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**Monday,
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Part XVII

**Department of
Veterans Affairs**

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning in the spring

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) 273-9515.

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 "Regulatory Planning and Review" (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that they will have under development or review.

Robert C. McFetridge,
Director, Regulations Management.

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2783	Beneficiary Travel	2900-AM02
2784	Informed Consent—Extension of Time Period and Modification of Witness Requirement for Signature Consent	2900-AM19
2785	Informed Consent—Designate Health Care Professionals To Obtain Informed Consent	2900-AM21
2786	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	2900-AM22
2787	Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA): Preventive Services	2900-AM23
2788	Reasonable Charges Proposed Methodology Change for the Calculation of Inpatient and Outpatient Charges; 2006 Methodology Changes	2900-AM35
2789	Care and Services During Certain Disasters and Emergencies	2900-AM40
2790	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
2791	Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants	2900-AK80
2792	Administration of VA Education Benefits—Centralized Certification	2900-AL43
2793	Survivors' and Dependents' Educational Assistance Program Eligibility Period for Eligible Children and Other Miscellaneous Issues	2900-AL44
2794	Claims Based on Service in the Philippine Armed Forces	2900-AL76
2795	Special and Ancillary Benefits for Veterans, Dependents, and Survivors	2900-AL84
2796	General Provisions	2900-AL87
2797	Special Ratings	2900-AL88
2798	Loan Guaranty: Amendments to Hybrid Adjustable Rate Mortgages	2900-AL92
2799	Dependents of Veterans	2900-AL94
2800	General Evidence Requirements, Effective Dates, Revision of Decisions, and Protection of Existing Ratings	2900-AM01
2801	Improved Pension	2900-AM04
2802	Matters Affecting Receipt of Benefits	2900-AM05
2803	Transfer of Montgomery GI Bill—Active Duty Entitlement to Dependents	2900-AM12
2804	VA Benefits Claims	2900-AM16
2805	Applications, Claims, and Notice Requirements	2900-AM17
2806	Vocational Rehabilitation and Employment Program—Initial Evaluations	2900-AM25
2807	Accrued Benefits	2900-AM28
2808	Loan Guaranty: Fees and Charges	2900-AM33
2809	Claims File for VA Medical Examinations and Opinions	2900-AM34
2810	Home Schooling and Educational Institution	2900-AM37
2811	Board of Veterans' Appeals: Remand or Referral to the Agency of Original Jurisdiction	2900-AM30

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2812	Grants to States for Construction and Acquisition of State Home Facilities	2900-AJ43

VA

Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2813	Medication Prescribed by Non-VA Physicians	2900-AL68
2814	Grants for the Hiring and Retention of Nurses in the State Home Program	2900-AM26
2815	Schedule for Rating Disabilities—The Eye	2900-AH43
2816	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
2817	Definition of Psychosis for Certain VA Purposes	2900-AK21
2818	Filipino Veterans' Benefit Improvements	2900-AK65
2819	Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease	2900-AL26
2820	Veterans Education: Veterans Education and Benefits Expansion Act of 2001	2900-AL28
2821	Schedule for Rating Disabilities; Evaluation of Multiple Scars	2900-AL32
2822	Loan Guaranty; Loan Servicing and Claims Procedures Modification	2900-AL65
2823	Service Requirements for Veterans	2900-AL67
2824	Presumptions of Service Connection for Certain Disabilities and Related Matters	2900-AL70
2825	Adjudication: Accrued Benefits and Death Compensation Benefits	2900-AL71
2826	Duties of VA; Rights and Responsibilities of Claimants and Beneficiaries	2900-AL82
2827	Elections of Improved Pension; Old Law and Section 306 Pension	2900-AL83
2828	Dependency and Indemnify Compensation Benefits	2900-AL89
2829	Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees	2900-AM13
2830	New and Material Evidence	2900-AM15
2831	Remarriage of a Surviving Spouse	2900-AM24
2832	Veterans Benefits Act of 2003 and Veterans Benefits Improvement Act of 2004	2900-AM27
2833	Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance	2900-AM36
2834	Loan Guaranty: Amendment to Delegation of Authority—Property Management Contractor	2900-AM38
2835	Individuals and Groups Considered To Have Performed Active Military, Naval, or Air Service	2900-AM39
2836	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
2837	Board of Veterans' Appeals: Clarification of a Notice of Disagreement	2900-AL97
2838	Board of Veterans' Appeals: Rules of Practice: Public Availability of Board Decisions	2900-AM31
2839	Delegations of Authority; National Cemetery Administration	2900-AM18
2840	Accreditation of Service Organization Representatives	2900-AM29

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2841	Enrollment—Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Enrollment Level Decision	2900-AL51
2842	Burial Benefits	2900-AL72
2843	Rules on Apportionments to Dependents; Payments to Fiduciaries and Incarcerated Beneficiaries	2900-AL74
2844	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
2845	Payments to Beneficiaries Who Are Eligible for More Than One Benefit	2900-AL95
2846	Payments and Adjustments to Payments	2900-AM06
2847	Service-Connected Disability Compensation	2900-AM07

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2848	Advanced Health Care Planning	2900-AJ28
2849	Patients' Rights	2900-AL66
2850	Use of VA Form 10-10EZR and Signature of Requirements for Certain VA Forms	2900-AL91
2851	Eligibility for Health Care Benefits for Certain Filipino Veterans in the United States	2900-AM03
2852	Elimination of Co-Pay for Smoking Cessation Counseling	2900-AM11
2853	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment	2900-AH21

VA

Department of Veterans Affairs—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2854	Loan Guaranty: Assistance to Certain Disabled Veterans in Acquiring Specially Adapted Housing	2900-AL58
2855	Reservists' Education: Revision of Eligibility Requirements for the Montgomery GI Bill—Selected Reserve	2900-AL69
2856	Regulations Related to Payments and Adjustments to Payments	2900-AL75
2857	Dependency and Indemnity Compensation: Surviving Spouse's Rate; Payments Based on Veterans Entitlement to Compensation for Service-Connection Disability Rated Totally Disabling for Specified Periods	2900-AL86
2858	Use of Diagnostic Code Numbers; Schedule of Ratings—Neurological Conditions and Convulsive Disorders	2900-AM32

Department of Veterans Affairs (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

2783. 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	11/00/06	

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

2784. 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	05/08/06	
Period End		
Final Action	12/00/06	

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
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Related RIN: Related to 2900-AM21

RIN: 2900-AM19

2785. 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	04/03/06	
Period End		
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

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VA

Proposed Rule Stage

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Related RIN: Related to 2900-AM19**RIN:** 2900-AM21**2786. 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	08/00/06	

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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RIN: 2900-AM22**2787. 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	10/00/06	

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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RIN: 2900-AM23**2788. ● 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	10/00/06	

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
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Email: romona.greene@hq.med.va.gov

Related RIN: Related to 2900-AL06**RIN:** 2900-AM35**2789. ● 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

VA

Proposed Rule Stage

impacted during and immediately following a disaster or emergency authorized under 38 U.S.C. 1785.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

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,

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RIN: 2900-AM40

VETERANS BENEFITS ADMINISTRATION

2790. 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	12/00/06	

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
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Email: lynn.nelson@vba.va.gov

RIN: 2900-AJ68

2791. 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	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: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK80

2792. 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

VA

Proposed Rule Stage

Action	Date	FR Cite
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	08/00/06	

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**2793. 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	08/00/06	

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-AL44**2794. CLAIMS BASED ON SERVICE IN THE PHILIPPINE ARMED FORCES****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 107; 38 USC 501; 38 USC 3565; 38 USC 5112

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 apply to Filipino veterans and their survivors. 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	08/00/06	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, 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-AL67**RIN:** 2900-AL76**2795. 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	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: Bill Russo, Chief, 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-AL67**RIN:** 2900-AL84**2796. GENERAL PROVISIONS****Priority:** Other Significant

Legal Authority: 38 USC 101; 38 USC 501(a); 38 USC 4303(16); PL 107-116

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its regulations concerning general provisions applicable to its compensation and pension regulations, including definitions. 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	03/31/06	71 FR 16464

VA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment	05/30/06	
Period End		
Final Action	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL87**2797. 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	08/00/06	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D),

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL88**2798. 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 36.4212**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 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.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

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 NW, Washington, DC 20420

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RIN: 2900-AL92**2799. DEPENDENTS OF VETERANS****Priority:** Substantive, Nonsignificant

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 proposes to amend its compensation and pension regulations relating to dependents of veterans. 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	08/00/06	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AL94**2800. 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.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AM01**2801. 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	09/00/06	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AM04**2802. MATTERS AFFECTING RECEIPT OF BENEFITS****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 105; 38 USC 501; 38 USC 1110; 38 USC 1131; 38 USC 1521; 38 USC 1901 to 1929; 38 USC 5110; 38 USC 5112; 38 USC 6103; 38 USC 6104; 38 USC 6105; ...

CFR Citation: 38 CFR 3; 38 CFR 5; 38 CFR 6.22; 38 CFR 8.34**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to reorganize and rewrite in plain language regulations relating to determinations involving bars to benefits, forfeiture of benefits, and renouncement of 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. The intended effect of the proposed revisions is to assist claimant and VA personnel in locating and understanding these provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, 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-AL67**RIN:** 2900-AM05**2803. 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 proposed rule proposes to amend 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 proposes to amend 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
NPRM	10/00/06	

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**2804. 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

VA

Proposed Rule Stage

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	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

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Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AM16**2805. APPLICATIONS, CLAIMS, AND NOTICE REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); 38 USC 5103; 38 USC 5103A**CFR Citation:** 38 CFR 3.1; 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	10/00/06	

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-AM17**2806. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—INITIAL EVALUATIONS****Priority:** Substantive, Nonsignificant

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	08/00/06	

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: 202 273-7412

RIN: 2900-AM25**2807. ACCRUED BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5121**CFR Citation:** 38 CFR 3.1000**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

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-AM28**2808. • 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

VA

Proposed Rule Stage

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	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-AM33**2809. • 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	10/00/06	

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-AM34**2810. • HOME SCHOOLING AND EDUCATIONAL INSTITUTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101; 38 USC 104**CFR Citation:** 38 CFR 3.57**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulation regarding the definition of a child for purposes of establishing entitlement to additional monetary benefits for a dependent. VA proposes to 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	10/00/06	

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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RIN: 2900-AM37**BOARD OF VETERANS APPEALS****2811. 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	10/00/06	

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

RIN: 2900-AM30

Department of Veterans Affairs (VA)

Final Rule Stage

VETERANS HEALTH ADMINISTRATION**2812. 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	10/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State**URL For Public Comments:**

www.regulations.gov

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

RIN: 2900-AJ43**2813. 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	10/00/06	

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

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RIN: 2900-AL68**2814. 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	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: 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

VA

**VETERANS BENEFITS
ADMINISTRATION****2815. 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	10/00/06	

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-AH43**2816. CLAIMS BASED ON
AGGRAVATION OF
NONSERVICE-CONNECTED
DISABILITY****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.310**Legal Deadline:** None

Abstract: This document amends VA regulations concerning secondary service connection for certain disabilities. This amendment is necessary because of a decision by the U.S. Court of Appeals for Veterans

Claims and will establish a new means by which veterans may be compensated for disabilities related to other service-connected conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	
Final Action	10/00/06	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210
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RIN: 2900-AI42**2817. DEFINITION OF PSYCHOSIS
FOR CERTAIN VA PURPOSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.384**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term is used but not defined in certain statutes that provide presumptive service connection for compensation or health care purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63352
NPRM Comment Period End	12/10/02	
Final Action	08/00/06	

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-AK21**2818. 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. This document adopts with changes the interim final rule published in the Federal Register on December 27, 2001, at 66 FR 66763. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/01	66 FR 66763

VA

Final Rule Stage

Action	Date	FR Cite
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
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: Bill Russo, Chief, 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

2819. SCHEDULE FOR RATING DISABILITIES; GUIDELINES FOR APPLICATION OF EVALUATION CRITERIA FOR CERTAIN RESPIRATORY AND CARDIOVASCULAR CONDITIONS; EVALUATION OF HYPERTENSION WITH HEART DISEASE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.104

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities, 38 CFR part 4, in order to clarify the evaluation of certain respiratory and cardiovascular conditions and to explain that hypertension and hypertensive or other heart diseases will be separately evaluated. The intended effect of this amendment is to clarify the use of the current criteria for evaluating respiratory and cardiovascular conditions, particularly in cases where alternative criteria are provided, in order to ensure that veterans receive consistent evaluations

and are not required to undergo unnecessary tests.

Timetable:

Action	Date	FR Cite
NPRM	08/22/02	67 FR 54394
NPRM Comment Period End	10/21/02	
Final Action	10/00/06	

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-AL26

2820. 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	10/00/06	

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-AL28

2821. 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 "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

VA

Final Rule Stage

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	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: Dr. Vicki Milton, Medical Officer, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7210
Email: capvmilt@vba.va.gov

RIN: 2900-AL32**2822. 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	10/00/06	

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
Phone: 202 273-7325
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RIN: 2900-AL65**2823. SERVICE REQUIREMENTS FOR VETERANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(21), (22); 38 USC 106; 38 USC 501(a); 38 USC 1152; 38 USC 1301; 38 USC 1504; 38 USC 1832(b)(2); 38 USC 5101(i); 38 USC 5303(a), (b), (e); PL 95-126; PL 95-202; PL 102-40; ...**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its compensation and pension regulations relating to service requirements for veterans. 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	01/30/04	69 FR 4820
NPRM Comment Period End	03/30/04	
Final Action	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210
Email: capbruss@vba.va.gov

RIN: 2900-AL67**2824. PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISABILITIES AND RELATED MATTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1101; 38 USC 1111; 38 USC 1112; 38 USC 1116; 38 USC 1133; 38 USC 1137; PL 98-542**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations that concern the presumptions of service connection for certain diseases or conditions. 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	07/27/04	69 FR 44614
NPRM Comment Period End	09/27/04	
Final Action	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210
Email: capbruss@vba.va.gov

RIN: 2900-AL70**2825. ADJUDICATION: ACCRUED BENEFITS AND DEATH COMPENSATION BENEFITS****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); 38 USC 1121 and 1122; 31 USC 3329 and 3330; 38 USC 5101; 38 USC 5121; ...**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its

VA

Final Rule Stage

compensation and pension regulations relating to accrued and death compensation benefits. 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	10/01/04	69 FR 59072
NPRM Comment Period End	11/30/04	
Final Action	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL71**2826. DUTIES OF VA; RIGHTS AND RESPONSIBILITIES OF CLAIMANTS AND BENEFICIARIES****Priority:** Other Significant

Legal Authority: 38 USC 1154; 38 USC 1822; 38 USC 5101; 38 USC 5103(a); 38 USC 5104; 38 USC 5109; 38 USC 5112(a); 38 USC 5125; 38 USC 5304; 38 USC 5701(b); ...

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

Abstract: The Department of Veterans Affairs (VA) is amending its compensation and pension regulations that apply to the duties of VA and the rights and responsibilities of claimants and beneficiaries. 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	05/10/05	70 FR 24680
NPRM Comment Period End	07/11/05	
Final Action	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AL82**2827. ELECTIONS OF IMPROVED PENSION; OLD LAW AND SECTION 306 PENSION****Priority:** Other Significant

Legal Authority: 38 USC 503; 38 USC 521(f); 38 USC 522; 38 USC 543; 38 USC 1312(b); 38 USC 1317(b); 38 USC 1521(i); 45 USC 228; PL 86-211; PL 86-212; PL 87-381; PL 95-588; PL 96-272

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

Abstract: The Department of Veterans Affairs (VA) is amending its compensation and pension regulations relating to its "Old-Law" and "Section 306" pension programs, as well as its regulations concerning elections of improved pension. 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	12/27/04	69 FR 77588
NPRM Comment Period End	02/25/05	
Final Action	02/00/07	

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

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulations Staff, C&P Service (211D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL83**2828. DEPENDENCY AND INDEMNIFY COMPENSATION BENEFITS****Priority:** Other Significant

Legal Authority: 38 USC 101(14); 38 USC 103(b); 38 USC 501(a); 38 USC 1121; 38 USC 1122(b); 38 USC 1141; 38 USC 1304; 38 USC 1310; 38 USC 1311(c), (d); 38 USC 1313; 38 USC 1315; 38 USC 1318(e), (d); 38 USC 5110; 38 USC 5312; ...

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

Abstract: The Department of Veterans Affairs (VA) has published a series of Notices of Proposed Rulemaking (NPRMs) setting out new proposed regulations governing VA compensation, pension, burial, and related benefits that would be located in a new part of the Code of Federal Regulations. This amendment adds regulations concerning dependency and indemnity compensation (DIC) for a veteran's surviving spouse, children, and parents and general rules relating to proof of death and service-connected cause of death to that proposed new part. The intended effect of the revisions is to assist claimants and VA personnel in locating and understanding these provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/21/05	70 FR 61325
NPRM Comment Period End	12/20/05	
Final Action	02/00/07	

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

www.regulations.gov

Agency Contact: Robert White, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Email: clay.witt@va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AL89

VA

Final Rule Stage

2829. 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	10/00/06	

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
Phone: 202 273-7210
Fax: 202 275-1728
Email: capmferr@vba.va.gov

RIN: 2900-AM13**2830. NEW AND MATERIAL EVIDENCE****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.156; 38 CFR 3.400**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication rules regarding the reconsideration of decisions on claims for benefits based on certain types of evidence, when the evidence is submitted after a regional office has decided the claim. The revision would provide consistency in adjudication of

certain types of claims and improve the effectiveness of the adjudication process.

Timetable:

Action	Date	FR Cite
NPRM	06/20/05	70 FR 35388
NPRM Comment Period End	08/19/05	
Final Action	10/00/06	

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
Phone: 202 273-7210
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RIN: 2900-AM15**2831. REMARRIAGE OF A SURVIVING SPOUSE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 103; 38 USC 501(a)**CFR Citation:** 38 CFR 3.55**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is issuing this final rule to amend its adjudication regulations regarding benefits for surviving spouses to reflect statutory changes regarding eligibility for benefits for surviving spouses who remarry after age 55 and surviving spouses who remarry after age 57. These amendments are necessary to conform the regulations to statutory provisions.

Timetable:

Action	Date	FR Cite
Final Action	10/00/06	

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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RIN: 2900-AM24**2832. VETERANS BENEFITS ACT OF 2003 AND VETERANS BENEFITS IMPROVEMENT ACT OF 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1112; 38 USC 1310; 38 USC 1503; 38 USC 2303; 38 USC 6105**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; ...**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations to incorporate relevant provisions from the Veterans Benefits Act of 2003 and the Veterans Benefits Improvement Act of 2004. Specifically, this document amends VA's adjudication regulations regarding burial allowance eligibility, forfeiture of benefits, dependency and indemnity compensation payments, the Radiation Exposure Compensation Program, exclusions from income for pension purposes, benefits for persons disabled by treatment or vocational rehabilitation provided by VA, specially adapted housing, effective date of death pension, and diseases subject to presumptive service connection. This document also amends VA's adjudication regulations to reflect the establishment of the Social Security Administration as an independent agency.

Timetable:

Action	Date	FR Cite
Final Action	10/00/06	

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

VA

Final Rule Stage

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 RIN: 2900-AM27

2833. • 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	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 13399, Philadelphia, PA 19101

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RIN: 2900-AM36

2834. • LOAN GUARANTY: AMENDMENT TO DELEGATION OF AUTHORITY—PROPERTY MANAGEMENT CONTRACTOR

Priority: Info./Admin./Other

Legal Authority: 38 USC 501 ; 38 USC 3720(a)(5); 38 USC 3732(c)

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

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its delegation of authority to the property management contractor under its housing loan program. This amendment will permit the property management contractor's Regional Managers to execute documents necessary for the management and sale of single-family properties acquired by VA under its housing loan guaranty program.

Timetable:

Action	Date	FR Cite
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: William W. Lutes, Assistant Director for Property Management and Strategic Administration, Department of Veterans Affairs, Loan Guaranty Service (263), 810 Vermont Avenue, Washington, DC 20420

Phone: 202 273-7379

RIN: 2900-AM38

2835. • INDIVIDUALS AND GROUPS CONSIDERED TO HAVE PERFORMED ACTIVE MILITARY, NAVAL, OR AIR SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; PL 95-202, sec 401

CFR Citation: 38 CFR 3.7

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its regulation to include additional groups who are considered to have served on active military service certified under section 401 of Public Law 95-202. The need for this action results from recent decisions of the Secretary of the Air Force and the Department of Defense Appropriations Act, 2001. The effect of these actions is to confer veteran status for VA benefit purposes on former members of these groups who were discharged under honorable conditions. We are also amending the references to three groups already included in our regulation in order to clarify which persons are members of these groups.

Timetable:

Action	Date	FR Cite
Final Action	10/00/06	

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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RIN: 2900-AM39

VA

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT**2836. 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	03/00/07	

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

www.regulations.gov

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

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RIN: 2900-AK78**BOARD OF VETERANS APPEALS****2837. BOARD OF VETERANS' APPEALS: CLARIFICATION OF A NOTICE OF DISAGREEMENT****Priority:** Other Significant**Legal Authority:** 38 USC 7105**CFR Citation:** 38 CFR 19.26; 38 CFR 19.29**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs is amending its regulations pertaining to Agency action upon receipt from a claimant of a Notice of Disagreement of a decision made by VA on a claimant's application for a VA benefit.**Timetable:**

Action	Date	FR Cite
NPRM	06/30/05	70 FR 37723
NPRM Comment Period End	08/29/05	
Final Action	10/00/06	

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, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978**RIN:** 2900-AL97

Rules of Practice to the Board's current methods for archiving and retrieving Board decisions for public use. Board decisions issued on or after January 1, 1992, are currently available in redacted form for public inspection and copying on Web sites that are accessible through the Internet.

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: 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-AM31**NATIONAL CEMETERY SYSTEM****2839. 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.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	10/00/06	

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 CemeteryAdministration, 810 Vermont Avenue
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RIN: 2900-AM18**OFFICE OF THE GENERAL COUNSEL****2840. 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	10/00/06	

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

www.regulations.gov

Agency Contact: Michelle D.D. Bernstein, Staff Attorney, Department of Veterans Affairs, 810 Vermont Ave NW, Washington, DC 20420
Phone: 202 273-6326
Email: michelle.bernstein@mail.va.gov**RIN:** 2900-AM29**Department of Veterans Affairs (VA)****Long-Term Actions****VETERANS HEALTH ADMINISTRATION****2841. 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:** William Tilton
Phone: 202 273-6270**RIN:** 2900-AL51**VETERANS BENEFITS ADMINISTRATION****2842. BURIAL BENEFITS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3; 38 CFR 5**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert White
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Related RIN: Related to 2900-AL67**RIN:** 2900-AL72

VA

Long-Term Actions

2843. RULES ON APPORTIONMENTS TO DEPENDENTS; PAYMENTS TO FIDUCIARIES AND INCARCERATED BENEFICIARIES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3; 38 CFR 5

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo

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Related RIN: Related to 2900-AL67

RIN: 2900-AL74

2844. 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: 202 273-7412

RIN: 2900-AL78

2845. PAYMENTS TO BENEFICIARIES WHO ARE ELIGIBLE FOR MORE THAN ONE BENEFIT

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3; 38 CFR 5

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo

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Related RIN: Related to 2900-AL67

RIN: 2900-AL95

2846. PAYMENTS AND ADJUSTMENTS TO PAYMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3; 38 CFR 5

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo

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Related RIN: Related to 2900-AL67

RIN: 2900-AM06

2847. SERVICE-CONNECTED DISABILITY COMPENSATION

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 5

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo

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Related RIN: Related to 2900-AL67

RIN: 2900-AM07

Department of Veterans Affairs (VA)

Completed Actions

2848. ADVANCED HEALTH CARE PLANNING

Priority: Other Significant

CFR Citation: 38 CFR 17.32

Completed:

Reason	Date	FR Cite
Final Action	11/30/05	70 FR 71772
Final Action Effective	12/30/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AJ28

2849. PATIENTS' RIGHTS

Priority: Other Significant

CFR Citation: 38 CFR 17.33

Completed:

Reason	Date	FR Cite
Final Action	11/04/05	70 FR 67093
Final Action Effective	12/05/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Audrey Greshaw

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RIN: 2900-AL66

2850. USE OF VA FORM 10-10EZR AND SIGNATURE OF REQUIREMENTS FOR CERTAIN VA FORMS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.36

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AL91

VA

Completed Actions

2851. ELIGIBILITY FOR HEALTH CARE BENEFITS FOR CERTAIN FILIPINO VETERANS IN THE UNITED STATES**Priority:** Other Significant**CFR Citation:** 38 CFR 17.39**Completed:**

Reason	Date	FR Cite
Final Action	02/09/06	71 FR 6679
Final Action Effective	03/13/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tony Guagliardo

Phone: 202 254-0406

RIN: 2900-AM03**2852. ELIMINATION OF CO-PAY FOR SMOKING CESSATION COUNSELING****Priority:** Other Significant**CFR Citation:** 38 CFR 17.108**Completed:**

Reason	Date	FR Cite
Final Action	01/17/06	71 FR 2464
Final Action Effective	01/17/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Eileen Downey

Phone: 202 254-0347

RIN: 2900-AM11**2853. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.321; 38 CFR 3.340; 38 CFR 3.341; 38 CFR 3.342; 38 CFR 4.16; 38 CFR 4.17; 38 CFR 4.18**Completed:**

Reason	Date	FR Cite
Withdrawn	12/23/05	70 FR 76221

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Beth A Easter

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RIN: 2900-AH21**2854. LOAN GUARANTY: ASSISTANCE TO CERTAIN DISABLED VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4400**Completed:**

Reason	Date	FR Cite
Withdrawn	01/30/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William White

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RIN: 2900-AL58**2855. RESERVISTS' EDUCATION: REVISION OF ELIGIBILITY REQUIREMENTS FOR THE MONTGOMERY GI BILL—SELECTED RESERVE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.1032; 38 CFR 21.7540; 38 CFR 21.7550; 38 CFR 21.7551**Completed:**

Reason	Date	FR Cite
Final Action	01/10/06	71 FR 1496
Final Action Effective	01/10/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lynn M. Nelson

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RIN: 2900-AL69**2856. REGULATIONS RELATED TO PAYMENTS AND ADJUSTMENTS TO PAYMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3; 38 CFR 5**Completed:**

Reason	Date	FR Cite
Withdrawn	07/14/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bill Russo

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Related RIN: Related to 2900-AL67**RIN:** 2900-AL75**2857. DEPENDENCY AND INDEMNITY COMPENSATION: SURVIVING SPOUSE'S RATE; PAYMENTS BASED ON VETERANS ENTITLEMENT TO COMPENSATION FOR SERVICE-CONNECTION DISABILITY RATED TOTALLY DISABLING FOR SPECIFIED PERIODS****Priority:** Other Significant**CFR Citation:** 38 CFR 3.10; 38 CFR 3.22; 38 CFR 20.1106**Completed:**

Reason	Date	FR Cite
Final Action	12/02/05	70 FR 72211
Final Action Effective	12/02/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Joseph Barrans

Phone: 202 273-6320

RIN: 2900-AL86**2858. USE OF DIAGNOSTIC CODE NUMBERS; SCHEDULE OF RATINGS—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 4.27; 38 CFR 4.124(a)**Completed:**

Reason	Date	FR Cite
Final Action	12/20/05	70 FR 75398
Final Action Effective	12/20/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Maya Ferrandino

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VA

Completed Actions

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RIN: 2900-AM32

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