

amendments are necessary to conform regulatory provisions with Public Law 103-446. Because these amendments merely restate statutory changes, publication as a proposal for public comment is unnecessary.

**Administrative Procedure Act:** This final rule merely restates statutory changes contained in Public Law 103-446. Accordingly, pursuant to 5 U.S.C. 553, there is a basis for dispensing with prior notice and comment on this final rule and dispensing with a 30-day delay of its effective date.

**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 et seq.).

The Catalog of Federal Domestic Assistance program numbers are 64.101, 64.104, 64.105, 64.109, and 64.110.

## List of Subjects

### 38 CFR Part 2

Authority delegations (Government agencies), Veterans Affairs Department.

### 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: March 31, 1995.

**Jesse Brown,**

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR parts 2 and 3 are amended as set forth below:

## PART 2—DELEGATIONS OF AUTHORITY

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

**Authority:** 38 U.S.C. 501, 512(a), unless otherwise noted.

### § 2.67a [Removed]

2. Section 2.67a is removed.

## 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.

### § 3.5 [Amended]

2. In § 3.5(c) change the period after "Affairs" to a comma and add the following: "except that, effective November 2, 1994, a surviving spouse who is receiving dependency and indemnity compensation may elect to receive death pension instead of such compensation."

### § 3.8 [Amended]

3. In § 3.8(b) and § 3.8(c)(1) remove "in Philippine pesos equivalent to" and add "of", in its place.

4. In § 3.8(e) remove "a peso basis" and add, in its place, "a \$0.50 for each dollar authorized basis". Remove "payable in pesos." and add, in its place, "payable at the rate of \$0.50 for each dollar authorized."

### § 3.100 [Amended]

5. Section 3.100(b) is removed. Redesignate § 3.100(c) as § 3.100(b).

6. In § 3.106, redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively. Add a new paragraph (c) to read as follows:

### § 3.106 Renouncement.

\* \* \* \* \*

(c) Notwithstanding the provisions of paragraph (b) of this section, if a new application for pension or parents' dependency and indemnity compensation is filed within one year after the date that the Department of Veterans Affairs receives a renouncement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.

(Authority: 38 U.S.C. 5306(c))

### § 3.251 [Amended]

7. In § 3.251(a)(3), remove "computed" and "in Philippine pesos equivalent".

8. In § 3.261, paragraph (a)(39) is added to read as follows:

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

\* \* \* \* \*

#### (a) Income

\* \* \* \* \*

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—
(39) Cash, stock, land or other interests received from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).	Excluded .....	Excluded .....	Excluded .....	Excluded .....	§ 3.262(x).

\* \* \* \* \*

9. In § 3.262, paragraph (x) and its authority citation are added as follows:

### § 3.262 Evaluation of income.

\* \* \* \* \*

(x) *Alaska Native Claims Settlement Act.* There shall be excluded from income computation any cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum; stock (including stock

issued or distributed by a Native Corporation as a dividend or distribution on stock); a partnership interest; land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and an interest in a settlement trust. (November 2, 1994)

(Authority: Sec. 506, Pub. L. 103-446)

10. In § 3.272, paragraph (t) and its authority citation are added as follows:

### § 3.272 Exclusions from income.

\* \* \* \* \*

(t) *Alaska Native Claims Settlement Act.* Any receipt by an individual of cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum; stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock); a partnership interest; land or an interest in land (including land or an interest in land