) motions on the docket.

Timetable:

Action	Date
Final Action	10/00/03

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

2947. 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	
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	10/00/03	

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

2948. 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	
NPRM	06/12/02	67 FR 40255
NPRM Comment Period End	08/12/02	
Final Action	10/00/03	

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

2949. 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
Final Action	10/00/03

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

2950. ELIGIBILITY FOR A HEADSTONE OR MARKER FOR GRAVES ALREADY MARKED AT PRIVATE EXPENSE; APPLICATIONS FOR HEADSTONE AND MARKER

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-103, sec 502

CFR Citation: 38 CFR 1.632

Legal Deadline: None

Abstract: This interim final rule will amend the Department of Veterans Affairs (VA) regulations to reflect changes made by the Veterans Education and Benefits Expansion Act of 2001 and the Veterans Improvement Act of 2002. 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 September 11, 2001.

Timetable:

Action	Date
Interim Final Rule	10/00/03

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

2951. 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	
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	09/00/03	
Final Action Effective	10/00/03	

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

2952. 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	
NPRM	09/10/98	63 FR 48455
NPRM Comment Period End	11/09/98	
Final Action	07/00/03	

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

2953. ● DELEGATIONS OF AUTHORITY; OFFICE OF REGULATORY POLICY AND MANAGEMENT (ORPM)

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 38 USC 503; 38 USC 512

CFR Citation: 38 CFR 2.6; 38 CFR 2.7

Legal Deadline: None

Abstract: This document sets forth a delegation of authority to the Assistant to the Secretary for Regulation Policy and Management to manage and coordinate the Department of Veterans Affairs' (VA) rulemaking process. The delegation is necessary to transfer certain rulemaking responsibilities to the newly formed Office of Regulation Policy and Management in the Office of the Secretary. The delegation of authority is intended to improve the organization, clarity, and timeliness of VA regulations through centralized management and control. This document also make minor technical amendments to a current delegation of authority that concerns the provision of relief on account of administrative error.

VA — Final Rule Stage

Timetable:

Action	Date
Final Action	05/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert C. McFetridge, Director, Regulations Management (00REG1), Department of Veterans Affairs, Office of the Secretary, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-9215

RIN: 2900–AL61

OFFICE OF POLICY AND PLANNING

2954. 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

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. We are revising 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 allows VA to exempt a new Privacy Act system of records relating to police and security records.

Timetable:

Action	Date	
NPRM	12/19/02	67 FR 77737
NPRM Comment Period End	02/18/03	
Final Action	10/00/03	

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) — Long-Term Actions

VETERANS BENEFITS ADMINISTRATION

2955. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND REQUIREMENT FOR DRUG-FREE WORKPLACE (ASSISTANCE)

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 44; 38 CFR 48 (New)

Timetable:

Action	Date	
NPRM	01/23/02	67 FR 3099
NPRM Comment Period End	03/25/02	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Robert D. Finneran
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900–AK16

Department of Veterans Affairs (VA) — Completed Actions

2956. PROVISION OF DRUGS AND MEDICINES TO CERTAIN VETERANS IN STATE NURSING HOMES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.96

Completed:

Reason	Date	
Final Action	03/13/03	68 FR 11977
Final Action Effective	03/13/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jeff Ramirez
Phone: 202 273-8428

RIN: 2900–AJ34

2957. PAYMENT OR REIMBURSEMENT FOR EMERGENCY TREATMENT FURNISHED AT NON-VA FACILITIES

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 38 CFR 17

Completed:

Reason	Date	
Final Action	01/24/03	68 FR 3401
Final Action Effective	03/25/03	

Regulatory Flexibility Analysis Required: No

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–AK08

2958. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

Priority: Other Significant

CFR Citation: 38 CFR 17.101

Completed:

Reason	Date
Final Action	04/29/03 68 FR 22966

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: David Cleaver
Phone: 202 254-0361

Related RIN: Related To 2900-AJ30, Related To 2900-AK73, Related To 2900-AL05, Related To 2900-AL06

RIN: 2900–AK39

2959. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.101

Completed:

Reason	Date
Final Action	04/29/03 68 FR 22966

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: David Cleaver
Phone: 202 254-0361

Related RIN: Related To 2900-AJ30, Related To 2900-AK39, Related To 2900-AL05, Related To 2900-AL06

RIN: 2900–AK73

2960. HEALTH CARE FOR CHILDREN BORN WITH ONE OR MORE COVERED BIRTH DEFECTS TO VIETNAM VETERANS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.900 to 1905

Completed:

Reason	Date
Final Action	01/08/03 68 FR 1009
Final Action Effective	01/08/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Susan K. Schmetzer
Phone: 303 331-7552
Email: schmetzer@champva.denver.va.gov

RIN: 2900–AK88

2961. CIVILIAN HEALTH AND MEDICAL PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date
Final Action	11/01/02 67 FR 66554
Final Action Effective	11/01/02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Susan K. Schmetzer
Phone: 303 331-7552
Email: schmetzer@champva.denver.va.gov

RIN: 2900–AK89

2962. FISHER HOUSES AND OTHER TEMPORARY LODGING

Priority: Other Significant

CFR Citation: 38 CFR 60 (New)

Completed:

Reason	Date
Final Action	02/24/03 68 FR 8547
Final Action Effective	03/26/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jill E. Manske
Phone: 202 273-8549
Fax: 202 273-8385
Email: jill.manske@hq.med.va.gov

RIN: 2900–AL13

2963. VOCATIONAL TRAINING FOR CERTAIN CHILDREN OF VIETNAM VETERANS—COVERED BIRTH DEFECTS AND SPINA BIFIDA

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.8010 to 21.8410

Completed:

Reason	Date
Final Action	12/06/02 67 FR 72563
Final Action Effective	12/06/02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles A. Graffam
Phone: 202 273-7410
TDD Phone: 202 275-5636
Email: vrecgraf@vba.va.gov

RIN: 2900–AK90

2964. EXTENSION OF THE PRESUMPTIVE PERIOD FOR COMPENSATION FOR GULF WAR VETERANS' UNDIAGNOSED ILLNESSES

Priority: Other Significant

CFR Citation: 38 CFR 3.317

Completed:

Reason	Date
Final Action	12/27/02 67 FR 78979
Final Action Effective	12/27/02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Randy A. McKevitt
Phone: 202 273-7211
Fax: 202 273-1728
Email: caprmcke@vba.va.gov

RIN: 2900–AK98

2965. SERVICE CONNECTION BY PRESUMPTION OF AGGRAVATION OF A CHRONIC PREEXISTING DISEASE; PRESUMPTION OF HERBICIDE EXPOSURE

Priority: Other Significant

CFR Citation: 38 CFR 3.307; 38 CFR 3.309

Completed:

Reason	Date
Final Action	11/07/02 67 FR 2002
Final Action Effective	11/07/02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900–AL20

2966. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SIMPLIFIED ACQUISITION PROCEDURES FOR HEALTH CARE RESOURCES

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 801; 48 CFR 806; 48 CFR 812; 48 CFR 837; 48 CFR 852; 48 CFR 873

Completed:

Reason	Date
Final Action	01/24/03 68 FR 3465
Final Action Effective	02/24/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donald E. Kaliher
Phone: 202 273-8819
Fax: 202 273-9302
Email: donald.kaliher@mail.va.gov

RIN: 2900–AI71

2967. APPEALS REGULATIONS: TITLE FOR MEMBERS OF THE BOARD OF VETERANS APPEALS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 19.2

Completed:

Reason	Date
Final Action	02/10/03 68 FR 6622
Final Action Effective	02/10/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900–AK62

2968. BOARD OF VETERANS' APPEALS: RULES OF PRACTICE—APPEAL WITHDRAWAL

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.204

Completed:

Reason	Date
Final Rule	03/19/03 68 FR 13235
Final Action Effective	04/18/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 2900–AK71

2969. ELIGIBILITY FOR BURIAL OF DEPENDENT ADULT CHILDREN OF ELIGIBLE VETERANS AND ELIGIBILITY FOR BURIAL OF CERTAIN FILIPINO VETERANS

Priority: Other Significant

CFR Citation: 38 CFR 1.620

Completed:

Reason	Date
Final Action	04/01/03 68 FR 15659
Final Action Effective	05/01/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Karen Barber
Phone: 202 273-5183
Fax: 202 273-6697
Email: karen.barber@mail.va.gov

RIN: 2900–AI95

2970. RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF REPRESENTATIVES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 14.626 to 14.635

Completed:

Reason	Date
Final Action	02/24/03 68 FR 8541
Final Action Effective	02/24/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

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

RIN: 2900–AI93

2971. REFERRAL OF INFORMATION REGARDING CRIMINAL VIOLATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 0.800; 38 CFR 0.810; 38 CFR 0.820; 38 CFR 0.830; 38 CFR 0.840; 38 CFR 14.560; 38 CFR 14.563; 38 CFR 17.170

Completed:

Reason	Date
Final Action	04/10/03 68 FR 17549

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael R. Bennett
Phone: 202 565-8678
Fax: 202 565-8113

RIN: 2900–AL31

[FR Doc. 03–8007 Filed 05/16/03; 8:45 am]
BILLING CODE 8320–01–S