

equivalent thereof, is not subject to this prohibition and will be allowed to operate as described in this section.

(4) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

Dated: September 9, 2003.

**Craig Manson,**

*Assistant Secretary, Fish and Wildlife and Parks.*

[FR Doc. 03-24363 Filed 9-25-03; 8:45 am]

BILLING CODE 4310-70-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

RIN 2900-AL62

### Compensation and Pension Provisions of the Veterans Benefits Act of 2002

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) adjudication regulations to reflect the statutory provisions of the Veterans Benefits Act of 2002. These changes address entitlement to special monthly compensation for loss of breast tissue in a woman and increased pension payable to Medal of Honor recipients.

**DATES: Effective Dates:** In accordance with statutory provisions, the effective dates for the amendments in this final rule are as follows:

The amendments to 38 CFR 3.350 and 38 CFR 3.802 are effective December 6, 2002.

The amendments to 38 CFR 3.27 are effective September 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Konieczny, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC, 20420, telephone (202) 273-6779.

**SUPPLEMENTARY INFORMATION:** On December 6, 2002, the Veterans Benefits Act of 2002, Pub. L. 107-330 (the Act), was enacted. Certain provisions of the Act directly affect the payment of VA compensation or pension benefits. These provisions concern special monthly compensation for loss of breast tissue in a woman and the amount of pension payable to Medal of Honor recipients.

Section 102 of the Act amended 38 U.S.C. 1114(k) to authorize special monthly compensation to women

veterans for loss of 25% or more of tissue from a single breast or both breasts in combination, including loss by mastectomy or partial mastectomy, or following receipt of radiation treatment of breast tissue. In this document we are amending 38 CFR 3.350(a) to reflect that change. We are deleting 38 CFR 3.350(a)(7) because the change to 38 CFR 3.350(a) makes it no longer necessary to define the term "anatomical loss of one or both breasts."

Section 304 of the Act amended 38 U.S.C. 1562 to provide for an annual increase in the Medal of Honor pension effective December 1 of each year, beginning December 1, 2004, by a percentage equal to the cost of living adjustment of benefits paid under Title II of the Social Security Act. This document amends 38 CFR 3.27 to reflect that change. Section 304 also provides for a retroactive lump sum payment of the Medal of Honor pension from the first day of the month after the date of the event for which the veteran earned the Medal of Honor for current as well as future recipients of the special pension. This document amends 38 CFR 3.802 to reflect that change. In accordance with the Act, no retroactive lump sum payment can be made prior to October 1, 2003.

When Congress does not specify an effective date for a statutory provision, the effective date is the date of enactment. In section 102 of the Act, because Congress did not specify an effective date for the amendment to 38 U.S.C. 1114(k), that amendment was effective December 6, 2002, the date of enactment of the Act. Similarly, in section 304 of the Act, Congress did not specify an effective date for the amendment to 38 U.S.C. 1562 authorizing a retroactive lump sum payment for the Medal of Honor pension, and the amendment was effective December 6, 2002. For certain provisions of the Act, however, Congress specifically provided effective dates that are different from the date of enactment of the Act. In paragraph (d)(1) of section 304 of the Act, Congress specified that the amendment to 38 U.S.C. 1562 authorizing an annual increase in the Medal of Honor pension would be effective September 1, 2003.

For certain provisions in the Act, the effective date of the provision governs the date on which benefit eligibility can arise. For instance, section 102 of the Act authorizes, as of December 6, 2002, special monthly compensation for women veterans who suffered the "loss of 25 percent or more of tissue from a single breast or both breasts in combination (including loss by mastectomy or partial mastectomy) or

has received radiation treatment of breast tissue." For certain other provisions, Congress provided that, although the amendment was effective immediately, benefit eligibility would not arise until a later date. In paragraph (d)(2) of section 304 of the Act, Congress specified that VA would not make any annual adjustment to the monthly Medal of Honor pension in 2003. Therefore, the first annual adjustment would be made on December 1, 2004. Also, in paragraph (d)(1) of section 304, Congress specifically noted that no retroactive lump sum payment of the Medal of Honor pension would be made prior to October 1, 2003. These effective dates and rules governing eligibility are reflected in the effective-date and substantive provisions of this notice.

### Administrative Procedure Act

Changes made by this final rule merely reflect new statutory provisions. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

### Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This rule will have no such effect on State, local, or tribal governments, or the private sector.

### Executive Order 12866

The Office of Management and Budget has reviewed this document under Executive Order 12866.

### Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

### Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of 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 does not affect any small entities. Only individuals could be directly affected. Therefore, pursuant to 5 U.S.C. 605(B), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

## Catalog of Federal Domestic Assistance Program Numbers

The Catalog of Federal Domestic Assistance program number for this rule is 64.109.

### List of Subjects in 38 CFR Part 3

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

Approved: July 9, 2003.

**Anthony J. Principi,**

*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. Section 3.27 is amended by:

■ a. Redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d).

■ b. In newly designated paragraph (e), removing “and the monthly” and adding in its place “the monthly”; and removing “chapter 18” and adding in its place “chapter 18 and the Medal of Honor pension”.

■ The added text reads as follows:

#### § 3.27 Automatic adjustment of benefit rates.

\* \* \* \* \*

(d) *Medal of Honor pension.*

Beginning in the year 2004, VA shall, effective December 1 of each year, increase the monthly Medal of Honor pension by the same percentage as the percentage by which benefit amounts payable under section 215(i) of Title II of the Social Security Act are increased effective December 1 of such year.

(Authority: 38 U.S.C. 1562(e))

\* \* \* \* \*

#### § 3.350 [Amended]

■ 3. Section 3.350 is amended by:

■ a. In paragraph (a) introductory text, removing “the anatomical loss of one or both breasts (including loss by mastectomy).” and adding, in its place, “loss of 25% or more of tissue from a single breast or both breasts in combination (including loss by mastectomy or partial mastectomy), or following receipt of radiation treatment of breast tissue.”

■ b. Removing paragraph (a)(7) and the authority citation at the end of the section.

■ 4. Section 3.802 is amended by adding paragraph (c) immediately following the authority citation at the end of the section:

#### § 3.802 Medal of Honor.

\* \* \* \* \*

(c) VA will pay to each person who is receiving or who in the future receives Medal of Honor pension a retroactive lump sum payment equal to the total amount of Medal of Honor pension that person would have received during the period beginning the first day of the month after the date of the event for which the veteran earned the Medal of Honor and ending on the last day of the month preceding the month in which pension was awarded under paragraph (b) of this section. VA will calculate the lump sum payment using the monthly Medal of Honor pension rates in effect from the first day of the month after the date of the event for which the veteran earned the Medal of Honor, to the last day of the month preceding the month in which the individual was initially awarded the Medal of Honor pension. VA will not make a retroactive lump sum payment under this section before October 1, 2003.

(Authority: 38 U.S.C. 1562(f))

[FR Doc. 03-24304 Filed 9-25-03; 8:45 am]

BILLING CODE 8320-01-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Parts 17 and 61

RIN 2900-AL30

#### VA Homeless Providers Grant and Per Diem Program

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document affirms without any changes except for adding OMB information collection citations in part 61, to the provisions of an interim final rule that revised the regulations concerning the VA Homeless Providers Grant and Per Diem Program.

In large part the interim final rule implemented the provisions of the Homeless Veterans Comprehensive Assistance Act of 2001.

The interim final rule also established provisions in the form of funding priorities to meet a statutory mandate. In addition, to help ensure that program objectives are met by those receiving

assistance, the interim final rule added provisions to state that to receive assistance, an entity must not be in default by failing to meet requirements under any previously awarded grant.

Further, the interim final rule made changes to provide that each resident of supportive housing may be required to pay rent in an amount determined by the recipient, except that such rent may not exceed 30 percent of the resident's monthly income not including amounts equal to medical expenses, child care expenses, or court-ordered payments. This was intended to provide a system that is administratively feasible, that allows for significant help for covering operating expenses, and that would allow veterans to retain sufficient funds to help prepare for a successful transition to independent living.

**DATES:** *Effective Date:* This final rule is effective on October 27, 2003.

**FOR FURTHER INFORMATION CONTACT:** Guy A. Liedke, VA Homeless Providers Grant and Per Diem Program, Mental Health Strategic Health Care Group (116E), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; (877) 332-0334. (This is a toll-free number.)

**SUPPLEMENTARY INFORMATION:** In a document published in the **Federal Register** on March 19, 2003 at 68 FR 13590, we promulgated an interim final rule that revised the regulations concerning the VA Homeless Providers Grant and Per Diem Program as explained in the **SUMMARY** portion of this document.

We provided a 60-day comment period that ended May 19, 2003. We did not receive any comments. Based on the rationale set forth in the interim final rule, we are adopting the provisions of the interim final rule as a final rule without any changes, except for the addition of OMB's information collection requirements approval number for the affected sections.

This final rule is issued under authority of 38 U.S.C. 501, 2002, 2011, 2012, 2061, 2064, and 7721 note.

#### Paperwork Reduction Act

This final rule contains new collections of information under the Paperwork Reduction at §§ 61.11, 61.15, 61.17, 61.20, 61.31, 61.41, 61.51, 61.55 and 61.80. We described the new information collections in the preamble of the interim final rule and provided comment periods on both emergency and non-emergency bases. We did not receive any comments concerning the new information collections. The Office of Management and Budget has assigned control number 2900-0554 to the new