

(d) *What procedures will govern the conduct of the informal meeting?* The OTS may hold informal meetings in any format, including a telephone conference or face-to-face meeting.

(e) *Will there be an additional opportunity to discuss the application?* Within three days after the informal meeting, any participant in the informal meeting may request the OTS to hold a formal meeting under § 516.180. The participant should describe the nature of the issues or facts to be presented and the reasons why a formal meeting is necessary to make an adequate presentation of the facts or issues. The participant must file the request with the OTS and send copies of the request to other participants in the informal meeting.

§ 516.180 What procedures govern formal meetings on applications?

(a) *When will the OTS hold a formal meeting?* The OTS will not grant a request for a formal meeting unless an informal meeting has been conducted under § 516.170. The OTS will grant all requests for a formal meeting filed under § 516.170(e). The OTS may also hold a formal meeting on its own initiative, if it determines that written submissions and informal meetings are insufficient to adequately present issues or facts to the OTS, or that a formal meeting would otherwise benefit the decisionmaking process. The OTS may limit the issues considered at the formal meeting to issues that the OTS deems relevant or material.

(b) *How will the OTS announce the formal meeting?* The OTS will issue a Notice of Formal Meeting that will state the subject and date of the filing, the time and place of the formal meeting and the issues to be addressed. The OTS will send the Notice to the applicant and any person requesting a formal meeting under § 516.170(e). The OTS may also invite other interested persons to participate in the formal meeting by sending the Notice to such persons.

(c) *Who may participate in the formal meeting?* A person receiving a Notice must notify the OTS of its intent to participate within ten days after the OTS issues the Notice. At least five days before the formal meeting, all

participants in the formal meeting must provide the names of their witnesses and copies of proposed exhibits to the OTS, the applicant, and any other person designated by the OTS.

(d) *Will the formal meeting be transcribed?* The OTS will arrange for a transcript. Each participant must bear the cost of any copies of the transcript it requests for its use.

(e) *What procedures govern the conduct of the formal meeting?* (1) The OTS will appoint a presiding officer to conduct the formal meeting. The presiding officer is responsible for all procedural questions not governed by this section. Subject to the rulings of the presiding officer, a participant may make opening statements and present witnesses, material and data. If a participant presents documentary material, it must furnish copies of the material to the OTS and to each other participant. The OTS may keep the formal meeting record open for additional information for up to 14 days following the receipt of the transcript.

(2) The Administrative Procedure Act (5 U.S.C. 551 *et seq.*), the Federal Rules of Evidence (28 U.S.C. Appendix), the Federal Rules of Civil Procedure (28 U.S.C. Rule 1 *et seq.*) and the OTS Rules of Practice and Procedure in Adjudicatory Proceedings (12 CFR part 509) do not apply to formal meetings under this section.

§ 516.190 Will a meeting affect application processing time frames?

If the OTS has arranged a meeting, it will suspend applicable application processing time frames, including the time frames for deeming an application complete and the applicable approval time frames specified in § 516.2 or 516.3. The time period will resume when the OTS determines that a record has been developed that sufficiently supports a determination on the issues raised in the comments.

PART 517—THE MINORITY, WOMEN, AND INDIVIDUALS WITH DISABILITIES OUTREACH PROGRAM: CONTRACTING FOR GOODS AND SERVICES

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AUTHORITY: 12 U.S.C. 1833(e); 42 U.S.C. 12101 *et seq.*

SOURCE: 58 FR 33324, June 17, 1993, unless otherwise noted.

§ 517.1 Purpose and scope.

The purpose of the OTS Minority-, Women- and Individuals with Disabilities-Owned Businesses Outreach Program (Outreach Program) is to ensure that firms owned and operated by minorities, women and individuals with disabilities are given the opportunity to participate to the maximum extent possible in all contracts entered into by the OTS. Sections 517.5 through 517.7 of this part apply to all contracting activities, with the exception of contracting for legal services, engaged in by OTS in any of its capacities, for all OTS functions authorized by law. These contracts will typically pertain to services in support of OTS's business operations, such as consulting, programming, auditing, expert witnesses, customized training, relocation services, information systems technology (computer systems, database management, software and office automation), or micrographic services; or in support of its day-to-day operations, such as facilities management, mail and printing services, or procurement of office supplies, furniture and office equipment.

§ 517.2 Definitions.

The definitions included in this part are derived from common usage of these terms. A term in this part includes all those who are commonly understood to be included within that term.

(a) *Minority- and/or women-owned (small and large) businesses and entities owned by minorities and women* means firms at least fifty-one (51) percent owned by individuals who are members of the minority group or women and who are citizens of the United States. In the case of publicly-owned companies, at least fifty-one (51) percent of each class of voting stock must be owned by one or more members of the

minority group or by one or more women, who are citizens of the United States. In the case of partnerships, at least fifty-one (51) percent of the partnership interest must be owned by one or more members of the minority group or by one or more women, who are citizens of the United States. Additionally, the management and daily business operations of the firm must be controlled by one or more such individuals.

(b) *Minority* means any Black/African-American; Native American (American Indians, Eskimos, Aleuts and Native Hawaiians); Hispanic American; Asian-Pacific American; or Subcontinent-Asian American.

(c) *Small and large businesses and entities owned by individuals with disabilities* means firms at least fifty-one (51) percent owned by individuals with disabilities who are citizens of the United States. In the case of publicly-owned companies, at least fifty-one (51) percent of each class of voting stock must be owned by individuals with disabilities who are citizens of the United States. In the case of partnerships, at least fifty-one (51) percent of the partnership interest must be owned by individuals with disabilities who are citizens of the United States. Additionally, the management and daily business operations must be controlled by one or more such individuals.

(d) *Disability*, as used in this part, has the same meaning as the term used in section 3 of the Americans With Disabilities Act of 1990, Public Law 101-336, 104 Stat. 327 (42 U.S.C. 12101 *et seq.*)

§ 517.3 Policy.

It is the policy of the OTS that minorities, women and individuals with disabilities and entities owned by minorities, women and individuals with disabilities are given the opportunity to participate to the maximum extent possible in all contracts entered into by the OTS.

§ 517.4 Oversight and monitoring.

The Director of OTS shall appoint an Outreach Program Advocate, who shall have primary responsibility for furthering the purposes of the Outreach Program.

§ 517.5 Outreach.

(a) The outreach program advocate shall perform outreach activities and act as liaison between the OTS and the public on outreach program issues.

(b) Outreach activities include the identification and registration of minority-, women-owned (small and large) businesses and entities owned by individuals with disabilities who can provide goods and services utilized by the OTS. This includes distributing information concerning the Outreach Program and providing appropriate registration materials for use by vendors and contractors. Identification will primarily be accomplished by:

(1) Obtaining various lists and directories maintained by other federal, state and local governmental agencies of Outreach Program businesses;

(2) Participating in conventions, seminars and professional meetings oriented towards Outreach Programs;

(3) Conducting seminars, meetings, workshops and various other functions; and

(4) Monitoring proposed purchases and contracts to assure that OTS contracting staff understand and actively promote the Outreach Program.

§ 517.6 Certification.

In order to qualify as an Outreach Program participant, each business or contractor must either:

(a) Self-certify ownership status by filing with the OTS Outreach Program Advocate a completed and signed Solicitation Mailing List Application, Standard Form 129 (SF-129), as prescribed by the Federal Acquisition Regulation (48 CFR part 53);

(b) Self-certify ownership status by filing with the OTS Outreach Program Advocate a completed and signed ABELS Registration/Certification Form, as prescribed by the U.S. Department of Commerce's Minority Business Development Agency and available from the Outreach Program Advocate at the headquarters address of the OTS as specified in 12 CFR 516.1(a); or

(c) Submit a valid Outreach Program certification received from a Federal agency, or a designated state or authorized local agency.

§ 517.7 Contract award guidelines.

Contracts for goods or services shall be awarded in accordance with OTS procurement rules and policies (48 CFR chapter 1 and FIRMR, 41 CFR chapter 201). The OTS Outreach Program Advocate shall work to facilitate the maximum participation of minority-, women-owned (small and large) businesses and entities owned by individuals with disabilities in the OTS procurement of goods or services.

PART 528—NONDISCRIMINATION REQUIREMENTS

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AUTHORITY: 12 U.S.C. 1464, 2810 *et seq.*, 2901 *et seq.*; 15 U.S.C. 1691; 42 U.S.C. 1981, 1982, 3601–3619.

SOURCE: 55 FR 1388, Jan. 16, 1990, unless otherwise noted.

§ 528.1 Definitions.

As used in this part 528—

(a) *Application*. For purposes of this part, an application for a loan or other service is as defined in Regulation C, 12 CFR 203.2(b).

(b) *Savings association*. The term “savings association” means any savings association as defined in § 561.43 of this chapter other than a State-chartered savings bank whose deposits are insured by the Bank Insurance Fund.

(c) *Dwelling*. The term “dwelling” means a residential structure (whether or not it is attached to real property) located in a state of the United States of America, the District of Columbia, or the Commonwealth of Puerto Rico.