

after such Adjustment Assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any Person who, on the date such assistance or any part thereof was provided, or within one (1) year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which involved discretion with respect to the provision of such Adjustment Assistance.

#### Subpart D—Adjustment Proposals

##### § 315.16 Adjustment Proposals.

EDA evaluates Adjustment Proposals based on the following process:

(a) EDA must receive the Adjustment Proposal within two (2) years after the date of the certification of the Firm;

(b) The Adjustment Proposal must include a description of any Adjustment Assistance requested to implement such proposal including financial and other supporting documentation as EDA determines is necessary, based upon either:

(1) An analysis of the Firm's problems, strengths and weaknesses and an assessment of its prospects for recovery; or

(2) If EDA so determines, other available information; and

(c) The Adjustment Proposal must:

(1) Be reasonably calculated to contribute materially to the economic adjustment of the Firm (*i.e.*, that such proposal will constructively assist the Firm to establish a competitive position in the same or a different industry);

(2) Give adequate consideration to the interests of a sufficient number of separated workers of the Firm, by providing, for example, that the Firm will:

(i) Give a rehiring preference to such workers;

(ii) Make efforts to find new work for a number of such workers; and

(iii) Assist such workers in obtaining benefits under available programs; and

(3) Demonstrate that the Firm will make all reasonable efforts to use its own resources for its recovery, though under certain circumstances, resources of related Firms or major stockholders will also be considered.

#### Subpart E—Assistance to Industries

##### § 315.17 Assistance to Firms in import-impacted industries.

(a) Whenever the International Trade Commission makes an affirmative finding under Section 202(B) of the Trade Act that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, EDA shall provide to the

Firms in such industry assistance in the preparation and processing of petitions and applications for benefits under programs which may facilitate the orderly adjustment to import competition of such Firms.

(b) EDA may provide Adjustment Assistance, on such terms and conditions as EDA deems appropriate, for the establishment of industry-wide programs for new product development, new process development, export development or other uses consistent with the purposes of the Trade Act and this part.

(c) Expenditures for Adjustment Assistance under this section may be up to \$10,000,000 annually per industry, subject to availability of funds, and shall be made under such terms and conditions as EDA deems appropriate.

Dated: July 29, 2005.

**Benjamin Erulkar,**

*Chief Counsel, Economic Development Administration.*

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#### DEPARTMENT OF COMMERCE

#### Economic Development Administration

#### 13 CFR Chapter III

[Docket No.: 050729211-5211-01]

#### Economic Development Administration Reauthorization Act of 2004 Implementation; Public Hearing

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice of public hearing.

**SUMMARY:** In connection with the promulgation of its Interim Final Rule (the "IFR"), also published in this separate part, the Economic Development Administration ("EDA") will hold a public hearing to receive public comments on the IFR.

**DATES:** Thursday, September 1, 2005, beginning at 3 p.m. (e.d.t.) and ending at approximately 5 p.m. (e.d.t.). All registration requests must be received by the Office of Chief Counsel, Economic Development Administration (*see ADDRESSES*), no later than 4 p.m. (e.d.t.) on August 29, 2005.

**ADDRESSES:** The hearing will take place in Room 4830 of the Herbert C. Hoover Building, 1401 Constitution Avenue, NW., Washington, DC 20230. All registration requests must be submitted to the Office of Chief Counsel, Economic Development Administration, Department of Commerce, Room 7005,

1401 Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4687; facsimile (202) 482-5671; e-mail: [edaregs@eda.doc.gov](mailto:edaregs@eda.doc.gov).

#### FOR FURTHER INFORMATION CONTACT:

Office of Chief Counsel, Economic Development Administration, Department of Commerce, Room 7005, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4687; facsimile (202) 482-5671; e-mail: [edaregs@eda.doc.gov](mailto:edaregs@eda.doc.gov). Please note that any correspondence sent by regular mail may be substantially delayed or suspended in delivery, since all regular mail sent to the Department of Commerce (the "Department") is subject to extensive security screening.

**SUPPLEMENTARY INFORMATION:** On October 27, 2004, President Bush signed into law the Economic Development Administration Reauthorization Act of 2004 (Pub. L. 108-373) (the "2004 Act"). Since reauthorization, EDA has conducted a full scale review and revision of its regulations leading to the promulgation of the IFR. The IFR provides a 60-day notice and comment period for interested members of the public to submit written comments. Individuals wishing to submit written comments only should follow the procedures set forth in the IFR. By way of this notice, EDA will also hold a public hearing to receive oral comments from interested members of the public.

Public comments will be limited to five minutes in duration. Due to time limitations, there is a possibility that not all persons wishing to make comments will be able to do so. Individuals who wish to make comments must register in advance of the hearing on a first-come, first-served basis by submitting a registration request to the Office of Chief Counsel at the addresses listed in the **ADDRESSES** heading no later than 4 p.m. (e.d.t.) on August 29, 2005. The registration request must include a written statement summarizing the public comments and the following contact information: name, address, telephone and fax numbers, e-mail address and organizational affiliation (if any). Upon receipt of a registration request, EDA will contact the individual to schedule a specific public comment time slot.

All comments submitted to EDA, whether oral or written, will become part of EDA's official administrative record in connection with the promulgation of its revised regulations. EDA will not respond to questions asked or oral comments delivered at the public hearing. EDA will respond in writing to all written and oral comments received on the IFR when it promulgates

a Final Rule following the 60 day notice and comment period.

For additional rules and guidance on the public hearing (including information on building security) or for

a copy of the IFR, please visit EDA's Internet Web site at <http://www.eda.gov> or contact the Office of Chief Counsel.

Dated: July 29, 2005.

**Benjamin Erulkar,**  
*Chief Counsel, Economic Development  
Administration.*

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