

**§ 308.7 Award requirements.**

(a) Projects are expected to be completed in a timely manner consistent with the nature of the project. Normally, the maximum period for any financial assistance that is provided shall be not more than 5 years from the end of the fiscal year of the award.

(b) Title IX funds are awarded through grants generally not to exceed 75 percent of the project cost. EDA may waive all or part of the 25 percent nonfederal share of economic adjustment assistance grants, because of the critical nature of the situation requiring economic adjustment assistance, or for other good cause. The local share must not be encumbered in any way that would preclude its use as required by the grant agreement. The local share for grants to establish or recapitalize a RLF must be in cash, and while the local share for grants for other activities may be cash or in-kind, priority consideration will be given to proposals with a cash local share.

(c) Direct recipients of grant assistance shall submit a report to EDA each year that the assistance continues in accordance with the Act. The report shall include:

- (1) Whether planned activities are completed or their anticipated completion time;
- (2) The degree to which activities have achieved their planned goals as described in the plan; and

(d) RLF grantees must submit semi-annual reports until graduated to annual report status.

[60 FR 49678, Sept. 26, 1995, as amended at 61 FR 7983, Mar. 1, 1996]

**PARTS 309–311 [RESERVED]**

**PART 312—SUPPLEMENTAL AND BASIC ASSISTANCE UNDER SECTION 304 OF THE ACT**

Sec.

- 312.1 Purpose and scope.
- 312.2 Selection and qualification of projects for supplementary assistance.
- 312.3 Selection and qualification of projects for basic grant assistance.
- 312.4 Award requirements.
- 312.5 Construction management and disbursement.
- 312.6 Conditions for disbursement of funds.

AUTHORITY: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

SOURCE: 60 FR 49694, Sept. 26, 1995, unless otherwise noted.

**§ 312.1 Purpose and scope.**

The purpose of this part is to set forth requirements governing the extension of assistance under section 304 of the Act (42 U.S.C. 3153). Funds obligated to a State shall be available for supplementing or making grants authorized under Titles I, III (other than planning grants authorized under sections 301(b) and 302), IV, and IX of the Act for projects within such States. The Assistant Secretary has notified the State of amounts available under section 304, if any, for basic and supplemental assistance under this part.

**§ 312.2 Selection and qualification of projects for supplementary assistance.**

The selection of projects to be assisted by the use of funds in supplementing grants made by EDA under Titles I and III (other than planning grants authorized under sections 301(b) and 302), IV, and IX of the Act shall be made by the States and communicated to EDA on forms prescribed by EDA. Eligibility of a project for assistance shall be determined by EDA incident to the evaluation of the application for the underlying basic grant assistance for such project.

**§ 312.3 Selection and qualification of projects for basic grant assistance.**

(a) In those cases where the States propose to use funds for basic grant assistance for projects meeting requirements for assistance under Titles I and III (other than planning grants authorized under sections 301(b) and 302), IV, and IX of the Act, and for which funds have been determined to be unavailable by EDA under Titles I, III, IV, and IX, the States shall communicate the proposed use of the funds to EDA on forms prescribed by EDA. A proposal shall contain or be accompanied by the documentation or certification evidencing compliance with the requirements, conditions, and limitations as would be applicable to such project if it were

being considered for funding under Titles I and III (other than planning grants authorized under sections 301(b) and 302), IV, and IX of the Act. Eligibility and compliance of a project for assistance shall be determined by EDA in the same manner as applicable to projects receiving only supplementary assistance under section 304 of the Act.

(b) A proposal by a State for the use of funds for a basic grant shall be accompanied by evidence that the principal governing authorities for the area in which a project is to be located have approved the project.

(c) Funds may not be used by a State as a grant to a private profitmaking entity.

#### **§312.4 Award requirements.**

States must make a contribution which is equal to at least 25 percent of the funds being made available to a particular project from funds appropriated under section 304 of the Act. Participation in or contributions to a project by local subdivisions of a State or private individuals or organizations shall not be deemed contributions by the State as required by this section.

#### **§312.5 Construction management and disbursement.**

Projects assisted through the use of funds in supplementing EDA grants under Titles I and III (other than planning grants authorized under sections 301(b) and 302), IV, and IX of the Act or in providing basic grants shall be subject to the same procedures and requirements relating to post-approval compliances, construction management, and disbursement as applicable to projects funded under Titles I, III, IV, and IX of the Act.

#### **§312.6 Conditions for disbursement of funds.**

(a) As a condition for the disbursement of funds, a State shall conform to the requirements of the Act and provide acceptable evidence of compliance with requirements conditions and limitations applicable to projects assisted under Titles I, III (other than planning grants authorized under section 301(b) and 302), IV, and IX of the Act. States

will be promptly notified of proposals which do not meet requirements.

(b) It shall also be a condition for the disbursement of funds for any project that the State must make a showing:

(1) That such funds will be used in a manner consistent with the State planning process assisted under part 307 of this chapter if such a planning process has been established;

(2) That such State is not receiving planning assistance under part 307 but has an economic development planning process meeting the standards required for assistance under part 307 of this chapter and that the proposed use of funds is consistent with such planning process; or

(3) That the project is clearly of such nature that EDA may conclude that its implementation would not impair the benefits intended to be derived from an orderly economic development planning process.

### **PART 313 [RESERVED]**

### **PART 314—PROPERTY MANAGEMENT STANDARDS**

#### **Subpart A—In General**

Sec.

- 314.1 Federal interest, applicability.
- 314.2 Definitions.
- 314.3 Use of property.
- 314.4 Unauthorized use.
- 314.5 Federal share.
- 314.6 Encumbrances.

#### **Subpart B—Real Property**

- 314.7 Title.
- 314.8 Recorded statement.

#### **Subpart C—Personal Property**

- 314.9 Recorded statement.
- 314.10 Revolving loan funds.

AUTHORITY: Sec. 701, Pub. L. 89-136; 79 Stat. 570 (42 U.S.C. 3211); Title II, Chapter 3 of the Trade Act of 1974, as amended (19 U.S.C. 2341-2355); Title I, Pub. L. 94-369, as amended, 90 Stat. 999 (42 U.S.C. 6701); Pub. L. 95-31; 91 Stat. 169 (42 U.S.C. 184); Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended).

SOURCE: 60 FR 49695, Sept. 26, 1995, unless otherwise noted.