

Fiscal Service, Treasury

§ 205.20

supporting documentation in appendices, to the Assistant Commissioner. The responding party shall concurrently serve its response statement to the other concerned parties.

(4) The Assistant Commissioner will issue a written decision within 30 days after the period for the submission of the response statement. The Assistant Commissioner may unilaterally extend the deadline for issuing a decision by 30 days if required. The Assistant Commissioner's decision shall be the final agency action on the part of the FMS for the purposes of judicial review procedures under the Administrative Procedures Act, 5 U.S.C. 701-706, unless either party invokes the provisions of the Administrative Dispute Resolution Act of 1990, 5 U.S.C. 581-593 (ADRA), in accordance with the following.

(i) Either party may seek to invoke the assistance of a neutral party appointed under the provisions of the ADRA within 30 days of receipt of the Assistant Commissioner written decision. The party invoking the ADRA shall notify both the Assistant Com-

missioner and the responding party in writing. With the written mutual consent of the parties and the Assistant Commissioner, a neutral party appointed under the provisions of the ADRA may assist in resolving the dispute through the use of alternate means of dispute resolution as defined in the ADRA.

(ii) If the party invoking the ADRA is unable to reach a satisfactory resolution of the problem using the ADRA, the Assistant Commissioner's decision shall be the final agency action on the part of the FMS for purposes of the judicial review procedures under the Administrative Procedure Act, 5 U.S.C. 701-706.

[57 FR 60676, Dec. 21, 1992; 58 FR 4460, Jan. 14, 1993]

APPENDIX A TO SUBPART A TO PART 205—DEFINITION OF MAJOR FEDERAL ASSISTANCE PROGRAM

Beginning with State fiscal year 2000, "Major Federal Assistance Program" for State governments is defined by the following criteria:

Total expenditure of Federal financial assistance for all programs	Major Federal assistance program means any program that exceeds
Between \$300,000 and \$100 million inclusive	\$300,000 or 3 percent of such total expenditures.
Over \$100 million but less than or equal to \$1 billion	\$3 million or 0.30 percent of such total expenditures.
Over \$1 billion but less than or equal to \$2 billion	\$4 million or 0.30 percent of such total expenditures.
Over \$2 billion but less than or equal to \$3 billion	\$7 million or 0.30 percent of such total expenditures.
Over \$3 billion but less than or equal to \$4 billion	\$10 million or 0.30 percent of such total expenditures.
Over \$4 billion but less than or equal to \$5 billion	\$13 million or 0.30 percent of such total expenditures.
Over \$5 billion but less than or equal to \$6 billion	\$16 million or 0.30 percent of such total expenditures.
Over \$6 billion but less than or equal to \$7 billion	\$19 million or 0.30 percent of such total expenditures.
Over \$7 billion but less than or equal to \$10 billion	\$20 million or 0.30 percent of such total expenditures.
Over \$10 billion	\$30 million or 0.15 percent of such total expenditures.

[64 FR 24243, May 5, 1999]

Subpart B—Potential Liabilities on Intergovernmental Funds Transfers Included in the Catalog of Federal Domestic Assistance but Otherwise Generally Excluded From Subpart A

§ 205.19 Scope of subpart.

This subpart applies to programs in the Catalog of Federal Domestic Assistance that are not subject to subpart A.

§ 205.20 Cash advances.

(a) Cash advances to a State shall be limited to the minimum amounts needed and shall be timed to be in accord only with the actual, immediate cash requirements of the State in carrying out a program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual cash outlay by the State for direct program costs and the proportionate share of any allowable indirect costs.