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## **Title 7 —Agriculture**

### **Subtitle B —Regulations of the Department of Agriculture**

#### **Chapter XVII —Rural Utilities Service, Department of Agriculture**

#### **Part 1783** Revolving Funds for Financing Water and Wastewater Projects (Revolving Fund Program)

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## **PART 1783—REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS (REVOLVING FUND PROGRAM)**

**Authority:** 7 U.S.C. 1926 (a)(2)(B).

**Source:** 69 FR 59772, Oct. 6, 2004, unless otherwise noted.

### **Subpart A—General**

### § 1783.1 What is the purpose of the Revolving Fund Program?

This part sets forth the policies and procedures for making grants to qualified private, non-profit entities to capitalize revolving funds for the purpose of providing financing to eligible entities for pre-development costs associated with proposed water and wastewater projects or with existing water and wastewater systems, and short-term costs incurred for replacement equipment, small-scale extension of services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems. An eligible entity is permitted to use up to 10 percent of the amount provided under this part to construct, improve, or acquire broadband infrastructure related to the project financed, subject to the requirements of 7 CFR part 1980, subpart M.

[85 FR 57081, Sept. 15, 2020]

### § 1783.2 What Uniform Federal Assistance Provisions apply to the Revolving Fund Program?

- (a) This program is subject to the general provisions that apply to all grants made by USDA and that are set forth in 2 CFR part 200, as adopted by USDA through 2 CFR part 400.
- (b) This program is subject to the uniform administrative requirements that apply to all grants made by USDA to non-profit organizations and that are set forth in 2 CFR part 415.
- (c) 2 CFR part 180, as adopted by USDA through 2 CFR part 417, Nonprocurement Debarment and Suspension, implementing Executive Order 12549 and Executive Order 12689 on debarment and suspension.
- (d) This program is subject to 2 CFR part 418, New Restrictions on Lobbying, prohibiting the use of appropriated funds to influence Congress or a Federal agency in connection with the making of any Federal grant and other Federal contracting and financial transactions.
- (e) This program is subject to 2 CFR part 421, Requirements for Drug-Free Workplace (Financial Assistance), implementing the Drug-Free Workplace Act of 1988 (41 U.S.C. 8102).

[79 FR 76007, Dec. 19, 2014, as amended at 81 FR 7698, Feb. 16, 2016]

### § 1783.3 What definitions are used in this regulation?

**Administrative expenses** means expenses incurred by a grant recipient that are of the type more particularly described in § 1783.12.

**Applicant** means a private, non-profit organization that applies for an RFP grant under this part.

**CONACT** means the Consolidated Farm and Rural Development Act.

**Eligible entity** means an entity eligible to obtain a loan, loan guarantee or grant under paragraph 1 or paragraph 2 of section 306(a) the CONACT (codified at 7 U.S.C. 1926(a)(1) and (2)).

**Funding opportunity announcement (FOA)** means a publicly available document by which a Federal agency makes known its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. FOA announcements may be known as program announcements, notices of funding availability, solicitations, or other names depending on the agency and type of program. FOA announcements can be found at *Grants.gov* in the Search Grants tab and on the funding agency's or program's website.

**Grant agreement** means the contract between RUS and the grant recipient which sets forth the terms and conditions governing a particular grant awarded under this part.

**Grant recipient** means a private, non-profit entity that has been awarded a grant under this part.

**Loan recipient** means an eligible entity that has received an RFP loan.

**Revolved funds** means the cash portion of the revolving loan fund that is not composed of RFP grant funds, including cash comprising repayments of RFP loans, fees relating to RFP loans and interest collected on RFP loans.

**Revolving loan fund** means the loan fund established by the grant recipient to carry out the purposes of this part, such fund comprising the proceeds of an RFP grant and other related assets.

**RFP** means Revolving Fund Program.

**RFP grant** means a grant from RUS to a grant recipient under this part.

**RFP loan** means a loan from a grant recipient using the direct or indirect proceeds of an RFP grant awarded under this part.

**Rural and rural area** means a city, town or unincorporated area that has a population of no more than 10,000 inhabitants, and which excludes certain populations pursuant to 7 U.S.C. 1991(a)(13)(H) and (I). The population figure is obtained from the most recent decennial Census of the United States (decennial Census).

**RUS** means the Rural Utilities Service, a Federal agency delivering the USDA's Rural Development Utilities Program.

**USDA** means the United States Department of Agriculture.

[69 FR 59772, Oct. 6, 2004, as amended at 80 FR 9864, Feb. 24, 2015; 83 FR 45034, Sept. 5, 2018; 87 FR 38643, June 29, 2022]

## § 1783.4 [Reserved]

### Subpart B—Revolving Loan Program Grants

#### § 1783.5 What are the eligibility criteria for grant recipients?

- (a) The applicant must be a private entity.
- (b) The applicant must be organized as a non-profit entity.
- (c) The applicant must have the legal capacity and lawful authority to perform the obligations of a grantee under this part.

*Example 1 to paragraph (c):* If the organization is incorporated as a non-profit corporation, it must have corporate authority under state law and its corporate charter to engage in the practice of making loans to legal entities.

*Example 2 to paragraph (c):* If the organization is an unincorporated association, state law may prevent the organization from entering into binding contracts, such as a grant agreement.

- (d) The applicant must have sufficient expertise and experience in making and servicing loans to assure the likelihood that the objectives of this part can be achieved.

### § 1783.6 When will applications for grants be accepted?

A FOA will be posted to [www.Grants.gov](http://www.Grants.gov) in fiscal years that funds are available for this program. The FOA will establish the period during which applications for such funds may be submitted for consideration.

[83 FR 45034, Sept. 5, 2018]

### § 1783.7 What is the grant application process?

- (a) The applicant must complete and submit the following items to RUS to apply for a grant under this part:
  - (1) Application for Federal Assistance: *Standard Form 424*;
  - (2) Budget Information—Non-Construction Programs: *Standard Form 424A*;
  - (3) Assurances—Non-Construction Programs: *Standard Form 424B*;
  - (4) Evidence of applicant's legal existence and authority in the form of certified copies of organizational documents and a certified list of directors and officers with their respective terms;
  - (5) Evidence of tax exempt status, and
  - (6) Most recent annual audit conducted by an independent auditor.
- (b) The applicant must submit a written work plan that demonstrates the ability of the applicant to make and service loans to eligible entities under this program and the feasibility of the applicant's lending program to meet the objectives of this part.
- (c) The applicant should submit a narrative establishing the basis for any claims that it has substantial expertise in making and servicing loans. The Secretary will give priority to an applicant that demonstrates it has substantial experience of this type.
- (d) The applicant may submit such additional information as it elects to support and describe its plan for achieving the objectives of the part.

### § 1783.8 What are the acceptable methods for submitting applications?

- (a) Applications for RFP grants may be submitted by U.S. Mail. Applications submitted by mail must be addressed as follows: Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1548, Washington, DC 20250-1548. The outside of the application should be marked: "Attention: Assistant Administrator, Water and Environmental Programs." Applications submitted by mail must be postmarked not later than the filing deadline to be considered during the period for which the application was submitted.
- (b) In lieu of submitting an application by U.S. Mail, an applicant may file its application electronically by using the Federal Government's eGrants Web site (Grants.gov) at <http://www.grants.gov>. Applicants should refer to instructions found on the Grants.gov Web site for procedures for registering and using this facility. Applicants who have not previously registered on Grants.gov should allow a sufficient number of business days to complete the process necessary to be qualified to apply for Federal Government grants using electronic submissions. Electronic submissions must be filed not later than the filing deadline to be considered during the period for which the application was submitted.

- (c) The methods of submitting applications may be changed from time to time to reflect changes in addresses and electronic submission procedures. Applicants should refer to the most recent FOA for notice of any such changes. In the event of any discrepancy, the information contained in the FOA must be followed. In the event of any discrepancy, the information contained in the notice must be followed.

[69 FR 59772, Oct. 6, 2004, as amended at 83 FR 45034, Sept. 5, 2018]

## § 1783.9 What are the criteria for scoring applications?

- (a) Applications that are incomplete or ineligible will be returned to the applicant, accompanied by a statement explaining why the application is being returned.
- (b) Promptly after an application period closes, all applications that are complete and eligible will be ranked competitively based on the following scoring criteria:
  - (1) Degree of expertise and successful experience in making and servicing commercial loans, with a successful record, for the following number of full years:
    - (i) At least 1 but less than 3 years—5 points
    - (ii) At least 3 but less than 5 years—10 points
    - (iii) At least 5 but less than 10 years—20 points
    - (iv) 10 or more years—30 points
  - (2) Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, clearly articulates the problem/issues to be addressed, identifies the service area to be covered by the RFP loans, and appears likely to be sustainable. Up to 40 points.
  - (3) Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of an RFP grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the RFP grant and points corresponding to such percentages are as follows:
    - (i) Less than 20%—ineligible
    - (ii) At least 20% but less than 50%—10 points
    - (iii) 50% or more—20 points
  - (4) Extent to which the goals and objectives are clearly defined, tied to the work plan, and are measurable. Up to 15 points.
  - (5) Lowest ratio of projected administrative expenses to loans advanced. Up to 10 points.
  - (6) The evaluation methods for considering loan applications and making RFP loans are specific to the program, clearly defined, measurable, and are consistent with program outcomes. Up to 20 points.
  - (7) Administrator's discretion, considering such factors as creative outreach ideas for marketing RFP loans to rural residents; the amount of funds requested in relation to the amount of needs demonstrated in the work plan; previous experiences demonstrating excellent utilization of a revolving loan fund grant; and optimizing the use of agency resources. Up to 10 points.

- (c) All qualifying applications under this part will be scored based on the criteria contained in this section. Awards will be made based on the highest ranking applications and the amount of financial assistance available for RFP grants. All applicants will be notified of the results in writing on form AD-622.

### **§ 1783.10 What is the grant agreement?**

RUS and the grant recipient will enter into a contract setting forth the terms and conditions governing a particular RFP grant award. RUS will furnish the form of grant agreement. No funds awarded under this part shall be disbursed to the grant recipient before the grant agreement is binding and RUS has received a fully executed counterpart of the grant agreement.

### **§ 1783.11 What is the revolving loan fund?**

The grant recipient shall establish and maintain a revolving loan fund for the purposes set forth in § 1783.12. The revolving loan fund shall be comprised of revolving loan fund grant funds and the grant recipient's contributed funds. All revolving loan fund loans made to loan recipients shall be drawn from the revolving loan fund. All revolving loan fund loans shall be serviced and the revolving loan fund maintained, in accordance with this part and applicable law.

### **§ 1783.12 What are eligible uses of grant proceeds?**

- (a) Grant proceeds shall be used solely for the purpose of establishing the revolving loan fund to provide loans to eligible entities for:
  - (1) Pre-development costs associated with proposed water and wastewater projects or with existing water and wastewater systems, and
  - (2) Short-term costs incurred for replacement equipment, small-scale extension of services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.
- (b) A grant recipient may not use grant funds in any manner inconsistent with the terms of the grant agreement.

### **§ 1783.13 What administrative expenses may be funded with grant proceeds?**

RFP grant funds may not be used for any purposes not described in § 1783.12, including, without limitation, payment or reimbursement of any of the grant recipient's administrative costs or expenses. Administrative expenses may, however, be paid or reimbursed from revolving loan fund assets that are not RFP grant funds, including revolved funds and cash originally contributed by the grant recipient.

## **Subpart C—Revolving Fund Program Loans**

### **§ 1783.14 What are the eligibility criteria for RFP loan recipients?**

- (a) A loan recipient must be an eligible entity as defined in § 1783.3.
- (b) The loan recipient must be unable to finance the proposed project from their own resources or through commercial credit at reasonable rates and terms.
- (c) The loan recipient must have or will obtain the legal authority necessary for owning, constructing, operating and maintaining the proposed service or facility, and for obtaining, giving security for, and repaying the proposed loan.

- (d) The project funded by the proceeds of an RFP loan must be located in, or the services provided as the result of such project must benefit, rural areas.

### **§ 1783.15 What are the terms of RFP loans?**

- (a) RFP loans under this part—
  - (1) Shall have an interest rate that is determined by the grant recipient and approved by RUS;
  - (2) Shall have a terms not to exceed 10 years; and
  - (3) Shall not exceed the lesser of \$200,000 or 75 percent of the total cost of a project. The total outstanding balance for all loans under this program to any one entity shall not exceed \$200,000.
- (b) The grant recipient must set forth the RFP loan terms in written documentation signed by the loan recipient.
- (c) Grant recipients must develop and use RFP loan documentation that conforms to the terms of this part, the grant agreement, and the laws of the state or states having jurisdiction.

[69 FR 59772, Oct. 6, 2004, as amended at 86 FR 14526, Mar. 17, 2021]

### **§ 1783.16 How will the loans given from the revolving fund be serviced?**

The grant recipient shall be responsible for servicing all loans, to include preparing loan agreements, processing loan payments, reviewing financial statements and debt reserves balances, and other responsibilities such as enforcement of loan terms. Loan servicing will be in accordance with the work plan approved by the Agency when the grant is awarded for as long as any loan made in whole or in part with Agency grant funds is outstanding.