

determined that the sunset provision should be extended an additional four months, until July 31, 1997. Accordingly, the Commission is revising § 2200.201(b) to extend the pilot program through July 31, 1997.

List of Subjects in 29 CFR Part 2200

Administrative practice and procedure, Hearing and appeal procedures.

For the reasons set forth in the preamble, title 29, chapter XX, part 2200, subpart M of the Code of Federal Regulations is amended as follows:

PART 2200—RULES OF PROCEDURE

1. The authority citation continues to read as follows:

Authority: 29 U.S.C. 661(g), unless otherwise noted.

2. Section 2200.201 is amended by revising paragraph (b) to read as follows:

§ 2200.201 [Amended]

* * * * *

(b) *Sunset Provision.* Section 2200.203(a), which permits the Chief Administrative Law Judge to assign a case for E-Z Trial, will no longer be effective after July 31, 1997 unless the rule is extended by the Commission by publication of a final rule in the **Federal Register**. After July 31, 1997, a case will only be assigned to E-Z Trial if the assignment is requested by a party.

Dated: March 21, 1997.

Stuart E. Weisberg,
Chairman.

Dated: March 24, 1997.

Velma Montoya,
Commissioner.

Dated: March 21, 1997.

Daniel Guttman,
Commissioner.

[FR Doc. 97-7845 Filed 3-27-97; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-A175

Delegation of Authority to Deputy General Counsel and Assistant General Counsel for Professional Staff Group IV in Matters Concerning Employee Inventions and Patents

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA)

regulations in 38 CFR Part 1 by amending the delegation of authority for making determinations regarding right, title and interest in employee inventions. The General Counsel has determined that these Departmental determinations could be made more efficiently by including the Assistant General Counsel as an official authorized to make such decisions. In accordance with 38 U.S.C. 512, this document delegates to the Assistant General Counsel for Professional Staff Group IV the same authority and responsibility to act for VA as was previously granted to the General Counsel and Deputy General Counsel.

EFFECTIVE DATE: March 28, 1997.

FOR FURTHER INFORMATION CONTACT: Neal C. Lawson, Assistant General Counsel (024), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6356.

SUPPLEMENTARY INFORMATION: This final rule consists of a delegation of authority and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

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 merely consists of a delegation of authority.

There is no Catalog of Federal Domestic Assistance Number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Flags, Freedom of information, Government employees, Government property, Infants and children, Inventions and patents, Investigations, Parking, Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

Approved: March 4, 1997.

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.

2. Section 1.653 is revised to read as follows:

§ 1.653 Delegation of authority.

The General Counsel, Deputy General Counsel or Assistant General Counsel for Professional Staff Group IV is authorized to act for the Secretary of Veterans Affairs in matters concerning patents and inventions, unless otherwise required by law. The determination of rights to an invention as between the Government and the employee where there is no cooperative research and development agreement shall be made by the General Counsel, Deputy General Counsel or the Assistant General Counsel for Professional Staff Group IV, in accordance with 37 CFR part 500.

§ 1.164 [Amended]

3. In § 1.654, the first sentence is revised by adding "Deputy General Counsel or Assistant General Counsel for Professional Staff Group IV," following "General Counsel,".

§ 1.657 [Amended]

4. Section 1.657 is revised by adding "Deputy General Counsel or Assistant General Counsel for Professional Staff Group IV" following "The General Counsel".

[FR Doc. 97-7834 Filed 3-27-97; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 3

RIN 2900-A140

Upgraded Discharges

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document makes nonsubstantive changes to the Department of Veterans Affairs (VA) adjudication regulations regarding upgraded discharges. The intended effect of these changes is to make the regulations simpler and easier to understand.

EFFECTIVE DATE: This amendment is effective March 28, 1997.

FOR FURTHER INFORMATION CONTACT: Laurence Freiheit, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7252.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 1110 authorizes the Secretary of Veterans Affairs to compensate veterans for disability resulting from injury or disease incurred or aggravated during active military service provided that the veteran was discharged or released under conditions other than

dishonorable from the period of service in which the injury or disease was incurred. 38 U.S.C. 1521(a) authorizes the Secretary to pay non-service-connected disability pension to certain veterans who are permanently and totally disabled from non-service-connected disability.

Regulations at 38 CFR 3.12 implement two distinct statutory provisions governing entitlement to most benefits administered by VA. One provision, 38 U.S.C. 101(2), defines the term "veteran" for purposes of establishing entitlement to benefits as a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. The other, 38 U.S.C. 5303, bars the payment of VA benefits to individuals discharged under certain listed circumstances regardless of how they fare under the statutory definition of veteran.

Paragraphs 3.12(g) and (h) implement provisions of Public Law 95-126, enacted on October 8, 1977, concerning the effect of certain discharge upgrades and discharge review programs on the definition of veteran and the statutory bars to benefits. This document reorganizes the material in paragraphs (g) and (h) into a format that is simpler to read and understand. The changes are not substantive.

Since these amendments merely reorganize and simplify the current regulation and are not substantive in nature, this change is being promulgated without regard to notice and comment and effective date provisions of 5 U.S.C. 553.

Because no notice of proposed rulemaking was required 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 these regulatory amendments 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 reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected.

The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 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: March 14, 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 § 3.12, paragraphs (g) and (h) are revised and an authority citation is added to paragraph (h) to read as follows:

§ 3.12 Character of discharge.

* * * * *

(g) An honorable or general discharge issued on or after October 8, 1977, by a discharge review board established under 10 U.S.C. 1553, sets aside a bar to benefits imposed under paragraph (d), but not paragraph (c), of this section provided that:

- (1) The discharge is upgraded as a result of an individual case review;
- (2) The discharge is upgraded under uniform published standards and procedures that generally apply to all persons administratively discharged or released from active military, naval or air service under conditions other than honorable; and
- (3) Such standards are consistent with historical standards for determining honorable service and do not contain any provision for automatically granting or denying an upgraded discharge.

(h) Unless a discharge review board established under 10 U.S.C. 1553 determines on an individual case basis that the discharge would be upgraded under uniform standards meeting the requirements set forth in paragraph (g) of this section, an honorable or general discharge awarded under one of the following programs does not remove any bar to benefits imposed under this section:

- (1) The President's directive of January 19, 1977, implementing Presidential Proclamation 4313 of September 16, 1974; or
- (2) The Department of Defense's special discharge review program effective April 5, 1977; or
- (3) Any discharge review program implemented after April 5, 1977, that does not apply to all persons administratively discharged or released from active military service under other than honorable conditions.

(Authority: 38 U.S.C. 5303 (e))

* * * * *

[FR Doc. 97-7835 Filed 3-27-97; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 21

RIN 2900-AI55

Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty

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

SUMMARY: By statute, the monthly rates of basic educational assistance payable to veterans and servicemembers under the Montgomery GI Bill—Active Duty must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Active Duty for fiscal year 1997 (October 1, 1996, through September 30, 1997) are changed to show a 2.7% increase in these rates. Furthermore, the Veterans' Benefits Improvements Act of 1996 provides that the lower rate of educational assistance payable to veterans pursuing cooperative training was abolished for most veterans training under the Montgomery GI Bill—Active Duty effective October 9, 1996. They will be paid at the same rate as those veterans pursuing residence training. The regulations are changed to conform to statutory requirements.

DATES: This final rule is effective March 28, 1997. However, the changes in rates are applied retroactively to conform to statutory requirements. For more information concerning the dates of application, see the **SUPPLEMENTARY INFORMATION** section.

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

SUPPLEMENTARY INFORMATION: Under the formula mandated by 38 U.S.C. 3015(g) for fiscal year 1997, the rates of basic educational assistance under the Montgomery GI Bill—Active Duty payable to students pursuing a program of education full time must be increased by the percentage that the total of the monthly Consumer Price Index-W for July 1, 1995, through June 30, 1996, exceeds the total of the monthly Consumer Price Index-W for July 1, 1994, through June 30, 1995. This is 2.7%.

It should be noted that some veterans will receive an increase in monthly