

Pt. 75

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29 CFR Subtitle A (7-1-03 Edition)

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FR 16399, Apr. 3, 2003]

**PART 75—DEPARTMENT OF LABOR
REVIEW AND CERTIFICATION
PROCEDURES FOR RURAL INDUS-
TRIALIZATION LOAN AND GRANT
PROGRAMS UNDER THE CON-
SOLIDATED FARM AND RURAL
DEVELOPMENT ACT OF 1972**

Sec.

75.1 Introduction.

75.11 Standards for the review of applica-
tions.

AUTHORITY: Sec. 118, Pub. L. 92-419, 86 Stat.
663 (7 U.S.C. 1932).

§ 75.1 Introduction.

(a) Section 118 of the Consolidated
Farm and Rural Development Act au-
thorizes the Farmers Home Adminis-
tration (FmHA) of the U.S. Depart-
ment of Agriculture to make or guar-
antee loans to finance industrial and
business activities in rural areas
(broadly defined to include any place
with a population of less than 50,000), 7
U.S.C. 1932(d). The Act also permits
FmHA to make grants to public bodies
for measures designed to facilitate the
development of private business enter-
prises and for pollution control and
abatement projects.

(b) As a prior condition for the ap-
proval of such loans, guarantees and
grants, the Act further specifies that
the Secretary of Labor must certify to
the Secretary of Agriculture within 60
days after referral, that the loan or

grant is not calculated to or likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant and is not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. Responsibility within the Department of Labor (DOL) for the review and certification process has been assigned to the Manpower Administration (MA).

(c) The following procedures have been established by the Department of Labor in consultation with the Department of Agriculture for the issuance of labor certifications under this program. These procedures are designed to insure the orderly and expeditious review of the applications, with the objective of complying with the intent of the Congress that most applications will be acted upon by the Department of Labor (DOL) within 30 days after they have been received from the Department of Agriculture. It is anticipated that the procedure will permit completion of all cases within the 60-day legal maximum processing period permitted under the law.

[40 FR 4394, Jan. 29, 1975]

§ 75.11 Standards for the review of applications.

(a) *Applications to be routinely approved without field review.* The following types of applications will be routinely approved and certified by the Manpower Administration (MA), provided that the required information is submitted by the applicant:

(1) *Loans which involve the change of ownership from one person or group to another or the refinancing of an existing loan.* Provided, That such loans will not result in any transfer from one area to another of any employment or business activity provided by operations of the applicant and are not calculated to or likely to result in an in-

crease in the production of goods, materials, or commodities, or the availability of services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprise. In transmitting such applications to MA, FmHA will include:

(i) A letter of transmittal stating the name and location of the applicant and the amount of the loan, and certifying that the loan is either for the purpose of financing the sale of the business or for the purpose of refinancing a loan and is not calculated to or likely to result in the transfer or expansion of employment or operations:

(ii) Three copies of Form FHA 449-22, Certification of Non-Relocation; and

(iii) Three copies of Form FHA 449-23, Data Information Sheet. MA will issue an affirmative certification on such applications, without further review, within 10 working days.

(2) *Loans of less than \$100,000 where the loan proceeds are expected to result in the employment of not more than five workers.* In such instances, the FmHA transmittal letter will call attention to the fact that the application involved falls within this category. This should be supported by data in the revised Forms FHA 449-22 and 449-23 to be forwarded in triplicate to the DOL. For loan applications in this category, the FmHA will also attach a certification signed by the State FmHA director indicating that he has reviewed the loan application and certifying that such a loan is not calculated to or likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant and is not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities in the area, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. Unless there is other evidence to indicate an adverse effect on unemployment or competitive business enterprises, MA will accept this certificate and accompanying