

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>§ 316.1 Environment.</p> <p>(a) The purpose of this section is to ensure proper environmental review of EDA's actions under PWEDA and the Trade Act and to comply with the Federal environmental statutes and regulations in making a determination that balances economic development and environmental enhancement and mitigates adverse environmental impacts to the extent possible.</p> <p>(b) Environmental assessments of EDA actions will be conducted in accordance with the statutes, regulations, and Executive Orders listed below. This list will be supplemented and modified, as applicable, in EDA's annual FY NOFA.</p> <p>(1) Requirements under the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190, as amended, 42 U.S.C. 4321 <i>et seq.</i> as implemented under 40 CFR parts 1500 <i>et seq.</i> including the following:</p> <p>(i) The implementing regulations of NEPA require EDA to provide public notice of the availability of project specific environmental documents such as environmental impact statements, environmental assessments, findings of no significant impact, records of decision etc., to the affected public as specified in 40 CFR 1506.6(b); and</p> <p>(ii) Depending on the project location, environmental information concerning specific projects can be obtained from the Environmental Officer in the appropriate</p>	<p>§ 302.1 Environment.</p> <p>EDA will undertake environmental reviews of Projects in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190; 42 U.S.C. 4321 <i>et seq.</i>, as implemented under 40 CFR Chapter V) (“NEPA”), and all applicable federal environmental statutes, regulations and Executive Orders. These authorities include the implementing regulations of NEPA requiring EDA to provide public notice of the availability of project-specific environmental documents, such as environmental impact statements, environmental assessments, findings of no significant impact, and records of decision, to the affected or interested public, as specified in 40 CFR 1506.6(b). Depending on the Project’s location, environmental information concerning specific Projects can be obtained from the Environmental Officer in the appropriate EDA regional office as listed in the annual FFO.</p>	<p>New regulations streamline existing guidelines. Specific references to environmental statutes are removed and replaced with a broader reference to all applicable federal environmental laws and regulations.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>Washington, D.C. or regional office listed in the NOFA;</p> <p>(2) Clean Air Act, Pub. L. 88-206 as amended, 42 U.S.C. 7401 et. seq.;</p> <p>(3) Clean Water Act (Federal Water Pollution Control Act), c. 758, 62 Stat. 1152 as amended, 33 U.S.C. 1251 et. seq.;</p> <p>(4) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Pub. L. 96-510, as amended, 42 U.S.C. 9601 et. seq. and the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, as amended;</p> <p>(5) Floodplain Management Executive Order 11988 (May 24, 1977);</p> <p>(6) Protection of Wetlands Executive Order 11990 (May 24, 1977);</p> <p>(7) Resource Conservation and Recovery Act of 1976, Pub.L. 94-580 as amended, 42 U.S.C. 6901 et seq.;</p> <p>(8) Historical and Archeological Data Preservation Act, Pub. L. 86-523, as amended, 16 U.S.C. § 469a-1 et. seq.;</p> <p>(9) National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 16 U.S.C. § 470 et. seq.;</p> <p>(10) Endangered Species Act of 1973, Pub. L. 93-205, as amended, 16 U.S.C. § 1531 et. seq.;</p> <p>(11) Coastal Zone Management Act of 1972, Pub. L. 92-583, as amended, 16 U.S.C. § 1451 et. seq.;</p> <p>(12) Flood Disaster Protection Act of 1973, Pub. L. 93-234, as amended, 42 U.S.C. § 4002 et seq.;</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(13) Safe Drinking Water Act of 1974, Pub. L. 92-523, as amended, 42 U.S.C. § 300f-j26; (14) Wild and Scenic Rivers Act, Pub. L. 90-542, as amended, 16 U.S.C. § 1271 et seq.; (15) Environmental Justice in Minority Populations and Low-Income Populations Executive Order 12898 (February 11, 1994); (16) Farmland Protection Policy Act, Pub. L. 97-98, as amended, 7 U.S.C. § 4201 et seq.; and (17) Other Federal Environmental Statutes and Executive Orders as applicable.</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>§ 316.2 Excess capacity.</p> <p>(a) Definitions. For purposes of this section only the following definitions apply:</p> <p><i>Beneficiary</i> means a firm or group of firms, a public or private enterprise or organization that provides a commercial product or service and that directly benefits from an EDA-assisted project.</p> <p><i>Capacity</i> means the maximum amount of a product or service that can be supplied to the market area over a sustained period by existing enterprises through the use of present facilities and customary work schedules for the industry.</p> <p><i>Commercial product or service</i> means a product or service sold on the open market in competition with another provider's product or service of the same kind.</p> <p><i>Demand</i> means the actual quantity of a commercial product or service that users are willing to purchase in the market area served by the intended beneficiary of the EDA assisted project.</p> <p><i>Efficient capacity</i> means that part of capacity derived from the use of contemporary structures, machinery and equipment, designs, and technologies.</p> <p><i>Existing competitive enterprise</i> means an established operation which either produces or delivers the same kind of commercial product or service to all or a substantial part of the market area served by the intended beneficiary of the EDA assisted project.</p>		<p>As required by the 2004 reauthorization statute, provisions regarding excess capacity have been eliminated from the regulations. Provisions barring the use of EDA funds to increase production of low demand goods and services removed in interim final rule.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p><i>Firm</i> means any enterprise which produces or sells a commercial product or service.</p> <p><i>Market Area</i> means the geographic area within which commercial products or services compete for purchase by customers.</p> <p><i>Product or service</i> means a good, material, or commodity, or the availability of a service or facility.</p> <p><i>Section 208</i> means section 208 of PWEDA.</p> <p>(1) A section 208 study is a detailed economic analysis/evaluation of competitive impact.</p> <p>(2) A section 208 report is a summary of supply/demand factors.</p> <p>(3) A section 208 exemption may apply to a project having one or more of the characteristics listed in paragraph (e) of this section.</p> <p>(b) Under section 208:</p> <p>(1) No financial assistance under PWEDA shall be extended to any project when the result would be to increase the production of products or services when there is not sufficient demand for such products or services, to employ the efficient capacity of existing competitive commercial or industrial enterprises; and</p> <p>(2) When EDA considers extending assistance for a project that benefits a firm or industry that provides a commercial product or service, the beneficiary is subject to a 208 report, study, or exemption, resulting in a finding that the project will or will not violate section 208. A section 208 study or report is required, except as provided in paragraph (e) of this section.</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(c) The following procedures shall be followed to the extent necessary to provide EDA with sufficient information to prepare a 208 study or report:</p> <p>(1) The beneficiary shall submit, as early as possible, the following information with regard to each commercial product or service affected by the project:</p> <p>(i) A detailed description of the commercial product or service;</p> <p>(ii) Current and projected amount and value of annual sales or receipts;</p> <p>(iii) Market area; and</p> <p>(iv) Name of other suppliers and amount of commercial product or service presently available in the market area.</p> <p>(2) If the beneficiary has conducted or commissioned a relevant market study, it shall be made available to EDA as early as possible, for possible use by EDA in the 208 study or report.</p> <p>(d) A section 208 report will form an acceptable basis on which to make a section 208 compliance finding when the beneficiary's projected new or additional annual output is less than one percent of the last recorded annual output in the market area, or when it is otherwise apparent that a 208 study is not required to determine that the project will not violate section 208.</p> <p>(e) Unless EDA determines that circumstances require a section 208 study or report, EDA will make a finding of compliance with section 208 without doing a section 208 report or study for</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>those projects with known beneficiaries, and which have one or more of the following characteristics:</p> <p>(1) The project is primarily for the use and benefit of the community as a whole without significantly expanding the output of commercial products or services;</p> <p>(2) The project is primarily to be used for non-production or non-distribution purposes;</p> <p>(3) The project will replace or restore capacity recently destroyed by flood, fire, wind, or other natural disaster, without contributing to significant expansion of the previously existing supply of the same kinds of commercial products or services;</p> <p>(4) The project will assure the retention of physical capacity and/or employment without significantly expanding the existing supply of the same kinds of commercial products or services;</p> <p>(5) The project will assure the reopening of facilities closed within two years of the date of reopening, if the facility will provide the same kinds of products or services as previously provided, without a significant increase in output;</p> <p>(6) The project will replace, rebuild or modernize, within the same commuting area, facilities which within the previous two years have been, or are to be, displaced by official governmental action, without a change in the kind or significant increase in output of the commercial product or service previously provided;</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(7) The project assures completion of a project previously assisted by EDA, where further funding is required because of revised project cost estimates, rather than for additional productive capacity; (8) The project is wholly or primarily for planning, technical assistance, research, evaluation, other studies, or for the training of workers, and not for the direct benefit of a firm or an industry that produces a commercial product or service; or (9) No firm benefitted by the project will use 50 percent or more of any EDA financed service or facility.</p>		
<p>§ 316.3 Nonrelocation.</p> <p>(a) General requirements for nonrelocation for funding under PWEDA are as follows: (1) EDA financial assistance will not be used to assist employers who transfer jobs from one commuting area to another. A commuting area ("area") is that area defined by the distance people travel to work in the locality of the project receiving EDA financial assistance; (2) Every applicant for EDA financial assistance has an affirmative duty to inform EDA of any employer who will benefit from such assistance who will transfer jobs (not persons) in connection with the EDA grant; (3) EDA will determine compliance with this requirement prior to grant award based upon</p>		<p>As required by the 2004 reauthorization statute, provisions barring the use of EDA funds to transfer jobs from one area to another are removed in interim final rule.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>information provided by the applicant during the project selection process; and</p> <p>(4) Each applicant and identified primary beneficiary of EDA assistance, which for purposes of this section means an entity providing economic justification for the project, must submit its certification of compliance with this section, and other applicable information as determined by EDA.</p> <p>(b) The nonrelocation requirements stated in paragraph (a) of this section shall not apply to businesses which:</p> <p>(1) Relocated to the area prior to the date of the applicant's request for EDA assistance;</p> <p>(2) Have moved or will move into the area primarily for reasons which have no connection to the EDA assistance;</p> <p>(3) Will expand employment in the area where the project is to be located substantially beyond employment in the area in which the business had originally been located;</p> <p>(4) Are relocating from technologically obsolete facilities to be competitive;</p> <p>(5) Are expanding into the new area by adding a branch, affiliate, or subsidiary while maintaining employment levels in the old area or areas; or</p> <p>(6) Are determined by EDA to be exempt.</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>§ 316.4 Procedures in disaster areas.</p> <p>When non-statutory EDA administrative or procedural conditions for financial assistance awards cannot be met by applicants under PWEDA as the result of a disaster, EDA may waive such conditions.</p>	<p>§ 302.2 Procedures in disaster areas.</p> <p>When non-statutory EDA administrative or procedural conditions for Investment Assistance awards under PWEDA cannot be met by an Eligible Applicant as the result of a disaster, EDA may waive such conditions.</p>	<p>Provision is substantively unchanged.</p>
<p>§ 316.5 Project servicing for loans and loan guarantees.</p> <p>EDA will provide project servicing to borrowers and lenders who received EDA loans and/or guaranteed loans under any programs administered by EDA. This includes but is not limited to loans under PWEDA prior to the effective date of Public Law 105–393, the Trade Act and the Community Emergency Drought Relief Act of 1977.</p> <p>(a) EDA will continue to monitor such loans and guarantees in accordance with the loan or guarantee program.</p> <p>(b) Borrowers/lenders shall submit to EDA any requests for modifications of their agreements with EDA. EDA shall, in accordance with applicable laws and policies, including the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(e)), consider and respond to such modification requests.</p> <p>(c) In the event that EDA determines it necessary or desirable to take actions to</p>	<p>§ 302.3 Project servicing for loans, loan guaranties and Investment Assistance.</p> <p>EDA will provide Project servicing to borrowers who received EDA loans or EDA-guaranteed loans and to lenders who received EDA loan guaranties under any EDA-administered program. Project servicing includes but is not limited to loans made under PWEDA prior to the effective date of the Economic Development Administration Reform Act of 1998, the Trade Act and the Community Emergency Drought Relief Act of 1977 (Pub. L. 95–31; 42 U.S.C. 5184 note).</p> <p>(a) EDA will continue to monitor such loans and loan guaranties in accordance with the applicable loans or loan guaranty program(s).</p> <p>(b) Borrowers and lenders shall submit to EDA any requests for modifications of their loan or loan guaranty agreements with EDA, as applicable. EDA shall consider and respond to such modification requests in accordance with applicable laws and policies, including the budgetary constraints imposed by the Federal</p>	<p>Provision is substantively unchanged.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>protect or further the interests of EDA in connection with loans or guarantees made or evidences of indebtedness purchased, EDA may:</p> <p>(1) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in its discretion and upon such terms and conditions as it shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by it in connection with financial assistance extended;</p> <p>(2) Collect or compromise all obligations assigned to or held by it in connection with EDA financial assistance projects until such time as such obligations may be referred to the Attorney General for suit or collection; and</p> <p>(3) Take any and all other actions determined by it to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans or guaranties made or evidences of indebtedness purchased.</p>	<p>Credit Reform Act of 1990, as amended (2 U.S.C. 661c(e)).</p> <p>(c) In the event that EDA determines it necessary or desirable to take actions to protect or further the interests of EDA in connection with loans, loan guaranties or evidence of purchased debt, EDA may:</p> <p>(1) Assign or sell at public or private sale or otherwise dispose of for cash or credit, in its discretion and upon such terms and conditions as it shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by it in connection with any EDA loans, EDA-guaranteed loans or Investment Assistance extended under PWEDA;</p> <p>(2) Collect or compromise all obligations assigned to or held by it in connection with any EDA loans, EDA guaranteed loans or Investment Assistance awarded under PWEDA until such time as such obligations may be referred to the Attorney General of the United States for suit or collection; and</p> <p>(3) Take any and all other actions determined to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively processing or disposing of loans or loan guaranties made or evidence of purchased debt in connection with any EDA loans, EDA guaranteed loans or Investment Assistance awarded under PWEDA.</p>	

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>§ 316.6 Public information.</p> <p>The rules and procedures regarding public access to the records of the Economic Development Administration are found at 15 CFR part 4.</p>	<p>§ 302.4 Public Information.</p> <p>The rules and procedures regarding public access to EDA's records pursuant to the Freedom of Information Act of 1967, as amended (5 U.S.C. 552), and the Privacy Act of 1974, as amended (5 U.S.C. 552a), are at 15 CFR part 4.</p>	<p>Provision is substantively unchanged.</p>
<p>§ 316.7 Relocation assistance and land acquisition policies.</p> <p>Recipients of EDA financial assistance under PWEDA and the Trade Act (States and political subdivisions of States and non-profits as applicable) are subject to requirements set forth at 15 CFR part 11.</p>	<p>§ 302.5 Relocation assistance and land acquisition policies.</p> <p>Recipients of EDA Investment Assistance under PWEDA and the Trade Act (States and political subdivisions of States and non-profits organizations, as applicable) are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Pub. L. 91-646; 42 U.S.C. 4601 <i>et seq.</i>). See 15 CFR part 11 and 49 CFR part 24 for specific compliance requirements.</p>	<p>Provision is substantively unchanged.</p>
<p>§ 316.8 Additional requirements; Federal policies and procedures.</p> <p>Recipients, as defined under § 314.2 of this chapter, are subject to all Federal laws and to Federal, Department of Commerce, and EDA policies, regulations, and procedures applicable to Federal financial assistance awards, including 15 CFR part 24, Uniform Administrative Requirements for Grants and</p>	<p>§ 302.6 Additional requirements; federal policies and procedures.</p> <p>Recipients are subject to all federal laws and to federal, Department and EDA policies, regulations and procedures applicable to federal financial assistance awards, including but not limited to 15 CFR part 14, the Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of</p>	<p>Provision is substantively unchanged.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>Cooperative Agreements to State and Local Governments, or 15 CFR part 14, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Other Non-Profit and Commercial Organizations, whichever is applicable.</p>	<p>Higher Education, Hospitals, other Non-Profit and Commercial Organizations, and 15 CFR part 24, the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, as applicable.</p>	
<p>§ 316.9 Amendments and changes.</p> <p>(a) Requests by recipients for amendments to a grant shall be submitted in writing to EDA for approval, and shall contain such information and documentation necessary to justify the request.</p> <p>(b) Any changes made without approval by EDA are made at grantee's own risk of suspension or termination of the project.</p> <p>(c) Changes of project scope after the time the project grant funds could be obligated will not be approved by EDA. Projects funded with no year funds are not subject to the change of scope rule.</p>	<p>§ 302.7 Amendments and changes.</p> <p>(a) Recipients shall submit requests for amendments to Investment awards in writing to EDA for approval and shall provide such information and documentation as EDA deems necessary to justify the request.</p> <p>(b) Any changes to Projects made without EDA's approval are made at the Recipient's risk of non-payment of costs, suspension, termination or other applicable EDA action with respect to the Investment.</p>	<p>Additional penalties for amending a project without EDA approval added to interim final rules. Change of project scope restrictions removed.</p>
<p>§ 316.10 Preapproval award costs.</p> <p>Project activities carried out before approval of an application by EDA are carried out at the sole risk of the applicant. Such activity could result in rejection of such project application, the disallowance of costs, or other adverse consequences as a result of non-compliance with Federal requirements, including, but not</p>	<p>§ 302.8 Pre-approval Investment Assistance costs.</p> <p>Project activities carried out before approval of Investment Assistance shall be carried out at the sole risk of the Eligible Applicant. Such activity is subject to the rejection of the application, the disallowance of costs, or other adverse consequences as a result of non-</p>	<p>Provision is substantively unchanged.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>limited to, civil rights requirements, Federal labor standards, or Federal environmental, historic preservation or related requirements.</p>	<p>compliance with EDA or federal requirements, including but not limited to procurement requirements, civil rights requirements, federal labor standards, or federal environmental, historic preservation and related requirements.</p>	
<p>§ 316.11 Intergovernmental review of projects.</p> <p>(a) When the applicant is not a State, Indian tribe or other general-purpose governmental authority, the applicant must afford the appropriate general purpose local governmental authority of the area a minimum of 15 days in which to review and comment on a proposed project under EDA’s public works and economic adjustment programs. Under these programs, applicants shall furnish the following with their application: if no comments were received, a statement of the efforts made to obtain such comments; or, if comments were received, a copy of the comments and a statement of any actions taken to address such comments.</p> <p>(b) Applicants as appropriate, must also give State and local governments a reasonable opportunity to review and comment on the proposed project if the State has a Single Point of Contact review process, including comments from areawide planning organizations in metropolitan areas as provided for in 15 CFR part 13.</p>	<p>§ 302.9 Inter-governmental review of Projects.</p> <p>(a) When an Eligible Applicant is not a State, Indian Tribe or other general purpose governmental authority, the Eligible Applicant must afford the appropriate general purpose local governmental authority (the “<i>Authority</i>”) in the Region a minimum of fifteen (15) days to review and comment on a proposed Project under EDA’s Public Works and Economic Development program or a proposed construction Project or RLF Grant under EDA’s Economic Adjustment Assistance program. Under these programs, Eligible Applicants shall furnish the following with their applications: if no comments are received from the Authority, a statement of efforts made to obtain such comments; or, if comments are received from the Authority, a copy of the comments and a statement of any actions taken to address such comments.</p> <p>(b) As required by 15 CFR part 13 and Executive Order 12372, “Intergovernmental Review of Federal Programs,” as amended, if a State has adopted a process under</p>	<p>Provision is substantively unchanged. It adds reference to President’s Executive Order 12372 on Intergovernmental Reviews of Federal Programs.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
	<p>Executive Order 12372 to review and coordinate proposed federal financial assistance and direct federal development (commonly referred to as the “single point of contact review process”), all Eligible Applicants must also give State and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-wide planning organizations in metropolitan areas, as provided for in 15 CFR part 13.</p>	
<p>§ 316.12 Fees for paying attorneys and consultants.</p> <p>Grant funds must not be used directly or indirectly to pay for attorney’s or consultant’s fees in connection with obtaining grants and contracts for projects funded under PWEDA.</p>	<p>§ 302.10 Attorneys’ and consultants’ fees; employment of expeditors and administrative employees.</p> <p>(a) <i>General.</i> Investment Assistance awarded under PWEDA shall not directly or indirectly reimburse any attorneys’ or consultants’ fees incurred in connection with obtaining Investment Assistance and contracts under PWEDA.</p> <p>(b) <i>Employment of Expeditors and Administrative Employees.</i> Investment Assistance under PWEDA shall not be awarded to any Eligible Applicant, unless the owners, partners or officers of the Eligible Applicant:</p> <p>(1) Certify to EDA the names of any attorneys, agents and other persons engaged by or on behalf of the Eligible Applicant for the purpose of expediting applications made to EDA in connection with obtaining Investment Assistance</p>	<p>Adds substantive requirements regarding the retention and treatment of outside consultants and attorneys.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
	<p>under PWEDA and the fees paid or to be paid to the person for expediting the applications; and (2) Upon EDA's request, execute an agreement binding the Eligible Applicant, for the two-year (2) period beginning on the date on which the Investment Assistance is awarded to the Eligible Applicant, to refrain from employing, offering any office or employment to or retaining for professional services any person who, on the date on which the Investment Assistance is awarded or within the one-year (1) period ending on that date: (i) Served as an officer, attorney, agent or employee of the Department; and (ii) Occupied a position or engaged in activities that the Assistant Secretary determines involved discretion with respect to the award of Investment Assistance under PWEDA</p>	
<p>§ 316.13 Economic development information clearinghouse.</p> <p>EDA will provide assistance and information as follows: (a) Maintain a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal and State governments, including political subdivisions of</p>	<p>§ 302.11 Economic development information clearinghouse.</p> <p>Pursuant to Section 502 of PWEDA, EDA maintains an economic development information clearinghouse on its Internet Web site at www.eda.gov.</p>	<p>Interim final rule eliminates references to specific types of information to be maintained by clearinghouse. Replaces specific mission of clearinghouse with generic language.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>States; (b) Assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal, State, and local laws in locating and applying for the assistance; and (c) Assist areas described in § 301.2(b) and other areas by providing to interested persons, communities, industries, and businesses in the areas any technical information, market research, or other forms of assistance, information, or advice that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment in the areas.</p>		
<p>§ 316.14 Project administration, operation, and maintenance.</p> <p>EDA shall approve Federal assistance under PWEDA only if satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.</p>	<p>§ 302.12 Project administration, operation and maintenance.</p> <p>EDA shall approve Investment Assistance awards only if, as determined in its sole discretion, the Project for which such Investment Assistance is awarded will be properly and efficiently administered, operated and maintained.</p>	<p>Provision is substantively unchanged.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>§ 316.15 Maintenance of standards.</p> <p>In accordance with sec. 602 of PWEDA all laborers and mechanics employed by contractors or subcontractors on public projects assisted by EDA under PWEDA shall be paid in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5).</p>	<p>§ 302.13 Maintenance of standards.</p> <p>All laborers and mechanics employed by contractors or subcontractors on Projects receiving Investment Assistance under PWEDA shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. EDA shall not extend any Investment Assistance under this chapter for a Project without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The U.S. Secretary of Labor shall have, with respect to the labor standards specified in this provision, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 FR 3176 May 25, 1950; (64 Stat. 1267)) and Section 3145 of title 40, United States Code.</p>	<p>Interim final rule maintains prevailing wage provisions, but eliminates specific reference to Davis-Bacon.</p>
<p>§ 316.16 Records and audits.</p> <p>(a) Each recipient of Federal assistance under PWEDA shall keep such records as the Secretary shall require, including records that fully disclose—</p> <p>(1) The amount and the disposition by the recipient of the proceeds of the assistance;</p> <p>(2) The total cost of the project in connection with which the assistance is given or used;</p>	<p>302.14 Records and audits.</p> <p>(a) <i>Records.</i> Recipients of Investment Assistance under PWEDA shall keep such records as EDA shall require, including records that fully disclose:</p> <p>(1) The amount and the disposition by the Recipient of the proceeds of the awarded Investment Assistance;</p>	<p>Expands scope of material that can be audited and examined to include computer equipment and data, but provision is substantively unchanged.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(3) The amount and nature of the portion of the cost of the project provided by other sources; and (4) Such other records as will facilitate an effective audit. (b) Access to books for examination and audit—The Secretary, the Inspector General of the Department, and the Comptroller General of the United States, or any duly authorized representative, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that relate to assistance received under PWEDA.</p>	<p>(2) The total cost of the Project that the Investment Assistance funds; (3) The amount and nature of the portion of Project costs provided by other sources; and (4) Such other records as EDA determines will facilitate an effective audit. (b) <i>Audits.</i> The Recipient shall permit the Assistant Secretary, the Inspector General of the Department, the Comptroller General of the United States and/or any of their respective agents or representatives access to its properties in order to examine all books, correspondence, and records, including without limitation computer programs and data processing software, to verify the Recipient’s compliance with Investment Assistance requirements.</p>	
<p>§ 316.17 Acceptance of certifications by applicants.</p> <p>EDA will accept an applicant’s certifications, accompanied by evidence satisfactory to EDA, that the applicant meets the requirements of PWEDA. Each applicant must include in such evidence satisfactory information that any non-Federal funds (or eligible Federal funds) required to match the EDA share of project costs are committed to the project and will be available as needed.</p>	<p>§ 302.15 Acceptance of certifications by Eligible Applicants.</p> <p>EDA will accept an Eligible Applicant’s certifications, accompanied by evidence satisfactory to EDA, that the Eligible Applicant meets the requirements for receiving Investment Assistance.</p>	<p>Provision is substantively unchanged.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>§ 316.18 Reports by recipients.</p> <p>(a) In general, each recipient of assistance under PWEDA must submit reports to EDA at such intervals and in such manner as EDA shall require, except that no report shall be required to be submitted more than 10 years after the date of closeout of the assistance award.</p> <p>(b) Each report must contain an evaluation of the effectiveness of the economic assistance provided in meeting the need that the assistance was designed to address and in meeting the objectives of PWEDA</p>	<p>§ 302.16 Reports by Recipients.</p> <p>(a) In general, each Recipient must submit reports to EDA at intervals and in the manner that EDA shall require, except that EDA shall not require any report to be submitted more than ten (10) years after the date of closeout of the Investment Assistance.</p> <p>(b) Each report must contain a data specific evaluation of the effectiveness of the Investment Assistance provided in fulfilling the Project's purpose (including alleviation of economic distress) and in meeting the objectives of PWEDA. Data used by a Recipient in preparing reports shall be accurate and verifiable as determined by EDA, and from independent sources (whenever possible). EDA will use this data and report to fulfill its performance measurement reporting requirements under the Government Performance and Results Act of 1993 and to monitor internal, Investment and Project performance through an internal performance measurement system, such as the EDA Balanced Scorecard or other system.</p> <p>(c) To enable EDA to determine the economic development effect of Projects that provide service benefits, EDA may require that Recipients submit a Project service map and information from which to determine whether services are provided to all segments of the Region being assisted.</p>	<p>Expands recipient reporting requirements by requiring the data and reports be verifiable and come from independent sources. New rules could have potential cost implications for grantees since it requires independent verification of performance data and reports. Information will be monitored through EDA Balanced Scorecard matrix. Recipients may also be asked to provide service map to show that investment assistance is serving the entire region.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
	<p>§ 302.17 Conflicts of interest.</p> <p>(a) General. It is EDA’s and the Department’s policy to maintain the highest standards of conduct to prevent conflicts of interest in connection with the award of Investment Assistance or its use for reimbursement or payment of costs (e.g., procurement of goods or services) by or to the Recipient. A conflict of interest generally exists when an Interested Party participates in a matter that has a direct and predictable effect on the Interested Party’s personal or financial interests. A conflict may also exist where there is an appearance that an Interested Party’s objectivity in performing his or her responsibilities under the Project is impaired. For example, an appearance of impairment of objectivity may result from an organizational conflict where, because of other activities or relationships with other persons or entities, an Interested Party is unable to render impartial assistance, services or advice to the Recipient, a participant in the Project or to the Federal government. <i>Additionally, a conflict of interest may result from non-financial gain to an Interested Party, such as benefit to reputation or prestige in a professional field.</i></p> <p>(b) Prohibition on direct or indirect financial or personal benefits</p> <p>(1) An Interested Party shall not receive any direct or indirect, financial or personal</p>	<p>New provision codifies and details the internal policy of EDA and Department of Commerce. The new definition and terms add extra requirements for conflict of interest provisions related to the operations and lending of RLFs.</p> <p>New rules expand language to include non-financial gains, including benefits to a person’s reputation and prestige in a professional field.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
	<p>benefits in connection with the award of Investment Assistance or its use for payment or reimbursement of costs by or to the Recipient. Recipients shall establish safeguards to prohibit an Interested Party from using its position for a purpose that constitutes or presents the appearance of personal or organizational conflicts of interest or of personal gain. See also 15 CFR 14.42 and 24.36(b)(3); Forms SF-424B and SF-424D.</p> <p>(2) An Interested Party shall also not, directly or indirectly, solicit or accept any gift, gratuity, favor, entertainment or other benefit having monetary value, for himself or herself or for another person or entity, from any person or organization which has obtained or seeks to obtain Investment Assistance from EDA.</p> <p>(3) Costs incurred in violation of any conflict of interest rules contained in this chapter or in violation of any assurances by the Recipient may be denied for reimbursement.</p> <p>(4) See § 315.15 of this chapter for special conflicts of interest rules for Trade Adjustment Assistance Investments.</p>	

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>From old Section 307(e) Conflict of interest. (1) No officer, employee, or member of the RLF recipient's Board of Directors, or other Board (hereinafter referred to as "other board") that advises, approves, recommends or otherwise participates in decisions concerning loans or the use of RLF grant funds, or person related to the officer, another employee, or any member of the Board by immediate family, law, or business arrangement, may receive any benefits resulting from the use of the RLF loan or grant funds. In addition, the RLF recipient may not lend RLF funds to an employee of the RLF recipient or any member of the RLF recipient's Board of Directors, or a member of any other Board. Immediate family is defined as parents, grandparents, siblings, children and grandchildren, but does not include more distant relatives, including cousins, unless they live in the same household. Exception: A benefit or loan may be conferred if the officer, employee, or Board member affected first discloses to the RLF recipient on the public record the proposed or potential benefit and receives the RLF recipient's written determination that the benefit involved is not so substantial as to reflect adversely upon or affect the integrity of the RLF recipient's decision process or the services of the officer, employee or board member. (2) An officer, employee or board member of the RLF recipient will not solicit or accept,</p>	<p>(c) Special Rules for Revolving Loan Fund ("RLF") Grants In addition to the rules set forth in this section: (1) An Interested Party of a Recipient of an RLF Grant shall not receive, directly or indirectly, any personal or financial benefits resulting from the disbursement of RLF loans; (2) A Recipient of an RLF Grant shall also not lend RLF funds to an Interested Party; and (3) Former board members of a Recipient of an RLF Grant and members of his or her Immediate Family shall not receive a loan from such RLF for a period of two (2) years from the date that the board member last served on the RLF's board of directors.</p>	<p>New rules change time limits from the current waiting period of one year to two years. It also eliminates the "exception clause" that allowed exceptions with public disclosure and if the benefit involved was not substantial to impact the integrity of the RLF.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>directly or indirectly, any gift, gratuity, favor, entertainment or any other thing of monetary value, for himself or for another person, from any person or organization seeking to obtain a loan or any portion of the grant funds.</p> <p>(3) Former board members and/or officers are ineligible to apply for or receive an RLF loan for a period of one year from the date of termination of his/her services. Exception: A benefit or loan may be conferred if the officer, or Board member affected first discloses to the RLF recipient on the public record the proposed or potential benefit and receives the RLF recipient's written determination that the benefit involved is not so substantial as to reflect adversely upon the integrity of the RLF recipient's decision process.</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
	<p>§ 302.18 Post-approval requirements.</p> <p>(a) General. A Recipient must comply with all financial, performance, progress report and other requirements set forth in the terms and conditions of the Investment Assistance, including any special terms and applicable federal cost principles (collectively, “Post-Approval Requirements”). A Recipient’s failure to comply with Post-Approval Requirements may result in the disallowance of costs, termination of the Investment Assistance award, or other adverse consequences to the Recipient.</p> <p>(b) Part 307 (Economic Adjustment Assistance Investments). Recipients of Economic Adjustment Assistance Investments under part 307 of this chapter must comply with the Post-Approval Requirements set forth in § 307.6 of this chapter.</p>	<p>New provision consolidates language contained in various parts of existing regulations.</p>
<p>§ 316.19 Project administration by District organization.</p> <p>When an Economic Development District is not a recipient or co-recipient of an award for a project involving construction, the District organization may administer the project for such recipient if the following conditions are met, as determined by EDA:</p>	<p>§ 302.19 Indemnification.</p> <p>To the maximum extent permitted by law, a Recipient shall indemnify and hold EDA harmless from any liability that EDA may incur due to the actions or omissions of the Recipient.</p>	<p>Sec. 316.19 is moved to new Sec. 305.5 of interim final rule regarding public works investments.</p> <p>Sec. 302.19 is a new provision indemnifying EDA and releasing the agency from any liability.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(a) The recipient has requested (either in the application or by separate written request) that the district organization for the area in which the project is located perform the project administration;</p> <p>(b) The recipient certifies and EDA finds that:</p> <p>(1) Administration of the project is beyond the capacity of the recipient's current staff to perform and would require hiring additional staff or contracting for such services;</p> <p>(2) No local organization/business exists that would be able to administer the project in a more efficient or cost effective manner than the staff of the district, and</p> <p>(3) The staff of the district would administer the project themselves, without subcontracting the work out;</p> <p>(c) EDA approves the request either by approving the application in which the request is made, or by separate specific written approval; and</p> <p>(d) The allowable costs for the administration of the project by the district organization staff will not exceed the customary and reasonable amount that would be allowable if the district were the recipient.</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>§ 317.1 Civil rights.</p> <p>(a) Discrimination is prohibited in programs receiving federal financial assistance from EDA in accordance with the following authorities:</p> <p>(1) Section 601 of Title VI of the Civil Rights Act of 1964, codified at 42 U.S.C. 2000d <i>et seq.</i> (proscribing discrimination on the basis of race, color, or national origin), and the Department of Commerce’s implementing regulations found at 15 CFR part 8;</p> <p>(2) 42 U.S.C. 3123 (proscribing discrimination on the basis of sex);</p> <p>(3) 29 U.S.C. 794, as amended, and the Department of Commerce’s implementing regulations found at 15 CFR part 8b (proscribing discrimination on the basis of disabilities);</p> <p>(4) 42 U.S.C. 6101, as amended, and the Department of Commerce’s implementing regulations found at 15 CFR part 20; and</p> <p>(5) 42 U.S.C. 6709 (proscribing discrimination on the basis of sex under the Local Public Works Program; and</p> <p>(6) Other Federal statutes, regulations and Executive Orders as applicable.</p> <p>(b) No recipient or other party shall intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege secured by section 601 of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, 42 U.S.C. 3123, 42 U.S.C. 6709, and the Age</p>	<p>§ 302.20 Civil rights.</p> <p>(a) Discrimination is prohibited by a Recipient or Other Party (as defined in paragraph (b) of this section) with respect to a Project receiving Investment Assistance under PWEDA or by an entity receiving Adjustment Assistance (as defined in § 315.2 of this chapter) under the Trade Act, in accordance with the following authorities:</p> <p>(1) Section 601 of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d <i>et seq.</i>) (proscribing discrimination on the basis of race, color, or national origin), and the Department’s implementing regulations found at 15 CFR part 8;</p> <p>(2) 42 U.S.C. 3123 (proscribing discrimination on the basis of sex in Investment Assistance provided under PWEDA) and 42 U.S.C. 6709 (proscribing discrimination on the basis of sex under the Local Public Works Program), and the Department’s implementing regulations found at 15 CFR 8.7 through 8.15;</p> <p>(3) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) (proscribing discrimination on the basis of disabilities), and the Department’s implementing regulations found at 15 CFR part 8b;</p> <p>(4) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 <i>et seq.</i>) (proscribing discrimination on the basis of age), and the Department’s implementing regulations found at 15 CFR part 20; and</p>	<p>Replaces Sec. 317.1 in existing regulations. Substantial portions have been either redrafted or eliminated. 317.1 (f) and (g) are eliminated because EDA no longer maintains an Office of Civil Rights, which was eliminated during a January 2004 reorganization.</p>

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>Discrimination Act of 1975, or because the person has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.</p> <p>(c) Definitions:</p> <p>(1) <i>Other Parties</i> means, as an elaboration of the definition in 15 CFR part 8, entities which, or which are intended to, create and/or save 15 or more permanent jobs as a result of EDA assistance provided that they are also either specifically named in the application as benefitting from the project, or are or will be located in an EDA building, port, facility, or industrial, commercial or business park prior to EDA's final disbursement of funds awarded for the project.</p> <p>(2) Additional definitions are provided in EDA's Civil Rights Guidelines and 15 CFR part 8.</p> <p>(d) All recipients of EDA financial assistance under PWEDA and the Trade Act, and Other Parties are required to submit the following to EDA:</p> <p>(1) Written assurances that they will comply with EDA regulations and other Department of Commerce regulations, and such other requirements as may be applicable, prohibiting discrimination;</p> <p>(2) Employment data in such form and manner as determined by EDA;</p> <p>(3) Information on civil rights status and involvement in charges of discrimination in employment or the provision of services during the 2 years previous to the date of submission of such data as follows:</p>	<p>(5) Other federal statutes, regulations and Executive Orders, as applicable.</p> <p>(b) <i>Definitions.</i> (1) For purposes of this section, an "Other Party" means an "other party subject to this part," as defined in 15 CFR 8.3(l), and includes an entity which (or which is intended to) creates and/or saves fifteen (15) or more permanent jobs as a result of Investment Assistance; provided that such entity is also either specifically named in the application as benefiting from the Project, or is or will be located in an EDA building, port, facility, or industrial, commercial or business park constructed or improved in whole or in part with Investment Assistance prior to EDA's final disbursement of Investment Assistance funds.</p> <p>(2) Additional applicable definitions are provided in 15 CFR part 8.</p> <p>(c) No Recipient or Other Party shall intimidate, threaten, coerce or discriminate against any person for the purpose of interfering with any right or privilege secured by 42 U.S.C. 3123 or 42 U.S.C. 6709, or because the person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this section.</p> <p>(d) All Recipients of Investment Assistance under PWEDA, all Other Parties and all entities receiving Adjustment Assistance under the Trade Act must submit to EDA written assurances that they will comply with applicable laws, EDA regulations, Department</p>	

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(i) Description of the status of any lawsuits, complaints or the results of compliance reviews; and (ii) Statement indicating any administrative findings by a Federal or State agency. (4) Whenever deemed necessary by EDA to determine that applicants and other parties are in compliance with civil rights regulations, such applicants and other parties shall submit additional information in the form and manner requested by EDA; and (5) In addition to employment record requirements found in 15 CFR 8.7, complete records on all employees and applicants for employment, including information on race, sex, national origin, age, education and job-related criteria must be retained by employers and made accessible to the responsible Department official. (e) To enable EDA to determine that there is no discrimination in the distribution of benefits in projects which provide service benefits, EDA may require that applicants submit a project service map and information on which to determine that services are provided to all segments of the area being assisted. Applicants may be required to submit any other information EDA may deem necessary for such determination. (f) EDA assisted planning organizations must meet the following requirements: (1) For the selection of representatives, EDA expects planning organizations and CEDS committees to take appropriate steps to ensure, where appropriate to the area, that</p>	<p>regulations, and such other requirements as may be applicable, prohibiting discrimination. (e) Reporting and other procedural matters are set forth in 15 CFR parts 8, 8a, 8b, 8c and 20.</p>	

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>there is adequate representation of minority and low-income populations, women, people with disabilities and Federal and State recognized American Indian tribes and that such representation is accomplished in a nondiscriminatory manner; and</p> <p>(2) EDA assisted planning organizations and CEDS committees shall take appropriate steps to ensure that no individual will be subject to discrimination in employment because of their race, color, national origin, sex, age or disability.</p> <p>(3) Prior to approval of EDA initial funding, and for district designations, each district and other planning organizations so supported by EDA is required to report to EDA the membership of its governing bodies, executive committees, and staff. This report shall include the following items:</p> <p>(i) The total population and minority population of the area served by the organization;</p> <p>(ii) A list of organizations in the area representing the interests of minorities, women, and people with disabilities;</p> <p>(iii) A list of the membership of the governing board, executive committee indicating race, sex, national origin, age, and those who self identify, as having disabilities;</p> <p>(iv) A description of actions taken and methods used in its diversity efforts to promote, as much as possible, the participation of all segments of the areas served;</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(v) Information regarding how they notified and provided organizations, including neighborhood associations representing the interests of minorities, women, and people with disabilities, the opportunity to select members and their own representatives;</p> <p>(vi) A list of employees on the staff of the organization by name, position title, salary, funding source, and hiring date, indicating race, sex, national origin, and age; and</p> <p>(vii) A brief summary of any economic development activities undertaken during the previous 12 months that may have impacted the covered persons in the area. This information is required with the initial application and annually thereafter for continuation planning funding.</p> <p>(4) Prior to approval of continuation funding for a planning grant each district and other planning organization so supported by EDA is required to submit a report which includes the items outlined in paragraph (f)(3) of this section except items in paragraphs (f)(3)(ii) and (v), (although paragraph (f)(3)(v) may be required when changes to the boards and committees affecting minorities, women, people with disabilities have occurred), and a summary indicating the annual progress made in the diversity efforts including a list by name, race, national origin, sex, and age of all hires, promotions, terminations, and composition of applicant pools since the last reporting period and steps taken to ensure nondiscrimination and to provide equal employment opportunity.</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(5) In order to determine whether districts and other planning organizations supported by EDA are complying with the requirements in paragraph (f)(4) of this section, EDA shall conduct annual compliance reviews of these organizations through either an in-depth desk audit or onsite review.</p> <p>(g) Applicants for Revolving Loan Funds will provide information describing the make-up of the existing or proposed RLF Loan Board members by race, national origin, gender, age, and those who voluntarily self-identify as having disabilities. The reports submitted to EDA by RLF grantees will be used to monitor civil rights compliance. Additional information may be requested as needed to determine compliance. Compliance issues which will be reviewed and monitored include, but are not limited to, the following:</p> <p>(1) The representation of minorities, women, and those who voluntarily self-identify as having disabilities, as well as the age of members on the RLF Loan Board;</p> <p>(2) Recipient's plans to openly market the RLF to prospective minority, disabled, and women business borrowers; and</p> <p>(3) Recipient's monitoring plans for borrowers' compliance with civil rights requirements concerning employees or applicants for employment, and/or providers of goods and services.</p>		

**EDA REGULATIONS: PART 302 GENERAL TERMS AND CONDITIONS FOR INVESTMENT ASSISTANCE
COMPARISON OF 1999 EXISTING RULES VS 2005 INTERIM-FINAL RULES**

CURRENT FEDERAL REGULATIONS (1999)	INTERIM FINAL RULES (2005)	ANALYSIS / COMMENTS
<p>(h) Reporting and other procedural matters are set forth in 15 CFR parts 8, 8b, 8c, and 20 and the Civil Rights Guidelines which are available from EDA's Regional Offices. See part 300 of this chapter.</p>		