

4. Section 201.1(c) is amended by removing "Copyright Office, Library of Congress, Washington, DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

5. Section 201.1(d) is amended by removing "Copyright Office, Library of Congress, Washington DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

§ 201.2 [Amended]

6. Section 201.2(b)(5) is amended by removing "the General Counsel of the Copyright Office, Department DS, Washington, DC 20540." and adding "Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024."

§ 201.5 [Amended]

7. Section 201.5(c)(2) is amended by removing "United States Copyright Office, Library of Congress, Washington, DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

8. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 202.3 [Amended]

9. Section 202.3(b)(2) is amended by removing "United States Copyright Office, Library of Congress, Washington, DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

§ 202.20 [Amended]

10. Section 202.20(c)(2)(vii)(A)(2) is amended by removing "or for programs consisting of or less than 25 pages or equivalent units, source code with the trade secret portions blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the remaining portion reveals an appreciable amount of original computer code." and by adding in its place "or for programs consisting of, or less than, 50 pages or equivalent units, entire source code with the trade secret portions blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the remaining portion reveals an appreciable amount of original computer code."

11. Section 202.20(c)(2)(vii)(D)(1) is amended by adding the word "pages" after the numeral "25".

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

12. The authority citation for part 203 continues to read as follows:

Authority: 17 U.S.C. 702; and 5 U.S.C. 552(a)(1).

§ 203.2 [Amended]

13. Section 203.2(a) is amended by removing "17 U.S.C. 101-710." and adding in its place: "17 U.S.C. 101-1101."

Dated: June 26, 1997.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 97-17238 Filed 6-30-97; 8:45 am]

BILLING CODE 1410-30-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AI66

Veterans' Benefits Improvements Act of 1996

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations concerning: The clothing allowance based on certain service-connected disabilities; the dates of the Vietnam era; the payment of benefits to a surviving spouse for the month in which the veteran dies; the period for which accrued benefits are payable; and burial allowance eligibility. The intended effect of this amendment is to bring VA regulations into conformance with statutory revisions contained in the Veterans' Benefits Improvements Act of 1996.
DATES: *Effective Date:* October 9, 1996, except for amendments to §§ 3.2(f) and 3.307(a)(6), which are effective January 1, 1997.

Applicability: The amendments to 38 CFR 3.20 apply to the deaths of compensation and pension recipients that occur after December 31, 1996. The Amendment to 38 CFR 3.1000 applies to claims for accrued benefits based on deaths that occurred before October 9, 1996, and that were not finally decided before then, as well as to claims based on deaths that occurred after then.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810

Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7230.

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 1162, VA pays a clothing allowance to each veteran who, because of a service-connected disability, either wears or uses a prosthetic or orthopedic appliance which tends to wear out or tear the veteran's clothing, or uses a medication prescribed for a skin condition due to a service-connected disability and which causes irreparable damage to the veteran's outer clothing. Although 38 U.S.C. 5313 limits the amount of compensation or dependency and indemnity compensation that is payable to any person who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days for conviction of a felony, there was no such restriction on payment of the clothing allowance.

Section 502 of the Veterans' Benefits Improvements Act of 1996, Public Law 104-275, amended 38 U.S.C. Chap. 53 to reduce the amount of the clothing allowance payable under 38 U.S.C. 1162 to veterans who are incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who are furnished clothing without charge by the institution. Under this amendment, VA is required to reduce the amount of the clothing allowance by an amount equal to 1/365 of the amount of the allowance otherwise payable for each day on which the veteran was incarcerated during the 12-month period preceding the date on which payment of the clothing allowance would be due. VA is amending 38 CFR 3.810 to reflect this statutory change.

The Vietnam era was defined as the period August 5, 1964, through May 7, 1975, inclusive (See 38 CFR 3.2(f)). Section 505 of Public Law 104-275 amended 38 U.S.C. 101(29) to expand the Vietnam era to the period beginning on February 28, 1961, and ending on May 7, 1975, but only for veterans who served in the Republic of Vietnam during that period. Public Law 104-275 also amended 38 U.S.C. 1116(a) to expand the period during which veterans must have served in Vietnam to be entitled to the application of certain presumptions relating to exposure to certain herbicide agents and the service connection of associated diseases to the period beginning January 9, 1962, and ending on May 7, 1975. VA is amending 38 CFR 3.2(f) and 3.307(a)(6) to reflect these statutory changes, which are effective January 1, 1997.

Under the provisions of 38 U.S.C. 5310, a veteran's surviving spouse who

is entitled to death benefits for the month of the veteran's death gets an amount not less than the amount which the veteran would have received for that month but for his or her death. Section 506 of Pub. L. 104-275 revised 38 U.S.C. 5310 to allow a surviving spouse who is not entitled to death benefits for the month of the veteran's death to receive a benefit in an amount equal to the amount which the veteran would have received for that month but for his or her death. It further provided that a compensation or pension payment issued to a veteran for the month of death shall be treated as being payable to a surviving spouse who is entitled to this new benefit and that if the payment is negotiated or deposited it will be considered as the benefit due the surviving spouse. However, if the payment is less than the amount the veteran would have received for the month of death, the statute requires that the unpaid amount be treated as an accrued benefit (See 38 U.S.C. 5121 and 38 CFR 3.1000). The changes made by section 506 of Public Law 104-275 apply to deaths occurring after December 31, 1996. VA is amending 38 CFR 3.20 to reflect these statutory changes.

Under the provisions of 38 U.S.C. 5121, when an individual eligible for VA periodic monetary benefits dies, the amount of benefits due but unpaid at death may be paid either to certain survivors or as a reimbursement to the person who bore the expense of the individual's last illness and burial. The amount of accrued benefits payable was limited to the amount due for a period not to exceed one year prior to the date of death. Section 507 of Public Law 104-275 revised this to the amount due for a period not to exceed two years prior to the date of death. VA is amending 38 CFR 3.1000(a) to reflect this statutory change.

Under the provisions of 38 U.S.C. 2303, VA pays burial benefits on behalf of a veteran who dies in a VA facility to which he or she was admitted for hospital, nursing home, or domiciliary care, or who dies in an institution at which he or she was receiving hospital or nursing home care at the expense of the United States at the time of death. Section 212 of Public Law 104-275 amended 38 U.S.C. 2303 to provide burial benefits for certain veterans who die in State nursing homes. VA is amending 38 CFR 3.1600(c) to reflect this statutory change, to correct an obsolete reference to 38 U.S.C. 1701(4), and to include within the scope of the term "hospitalized by VA" contract hospital care under 38 U.S.C. 1703. These amendments merely conform the

regulations to the governing statutory provisions.

VA is issuing a final rule to make the above described amendments. Because these amendments merely reflect statutory changes, publication as a proposal for public comment is unnecessary.

Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601-612). Even so, 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.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109, and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: April 28, 1997.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.2, paragraph (f) is revised to read as follows:

§ 3.2 Periods of war.

* * * * *

(f) *Vietnam era.* The period beginning on February 28, 1961, and ending on May 7, 1975, inclusive, in the case of a veteran who served in the Republic of Vietnam during that period. The period beginning on August 5, 1964, and ending on May 7, 1975, inclusive, in all other cases.

(Authority: 38 U.S.C. 101(29))

* * * * *

3. In § 3.20, paragraph (c) is added to read as follows:

§ 3.20 Surviving spouse's benefit for month of veteran's death.

* * * * *

(c)(1) Where a veteran receiving compensation or pension dies after

December 31, 1996, the surviving spouse, if not entitled to death compensation, dependency and indemnity compensation, or death pension for the month of death, shall be entitled to a benefit for that month in an amount equal to the amount of compensation or pension the veteran would have received for that month but for his or her death.

(2) A payment issued to a deceased veteran as compensation or pension for the month in which death occurred shall be treated as payable to that veteran's surviving spouse, if the surviving spouse is not entitled to death compensation, dependency and indemnity compensation or death pension for that month and, if negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under paragraph (c)(1) of this section. However, if such payment is in an amount less than the amount of the benefit under paragraph (c)(1) of this section, the unpaid difference shall be treated in the same manner as an accrued benefit under § 3.1000 of this part.

(Authority: 38 U.S.C. 5310(b))

§ 3.307 [Amended]

4. In § 3.307, paragraphs (a)(6)(i) and (a)(6)(iii) are amended by removing "during the Vietnam era" wherever it appears, and adding, in its place, "during the period beginning on January 9, 1962, and ending on May 7, 1975", and by adding an authority citation at the end of paragraph (a)(6)(i) and by revising the authority citation to paragraph (a)(6)(iii) to read as follows:

§ 3.307 Presumptive service connection for chronic, tropical or prisoner-of-war related disease, or disease associated with exposure to certain herbicide agents; wartime and service on or after January 1, 1947.

- (a) * * *
- (6) * * *
- (i) * * *

(Authority: 38 U.S.C. 1116(a)(4))

* * * * *

- (iii) * * *

(Authority: 38 U.S.C. 501(a) and 1116(a)(3))

* * * * *

§ 3.810 [Amended]

5. In § 3.810, paragraph (a), the first sentence, is amended by removing "A" and adding, in its place, "Except as provided in paragraph (d) of this section a"; and paragraph (d) is added after the authority citation following paragraph (c) to read as follows:

§ 3.810 Clothing allowance.

* * * * *

(d) If a veteran is incarcerated in a Federal, State, or local penal institution for a period of more than 60 days and is furnished clothing without charge by the institution, VA shall reduce the amount of the annual clothing allowance by 1/365th of the amount otherwise payable for each day the veteran was incarcerated during the 12-month period preceding the anniversary date for which entitlement is established. No reduction shall be made for the first 60 days of incarceration.

(Authority: 38 U.S.C. 5313A)

§ 3.1000 [Amended]

6. In § 3.1000, the introductory text of paragraph (a) is amended by removing "1 year" and adding, in its place, "2 years", and by adding an authority citation to read as follows:

§ 3.1000 Under 38 U.S.C. 5121.

(a) * * *

(Authority: 38 U.S.C. 5121(a))

* * * * *

§ 3.1600 [Amended]

7. In § 3.1600, paragraph (c), the second sentence is amended by removing "(as defined in 38 U.S.C. 1701(4))" and adding, in its place, "(as described in 38 U.S.C. 1701(3))"; by removing "1711(a), or" and adding, in its place, "1711(a); admission (transfer) to a non-VA facility (as described in 38 U.S.C. 1701(4)) for hospital care under the authority of 38 U.S.C. 1703;" and by removing "United States." and adding, in its place, "United States; or admission (transfer) to a State nursing home for nursing home care with respect to which payment is authorized under the authority of 38 U.S.C. 1741.".

[FR Doc. 97-17226 Filed 6-30-97; 8:45 am]

BILLING CODE 8320-01-U

DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 21**

RIN 2900-AH97

Veterans Education: Submission of School Catalogs to State Approving Agencies

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and educational benefits regulations of the Department of Veterans Affairs (VA). The current regulations provide that schools must

submit a catalog or bulletin to the State Approving Agency (SAA) when seeking approval for courses for training under VA-administered education programs. Public Law 102-568 removed this requirement for elementary and secondary schools. Accordingly, VA is amending the regulations to state that accredited schools, other than elementary and secondary schools, as part of the approval process must submit catalogs to the State agencies that approve courses for training under VA-administered education programs.

EFFECTIVE DATE: July 1, 1997.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service (225), Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on January 8, 1997 (62 FR 1075), VA proposed to amend the "Administration of Educational Assistance" regulations which are set forth in 38 CFR 21.4001 *et seq.* It was proposed to amend the regulations so that accredited schools, other than elementary or secondary schools, as part of the approval process must submit catalogs to the State approving agencies. Comments were sought under the Paperwork Reduction Act concerning the collection of information in the proposed § 21.4253(d)(1).

Interested persons were given 60 days to submit comments. No comments were received. Accordingly, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposed rule as a final rule.

The amendments made by this final rule relieve restrictions. Therefore, under the provisions of 5 U.S.C. 553(d), there is a basis for making this final rule effective immediately.

Paperwork Reduction Act

Information collection and recordkeeping requirements in this final rule (concerning 38 CFR 21.4253(d)(1)) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and have been assigned OMB control number 2900-0568. The provisions of § 21.4253(d)(1) restate a statutory requirement which provides that before a State Approving Agency (SAA) may approve a course of an accredited educational institution (other than an elementary or secondary school) for training under VA-administered educational assistance programs, the educational institution must submit to

the SAA certified copies of its catalog or bulletin containing certain information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number assigned to the collection of information in this final rule is displayed at the end of the affected section of the regulations.

Regulatory Flexibility Act

The Secretary of Veterans Affairs 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. Although it is possible that a small entity could be subject to this rulemaking, all schools prepare a catalog or bulletin that would meet the requirements of this rulemaking. Consequently, there will be no significant economic impact on small entities from this rulemaking.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.117, 64.120, and 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: June 2, 1997.

Jesse Brown,*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 21, subpart D, is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION**Subpart D—Administration of Educational Assistance Programs**

1. The authority citation for part 21, subpart D, continues to read as follows:

Authority: 10 U.S.C. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.