a position where she or he would have to forgo a promotion.

#### Administrative Procedure Act

A substantial portion of the changes made by this interim final rule merely consists of restatements of statutory material and, as such, is not subject to rule making requirements. The rule making changes consist of interpretative rules, general statements of policy, and rules of agency organization, procedure, and practice. As such, they are exempt from the notice and comment provisions of 5 U.S.C. 553.

The changes subject to rule making requirements are also made effective immediately without a 30 day delay since, insofar as they consist of substantive rules, they are interpretative rules and statements of policy.

# Regulatory Flexibility Act

Because no notice of proposed rule making was required in connection with the adoption of this interim rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.).

No Catalog of Federal Domestic Assistance number has been assigned to the program affected by these regulations.

# List of Subjects

38 CFR Part 2

Authority delegation (Government agencies), Veterans Affairs Department.

38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programseducation, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: November 29, 1994.

# Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR Parts 2 and 21 are amended as set forth below.

# **PART 2—DELEGATIONS OF AUTHORITY**

1. The authority citation for Part 2 continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501, unless otherwise noted.

2. Sections 2.100 and 21.101 are added to read as follows:

§ 2.100 Delegation of authority to the Under Secretary for Benefits or his or her designee to enter into Memoranda of Agreement with authorized representatives of Department of Defense or Department of Labor or both to implement programs authorized by §§ 21.4800 through 21.4856.

This delegation is described in § 21.4854 of this chapter.

(Authority: 38 U.S.C. 512)

§ 2.101 Delegation of authority to the Under Secretary for Benefits, and to supervisory or adjudicative personnel within the jurisdiction of the Veterans Benefits Administration designated by him or her, to make findings and decisions of the Department of Veterans Affairs under the Service Members Occupational Conversion and Training Act, and the applicable regulations, precedents and instructions, relating to programs authorized by §§ 21.4800 through 21.4854.

This delegation is described in § 21.4856 of this chapter.

(Authority: 38 U.S.C. 512)

## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

3. The authority citation for part 21 continues to read as follows:

Authority: 38 U.S.C. 501.

4. Subpart F-3 is added to read as follows:

### Subpart F-3—Service Members **Occupational Conversion and Training** Program

Sec.

#### General

21.4800 Service Members Occupational Conversion and Training Program.

[Reserved]

21.4802 Definitions.

21.4803-21.4809 [Reserved]

# **Eligibility**

21.4810 Eligibility requirements for participation.

21.4811 [Reserved]

21.4812 Application and certification.

21.4813-21.4819 [Reserved]

## **Approval of Employer Programs**

21.4820 Job training program approval.

12.4821 [Reserved]

21.4822 Employer applications for approval.

21.4823 Disapproval of entry into programs having unsatisfactory completion rates.

21.4824 Withdrawal of approval.

21.4825-21.4829 [Reserved]

# **Payments**

21.4830 Entrance into training.

21.4831 [Reserved]

21.4832 Payments to employers.

21.4833 [Reserved]

21.4834 Overpayments and forfeits.

21.4835—21.4839 [Reserved]

#### Counseling

21.4840 Employment counseling services.

21.4841-21.4843 [Reserved] 21.4844 Failure to cooperate. 21.4845-21.4849 [Reserved]

#### Administrative

21.4850 Inspection of records.

21.4851 [Reserved]

Monitoring and investigations. 21.4852

21.4853 [Reserved]

21.4854 Delegation of authority to the Under Secretary for Benefits.

21.4855 [Reserved]

21.4856 Delegation of authority to the Veterans Benefits Administration.

# Subpart F-3—Service Members **Occupational Conversion and Training Program**

Authority: Subtitle G, Pub. L. 102-484, 106 Stat. 2757-2769

#### General

## § 21.4800 Service Members Occupational Conversion and Training Program.

Sections 21.4800 through 21.4856 regulate a Service Members Occupational Conversion and Training Program. The purpose of this program is to assist members of the Armed Forces who are forced or induced to leave military service by reason of the drawdown of the Armed Forces and to provide the Secretary of Defense with another tool to manage that drawdown. The program assists eligible persons in entering the civilian workforce through training for employment in a stable and permanent position that involves significant training, VA makes payments to employers who employ and train eligible veterans in these jobs. The payments assist employers in defraying the costs of necessary training.

(Authority: Subtitle G, Pub. L. 102-484, 106 Stat. 2757-2769,10 U.S.C. 1143 note)

# § 21.4801 [Reserved]

## §21.4802 Definitions.

For the purpose of the Service Members Occupational Conversion and Training Program described in §§ 21.4800 through 21.4856 the following definitions apply.

- (a) Active duty. The term active duty means:
- (1) Full-time duty in the Armed Forces, other than active duty for
- (2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service;
- (3) Full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration;
- (4) Service as a cadet at the United States Military, Air Force or Coast Guard Academy, or as a midshipman at the United States Naval Academy, and