

# What Types of documents are in the Proposed Rules section ?

- **Proposed Rules**
  - ✧ Also known as: “Notice of Proposed Rulemaking” (NPRM)
- **Preliminary Rulemaking Documents**
  - ✧ Advance Notice of Proposed Rulemaking
  - ✧ Petition for Rulemaking
  - ✧ Negotiated Rulemaking document
- **Miscellaneous proposals and updates**
  - ✧ Extend time for comments, withdraw or change NPRM, propose waivers, exemptions and interpretations of enforcement policy

# Proposed Rule

- **Announces possible changes to the CFR**
- **Sets out proposed regulatory text or describes proposal**
- **Solicits public comment on proposal**
- **Initiates the “notice and comment rulemaking” process under the APA (5 U.S.C. 553)**
  - ✧ **Agencies must consider public comments, justify decisions to finalize, change or withdraw proposed rules**
  - ✧ **Agencies may invoke a “good cause” exception if proposed rule is “impracticable, unnecessary, or contrary to the public interest.”**

# Standard Preamble Headings & Captions

Headings → Agency name, CFR title and part(s), docket info, subject matter

Captions ↓

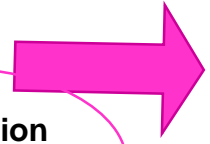
- **AGENCY:** e.g., Food and Nutrition Service, USDA
- **ACTION:** e.g., “Proposed rule”, “Notice of intent”
- **SUMMARY:** brief what and why: the issues & rulemaking objectives
- **DATES:** deadline for submitting comments
- **ADDRESSES:** mail/fax/e-mail for submitting comments
- **FOR FURTHER INFORMATION CONTACT:**  
name and number/e-mail of knowledgeable person at agency
- **SUPPLEMENTARY INFORMATION:**  
main discussion of issues and rulemaking objectives and regulatory analyses

# Proposed Rule Document -- Preamble

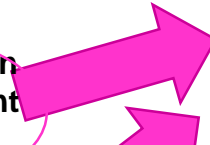
- Headings for:
- Agency + Sub-agency
- CFR part(s) affected
- Docket number
- Regulatory Information Number (RIN)
- Subject matter



Action caption identifies category of document



Date caption for comment due date



Addresses caption for how and where to send comments



**DEPARTMENT OF JUSTICE**  
**Bureau of Justice Assistance**  
**28 CFR Part 32**  
**[OJP (BJA)-1216]**  
**RIN 1121-AA51**  
**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 deaths 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. 3495, (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 enforcement" or "Federal law enforcement" 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 2(4) 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 of 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

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 PSOEA 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(f), 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 section, 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(h)). 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 L 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:

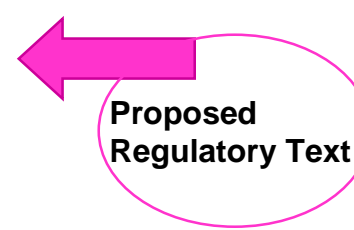
**§ 32.32 Definitions.**

\* \* \* \* \*

(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 L of title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796d *et seq.*

(b) \* \* \*

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



Proposed Rule Document Regulatory Analyses & Proposed Text

