

RELATED RESPONSIBILITIES." It removes VA regulations that in essence restate Government-wide standards contained in 5 CFR Part 735 and Chapter XVI. It also amends the VA regulations to refer VA employees to the Government-wide standards. The intended effect of this final rule is to delete unnecessary and repetitive material in VA regulations and to refer VA employees to the Government-wide standards.

EFFECTIVE DATE: March 20, 1996.

FOR FURTHER INFORMATION CONTACT: Walter A. Hall, Assistant General Counsel (023), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 273-6334.

SUPPLEMENTARY INFORMATION: This final rule involves nonsubstantive changes. Accordingly, it is promulgated without regard to the notice-and-comment and effective-date provisions of 5 U.S.C. 553.

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 *et seq.*). Nevertheless, 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, since the final rule is nonsubstantive and does not concern small entities.

There is no Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 0

Employee ethics and related responsibilities.

Approved: February 21, 1996.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 0 is amended as set forth below:

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

1. The authority citation for Part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 38 U.S.C. 501; see sections 201, 301, and 502 (a) of E.O. 12674, 54 CFR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 CFR 42547, 3 CFR, 1990 Comp., p. 306.

§§ 0.735-1, 0.735-2, 0.735-5, 0.735-6, 0.735-7, 0.735-8 [Removed]

2. Sections 0.735-1, 0.735-2, 0.735-5, 0.735-6, 0.735-7, and 0.735-8 are removed.

§§ 0.735-3 and 0.735-4 [Redesignated as 0.735-1 and 0.735-2]

3. Sections 0.735-3 and 0.735-4 are redesignated as 0.735-1 and 0.735-2, respectively.

4. A new § 0.735-3 is added to read as follows:

§ 0.735-3 Government-wide standards.

For government-wide standards of ethical conduct and related responsibilities for Federal employees, see 5 CFR Part 735 and Chapter XVI.

[FR Doc. 96-6495 Filed 3-19-96; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 1

RIN 2900-AH84

Rulemaking Procedures

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the "General Provisions" in 38 CFR Part 1 by removing §§ 1.12 and 1.551. The regulatory history of § 1.12 indicates that, despite a statutory exemption, VA intended to self-impose the notice-and-comment provisions of 5 U.S.C. 553 on VA rulemaking concerning public property, loans, grants, benefits, or contracts (see 37 FR 3552, Feb. 17, 1972). Subsequent to the promulgation of § 1.12, statutory provisions were established that specifically applied the public notice-and-comment provisions of 5 U.S.C. 553 to VA rulemaking concerning "loans, grants, or benefits" (see 38 U.S.C. 501(d)). These statutory provisions did not impose the same notice-and-comment provisions for rulemaking concerning public property or contracts. In our view, notice-and-comment requirements for rulemaking concerning public property and contracts should only be those imposed by statute. Also, there is no need to retain the provisions of § 1.551. In large part § 1.551 merely contained restatements of 5 U.S.C. 552. In addition, § 1.551 contained internal instructions to agency components which were not required to be promulgated as rules.

EFFECTIVE DATE: March 20, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas O. Gessel, Director, Office of Regulations Management (02D), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565-7625.

SUPPLEMENTARY INFORMATION: This final rule merely reflects VA policy. Accordingly, it is promulgated without

regard to the notice-and-comment and effective-date provisions of 5 U.S.C. 553.

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 *et seq.*).

There is no Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Claims, Freedom of information, Government contracts, Government employees, Government property, Reporting and recordkeeping requirements.

Approved: March 8, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as set forth below:

PART 1—GENERAL PROVISIONS

1. The authority citation for part 1 continues to read as follows:

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

§§ 1.12 and 1.55 [Removed]

2. Sections 1.12 and 1.551 are removed.

[FR Doc. 96-6496 Filed 3-19-96; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 3

RIN 2900-AH85

Lump-Sum Payment Under Public Law 93-177

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations to remove a provision for making lump-sum payments based on the service of veterans who were dishonorably discharged from the United States Army as the result of an incident that occurred in Brownsville, Texas, on August 13, 1906. The law required that applications for the lump-sum payment be filed within 5 years after December 6, 1973. Since the time limit for filing for the lump-sum payment has expired, the rule is obsolete.

EFFECTIVE DATE: This amendment is effective March 20, 1996.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff, Compensation and Pension

Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: The "Brownsville Incident" occurred on August 13, 1906, when an estimated 5 to 20 persons shot up the town of Brownsville, Texas. One civilian was killed and one wounded. It was charged that soldiers from the 25th Infantry Regiment, which was stationed adjacent to the town at Fort Brown, were responsible for the shootings, but it proved impossible to establish the guilt of individual soldiers. On November 5, 1906, President Theodore Roosevelt ordered that all 167 enlisted men in the three companies stationed at Fort Brown be dishonorably discharged.

On April 6, 1910, 14 of the 167 soldiers were exonerated by a special Army Tribunal and permitted to reenlist. On September 22, 1972, the Secretary of the Army ordered the discharges of all the dishonorably discharged soldiers changed to honorable.

On December 6, 1973, Congress enacted Public Law 93-177. Section 7 of Public Law 93-177 provided for payment of \$25,000 to surviving veterans who were dishonorably discharged as a result of the "Brownsville Incident" and were not thereafter eligible for reenlistment. It also provided for payment of \$10,000 to the unmarried surviving spouses of such veterans. The law provided that applications for these payments must be filed within 5 years after December 6, 1973.

Section 3.811 of 38 CFR was promulgated in 1974. Since more than 15 years have passed since anyone could file for payments under Public Law 93-177, we are removing 38 CFR 3.811 as obsolete.

Since this rulemaking merely removes an obsolete nonsubstantive provision, the Secretary finds under 5 U.S.C. § 553(b) that prior notice and comment are unnecessary and that there is a basis for dispensing with a 30-day delay of the effective date.

The Secretary hereby certifies that these regulatory amendments would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The amendments would not directly affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

There are no applicable Catalog of Federal Domestic Assistance program numbers.

List of Subjects in 38 CFR Part 3

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

Approved: March 11, 1996.

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.

§ 3.811 [Removed and reserved]

2. Section 3.811 is removed and reserved.

[FR Doc. 96-6494 Filed 3-19-96; 8:45 am]

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DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AF74

Reservists Education: Commencing Date of Award of Educational Assistance

AGENCIES: Department of Defense, Department of Transportation (Coast Guard) and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Educational Assistance Regulations pertaining to the commencing dates of awards of educational assistance for members of the Selected Reserve. These regulations are changed to provide that all commencing dates for awards or increased awards of educational assistance be on or reasonably close to the date of the first day of class. The intended effect of the amendments is to make uniform the regulations governing the dates of commencement of awards

of educational assistance under the Montgomery GI Bill—Selected Reserve, both for reservists pursuing a college degree and for those enrolled in courses not leading to a college degree.

EFFECTIVE DATE: April 19, 1996.

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

SUPPLEMENTARY INFORMATION: In a document published in the Federal Register on May 2, 1995 (60 FR 21486), the Department of Defense, the Department of Transportation (Coast Guard), and the Department of Veterans Affairs (VA) proposed to amend the "Educational Assistance for Members of the Selected Reserve" regulations (38 CFR Part 21, Subpart L). Interested persons were given 62 days to submit comments. No comments were received. Based on the rationale set forth in the proposal and in this document, the Department of Defense, the Department of Transportation, and the Department of Veterans Affairs are adopting the proposal as a final rule with nonsubstantive changes.

The Secretary of Veterans Affairs, the Secretary of Defense, and the Commandant of the Coast Guard have certified 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. The final rule will not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), the amended regulation is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This amended regulation has been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

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,