

45 CFR Part 1606**Procedures Governing Termination of Financial Assistance****AGENCY:** Legal Services Corporation.**ACTION:** Amendment of rule.

SUMMARY: The Corporation's regulation governing termination of financial assistance is amended to conform to the requirements of Pub. L. 98-411, the appropriations bill under which the Corporation is presently funded. The amendments change the time limits in the current rule to conform to the time limits mandated by the appropriations bill. The amendments are technical in nature. Because the amendments are mandated by an act of Congress, the changes merely bring the regulations into conformity with current law, and no comments are required. Therefore, the amendments shall become effective thirty days from publication.

EFFECTIVE DATE: August 29, 1985.**FOR FURTHER INFORMATION CONTACT:** Richard N. Bagenstos, Acting General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: Pub. L. 98-411, which appropriates the Corporation's funding for 1985, incorporated language from Pub. L. 98-166, which set new requirements for termination of financial assistance proceedings. The Corporation has been following the time limits established by Congress in practice. These technical amendments are adopted to conform the language of the rule to the mandate of Congress, and to the practice of the Corporation.

The appropriations bill requires that a request for a hearing shall be made within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding or suspend financial assistance and that the hearing shall be conducted within thirty days after receipt of such request for a hearing. The appropriations bill also requires that the Corporation make its

final decision within thirty days after completion of the hearing.

These Congressional mandated require three changes in the existing regulation. The first amendment occurs in § 1606.4(b). The recipient is given thirty days within which to request a hearing after receiving the preliminary determination to defund. The second amendment occurs in § 1606.9(a). The time limit for setting the hearing is reduced from forty-five days to thirty days after the notice required by § 1601.8. Finally, § 1606.13(c) is amended to require the President to make his final decision within thirty days of the completion of the hearing.

Because these amendments are mandated by Congress, the Corporation has no discretion in amending its rules. Publishing the amendments in proposed form and soliciting comments thereon would be a meaningless exercise. Therefore, the technical amendments are being published in final form to become effective thirty days from date of publication.

List of Subjects in 45 CFR Part 1606

Administrative practice and procedure, Legal Services.

For the reasons set forth in the preamble, 45 CFR Part 1606 is amended as follows:

PART 1606—[AMENDED]

1. The Authority citation for Part 1606 continues to read as follows:

Authority: Sec. 1006(b) (1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1027(d), 1006(e), 1011 Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996e(b) (1) and (3), 2996f(a) (1), (3), and (9), 2996f(d), 2996g(e), 2996j), and Pub. L. 98-411.

§ 1606.4 [Amended]

2. Section 1606.4(b) introductory text is amended by removing the numeral "10" and inserting in its place the numeral "30" before the words "days of receipt of the preliminary determination".

§ 1606.9 [Amended]

3. Section 1606.9(a) is amended by removing the numeral "45" and inserting in its place the numeral "30" before the words "days after the notice required by § 1606.16".

§ 1606.13 [Amended]

4. Section 1606.13(c) is amended by removing the words "and normally within 30 days" and inserting in their place the words "but not later than 30

days after the completion of the hearing."

Dated: July 24, 1985.

Richard N. Bagenstos,
Acting General Counsel.

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