for State Plans, of three months prior to the date that the Secretary may obligate funds for the program. The effective date of current programs is October 1, and, therefore, plans are due on the prior July 1. Some commenters noted that such a proposed change will require new timetables at the State and local level. Most commented that the change can be implemented if given enough time. Other commenters requested that the date of October 1 be retained and cited a number of problems associated with this change.

Discussion: The program staff will have reviewed and accepted all timely and substantially approvable plans prior to the effective date of the program in order that the Secretary may make obligations in a timely manner. The retention of the October due date for the submission of State plans is impossible if all reviews are to be accomplished prior to October 1. The Department must reserve the three-month period for review (including negotiations) of the State Plans.

Change: None.

Section 76.711: Should States have to request funds by CFDA number?

The NPRM proposed to add a new § 76.708. This document adds that section as a new § 76.711.

Comment: One commenter asked why the Department would require States to use the CFDA number when the Treasury Department would not require Federal agencies to provide the CFDA number to the States for funds transmitted to the States. Conversely, the Treasury Department suggested in its comments that the Department should require all grantees to request the draw down of funds by CFDA number, because all programs that are covered in the CFDA are subject to coverage under the CMIA. A third commenter stated that a requirement to request funds by CFDA number would place an unnecessary administrative burden on States which might actually hinder timely payments under the CMIA. This commenter asked that the Department stay with the current, single-request system, which permits grantees to request funds needed under all grants to a State in a single request, without having to identify the programs for which the funds are being requested.

Discussion: As the Treasury Department stated in the preamble to the final regulations implementing the CMIA, "CFDA numbers are key to the provisions of this rule." This statement was made in the context of Treasury's discussion of concerns that agencies don't always provide CFDA numbers to States when the agencies make their awards. Treasury said "Respondents emphasized the problems created in such situations given the fact that [the Treasury regulation implementing the CMIA] relies on program CFDA numbers for tracking withdrawals and payments, and for calculating interest accruals."

This discussion indicates Treasury's understanding that States will need to request payments by CFDA number and agencies will have to make payments by CFDA number in order to calculate interest liabilities under the Act. The Department of Education already identifies the CFDA number of a grant program whenever it issues a notification of grant award. Thus, the Secretary does not expect any increased burden for a State to check the CFDA number on a grant award document in order to request funds under a program.

Change: In response to the Treasury Department's comment, § 76.708 will require use of the CFDA number when requesting funds for any grant subject to Part 76.

Change: This final rulemaking document makes technical changes by redesignating certain sections that were not affected by the NPRM in order to make room for the new § 76.704. Current §§ 76.704, 76.705, and 76.706 have been redesignated as § 76.708, 76.709, and 76.710, respectively. Cross references to these sections in other parts of 34 CFR have been amended as appropriate.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

List of Subjects

34 CFR Part 76

Education Department, Grant programs-education, Grant administration, Intergovernmental relations, State-administered programs.

34 CFR Part 667

Colleges and universities, Cultural exchange programs, Education, Educational study programs, Grant programs—education.

Dated: April 6, 1995.

Richard Riley,

Secretary of Education. (Catalog of Federal Domestic Assistance Number does not apply)

The Secretary amends Parts 76 and 667 of Title 34 of the Code of Federal Regulations as follows:

PART 76—STATE-ADMINISTERED PROGRAMS

1. The authority citation for part 76 is revised to read as follows:

Authority: 20 U.S.C. 1221e-3, 6511(a), 3474, unless otherwise noted.

2. Section 76.703 is amended by removing paragraphs (a) and (b), redesignating paragraph (c) as paragraph (h), adding new paragraphs (a) through (g), and adding notes following new paragraphs (b) and (g), to read as follows:

§ 76.703 When a State may begin to obligate funds.

(a) (1) The Secretary may establish, for a program subject to this part, a date by which a State must submit for review by the Department a State plan and any other documents required to be submitted under guidance provided by the Department under paragraph (b)(3) of this section.

(2) If the Secretary does not establish a date for the submission of State plans and any other documents required under guidance provided by the Department, the date for submission is three months before the date the Secretary may begin to obligate funds under the program.

(b) (1) This paragraph (b) describes the circumstances under which the submission date for a State plan may be deferred.

(2) If a State asks the Secretary in writing to defer the submission date for a State plan because of a Presidentially declared disaster that has occurred in that State, the Secretary may defer the submission date for the State plan and any other document required under guidance provided by the Department if the Secretary determines that the disaster significantly impairs the ability of the State to submit a timely State plan or other document required under guidance provided by the Department.

(3) (i) The Secretary establishes, for a program subject to this part, a date by which the program office must deliver guidance to the States regarding the contents of the State plan under that program.

(ii) The Secretary may only establish a date for the delivery of guidance to the States so that there are at least as many days between that date and the date that State plans must be submitted to the Department as there are days between the date that State plans must be submitted to the Department and the date that funds are available for obligation by the Secretary on July 1, or October 1, as appropriate.

(iii) If a State does not receive the guidance by the date established under