Food and Nutrition Service, USDA

(iii) The capability or incapability of an ITO to administer the Food Stamp Program;

(iv) The failure of an ITO to properly administer the Food Stamp Program;

(v) The Federal matching percentage level of administrative funding made available by FNS. To prevail the State agency must show a compelling justification that additional funding is needed for the effective administration of the Program on the reservation.

(2) At the time FNS advises the State agency or ITO of its determination, FNS shall also advise the State agency or ITO of its right to appeal and, except for appeals of funding determinations, shall advise the State agency or ITO of its right to request either a meeting to present its position in person or a review of the record. On appeals of funding determinations, FNS shall advise the State agency or ITO that it may indicate if it wishes a meeting; however, FNS need schedule a meeting only if FNS determines a meeting is warranted to reach a proper adjudication of the matter. Otherwise, FNS shall review supportive information submitted by the State agency or ITO in paragraph (b)(2) of this section.

(b) Procedures—(1) Time limit. Any State agency or ITO which wants to appeal an initial FNS determination under paragraph (a) of this section must notify the Administrator of FNS, in writing within 15 days from the date of the determination and must advise FNS if it wishes a meeting or a review of the record.

(2) Acknowledgment. Within five days of receipt by the Administrator of FNS of a request for review, FNS shall provide the State agency or ITO by certified mail, return receipt requested, with a written acknowledgement of the request. The acknowledgment shall include the name and address of the official designated by the Administrator to review the appeal. The acknowledgment shall also notify the State agency or ITO that within ten day of receipt of the acknowledgment, the State agency or ITO shall submit written information in support of its position.

(3) Scheduling a meeting. If the Administrator, FNS, grants a meeting FNS shall advise the State agency or ITO by certified mail, return receipt requested, of the time, date and location of the meeting at least ten days in advance of the meeting. FNS shall schedule and conduct the meeting and make a decision within 60 days of the receipt of the information submitted in response to paragraph (b)(2) of this section.

(4) Review. If no meeting is conducted, the official designated by the Administrator, FNS, shall review information presented by a State agency or ITO which requests a review, and shall make a final determination in writing within 45 days of the receipt of the State agency's or ITO's information submitted in response to paragraph (b)(2) of this section setting forth in full the reasons for the determination.

(5) Final decision. The official's decision after a meeting or a review shall be final.

(c) Funding and other sanctions. Any State agency or ITO that wishes to appeal a funding determination made by FNS other than under (a)(5) of this section, or the application of a Federal sanction, shall follow the Administrative Review Procedures set forth in part 276.

PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

Sec. 282.1 Legislative authority and notice requirements.

282.2 Funding.


SOURCE: Amdt. 134, 43 FR 54215, Nov. 21, 1978, unless otherwise noted.

§ 282.1 Legislative authority and notice requirements.

(a) Legislative authority. Section 17 of the Act authorizes the Secretary to conduct demonstration, research, and evaluation projects. In conducting such projects, the Secretary may waive all or part of the requirements of the Act and implementing regulations necessary to conduct such projects, except that no project, other than a project involving the payment of the average value of allotments by household size
in the form of cash to eligible house-
holds or a project conducted to test im-
proved consistency or coordination be-
tween the food stamp employment and
training program and the Job Opportu-
nities and Basic Skills program under
Title IV of the Social Security Act,
may be undertaken which would lower
or further restrict the established in-
come and resource standards or benefit
levels.

(b) Notices. At least 30 days prior to
the initiation of a demonstration
project, FNS shall publish a General
Notice in the FEDERAL REGISTER if the
demonstration project will likely have
a significant impact on the public. The
notice shall set forth the specific oper-
ational procedures and shall explain
the basis and purpose of the dem-
onstration project. If significant com-
ments are received in response to this
General Notice, the Department will
take such action as may be appropriate
prior to implementing the project. If
the operational procedures contained
in the General Notice described above
are significantly changed because of
comments, an amended General Notice
will be published in the FEDERAL REG-
ISTER at least 30 days prior to the initi-
ation of the demonstration project, ex-
cept where good cause exists sup-
porting a shorter effective date. The
explanation for the determination of
good cause will be published with the
amended General Notice. The amended
General Notice will also explain the
basis and purpose of the change.

[Amdt. 371, 61 FR 60012, Nov. 26, 1996]

§ 282.2 Funding.

Federal financial participation may
be made available to demonstration,
research, and evaluation projects
awarded by FNS through grants and
contracts. Funds may not be trans-
ferred from one project to another.
FNS will pay all costs incurred during
the project, up to the level established
in the grant, or in the terms and condi-
tions of the contract. FNS may grant
time extensions of the project upon ap-
proval. Funding for additional costs is
subject to existing Federal grant and
contract procedures.

[Amdt. 371, 61 FR 60012, Nov. 26, 1996]