

■ F. In paragraph (d)(1), removing “Persian Gulf veteran” and adding, in its place, “*Persian Gulf veteran*”.

The addition reads as follows:

**§ 3.317 Compensation for disabilities occurring in Persian Gulf War veterans.**

(a) \* \* \*

(2)(i) For purposes of this section, a *qualifying chronic disability* means a chronic disability resulting from any of the following (or any combination of the following):

(A) An undiagnosed illness;

(B) The following medically unexplained chronic multisymptom illnesses that are defined by a cluster of signs or symptoms:

(1) Chronic fatigue syndrome;

(2) Fibromyalgia;

(3) Irritable bowel syndrome; or

(4) Any other illness that the

Secretary determines meets the criteria in paragraph (a)(2)(ii) of this section for a medically unexplained chronic multisymptom illness; or

(C) Any diagnosed illness that the Secretary determines in regulations prescribed under 38 U.S.C. 1117(d) warrants a presumption of service-connection.

(ii) For purposes of this section, the term *medically unexplained chronic multisymptom illness* means a diagnosed illness without conclusive pathophysiology or etiology, that is characterized by overlapping symptoms and signs and has features such as fatigue, pain, disability out of proportion to physical findings, and inconsistent demonstration of laboratory abnormalities. Chronic multisymptom illnesses of partially understood etiology and pathophysiology will not be considered medically unexplained.

\* \* \* \* \*

**§ 3.341 [Amended]**

■ 8. Section 3.341 is amended by:

■ A. In paragraph (b), removing “, or prior to October 7, 1980,” and removing “required the” and adding, in its place, “required, the”.

■ B. In paragraph (c), removing “Division” and adding, in its place, “Service”.

**§ 3.353 [Amended]**

■ 9. Section 3.353(b)(1) is amended by removing “the discontinuance and payment of amounts withheld because of an estate that equals or exceeds the amount specified in § 3.557(b)(4),”.

■ 10. Section 3.400 is amended by revising the headings of paragraphs (b)(1) and (e) to read as follows:

**§ 3.400 General.**

\* \* \* \* \*

(b) \* \* \*

(1) *Disability pension* (§ 3.3).

\* \* \* \* \*

(e) *Apportionment* (§§ 3.450 through 3.461, 3.551).

\* \* \* \* \*

■ 11. Section 3.452 is amended by:

■ A. Revising the section heading.

■ B. In paragraph (c)(1), removing “(c)(3)” and adding, in its place, “(c)(2)”.

■ C. Removing paragraph (c)(2).

■ D. Redesignating paragraph (c)(3) as new paragraph (c)(2).

■ E. Revising the authority citation at the end of new paragraph (c)(2).

■ F. In the Cross References, removing “Incompetents; estate equals or exceeds statutory limit and institutionalized. See § 3.557.”

The revisions read as follows:

**§ 3.452 Situations when benefits may be apportioned.**

\* \* \* \* \*

(Authority: 38 U.S.C. 501(a); 5307; 5503(a)).

\* \* \* \* \*

**§ 3.454 [Amended]**

■ 12. Section 3.454 is amended by removing paragraphs (c) and (d) and their authority citations, respectively.

**§ 3.501 [Amended]**

■ 13. Section 3.501 is amended by removing paragraph (i)(7).

■ 14. Section 3.551 is amended by:

■ A. In paragraph (a) introductory text, removing “and for discontinuance of awards for incompetent veterans in § 3.557” and removing “3.559” and adding, in its place, “3.556”.

■ B. In paragraph (i), removing “September 30, 2008,” and adding, in its place, “September 30, 2011.”

■ C. In the Cross References, removing “Incompetents; hospitalized. See § 3.557.”

■ D. Adding authority citations at the end of paragraphs (a) and (b).

The additions read as follows:

**§ 3.551 Reduction because of hospitalization.**

(a) \* \* \*

(Authority: 38 U.S.C. 5503(a))

(b) \* \* \*

(Authority: 38 U.S.C. 5503(a))

\* \* \* \* \*

**§ 3.552 [Amended]**

■ 15. Section 3.552(a)(2) is amended by removing “and § 3.557”.

**§ 3.557 [Removed and Reserved]**

■ 16. Section 3.557 is removed and reserved.

**§ 3.558 [Amended]**

■ 17. Section 3.558 is amended by

■ A. Removing paragraph (a).

■ B. Redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

■ C. In newly redesignated paragraph (b), removing “§ 3.557(b)” both times it appears and adding, in its place, “former § 3.557(b) (as in effect prior to December 27, 2001)”.

**§ 3.559 [Removed and Reserved]**

■ 18. Section 3.559 is removed and reserved.

■ 19. Section 3.665 is amended by:

■ A. Revising the section heading.

■ B. In paragraph (a), in the first sentence, removing “shall not” and adding, in its place, “will not”; in the second sentence, removing “A” and adding, in its place, “VA will inform a” and removing “shall be informed”; in the third sentence, removing “addition,” and adding, in its place, “addition, VA will also notify”, removing “shall also be notified”, and removing “the Department of Veterans Affairs” and adding, in its place, “VA”; and at the end of the paragraph, adding a sentence.

■ C. Adding paragraph (c)(3).

■ D. Removing the authority citation following paragraph (m).

■ E. Adding paragraph (n).

The revision and additions read as follows:

**§ 3.665 Incarcerated beneficiaries and fugitive felons—compensation.**

(a) \* \* \* However, no apportionment will be made if the veteran or the dependent is a fugitive felon as defined in paragraph (n) of this section.

\* \* \* \* \*

(c) \* \* \*

(3) A veteran who, on October 7, 1980, was incarcerated in a Federal, State, or local penal institution for a felony committed before that date, and who remains so incarcerated for a conviction of that felony as of December 27, 2001.

\* \* \* \* \*

(n) *Fugitive felons.*

(1) Compensation is not payable on behalf of a veteran for any period during which he or she is a fugitive felon. Compensation or DIC is not payable on behalf of a dependent of a veteran for any period during which the veteran or the dependent is a fugitive felon.

(2) For purposes of this section, the term *fugitive felon* means a person who is a fugitive by reason of:

(i) Fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or