

**Anderson Economic Development
Revolving Loan Fund Application**

1. Company Name: _____
Business Address: _____
Telephone Number: _____

2. Type of Business: _____

3. Brief Project Description: _____

4. Business Status:
 New Start Up Expansion of Existing Business

5. Loan Purpose: _____

6. Name of Contact Person: _____
Telephone Number: _____
E-mail Address: _____

7. Total Project Cost: _____
Amount of Equity Investment: _____
Amount of Loan Request from Economic
Development Revolving Loan Fund: _____

8. Name and Address of Applicants Bank of Record: _____

9. Preliminary Estimate of Net New Jobs to be Created: _____

10. Provide a Brief Description of Your Customers or Market: _____

11. S.I.C. Code Number: _____

ADDITIONAL LOAN TERMS AND CONDITIONS

1. CIVIL RIGHTS: As a part of the loan application, each applicant will be required to complete and execute attached Forms ED-503 and ED-612 (Assurances of Compliance with the Department of Commerce and the Economic Development Administration Regulations Under Title VI of the Civil Rights Act of 1964 and Current and Projected Permanent Employee and Payroll Data).
2. CONFLICT OF INTEREST: The following conditions will apply:
 - A. The City shall not make loans or grant funds available to a business entity if the owner of such entity or any owner of an interest in such entity is related by blood, marriage, law or business arrangement to any officer or employee of the City or member of the City's Common Council or other Board, who advises, approves, recommends or otherwise participates in decisions concerning loans or the use of grant funds.
 - B. No such officer, employee or board member, or any person related to the officer, employee or board member, or any person related to the officer, employee or board member by blood, marriage, law or business arrangement, shall receive any benefit resulting from the use of loan or grant funds, unless the officer, employee or board member affected first discloses to the City on the public record the proposed or potential benefit and receives the City's written determination that the benefit involved is not so substantial as to affect the integrity of the City's decision process and of the services of the officer, employee or board member.
 - C. An officer, employee or board member of the City shall not solicit or accept, 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 fund.
3. RELOCATION: As part of the loan application, each applicant will be required to complete and execute Form ED-501A (Certificate of Non-Relocation).
4. ENVIRONMENTAL: Each applicant will have to comply with the following environmental considerations:
 - A. As part of the loan application, each applicant will be required to complete the attached environmental clearance Worksheet.

- B. The applicant assures to comply with the requirements of and all pertinent rules and regulations issued under and pursuant to the National Environmental Policy Act of 1969 (P.L. 90-190); and the Wild and Science River Act (P.L. 90-542), as amended. Also, the applicant agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act, as amended (42 U.S.C. 1857) and Executive Order 11738; and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251).
 - C. Applicant agrees that no fixed asset loan will be made unless the applicant's proposal has been approved by the State Historic Preservation Officer.
 - D. Applicant assures that, when applicable, it will obtain required flood hazard insurance.
5. ACCESS FOR THE HANDICAPPED: The applicant assures that if the loan finances a construction project to which the public will have access, the applicant must provide accessibility to the handicapped.
6. LABOR STANDARDS: The applicant assures that any construction financed will meet all requirements of the Davis-Bacon Act, amended (40 U.S.C. 276a-276b-5). Therefore, the applicant agrees to comply with the following:
- A. The applicant agrees to pay wage rates in accordance with applicable Federal laws regarding wage rates and labor provisions. The Federal wage rate decisions are provided by the United States Department of Labor. These wage determination rates may be secured from the Anderson Community Development Department.
7. AVAILABILITY OF INFORMATION: The applicant agrees that all information resulting from its activities and not exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 522, shall be made freely available to the public.
8. COPYRIGHTS: The applicant assures that it will comply with the following provisions:
- A. The applicant shall relinquish any and all copyrights and/or privileges to the materials developed under this grant; such material being the sole property of the Federal Government.
 - B. In the event any material developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as

such, is not copyrightable. It may be freely reprinted with the customary crediting of the sources.”

9. PATENT RIGHTS: The applicant agrees to grant to the Government full right, title and interest in and to each invention made by the applicant.
10. OTHER TERMS AND CONDITIONS: The following terms and conditions will apply:
 - A. Eligible applicants are small businesses as defined by Small Business Administration size criteria. Exclusions to this criteria are local market serving commercial activities, real estate development companies, construction firms. It will be incumbent upon the applicant to demonstrate that it has greater than 50% of its market extending beyond Madison County.
 - B. Eligible loan purposes are site acquisition, plant acquisition or construction, equipment purchase or lease, working capital, inventory acquisition or construction, equipment purchase or lease, working capital, inventory acquisition, research and development activities, and job training. Prohibited loan purposes are land banking, mergers and acquisitions of businesses.
 - C. The applicant assures that for every \$10,000 of public sector funds borrowed; one new net job will be created.
 - D. The applicant’s business must currently be located within the corporate boundary of Anderson, Indiana or must sign an intent to locate within the corporate limits of Anderson within sixty (60) days of signing closing agreements with the Anderson Economic Development Revolving Loan Fund. (EDRLF)
 - E. Loan applicants must prepare a two year business plan showing anticipating revenues, expenses and market forecasts.
 - F. The loan fund may be activated only by one of the three participating banks. The bank portion of the loan will be at terms established by the particular bank. The public portion of the loan will be written for up to a twenty (20) year term but will have a maturity date of twenty four (24) months (i.e., will balloon). EDRLF rates will be renegotiated at this time. Job creation pledges must have been maintained if the loan is to be rolled over.

INSTRUCTIONS FOR FORM ED-612 (Remove before submitting)

1. This form is for use by applicants and/or "Other Parties" who apply or will benefit from EDA assistance.
2. This form will be completed by Applicants and "Other Parties" under the provisions of and in accordance with Section 17 of the EDA Civil Rights Guidelines:
 - A. All Applicants must submit current employment and payroll data.
 - B. All Applicants who create or save fifteen or more permanent jobs must submit current and projected employment and payroll data.
 - C. All "Other Parties" who create or save fifteen or more permanent jobs and are identified in the application must submit current and projected employment and payroll data.
 - D. All "Other Parties" who create or save fifteen or more permanent jobs and who locate in an EDA assisted industrial park before EDA's final disbursement is made must submit current and projected employment and payroll data.
3. If there is no information to be reported leave the space blank.
4. Race/Ethnic identification designations. Section VI, VIII, IX and X as used by EDA do not denote scientific definitions of anthropological origins. Employees should be included in the group with which they identify, or to which they are regarded as belonging by the community. No person shall be counted in more than one race/ethnic group. The categories used for this report are:

White-(Not of Hispanic origin)- All persons having origins in any of the original peoples of Europe. North Africa or the Middle East.

Black-(Not of Hispanic origin)- All persons having origins in any of the Black racial groups of Africa.

Hispanic-All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian or Pacific Islanders-All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes, for example, China, Japan, India, Korea, the Philippine Islands, and Samoa.

American Indian or Alaska Native- All persons having origins in any of original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
5. Employment data for items IV thru X must include ONLY full time permanent employees. Employees must be counted by sex, race/ethnic categories for each of the nine occupational categories and for the total. Job categories (Section IV) for the purpose of this report are:

Officials and Managers-Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: Officials, executives, middle

management, plant managers. And superintendents, salaried supervisors who are members of management, purchasing agents and buyers, and kindred workers.

Professional-Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations workers, physical scientists, physicians, social scientists, teachers, and kindred workers.

Technicians-Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, drafters, engineering aides, junior engineers, mathematic aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.

Sales-Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and sales workers, insurance agents and brokers, real estate agents and brokers, sales workers, demonstrators, retail sales workers, and sales clerks, grocery clerks and cashier checkers, and kindred workers.

Office and Clerical-Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cahiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and kindred workers.

Craft Worker (skilled)-Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators (who are not members of management), mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionist, pattern and model makers, stationary engineers, tailors and tailoresses, and kindred workers.

Operatives (semi-skilled)-Workers who operate machines or other equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayer, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dressmakers and sewers (except factory), dryers, furnace workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers,

motor operators, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, boiler tender, truck and tractor drivers, weavers (textile), welders, and flame cutters and kindred workers.

Laborers (unskilled)-Workers in manual occupations which generally require no special training perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and ground keepers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

Service Workers-Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, char workers and cleaner, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection, guards, doorkeepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, and kindred workers.

INSTRUCTIONS

Item I-Check appropriate Block. Check the box that describes the user's category. All "other parties" must fill in their Internal revenue Service assigned identification number in the space provided.

Item II-Self-Explanatory

Item III-Enter the expected date of project completion. The "date entry" should be made according to the following example: IF the project will be complete an August 1, 1980 the entry should be written as 08/01/80.

Item IV-Self Explanatory.

Item V-F=Female; M=Male

Item VI-For applicants and "other parties" identified at the time of application, enter the number of PERMANENT employees at the time the application is submitted.

Item VII-For all applicants and "other parties," enter the number of PERMANENT jobs that are expected to be lost if EDA assistance or benefits are not received for the requested project(s).

Item VIII-Enter the expected number of PERMANENT new jobs that will be created as a result of EDA assistance or benefits received. Personnel counted in Sections VI and VII MUST NOT be counted in this section. Temporary and Part-Time jobs MUST NOT be counted in this section.

Item IX-Project the number of PERMANENT employees expected one year after the date given in Section III, "Project Completion Date."

Item X-Enter the date the entity expects to be fully operational.

Items XI, XII-Include Permanent, Temporary and Part-time Payrolls.

Items XIII, XIV-"Annual Payroll" is for Total Temporary and Part-time Employees (also included in Annual Total Payroll).

Item XV-Self Explanatory.

Item XVI-Applicants are required to sign the Form ED-612 except when it is an integral part of an EDA application.

The Form ED-612 MUST BE signed by an authorized company official when it is submitted by "other parties."

Item XVII-Self Explanatory.

ANNUAL REPORTS

In accordance with the EDA Civil Rights Guidelines, Part III, "Post-Approval Compliance," the Form ED-612 will be submitted annually to the appropriate EDA Regional Office for a period of five years by all "applicants" and "other parties," who create or save fifteen or more permanent jobs. Data will be required as of the first, second, third, fourth, and fifth anniversaries. The recipient shall notify any "other parties" of the date these reports are due. ONLY Items I, II, VI, XI, XIII, XV, and XVI are required to be completed for the annual report. The Form ED-612 will be signed by an authorized company official by all entities when submitted as an annual report.

Name of the Project

City and State

Project No.

ASSURANCES OF COMPLIANCE WITH THE DEPARTMENT OF COMMERCE AND
THE ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND PUBLIC LAW 92-65

This form applies to: A. All Recipients receiving Federal financial assistance from the Economic Development Administration including: 1. Applicants; 2. Recipients of Federal financial assistance received from another recipient; 3. Subgrantees; 4. Leasees of or operators for a recipient; 5. Successors, assignees or transferees, but not ultimate beneficiaries; and B. Other Parties to include any governmental, public or private agency, institution, organization or other entity, or any individual who has a direct or substantial participation in the program or project receiving Federal financial assistance from EDA, such as contractors, subcontractors, providers of employment, or users of the facilities or services.

Name of Recipient or Other Party

(hereinafter called the "Recipient or Other Party") assures that as a Recipient or Other Party receiving Federal financial assistance from the Economic Development Administration, it will comply with Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d), the requirements imposed by or pursuant to Regulations, issued for the Department of Commerce and designated as 15 CFR Subtitle A Part 8, and any amendments thereto.

The Recipient or Other Party further agrees to comply with the provisions of Section 112 of Public Law 92-65 (42 USC 3123), the requirements imposed by or pursuant to the Regulations of the Economic Development Administration promulgated in 1 CFR Part 311 and any amendments thereto. In addition, Recipient agrees to secure the compliance or to cooperate actively with EDA to secure the compliance by others with the acts and the regulations.

Such requirements hold that no person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which Federal financial assistance has been extended.

In accord with these assurances and without limiting the above, the Recipient or Other Party agrees that these assurances shall be binding upon them, their grantees, assignees, transferees, leasees, and successors in interest. These assurances shall also be binding through every modification or amendment to this project.

The Recipient or Other Party acknowledge that it has received and read the Department and EDA regulations, and it is aware that if there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law.

Total number of present employees _____.
This assurance is made and accepted this _____ day of _____, 20____, for

Recipient or Other Party
By _____
Name Address

Title Telephone Number

Signature

I, _____, as Secretary of _____,
Inc., a corporation and existing by virtue of the laws of the State of Indiana; or as
_____ of the State of Indiana; or as _____
Authorize State Official Authorized State Official
Of the county or municipality of _____ in the State of Indiana, do
hereby certify that the foregoing officer who executed this assurance has full authority to
bind the Recipient or Other Party. In witness whereof I set my hand and affix the corporate,
state, or municipal seal the _____ day of _____, 20____.

Secretary or other Official

ENVIRONMENTAL CLEARANCE WORKSHEET

I. Proposed Project or Activity: _____

A. Location: _____

B. Description:

- 1. Type _____
- 2. Purpose _____
- 3. General Size of Scale _____
- 4. Cost Level, etc. _____
- 5. Other pertinent descriptive features _____

II. Determination of Existing Conditions

A. Land Use Aspects:

- 1. Present land use of property to be developed _____
- 2. Past land use that needs to be considered, such as sanitary land fill _____
- 3. Present land use of adjacent property _____
- 4. Present zoning of the property _____

B. Environmental Aspects of the Site, including natural hazards:

- 1. Predominate soil types and classes in proposed project are _____
- 2. Are the soil and rock formations suitable for any proposed construction (Engineering Statement)?

- 3. Vegetation
 - a. Estimate amount of vegetative cover to be removed.

 - b. Type of grading to be done.
Street grading only Street grading and lot grading
Clear underbrush Excavation
- 4. Trees
 - a. Specify general type and average size of trees.
Type _____ Size _____
Type _____ Size _____
 - b. Will existing trees primarily be preserved? Yes No
 - c. Estimate the amount of trees to be removed. _____
 - d. Will additional trees be added? Yes No
- 5. Erosion control: What temporary erosion control measures will be taken?
 - a. Seeding to annual grasses
 - b. Temporary diversion terrace and catch basin
 - c. Leaving buffer strip of vegetation
 - d. Other _____
- 6. Flood Plains
 - a. Does any part of the proposed project lie within the 100 year frequency flood plain as defined by the Corps of Engineers and/or Soil conservation Services _____
 - b Will existing water courses or natural drainage channels be significantly altered: Yes No

- If yes, what type of alteration is planned? concrete grass covered channel
- Will there be any channelization effects? Yes No
7. Water:
- a. Source? City Private Company Special District
- b. Existing Proposed
8. Type of Sewage System:
- a. Septic Tanks City Sewer Line; size _____
9. Transportation System
- a. Name and distance to nearest arterial. _____
- b. Are collector streets provided in the proposed project? Yes No, why?
- _____
- c. Distance to the nearest bus line _____
10. Noise Zones
- a. Is the proposed project located near a major generating facility?
- No; Yes; give distance _____
- b. What type of facility? Airport Railroad Industrial plant
- Major highway Expressway Interstate Factory
11. Air Quality
- a. Is the air quality affected by commercial, industrial, or domestic pollution, such as industrial waste or fuel emissions: No; Yes, explain _____
12. Historic Preservation
- a. Are any major historic properties located in the vicinity of the project? Yes No
- b. If yes, will the project have any adverse effects upon such properties? No; Yes, explain
- _____

C. Services

1. Garbage pick-up system available not available
2. Police Services available not available
3. Fire Protection available not available
4. Educational Facilities (Housing Projects Only)
- a. Name and distance to nearest school:
- Elementary _____
- Junior High _____
- Senior High _____
- b. In which school district does this development lie? _____
5. Recreational Facilities (Housing Projects Only)
- a. Parks: Distance to nearest usable neighborhood park _____
- Distance to nearest usable community park _____
- Provisions for safe pedestrian access to the park _____
- b. What provisions are being made for active recreation within the proposed development?
- _____
- c. List any special features in the development that could enhance the recreational aspect.
- _____

D. Social Factors

1. Will this proposed project primarily serve elderly; family; singles;
- youth; general

2. Do you have any provisions in the proposed project for community facilities, (Housing projects only) such as: Shopping area; Employment Center; Hospital or medical facility; Child day care facility; Nursing Home
3. Are there such facilities nearby? (Housing Projects Only) Yes; No
If yes, indicate which facilities and distance from the proposed project.

E. Deviations from Applicable HUD Policies and Standards

III. Identify Environmental Impacts

A. Cite the nature, magnitude, and extent of all environmental impacts of the proposed project, both beneficial and adverse.

1. Adverse Impacts

a. Environmental

1. Continual build-up of toxic materials.

2. Silting

3. Erosion of land

4. Air pollution

5. Water pollution

6. Noise pollution

7. Solid waste

b. Social

1. Disruption of social fabric

2. Families displaced

3. Other

c. Economic

1. Businesses displaced

2. Other

d. Aesthetic

e. Other

2. Beneficial impacts (list)

a. Environmental

b. Social

c. Economic

d. Aesthetic

e. Other

IV. Examine each of the identified environmental impacts

A. Cite how the project could be modified to minimize any adverse impacts and explain the positive and negative effects which the modification would have in relation to design, use, location, cost, and timing of the proposed project and its implementation.

B. Identify alternative projects and analyze as in IV. A above.

V. Level of Clearance Finding (Check One)

A. Finding that request for release of funds for project is not an action which may significantly affect the quality of the human environment. Reasons and supporting data:

B. Finding that request for release of funds for project is an action which may significantly affect the quality of the human environment.

If V. B. is marked, an EIS must be approved.

Signed _____ Date _____

CERTIFICATE OF NON-RELOCATION

To be Executed by Applicants for Commercial and Industrial Loans Under Titles II, and IV and Commercial and Industrial Users of Facilities Assisted Under Title I, II, and IV.

NOTE - The Public Works and Economic Development Act of 1965 prohibits EDA from making loans grants which will have the effect of assisting an employer in moving jobs from one area to another. An expansion of an existing business to a new location may be assisted if such an expansion will not cause unemployment in other areas where the business conducts operations, or will not enable contractors or subcontractors to undertake contracts or subcontracts heretofore performed elsewhere the performance of which would result in an increase of unemployment at the previous location of such work. Execution of the following Certificate is necessary for EDA to determine the eligibility of the subject project in this regard.

Project _____, _____
Name of Project Location

I certify that I am _____ of _____
Official Titled Name of Company

_____ and that it is not the intention

of said company, or any affiliate, subsidiary or other business entity under direct, indirect or common control with said company to relocate any present operation as a result of the above designated project; that neither said company nor any affiliate, subsidiary, or other business entity under direct, indirect or common control with said company, has discontinued, liquidated, or curtailed during the past 24 months any production unit similar to that which will be located at

_____; that to the extent
City State

said project is undertaken to assist in the expansion of the operations of said company through the establishment of a new branch, affiliate or subsidiary of said company, such expansion will not result in an increase of unemployment in the area of original location or in any area where said company or any affiliate, subsidiary or other business entity under direct, indirect or common control now conducts business operations; that any such expansion is not being undertaken with the intention of closing down or curtailing any existing operations of said company or any affiliate, subsidiary or other business entity under direct, indirect or common control with said company; and that such project is not being undertaken with the intention of performing as contractor or subcontractor work heretofore performed by other contractors or subcontractors, the transfer of which would result in the transfer of jobs from one location to another and an increase in unemployment at the previous location of such work.

Date Signature

Note – Section 710(a) of the Public Works and Economic Development Act of 1965 provides that: “Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any financial assistance under section 101, 201, 202, or 403 or any extension thereof by renewal, deferment or action, or otherwise, or the acceptance, release, or substitution of security therefore, or for the purpose of influencing in any way the action of the Secretary, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.”

STATEMENT ON NON-RELOCATION

All programs and benefits under the Public works and Economic Development Act, including loans, grants, technical assistance, and training will be administered with strict adherence to the policy of denying assistance to businesses which are seeking to relocate or which relocated in the recent past.

Section 2, the Declaration of Purpose of the Public Works and Economic Development Act states that under the provisions of this Act new employment opportunities should be created by developing and expanding new and existing facilities and resources rather than by merely transferring jobs from one area of the United States to another.

Section 202(b)(1) of the Public works and Economic Development Act provides that EDA financial assistance shall not be extended to assist (1) industrial or commercial establishments relocating from one area to another, (2) expansions which would result in unemployment in any area where the business entity involved conducts its operations or (3) contractors or subcontractors whose purpose it is to seek the transfer of contract work presently performed at another location.

It is the policy of EDA to construe the general prohibition against relocation in Section 2 as applicable to all sections of the Act. The specific language in Section 202(b)(1) provides further guidance to EDA in carrying out the policy of Section 2 and is used by EDA as a guide in rendering assistance under other sections of the Act. Applicants for development facility loans and grants or for supplementary grants must therefore assure EDA, prior to receiving financial assistance, that they are not constructing the facilities for the purpose of serving a relocated business firm, that they are not then negotiating with a relocating firm, and that they have no intention of using the project to induce industries to relocate into their areas. Similar assurances will be required from industrial and commercial users of development facilities if such facilities are constructed primarily or substantially for their use.

It is not always easy to identify what constitutes the relocation of a business enterprise and its associated jobs. In some instances the movement of machinery and equipment may in practical effect be the movement of the business enterprise. In other instances the business enterprise is more appropriately identified and characterized by a trade name, customer lists, and other intangible assets. EDA will carefully examine all transfers of ownership, liquidations and curtailment of operations, which bear any relationship to the proposed establishment of a new enterprise. In all cases, the controlling consideration will be whether the effect is the relocation of jobs from one area to another.

Ordinarily the phrase "from one area to another" as used in connection with relocations means from one labor area to another. Nevertheless, EDA will consider in evaluating a project any adverse effects, which may indirectly result from relocation even though the new location may be wholly within the boundaries of the same labor area or the same redevelopment area or district.

The limitation on assisting in relocations is applied both to prospective moves and those made in the recent past. For instance, EDA will not assist a relocated industry in a new location even though the withdrawal or curtailment of employment at the previous place of business was substantially completed at the time of the request for assistance from EDA. Any such earlier relocation, a part of which was carried out within 24 months prior to an application for EDA assistance, shall be subject to the rebuttable presumption that the EDA assistance requested is causally related to the relocation.

EDA can assist in true expansions through the establishment of new branches, affiliate, or subsidiaries, provided that such expansion will be carried out and operated without increasing unemployment at other places of business of the enterprise. To give effect to this limitation, EDA will inquire into the undertakings and operations of affiliated enterprises or enterprises under common control with the particular business which is to be benefited by the proposed project.

In considering whether a proposed expansion will result in an increase in unemployment at other facilities of a business enterprise, EDA will consider, among other things, traditional as well as current operating levels of employment, changes in demand for worker skills at the existing facilities, changes in capital investment at the existing facilities, and any relationship the proposed expansion may have upon the future prospects for operation of such existing facilities.