



ECONOMIC DEVELOPMENT ADMINISTRATION

**APPLICATION
 FOR INVESTMENT ASSISTANCE**

The Application for Investment Assistance (application) is used to request financial assistance for programs administered by the Economic Development Administration (EDA) under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 *et seq.*). This application contains general requirements and instructions which apply to all EDA programs. Additional requirements and instructions applicable to specific EDA programs are included in separate program-specific supplements to this application.

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PWEDA Section 201 (CFDA No. 11.300) Public Works and Economic Development Program PWEDA Section 203 (CFDA No. 11.302) Planning Program PWEDA Section 207 (CFDA No. 11.303) National, Local and University Center Technical Assistance Program PWEDA Section 207 (CFDA No. 11.312) Research and Evaluation Program PWEDA Section 209 (CFDA No. 11.307) Economic Adjustment Assistance Program	Part I: Application Instructions	3
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Application for Investment Assistance (Form ED-900A)
OMB Control No. 0610-0094
Expires 04/30/2009

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid OMB Control Number. The information requested in the Application for Investment Assistance is required to obtain or retain benefits from EDA pursuant to the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 *et seq.*).

The reasons for collecting this information are to enable applicants to apply for financial assistance, and to assist EDA in determining applicants' eligibility and compliance with legal and programmatic requirements. The information submitted on the application and in accompanying documents is subject to public disclosure under the Freedom of Information Act, as amended (5 U.S.C. 552), unless exempt from disclosure as trade secrets or privileged or confidential commercial or financial information under 5 U.S.C. 552(b)(4).

The public reporting burden for this collection of information is estimated to average 38 hours per response, including time for reviewing instructions, gathering data, and completing the application. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing paperwork burden may be sent to: Economic Development Administration, U.S. Department of Commerce, 1401 Constitution Avenue, N.W., Washington, D.C. 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

I. APPLICATION INSTRUCTIONS

A. GENERAL INFORMATION

The Economic Development Administration (EDA) publishes Federal Funding Opportunity (FFO) announcements at least annually in the *Federal Register*. The FFOs include important information on program requirements, selection and evaluation criteria, and application procedures for all EDA programs. Current FFO announcements, EDA's regulations, and other information are available at EDA's Internet website at www.eda.gov.

B. PRE-APPLICATION REQUIREMENTS

To apply for EDA investment assistance, eligible applicants may be required to first submit an investment proposal on EDA's Pre-application for Investment Assistance (Form ED-900P). Proposals must include a narrative description of the region in which the project will be located, the project's scope of work, the proponent's capability, the economic development problem(s), project impact, project beneficiaries, budget and proposed sources of project funding, among other items as specified in the applicable FFO announcement or EDA's regulations.

C. APPLICATION REQUIREMENTS

When EDA selects a proposal for further funding consideration, the applicant will receive a letter inviting the submission of an Application for Investment Assistance (Form ED-900A) (application). The application includes general requirements that apply to all applicants, and a separate supplement with program requirements that apply to the specific program activity proposed for EDA investment. Applicants must complete the general requirements and the program supplement, as specified in the invitation letter, and submit both with required exhibits and assurances, as applicable.

Applicants are required to submit one (1) original (including all forms with original signatures) and two (2) copies of the completed application to EDA. Identify exhibits by placing the exhibit number in the upper right-hand corner of the first page of each exhibit. Please provide single-sided exhibits only (not front and back). Instructions for completion of the questions and exhibits are incorporated into the text of the application. Pre-printed forms, such as lobbying and name check forms, are provided as part of this application package and may be reproduced by the applicant if multiple copies are needed. Pre-printed forms are identified with an asterisk (*).

For some EDA programs, this application may require specific documentation for engineering, environmental, financial or legal reviews, which may involve coordination with various local, State and federal agencies, and with private sector organizations. Incomplete or incorrect documentation may delay the processing of the application.

D. PROCESSING & APPROVAL

Applicants for EDA investment assistance should consult the Economic Development Representative (EDR) serving the project region or the EDA regional office identified in the invitation letter. One (1) original and two (2) copies of the completed application should be submitted to the EDR

who will determine if it is complete, help resolve any problems noted and forward it to the appropriate EDA regional office.

An applicant will be notified by the appropriate EDA regional office when its application received, and whether it is acceptable for processing. An applicant may be requested to provide additional clarifying information during EDA's review of the application. Should a problem arise during the review which would seriously delay a final funding decision, an applicant may be requested to withdraw the application pending the resolution of the problem and to resubmit at a later time. Problems that cannot be resolved may lead to disapproval of the application. If the application is approved by EDA, a financial assistance award package will be sent to the applicant. Upon acceptance of an investment, EDA funds will be made available for disbursement in accordance with the terms and conditions of the financial assistance award. A public announcement of the award may be made by EDA.

E. EDA Regional Offices

Atlanta Regional Office

401 W. Peachtree Street, N.W., Suite 1820
 Atlanta, Georgia 30308
 Telephone: (404) 730-3002
 Fax: (404) 730-3025

Serves: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Austin Regional Office

504 Lavaca Street, Suite 1100
 Austin, Texas 78701-4037
 Telephone: (512) 381-8144
 Fax: (512) 381-8177

Serves: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Chicago Regional Office

111 North Canal, Suite 855
 Chicago, Illinois 60606
 Telephone: (312) 353-7706
 Fax: (312) 353-8575

Serves: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Denver Regional Office

1244 Speer Boulevard, Suite 670
 Denver, Colorado 80204
 Telephone: (303) 844-4715
 Fax: (303) 844-3968

Serves: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Philadelphia Regional Office

Curtis Center, Suite 140 South
 601 Walnut Street
 Philadelphia, Pennsylvania 19106-3323
 Telephone: (215) 597-4603
 Fax: (215) 597-1063

Serves: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, U.S. Virgin Islands, and West Virginia.

Seattle Regional Office

Jackson Federal Building, Room 1890
 915 Second Avenue
 Seattle, Washington 98174-1001
 Telephone: (206) 220-7660
 Fax: (206) 220-7669

Serves: Alaska, American Samoa, Arizona, California, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Hawaii, Idaho, Nevada, Oregon, Republic of Palau, Republic of the Marshall Islands, and Washington.

II. GENERAL REQUIREMENTS

A. Updated Project Narrative

Provide a narrative description and documentation of any **changes** to the project region, scope of work, economic development need(s), project purpose, project impact, or organization's status, since submission of the pre-application. Attach as **Exhibit II.A.**

B. Potential Issues

Are there any issues, such as litigation (pending or potential), environmental concerns, financing requirements, public opposition, condemnation or eminent domain proceedings, or any other matters which could affect compliance with EDA or other federal requirements related to the construction, financing, ownership or operation of the project, including the timely start and completion of the project? If so, attach an explanation as **Exhibit II.B.**

C. Submit executed *Certifications Regarding Lobbying (Form CD-511)

All applicants for federal financial assistance must certify that federal funds have not been used and will not be used for lobbying in connection with this request for federal financial assistance (Form CD-511). If non-federal funds have been used or are planned to be used for lobbying in connection with this request for federal financial assistance, a *"Disclosure of Lobbying Activities" (Form SF-LLL) must also be completed.

- Applicant's *"Certifications Regarding Lobbying" (Form CD-511) is attached as **Exhibit II.C.1.**

- Applicant's *"Disclosure of Lobbying Activities" (Form SF-LLL), if any, is attached as **Exhibit II.C.2.**

D. Provide evidence of compliance with Executive Order 12372, State Single Point of Contact (SPOC)

This request for EDA investment assistance meets the SPOC process established by the State, as indicated below. See 13 C.F.R. § 302.9(b).

State Application Identification Number:

Date Assigned:

- SPOC clearance/comments is/are attached as **Exhibit II.D.**
- The State does not have a project review process.
- Review period has expired and no comments were received.

E. Non-Federal Share of Project Costs

Generally, the amount of an EDA investment may not exceed 50% of the total cost of the project. Projects may receive an additional amount that shall not exceed thirty (30) percent, based on the relative needs of the region in which the project will be located, as determined by EDA. See 13 C.F.R. § 301.4(b).

If a non-federal share is required for your project, complete the following:

1. Identify the source and nature of the non-federal share of project costs as shown in the project budget and attach as **Exhibit II.E.1.**
2. Are in-kind contributions included as part of the non-federal share of the project funding?
 - Yes. If yes, explain the nature and the basis on which they are valued. Attach as **Exhibit II.E.2.**
 - No.
3. Provide evidence that funds required for the non-federal share of project costs are committed to the project, will be made available as needed for the project, and are not or will not be conditioned or encumbered in any way that would preclude its use consistent with the requirements of EDA investment assistance. See 13 C.F.R § 301.5. Attach as **Exhibit II.E.3.**
4. Identify and explain the nature of any other sources of federal financial assistance received or requested for this project. **Attach as Exhibit II.E.4.**

F. Civil Rights

Applicant will comply with all applicable civil rights requirements. See 13 C.F.R. § 302.20.

- Yes
- No

G. Other Parties

"Other Parties" (as defined in 13 C.F.R. § 302.20(b)) benefiting from the project, *i.e.*, entities that will be creating and/or saving fifteen (15) or more permanent jobs as a result of the EDA investment assistance, will comply with all applicable civil rights requirements.

- Yes
- No
- No "Other Parties" identified.

H. Justification for Sole Source Procurement

- Where procurement activities under the EDA award will not be conducted by competitive bid, provide a justification. See 15 C.F.R. § 14.40 or 15 C.F.R. § 24.36, as applicable. Attach as **Exhibit II.H.**
- Contracts will be awarded by competitive bid.

I. Governmental Reviews

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 a minimum of fifteen (15) days in which to review and comment on (i) a proposed construction project under EDA's Public Works and Economic Development program; or (ii) a proposed construction project or revolving loan fund (RLF) grant under EDA's Economic Adjustment Assistance program. The applicant shall furnish copies of any comments received (or a statement of efforts made to obtain comments if no comments are received) with an explanation of any actions taken to address such comments. See 13 C.F.R. § 302.9(a).

- Local governmental comments and/or statement attached as **Exhibit II.I.1.**
- Not applicable.
- Is the applicant a special-purpose unit of local government (such as a Port Authority, Water and Sewer District, etc.)?
- Yes. Describe the type of organization and attach as **Exhibit II.I.2.** a current statement from the controlling local government as to why the special purpose unit is better qualified to administer the proposed project.
- No.

J. Non-governmental Applicants

1. Provide a "Name Check" (Form CD-346) form completed by each officer, executive director and chief financial officer, as **Exhibit II.J.1.** This form is required from applicants that are private or public non-profit organizations, for-profit entities, or individuals. This form is not required from State or local governments, designated Economic Development Districts, other Planning Organizations or State-controlled universities.

2. All applicants must provide a Certificate of Good Standing or its legal equivalent from the State in which the organization is incorporated.

New applicants must also provide their Articles of Incorporation and By-Laws. Current recipients must also provide their Articles of Incorporation or By-Laws if either has been amended; or a statement certifying that there has been no change in the organization's Articles of Incorporation or By-Laws. Attach as **Exhibit II.J.2.**

3. Public or private non-profit organizations must generally act in cooperation with officials of a political subdivision of a State.

- A resolution passed by (or a letter signed by) an authorized representative of a general purpose political subdivision of a State, acknowledging that the applicant is acting in cooperation with officials of the political subdivision, as applicable, is attached as **Exhibit II.J.3.** EDA may waive this cooperation requirement for certain projects of significant regional or national scope under 13 C.F.R. parts 306 or 307 and 13 C.F.R. § 301.2(b).

CHECKLIST OF APPLICATION EXHIBITS

This checklist identifies all of the exhibits in the application. The exhibit number refers to the specific section of the application. Those with an asterisk (*) are preprinted forms. Check all of the exhibits submitted with the application.

Form SF-424, Application for Federal Assistance

*Form SF-424

Part II - General Requirements

II.A. Updated Project Narrative

II.B. Statement of Potential Issues

II.C.1. *Certifications Regarding Lobbying (Form CD-511)

II.C.2. *Disclosure of Lobbying Activities (Form SF-LLL)

II.D. State Single Point of Contact (SPOC) Clearance/Comments

II.E.1. Source and Nature of Non-Federal Share of Project Costs

II.E.2. In-Kind Contributions

II.E.3. Availability of Non-Federal Share of Project Costs

II.E.4. Other Federal Financial Assistance

II.H. Justification for Sole Source Procurement

II.I.1. Local Government Comments

II.I.2. Special Purpose Unit of Local Government

II.J.1. *Name Check Forms (Form CD-346)

II.J.2. Articles of Incorporation and Bylaws

II.J.3. Resolution (or Letter) of Cooperation from Political Subdivision

CERTIFICATION REGARDING LOBBYING

Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant, or cooperative agreement.

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

NAME OF APPLICANT	AWARD NUMBER AND/OR PROJECT NAME
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PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE	DATE
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INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

FORM CD-346
(REV. 08-03)
DAO 207-10

U.S. DEPARTMENT OF COMMERCE

DO NOT COMPLETE THIS SECTION

APPLICANT FOR FUNDING ASSISTANCE

DATE OF REQUEST

" NAME CHECK

" IDENTIFICATION CHECK

INSTRUCTIONS: Please type or print clearly. Information below will be used for investigation of named person's or firm's character and/or integrity. In answer to question 11 below, the fact that you may have a conviction record or have criminal charges pending against you will not necessarily disqualify you. An incorrect answer may cause your application to be turned down. Please read Privacy Act Advisory Statement on reverse of form.

1. NAME OF APPLICANT (If no middle name use (NMN). Also list former names used).				5. NAME AND ADDRESS OF FIRM (Post Office Box is not sufficient)	
LAST	FIRST	MIDDLE	MAIDEN		
SPOUSE					
				6. PHONE NUMBER OF FIRM	7. REGIONAL OFFICE

2. DATE OF BIRTH	3. SOCIAL SECURITY NUMBER (Voluntary)	8. U.S. CITIZEN?	
		" YES	" NO (If no, give alien registration number)
4. PLACE OF BIRTH			

9. EMPLOYMENT (Last 3 years)		
FROM	TO	EMPLOYER NAME AND COMPLETE ADDRESS

10. RESIDENCE (Last 3 years)		
FROM	TO	COMPLETE ADDRESS

11. HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENSE OR ARE CRIMINAL CHARGES PENDING AGAINST YOU? (You may omit minor traffic violations for which you forfeited \$50.00 or less).	
" YES	" NO (If yes, please furnish details on the reverse side of this form).

12. RESULTS OF CHECK (Government Use Only)

With knowledge of 18 U.S.C. 1001 and 42 U.S.C. 3220 which provide for criminal penalties for the making of false statements, the undersigned hereby certifies that the above information is correct.

SIGNATURE	DATE

PRIVACY ACT ADVISORY STATEMENT

The Privacy Act of 1974 (P.L. 93-479) requires that you be given certain information in connection with: (a) " The request for information solicited on Form CD-346; or (b) " The request for your Social Security Number. Accordingly, pursuant to the requirements of the Act, please be advised:

THE AUTHORITY FOR THE COLLECTION OF THIS DATA IS: 42 USC 3211(12); as well as the responsibilities cited in the Inspector General Act of 1978, Sec. 4(a)(3)

THE PRINCIPAL PURPOSE(S) FOR WHICH THE DATA WILL BE USED IS: Information is used to establish good character of principal officers and employees of organizations, firms or recipients or beneficiaries of grants, loans, or loan guarantee programs that may receive grants, loans, or guarantees from the U.S. Department of Commerce.

YOUR SOCIAL SECURITY NUMBER IS VOLUNTARY DATA, BUT PROVIDING YOUR SOCIAL SECURITY NUMBER MAY REDUCE DELAYS IN THE REVIEW PROCESS.

QUESTION 11 CONTINUATION:

PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below:

1. In the event that a system of records maintained by the department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.
2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
3. A record from this system may be disclosed, as a routine use, to a Federal, state, or local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
4. A record from this system of records may be disclosed, as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.
6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgement of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f) (3) and implementing regulations at 15 CFR 4b.6.
7. Deleted, Reserved.
8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any state of the legislative coordination and clearance process as set forth in that Circular.
9. A record in this system may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act 5 U.S.C. 552.
10. A record from this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).
11. Deleted, Reserved.
12. A record in this system may be transferred, as a routine use, to the Office of Personnel Management for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related man-power studies.
13. A record in this system of records may be disclosed, as a routine use, to the Archivist of the United States, National Archives & Records Administration (NARA), or his designee, during an inspection of records conducted by NARA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the NARA regulations governing inspection of records for this purpose, and other relevant (i.e., NARA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

The public reporting burden for this collection is estimated to average 15 minutes per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Inspector General, Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.