

**Federal Reserve**

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**Monday  
May 13, 1996**

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**Part XLII**

**Small Business  
Administration**

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**Semiannual Regulatory Agenda**

**SMALL BUSINESS ADMINISTRATION (SBA)**

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Ch. I**

**Improving Government Regulations; Semiannual Agenda**

**AGENCY:** Small Business Administration.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This is SBA's 34th semiannual agenda of regulations. Although SBA is not a regulatory agency, it has attempted to draft agendas that meet both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and Public Law 96-354, effective January 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** For further information on agenda items, SBA encourages the public to contact the individual agency official listed for the particular item.

For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, U.S. Small Business

Administration, 409 Third Street SW., Washington, DC 20416, (202) 205-6642.

**SUPPLEMENTARY INFORMATION:** This SBA agenda highlights the agency's ambitious program to streamline its present and prospective regulatory activity. In response to President Clinton's regulatory review initiative, SBA completed a page-by-page, line-by-line review of all its existing regulations to determine which should be revised or eliminated. As a result, SBA revised 100 percent of the regulations within its power to change. It eliminated as unnecessary more than 50 percent of those pages of regulatory text, restructuring the regulations and writing them in plain language. Users of SBA's regulations can now locate applicable rules more readily and understand their terms more clearly.

The SBA agenda contains many regulations that are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process. Public comments on SBA's previous agendas have been general, and all were positive. They were not directed at specific

content nor were any changes suggested or recommended.

The SBA agenda format has three parts. Part I, Proposed Rules, includes rulemakings that will be proposed during the 12-month period covered by the agenda. Part II, Final Rules, includes proposed rules that will be finalized during the period covered by the agenda. Part III, Completed Actions, includes regulations completed or withdrawn and reviews completed since the preceding agenda.

Publication of the agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

SBA's regulations will be developed in a manner that promotes growth in the economy while imposing no unnecessary regulatory burdens on the public. SBA's regulatory streamlining initiative served this goal by improving the Agency's ability to provide services quickly and at minimum cost to its small business customers.

Dated: March 29, 1996.

Philip Lader,  
*Administrator.*

**Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3885	Nondiscrimination in Federally Assisted Programs .....	3245-AB36
3886	Nondiscrimination in Financial Assistance Programs .....	3245-AB37
3887	Minority Small Business and Capital Ownership Development Program; Eligibility and Contractual Assistance .....	3245-AC30
3888	Small Business Size Standards; Health Care Services Industries .....	3245-AC68
3889	Surety Bond Guarantee; Multiyear Guaranty Authority .....	3245-AD15
3890	Business Loan Policy; Care and Preservation of Collateral (CPCs) .....	3245-AD21
3891	Nondiscrimination by Recipients of SBA Assistance and SBA .....	3245-AD68
3892	Minority Enterprise Development/Small Disadvantaged Business .....	3245-AD70
3893	Small Business Size Standards; Size Standards by the North American Industry Classification System .....	3245-AD81

**Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3894	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration .....	3245-AC96
3895	Business Loans Policy; SBA Guaranty .....	3245-AD22
3896	Amendments to the Amount of Flood Insurance Coverage Required of Recipients of Certain SBA Assistance .....	3245-AD28
3897	Small Business Size Standards (Ostensible Subcontractor Rule) .....	3245-AD45

**SBA**

## Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3898	Small Business Size Standards for Natural Gas Distribution .....	3245-AB94

## Completed Actions

Sequence Number	Title	Regulation Identifier Number
3899	Certificate of Competency .....	3245-AA74
3900	Loans to State and Local Development Companies; Section 502 Loan Program .....	3245-AB35
3901	User Fees for SBA Programs .....	3245-AB44
3902	Business Loans .....	3245-AB99
3903	Regulations for the Implementation of New 301(d) SBIC Funding Authority and Terms Contained in Public Law 101-162 .....	3245-AC09
3904	Amendments to Administration Regulations .....	3245-AC20
3905	Small Business Size Regulations .....	3245-AC31
3906	Surety Bond Guarantee; Regulations .....	3245-AC60
3907	Small Business Size Standards; Adjustment and Collection Agencies .....	3245-AC64
3908	Small Business Size Standards; Advertising Services Industries .....	3245-AC78
3909	Small Business Size Regulation .....	3245-AC87
3910	Veterans' Program .....	3245-AC95
3911	Women-Owned Business Definition and Protest and Appeal Process .....	3245-AC98
3912	Small Business Size Standards; Establishment of Size Standards .....	3245-AD07
3913	Small Business Investment Company Leverage .....	3245-AD29
3914	Business Loans—Alter Ego; Development Companies—Alter Ego .....	3245-AD31
3915	Export Working Capital Program .....	3245-AD43
3916	Business Loans: Microloans .....	3245-AD48
3917	Prepayment of Certain Debentures .....	3245-AD51
3918	Loans to State and Local Development Companies; Computer-Generated Facsimiles of SBA Forms .....	3245-AD52
3919	Loans to State and Local Development Companies; Premier Certified Lenders Program .....	3245-AD54
3920	Small Business Size Regulations; Nonmanufacturer Rule .....	3245-AD57
3921	Physical Disaster and Economic Injury Loan (Agriculture) .....	3245-AD59
3922	Loans to State and Local Development Companies; Section 504 Loans Program Amendments .....	3245-AD60
3923	Small Business Size Standards; Conference Planners .....	3245-AD63
3924	Elimination of Parts 106, 109, 110, 111, 128, 129, 144 of Chapter 1 of Title 13, and Part 2209 of Title 48 of CFR .....	3245-AD65
3925	Freedom of Information and Privacy Act of 1974 .....	3245-AD66
3926	Policies of General Application/Standards for Conducting Business with SBA .....	3245-AD67
3927	Small Business Size Standards .....	3245-AD69
3928	Disaster - Physical Disaster and Economic Injury Loans .....	3245-AD71
3929	Policies of General Application/Administrative Tort Claims .....	3245-AD72
3930	Debt Collection .....	3245-AD73
3931	Surety Bond Guarantee .....	3245-AD74
3932	Business Loans .....	3245-AD75
3933	Small Business Investment Companies .....	3245-AD76
3934	Standards of Conduct and Other Employee Responsibilities .....	3245-AD77
3935	Government Contracting Assistance .....	3245-AD78
3936	Rules of Procedure Governing Cases Before the Office of Hearings and Appeals .....	3245-AD79
3937	Program Fraud Civil Remedies Act Regulations .....	3245-AD80

**SMALL BUSINESS ADMINISTRATION (SBA)**

**Proposed Rule Stage**

**3885. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

**Priority:** Other

**Legal Authority:** 15 USC 634(b)(6); 42 USC 2000d-1

**CFR Citation:** 13 CFR 112

**Legal Deadline:** None

**Abstract:** Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Erlene M. Patrick, Assistant Administrator for Equal Employment Opportunity & Compliance, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416  
Phone: 202 205-6750

**RIN:** 3245-AB36

**3886. NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS**

**Priority:** Other

**Legal Authority:** 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681 et seq; 29 USC 794

**CFR Citation:** 13 CFR 113

**Legal Deadline:** None

**Abstract:** Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Erlene M. Patrick, Assistant Administrator for Equal Employment Opportunity & Compliance, Small Business

Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416  
Phone: 202 205-6750

**RIN:** 3245-AB37

**3887. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; ELIGIBILITY AND CONTRACTUAL ASSISTANCE**

**Priority:** Other Significant

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37; PL 101-574

**CFR Citation:** 13 CFR 124

**Legal Deadline:** None

**Abstract:** This rule is an amendment to the program regulations governing appeals of denials of certain program actions, and denials of requests for waiver of the requirement that, subject to certain conditions, an 8(a) contract must be performed by the contractor to which it was awarded.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	
Final Action	07/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Herbert L. Mitchell, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6410

**RIN:** 3245-AC30

**3888. SMALL BUSINESS SIZE STANDARDS; HEALTH CARE SERVICES INDUSTRIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to revise some or all of the 11 size standards within the

health care services industries. The current size standard of \$5 million in average annual receipts applies to each health care industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AC68

**3889. SURETY BOND GUARANTEE; MULTIYEAR GUARANTY AUTHORITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** See Additional Information.

**CFR Citation:** 13 CFR 115

**Legal Deadline:** None

**Abstract:** Legislation has been enacted to allow small business access to Office of Surety Guarantee funds on a revolving basis instead of availability per annual budget. Regulatory changes will result.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/96	
NPRM Comment Period End	12/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** This rule will be published upon enactment of legislation which has been proposed to Congress.

**Agency Contact:** Robert J. Moffitt, Assistant Administrator, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6540

**RIN:** 3245-AD15

**3890. BUSINESS LOAN POLICY; CARE AND PRESERVATION OF COLLATERAL (CPCS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 631; 41 USC 403(11)

## SBA

## Proposed Rule Stage

**CFR Citation:** 13 CFR 120

**Legal Deadline:** None

**Abstract:** Section 5(b)(4) of the Small Business Act sets a limit of \$1,000 on the amount of CPC which can be obtained without competitive bid. This section was based on procurement legislation which was in effect at the time the Act was drafted (40 years ago). Since then, the amount contained in procurement regulations has steadily increased. It is currently \$25,000. Unfortunately, the Small Business Act was never amended and remains at \$1,000. This unrealistic limit greatly impedes the field offices' ability to perform their required tasks efficiently. To correct this oversight and to prevent a recurrence, the end of the second sentence of the Small Business Act will be amended to read ". . . or the amount thereof does not exceed the small purchase threshold as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 USC 403(11))." The Agency will use SOP 50 50 1 to set limits on amounts within the small purchase threshold.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/96	
Final Action	12/00/97	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Arnold Rosenthal, Acting Assistant Administrator, Office of Portfolio Management, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6481

**RIN:** 3245-AD21

**3891. NONDISCRIMINATION BY RECIPIENTS OF SBA ASSISTANCE AND SBA**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(6); 42 USC 2000d-1; 20 USC 1681 to 1686; 29 USC 794; 42 USC 6101 et seq

**CFR Citation:** 13 CFR 112; 13 CFR 113; 13 CFR 117; 13 CFR 136

**Legal Deadline:** None

**Abstract:** In response to President Clinton's Governmentwide Regulatory Reform initiative, the SBA has completed a page-by-page, line-by-line review of all its existing regulations to determine which might be revised or eliminated. This proposed rule would consolidate into one part, four existing parts of SBA's regulations pertaining to compliance by SBA and recipients of SBA assistance with the various applicable civil rights laws of the United States. This consolidation of parts 112, 113, 117 and 136 avoids unnecessary duplication in the regulations and leaves one regulation involving civil rights compliance.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Cheri Wolff, Chief Counsel for General Litigation, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416  
Phone: 202 205-6643

**RIN:** 3245-AD68

**3892. MINORITY ENTERPRISE DEVELOPMENT/SMALL DISADVANTAGED BUSINESS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(6); 15 USC 637(a); 15 USC 637(d)

**CFR Citation:** 13 CFR 124

**Legal Deadline:** None

**Abstract:** This proposed rule would amend both eligibility requirements for and contractual assistance provisions within the SBA's minority enterprise development program. It is designed to streamline the operation of the MED program, to ease certain restrictions

perceived to be burdensome on program participants, to clarify certain eligibility requirements, and to delete obsolete regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** John W. Klein, Chief Counsel for Procurement, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416

Phone: 202 205-6645

**RIN:** 3245-AD70

**3893. • SMALL BUSINESS SIZE STANDARDS; SIZE STANDARDS BY THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** The SBA establishes small business definitions by industry category. The present standard industrial classification system is being replaced by the North American industry classification system effective January 1977. This rule would convert SBA size standards to the new classification system.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/96	
Final Action	01/00/97	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AD81

## SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

**3894. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SMALL BUSINESS ADMINISTRATION****Priority:** Other Significant**Legal Authority:** 15 USC 684; 15 USC 637(a)(18); 15 USC 637(a)(19); EO 12674**CFR Citation:** 5 CFR 5400**Legal Deadline:** None

**Abstract:** The Small Business Administration and the Office of Government Ethics are jointly issuing this proposed rule which is designed to establish uniform standards of ethical conduct for the officers and employees of the SBA. This proposed rule will be published at 5 CFR ch XLIV and will supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government Ethics (57 FR 35006; Aug. 7, 1992). This proposed rule is necessary to supplement the standards issued by OGE because it addresses ethical issues which are unique to SBA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Robinson S. Nunn, Chief Counsel for Ethics, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416

Phone: 202 205-6645

**RIN:** 3245-AC96**3895. BUSINESS LOANS POLICY; SBA GUARANTY****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 631**CFR Citation:** 13 CFR 120**Legal Deadline:** None

**Abstract:** In a previous ruling, the Office of General Counsel stated that the Small Business Act limited the Agency's guaranty to loans only. For this reason, when a participating lender servicing a liquidation account finds a term buyer for assets acquired through foreclosure, the Agency is forced to

expend funds to purchase the guaranty and establish the account as an immediate participation even if such action is not in the government's best interest. The first sentence of section 5(b)(7) of the Small Business Act will be amended to read "...dealing with or realizing on loans made under the provisions of this Act and receivables relating thereto or emanating therefrom..." The Agency will use SOP 50 51 1 to establish operating parameters for the loan servicing offices.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/96	
Final Action	12/00/97	
Final Action Effective	12/00/98	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Arnold Rosenthal, Acting Assistant Administrator, Office of Portfolio Management, Small Business Administration, 409 Third Street SW., Suite 8000, Washington, DC 20416

Phone: 202 205-6481

**RIN:** 3245-AD22**3896. AMENDMENTS TO THE AMOUNT OF FLOOD INSURANCE COVERAGE REQUIRED OF RECIPIENTS OF CERTAIN SBA ASSISTANCE****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395; PL 103-75**CFR Citation:** 13 CFR 120**Legal Deadline:** None

**Abstract:** Under the proposed rule, flood insurance would be required in an amount equal to the lesser of (1) the sum of all liens on the property (including any SBA lien) plus, if the SBA assistance is unsecured, the outstanding balance of the SBA assistance or (2) the insurable value of the property, but in no event would the required insurance exceed the maximum flood insurance available under the National Flood Insurance Act of 1968.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/96	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Bernard Kulik, Assistant Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6734**RIN:** 3245-AD28**3897. SMALL BUSINESS SIZE STANDARDS (OSTENSIBLE SUBCONTRACTOR RULE)****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** Ostensible subcontractor and affiliation rule. The rule would permit small businesses to enter into subcontracts with certain public utilities for the lease and use of distribution facilities without being considered affiliated with the public utility where the small business prime contractor adds meaningful value to the contract.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/95	60 FR 4389
NPRM Comment Period End	03/24/95	
Final Action	06/00/96	
Final Action Effective	07/00/96	

**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., Suite 8100, Washington, DC 20416  
Phone: 202 205-6840**RIN:** 3245-AD45

## SMALL BUSINESS ADMINISTRATION (SBA)

## Long-Term Actions

**3898. SMALL BUSINESS SIZE STANDARDS FOR NATURAL GAS DISTRIBUTION****Priority:** Routine and Frequent**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661**CFR Citation:** 13 CFR 121**Legal Deadline:** None**Abstract:** SBA is imposing a size standard of 500 employees for the recently deregulated natural gas distribution industry firms which now compete for Federal natural gas contracts.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/25/88	53 FR 47663
Next Action	Undetermined	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416  
Phone: 202 205-6618**RIN:** 3245-AB94

## SMALL BUSINESS ADMINISTRATION (SBA)

## Completed Actions

**3899. CERTIFICATE OF COMPETENCY****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 31 USC 9701; 31 USC 9702**CFR Citation:** 13 CFR 125.5**Legal Deadline:** None**Abstract:** Overall revision to Certificate of Competency regulations. Additionally, this rule includes guidelines for application of subcontracting limitations imposed by PL 99-591 and PL 99-661.**Timetable:**

Action	Date	FR Cite
NPRM	08/21/92	57 FR 37909
NPRM Comment Period End	10/20/92	
NPRM - General Revision of Part 125	11/27/95	60 FR 58276
Final Action - Merged with RIN 3245-AD78	01/31/96	61 FR 3310
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** RIN 3245-AB62 has been merged with this rulemaking action.**Agency Contact:** Thomas A. Dumaresq, Associate Administrator for Government Contracting, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6460**RIN:** 3245-AA74**3900. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; SECTION 502 LOAN PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6)**CFR Citation:** 13 CFR 108**Legal Deadline:** None**Abstract:** The regulations governing the section 502 loan program are revised to include the same project eligibility provisions which currently appear in the 503/504 regulations. Additionally, the revised regulations reflect that the focus of the 502 loan program is to facilitate and encourage lending in rural areas, which is one of SBA's current priorities.**Timetable:**

Action	Date	FR Cite
NPRM	12/15/95	60 FR 64356
NPRM Comment Period End	01/15/96	
Withdrawn	03/18/96	

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal**Additional Information:** The language in the abstract has been revised to more accurately represent the proposed changes.**Agency Contact:** Michael Dowd, Office of Loan Programs, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6570**RIN:** 3245-AB35**3901. USER FEES FOR SBA PROGRAMS****Priority:** Routine and Frequent**Legal Authority:** 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a;15 USC 694b; 5 USC app 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113  
**CFR Citation:** 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129**Legal Deadline:** None**Abstract:** Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database; guaranty of debentures issued by Small Business Investment Companies; guaranty of surety bonds, appeals of size determinations and standard industrial classification code designations; application to the Minority Small Business (Section 8(a)) Program; SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs; and application for a Certificate of Competency.**Timetable:**

Action	Date	FR Cite
Withdrawn	03/06/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Martin D. Teckler, Deputy General Counsel, Small Business Administration, 409 Third Street SW., Washington, DC 20416  
Phone: 202 205-6642**RIN:** 3245-AB44**3902. BUSINESS LOANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 31 USC 3717(e)**CFR Citation:** 13 CFR 120**Legal Deadline:** None

## SBA

## Completed Actions

**Abstract:** This rule allows SBA to recover its collection costs from borrowers who have failed to satisfy their loan agreements and to assess additional penalties permitted by law.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35499
NPRM Comment Period End	09/27/89	
NPRM	05/19/93	58 FR 29152
NPRM - General Revision of Part 120	12/15/95	60 FR 64356
Final Action - Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** A second notice of proposed rulemaking was published May 19, 1993 (58 FR 29152). However, the second NPRM only addressed Business Loans (13 CFR 120).

**Agency Contact:** John Cox, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416  
Phone: 202 205-6490

**RIN:** 3245-AB99

### 3903. REGULATIONS FOR THE IMPLEMENTATION OF NEW 301(D) SBIC FUNDING AUTHORITY AND TERMS CONTAINED IN PUBLIC LAW 101-162

**Priority:** Other Significant

**Legal Authority:** 15 USC 681 et seq, as amended; PL 100-590; PL 101-162

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** This rule changes the present regulations governing the Small Business Investment Company (SBIC) program in order to implement amendments made to the Small Business Investment Act (15 USC 661 et seq) by Public Laws 100-590 and 101-162 with regard to funds invested in private capital, provisions followed by SBA to buy down leverage in 301(d) SBICs and to set the interest rate on preferred securities purchased by SBA after November 20, 1988.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/10/90	55 FR 28166

Action	Date	FR Cite
NPRM - Revision of Entire Part 107	11/28/95	60 FR 58530
Final Action	01/31/96	61 FR 3177
Final Action Effective	01/31/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Ronald C. Cibolski, Director, Office of Investment, Small Business Administration, 409 Third Street SW., Washington, DC 20416  
Phone: 202 205-6510

**RIN:** 3245-AC09

### 3904. AMENDMENTS TO ADMINISTRATION REGULATIONS

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(6); 5 USC 552; 15 USC 633; 15 USC 687; 44 USC 3512; EO 12372; EO 12416

**CFR Citation:** 13 CFR 101

**Legal Deadline:** None

**Abstract:** These amendments to 13 CFR part 101 update the rules for the administration of the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/95	60 FR 57965
NPRM Comment Period End	12/24/95	
Final Action	01/26/96	61 FR 2394
Final Action Effective	02/26/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Mary Ann Gladden, Special Assistant to the Director of Personnel, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416  
Phone: 202 205-6782

**RIN:** 3245-AC20

### 3905. SMALL BUSINESS SIZE REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 634(b)(6); PL 100-590

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule contains revisions to the size regulations to address employee leasing arrangements, altering the jurisdiction of OHA, and other miscellaneous changes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/95	60 FR 57982
NPRM Comment Period End	12/24/95	
Final Action - Merged with RIN 3245-AD69	01/31/96	61 FR 3280
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Catherine Thomas, Program Manager, Size Determination Program, Office of Procurement Policy and Liaison, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6460

**RIN:** 3245-AC31

### 3906. SURETY BOND GUARANTEE; REGULATIONS

**Priority:** Economically Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 687b; 15 USC 694a; 15 USC 694b; 5 USC app 1; PL 100-590

**CFR Citation:** 13 CFR 115

**Legal Deadline:** None

**Abstract:** The entire program regulations are revised and reorganized to include substantive policy and procedural modifications which will be implemented. This revision is intended to eliminate inconsistencies, clarify procedures, reflect program experience and industry changes, and result in more efficient program operation. Regulatory changes include regulations pertaining to both the prior approval and preferred programs, fees, and premiums and claims for losses.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58263
NPRM Comment Period End	12/28/95	
Final Action	01/31/96	61 FR 3266
Final Action Effective	03/01/96	

## SBA

## Completed Actions

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** RIN 3245-AC97 has been merged into this entry.

**Agency Contact:** Robert Moffitt, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6540

**RIN:** 3245-AC60

### 3907. SMALL BUSINESS SIZE STANDARDS; ADJUSTMENT AND COLLECTION AGENCIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to revise the size standard for the Adjustment and Collection Agencies. The current size standard is \$5 million in gross receipts. The proposal will also address the issue of receipts calculated on a net income or gross income basis.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/06/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AC64

### 3908. SMALL BUSINESS SIZE STANDARDS; ADVERTISING SERVICES INDUSTRIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule increases the size standard for four advertising services industries from \$3.5 million in annual receipts (defined to include all revenue in whatever form received or accrued from whatever source) to \$6 million in annual receipts (excluding amounts remitted to other firms).

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/92	57 FR 38452
NPRM Comment Period End	09/24/92	
NPRM - Revision of Entire Part 121	11/24/95	60 FR 57982
Final Action - Merged with RIN 3245-AD69	01/31/96	61 FR 3280
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AC78

### 3909. SMALL BUSINESS SIZE REGULATION

**Priority:** Other Significant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); PL 101-574

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Rule to establish procedures for requesting/granting waivers of the nonmanufacturer rule on specific solicitations, based on contracting officer determinations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/93	58 FR 48981
NPRM Comment Period End	10/21/93	
NPRM - Revision of Entire Part 121	11/24/95	60 FR 57982
Final Action - Merged with RIN 3245-AD69	01/31/96	61 FR 3280
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Judith Roussel, Associate Administrator for Government Contracting, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416

Phone: 202 205-6460

**RIN:** 3245-AC87

### 3910. VETERANS' PROGRAM

**Priority:** Other Significant

**Legal Authority:** PL 93-237; 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 116.2; 13 CFR 116.3

**Legal Deadline:** None

**Abstract:** PL 93-237 requires that SBA provide special consideration to veterans, their survivors or dependents in the administration of Agency programs. This rule amends the current definition of veteran and special consideration. The rule is part of the revised Part 120. Part 116 is no longer in effect.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/95	60 FR 64356
NPRM Comment Period End	01/15/96	
Final Action - Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Leon Bechet, Director, Office of Veterans Affairs, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416

Phone: 202 205-6773

**RIN:** 3245-AC95

### 3911. WOMEN-OWNED BUSINESS DEFINITION AND PROTEST AND APPEAL PROCESS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 631; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 656; EO 12138

**CFR Citation:** 13 CFR 126

**Legal Deadline:** None

## SBA

## Completed Actions

**Abstract:** Executive Order 12138 created a national women's business enterprise policy and prescribed arrangements for developing, coordinating, and implementing a national program for women's business enterprise. This EO states that each department and agency of the executive branch "shall take appropriate action to facilitate, preserve, and strengthen" women-owned businesses. SBA proposed these regulations to establish a definition of "women-owned business" and to provide a process to expeditiously resolve challenges to a self-certification of a women-owned business.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/06/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Ellen Thrasher, Deputy Director for Women's Business Ownership, Small Business Administration, 409 Third Street SW., Room 6250, Washington, DC 20416  
Phone: 202 205-6673

**RIN:** 3245-AC98

### 3912. SMALL BUSINESS SIZE STANDARDS; ESTABLISHMENT OF SIZE STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c); PL 102-366

**CFR Citation:** 13 CFR 121

**Legal Deadline:** NPRM, Statutory, March 4, 1993. Final, Statutory, March 4, 1993.

**Abstract:** Rule to establish procedures for the development of small business size standards by other Federal agencies and for SBA's review of those standards.

**Timetable:**

Action	Date	FR Cite
Notice	08/24/93	58 FR 44620
NPRM	11/24/95	60 FR 57982
NPRM Comment Period End	12/25/95	

Action	Date	FR Cite
Final Action - Merged with RIN 3245-AD69	01/31/96	61 FR 3280
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AD07

### 3913. SMALL BUSINESS INVESTMENT COMPANY LEVERAGE

**Priority:** Economically Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; 15 USC 687m

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** This regulation exempts non-leveraged licensees from certain regulations primarily intended to safeguard SBA's interests as a creditor of, guarantor of, and/or investor in, leveraged licensees.

**Timetable:**

Action	Date	FR Cite
NPRM	11/29/95	60 FR 58530
NPRM Comment Period End	12/29/95	
Final Action - Merged with RIN 3245-AD76	01/31/96	61 FR 3177
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Donald Christensen, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416  
Phone: 202 205-6510

**RIN:** 3245-AD29

### 3914. BUSINESS LOANS-ALTER EGO; DEVELOPMENT COMPANIES—ALTER EGO

**Priority:** Economically Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c; 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h)

**CFR Citation:** 13 CFR 108; 13 CFR 120

**Legal Deadline:** None

**Abstract:** This rule allows certain passive businesses to be eligible for SBA's financial assistance under both the SBA's development company and 7(a) business loan programs if that assistance is used only to acquire and/or improve real or personal property leased to a small business and is used in that small business' operations. The rule eliminates certain requirements and restrictions which previously limited the use of real estate holding entities in SBA's business loan and development company programs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/95	60 FR 64356
NPRM Comment Period End	01/15/96	
Final Action - Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** John Cox, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6490

**RIN:** 3245-AD31

### 3915. EXPORT WORKING CAPITAL PROGRAM

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

## SBA

## Completed Actions

**Legal Authority:** 15 USC 636(a); 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 122

**Legal Deadline:** None

**Abstract:** The entire Export Revolving Line of Credit program regulations is revised and reorganized to include policy and procedural modifications resulting from a pilot program ending September 30, 1995. The revision is intended to result in more efficient and effective program operation. Regulatory changes include regulations pertaining to fees, interest rates, use of proceeds and percentage of loan guarantee. The revised regulations are included in new Part 120. Part 122 is no longer in effect.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/95	60 FR 64356
NPRM Comment Period End	01/15/96	
Final Action - Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Eileen Cassidy, Assistant Administrator, Office of International Trade, Small Business Administration, 409 Third Street SW., Suite 8500, Washington, DC 20416  
Phone: 202 205-6720

**RIN:** 3245-AD43

**3916. BUSINESS LOANS: MICROLOANS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 122

**Legal Deadline:** None

**Abstract:** Rules regarding provision of assistance to micro lenders. These revised regulations are included in new Part 120. Part 122 is no longer in effect.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/95	60 FR 64356
NPRM Comment Period End	01/15/96	

Action	Date	FR Cite
Final Action - Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John R. Cox, Associate Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., Suite 8300, Washington, DC 20416  
Phone: 202 205-6490

**RIN:** 3245-AD48

**3917. PREPAYMENT OF CERTAIN DEBENTURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 109

**Legal Deadline:** Final, Statutory, November 23, 1995.

**Abstract:** Rules regarding prepayment of certain debentures. This rule was incorporated in Part 109 which was deleted on October 25, 1995.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/23/94	59 FR 60305
Final Action - Deletion of Part 109	10/25/95	60 FR 54588

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** LeAnn Oliver, Acting Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., Suite 8300, Washington, DC 20416  
Phone: 202 205-6485

**RIN:** 3245-AD51

**3918. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; COMPUTER-GENERATED FACSIMILES OF SBA FORMS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 108

**Legal Deadline:** None

**Abstract:** Permits development companies to use computer generated facsimiles of SBA forms. The revised regulation is incorporated in new Part 120. Part 108 is no longer in effect.

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/95	60 FR 15525
NPRM - Revision of Part 120	12/15/95	60 FR 64356
Final Action - Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael Dowd, Director, Office of Loan Programs, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6570

**RIN:** 3245-AD52

**3919. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; PREMIER CERTIFIED LENDERS PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697(a); 15 USC 697(b); 15 USC 697(c)

**CFR Citation:** 13 CFR 108

**Legal Deadline:** Final, Statutory, April 22, 1995.

**Abstract:** This rule implements section 217 of Pub. L. 103-403, which added a new section 508 to the Small Business Act authorizing SBA to establish a premier certified lenders program for certified development companies. The rule is in new Part 120. Part 108 is no longer in effect.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/26/95	60 FR 20392
NPRM - Revision of Part 120	12/15/95	60 FR 64356
Final Action - Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Michael Dowd, Director, Office of Loan Programs, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416

## SBA

## Completed Actions

Phone: 202 205-6570

RIN: 3245-AD54

### 3920. SMALL BUSINESS SIZE REGULATIONS; NONMANUFACTURER RULE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); PL 102-486

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule requires a dealer (nonmanufacturer) to provide the product of a domestic small business manufacturer on a small business set-aside and 8(a) contract (the nonmanufacturer rule) awarded under the Government's new simplified acquisition procedures, unless a waiver of that requirement is granted by SBA. The nonmanufacturer rule is applicable to all 8(a) procurements and small business set-asides.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/95	60 FR 27924
NPRM Comment Period End	07/26/95	
NPRM - General Revision of Part 121	11/24/95	60 FR 57982
Final Action - Merged with RIN 3245-AD69	01/31/96	61 FR 3280
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6618

RIN: 3245-AD57

### 3921. PHYSICAL DISASTER AND ECONOMIC INJURY LOAN (AGRICULTURE)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f)

**CFR Citation:** 13 CFR 123

**Legal Deadline:** None

**Abstract:** This rule makes clear that businesses primarily engaged in agriculture are not eligible for such assistance and that such assistance may not be used to further the alleviation of physical or economic injury to property associated with agricultural enterprise caused by a disaster.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/95	60 FR 31121
NPRM Comment Period End	07/13/95	
NPRM - General Revision of Part 123	11/24/95	60 FR 58014
Final Action - Merged with RIN 3245-AD71	01/31/96	61 FR 3304
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Bernard Kulik, Associate Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416  
Phone: 202 205-6734

RIN: 3245-AD59

### 3922. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; SECTION 504 LOANS PROGRAM AMENDMENTS

**Priority:** Other

**Legal Authority:** 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697

**CFR Citation:** 13 CFR 108

**Legal Deadline:** None

**Abstract:** This rule is technical in nature and is intended to conform to the 504 program regulations to reflect practices developed to expedite delivery of the program. The rule is incorporated in new Part 120. Part 108 is no longer in effect.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/95	60 FR 46789
NPRM Comment Period End	10/10/95	
NPRM - General Revision of Part 120	12/15/95	60 FR 64356
Final Action Merged with RIN 3245-AD75	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael Dowd, Director, Office of Loan Programs, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6570

RIN: 3245-AD60

### 3923. SMALL BUSINESS SIZE STANDARDS; CONFERENCE PLANNERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule excludes certain forms of pass-through revenues from the computation of gross annual revenues for businesses engaged in providing conference planning services.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/95	60 FR 51982
Final Action - Merged with RIN 3245-AD69	01/31/96	61 FR 3280
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6618

RIN: 3245-AD63

### 3924. ELIMINATION OF PARTS 106, 109, 110, 111, 128, 129, 144 OF CHAPTER 1 OF TITLE 13, AND PART 2209 OF TITLE 48 OF CFR

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 106; 13 CFR 109; 13 CFR 110; 13 CFR 111; 13 CFR 128; 13 CFR 129; 13 CFR 144; 48 CFR 2209

**Legal Deadline:** None

**Abstract:** Elimination of parts regarding lease guarantees, prepayment rules for SBICs and CDCs, investigations, small business investment companies,

## SBA

## Completed Actions

pollution control, grants for small business research, management assistance, discounted prepayment of disaster home loans, and contractor's qualifications as obsolete, unnecessary and duplicative.

**Timetable:**

Action	Date	FR Cite
Final Action	10/25/95	60 FR 54588
Final Action Effective	10/25/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** David R. Kohler, Associate General Counsel for General Law, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416  
Phone: 202 205-6645

**RIN:** 3245-AD65

**3925. FREEDOM OF INFORMATION AND PRIVACY ACT OF 1974**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 5 USC 552; 44 USC 3501 et seq; 5 USC 552(a); 18 USC 5203(a)(1); 31 USC 1 et seq; 31 USC 67 et seq; EO 12600; 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 102

**Legal Deadline:** None

**Abstract:** In response to President Clinton's Governmentwide Regulatory Reform initiative, the Small Business Administration has completed a page-by-page, line-by-line review of all of its existing regulations to determine which might be revised or eliminated. This rule eliminates over 25 percent of Part 102, principally by deleting duplicative language and rewriting the remainder in plain language. The rule includes other changes to improve the procedural efficiency of Part 102.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/95	60 FR 57970
NPRM Comment Period End	12/24/95	
Final Action	01/29/96	61 FR 2671
Final Action Effective	02/28/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Timothy Treanor, Attorney Advisor, Office of General Counsel, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416  
Phone: 202 205-6645

**RIN:** 3245-AD66

**3926. POLICIES OF GENERAL APPLICATION/STANDARDS FOR CONDUCTING BUSINESS WITH SBA**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 637; 15 USC 642

**CFR Citation:** 13 CFR 103

**Legal Deadline:** None

**Abstract:** In response to President Clinton's Regulatory Reform initiative, the SBA has completed a page-by-page, line-by-line review of its regulations in order to determine which might be revised or eliminated. This rule reorganizes and streamlines the entire Part 103, which governs standards one must meet to conduct business with SBA. It makes the standards more understandable to those who are regulated and easier for SBA to enforce.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/95	60 FR 57980
NPRM Comment Period End	12/24/95	
Final Action	01/29/96	61 FR 2679
Final Action Effective	02/28/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Michael Dowd, Director, Office of Loan Programs, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416  
Phone: 202 205-6570

**RIN:** 3245-AD67

**3927. SMALL BUSINESS SIZE STANDARDS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in

the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 632; 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule amends SBA's regulations governing its size standards program. It is designed to streamline the size standards operation by streamlining and clarifying existing regulatory language and by eliminating unnecessary, irrelevant or obsolete provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/95	60 FR 57982
NPRM Comment Period End	12/24/95	
Final Action	01/31/96	61 FR 3280
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** John W. Klein, Chief Counsel for Procurement, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416

Phone: 202 205-6645

**RIN:** 3245-AD69

**3928. DISASTER - PHYSICAL DISASTER AND ECONOMIC INJURY LOANS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f)

**CFR Citation:** 13 CFR 123

**Legal Deadline:** None

**Abstract:** This rule reorganizes the entire part 123 covering the disaster loan program to make it more clear and easier to use.

## SBA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/95	60 FR 58014
NPRM Comment Period End	12/24/95	
Final Action	01/31/96	61 FR 3304
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Mark Stephens, Associate General Counsel for SBIC Litigation, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416  
Phone: 202 205-6489

**RIN:** 3245-AD71

### 3929. POLICIES OF GENERAL APPLICATION/ADMINISTRATIVE TORT CLAIMS

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(1); 15 USC 634(b)(6); 28 USC 2672

**CFR Citation:** 13 CFR 114; 28 CFR 14.11

**Legal Deadline:** None

**Abstract:** This rule reorganizes the entire part 114 covering administrative claims under the Tort Claims Act to make it more clear and easier to use. It would also amend the part to streamline the review and adjustment of claims and provide for the use of alternative dispute resolution in appropriate cases.

**Timetable:**

Action	Date	FR Cite
NPRM	11/03/95	60 FR 55808
NPRM Comment Period End	12/03/95	
Final Action	01/26/96	61 FR 2401
Final Action Effective	02/26/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Jeff Lane, Office of General Counsel, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416  
Phone: 202 205-6879

**RIN:** 3245-AD72

### 3930. DEBT COLLECTION

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 634(b)(6); 31 USC 3720A; 31 USC 3711; 5 USC 5514; 31 USC 3716

**CFR Citation:** 13 CFR 140

**Legal Deadline:** None

**Abstract:** This rule revises several sections of part 140 to consolidate certain sections and to reword certain sections so as to make them simpler and more understandable to the public.

**Timetable:**

Action	Date	FR Cite
Final Action	12/05/95	60 FR 62190
Final Action Effective	01/04/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Cheri Wolff, Chief Counsel for Special Litigation, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416  
Phone: 202 205-6643

**RIN:** 3245-AD73

### 3931. SURETY BOND GUARANTEE

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 687b; 15 USC 687c; 15 USC 694a; 15 USC 694b; 5 USC app 3; PL 101-574

**CFR Citation:** 13 CFR 115

**Legal Deadline:** None

**Abstract:** This rule revises part 115 governing the surety bond program to eliminate redundant provisions, consolidate and reorganize sections where appropriate, clarify ambiguous language and propose substantive changes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58263

Action	Date	FR Cite
NPRM Comment Period End	12/27/95	
Final Action	01/31/96	61 FR 3266
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Barbara Brannan, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416  
Phone: 202 205-6540

**RIN:** 3245-AD74

### 3932. BUSINESS LOANS

**Priority:** Economically Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 636; 15 USC 697

**CFR Citation:** 13 CFR 108; 13 CFR 120; 13 CFR 122

**Legal Deadline:** None

**Abstract:** This rulemaking is designed to facilitate access by the small business community to information about SBA's business loan program and development company loan program. No costs to the government or the small businesses are associated with its promulgation. However, benefits from improving access to SBA loan programs will accrue to the general economy through the creation of jobs and increased tax revenues. The rulemaking incorporates the provisions of Parts 108, 120 and 122 into a revised Part 120.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/95	60 FR 64356
NPRM Comment Period End	01/15/96	
Final Action	01/31/96	61 FR 3226
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** John R. Cox, Associate Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416

## SBA

## Completed Actions

Phone: 202 205-6490

RIN: 3245-AD75

### 3933. SMALL BUSINESS INVESTMENT COMPANIES

**Priority:** Economically Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 681 et seq; 15 USC 683; 15 USC 687(c); 15 USC 687b; 15 USC 687d; 15 USC 687g; 15 USC 687m

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** This rule is a complete revision of the regulations governing the small business investment company program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/28/95	60 FR 58530
NPRM Comment Period End	12/28/95	
Final Action	01/31/96	61 FR 3177
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Don Christenson, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416  
Phone: 202 205-6510

RIN: 3245-AD76

### 3934. STANDARDS OF CONDUCT AND OTHER EMPLOYEE RESPONSIBILITIES

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 5 USC 7301; 15 USC 634; 15 USC 637(a)(18); 15 USC 637(a)(19); 15 USC 645(a)

**CFR Citation:** 13 CFR 105

**Legal Deadline:** None

**Abstract:** This rule eliminates provisions that are superseded by the

Office of Government Ethics uniform standards of conduct for Executive branch employees and reorganizes the remaining provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58260
NPRM Comment Period End	12/27/95	
Final Action	01/26/96	61 FR 2394
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Robinson S. Nunn, Chief Counsel for Ethics, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416

Phone: 202 205-6787

RIN: 3245-AD77

### 3935. GOVERNMENT CONTRACTING ASSISTANCE

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 101-515; PL 100-202; 15 USC 634(b)(6); 15 USC 634(b)(8); 15 USC 634(b)(15); 31 USC 9701; 31 USC 9702

**CFR Citation:** 13 CFR 125

**Legal Deadline:** None

**Abstract:** This rule reorganizes and simplifies present part 125. It eliminates seven sections that were unnecessary, duplicative, or obsolete. The remaining five sections were rewritten for clarity and ease of use.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58276
NPRM Comment Period End	12/27/95	
Final Action	01/31/96	61 FR 3310
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** John W. Klein, Chief Counsel for Special Programs, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416

Phone: 202 205-6645

RIN: 3245-AD78

### 3936. RULES OF PROCEDURE GOVERNING CASES BEFORE THE OFFICE OF HEARINGS AND APPEALS

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 5 USC 504

**CFR Citation:** 13 CFR 134

**Legal Deadline:** None

**Abstract:** This rule revises, reorganizes, simplifies, and unifies into new part 134 all of present part 134, all of part 132, and those provisions in part 124 that pertain to proceedings before the office arising out of certain aspects of the Agency's 8(a) program, size determinations, and SIC code designations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58282
NPRM Comment Period End	12/27/95	
Final Action	01/29/96	61 FR 2682
Final Action Effective	02/28/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gary Fox, Chief Counsel for Special Litigation, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416

Phone: 202 205-6852

RIN: 3245-AD79

### 3937. PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**SBA**

**Completed Actions**

**Legal Authority:** 15 USC 634(b); 31 USC 3803(b)(2)

**CFR Citation:** 13 CFR 142

**Legal Deadline:** None

**Abstract:** This rule reorganizes and clarifies present part 142 to make it more clear and easier to use.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58297
NPRM Comment Period End	12/27/95	
Final Action	01/29/96	61 FR 2691
Final Action Effective	03/01/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Cheri Wolff, Chief Counsel for General Litigation, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416

Phone: 202 205-6855

**RIN:** 3245-AD80

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