

**DEPARTMENT OF COMMERCE****Economic Development Administration**

[Docket No. 981228326-8326-01]

RIN 0610-ZA08

**Economic Development Assistance Program for Disaster Recovery Activities, Availability of Funds**

**AGENCY:** Economic Development Administration (EDA), Department of Commerce (DoC).

**ACTION:** Funding notice.

**SUMMARY:** The Economic Development Administration (EDA) announces the availability of \$14.1 million in disaster economic recovery assistance under the Omnibus Appropriations Act of 1998 in response to the September 10, 1998 Disaster Declaration by the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act. This Disaster Declaration was made as a result of the commercial failure of the Alaska salmon fisheries in Bristol Bay and the Yukon and Kuskokwim River tributaries.

EDA's program will be to assist the approximately 106 affected communities in the disaster-impacted areas with planning, technical assistance, revolving loan funds, and infrastructure grants to address the economic problems caused by this disaster.

**DATES:** This notice is effective February 11, 1999. Applications are accepted on a continuous basis.

**ADDRESSES:** Interested parties should contact the Seattle Regional Office or the Economic Development Representative for the area (see listing in "Other Information").

**FOR FURTHER INFORMATION CONTACT:** See listing in "Other Information" section of this Notice.

**SUPPLEMENTARY INFORMATION:**

Applicants should be aware that a false statement on the application is grounds for denial of the application or termination of the grant award and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

Applicants seeking an early start, i.e., to begin a project before EDA approval, must obtain a letter from EDA allowing such early start. Such approval may be given with the understanding that an

early start does not constitute project approval. Applicants should be aware that if they incur any costs prior to an award being made they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover pre-award costs.

If an application is selected for funding, EDA has no obligation to provide any additional future funding in connection with an award. Renewal of an award to increase funding or extend the period of performance is at the sole discretion of EDA.

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

No award of Federal funds will be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full;
2. A negotiated repayment schedule is established and at least one payment is received; or
3. Other arrangements satisfactory to DoC are made.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. This notice involves a collection of information requirement subject to the provisions of the PRA and has been approved by OMB under Control Number 0610-0094.

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

Prospective participants (as defined at 15 CFR Part 26, section 105) "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Drug-Free Workplace Requirements (Grants)" and the related section of the certification form prescribed above applies;

Persons (as defined at 15 CFR Part 28, section 105) are subject to the lobbying

provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DoC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with the instructions contained in the award document.

EDA also requires that compliance with environmental regulations, in accordance with the National Environmental Policy Act (NEPA), be completed before construction begins.

Unless otherwise noted below, eligibility, program objectives and descriptions, application procedures, selection procedures, evaluation criteria and other requirements for all programs are set forth in EDA's interim final rule published in the FR (64 FR 5347, Feb. 3, 1999) as separate Part II. Eligibility, grant rates, criteria and other requirements will change when EDA's interim-final rule to implement Public Law 105-393 becomes effective on February 11, 1999.

EDA will continue coordination with the National Marine Fisheries Service (NMFS).

**Catalog of Federal Domestic Assistance (CFDA)**

The Special Economic Development Adjustment Assistance Program is listed under CFDA 11.307.

**Funding Availability**

Funds in the amount of \$14.1 million are available for this disaster economic recovery program and shall remain available until expended. These funds

are provided under Section 763 of Omnibus Appropriations Act (Public Law 105-277). The funds are available for awarding disaster assistance grants pursuant to the Public Works and Economic Development Act of 1965, as amended, (Public Law 89-136, 42 U.S.C. 3121 *et seq.*), including the comprehensive amendment of the Economic Development Administration Reform Act of 1998 (Public Law 105-393) (PWEDA). Public Law 105-393 which becomes effective no later than February 11, 1999, will be implemented by amendments to EDA's regulations (see EDA's interim rule published as separate Part II in the FR on 64 FR 5347, February 3, 1999). EDA's interim rule provides new requirements and procedures concerning, but not limited to eligibility, grant rates, and criteria.

#### Grant Rates

Grant rates, as established under PWEDA and implementing regulations published in the FR (64 FR 5347, Feb. 3, 1999) as separate Part II, may vary, if permitted by PWEDA and its implementing regulations, and may depend on factors such as type of applicant, relative needs and financial capacity of applicants.

#### Eligible Applicants

Prior to the effective date of Public Law 105-393, eligible applicants include the state or political subdivisions thereof, including municipalities and quasi-public corporations and authorities, Indian tribes and Alaskan native villages, and non-profit organizations representing an EDA-designated redevelopment area or part thereof located in the affected disaster areas in the State of Alaska.

Eligible applicants under Public Law 105-393 include the state or other political subdivisions thereof, including a city or public or private nonprofit organization or association acting in cooperation with a political subdivision of the state, economic development district, Indian tribes and Alaskan native villages, and areas in the State of Alaska as provided in Section 301(a) of Public Law 105-393.

#### Proposal Submission Procedures

Proposals for assistance under this disaster recovery program shall be submitted to EDA on a completed Form ED-900P, OMB Control No. 0610-0094. Applicants must clearly demonstrate how the EDA assistance will help the area recover from the economic hardship and other problems caused by this disaster, and that such assistance has been preceded by sound planning. Interested parties should contact the

Economic Development Representative for the area, or the EDA Seattle Regional Office for a proposal package (see Listing under "Other Information").

#### Application Procedures

A determination of whether to invite an application under this disaster recovery program for EDA assistance will be issued based upon the Agency's review of the applicant's proposal under the evaluation criteria herein and EDA's regulations published in the FR (64 FR 5347, Feb. 3, 1999), as separate Part II.

#### Funding Instrument

Prior to the effective date of Public Law 105-393, funds will be awarded in accordance with the requirements of Title IX of the Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136; 42 U.S.C. 3121 *et seq.*); and thereafter in accordance with Section 209 of Public Law 105-393 and EDA's regulations published in the FR (64 FR 5347, Feb. 3, 1999) as separate Part II.

#### Project Selection Criteria

It is anticipated that the funds announced herein for disaster recovery assistance may not be sufficient to meet all of the economic recovery needs for which requests are received. Evaluation criteria will not be assigned weights. EDA will consider the following criteria to select the grant project award. While each of the criteria are important, any one or combination of criteria may be the basis for selecting an application for award: (1) Prior to the effective date of Public Law 105-393, projects that are consistent with an adjustment strategy; thereafter consistent with an area Comprehensive Economic Development Strategy (CEDS). In meeting the strategy or CEDS requirements, as appropriate, EDA will accept a State Emergency Recovery Plan, or the product of an equivalent state or local strategic economic recovery planning process with short-term and long-term goals; (2) projects which leverage EDA funds with appropriate state, local, private, and other Federal assistance efforts; (3) projects that enhance/stimulate sustainable economic development; (4) restoration of critical infrastructure and public facilities which respond to emergency needs and are essential to economic activity and commerce; (5) projects that assist the restoration of businesses, stimulate the development of new businesses and accelerate the development of new and/or improved job opportunities within the affected areas; (6) projects which upgrade or enhance the reliability of critical infrastructure/public facilities to current

building, environmental, and safety standards or codes and that are essential to stabilizing the economic base of the disaster area; (7) projects in areas with high levels of economic distress; (8) projects that enhance opportunities for economic diversification; and (9) given the limited funds available from this appropriation, the amount requested shall be relative to the amount of economic distress/damage sustained by the community (applicants must be able to demonstrate need based on economic distress/damage resulting from the disaster).

To establish the merits of project proposals, interested parties should contact the EDA Economic Development Representative or EDA Seattle Regional Office for the area (see listing below) for a proposal form, (ED-900P). Requests for assistance shall be submitted directly to the EDA Economic Development Representative or EDA Seattle Regional Office that is listed below.

EDA will evaluate proposals to determine whether they can meet the criteria established. Following the review of the proposals, EDA will invite those entities whose projects are selected for consideration to submit full applications (ED-900A, OMB Control No. 0610-0094). In addition to the real property title requirements at 13 CFR Part 314, applicants will be expected to submit satisfactory evidence of rights of entry assuring prompt access to project property at the time of grant award in those cases where applicants do not hold title to all real property required for the projects at time of application.

#### Other Information

Except as modified herein, evaluation criteria, competitive selection procedures, application procedures, and other requirements for the applicable assistance program are described in the FR (64 FR 5347, February 3, 1999) published on February 3, 1999 as separate Part II.

For further information contact the Economic Development Representative or EDA Seattle Regional Office listed below:

A. Leonard Smith, Regional Director,  
Seattle Regional Office, Suite 1856,  
Jackson Federal Building 915 Second  
Avenue, Seattle, Washington 98174,  
Telephone: (206) 220-7660, Internet  
Address: LSmith7@doc.gov

State Covered—Alaska

Seattle Region, Bernhard E. Richert, Jr.,  
Economic Development  
Representative, 605 West 4th Avenue,  
Room G-80, Anchorage, Alaska  
99501-7594, Telephone: (907) 271-

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Dated: February 4, 1999.

**Phillip A. Singerman,**

*Assistant Secretary for Economic  
Development.*

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