



# Federal Register

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**Monday,  
April 30, 2007**

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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 spring

2007. 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:** Janet Coleman at (202) 273-9145.

**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.

**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
2595	Beneficiary Travel .....	2900-AM02
2596	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
2597	Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA): Preventive Services .....	2900-AM23
2598	Care and Services During Certain Disasters and Emergencies .....	2900-AM40
2599	Enrollment and Copayments .....	2900-AM58
2600	Education Provisions of the Veterans Programs Enhancement Act of 1998 .....	2900-AJ68
2601	Survivors’ and Dependents’ Educational Assistance Program Eligibility Period for Eligible Children and Other Miscellaneous Issues .....	2900-AL44
2602	Burial Benefits .....	2900-AL72
2603	Apportionments to Dependents and Payments to Fiduciaries and Incarcerated Beneficiaries .....	2900-AL74
2604	Special and Ancillary Benefits for Veterans, Dependents, and Survivors .....	2900-AL84
2605	Special Ratings .....	2900-AL88
2606	Payments to Beneficiaries Who Are Eligible for More Than One Benefit .....	2900-AL95
2607	General Evidence Requirements, Effective Dates, Revision of Decisions, and Protection of Existing Ratings .....	2900-AM01
2608	Improved Pension .....	2900-AM04
2609	Payments and Adjustments to Payments .....	2900-AM06
2610	Service-Connected Disability Compensation .....	2900-AM07
2611	VA Benefit Claims .....	2900-AM16
2612	Claims File for VA Medical Examinations and Opinions .....	2900-AM34
2613	Vocational Rehabilitation and Employment Program—Duty to Assist .....	2900-AM54
2614	Schedule for Rating Disabilities; Evaluation of Multiple Scars .....	2900-AM55
2615	Vocational Rehabilitation and Employment Program—Effective Date of Induction Into a Rehabilitation Program .....	2900-AM56
2616	Schedule for Rating Disabilities; The Digestive System .....	2900-AM57
2617	Supplemental Statement of the Case .....	2900-AM49
2618	Accreditation of Agents and Attorneys; Agent and Attorney Fees .....	2900-AM62

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2619	Grants to States for Construction and Acquisition of State Home Facilities .....	2900-AJ43
2620	Medication Prescribed by Non-VA Physicians .....	2900-AL68
2621	Grants for the Hiring and Retention of Nurses in the State Home Program .....	2900-AM26
2622	Reasonable Charges for Medical Care or Services .....	2900-AM35
2623	Elimination of Copayment for Weight Management Counseling .....	2900-AM59
2624	Disclosure of Information to Procurement Organizations .....	2900-AM65
2625	Schedule for Rating Disabilities—The Eye .....	2900-AH43
2626	Veterans Education: Incorporation of Miscellaneous Statutory Provisions .....	2900-AL28

VA

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

Sequence Number	Title	Regulation Identifier Number
2627	Administration of VA Education Benefits—Centralized Certification .....	2900-AL43
2628	Loan Guaranty; Loan Servicing and Claims Procedures Modification .....	2900-AL65
2629	Notice and Assistance Requirements .....	2900-AM17
2630	Department of Veterans Affairs Implementation of OMB Guidance on Nonprocurement Debarment and Suspension .....	2900-AM44
2631	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues .....	2900-AM45
2632	Extension of the Presumptive Period for Compensation for Gulf War Veterans .....	2900-AM47
2633	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve and Other Miscellaneous Issues .....	2900-AM50
2634	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite .....	2900-AK78
2635	Headstone and Marker Application Process .....	2900-AM53
2636	Accreditation of Service Organization Representatives .....	2900-AM29
2637	Data Breaches .....	2900-AM63
2638	Transfer of Functions—Delegation of Authority .....	2900-AM61

## Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2639	Enrollment—Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Enrollment Level Decision .....	2900-AL51
2640	Service Requirements for Veterans .....	2900-AL67
2641	Presumptions of Service Connection for Certain Disabilities and Related Matters .....	2900-AL70
2642	Accrued Benefits, Death Compensation, and Special Rules Applicable Upon Death of a Beneficiary .....	2900-AL71
2643	Benefits for Certain Filipino Veterans and Survivors .....	2900-AL76
2644	Duties of VA; Rights and Responsibilities of Claimants and Beneficiaries .....	2900-AL82
2645	Elections of Improved Pension; Old-Law and Section 306 Pension .....	2900-AL83
2646	General Provisions .....	2900-AL87
2647	Dependency and Indemnity Compensation Benefits .....	2900-AL89
2648	Dependents and Survivors .....	2900-AL94
2649	Matters Affecting the Receipt of Benefits .....	2900-AM05

## Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2650	Informed Consent—Extension of Time Period and Modification of Witness Requirement for Signature Consent .....	2900-AM19
2651	Informed Consent—Designate Health Care Professionals To Obtain Informed Consent .....	2900-AM21
2652	Grants to States for Construction or Acquisition of State Home Facilities .....	2900-AM42
2653	Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)—Qualifying Event Date and Dual Eligibility .....	2900-AM43
2654	Filipino Veterans' Benefit Improvements .....	2900-AK65
2655	Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants .....	2900-AK80
2656	Schedule for Rating Disabilities; Evaluation of Multiple Scars .....	2900-AL32
2657	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
2658	Loan Guaranty: Amendments to Hybrid Adjustable Rate Mortgages .....	2900-AL92
2659	Transfer of Montgomery GI Bill—Active Duty Entitlement to Dependents .....	2900-AM12
2660	Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees .....	2900-AM13
2661	Vocational Rehabilitation and Employment Program—Initial Evaluations .....	2900-AM25
2662	Accrued Benefits .....	2900-AM28
2663	Loan Guaranty: Fees and Charges .....	2900-AM33
2664	Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance .....	2900-AM36
2665	Home Schooling and Educational Institution .....	2900-AM37

VA

Department of Veterans Affairs—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2666	Vocational Rehabilitation and Employment Program—Entitlement and Termination of Entitlement .....	2900-AM41
2667	Claims for Disability Benefits .....	2900-AM46
2668	Vocational Rehabilitation and Employment Program—Redeterminations Regarding Vocational Rehabilitation Benefits and Services .....	2900-AM51
2669	Procedural Due Process .....	2900-AM52
2670	Schedule for Rating Disabilities; Appendices A, B, and C .....	2900-AM60
2671	Board of Veterans' Appeals: Remand or Referral to the Agency of Original Jurisdiction .....	2900-AM30
2672	Delegations of Authority; National Cemetery Administration .....	2900-AM18

Department of Veterans Affairs (VA)

Proposed Rule Stage

**VETERANS HEALTH ADMINISTRATION**

**2595. 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	06/00/07	

**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: 202 254-0384

**RIN:** 2900-AM02

**2596. 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	07/00/07	

**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

**2597. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

VA

Proposed Rule Stage

**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 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**2598. 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	06/00/07	

**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

Phone: 202 254-0329

Fax: 202 273-9609

Email: roscoe.butler@va.gov

**RIN:** 2900-AM40**2599. • ENROLLMENT AND COPAYMENTS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 38 USC 1710; 38 USC 1722**CFR Citation:** 38 CFR 17.36**Legal Deadline:** None

**Abstract:** This document proposes to amend VA's "Medical" regulations regarding determinations concerning eligibility for enrollment in the VA health care system and for purposes of determining when a veteran is required to make copayments for such health care. This is intended to more fully reflect statutory authority and to make the regulations more efficient.

**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:**

roscoe.butler@va.gov

**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

Phone: 202 254-0329

Fax: 202 273-9609

Email: roscoe.butler@va.gov

**RIN:** 2900-AM58**VETERANS BENEFITS ADMINISTRATION****2600. 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	12/00/07	

**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

VA

Proposed Rule Stage

### 2601. 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	12/00/07	

#### 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

### 2602. 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	12/00/07	

#### 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@va.gov

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

**RIN:** 2900-AL72

### 2603. APPORTIONMENTS TO DEPENDENTS AND 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

#### 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@va.gov

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

**RIN:** 2900-AL74

### 2604. SPECIAL AND ANCILLARY BENEFITS FOR VETERANS, DEPENDENTS, AND SURVIVORS

**Priority:** Other Significant

**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) amends 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 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	03/09/07	72 FR 10860
NPRM Comment Period End	05/08/07	
Final Action	04/00/08	

#### 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@va.gov

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

**RIN:** 2900-AL84

VA

Proposed Rule Stage

**2605. 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@va.gov**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL88**2606. 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 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@va.gov**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL95**2607. 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	06/00/07	

**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@va.gov**RIN:** 2900-AM01**2608. 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  
Phone: 202 273-9515  
Email: bill.russo@va.gov**Related RIN:** Related to 2900-AL67**RIN:** 2900-AM04

VA

Proposed Rule Stage

**2609. 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  
Phone: 202 273-9515  
Email: bill.russo@va.gov

**Related RIN:** Related to 2900-AL67**RIN:** 2900-AM06**2610. 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:**

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@va.gov

**Related RIN:** Related to 2900-AL67**RIN:** 2900-AM07**2611. VA BENEFIT 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	11/00/07	

**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@va.gov

**Related RIN:** Related to 2900-AL67**RIN:** 2900-AM16**2612. 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 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	12/00/07	

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

www.regulations.gov

**Agency Contact:** Trude M. Steele, Consultant, Department of Veterans Affairs, Veterans Benefits Administration (211A), 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: captstee@vba.va.gov

**Related RIN:** Related to 2900-AM34**RIN:** 2900-AM34**2613. • VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—DUTY TO ASSIST****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 38 USC 5102; 38 USC 5103; 38 USC 5103A



VA

Proposed Rule Stage

**CFR Citation:** 38 CFR 21.32; 38 CFR 21.33

**Legal Deadline:** None

**Abstract:** This document proposes to amend the vocational rehabilitation and employment regulations of the Department of Veterans Affairs (VA) concerning VA responsibilities when a claim for vocational rehabilitation benefits and services is filed by an individual. The Veterans Claims Assistance Act of 2000 (VCAA) expanded VA's duty to assist claimants in substantiating their claims for benefits. Upon receipt of a substantially complete application for benefits, VA's duty under the VCAA is to make reasonable efforts to help the claimant obtain the evidence necessary to substantiate the claim. This effort is commonly referred to as the "duty to assist." In addition, we propose to improve readability and to make other clarifying changes that are nonsubstantive.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Alvin Bauman, Senior Policy Analyst, Department of Veterans Affairs, VR&E (28), 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7435  
Email: alvin.bauman1@vba.va.gov

**RIN:** 2900-AM54

**2614. • SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS**

**Priority:** Other Significant

**Legal Authority:** 38 USC 1155

**CFR Citation:** 38 CFR 4.118

**Legal Deadline:** None

**Abstract:** This document proposes to amend that portion of the Department of Veterans Affairs (VA) Schedule for Rating Disabilities that addresses the

Skin in order to clarify how to evaluate multiple superficial or deep scars in a uniform and consistent manner.

**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:** maya.d.ferrandino@vba.va.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  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: maya.d.ferrandino@vba.va.gov

**RIN:** 2900-AM55

**2615. • VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—EFFECTIVE DATE OF INDUCTION INTO A REHABILITATION PROGRAM**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 38 USC 501(a); 38 USC 3102; 38 USC 3103; 38 USC 3108; 38 USC 5113; 38 USC 3681

**CFR Citation:** 38 CFR 21.282

**Legal Deadline:** None

**Abstract:** This document proposes to amend the vocational rehabilitation and employment regulations of the Department of Veterans Affairs concerning effective dates of induction into a rehabilitation program, including retroactive induction. The proposed amendments are intended to reflect current case law and to make clarifying changes that are nonsubstantive.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Alvin Bauman, Senior Policy Analyst, Department of Veterans Affairs, VR&E (28), 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7435  
Email: alvin.bauman1@vba.va.gov

**RIN:** 2900-AM56

**2616. • SCHEDULE FOR RATING DISABILITIES; THE DIGESTIVE SYSTEM**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 38 USC 1155

**CFR Citation:** 38 CFR 4.110; 38 CFR 4.111; 38 CFR 4.113; 38 CFR 4.114

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is proposing to amend that portion of its Schedule for Rating Disabilities that addresses the Digestive System in order to update it 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	05/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** maya.d.ferrandino@vba.va.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  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: maya.d.ferrandino@vba.va.gov

**RIN:** 2900-AM57

VA

Proposed Rule Stage

**BOARD OF VETERANS APPEALS****2617. 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) amends its regulations regarding the time limit for filing a response to a Supplemental Statement

of the Case. We will 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	03/26/07	72 FR 14056
NPRM Comment Period End	05/25/07	
Final Action	12/00/07	

**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  
Email: steve.keller@va.gov

**RIN:** 2900-AM49**OFFICE OF THE GENERAL COUNSEL****2618. • ACCREDITATION OF AGENTS AND ATTORNEYS; AGENT AND ATTORNEY FEES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 5902; 38 USC 5903; 38 USC 5904; PL 109-461**CFR Citation:** 38 CFR 1; 38 CFR 14.626; 38 CFR 14.627; 38 CFR 14.629; 38 CFR 14.630; 38 CFR 14.631; 38 CFR 14.632; 38 CFR 14.633; 38 CFR 14.636; 38 CFR 14.637; 38 CFR 19; 38 CFR 20**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its regulations governing the representation of claimants for veterans

benefits in order to implement provisions of the Veterans Benefits, Health Care, and Information Technology Act of 2006, and to reorganize and clarify existing regulations. The proposed regulation would establish the procedures and rules necessary for VA to facilitate the paid representation of claimants by accredited agents and attorneys after a notice of disagreement has been filed with respect to a case. The intended effect of these regulations is to fulfill Congress' intent by expanding the scope of paid agent and attorney representation while ensuring that claimants for veterans benefits have responsible qualified representation in the preparation, presentation, and prosecution of claims for veterans benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**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 20420  
Phone: 202 273-6315  
Email: mikeg.daugherty@va.gov

**RIN:** 2900-AM62**Department of Veterans Affairs (VA)**

Final Rule Stage

**VETERANS HEALTH ADMINISTRATION****2619. 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	12/00/07	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**URL For Public Comments:** www.regulations.gov

**Agency Contact:** Frank Salvas, Chief, State Home Construction Grant

VA

Final Rule Stage

Program, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8534

**RIN:** 2900-AJ43

### 2620. 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	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:** [www.regulations.gov](http://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: 202 254-0384

Virginia Torrise, Deputy Chief Consultant (119), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-8427  
Email: [virginia.torris@hq.med.va.gov](mailto:virginia.torris@hq.med.va.gov)

**RIN:** 2900-AL68

### 2621. 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 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](http://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  
Phone: 202 273-8544  
Email: [christa.hojlo@va.gov](mailto:christa.hojlo@va.gov)

**RIN:** 2900-AM26

### 2622. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

**Priority:** Other Significant

**Legal Authority:** 38 USC 1729

**CFR Citation:** 38 CFR 17.101

**Legal Deadline:** None

**Abstract:** This document amends 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	02/13/07	72 FR 6696
NPRM Comment Period End	03/15/07	
Final Action	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:** [www.regulations.gov](http://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](mailto:romona.greene@hq.med.va.gov)

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

**RIN:** 2900-AM35

### 2623. • ELIMINATION OF COPAYMENT FOR WEIGHT MANAGEMENT COUNSELING

**Priority:** Other Significant

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

**CFR Citation:** 38 CFR 17.108

**Legal Deadline:** None

**Abstract:** This interim final rule amends the Department of Veterans Affairs (VA) medical regulations concerning copayment for inpatient hospital care and outpatient medical care. More specifically, this rule designates weight management counseling (individual and group sessions) as a service that is not subject to copayment requirements. The intended effect of this interim final rule is to increase participation in weight management counseling by removing the copayment barrier.

VA

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Eileen Downey, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 254-0347

**RIN:** 2900-AM59

**2624. • DISCLOSURE OF INFORMATION TO PROCUREMENT ORGANIZATIONS**

**Priority:** Other Significant

**Legal Authority:** 38 USC 501; 42 USC 1138(a); PL 109-461

**CFR Citation:** 38 CFR 1.460; 38 CFR 1.485a (new); 38 CFR 1.514b (new)

**Legal Deadline:** Other, Statutory, June 20, 2007, Implementation 180-days from 12/22/2006 when law enacted.

**Abstract:** This document amends the Department of Veterans Affairs (VA) regulations to implement certain provisions of the Veterans Benefits, Health Care, and Information Technology Act of 2006. The regulatory changes will allow VA to honor veterans' wishes to be an organ donor by providing authority for VA to provide procurement organizations (organ procurement, eye banks and tissue banks) with VA medical records

of such veterans to determine their suitability for donation under a VA-approved agreement.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Stephania H. Putt RHIA, Veterans Health Administration Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 727 320-1839  
Fax: 727 319-1016  
Email: stephania.putt@va.gov

**RIN:** 2900-AM65

**VETERANS BENEFITS ADMINISTRATION**

**2625. 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:** Maya Ferrandino, Consultant, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: maya.d.ferandino@vba.va.gov

**RIN:** 2900-AH43

**2626. VETERANS EDUCATION: INCORPORATION OF MISCELLANEOUS STATUTORY PROVISIONS**

**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 and also implementing provisions of Veterans Benefits Act of 2003 and Veterans Benefits, Health Care, and Information Technology Act of 2006. The provisions are: Restoring benefits for individuals

ordered to active duty on or after September 11, 2001; an additional opportunity for Vietnam Era Veterans to qualify for benefits under the Montgomery GI Bill program; establishing an ending date to the eligibility period for spouses under the Survivors' and Dependents' Educational Assistance program; expanding special restorative training benefits to include certain disabled spouses and surviving disabled spouses; allowing payment of education benefits for distance learning courses that are part of a certificate program offered by institutions of higher learning; and increasing the amount of scholarship funds someone in a Senior Reserve Officer Training Corps program can receive and remain eligible under the Montgomery GI Bill.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/07	

**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

VA

Final Rule Stage

Fax: 202 275-2636  
 Email: lynn.nelson@vba.va.gov  
 RIN: 2900-AL28

### 2627. 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 amends 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 administrators.

**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	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:** [www.regulations.gov](http://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-AL43

### 2628. 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 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
NPRM Comment Period End	04/19/05	
NPRM Comment Period Reopened	11/27/06	71 FR 68498
Comment Period End	12/11/06	
Final Action	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** VA published in the Federal Register on 11/27/06 (71 FR 68498) a supplemental notice reopening the comment period of the proposed rulemaking that published on February 18, 2005 (70 FR 8472). It provided specific information regarding the computer-based system that VA plans to implement as part of the loan servicing and claims procedure modifications in this rulemaking. The comment period was reopened for the limited purpose of accepting public comments concerning the supplemental notice.

**URL For Public Comments:** [www.regulations.gov](http://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  
 Phone: 202 273-7325  
 Email: mike.frueh@vba.va.gov  
 RIN: 2900-AL65

### 2629. 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 Period End	01/02/07	
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](http://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  
 Phone: 202 273-7210  
 Fax: 202 275-1728  
 Email: maya.d.ferandino@vba.va.gov  
 RIN: 2900-AM17

### 2630. 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

VA

Final Rule Stage

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:**

william.white@vba.va.gov

**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 NW, Washington, DC 20420  
Phone: 202 273-7368  
Fax: 202 275-3523

Email: william.white@vba.va.gov

**RIN:** 2900-AM44

### 2631. 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

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

Phone: 202 273-7420

Fax: 202 275-2636

Email: brandye.kidd@vba.va.gov

**RIN:** 2900-AM45

### 2632. EXTENSION OF THE PRESUMPTIVE PERIOD FOR COMPENSATION FOR GULF WAR VETERANS

**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 interim 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 that must become manifest to a compensable degree in order that entitlement for compensation be established. The intended effect of this amendment is to provide consistency in VA adjudication policy and preserve certain rights afforded to Persian Gulf War veterans and ensure fairness for current and future Persian Gulf War veterans.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/18/06	71 FR 75669
Interim Final Rule Comment Period End	02/16/07	
Final Action	12/00/07	

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

rhonda.ford@vba.gov

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Rhonda F. Ford, Consultant, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

Fax: 202 275-1728

Email: rhonda.ford@vba.va.gov

**RIN:** 2900-AM47

### 2633. 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	07/00/07	

**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

Phone: 202 273-7420

Fax: 202 275-2636

Email: brandye.kidd@vba.va.gov

**RIN:** 2900-AM50

VA

Final Rule Stage

**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****2634. 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	12/00/07	

**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 Avenue NW, Washington, DC 20420  
Phone: 202 273-7808

**RIN:** 2900-AK78**NATIONAL CEMETERY SYSTEM****2635. • HEADSTONE AND MARKER APPLICATION PROCESS****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 2404**CFR Citation:** 38 CFR 38.632**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) proposes to amend its regulations concerning headstones and markers furnished by the Government through the National Cemetery Administration (NCA) headstone and marker program. The proposed

amendments are necessary to update ordering procedures for headstones and markers and to provide instructions for requesting the addition of a new emblem of belief to VA's list of emblems of belief available for inscription on Government-furnished headstones and markers. The proposed amendments would also establish criteria to guide VA's decisions on requests to add new emblems of belief to the list.

**Timetable:**

Action	Date	FR Cite
NPRM	01/19/07	72 FR 2480

Action	Date	FR Cite
NPRM Comment Period End	03/20/07	
Final Action	02/00/08	

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

**Agency Contact:** Lindee Lenox, Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 501-3100  
Email: lindee.lenox@va.gov

**RIN:** 2900-AM53**OFFICE OF THE GENERAL COUNSEL****2636. 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	12/00/07	

**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 20420  
Phone: 202 273-6315  
Email: mikeg.daugherty@va.gov

**RIN:** 2900-AM29

VA

Final Rule Stage

**INFORMATION AND TECHNOLOGY****2637. • DATA BREACHES**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 38 USC 501; 38 USC 5724; 38 USC 5727; 38 USC 7906; PL 109-461

**CFR Citation:** 38 CFR 75

**Legal Deadline:** Other, Statutory, June 20, 2007, Implementation of certain provisions of title IX of the Veterans Benefits, Health Care, and Information Technology Act 2006 (Pub. L. 109-461).

**Abstract:** This document establishes regulations to address Data Breaches regarding sensitive personal information that is processed or maintained by the Department of Veterans Affairs. The regulations implement certain provisions of title IX of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Pub. L. 109-461).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

**Agency Contact:** Terry Simmons, Information Technology Specialist, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-6870

Email: terry.simmons1@va.gov

**RIN:** 2900-AM63

**PROGRAM COORDINATION AND EVALUATION****2638. • TRANSFER OF FUNCTIONS—DELEGATION OF AUTHORITY**

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

**Legal Authority:** 38 USC 512

**CFR Citation:** 38 CFR 2.6(j)

**Legal Deadline:** None

**Abstract:** This document amends the Department of Veterans Affairs (VA) delegation regulation that authorizes a VA official to take final action on complaints of employment discrimination when the Office of

Employment Discrimination Complaint Adjudication recuses itself due to a conflict of interest. The amendment reflects that the Secretary's delegation of authority to take such action is transferred from the Chairman, Board of Contract Appeals to the Chairman, Board of Veterans Appeals, and clarifies that such authority includes the awarding of remedial relief in cases where there has been a finding of discrimination.

**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:**

charles.delobe@va.gov

**URL For Public Comments:**

regulations.gov

**Agency Contact:** Chuck Delobe, Deputy Assistant General (024B), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 254-0063

Fax: 202 254-0159

Email: chuck.delobe@va.gov

**RIN:** 2900-AM61

**Department of Veterans Affairs (VA)****Long-Term Actions****VETERANS HEALTH ADMINISTRATION****2639. 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

Phone: 202 273-8927

**RIN:** 2900-AL51



VA

Long-Term Actions

**VETERANS BENEFITS  
ADMINISTRATION****2640. 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

Agency Contact: William F. Russo

Phone: 202 273-9515

Email: bill.russo@va.gov

RIN: 2900-AL67

**2641. 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

Agency Contact: William F. Russo

Phone: 202 273-9515

Email: bill.russo@va.gov

RIN: 2900-AL70

**2642. 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

Action	Date	FR Cite
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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

Agency Contact: William F. Russo

Phone: 202 273-9515

Email: bill.russo@va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL71

**2643. 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

Phone: 202 273-9515

Email: bill.russo@va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL76

**2644. 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

Agency Contact: William F. Russo

Phone: 202 273-9515

Email: bill.russo@va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL82

**2645. 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

Phone: 202 273-9515

Email: bill.russo@va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL83

**2646. 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

Phone: 202 273-9515

Email: bill.russo@va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL87

**2647. DEPENDENCY AND INDEMNITY  
COMPENSATION BENEFITS**

Priority: Other Significant

CFR Citation: 38 CFR 5

## VA

## Long-Term Actions

**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  
Phone: 202 273-9515  
Email: bill.russo@va.gov**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL89**2648. DEPENDENTS AND SURVIVORS****Priority:** Other Significant**CFR Citation:** 38 CFR 3; 38 CFR 5**Timetable:**

Action	Date	FR Cite
NPRM	09/20/06	71 FR 55051
NPRM Comment Period End	11/20/06	
Final Action	10/00/08	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William F. Russo  
Phone: 202 273-9515  
Email: bill.russo@va.gov**Related RIN:** Related to 2900-AL67**RIN:** 2900-AL94**2649. 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  
Phone: 202 273-9515  
Email: bill.russo@va.gov**Related RIN:** Related to 2900-AL67**RIN:** 2900-AM05

## Department of Veterans Affairs (VA)

## Completed Actions

**2650. INFORMED CONSENT—  
EXTENSION OF TIME PERIOD AND  
MODIFICATION OF WITNESS  
REQUIREMENT FOR SIGNATURE  
CONSENT****Priority:** Other Significant**CFR Citation:** 38 CFR 17.32**Completed:**

Reason	Date	FR Cite
Final Action	11/30/06	71 FR 68739
Final Action Effective	12/28/06	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ruth Cecire  
Phone: 202 501-2012  
Fax: 202 501-2238  
Email: ruth.cecire@va.gov**Related RIN:** Related to 2900-AM21**RIN:** 2900-AM19**2651. INFORMED CONSENT—  
DESIGNATE HEALTH CARE  
PROFESSIONALS TO OBTAIN  
INFORMED CONSENT****Priority:** Other Significant**CFR Citation:** 38 CFR 17.32**Completed:**

Reason	Date	FR Cite
Final Action	03/08/07	72 FR 10365
Final Action Effective	04/09/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ruth Cecire  
Phone: 202 501-2012  
Fax: 202 501-2238  
Email: ruth.cecire@va.gov**Related RIN:** Related to 2900-AM19**RIN:** 2900-AM21**2652. GRANTS TO STATES FOR  
CONSTRUCTION OR ACQUISITION OF  
STATE HOME FACILITIES****Priority:** Other Significant**CFR Citation:** 38 CFR 59.50**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	10/10/06	71 FR 46103
Final Action	02/14/07	72 FR 6959

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Frank Salvias  
Phone: 202 273-8534**RIN:** 2900-AM42**2653. CIVILIAN HEALTH AND  
MEDICAL PROGRAM OF THE  
DEPARTMENT OF VETERANS  
AFFAIRS (CHAMPVA)—QUALIFYING  
EVENT DATE AND DUAL ELIGIBILITY****Priority:** Other Significant**CFR Citation:** 38 CFR 17.271**Completed:**

Reason	Date	FR Cite
Withdrawn	01/09/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Trabert  
Phone: 303 331-7549  
Email: richard.trabert@med.va.gov**RIN:** 2900-AM43

## VA

## Completed Actions

**2654. FILIPINO VETERANS' BENEFIT IMPROVEMENTS****Priority:** Other Significant**CFR Citation:** 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600**Completed:**

Reason	Date	FR Cite
Final Action	01/03/07	72 FR 8
Final Action Effective	01/03/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Maya Ferrandino  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: maya.d.ferandino@vba.va.gov**Related RIN:** Related to 2900-AL76**RIN:** 2900-AK65**2655. VETERANS AND DEPENDENTS EDUCATION: TOPPING-UP TUITION ASSISTANCE; LICENSING AND CERTIFICATION TESTS; DUTY TO ASSIST EDUCATION CLAIMANTS****Priority:** Other Significant**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**Completed:**

Reason	Date	FR Cite
Final Action	04/05/07	72 FR 16962
Final Action Effective	05/07/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lynn M. Nelson  
Phone: 202 273-7294  
Fax: 202 275-2636  
Email: lynn.nelson@vba.va.gov**RIN:** 2900-AK80**2656. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 4.118**Completed:**

Reason	Date	FR Cite
Withdrawn	12/29/06	71 FR 78391

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rhonda F. Ford  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: rhonda.ford@vba.va.gov**RIN:** 2900-AL32**2657. 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**Completed:**

Reason	Date	FR Cite
Withdrawn	10/24/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Catherine Kruger  
Phone: 202 273-7344**RIN:** 2900-AL78**2658. LOAN GUARANTY: AMENDMENTS TO HYBRID ADJUSTABLE RATE MORTGAGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4311(d)**Completed:**

Reason	Date	FR Cite
Withdrawn	12/22/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William White  
Phone: 202 273-7368  
Fax: 202 275-3523  
Email: william.white@vba.va.gov**RIN:** 2900-AL92**2659. TRANSFER OF MONTGOMERY GI BILL—ACTIVE DUTY ENTITLEMENT TO DEPENDENTS****Priority:** Other Significant**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

**Completed:**

Reason	Date	FR Cite
Final Action	12/18/06	71 FR 75672
Final Action Effective	12/18/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lynn M. Nelson  
Phone: 202 273-7294  
Fax: 202 275-2636  
Email: lynn.nelson@vba.va.gov**RIN:** 2900-AM12**2660. PHASE-IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES****Priority:** Other Significant**CFR Citation:** 38 CFR 3.750**Completed:**

Reason	Date	FR Cite
Final Action	11/20/06	71 FR 67059
Final Action Effective	11/20/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Maya Ferrandino  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: maya.d.ferandino@vba.va.gov**RIN:** 2900-AM13**2661. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—INITIAL EVALUATIONS****Priority:** Other Significant**CFR Citation:** 38 CFR 21.50; 38 CFR 21.51; 38 CFR 21.52; 38 CFR 21.8032**Completed:**

Reason	Date	FR Cite
Final Action	03/26/07	72 FR 14041
Final Action Effective	04/25/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Alvin Bauman  
Phone: 202 273-7435

## VA

## Completed Actions

Email: alvin.bauman1@vba.va.gov

RIN: 2900-AM25

**2662. ACCRUED BENEFITS**

Priority: Other Significant

CFR Citation: 38 CFR 3.1000

Completed:

Reason	Date	FR Cite
Final Action	12/29/06	71 FR 78368
Final Action Effective	01/29/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Maya Ferrandino

Phone: 202 273-7210

Fax: 202 275-1728

Email: maya.d.ferandino@vba.va.gov

RIN: 2900-AM28

**2663. LOAN GUARANTY: FEES AND CHARGES**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 36.4312

Completed:

Reason	Date	FR Cite
Withdrawn	10/16/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William White

Phone: 202 273-7368

Fax: 202 275-3523

Email: william.white@vba.va.gov

RIN: 2900-AM33

**2664. TRAUMATIC INJURY PROTECTION RIDER TO SERVICEMEMBERS' GROUP LIFE INSURANCE**

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 38 CFR 9.20

Completed:

Reason	Date	FR Cite
Final Action	03/08/07	72 FR 10362
Final Action Effective	03/08/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer

Phone: 215 842-2000

Fax: 215 381-3502

Email: gregory.hosmer@vba.va.gov

RIN: 2900-AM36

**2665. HOME SCHOOLING AND EDUCATIONAL INSTITUTION**

Priority: Other Significant

CFR Citation: 38 CFR 3.57

Completed:

Reason	Date	FR Cite
Final Action	02/14/07	72 FR 6958

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Maya Ferrandino

Phone: 202 273-7210

Fax: 202 275-1728

Email: maya.d.ferandino@vba.va.gov

RIN: 2900-AM37

**2666. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—ENTITLEMENT AND TERMINATION OF ENTITLEMENT**

Priority: Other Significant

CFR Citation: 38 CFR 21.40; 38 CFR 21.48

Completed:

Reason	Date	FR Cite
Withdrawn	10/04/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Catherine Kruger

Phone: 202 273-7344

RIN: 2900-AM41

**2667. CLAIMS FOR DISABILITY BENEFITS**

Priority: Other Significant

CFR Citation: 38 CFR 3.151

Completed:

Reason	Date	FR Cite
Withdrawn	01/26/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Maya Ferrandino

Phone: 202 273-7210

Fax: 202 275-1728

Email: maya.d.ferandino@vba.va.gov

RIN: 2900-AM46

**2668. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—REDETERMINATIONS REGARDING VOCATIONAL REHABILITATION BENEFITS AND SERVICES**

Priority: Other Significant

CFR Citation: 38 CFR 21.58

Completed:

Reason	Date	FR Cite
Withdrawn	03/23/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Alvin Bauman

Phone: 202 273-7435

Email: alvin.bauman1@vba.va.gov

RIN: 2900-AM51

**2669. PROCEDURAL DUE PROCESS**

Priority: Other Significant

CFR Citation: 38 CFR 3.103; 38 CFR 3.105

Completed:

Reason	Date	FR Cite
Withdrawn	03/29/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Maya Ferrandino

Phone: 202 273-7210

Fax: 202 275-1728

Email: maya.d.ferandino@vba.va.gov

RIN: 2900-AM52

**2670. • SCHEDULE FOR RATING DISABILITIES; APPENDICES A, B, AND C**

Priority: Other Significant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4, subpart B

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending the Schedule for Rating Disabilities, Appendices A, B, and C, in order to update it to ensure

VA

Completed Actions

that all historical information is included in Appendix A and all current disability codes and terminology are incorporated in Appendices B and C.

**Timetable:**

Action	Date	FR Cite
Final Action	03/20/07	72 FR 12983
Final Action Effective	04/19/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Trude M. Steele, Consultant, Department of Veterans Affairs, Veterans Benefits Administration (211A), 810 Vermont Avenue NW, Washington, DC 20420  
Phone: 202 273-7210  
Fax: 202 275-1728  
Email: captstee@vba.va.gov

RIN: 2900-AM60

**2671. BOARD OF VETERANS' APPEALS: REMAND OR REFERRAL TO THE AGENCY OF ORIGINAL JURISDICTION**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 19.9

**Completed:**

Reason	Date	FR Cite
Withdrawn	12/27/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Steven L. Keller  
Phone: 202 565-5978  
Email: steve.keller@va.gov

RIN: 2900-AM30

**2672. DELEGATIONS OF AUTHORITY; NATIONAL CEMETERY ADMINISTRATION**

Priority: Info./Admin./Other

CFR Citation: 38 CFR 2.6

**Completed:**

Reason	Date	FR Cite
Final Action	03/16/07	72 FR 12564
Final Action Effective	03/16/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 2900-AM18

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