

Special Meeting on Procedures for Information Exchange



November 2, 2004
Geneva

Anne Meininger
United States
WTO TBT Enquiry Point

U.S.



WTO TBT Enquiry Point

- National Center for Standards and Certification Information (NCSCI)
- National Institute of Standards and Technology (NIST)
- U.S. Department of Commerce (DOC)

Prior to Notification in the U.S.



- U.S. Regulations
- U.S. *Federal Register*
- Electronic Tools



U.S. Regulations

- Federal regulatory agencies
- Interested parties
- Administrative Procedures Act



“Notice and Comment”

- Notice
- Comment
- Regulation (Final Rule)



“Notice and Comment”

1. A notice is issued.

- Definitions
- Cost to benefit analysis
- Risk assessment
- Impact statements
- Contacts



“Notice and Comment”

2. Comments are accepted.

- No restrictions
- Domestic and foreign
- Equal consideration
- Full consideration to substantive comments.
- Impact the final regulation



“Notice and Comment”

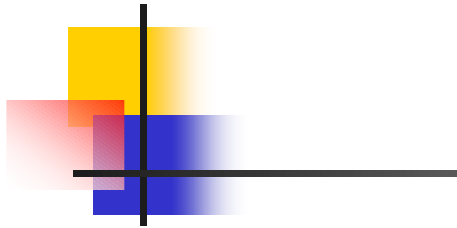
3. A Final Rule is issued.

- Comments are addressed
- Basis and purpose
- Justification
- Time
- Codification into law



U.S. Federal Register

- One source for “Notice and Comment”
 - Legal text
 - Newspaper format
 - Published every business day
 - Paper, microfiche, electronic formats



Federal Register

9-3-04
Vol. 69 No. 171

Friday
Sept. 3, 2004

United States
Government
Printing Office
SUPERVISOR
OF DOCUMENTS
Washington, DC 20540
OFFICIAL BUSINESS
Penalty for Private Use, \$300

PERIODICALS
Postage and Fees Paid
U.S. Government Printing Office
GPON 007-6326

What information can I find in Contents entries ?

Each document has a brief description of subject matter

Page Numbers show the span of pages from beginning to end

A list of any "Separate Parts" in the issue appears at the end of the Table of Contents

Contents

Federal Register

Vol. 99, No. 152

Monday, August 3, 1998

Agency for Health Care Policy and Research

401009

Meetings

Technical Review Committee, 43187

Agriculture Department

See Animal and Plant Health Inspection Service

See Forest Service

See Natural Resources Conservation Service

401010

National Appeals Division procedure rules

Adverse decisions appeals procedures and jurisdiction

and records authorization

Commission, 43063

401011

Emergency declarations

Southern pine beetle, 43138

Privacy Act

Systems of records, 43038-43040

Animal and Plant Health Inspection Service

401012

Organization, functions, and authority delegations

Veterinary biologics functions transfer, 43043-43045

401013

Use fees

Agricultural quarantine and inspection services, 43023-

43024

401014

Meetings

National Wildlife Services Advisory Committee, 43140-

43141

Centers for Disease Control and Prevention

401015

Agency information collection activities

Proposed collection, comment request, 43087-43088

Submissions for OMB review, comment request, 43088

401016

Meetings

401017

Meetings

401018

Meetings

401019

Meetings

401020

Meetings

401021

Meetings

401022

Meetings

401023

Meetings

401024

Meetings

401025

Meetings

401026

Meetings

401027

Meetings

401028

Meetings

401029

Meetings

401030

Meetings

401031

Meetings

401032

Meetings

401033

Meetings

401034

Meetings

401035

Meetings

401036

Meetings

401037

Meetings

401038

Meetings

401039

Meetings

401040

Meetings

401041

Meetings

401042

Meetings

401043

Meetings

401044

Meetings

401045

Meetings

401046

Meetings

401047

Meetings

401048

Meetings

401049

Meetings

401050

Meetings

401051

Meetings

401052

Meetings

401053

Meetings

401054

Meetings

401055

Meetings

401056

Meetings

401057

Meetings

401058

Meetings

401059

Meetings

401060

Meetings

401061

Meetings

401062

Meetings

401063

Meetings

401064

Meetings

401065

Meetings

401066

Meetings

401067

Meetings

401068

Meetings

401069

Meetings

401070

Meetings

401071

Meetings

401072

Meetings

401073

Meetings

401074

Meetings

Agency for Health Care Policy and Research
401009
Meetings
Technical Review Committee, 43187

Agriculture Department
See Animal and Plant Health Inspection Service
See Forest Service
See Natural Resources Conservation Service
401010
National Appeals Division procedure rules
Adverse decisions appeals procedures and jurisdiction
and records authorization
Commission, 43063
401011
Emergency declarations
Southern pine beetle, 43138
Privacy Act
Systems of records, 43038-43040

Animal and Plant Health Inspection Service
401012
Organization, functions, and authority delegations
Veterinary biologics functions transfer, 43043-43045
401013
Use fees
Agricultural quarantine and inspection services, 43023-
43024
401014
Meetings
National Wildlife Services Advisory Committee, 43140-
43141
Centers for Disease Control and Prevention
401015
Agency information collection activities
Proposed collection, comment request, 43087-43088
Submissions for OMB review, comment request, 43088

Commerce Department
See Economic Analysis Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
Commodity Futures Trading Commission
401016
Commodity Exchange Act
Alternative methods of compliance with requirements for
disclosure of exchange disciplinary information and
access denial actions
Commission, 43054
National Futures Association performance of certain
functions with respect to exchange disciplinary and
access denial actions
Commission, 43074
Practice and procedure
Miscellaneous amendments correction, 43071-43072
401017
Meetings
Sunshine Act, 43073

Defense Department
See Navy Department

401018
Meetings
401019
Meetings
401020
Meetings
401021
Meetings
401022
Meetings
401023
Meetings
401024
Meetings
401025
Meetings
401026
Meetings
401027
Meetings
401028
Meetings
401029
Meetings
401030
Meetings
401031
Meetings
401032
Meetings
401033
Meetings
401034
Meetings
401035
Meetings
401036
Meetings
401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

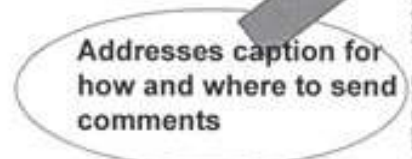
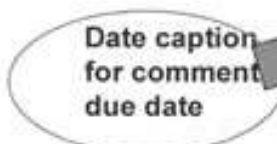
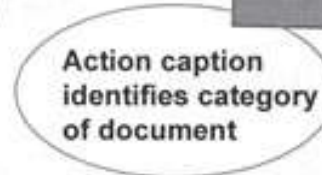
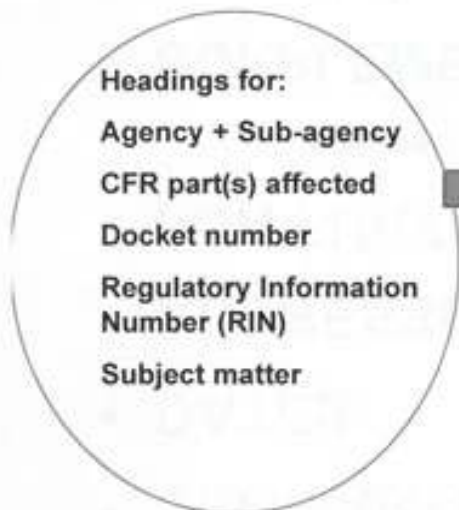
401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060
Meetings
401061
Meetings
401062
Meetings
401063
Meetings
401064
Meetings
401065
Meetings
401066
Meetings
401067
Meetings
401068
Meetings
401069
Meetings
401070
Meetings
401071
Meetings
401072
Meetings
401073
Meetings
401074
Meetings

401037
Meetings
401038
Meetings
401039
Meetings
401040
Meetings
401041
Meetings
401042
Meetings
401043
Meetings
401044
Meetings
401045
Meetings
401046
Meetings
401047
Meetings
401048
Meetings
401049
Meetings
401050
Meetings
401051
Meetings
401052
Meetings
401053
Meetings
401054
Meetings
401055
Meetings
401056
Meetings
401057
Meetings
401058
Meetings
401059
Meetings
401060

Proposed Rule Document -- Preamble



DEPARTMENT OF JUSTICE
Bureau of Justice Assistance
28 CFR Part 32
(DJP (BJA)-1216)
RIN 1121-AA01
Public Safety Officers' Educational Assistance Program

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Public Safety Officers' Benefits Office, Justice.
ACTION: Proposed rulemaking.

SUMMARY: Amendments are being proposed to regulations on Federal Law Enforcement Dependents Assistance (FLEDA), to comply with the changes made to the authorizing statute, and by the Police, Fire, and Emergency Officers' Educational Assistance Act of 1998. The amendments expand the FLEDA program to authorize financial educational assistance to the dependents of all public safety officers whose death or permanent disabilities resulted in the payment of benefits under the Public Safety Officers' Benefits (PSOB) Program.

DATE: Comments will be received no later than 5:00 pm on July 9, 1999.

ADDRESSES: All comments must be written and should be sent to: Ashton Flemmings, Chief, Public Safety Officers' Benefits Office, 810 7th Street, NW, Washington DC 20531.

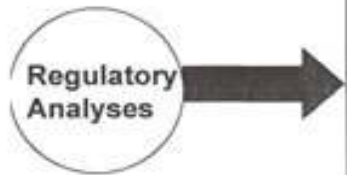
FOR FURTHER INFORMATION CONTACT: Ashton Flemmings, Chief, Public Safety Officers' Benefits Office, 810 7th Street, NW, Washington, DC 20531. Telephone: (202) 307-0635 or toll free at 1-888-744-6513.

SUPPLEMENTARY INFORMATION: The Bureau of Justice Assistance (BJA) proposes to amend the regulations governing the Federal Law Enforcement Dependents' Assistance (FLEDA) program, found at 28 CFR part 32, Subpart B, to comply with the amendments to its authorizing statute, 42 U.S.C. 3796 et seq., enacted by the Police, Fire, and Emergency Officers' Educational Assistance Act of 1998, Pub. L. No. 104-238, 112 Stat. 2495, (November 13, 1998). Hereinafter the Public Safety Officers' Educational Assistance Act or PSOE Act. The PSOE Act expands the scope of eligibility for financial assistance for higher education to the dependents of all public safety officers, including Federal firefighters and state and local officers, who are killed or permanently and totally disabled in the line of duty. Previously, the FLEDA program only made available financial assistance for higher education to the dependents of Federal law enforcement officers who were killed or permanently and totally disabled in the line of duty. The amendments being proposed to this subpart, in accordance with the PSOE Act, will allow the spouses and children of all public safety officers who are killed or permanently and totally disabled in the line of duty, and with respect to whom a claim has been approved under the Public Safety Officers' Benefits (PSOB) program, to receive these educational benefits.

To reflect the expansion of the program, therefore, the name of the program is proposed to be changed from the "Federal Law Enforcement Dependents' Assistance" (FLEDA) program to the "Public Safety Officers' Educational Assistance" (PSOE) program. Likewise, the references in subpart B to "Civilian federal law enforcers" or "Federal law enforcers" are proposed to be changed to "public safety."

Section 32.37 of the regulation is proposed to be amended to comply with the mandate of section 210) of the PSOE Act, which requires the issuance of regulations regarding the use of "sliding scale based on financial need to ensure that an eligible dependent who is in financial need receives priority in receiving funds" under this program. In accordance with this section, BJA intends to calculate the amount of assistance, if needed, in such a manner so to ensure those applicants who are in the greatest financial need, i.e., would be unable to attend a program of study at a qualified institution of higher education in the absence of some measure of assistance, receive an amount that would allow them to do so and to which they would otherwise be entitled to under this provision. While the PSOE Act requires, if needed, reduction of the total amount of assistance by the amount calculated using the sliding scale, it is anticipated that no such reduction will be necessary, and that all eligible dependents will be able to receive the total amount of benefits for which they qualify. In order to do this, applicants may submit a statement of financial need, with documentation of such need, including information regarding all assets and sources of income, such as the Internal Revenue Service's form 1040. If the student is dependent on his or her parents for support, information regarding the parents income and assets may be required. This information will only be used to give priority in awarding funds in the event that it appears that amounts appropriated for

Proposed Rule Document Regulatory Analyses & Proposed Text



the program are not sufficient to allow for all eligible applicants to receive the total amount for which they qualify.

Retroactive eligibility to on or after May 1, 1992 will continue for the dependents of Federal law enforcement officers killed in the line of duty. The dependents of Federal law enforcement officers, who were permanently and totally disabled in the line of duty, are entitled to receive benefits under this program if the disability occurred on or after October 1, 1996, the date of the enactment of the original authorizing legislation for FLEDA. The dependents of all other public safety officers, consistent with the authorization, will be eligible for benefits on a retroactive basis if the public safety officer was killed in the line of duty on or after October 1, 1997. The regulations are being proposed to be amended at section 32.35(a) to reflect this allowance.

This program will continue to recognize the sacrifices and invaluable contributions made to the nation's safety by all public safety officers through the availability of this assistance. The program authorizes the payment of benefits to eligible dependents for attendance only at an approved program of education at institutions for higher education. The standards regarding eligible institutions and the calculation of education benefits remain unchanged from the standards currently used under the FLEDA program, and readers are encouraged to consult the preamble to the FLEDA final rule at 62 FR 37713, July 15, 1997, for a detailed discussion of the operation and mechanics of the program.

While the regulation, on the whole, remains very much unchanged, comments are sought from all interested persons on any of the information contained herein, and particularly on the use of a sliding scale to ensure benefits are paid to those with the greatest financial need. All comments received on or before the closing date will be carefully considered.

In order to implement the PSEOEA program promptly to provide financial assistance to qualified dependents, the public comment period for this rule is forty-five days.

Executive Order 12866

This regulation has been written and reviewed in accordance with Executive Order 12866, Sec. 1(b), Principles of Regulation. The Office of Justice Programs has determined that this rule is not a "significant regulatory action" under Executive Order 12866, Sec. 3(b), Regulatory Planning and Review, and

accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Office of Justice Programs, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: The FLEDA program will be administered by the Office of Justice Programs, and any funds distributed under it shall be distributed to individuals, not entities, and the economic impact is limited to the Office of Justice Program's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by Sec. 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

The collection of information requirements contained in the proposed regulation have been approved by the

Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (44 U.S.C. 3504(b)). In accordance with 5 CFR 1320.5(b), the OMB control number pertaining to the collection of information is 1121-0220.

List of Subjects in 28 CFR Part 32

Administrative practice and procedure, Claims, Disability benefits, Law enforcement officers.

For the reasons set out in the preamble, the Bureau of Justice Assistance proposes to amend 28 CFR part 32 as follows:

PART 32—PUBLIC SAFETY OFFICER'S DEATH AND DISABILITY BENEFITS

1. The authority citation for Part 32 continues to read as follows:

Authority: Part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3711 et seq.)

Subpart B—[Amended]

2. The heading of Subpart B is amended by revising "Federal Law Enforcement Dependents" to read "Public Safety Officers' Educational".

3. Section 32.31 is revised to read as follows:

§ 32.31 Purpose.

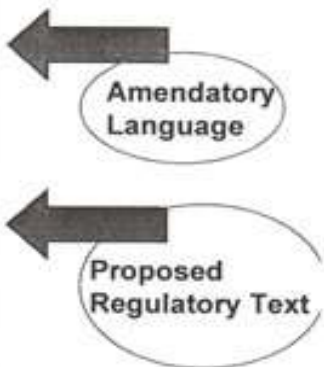
This subpart implements the Federal Law Enforcement Dependents Assistance Act of 1996, as amended by the Police, Fire, and Emergency Assistance Act of 1998, which authorizes the payment of financial assistance for the purpose of higher education to the dependents of public safety officers who are found, under the provisions of subpart A of this part, to have died as a direct and proximate result of a personal injury sustained in the line of duty, or to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty.

4. Section 32.32 is amended by revising paragraphs (a), (b)(3), (c), (d), and (f) to read as follows:

§ 32.32 Definitions.

(a) The Act means the Federal Law Enforcement Dependents Assistance Act of 1996, Pub. L. 104-238, Oct. 3, 1996, as amended by the Police, Fire, and Emergency Assistance Act of 1998, Pub. L. 104-238, codified as Subpart 2 of Part I, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3795a et seq.

(3) PSEOEA means the Public Safety Officers' Educational Assistance program administered by the Bureau under this subpart.





Electronic Tools

- RegAlert
 - Regulations in 50 U.S. states



Thank you.

U.S. WTO TBT Enquiry Point
National Center for Standards and
Certification Information (NCSCI)
100 Bureau Drive
Gaithersburg, MD 20899-2160
E-mail: ncsci@nist.gov
Telephone: 301-975-4040