§ 366.33

What are the application requirements for existing eligible agencies?

To be eligible for assistance under this subpart, an eligible agency shall comply with the requirements in §366.21.

(Approved by the Office of Management and Budget under control number 1820–0018)

(Authority: 29 U.S.C. 711(c) and 796f–2(a)(2))

§ 366.34

What is the order of priorities?

(a) Unless the Director and the chairperson of the SILC, or other individual designated by the SILC to act on behalf of and at the direction of the SILC, jointly agree on another order of priorities, the Director shall follow the order of priorities in §366.22 for allocating funds among centers within a State, to the extent funds are available.

(b) If the order of priorities in §366.22 is followed and, after meeting the priorities in §366.22(a) (1) and (2), there are insufficient funds under the State’s allotment under section 721(c) and (d) of the Act to fund a new center under §366.22(a)(3), the Director may—

1. Use the excess funds in the State to assist existing centers consistent with the State plan; or

2. Return these funds to the Secretary for reallocation in accordance with section 721(d) of the Act.

(Authority: 29 U.S.C. 711(c) and 796f–2(e))

§ 366.35

What grants must be made to existing eligible agencies?

In accordance with the order of priorities established in §366.34(a), an eligible agency may receive a grant under this subpart if the eligible agency meets the applicable requirements in §§366.2, 366.21, and 366.23.

(Authority: 29 U.S.C. 796f–2(c))

§ 366.36

How is an award made to a new center?

To be eligible for a grant as a new center under this subpart, an eligible agency shall meet the requirements for a new center in §§366.2(b) and 366.24, except that the award of a grant to a new center under this section is subject to the order of priorities in §366.34(a).

(Authority: 29 U.S.C. 796f–2(d))

§ 366.37

What procedures does the Director of the DSU (Director) use in making a grant for a new center?

(a) In selecting from among applicants for a grant for a new center under §366.24 of this subpart—

1. The Director and the chairperson of the SILC, or other individual designated by the SILC to act on behalf of and at the direction of the SILC, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances in section 725(b) and (c) of the Act and subparts P and Q of this part and any criteria jointly established by
§ 366.39 What are the procedures for enforcement?

(a) If the Secretary determines that any center receiving funds under this part is not in compliance with the standards and assurances in section 725 (b) and (c) of the Act and subparts F and G of this part, the Secretary immediately notifies the center, by certified mail, return receipt requested, or other means that provide proof of receipt, that the center is out of compliance. The Secretary also offers technical assistance to the center to develop a corrective action plan to comply with the standards and assurances.

(b) The Secretary terminates all funds under section 721 of the Act to that center 90 days after the date of the notification required by paragraph (a) of this section unless—

(1) The center submits, within 90 days after receiving the notification required by paragraph (a) of this section, a corrective action plan to achieve compliance that is approved by the Secretary; or

(2) The center requests a hearing pursuant to paragraph (c) or (d) of this section.

(c) If the Secretary does not approve a center’s corrective action plan submitted pursuant to paragraph (b)(1) of this section, the center has 30 days from receipt of the Secretary’s written notice of disapproval of the center’s corrective action plan to request a hearing by submitting a formal written request that gives the reasons why the