

where the International Bureau of the World Intellectual Property Organization (IB) has issued a notice of irregularity to an international applicant, and the international applicant submits a response to that notice through the USPTO, the response must be transmitted through TEAS.

The USPTO is fully confident in its electronic systems. Nevertheless, to be prudent and to ensure that applicants do not lose important priority rights if newly developed USPTO systems undergo significant "downtime" after they are first deployed, the USPTO will permit international applications, responses to irregularity notices and subsequent designations to be submitted on paper rather than through TEAS for a temporary period of time. Additionally, the USPTO believes that offering a paper-filing alternative will allow the public to build confidence in the electronic system, knowing that a paper backup system exists. This postponement of the effective date of portions of the regulation does not affect any substantive rights. The postponement of the effective date of portions of the regulation merely adds the alternative for paper filing during this initial transition period.

#### **Postponement of Applicability Date of Specific Rules**

■ Accordingly, the USPTO hereby suspends the requirement to comply with 37 CFR 7.11(a), 7.21(b), and 7.14(e), to the extent that they require transmission through TEAS. If there is a USPTO fee associated with a Madrid document that an applicant submits on paper, the applicant must include that fee together with the submission. However, if there is an international fee associated with that submission, the applicant may not pay that fee through the USPTO. Instead, the applicant should send that fee directly to the IB. Accordingly, the USPTO hereby temporarily suspends 37 CFR 7.7(a) and (b), to the extent that they allow an applicant to submit a fee charged by the IB through the USPTO.

The USPTO also temporarily suspends the applicability of 37 CFR 7.11(a)(9), to the extent that it requires that international application fees for all classes and the fees for all designated Contracting Parties identified in an international application be paid at the time of submission, and 37 CFR 7.21(b)(7), to the extent that it requires that all international fees for a subsequent designation be paid at the time of submission. A party submitting an international application on paper must pay the USPTO certification fee at

the time of submission, but must pay the international fees directly to the IB. A party submitting a subsequent designation on paper must pay the USPTO transmittal fee at the time of submission, but must pay the international fees directly to the IB. That party may pay the international fees to the IB either before or after submission of the international application or subsequent designation.

Applicants wishing to make Madrid submissions on paper should use forms provided by the IB for that purpose. These forms may be downloaded from the IB Web site, <http://www.wipo.int/madrid/en/>.

Finally, with respect solely to international applications, subsequent designations, and responses to notices of irregularities, the USPTO hereby temporarily waives the requirement of 37 CFR 2.190(a) that all trademark-related documents submitted on paper must be mailed to the USPTO address at 2900 Crystal Drive, Arlington, Virginia 22202-3514. Instead, the USPTO hereby announces that until the termination of this waiver of the rules, Madrid submissions should be mailed to the following address: Commissioner for Trademarks, PO Box 16471, Arlington, Virginia 22215-1471, Attn: MPU.

Please note that any trademark-related correspondence other than international applications, subsequent designations, and responses to irregularity notices that is sent to this address will not be accepted, and will be returned to the sender.

If a submission mailed to the above address pursuant to this notice is delivered by the Express Mail service of the United States Postal Service, the USPTO will deem that the date of receipt of the submission in the USPTO is the date the submission was deposited as Express Mail, provided that the submitter complies with the requirements set forth in 37 CFR 2.198. As a result, the USPTO temporarily waives the exceptions set forth in 37 CFR 2.198(a)(1) to the extent that their application is inconsistent with this Notice.

Please note that all waivers and suspensions announced herein apply only to Madrid-related documents submitted on paper. The waivers and suspensions will be ended on January 2, 2004. A notice announcing any extension of the postponement to the effective date of these provisions will be issued at least ten days before the extension commences.

Dated: October 17, 2003.

**James E. Rogan,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 03-26772 Filed 10-23-03; 8:45 am]

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## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 3**

#### **RIN 2900-AJ52**

### **Exclusions from Income and Net Worth Computations**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) adjudication regulations to exclude from income and net worth computations in the pension and parents' dependency and indemnity compensation programs any money received under the Victims of Crime Act of 1984. This amendment is necessary to conform the regulations to statutory provisions.

**DATES:** Effective Date: October 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** Don England, Chief, Regulations Staff, Compensation and Pension Service (211A), Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7210. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** All income is countable when VA determines entitlement to income-based benefits unless specifically excluded by law. Section 234(b) of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-132, amended section 1403 of the Victims of Crime Act of 1984, Public Law 98-473, (42 U.S.C. 10602) to exclude amounts received as compensation under the provisions of Public Law No. 98-473 from income for purposes of determining eligibility for assistance under any federally funded program that provides medical or financial assistance that becomes necessary in full or in part because of the commission of a crime against the claimant for such assistance (42 U.S.C. 10602(c)).

Sections 1522 and 1543 of title 38, United States Code, and 38 CFR 3.250(a)(2) provide that the corpus of the estate of a veteran, a veteran's spouse, or other claimant, as the case may be, will be taken into consideration to determine whether part of the corpus of the estate can be used for the

individual's maintenance for purposes of establishing eligibility for certain veterans' benefits. Section 622(c) of the "USA Patriot Act," Public Law No. 107-56, amended the Victims of Crime Act of 1984 to also exclude amounts received as crime victim compensation from consideration when determining an individual's resources or assets (*i.e.*, net worth) for purposes of assistance under any federally funded program. This document amends 38 CFR 3.261, 3.262, 3.263, 3.272 and 3.275 to reflect these statutory changes.

This final rule merely restates statutory provisions. Accordingly, there is a basis for dispensing with prior notice and comment and the delayed effective date provisions of 5 U.S.C. 552 and 553.

**Unfunded Mandates**

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies to assess anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This final rule would have no such effect on State,

local, or tribal governments, or the private sector.

**Executive Order 12866**

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

**Paperwork Reduction Act**

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

**Regulatory Flexibility Act**

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.

**Catalog of Federal Domestic Assistance Program Numbers**

The Catalog of Federal Domestic Assistance program numbers for this final rule are 64.104, 64.105, and 64.110.

**List of Subjects in 38 CFR Part 3**

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

Approved: August 4, 2003.

**Anthony J. Principi,**  
*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 § 3.261, paragraph (a) is amended by adding entry (41) at the end of the table to read as follows:

**§ 3.261 Character of income; exclusions and estates.**

*	*	*	*	*
(a)	*	*	*	

Income	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; old-law (veterans, surviving spouses and children)	Pension; section 306 (veterans, surviving spouses and children)	See
*	*	*	*	*	*
(41) Income received under the Victims of Crime Act of 1984 (42 U.S.C. 10601-10605)..	Excluded <sup>1</sup> .....	Excluded <sup>1</sup> .....	Excluded <sup>1</sup> .....	Excluded <sup>1</sup> .....	§ 3.262(z)

<sup>1</sup> The compensation received through a crime victim compensation program will be excluded from income computations unless the total amount of assistance received from all federally funded programs is sufficient to fully compensate the claimant for losses suffered as a result of the crime.

\* \* \* \* \*

■ 3. Section 3.262 is amended by adding paragraph (z) immediately following the first authority citation at the end of paragraph (y) to read as follows:

**§ 3.262 Evaluation of income.**

\* \* \* \* \*

(z) *Victims of Crime Act.* For purposes of old law pension, section 306 pension, and parents' dependency and indemnity compensation, amounts received as compensation under the Victims of Crime Act of 1984 will not be considered income unless the total amount of assistance received from all federally funded programs is sufficient to fully compensate the claimant for losses suffered as a result of the crime.

(Authority: 42 U.S.C. 10602(c))

\* \* \* \* \*

■ 4. Section 3.263 is amended by adding paragraph (h) immediately following the first authority citation at the end of paragraph (g) to read as follows:

**§ 3.263 Corpus of estate; net worth.**

\* \* \* \* \*

(h) *Victims of Crime Act.* There shall be excluded from the corpus of estate or net worth of a claimant any amounts received as compensation under the Victims of Crime Act of 1984 unless the total amount of assistance received from all federally funded programs is sufficient to fully compensate the claimant for losses suffered as a result of the crime.

(Authority: 42 U.S.C. 10602(c))

\* \* \* \* \*

■ 5. Section 3.272 is amended by adding paragraph (v) immediately following the authority citation at the end of paragraph (u) to read as follows:

**§ 3.272 Exclusions from income.**

\* \* \* \* \*

(v) *Victims of Crime Act.* Amounts received as compensation under the Victims of Crime Act of 1984 unless the total amount of assistance received from all federally funded programs is sufficient to fully compensate the claimant for losses suffered as a result of the crime.

(Authority: 42 U.S.C. 10602(c))

■ 6. Section 3.275 is amended by adding paragraph (j) immediately following the

authority citation at the end of paragraph (i) to read as follows:

**§ 3.275 Criteria for evaluating net worth.**

\* \* \* \* \*

(j) *Victims of Crime Act*. There shall be excluded from the corpus of estate or net worth of a claimant any amounts received as compensation under the Victims of Crime Act of 1984 unless the total amount of assistance received from all federally funded programs is sufficient to fully compensate the claimant for losses suffered as a result of the crime.

(Authority: 42 U.S.C. 10602(c))

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BILLING CODE 8320-01-P

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 17**

RIN 2900-AL35

**Co-payments for Inpatient Hospital Care Provided to Veterans Enrolled in Priority Category 7**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** VA's medical regulations include a mechanism for determining co-payments for inpatient hospital care provided to veterans by VA. This document revises that mechanism for veterans in the new priority category 7 as required by the Department of Veterans Affairs Programs Enhancement Act of 2001. That Act reduced the co-payment for inpatient hospital care for veterans in the new priority category 7.

**DATES:** *Effective Date:* October 1, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Howard, Director, Business Policy Development, Chief Business Office (161), at (202) 254-0320 (not a toll free number). This individual is in the Veterans Health Administration of the Department of Veterans Affairs, and is located at 810 Vermont Avenue, NW., Washington, DC 20420.

**SUPPLEMENTARY INFORMATION:** By law, certain veterans must agree to pay a co-payment for their inpatient hospital care and outpatient medical services provided by VA. Prior to October 1, 2002, the co-payment for inpatient hospital care was \$10 for every day the veteran received inpatient hospital care, and the lesser of: (A) The sum of the inpatient Medicare deductible for the first 90 days of care and one-half of the inpatient Medicare deductible for each subsequent 90 days of care (or fraction thereof) after the first 90 days of such

care during such 365-day period, or (B) VA's cost of providing the care. See 38 CFR 17.108(b).

Section 202(b) of the Department of Veterans Affairs Programs Enhancement Act of 2001, Public Law 107-135, created a new priority category 7 for enrollment of veterans in the VA health care system. Veterans generally must be enrolled in the VA health care system to receive VA inpatient hospital care or outpatient medical services. Veterans in the new category 7 are those who agree to pay the United States the applicable co-payment determined under 38 U.S.C. 1710(f) and 1710(g), and who are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of section 3(b) or as families under paragraph (3)(B) of section 3(b).

Section 202 of Public Law 107-135 also provided that veterans enrolled in the new priority category 7 are liable to the United States for a co-payment for inpatient hospital care of 20 percent of what they would otherwise be liable for. In this document, we revise the mechanism for determining co-payments for inpatient hospital care provided to veterans by VA as required by that law. We do this by adding an exception to the mechanism that provides: "The co-payment for inpatient hospital care for veterans enrolled in priority category 7 shall be 20 percent of the amount computed under paragraph (b)(2)."

As a result, the inpatient hospital care co-payment for veterans enrolled in the new priority category 7 is the sum of \$2 for every day the veteran receives inpatient hospital care (20 percent of \$10) plus the lesser of: (A) 20 percent of the sum of the inpatient Medicare deductible (\$168 for the 2003 calendar year, which is 20 percent of \$840) for the first 90 days of care and one-half of the inpatient Medicare deductible for each subsequent 90 days of care (or fraction thereof) after the first 90 days of such care during such 365-day period, or (B) 20 percent of VA's cost of providing the care.

**Unfunded Mandates**

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate or by the private sector, of \$100 million or more in any given year. This rule would have no such effect on

State, local, or tribal governments, or the private sector.

**Administrative Procedure Act**

This final rule is published without regard to the notice and comment and delayed effective date provisions of 5 U.S.C. 553, since it merely reflects statutory changes, making those procedural requirements impracticable, unnecessary, and contrary to the public interest.

**Paperwork Reduction Act**

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

**Executive Order 12866**

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

**Regulatory Flexibility Act**

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, U.S.C. 601-612. This amendment would not directly affect any small entities; only individuals could be directly affected. 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.

**Catalog of Federal Domestic Assistance Number**

The Catalog of Federal Domestic Assistance numbers for the programs affected by this document are 64.009 and 64.010.

**List of Subjects in 38 CFR Part 17**

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: August 7, 2003.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

■ For the reasons set out in the preamble, 38 CFR part 17 is amended as follows: