



# Federal Register

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**Monday,  
December 11, 2006**

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**Part XVII**

**Department of  
Veterans Affairs**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF VETERANS AFFAIRS (VA)**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Ch. I**

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

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning in the fall 2006. 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:** Kathleen Manwell at (202) 273-5534.

**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 they will have under development or review. This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. VA's Statement of Regulatory Priorities is included in part II.

**Robert C. McFetridge,**  
*Assistant to the Secretary, Regulation Policy and Management (00REG).*

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2895	Beneficiary Travel .....	2900-AM02
2896	Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)—Expansion of Benefit Coverage for Enuretic Devices and Certain Protheses and Delegations of Authority .....	2900-AM22
2897	Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA): Preventive Services .....	2900-AM23
2898	Reasonable Charges Proposed Methodology Change for the Calculation of Inpatient and Outpatient Charges; 2006 Methodology Changes .....	2900-AM35
2899	Care and Services During Certain Disasters and Emergencies .....	2900-AM40
2900	Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)—Qualifying Event Date and Dual Eligibility .....	2900-AM43
2901	Education Provisions of the Veterans Programs Enhancement Act of 1998 .....	2900-AJ68
2902	Survivors' and Dependents' Educational Assistance Program Eligibility Period for Eligible Children and Other Miscellaneous Issues .....	2900-AL44
2903	Burial Benefits .....	2900-AL72
2904	Rules on Apportionments to Dependents; Payments to Fiduciaries and Incarcerated Beneficiaries .....	2900-AL74
2905	Special and Ancillary Benefits for Veterans, Dependents, and Survivors .....	2900-AL84
2906	Special Ratings .....	2900-AL88
2907	Loan Guaranty: Amendments to Hybrid Adjustable Rate Mortgages .....	2900-AL92
2908	Payments to Beneficiaries Who Are Eligible for More Than One Benefit .....	2900-AL95
2909	General Evidence Requirements, Effective Dates, Revision of Decisions, and Protection of Existing Ratings .....	2900-AM01
2910	Improved Pension .....	2900-AM04
2911	Payments and Adjustments to Payments .....	2900-AM06
2912	Service-Connected Disability Compensation .....	2900-AM07
2913	VA Benefits Claims .....	2900-AM16
2914	Notice and Assistance Requirements .....	2900-AM17
2915	Loan Guaranty: Fees and Charges .....	2900-AM33
2916	Claims File for VA Medical Examinations and Opinions .....	2900-AM34
2917	Vocational Rehabilitation and Employment Program—Entitlement and Termination of Entitlement .....	2900-AM41
2918	Claims for Disability Benefits .....	2900-AM46
2919	Vocational Rehabilitation and Employment Program—Redeterminations Regarding Vocational Rehabilitation Benefits and Services .....	2900-AM51
2920	Procedural Due Process .....	2900-AM52
2921	Board of Veterans' Appeals: Remand or Referral to the Agency of Original Jurisdiction .....	2900-AM30
2922	Supplemental Statement of the Case .....	2900-AM49

## VA

## Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2923	Grants to States for Construction and Acquisition of State Home Facilities .....	2900-AJ43
2924	Medication Prescribed by Non-VA Physicians .....	2900-AL68
2925	Informed Consent—Extension of Time Period and Modification of Witness Requirement for Signature Consent .....	2900-AM19
2926	Informed Consent—Designate Health Care Professionals To Obtain Informed Consent .....	2900-AM21
2927	Grants for the Hiring and Retention of Nurses in the State Home Program .....	2900-AM26
2928	Grants to States for Construction or Acquisition of State Home Facilities .....	2900-AM42
2929	Schedule for Rating Disabilities—The Eye .....	2900-AH43
2930	Filipino Veterans' Benefit Improvements .....	2900-AK65
2931	Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants .....	2900-AK80
2932	Veterans Education: Veterans Education and Benefits Expansion Act of 2001 .....	2900-AL28
2933	Schedule for Rating Disabilities; Evaluation of Multiple Scars .....	2900-AL32
2934	Administration of VA Education Benefits—Centralized Certification .....	2900-AL43
2935	Loan Guaranty; Loan Servicing and Claims Procedures Modification .....	2900-AL65
2936	Dependents and Survivors .....	2900-AL94
2937	Transfer of Montgomery GI Bill—Active Duty Entitlement to Dependents .....	2900-AM12
2938	Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees .....	2900-AM13
2939	Vocational Rehabilitation and Employment Program—Initial Evaluations .....	2900-AM25
2940	Accrued Benefits .....	2900-AM28
2941	Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance .....	2900-AM36
2942	Home Schooling and Educational Institution .....	2900-AM37
2943	Department of Veterans Affairs Implementation of OMB Guidance on Nonprocurement Debarment and Suspension .....	2900-AM44
2944	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues .....	2900-AM45
2945	Extension of the Presumptive Period for Compensation for Persian Gulf War Veterans' Undiagnosed Illnesses .....	2900-AM47
2946	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve and Other Miscellaneous Issues .....	2900-AM50
2947	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite .....	2900-AK78
2948	Delegations of Authority; National Cemetery Administration .....	2900-AM18
2949	Accreditation of Service Organization Representatives .....	2900-AM29

## Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2950	Enrollment—Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Enrollment Level Decision .....	2900-AL51
2951	Service Requirements for Veterans .....	2900-AL67
2952	Presumptions of Service Connection for Certain Disabilities and Related Matters .....	2900-AL70
2953	Accrued Benefits, Death Compensation, and Special Rules Applicable Upon Death of a Beneficiary .....	2900-AL71
2954	Benefits for Certain Filipino Veterans and Survivors .....	2900-AL76
2955	Vocational Rehabilitation and Employment Program—Statutory Amendments, U.S. Court of Appeals for Veterans Claims Decisions, Policy Revisions, and Reader-Focused Plain English Regulations .....	2900-AL78
2956	Duties of VA; Rights and Responsibilities of Claimants and Beneficiaries .....	2900-AL82
2957	Elections of Improved Pension; Old Law and Section 306 Pension .....	2900-AL83
2958	General Provisions .....	2900-AL87
2959	Dependency and Indemnify Compensation Benefits .....	2900-AL89
2960	Matters Affecting the Receipt of Benefits .....	2900-AM05

## Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2961	Claims Based on Aggravation of Nonservice-Connected Disability .....	2900-AI42
2962	Definition of Psychosis for Certain VA Purposes .....	2900-AK21

VA

Department of Veterans Affairs—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2963	Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease .....	2900-AL26
2964	New and Material Evidence .....	2900-AM15
2965	Remarriage of a Surviving Spouse .....	2900-AM24
2966	Veterans Benefits Act of 2003 and Veterans Benefits Improvement Act of 2004 .....	2900-AM27
2967	Loan Guaranty: Amendment to Delegation of Authority—Property Management Contractor .....	2900-AM38
2968	Individuals and Groups Considered To Have Performed Active Military, Naval, or Air Service .....	2900-AM39
2969	Notice of Clarification—Forfeiture .....	2900-AM48
2970	Board of Veterans' Appeals: Clarification of a Notice of Disagreement .....	2900-AL97
2971	Board of Veterans' Appeals: Rules of Practice: Public Availability of Board Decisions .....	2900-AM31

Department of Veterans Affairs (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

2895. BENEFICIARY TRAVEL

Priority: Other Significant

Legal Authority: 38 USC 111

CFR Citation: 38 CFR 17.143; 38 CFR 17.144; 38 CFR 17.145; 38 CFR 70 (new)

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to revise its beneficiary travel regulations authorized under 38 U.S.C. 111. These regulations are intended to provide a mechanism for paying travel expenses to help veterans and other persons obtain services from the Veterans Health Administration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Tony Guagliardo, Director of Business Policy, Chief Business Office (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 254-0406

RIN: 2900-AM02

2896. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)—EXPANSION OF BENEFIT COVERAGE FOR ENURETIC DEVICES AND CERTAIN PROSTHESES AND DELEGATIONS OF AUTHORITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-85, sec 702; PL 105-17, sec 640; 38 USC 1781

CFR Citation: 38 CFR 17.270 to 17.278

Legal Deadline: None

Abstract: This document proposes to expand beneficiary coverage for certain prostheses; e.g., noses, ears, and fingers, used in the medically necessary treatment of certain medical conditions and removes from exclusions, enuretic devices, as provided under the CHAMPVA Program. Additionally, this proposed rule would provide clarification of the delegation of authority related to timely claim filing and the claim appeals/review process. Since Public Law 107-135 redesignates CHAMPVA authority in 38 U.S.C. 1713 to 38 U.S.C. 1781, this document would also revise the authority citations for the CHAMPVA regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

varegulations@va.gov

Agency Contact: Richard Trabert, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206-9023  
Phone: 303 331-7549  
Email: richard.trabert@med.va.gov

Kevin Jobes, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206-9023  
Phone: 303 331-7664  
Email: kevin.jobes@med.va.gov

RIN: 2900-AM22

2897. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA): PREVENTIVE SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1781

CFR Citation: 38 CFR 17.272(a)(31); 38 CFR 17.272(a)(41)

Legal Deadline: None

Abstract: This proposed rule would amend VA's medical regulations by removing the exclusion for preventive services. CHAMPVA is proposing these changes to permit coverage of preventive services that are considered medically necessary and appropriate within the medical community and reflect modern medical practice that is supported by current medical literature.

VA

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

varegulations@va.gov

**Agency Contact:** Richard Trabert, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206-9023  
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Kevin Jobs, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206-9023  
Phone: 303 331-7664  
Email: kevin.jobs@med.va.gov

**RIN:** 2900-AM23

### 2898. REASONABLE CHARGES PROPOSED METHODOLOGY CHANGE FOR THE CALCULATION OF INPATIENT AND OUTPATIENT CHARGES; 2006 METHODOLOGY CHANGES

**Priority:** Other Significant**Legal Authority:** 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

**Abstract:** This document proposes to amend the regulations regarding VA's reasonable charges methodologies for the following purposes: To make changes to current modifier and provider discount applied to reasonable charges; streamline the process for charge development so as to create flexibility for the provision of national charges on a quarterly basis; to accommodate the additional language required to describe the development of charges for new Inpatient DRGs and Outpatient CPT/HCPCS codes; and to further clarify the use of our no charge algorithm (NCA).

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Romona D. Greene, Manager, Rates and Charges, Department of Veterans Affairs, 810 Vermont Avenue NW, Department 168, Washington, DC 20420  
Phone: 202 254-0361  
Fax: 202 254-0395  
Email: romona.greene@hq.med.va.gov

**Related RIN:** Related to 2900-AL06**RIN:** 2900-AM35

### 2899. CARE AND SERVICES DURING CERTAIN DISASTERS AND EMERGENCIES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1785**CFR Citation:** None**Legal Deadline:** None

**Abstract:** This document proposes to amend the Department of Veterans Affairs (VA) medical regulations concerning medical services, domiciliary and nursing home care. On November 7, 2002, the President signed into law the Department of Veterans Affairs Emergency Preparedness Act of 2002. Section 1785 authorized the Secretary Department of Veteran's Affairs to provide hospital care and medical services to individuals impacted during and immediately following a disaster or emergency authorized under 38 U.S.C. 1785.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Federalism:** Undetermined**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Roscoe G. Butler, Deputy Director, Business Policy, CBO (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Fax: 202 273-9609

Email: roscoe.butler@va.gov

**RIN:** 2900-AM40

### 2900. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)—QUALIFYING EVENT DATE AND DUAL ELIGIBILITY

**Priority:** Other Significant**Legal Authority:** 38 USC 1713; 38 USC 1781**CFR Citation:** 38 CFR 17.271**Legal Deadline:** None

**Abstract:** This document proposes to amend eligibility criteria by establishing the effective date for CHAMPVA beneficiary eligibility as the date of the qualifying event. Additionally, this proposed rule would establish eligibility criteria for a dual eligible beneficiary. A spouse who is a veteran and entitled to receive medical care through the VA health care system based on his or her own veteran status and is married to another veteran that meets the criteria contained in section 17.271(a)(1)(2) and (3) as a CHAMPVA sponsor is considered a dual eligible beneficiary. This spouse/veteran is entitled to health care under both the CHAMPVA program and the VA health care system. The spouse/veteran may choose either health care system for each new episode of care.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Richard Trabert, Policy and Compliance Division, Department of Veterans Affairs, VA Health Administration Center, P.O. Box 65020, Denver, CO 80206-9023  
Phone: 303 331-7549  
Email: richard.trabert@med.va.gov

**RIN:** 2900-AM43

VA

Proposed Rule Stage

**VETERANS BENEFITS  
ADMINISTRATION****2901. 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	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None**URL For Public Comments:**  
www.regulations.gov**Agency Contact:** Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7294  
Fax: 202 275-2636  
Email: lynn.nelson@vba.va.gov**RIN:** 2900-AJ68**2902. SURVIVORS' AND  
DEPENDENTS' EDUCATIONAL  
ASSISTANCE PROGRAM ELIGIBILITY  
PERIOD FOR ELIGIBLE CHILDREN  
AND OTHER MISCELLANEOUS  
ISSUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2141; 38 USC 101(4)(a); 38 USC 501(a); 38 USC 512; 38 USC 3002(3); 38 USC 3500 to 3566; 38 USC 5113; PL 106-419; PL 107-14; ...**CFR Citation:** 38 CFR 21.3021; 38 CFR 21.3041; 38 CFR 21.4131**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	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**  
www.regulations.gov**Agency Contact:** Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7294  
Fax: 202 275-2636  
Email: lynn.nelson@vba.va.gov**RIN:** 2900-AL44**2903. BURIAL BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(2); 38 USC 501; 38 USC 2301 to 2305; 38 USC 2307 to 2308; 38 USC 5101; 38 USC 5303(c); 38 USC 6103 to 6105**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations relating to monetary burial benefits. These revisions are proposed as part of VA's rewrite and reorganization of all

of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**  
www.regulations.gov**Agency Contact:** William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-9515  
Email: bill.russo@vba.va.gov**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL72**2904. RULES ON APPORTIONMENTS  
TO DEPENDENTS; PAYMENTS TO  
FIDUCIARIES AND INCARCERATED  
BENEFICIARIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5101; 38 USC 5110; 38 USC 5112; 38 USC 5307; 38 USC 5313B**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None**Abstract:** This document proposes to amend the Department of Veterans Affairs (VA) adjudication rules that concern the award and administration of VA benefits to incarcerated veterans, their dependents, and fugitive felons; the award and administration of compensation to certain incompetent veterans; and the apportionment of benefits to dependents. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

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

VA

Proposed Rule Stage

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo,  
Office of Regulation Policy and  
Management, Department of Veterans  
Affairs, 810 Vermont Avenue NW,  
Washington, DC 20420  
Phone: 202 273-9515  
Email: bill.russo@vba.va.gov

**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL74**2905. SPECIAL AND ANCILLARY BENEFITS FOR VETERANS, DEPENDENTS, AND SURVIVORS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501; 10 USC 1448; 10 USC 6160; 38 USC 501(a); 38 USC 1160; 38 USC 1312; 38 USC 1323; 38 USC 1805; 38 USC 1811 to 1816; 38 USC 1821 to 1824; 38 USC 2101; 38 USC 2104; 38 USC 3501; 38 USC 5101; 38 USC 5110 to 5112; 38 USC 5304; PL 425; PL 97-377; ...

**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations that govern the award and administration of special benefits for veterans, dependents, and survivors, including ancillary benefits relating to service connection (e.g., financial assistance in purchasing a vehicle and/or adaptive equipment). These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo,  
Office of Regulation Policy and  
Management, Department of Veterans  
Affairs, 810 Vermont Avenue NW,  
Washington, DC 20420  
Phone: 202 273-9515

Email: bill.russo@vba.va.gov

**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL84**2906. SPECIAL RATINGS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 2108; 38 USC 101(16); 38 USC 105; 38 USC 501(a); 38 USC 1110; 38 USC 1114; 38 USC 1115(i)(E); 38 USC 1702; 38 USC 1712; 38 USC 4331; 38 USC 5110(b); 38 USC 5503; ...

**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposed to amend its regulations relating to special ratings and ratings for health care eligibility only. We propose to reorganize these regulations in a more logical order, add new section and paragraph headings, rewrite certain sections, and divide certain sections into two or more separate new regulations. VA's principal goals in rewriting and reorganizing the current regulations are to provide readers with clearer language and more easily understood regulation requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo,  
Office of Regulation Policy and  
Management, Department of Veterans  
Affairs, 810 Vermont Avenue NW,  
Washington, DC 20420  
Phone: 202 273-9515  
Email: bill.russo@vba.va.gov

**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL88**2907. LOAN GUARANTY: AMENDMENTS TO HYBRID ADJUSTABLE RATE MORTGAGES****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 38 CFR 36.4311(d)**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its loan guaranty regulations concerning hybrid adjustable rate mortgages. Under current regulations, an adjustable rate mortgage may be refinanced to a fixed rate loan bearing a higher interest rate. This rule would (1) provide that, during the initial fixed rate period of a hybrid adjustable rate mortgage, the loan may not be refinanced with a fixed rate loan bearing interest at a higher rate than that initially charged on the hybrid adjustable rate mortgage, except during the last 12 months; and (2) add the one year LIBOR (London Interbank Offered Rate) as an index to which interest rate changes on VA guaranteed adjustable rate mortgages may correspond.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William White,  
Acting Assistant Director for Policy and  
Valuation (262), Department of  
Veterans Affairs, Veterans Benefits  
Administration, 810 Vermont Avenue  
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Email: william.white@vba.va.gov

**RIN:** 2900-AL92**2908. PAYMENTS TO BENEFICIARIES WHO ARE ELIGIBLE FOR MORE THAN ONE BENEFIT****Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 1174; 10 USC 12316; 38 USC 501(a); 38 USC 1501(a); 38 USC 5104; 38 USC 5110; 38 USC 5304; 42 USC 2210 note

**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations relating to the payments to beneficiaries who are eligible for more than one benefit. These revisions are proposed as part of VA's rewrite and reorganization of all

VA

Proposed Rule Stage

of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-9515  
Email: bill.russo@vba.va.gov

**Related RIN:** Related to 2900-AL67

**RIN:** 2900-AL95

### 2909. GENERAL EVIDENCE REQUIREMENTS, EFFECTIVE DATES, REVISION OF DECISIONS, AND PROTECTION OF EXISTING RATINGS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 111; 38 USC 501(a); 38 USC 1110; 38 USC 1117; 38 CFR 1131; 38 CFR 1155; 38 CFR 1159; 38 CFR 5104; 38 CFR 5110; 38 CFR 5112; ...

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs proposes to amend its compensation and pension regulations that apply to general evidence requirements, general effective dates for new awards, revision of decisions, and protection of existing ratings, for purposes of compensation and pension benefits. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension rules in a logical, claimant-focused, and user-friendly format.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-9515  
Email: bill.russo@vba.va.gov

**Related RIN:** 2900-AM01

### 2910. IMPROVED PENSION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501; 38 USC 1502 to 1503; 38 USC 1508; 38 USC 1521 to 1522; 38 USC 1541 to 1542; 38 USC 1718; 38 USC 5303A; 10 USC 1448; 42 USC 300c-22(note); 42 USC 7385; PL 100-456

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs proposes to amend its adjudication regulations that concern improved pension. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**Related RIN:** Related to 2900-AL67

**RIN:** 2900-AM04

### 2911. PAYMENTS AND ADJUSTMENTS TO PAYMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Legal Deadline:** None

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

regulations relating to payment of VA benefits and adjustments to payments. These revisions are proposed as part of VA's reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**Related RIN:** Related to 2900-AL67

**RIN:** 2900-AM06

### 2912. SERVICE-CONNECTED DISABILITY COMPENSATION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 38 CFR 5

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to reorganize and rewrite its regulations concerning VA's service-connected disability compensation program. These revisions are proposed as part of VA's reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**



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www.regulations.gov

**Agency Contact:** William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-9515  
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**Related RIN:** Related to 2900-AL67

**RIN:** 2900-AM07

### 2913. VA BENEFITS CLAIMS

**Priority:** Other Significant

**Legal Authority:** 38 USC 501(a); 38 USC 5101; 38 USC 5102; 38 USC 5103A; 38 USC 5108; 38 USC 5110; 38 USC 7105

**CFR Citation:** 38 CFR 3; 38 CFR 5; 38 CFR 20

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to add regulations concerning claims for VA benefits to its new regulations governing VA compensation, pension, burial, and related benefits. These revisions are proposed as part of VA's rewrite and reorganization of those rules in a logical, claimant-focused, and more user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these claims provisions.

#### Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** William F. Russo, Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**Related RIN:** Related to 2900-AL67

**RIN:** 2900-AM16

### 2914. NOTICE AND ASSISTANCE REQUIREMENTS

**Priority:** Other Significant

**Legal Authority:** 38 USC 501(a); 38 USC 5103; 38 USC 5103A

**CFR Citation:** 38 CFR 3.159

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to revise the regulations governing VA's duty to provide a claimant with notice of the information and evidence necessary to substantiate a claim as required under 38 U.S.C. 5103(a). The purpose of these proposed changes is to clarify when VA's duty to notify a claimant of how to substantiate a claim for benefits arises under 38 U.S.C. 5103(a), the responsibilities of claimants to substantiate a claim, and the effect of various actions of the parties relating to substantiating a claim.

#### Timetable:

Action	Date	FR Cite
NPRM	10/31/06	71 FR 63732
NPRM Comment	01/02/07	
Period End		
Final Action	10/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Maya Ferrandino, Consultant, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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Email: maya.d.ferandino@vba.va.gov

**RIN:** 2900-AM17

### 2915. LOAN GUARANTY: FEES AND CHARGES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501; 38 USC 3701 to 3704; 38 USC 3707; 38 USC 3710 to 3714; 38 USC 3719 to 3720; 38 USC 3729; 38 USC 3762

**CFR Citation:** 38 CFR 36.4312

**Legal Deadline:** None

**Abstract:** This document proposes to amend the Department of Veterans Affairs (VA) loan guaranty regulations regarding allowable fees and charges

that may be paid by a veteran incident to obtaining a VA-guaranteed home loan. VA proposes to eliminate regulatory provisions superseded by statute, update the list of allowable fees and charges to more accurately reflect the realities of the mortgage industry, and revise the text of the 38 CFR 36.4312 to make it more reader-friendly. In addition, VA has determined that it is appropriate to update these provisions to more accurately reflect current program procedures and mortgage industry practices and to simplify the text wherever possible. These proposed changes are intended to make it easier for veterans and other interested parties to understand the requirements of the VA Home Loan Program and to make the program easier for veterans and mortgage lenders to use this program.

#### Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

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**RIN:** 2900-AM33

### 2916. CLAIMS FILE FOR VA MEDICAL EXAMINATIONS AND OPINIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501(a); 38 USC 5130A

**CFR Citation:** 38 CFR 3.159

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations regarding VA medical examinations and opinions pursuant to VA's duty to assist. This proposed rule would clarify that, notwithstanding that a VA medical examination or opinion may be necessary in certain cases, there is no

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commensurate right to have the claims folder reviewed by the VA examiner in every case. This change is required to reflect legal developments and facilitate efficient processing of VA claims. The intended effect of this amendment is to clarify current regulatory provisions and ensure consistency in the administration of VA claims.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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**RIN:** 2900-AM34**2917. • VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—ENTITLEMENT AND TERMINATION OF ENTITLEMENT****Priority:** Other Significant**Legal Authority:** 38 USC 3102; 38 USC 3103; 38 USC 5112; 38 USC 5113 (a)**CFR Citation:** 38 CFR 21.40; 38 CFR 21.48**Legal Deadline:** None

**Abstract:** This document proposes to amend regulations of the Department of Veterans Affairs concerning basic entitlement to vocational rehabilitation benefits and services and also addresses the effect on an individual's entitlement if his or her service-connected disability rating is severed or reduced. These proposed regulations are intended to reflect changes in law, to improve readability, and to make other changes that are nonsubstantive.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

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

**Agency Contact:** Catherine Kruger, Senior Policy Analyst (28), Department of Veterans Affairs, Vocational Rehabilitation & Employment Services, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7344

**RIN:** 2900-AM41**2918. • CLAIMS FOR DISABILITY BENEFITS****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.151**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its adjudication regulation regarding compensation and pension claims. We propose to amend the regulation to clarify that a claim for compensation benefits is separate from a claim for pension benefits. The proposed amendment clarifies existing regulatory provisions and creates a more efficient claims process. The effect of the proposed amendment is to distinguish claims for compensation from claims for pension.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

www.regulations.gov

**Agency Contact:** Maya Ferrandino, Consultant, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AM46**2919. • VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—REDETERMINATIONS REGARDING VOCATIONAL REHABILITATION BENEFITS AND SERVICES****Priority:** Other Significant**Legal Authority:** 38 USC 3102; 38 USC 3106; 38 USC 5112; 38 USC 5113(a)**CFR Citation:** 38 CFR 21.58**Legal Deadline:** None

**Abstract:** This document proposes to amend regulations of the Department of Veterans Affairs (VA) concerning redeterminations of entitlement to vocational rehabilitation benefits and services for individuals with a qualifying service-connected disability. We propose to amend section 21.58 to be consistent with 38 U.S.C. 5112 and 5113(a) by adding the loss of service connection for the qualifying disability, or the reduction of that service-connected disability rating to a level no longer qualifying the individual for vocational rehabilitation as additional reasons for VA to make a redetermination. In addition, these proposed regulations are intended to improve readability and to make other clarifying changes that are nonsubstantive.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

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

**Agency Contact:** Catherine Kruger, Senior Policy Analyst (28), Department of Veterans Affairs, Vocational Rehabilitation & Employment Services, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7344

**RIN:** 2900-AM51**2920. • PROCEDURAL DUE PROCESS****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.103; 38 CFR 3.105**Legal Deadline:** None

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

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adjudication regulations regarding certain procedural due process exceptions. We propose to amend the regulations to provide an additional exception to advance notice provisions when an Employment Questionnaire is not returned and when information regarding return to active service is received. The amendments are intended to clarify current regulatory procedures and to establish a more efficient process for reducing benefits when a veteran returns to active service.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

www.regulations.gov

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Maya Ferrandino, Consultant, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AM52**BOARD OF VETERANS APPEALS****2921. BOARD OF VETERANS' APPEALS: REMAND OR REFERRAL TO THE AGENCY OF ORIGINAL JURISDICTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 19.9**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs proposes to amend its regulations governing appeals to the Board of Veterans' Appeals to clarify when referral of pending claims to the Agency of Original Jurisdiction (AOJ) is appropriate and when remand for the limited purpose of ordering the AOJ to provide the claimant with a Statement of the Case is appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**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-AM30**2922. • SUPPLEMENTAL STATEMENT OF THE CASE****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); 38 USC 7105(d)**CFR Citation:** 38 CFR 19.38; 38 CFR 20.302; 38 CFR 20.303**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its regulations regarding the time limit for filing a response to a Supplemental Statement of the Case. We propose to change the response period from 60

days to 30 days. The purpose of the change is to improve efficiency in the appeals process and reduce the time it takes to resolve an appeal, while still providing an appellant with a reasonable period of time to respond to a Supplemental Statement of the Case.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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**RIN:** 2900-AM49

Department of Veterans Affairs (VA)

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**VETERANS HEALTH ADMINISTRATION****2923. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.216; 38 CFR 17.222**Legal Deadline:** None

**Abstract:** This rule amends the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. This rulemaking requests comments regarding what regulations should be established with respect to the priorities for awarding State home

grants for construction, acquisition, or renovation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/26/01	66 FR 33845
Interim Final Rule Comment Period End	08/27/01	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No

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**Government Levels Affected:** State**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Frank Salvas, Chief, State Home Constructio Grant Program, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8534

**RIN:** 2900-AJ43**2924. MEDICATION PRESCRIBED BY NON-VA PHYSICIANS****Priority:** Other Significant**Legal Authority:** 38 USC 1706; 38 USC 1710; 38 USC 1712(d); 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs is amending its medical regulations that govern the provision of medication to veterans when the medication is prescribed by non-VA physicians. The rule provides that, in limited circumstances, VA may provide medication prescribed by a non-VA physician to veterans enrolled in VA's health-care system prior to July 25, 2003, if the veterans have requested an initial appointment for primary care in a VA health care facility before July 25, 2003, and were unable to obtain an initial appointment for primary care within 30 days. The rule establishes specific requirements that veterans must meet to receive such medication, and it establishes limits on the types and quantities of medication VA may provide. VA's intent is to assist enrolled veterans who have requested primary care appointments but who have not been able to obtain one within 30 days.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/25/03	68 FR 43927
Interim Final Rule Effective	07/25/03	
Interim Final Rule Comment Period End	08/25/03	
Final Action	09/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Tony Guagliardo, Director of Business Policy, Chief Business Office (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 254-0406Virginia Torrise, Deputy Chief Consultant (119), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AL68**2925. INFORMED CONSENT—EXTENSION OF TIME PERIOD AND MODIFICATION OF WITNESS REQUIREMENT FOR SIGNATURE CONSENT****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 7331 to 7334**CFR Citation:** 38 CFR 17.32**Legal Deadline:** None

**Abstract:** This document proposes to amend VA medical regulations on informed consent by making two substantive changes. We propose to extend the period of time during which a signed consent form remains valid from 30 to 60 days and eliminate the requirement that a third party witness the patient or surrogate and practitioner signing the consent form, except in those circumstances where the patient signs with an "X."

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/06	71 FR 12154
NPRM Comment Period End	05/08/06	
Final Action	06/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

varegulations@va.gov

**Agency Contact:** Ruth Cecire Ph.D., Policy Analyst, Department of Veterans Affairs, National Center for Ethics in HC (10E), 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 501-2012  
Fax: 202 501-2238

Email: ruth.cecire@va.gov

**Related RIN:** Related to 2900-AM21**RIN:** 2900-AM19**2926. INFORMED CONSENT—DESIGNATE HEALTH CARE PROFESSIONALS TO OBTAIN INFORMED CONSENT****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 7331 to 7334**CFR Citation:** 38 CFR 17.32**Legal Deadline:** None

**Abstract:** This document would amend VA medical regulations on informed consent. The proposed rule authorizes VA to designate additional categories of appropriately trained health care professionals to obtain informed consent and sign the consent form.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/06	71 FR 5204
NPRM Comment Period End	04/03/06	
Final Action	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

varegulations@va.gov

**Agency Contact:** Ruth Cecire Ph.D., Policy Analyst, Department of Veterans Affairs, National Center for Ethics in HC (10E), 810 Vermont Avenue NW, Washington, DC 20420

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**Related RIN:** Related to 2900-AM19**RIN:** 2900-AM21**2927. GRANTS FOR THE HIRING AND RETENTION OF NURSES IN THE STATE HOME PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101; 38 USC 501; 38 USC 1744**CFR Citation:** 38 CFR 53**Legal Deadline:** None

**Abstract:** This document establishes a new part to set forth the mechanism for a State to obtain payments from VA to assist a State home in the hiring and

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retention of nurses for the purpose of reducing nursing shortages at that home. This implements provisions of the Veterans Health Programs Improvement Act of 2004.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Dr. Christa Hojlo, Acting Chief, State Home Per Diem Grant Program, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue, NW, Washington, DC 20420  
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**RIN:** 2900-AM26

**2928. • GRANTS TO STATES FOR CONSTRUCTION OR ACQUISITION OF STATE HOME FACILITIES**

**Priority:** Other Significant

**Legal Authority:** 38 USC 101; 38 USC 501; 38 USC 1710; 38 USC 1742; 38 USC 8105; 38 USC 8131 to 8137

**CFR Citation:** 38 CFR 59.50

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is amending its regulations regarding grants to States for construction or acquisition of State homes to ensure that projects designed to remedy conditions at existing State homes that have been cited as threatening to the lives or safety of residents receive the highest priority for receiving VA grants in the future.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/11/06	71 FR 46103
Interim Final Rule Comment Period End	10/10/06	
Final Action	01/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Frank Salvas, Chief, State Home Constructio Grant Program, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8534

**RIN:** 2900-AM42

**VETERANS BENEFITS ADMINISTRATION**

**2929. 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	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Dr. Vicki Milton, Medical Officer, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

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**RIN:** 2900-AH43

**2930. 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 three Public Laws. First, Public Law 106-377, the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2001, changed the rate of compensation payments to certain veterans of the Philippine Commonwealth Army and recognized guerrilla forces, who reside in the U.S. Second, Public Law 106-419, Veterans Benefits and Health Care Improvement Act of 2000, changed the amount of monetary burial benefits that VA will pay to survivors of certain veterans of the Philippine Commonwealth Army and recognized guerrilla forces who

lawfully reside in the United States at death.

Additionally, this document implements Public Law 108-183, the Veterans Benefits Act of 2003, and solicits public comments on this regulatory amendment only. This public law added service in the Philippine Scouts as qualifying service for payment of compensation, dependency and indemnity compensation (DIC) and monetary burial benefits at the full-dollar rate, and provided for payment of DIC at the full-dollar rate to survivors of certain veterans of the Philippine Commonwealth Army and recognized guerrilla forces who lawfully reside in the U.S. This document adopts the interim final rules published in the Federal Register on December 27, 2001, at 66 FR 66763 and February 16, 2006, at 71 FR 8215.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/27/01	66 FR 66763
Interim Final Rule Effective	12/27/01	
Interim Final Rule Comment Period End	02/25/02	
Final Rule	02/16/06	71 FR 8215
Final Rule Effective	02/16/06	
Second Interim Final Rule	02/16/06	71 FR 8215

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Action	Date	FR Cite
Second Interim Final Rule Comment Period End	03/20/06	
Final Action	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Maya Ferrandino, Consultant, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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Related RIN: Related to 2900-AL76

RIN: 2900-AK65

### 2931. VETERANS AND DEPENDENTS EDUCATION: TOPPING-UP TUITION ASSISTANCE; LICENSING AND CERTIFICATION TESTS; DUTY TO ASSIST EDUCATION CLAIMANTS

Priority: Other Significant

**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	FR Cite
NPRM	02/22/06	71 FR 9195
NPRM Comment Period End	04/24/06	71 FR 9196
Final Action	09/00/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AK80

### 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	FR Cite
Final Action	09/00/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AL28

### 2933. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.118

Legal Deadline: None

**Abstract:** The Department of Veterans Affairs is amending its Schedule for Rating Disabilities; Multiple Scars. The current rating schedule provides an evaluation level of 10 percent under Diagnostic Code 7803 for multiple superficial unstable scars and an evaluation level of 10 percent under Diagnostic Code 7804 for multiple superficial painful scars. The current rating schedule provides no guidance on whether each painful or each unstable scar no matter how small or close together should be separately evaluated. The current rating schedule is silent as to whether one scar can be rated more than once under diagnostic codes 7802, 7803, and/or 7804. This regulatory amendment replaces the concept of "widely separated areas" by defining and using the concept of

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“separate anatomical location.” This regulatory amendment instructs adjudicators in the following: How to evaluate scars which traverse separate anatomical locations; how to evaluate multiple scars in a separate anatomical locations; how to evaluate scars which satisfy evaluation criteria for two or more of the following diagnostic codes: 7802, 7803, and 7804; and how to evaluate multiple scars of the head, face, and neck where there is also disfigurement in this area. Each diagnostic code has been retitled; within Diagnostic Code 7800, we have included all aspects of scars and/or disfigurement of the head, face, and neck; therefore, the titles to the remaining scar codes now include the words “Scars, other than those of the head, face, and neck region.”

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/02	67 FR 65915
NPRM Comment Period End	12/30/02	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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**RIN:** 2900-AL32**2934. ADMINISTRATION OF VA EDUCATION BENEFITS—CENTRALIZED CERTIFICATION****Priority:** Other Significant**Legal Authority:** 38 USC 3672; 38 USC 3675; 38 USC 3676**CFR Citation:** 38 CFR 21.4266**Legal Deadline:** None

**Abstract:** This document withdraws a proposed rule published in the Federal Register on June 30, 2003, at 68 FR 38657, 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. Based

on the public comments received, we have determined that a revised proposed rule is necessary to develop a better proposed regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/03	68 FR 38657
NPRM Comment Period End	09/29/03	
NPRM Withdrawn	02/22/06	71 FR 9052
Second NPRM	02/22/06	71 FR 9052
Second NPRM Comment Period End	04/22/06	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AL43**2935. LOAN GUARANTY; LOAN SERVICING AND CLAIMS PROCEDURES MODIFICATION****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 3720; 38 USC 3732; 38 USC 3736**CFR Citation:** 38 CFR 36.4301; 38 CFR 36.4306a; 38 CFR 36.4311; 38 CFR 36.4313 to 4321; 38 CFR 36.4324 to 4325; 38 CFR 36.4330; 38 CFR 36.4344a; 38 CFR 36.4346**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs is amending its loan guaranty regulations pertaining to the servicing and liquidation of guaranteed housing loans in default and submitting of guaranty claims by loan holders. These proposed changes regarding loan servicing and claims procedures reflect changes in the servicing of VA loans and are necessary to implement new servicing and claims procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	02/18/05	70 FR 8472

Action	Date	FR Cite
NPRM Comment Period End	04/19/05	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Mike Frueh, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420  
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**RIN:** 2900-AL65**2936. DEPENDENTS AND SURVIVORS****Priority:** Other Significant**Legal Authority:** 38 USC 101(3); 38 USC 101(31); 38 USC 103(c); 38 USC 5110(f); 38 USC 5112; PL 91-376; PL 93-527; PL 101-508; PL 102-86**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs is amending its compensation and pension regulations relating to dependents of veterans. These revisions are part of VA's rewrite and reorganization of all of its compensation and pension rules in a logical, claimant-focused, and user-friendly format.

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/06	71 FR 55051
NPRM Comment Period End	11/20/06	
Final Action	10/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

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**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL94**2937. TRANSFER OF MONTGOMERY GI BILL—ACTIVE DUTY ENTITLEMENT TO DEPENDENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3020; 38 USC 3015(d)(1)**CFR Citation:** 38 CFR 21.7020; 38 CFR 21.7050; 38 CFR 21.7080; 38 CFR 21.7131; 38 CFR 21.7135; 38 CFR 21.7136; 38 CFR 21.7137; 38 CFR 21.7139**Legal Deadline:** None

**Abstract:** This rule amends Department of Veterans Affairs' (VA) education regulations to include rules for use of transferred Montgomery GI Bill-Active Duty (MGIB) entitlement. Provisions in the National Defense Authorization Act for Fiscal Year 2002 permit the Department of Defense to offer individuals in the Armed Forces, who have critical military skills, the option to transfer up to 18 months of their MGIB entitlement to their dependents. The rule includes a provision in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 that clarifies the rate of payment of educational assistance for dependents to whom entitlement is transferred. In addition, the rule amends regulations to reflect an increase in the maximum amount for the college fund program that was provided in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

**Agency Contact:** Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AM12**2938. PHASE-IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES****Priority:** Other Significant**Legal Authority:** 10 USC 1414; 38 USC 501(a); 38 USC 5304 (a); 38 USC 5305**CFR Citation:** 38 CFR 3.750**Legal Deadline:** None

**Abstract:** VA proposes to update its adjudication regulations to implement the National Defense Authorization Act for Fiscal Year 2004 by including provisions for concurrent receipt of military retired pay and VA disability compensation for eligible veterans. The changes are intended to update 38 CFR part 3.750 so that it is consistent with the new law passed by Congress.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/05	70 FR 39213
NPRM Comment Period End	09/06/05	
Final Action	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

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**RIN:** 2900-AM13**2939. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—INITIAL EVALUATIONS****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); 38 USC 3101, 3102, 3103, 3106, 3111; 38 USC 101, 501, 512, ; 38 USC 1151 note, 1802, 1804-805, 1811, 1811 note, 1812, 1814, 1816, 1821 to 1824, 5112**CFR Citation:** 38 CFR 21.50; 38 CFR 21.51; 38 CFR 21.52; 38 CFR 21.8032**Legal Deadline:** None

**Abstract:** This document proposes to amend regulations of the Department of Veterans Affairs (VA) concerning initial

evaluations of individuals who apply for vocational rehabilitation and employment benefits. These proposed regulations are intended to reflect changes in law, to improve readability, and to make other nonsubstantive changes.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/06	71 FR 50872
NPRM Comment Period End	10/27/06	
Final Action	04/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulation.gov

**Agency Contact:** Catherine Kruger, Senior Policy Analyst (28), Department of Veterans Affairs, Vocational Rehabilitation & Employment Services, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7344

**RIN:** 2900-AM25**2940. ACCRUED BENEFITS****Priority:** Other Significant**Legal Authority:** 38 USC 5121**CFR Citation:** 38 CFR 3.1000**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is amending its adjudication regulation regarding accrued benefits. The amendments would make regulatory provisions consistent with statutory changes and would clarify existing regulatory provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/06	71 FR 37027
NPRM Comment Period End	08/28/06	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

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**RIN:** 2900-AM28

#### 2941. TRAUMATIC INJURY PROTECTION RIDER TO SERVICEMEMBERS' GROUP LIFE INSURANCE

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 38 USC 501; 38 USC 1965 to 1980A; PL 109-13

**CFR Citation:** 38 CFR 9.20

**Legal Deadline:** Final, Statutory, December 1, 2005, PL 109-13, sec 1032(d).

Section 1032 of Public Law 109-13 expanded the Servicemembers' Group Life Insurance (SGLI) program to provide for the payment of traumatic injury (TSGLI) benefits to insured members who suffer a loss as a result of traumatic injury. The law stipulates however that a schedule of injuries and benefits must be issued prior to the statutory effective date for the program to begin paying TSGLI benefits. This action amends 38 CFR by adding a new section, section 9.20, "Traumatic Injury Protection.

**Abstract:** The Department of Veterans Affairs (VA) is issuing this final rule to implement the provisions of section 1032 of the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Pub. L. 109-13). Section 1032 of Public Law 109-13 establishes an automatic traumatic injury protection rider provision to Servicemembers' Group Life Insurance (SGLI), effective December 1, 2005, providing automatic insurance for any SGLI insured who sustains a serious traumatic injury as prescribed by the Secretary of Veterans Affairs in collaboration with the Secretary of Defense that results in certain losses prescribed by the Secretary of Veterans Affairs in collaboration with Secretary of Defense. This rule specifies the losses for which the traumatic injury benefit (TSGLI) will be paid and the amount of the TSGLI benefit payable for each loss. Section 1032(c)(1) also provides for the payment of TSGLI benefits to service members who experienced a traumatic injury between

October 7, 2001, and the effective date of section 1032 of Public Law 109-13; i.e., December 1, 2005, if the loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	12/22/05	70 FR 75940
Interim Final Rule Effective	12/20/05	
Interim Final Rule Comment Period End	01/23/06	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

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**RIN:** 2900-AM36

#### 2942. HOME SCHOOLING AND EDUCATIONAL INSTITUTION

**Priority:** Other Significant

**Legal Authority:** 38 USC 101; 38 USC 104

**CFR Citation:** 38 CFR 3.57

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is amending its adjudication regulation regarding the definition of a child for purposes of establishing entitlement to additional monetary benefits for a dependent. VA will define educational institutions to include home-school programs that meet the legal requirements of the jurisdiction in which they are located.

#### Timetable:

Action	Date	FR Cite
NPRM	07/13/06	71 FR 39616
NPRM Comment Period End	09/11/06	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Maya Ferrandino, Consultant, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AM37

#### 2943. DEPARTMENT OF VETERANS AFFAIRS IMPLEMENTATION OF OMB GUIDANCE ON NONPROCUREMENT DEBARMENT AND SUSPENSION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501

**CFR Citation:** 2 CFR 801; 38 CFR 44

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is issuing a part 801 on nonprocurement debarment and suspension in 2 CFR as one of a set of related actions by the Office of Management and Budget (OMB) and Federal agencies. This part is the Department of Veterans Affairs implementation of the Office of Management and Budget (OMB) guidance on nonprocurement and suspension. The Department of Veterans Affairs is removing 38 CFR part 44, the part containing VA's implementation of the Governmentwide common rule on nonprocurement debarment and suspension. The new part in 2 CFR will serve the same purpose as the common rule in a simpler way. This regulatory action is an administrative simplification that is not making any substantive changes to VA's policy or procedures for nonprocurement debarment and suspension.

#### Timetable:

Action	Date	FR Cite
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

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**URL For Public Comments:**

VA

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www.regulations.gov

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**RIN:** 2900-AM44

**2944. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND OTHER MISCELLANEOUS ISSUES**

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

**Legal Authority:** 38 USC 3015(h); 38 USC 3687; PL 108-454

**CFR Citation:** 38 CFR 21.4138 ; 38 CFR 21.7076; 38 CFR 21.7136; 38 CFR 21.7137; 38 CFR 21.7140

**Legal Deadline:** None

**Abstract:** To amend VA regulations to include statutory increases in the basic monthly rates payable to veterans and servicepersons under the Montgomery GI Bill—Active Duty Educational Assistance Program, to include the formula provided in the Veterans Benefits Improvement Act of 2004 for calculating entitlement charge for certain on-job programs after September 2005, and to change the delegation of authority for the continuation of benefits during periods in which school(s) is/are closed due to emergency situations.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2900-AM45

**2945. • EXTENSION OF THE PRESUMPTIVE PERIOD FOR COMPENSATION FOR PERSIAN GULF WAR VETERANS' UNDIAGNOSED ILLNESSES**

**Priority:** Other Significant

**Legal Authority:** 38 USC 118; 38 USC 117

**CFR Citation:** 38 CFR 3.317

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is issuing this final rule to amend its adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by veterans who served in the Persian Gulf War. This amendment is necessary to extend the presumptive period for qualifying chronic disabilities resulting from undiagnosed illnesses which must become manifest to a compensable degree in order that entitlement for compensation be established.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2900-AM47

**2946. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE AND OTHER MISCELLANEOUS ISSUES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 16131

**CFR Citation:** 38 CFR 21.7636; 38 CFR 21.7640

**Legal Deadline:** None

**Abstract:** The document amends Department of Veterans Affairs (VA) regulations to show the following: An increase in the monthly rates of basic educational assistance payable under the Montgomery GI Bill-Selected Reserve (MGIB-SR) program for fiscal years 2005 and 2006 in accordance with statutory requirements; an increase in the percentage payable to reservists pursuing apprenticeship or other on-the-job training in accordance with the Veterans Benefits Act of 2004; and changes to education break pay regulations that remove obsolete provisions.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**URL For Public Comments:** www.regulations.gov

**Agency Contact:** Brandye R. Kidd, Management and Program Analyst, Department of Veterans Affairs, (225C), 810 Vermont Avenue NW, Washington, DC 20420  
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**RIN:** 2900-AM50

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**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****2947. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE****Priority:** Other Significant**Legal Authority:** 38 USC 501; 40 USC 121(c); 38 USC 8153**CFR Citation:** 48 CFR 8**Legal Deadline:** None**Abstract:** This rulemaking action amends 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 updates material to correspond to the requirements of the Federal Acquisition Regulation (FAR) and provides agency procedures for compliance with FAR requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/06	71 FR 2342
NPRM Comment Period End	03/14/06	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov**Agency Contact:** Barbara Latvanas, Procurement Analyst, Office of Acquisition & Materiel Management (049A5A), Department of Veterans Affairs, 810 Vermont Ave, NW, Washington, DC 20420  
Phone: 202 273-7808**RIN:** 2900-AK78**NATIONAL CEMETERY SYSTEM****2948. DELEGATIONS OF AUTHORITY; NATIONAL CEMETERY ADMINISTRATION****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 38 USC 512; 38 USC 2404**CFR Citation:** 38 CFR 2.6**Legal Deadline:** None**Abstract:** This document amends the Department of Veterans Affairs (VA) Secretary's delegations of authority to certain officials. The amendment updates the regulation governing

certain delegations of authority exercised by the Under Secretary for Memorial Affairs. This minor technical amendment provides delegation of authority from the Secretary of VA to the Under Secretary for Memorial Affairs to accept all monetary and/or non-monetary gifts and donations, made in any manner, which are for the purpose of beautifying or benefiting national cemeteries. The authority to accept offers of land will remain with the Secretary of Veterans Affairs.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov**Agency Contact:** Karen Barber, Program Analyst (41C3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-5183  
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Email: karen.barber@mail.va.gov**RIN:** 2900-AM18**OFFICE OF THE GENERAL COUNSEL****2949. ACCREDITATION OF SERVICE ORGANIZATION REPRESENTATIVES****Priority:** Other Significant**Legal Authority:** 5 USC 301; 28 USC 2671 to 2680; 38 USC 501(a), 512; 38 USC 515, 5502; 38 USC 5902 to 5905; 28 CFR 14; 28 CFR 14, appendix**CFR Citation:** 38 CFR 14.629, 14.633**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) is amending its regulations governing accreditation of service organization representatives of claimants for veterans' benefits. These changes will require that recognized organizations periodically recertify the qualifications of accredited representatives, and require that VA is

notified when a recognized organization requests cancellation of a representative's accreditation based upon misconduct or lack of competence, or if a representative resigns to avoid cancellation of accreditation for misconduct or lack of competence. These changes will also require that accredited claims agents periodically reestablish their good character and reputation and qualifications to assist claimants for VA benefits. We will also clarify that the authority to cancel accreditation includes the authority to suspend accreditation for a period of time. The purpose of these changes is to ensure that claimants for veterans' benefits have responsible, qualified representation in the preparation, presentation, and prosecution of claims.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/05	70 FR 76221
NPRM Comment Period End	02/21/06	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov**Agency Contact:** Michael G. Daugherty, Staff Attorney, Office of General Counsel (022G2), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, DC 20420  
Phone: 202 273-5577**RIN:** 2900-AM29

## Department of Veterans Affairs (VA)

## Long-Term Actions

**VETERANS HEALTH  
ADMINISTRATION****2950. 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.

**CFR Citation:** 38 CFR 17.36

**Timetable:**

Action	Date	FR Cite
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	To Be Determined	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patti Barnett  
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**RIN:** 2900-AL51

**VETERANS BENEFITS  
ADMINISTRATION****2951. SERVICE REQUIREMENTS FOR  
VETERANS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4820
NPRM Comment Period End	03/30/04	
Final Action	10/00/08	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2900-AL67

**2952. PRESUMPTIONS OF SERVICE  
CONNECTION FOR CERTAIN  
DISABILITIES AND RELATED  
MATTERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/04	69 FR 44614
NPRM Comment Period End	09/27/04	
Final Action	10/00/08	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2900-AL70

**2953. ACCRUED BENEFITS, DEATH  
COMPENSATION, AND SPECIAL  
RULES APPLICABLE UPON DEATH  
OF A BENEFICIARY**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/04	69 FR 59072
NPRM Comment Period End	11/30/04	
Final Action	10/00/08	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Related to 2900-AL67

**RIN:** 2900-AL71

**2954. BENEFITS FOR CERTAIN  
FILIPINO VETERANS AND  
SURVIVORS**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3; 38 CFR 5; ...

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/06	71 FR 37789
NPRM Comment Period End	08/29/06	71 FR 37790
Final Action	10/00/08	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William F. Russo  
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**Related RIN:** Related to 2900-AL67

**RIN:** 2900-AL76

**2955. VOCATIONAL REHABILITATION  
AND EMPLOYMENT PROGRAM—  
STATUTORY AMENDMENTS, U.S.  
COURT OF APPEALS FOR VETERANS  
CLAIMS DECISIONS, POLICY  
REVISIONS, AND READER-FOCUSED  
PLAIN ENGLISH REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 21, subpart A

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Catherine Kruger  
Phone: 202 273-7344

**RIN:** 2900-AL78

**2956. DUTIES OF VA; RIGHTS AND  
RESPONSIBILITIES OF CLAIMANTS  
AND BENEFICIARIES**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/05	70 FR 24680
NPRM Comment Period End	07/11/05	
Final Action	10/00/08	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## VA

## Long-Term Actions

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**Related RIN:** Related to 2900-AL67  
**RIN:** 2900-AL82

### 2957. ELECTIONS OF IMPROVED PENSION; OLD LAW AND SECTION 306 PENSION

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/04	69 FR 77588
NPRM Comment Period End	02/25/05	
Final Action	10/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William F. Russo  
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**Related RIN:** Related to 2900-AL67  
**RIN:** 2900-AL83

### 2958. GENERAL PROVISIONS

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3; 38 CFR 5

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/06	71 FR 16464
NPRM Comment Period End	05/30/06	
Final Action	10/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William F. Russo  
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**Related RIN:** Related to 2900-AL67  
**RIN:** 2900-AL87

### 2959. DEPENDENCY AND INDEMNIFY COMPENSATION BENEFITS

**Priority:** Other Significant

**CFR Citation:** 38 CFR 5

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/05	70 FR 61325
NPRM Comment Period End	12/20/05	
Final Action	10/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William F. Russo  
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**Related RIN:** Related to 2900-AL67  
**RIN:** 2900-AL89

### 2960. MATTERS AFFECTING THE RECEIPT OF BENEFITS

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3; 38 CFR 5; 38 CFR 6.22; 38 CFR 8.34

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/06	71 FR 31055
NPRM Comment Period End	07/31/06	
Final Action	10/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William F. Russo  
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**Related RIN:** Related to 2900-AL67  
**RIN:** 2900-AM05

## Department of Veterans Affairs (VA)

## Completed Actions

### 2961. CLAIMS BASED ON AGGRAVATION OF NONSERVICE-CONNECTED DISABILITY

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3.310

**Completed:**

Reason	Date	FR Cite
Final Action	09/07/06	71 FR 52744
Final Action Effective	10/10/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2900-AI42

### 2962. DEFINITION OF PSYCHOSIS FOR CERTAIN VA PURPOSES

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3.384

**Completed:**

Reason	Date	FR Cite
Final Action	07/28/06	71 FR 42758
Final Action Effective	08/28/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2900-AK21

### 2963. SCHEDULE FOR RATING DISABILITIES; GUIDELINES FOR APPLICATION OF EVALUATION CRITERIA FOR CERTAIN RESPIRATORY AND CARDIOVASCULAR CONDITIONS; EVALUATION OF HYPERTENSION WITH HEART DISEASE

**Priority:** Other Significant

**CFR Citation:** 38 CFR 4.104

**Completed:**

Reason	Date	FR Cite
Final Action	09/06/06	71 FR 52457
Final Action Effective	10/06/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Maya Ferrandino

## VA

## Completed Actions

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RIN: 2900-AL26

**2964. NEW AND MATERIAL EVIDENCE**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3.156; 38 CFR 3.400

**Completed:**

Reason	Date	FR Cite
Final Action	09/06/06	71 FR 52455
Final Action Effective	10/06/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Maya Ferrandino  
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RIN: 2900-AM15

**2965. REMARRIAGE OF A SURVIVING SPOUSE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 3.55

**Completed:**

Reason	Date	FR Cite
Final Action	05/19/06	71 FR 29082
Final Action Effective	05/19/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2900-AM24

**2966. VETERANS BENEFITS ACT OF 2003 AND VETERANS BENEFITS IMPROVEMENT ACT OF 2004**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 3.10; 38 CFR 3.152 and 153; 38 CFR 272; 38 CFR 3.309; 38 CFR 3.400; 38 CFR 3.362; 38 CFR 3.714 and 715; 38 CFR 3.800; 38 CFR 3.808 and 809; 38 CFR 3.903; 38 CFR 3.1600; ...

**Completed:**

Reason	Date	FR Cite
Final Action	08/08/06	71 FR 44915
Final Action Effective	08/08/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Maya Ferrandino  
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RIN: 2900-AM27

**2967. LOAN GUARANTY: AMENDMENT TO DELEGATION OF AUTHORITY—PROPERTY MANAGEMENT CONTRACTOR**

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

**CFR Citation:** 38 CFR 36.4342(f)(2)

**Completed:**

Reason	Date	FR Cite
Final Action	05/30/06	71 FR 30617
Final Action Effective	05/30/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William W. Lutes  
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RIN: 2900-AM38

**2968. INDIVIDUALS AND GROUPS CONSIDERED TO HAVE PERFORMED ACTIVE MILITARY, NAVAL, OR AIR SERVICE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 3.7

**Completed:**

Reason	Date	FR Cite
Final Action	05/19/06	71 FR 29080
Final Action Effective	05/19/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2900-AM39

**2969. • NOTICE OF CLARIFICATION—FORFEITURE**

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

**Legal Authority:** 5 USC 801(a)

**CFR Citation:** 38 CFR 3.669; 38 CFR 3.30

**Legal Deadline:** None

**Abstract:** In review of the Department of Veterans Affairs' (VA) adjudication regulations, an inconsistency was noticed. This document makes clarifying changes to correct the inconsistencies.

**Timetable:**

Action	Date	FR Cite
Final Action	09/05/06	71 FR 52290
Final Action Effective	09/05/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

capstee@vba.va.gov

**URL For Public Comments:**

www.regulations.gov

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RIN: 2900-AM48

**2970. BOARD OF VETERANS' APPEALS: CLARIFICATION OF A NOTICE OF DISAGREEMENT**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 19.26; 38 CFR 19.29

**Completed:**

Reason	Date	FR Cite
Final Action	09/25/06	71 FR 56868
Final Action Effective	10/30/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Steven L. Keller  
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RIN: 2900-AL97

VA

Completed Actions

**2971. BOARD OF VETERANS'  
APPEALS: RULES OF PRACTICE:  
PUBLIC AVAILABILITY OF BOARD  
DECISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 20.1301(b)**Completed:**

<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	04/10/06	71 FR 18008
Final Action Effective	04/10/06	

Phone: 202 565-5978

**RIN:** 2900-AM31

[FR Doc. 06-7555 Filed 12-08-06; 8:45 am]

**BILLING CODE 8320-01-S****Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller