

policy is not a prerequisite for placing a policy under the protection of the Act.

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38 CFR Part 8a

RIN 2900-AH54

Veterans Mortgage Life Insurance

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations relating to Veterans Mortgage Life Insurance (VMLI) by eliminating regulations that merely restate statutory provisions; and by deleting provisions that have no legal effect.

EFFECTIVE DATE: June 7, 1996.

FOR FURTHER INFORMATION CONTACT: George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs Regional Office and Insurance Center, PO Box 8079, Philadelphia, PA 19101, (215) 951-5718.

SUPPLEMENTARY INFORMATION: The Insurance Service of the Veterans Benefits Administration has determined that various regulations relating to VMLI are merely restatements of statutory provisions. Since they are redundant, they are unnecessary and may be eliminated.

This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice-and-comment and effective-date provisions of 5 U.S.C. 553. The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This final rule will not affect any entity since it does not contain any substantive provisions. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program number for these regulations is 64.103.

List of Subject in 38 CFR Part 8a

Mortgage insurance, Veterans.

Approved: May 31, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 8a is amended as set forth below:

PART 8a—VETERANS MORTGAGE LIFE INSURANCE

1. The authority citation for part 8a is revised to read as follows:

Authority: 38 U.S.C. 501, and 2101 through 2106, unless otherwise noted.

§§ 8a.5 through 8a.7 [Removed]

2. Sections 8a.5 through 8a.7 are removed.

§ 8a.1 [Amended]

3. In § 8a.1, paragraphs (a) and (b) are removed; paragraphs (c), (d), (e), (f) and (g) are redesignated as paragraphs (a), (b), (c), (d) and (e) respectively; newly redesignated paragraph (b) is amended by adding “(VMLI)” after “Veterans Mortgage Life Insurance”; and newly redesignated paragraph (e)(3) is amended by removing “Chief Benefits Director” and adding, in its place, “Under Secretary for Benefits”.

§ 8a.2 [Amended]

4. In § 8a.2, paragraph (a), is amended by removing “Veterans Mortgage Life Insurance (VMLI)” and adding, in its place, “VMLI”; paragraph (a) is further amended by removing “8a.4(b) of this title, the amount of Veterans Mortgage Life Insurance” and adding, in its place, “8a.4(a) the amount of VMLI”; paragraph (b)(4) is amended by removing, “purchased or adapted in part with a grant, or subsequently acquired housing unit”; in paragraph (b)(6) the first sentence is removed; and paragraphs (b)(4), (b)(6), (b)(8) and (c) are amended by removing “Veterans Mortgage Life Insurance” each time and adding, in its place, “VMLI”.

§ 8a.3 [Amended]

5. In § 8a.3, paragraphs (a), (b), (c), and (e) are amended by removing “Veterans Mortgage Life Insurance” each time and adding, in its place, “VMLI”.

§ 8a.4 [Amended]

6. In § 8a.4, paragraph (a) is removed; paragraphs (b), (c) and (d) are redesignated as paragraph (a), (b) and (c) respectively; and newly redesignated paragraphs (a) and (c) are amended by removing “Veterans Mortgage Life Insurance” each time and adding, in its place, “VMLI”.

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38 CFR Part 20

RIN 2900-A115

Rules of Practice: Elimination of Unnecessary Provisions Relating to Representation, Witnesses, and Access to Board Records

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Rules of Practice for the Board of Veterans' Appeals (Board) to eliminate unnecessary provisions concerning individuals who may assist an attorney in presenting evidence and argument at the Board, concerning testimony from members of Congress and Congressional staffs, and concerning Board records. The Board adjudicates appeals of denials of claims for veterans' benefits.

EFFECTIVE DATE: June 7, 1996.

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Chief Counsel, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202-565-5978).

SUPPLEMENTARY INFORMATION: This document eliminates from the Board's Rules of Practice provisions which are no longer necessary.

In § 20.606, relating to legal interns, law students and paralegals, former paragraph (a) is deleted. Previously, that paragraph limited to two the number of such individuals who may assist an attorney in presenting evidence and argument at the Board. Particularly with the limitation in former paragraph (d) of § 20.606—which limits to two the number of such individuals who may make a presentation at a hearing and permits the presiding Member to limit participation at a hearing—we do not believe the limitation in paragraph (a) is needed. New paragraph (d) (former paragraph (e)) is amended to provide that a presiding Member of a hearing—as well as the Chairman—may withdraw permission for a legal intern, law student or paralegal to prepare and present cases before the Board if the individual demonstrates incompetence, unprofessional conduct, or interference with the appellate process.

Section 20.710, relating to witnesses at hearings, is rewritten to delete specific instructions that Members of Congress and Congressional staff may testify at a hearing, and to delete the extensive discussion of the nature of an affirmation (as opposed to an oath). We do not believe either provision is necessary.

Section 20.1300, relating to access to Board records, is rewritten to limit its

applicability to removal of Board records. Previous paragraphs (b) through (e) restate statutory and other regulatory provisions regarding access to records which we believe are unnecessary in the Board's Rules of Practice.

This final rule concerns agency procedure or practice and, consequently, pursuant to 5 U.S.C. 553, is exempt from notice and comment requirements.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule will affect VA beneficiaries and will not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Lawyers, Legal services, Veterans.

Approved: May 31, 1996.
Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 20 is amended as set forth below:

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:
Authority: 38 U.S.C. 501(a).

Subpart G—Representation

§ 20.606 [Amended]

2. In § 20.606, paragraph (a) is removed; and paragraphs (b), (c), (d) and (e) are redesignated as paragraphs (a), (b), (c) and (d), respectively.

3. In § 20.606, newly redesignated paragraph (c) is amended by removing "paragraph (b)" in the fourth sentence and adding, in its place, "paragraph (a)"

4. In § 20.606, newly redesignated paragraph (d) is amended by adding "or presiding Member" immediately following "Chairman" in the last sentence.

Subpart H—Hearings on Appeal

5. Section 20.710 is revised to read as follows:

§ 20.710 Rule 710. Witnesses at hearings.

The testimony of witnesses, including appellants, will be heard. All testimony must be given under oath or affirmation. Oath or affirmation is not required for

the sole purpose of presenting contentions and argument.

Authority: 38 U.S.C. 7102, 7105(a), 7107.

Subpart N—Miscellaneous

6. Section 20.1300 is revised to read as follows:

§ 20.1300 Rule 1300. Removal of Board records.

No original record, paper, document or exhibit certified to the Board may be taken from the Board except as authorized by the Chairman or except as may be necessary to furnish copies or to transmit copies for other official purposes.

Authority: 38 U.S.C. 5701.

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DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AH64

Post-Vietnam Era Veterans' Educational Assistance: Miscellaneous

AGENCIES: Department of Defense and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). It removes provisions that are obsolete, duplicative, or otherwise unnecessary. It also makes changes for purposes of clarification.

EFFECTIVE DATE: June 7, 1996.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 202-273-7187.

SUPPLEMENTARY INFORMATION: The regulations governing VEAP are set forth in 38 CFR Part 21, Subpart G (see 38 CFR 21.5001 through 21.5300). This document amends these regulations as discussed below.

Section 21.5001 is revised to specify delegations of authority to various employees to make decisions concerning claims for benefits under VEAP. Previously these delegations were included by incorporation by reference.

Section 21.5020 is revised by referring readers to applicable statutory provisions instead of restating the statutory provisions.

Section 21.5021 is amended to correct a typographical error.

Section 21.5022 is amended to update information concerning the relationship between VEAP benefits and other benefit programs.

Section 21.5040 contained a paragraph that required each person who was eligible for educational assistance under both the Vietnam Era GI Bill and VEAP to elect under which program he or she wished to receive benefits. These provisions are removed. Since the Vietnam Era GI Bill has expired, no one is eligible under both programs. However, if such an election was made in the past, it remains irrevocable by statute (see 38 U.S.C. 3221(f)).

Section 21.5058 is amended by removing a reference to § 21.4703, since § 21.4703 was removed by another Federal Register document. Also, the reference to § 21.4703 is replaced by a reference to the corresponding statutory provision.

Section 21.5060 contained material concerning disenrollment from VEAP by individuals who instead chose to participate in the Vietnam Era GI Bill. Since individuals can no longer do that, the material is removed.

Section 21.5064 contained provisions concerning an officer adjustment benefit. Eligibility can no longer be established for this benefit. Therefore, this material is obsolete and is removed.

Section 21.5074 contained provisions for reducing the monthly payment made to a VEAP participant who has excessive absences during that month. Due to a statutory change, these provisions applied only to absences occurring prior to December 18, 1989. Consequently, this section is obsolete and is removed.

Section 21.5100 is amended by replacing obsolete authority citations with current citations.

Section 21.5103 is amended by removing obsolete rules concerning when travel connected with counseling will be reimbursed by the Department of Veterans Affairs (VA), and replacing those rules with a reference to the sections of the U.S. Code that govern these reimbursements.

Section 21.5130 contained statements as to which of several regulations governing payments of educational assistance VA will apply to the payments of educational assistance under VEAP. This section is revised to eliminate references to sections and paragraphs that no longer exist.

Section 21.5132 is amended by removing provisions that are no longer necessary because they applied only to payments that have already been made.