

(11) Section 21.4267—Approval of independent study.

(Authority: 38 U.S.C. 3034, 3476, 3672, 3675, 3676, 3678, 3679, 3680A, 3689)

* * * * *

36. In § 21.7222, paragraph (e) and its authority citation are revised, to read as follows:

§ 21.7222 Courses and enrollments which may not be approved.

* * * * *

(e) Except as provided in § 21.7120(d), an independent study course which—

- (1) Does not lead to a standard college degree, or
- (2) Is a nonaccredited course.

(Authority: 38 U.S.C. 3676, 3680A)

37. In § 21.7280, paragraph (b)(1) is revised, to read as follows:

§ 21.7280 Death benefit.

* * * * *

(b) *Necessary criteria for death benefit.* * * *

- (1) The individual either—
 - (i) Dies while on active duty, or
 - (ii) Dies after October 28, 1992, and his or her date of death is within one year after the date of his or her last discharge or release from active duty; and

* * * * *

[FR Doc. 96-3780 Filed 2-21-96; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1370

RIN 0970-AB21

Family Violence Prevention and Services Programs

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Final rule.

SUMMARY: This final rule establishes requirements for sections 303, 308, 311, and 314 of the Family Violence Prevention and Services Act, as amended, and provides States, Indian tribes and other grantees with information on grants available under these sections of the statute.

EFFECTIVE DATE: March 25, 1996.

ADDRESSES: Administration for Children and Families, Office of Community Services, Fifth Floor, 370 L'Enfant Promenade, SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: William D. Riley, (202) 401-5529.

SUPPLEMENTARY INFORMATION: Sections 311(h) and 312(a) of the Family Violence Prevention and Services Act, as amended, require the Secretary to publish regulations implementing sections 303, 308, 311, and 314, of the Act. These final regulations address this requirement.

Program Description

The Family Violence Prevention and Services Act (the Act) authorizes formula and discretionary grant programs which fund a range of activities designed to both prevent family violence and provide services to victims of family violence. Enacted as title III of the Child Abuse Amendments of 1984, the Act was amended and reauthorized by Public Law 102-295, the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992. The Act was further amended by Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994, also known as the "Crime Bill".

Under section 303 of the Act, funds are awarded as formula grants to States and Indian tribes and tribal organizations to assist in supporting activities to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents. These grants have supplemented many already established community-based family violence prevention and service activities. They also have allowed States and tribes to expand current service programs and establish additional new shelters in rural and underserved areas, on reservations, and in Alaskan Native Villages and Regional Corporation Areas. In most areas, there is private sector as well as State and local funding for these emergency shelters.

Under section 311 of the Act, added by the 1992 amendments, formula grants are available to private non-profit State domestic violence coalitions to conduct domestic violence intervention and prevention activities and to increase public awareness of domestic violence issues. Grant funds support training and technical assistance activities as well as public education services.

The 1992 amendments also added a new section 308 to the Act which requires the Secretary to establish and maintain a national resource center for family violence prevention and services and up to six special issue resource centers. The Crime Bill increased the allowed number of special issue resource centers to seven. The purpose of the national resource center and the special issue resource centers is to offer

resource, policy, and technical assistance and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence.

Currently, the national resource center maintains a central resource library to collect and disseminate information relating to the incidence and prevention of family violence and the provision of immediate shelter and related assistance. The special interest resource centers provide a specialization, on a nationwide basis, in at least one area of domestic violence service, prevention, or law.

Discretionary grants also are awarded under section 314 of the Act to public and private non-profit agencies, including Indian tribes and tribal organizations to assist in the development of public information and community awareness campaign activities that will serve as information models for the prevention of family violence.

Approach to Writing the Final Rule

A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 10, 1993 (58 FR 64920). Two letters containing comments were received in response to the NPRM. Later in the preamble, we summarize the comments and respond to them. No changes have been made to the regulation in response to comments received.

In February of 1995, the President announced a Regulatory Reinvention Initiative as part of the National Performance Review, calling for more immediate, comprehensive regulatory reform. As part of this initiative, he directed all agencies to undertake an exhaustive review of all regulations—with an eye toward eliminating or modifying those that are obsolete or which are otherwise in need of reform. With this in mind, we reexamined the language in the NPRM to see whether the final regulation could achieve the same objectives in a simpler, more consistent, and more flexible manner.

The NPRM generally did not reiterate the statute or list all applicable regulations. Rather, it stated broadly that grantees must meet the statutory requirements of the Act as well as all applicable regulations, and it referenced the pertinent program funding announcements in each of the four sections of the proposed rule. The program funding announcements, which are published in the Federal Register, describe the relevant statutory and regulatory requirements, as well as

information about funding availability and the grant application process.

The final rule retains the approach outlined in the NPRM while removing several unnecessary paragraphs to improve regulatory flexibility and consistency. The NPRM listed financial and program reporting requirements for grantees under paragraphs (b) and (c) of section 1370.2, paragraphs (b) and (c) of section 1370.3, paragraphs (b) and (c) of section 1370.4, and paragraphs (b) and (c) of section 1370.5. After careful reexamination, we have removed these paragraphs from the NPRM. Also, we have added clarifying language in sections 1370.2, 1370.3, 1370.4, and 1370.5 of the final rule which makes clear that all applicable reporting requirements are to be found in the program funding announcements.

For similar reasons, we have removed paragraphs (d) and (e) of § 1370.2 of the NPRM to be consistent with the way in which the final rule treats other statutory requirements. Paragraphs (d) and (e), which concern State and Indian Tribal formula grants, spelled out certain statutorily-related provisions concerning confidentiality of records and tribal authorization requirements. Because they are described in the funding announcement for the State and Indian Tribal formula grant program, they do not need to be repeated in the regulatory text. We have added clarifying language that applicable statutory requirements are described in the program funding announcements.

No other changes have been made to the notice of proposed rulemaking.

Discussion of Part 1370—Family Violence Prevention and Services Programs

Purpose (Sec. 1370.1)

This section states that sections 303, 308, 311, and 314 of the Family Violence Prevention and Services Act are addressed in 45 CFR Part 1370 and states that all programs authorized under the Act are funded subject to the availability of funds.

State and Indian Tribal Grants (Sec. 1370.2)

This section establishes requirements for formula grants to States and Indian tribes and tribal organizations under section 303 of the Act.

Information and Technical Assistance Center Grants (Sec. 1370.3)

This section establishes requirements to support a national resource center and up to seven special issue resource centers under section 308 of the Act.

State Domestic Violence Coalition Grants (Sec. 1370.4)

This section establishes requirements for formula grants to State domestic violence coalitions under section 311 of the Act.

Public Information Campaign Grants (Sec. 1370.5)

This section establishes requirements to fund discretionary grants for public information campaigns under section 314 of the Act.

Discussion of Comments Received

Two letters containing comments were received in response to the notice of proposed rulemaking published in the Federal Register on December 10, 1993. One commenter represented a State program and the other represented a national association.

The comments are summarized below and are followed by the Department's response.

Comment: One commenter, representing a State program, concurred with the rules and procedures proposed in the NPRM. The commenter also stressed the need for State and Indian tribal grantees to have an active, collaborative relationship with recipients of grants under those sections of the Act covered by the regulation and recommended that the Federal government establish guidelines for such collaboration.

Response: We agree with the commenter about the importance of collaboration among grantees, other governmental agencies, organizations, and individuals involved in family violence prevention and service activities. Currently, recipients of the State Domestic Violence Coalition grants participate with the State family violence grantees in monitoring and compliance activities. In addition, the national resource center and the three special issue resource centers we have funded have formed collaborative and participatory relationships not only with State and tribal grantees but with other organizations, scholars, practitioners, and individuals in the areas of domestic violence prevention and services. We believe that, rather than enacting a single set of Federal guidelines for collaboration, it is preferable to retain the option of promoting collaboration through a variety of methods which can be periodically reviewed and easily refined or augmented where necessary.

Comment: A commenter from a national association noted that family violence programs have the potential to offer needed services, information and

support to older persons who are the victims of violence occurring in the context of family relationships. The commenter encouraged the Department of Health and Human Services to obtain information from grantees concerning the extent to which older people are served through the programs and to seek information about good practices regarding services to older victims and prevention activities targeted to older persons.

Response: Recipients of State and Indian tribal formula grants are asked to submit annual program activity reports which contain, among other things, a description of the characteristics and demographics of the persons served by service or activity. The reports also describe the major activities supported by the Family Violence Prevention and Services Act funds and the specific priorities addressed by the State, tribe or tribal organization as well as describing the prevention activities supported during the program year. We expect the annual reports to provide information on the numbers of elderly served and on the types of activities and services which affect this population. In addition, the Administration on Aging, in cooperation with the Administration for Children and Families, in the Department of Health and Human Services is currently funding a study of elder abuse in domestic settings. The study is being carried out by the National Center on Elder Abuse.

Regulatory Procedures

Executive Order 12866

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. No costs are associated with this rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small entities. The primary impact of these rules is on State governments, non-profit organizations and individuals. We certify that these rules will not have a significant impact on a substantial number of small entities because they simply establish procedures for grant applications and include no standards or requirements which would burden small entities. Thus, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The regulation contains no information collection requirements which are subject to review and approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 45 CFR Part 1370

Aged, Child welfare, Grant programs—Social programs, Domestic violence, Family violence, Spouse abuse, Elder abuse and neglect.

(Catalog of Federal Domestic Assistance Programs: 93.671, Family Violence Prevention and Services Program)

Dated: January 31, 1996.

Mary Jo Bane,

Assistant Secretary for Children and Families.

For the reasons set forth in the preamble, Title 45, Chapter XIII, of the Code of Federal Regulations is amended by adding a new subchapter H consisting of part 1370 to read as follows:

SUBCHAPTER H—FAMILY VIOLENCE PREVENTION AND SERVICES**PART 1370—FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAMS**

Sec.

1370.1 Purpose.

1370.2 State and Indian tribal grants.

1370.3 Information and technical assistance center grants.

1370.4 State domestic violence coalition grants.

1370.5 Public information campaign grants.

Authority: 42 U.S.C. 10401 et seq.

§ 1370.1 Purpose.

This part addresses sections 303, 308, 311, and 314 of the Family Violence Prevention and Services Act (the Act), as amended (42 U.S.C. 10401 et seq.). The Act authorizes the Secretary to implement programs for the purposes of increasing public awareness about and preventing family violence; providing immediate shelter and related assistance for victims of family violence and their dependents; and providing for technical assistance and training relating to family violence programs to States, tribes, local public agencies (including law enforcement agencies, courts, legal, social service, and health care professionals), non-profit private organizations and other persons seeking such assistance. All programs authorized under the Act are funded subject to the availability of funds.

§ 1370.2 State and Indian tribal grants.

Each grantee awarded funds under section 303 of the Act must meet the statutory requirements of the Act and all

applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.3 Information and technical assistance center grants.

Each grantee awarded funds under section 308 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.4 State domestic violence coalition grants.

Each grantee awarded funds under section 311 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

§ 1370.5 Public information campaign grants.

Each grantee awarded funds under section 314 of the Act must meet the statutory requirements of the Act and all applicable regulations. An announcement which describes the application process, including information on statutory requirements, other applicable regulations, and any required financial and program reports, is published in the Federal Register.

[FR Doc. 96-3931 Filed 2-21-96; 8:45 am]

BILLING CODE 4184-01-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 23**

RIN 1018-AD61

Addition of Bigleaf Mahogany to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule announces the addition to Appendix III of the Convention on International Trade in

Endangered Species of Wild Fauna and Flora (CITES or Convention) of bigleaf mahogany (*Swietenia macrophylla*) from the Americas and its saw-logs, sawn wood and veneers only, as submitted by the Government of Costa Rica. A list of the species contained in the CITES appendices is presented for informational purposes in the U.S. Code of Federal Regulations at 50 CFR 23.23. The Service will consider any comments received on whether to enter a reservation on the addition of this species to Appendix III. Second, a phrase is revised in 50 CFR 23.23(d) to clarify that the regulated parts and derivatives of plants are in some cases presented categorically, and in others set out with the particular entry on the species in the list.

DATES: This rule is effective on February 22, 1996. The recent change to Appendix III set forth in this rule entered into force on November 16, 1995, under the terms of the Convention.

ADDRESSES: Please send correspondence concerning the amendment announced in this rule to Chief, Office of Scientific Authority, ARLSQ 725, U.S. Fish and Wildlife Service, Washington, DC 20240; fax number 703-358-2276. Express and messenger deliveries should be addressed to Chief, Office of Scientific Authority, Room 750, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, Virginia 22203.

The text of the Appendix III notification from the Convention's Secretariat is available on request, and related materials are available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the above address in Arlington, Virginia.

Please send certificate/permit questions or any applications concerning this regulation to Chief, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420c, Arlington, Virginia 22203, fax number 703-358-2281. Express and messenger deliveries should be addressed to Chief, Office of Management Authority, at that Arlington address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority (telephone 703-358-1708), or the Branch of Permits, Office of Management Authority (telephone 800-358-2104).

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249) regulates international trade in certain animal and