



# Federal Register

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**Monday,  
April 24, 2000**

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**Part XLIII**

## **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 Regulatory Agenda**

**AGENCY:** Small Business Administration.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The entries below represent the Small Business Administration's (SBA) 42nd semiannual regulatory agenda (agenda). SBA drafted the agenda to meet both the criteria and the spirit of the regulatory review process. SBA publishes this agenda pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

**FOR FURTHER INFORMATION CONTACT:** For further information on agenda items,

SBA encourages the public to contact the individual agency official referenced in each entry.

For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Tara Urban, Attorney Advisor, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205-6891.

**SUPPLEMENTARY INFORMATION:** SBA's regulatory agenda is designed to increase public knowledge of SBA's anticipated regulatory activities. Publication may encourage increased public participation in the regulatory review and development process.

SBA's agenda is divided into three parts. Part I, Proposed Rules, includes those rules which are likely to be

proposed during the next 12 months. Part II, Final Rules, includes proposed rules, which will probably be finalized during the agenda period. Part III, Completed Actions, includes regulations completed or withdrawn and any reviews completed since the preceding agenda.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. Further, regulatory actions not listed on the agenda are not precluded. SBA regulations are developed in a manner that promotes economic growth without imposing unnecessary regulatory burdens on the public.

**Dated:** March 1, 2000.

**Aida Alvarez,**  
*Administrator.*

**Small Business Administration—Prerule Stage**

Sequence Number	Title	Regulation Identification Number
3824	Surety Bond Guarantee .....	3245-AE13
3825	Local Economic Development and For-Profit CDCs .....	3245-AE41

**Small Business Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3826	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration .....	3245-AC96
3827	Record Disclosure and Privacy Regulations .....	3245-AE03
3828	Small Business Development Center Program Revisions .....	3245-AE05
3829	PLP Lenders' Responsibilities for Servicing and Liquidating Loans .....	3245-AE09
3830	Servicing of Guaranteed Loans .....	3245-AE10
3831	Small Business Lending Company Regulations .....	3245-AE14
3832	Small Business Size Standards; Electric Services .....	3245-AE18
3833	Business Loan Programs—Multi-Lender Securitizations .....	3245-AE26
3834	HUBZone Program Technical Amendments .....	3245-AE28
3835	Small Business Size Standards; Net Income Computation for the Small Business Investment Company .....	3245-AE29
3836	Small Business Size Standards; Mapping Services .....	3245-AE30
3837	8(a) Business Development/Application of Benchmarks .....	3245-AE37
3838	8(a) Business Development/Program Improvement and Technical Amendments .....	3245-AE38
3839	New Markets Venture Capital Program .....	3245-AE40
3840	Pre-Disaster Mitigation Loan Program Amendments .....	3245-AE44
3841	Military Reservist Economic Injury Disaster Loan Program .....	3245-AE45
3842	SDB Program—Reconsideration for SDB Certification .....	3245-AE46
3843	SDB Certification and Eligibility—Program Improvement and Technical Amendments .....	3245-AE47
3844	Small Business Investment Companies—Management-Ownership Diversity .....	3245-AE48
3845	Small Business Investment Companies—Cost of Money .....	3245-AE49
3846	Administrative Wage Garnishment .....	3245-AE50

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Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3847	Amendment to SBA's Regulations Regarding Administrative Offset .....	3245-AD90
3848	Contract Bundling Procurement Strategy .....	3245-AE04
3849	Small Business Size Standards; Health Care Industries .....	3245-AE06
3850	Small Business Size Standards; North American Industry Classification System .....	3245-AE07
3851	Small Business Size Standards; Help Supply Services .....	3245-AE17
3852	Common Rule on Title IX of the Civil Rights Act .....	3245-AE19
3853	Small Business Size Standards; General Building Contractors, Heavy Construction, Dredging and Surface Cleanup Activities, Special Trade Contractors, Garbage and Refuse Collection .....	3245-AE23
3854	Small Business Size Standards; Arrangement of Transportation of Freight and Cargo .....	3245-AE27
3855	Business Loan Program; Modifications to CDC Operations .....	3245-AE39
3856	Size Standards for Compliance with Programs of Other Agencies .....	3245-AE42

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3857	SBIC Program Reform .....	3245-AE08
3858	Small Business Size Standards; Accounting, Auditing, and Bookkeeping Services .....	3245-AE16

**SMALL BUSINESS ADMINISTRATION (SBA)**

**Prerule Stage**

**3824. SURETY BOND GUARANTEE**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC app 3; 15 USC 687b, 687c, 694a, 694b; PL 105-135  
**CFR Citation:** 13 CFR 115  
**Legal Deadline:** None  
**Abstract:** SBA is considering revising program regulations to include policy and procedural modifications. Planned regulatory changes would pertain to both the prior approval and the preferred surety bond programs.  
**Timetable:**

Action	Date	FR Cite
ANPRM	09/00/00	

**Regulatory Flexibility Analysis Required:** Yes  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** Robert J. Moffitt, AA/Office of Surety Guarantees, Small

Business Administration, 409 Third Street SW, Washington, DC 20416  
 Phone: 202 205-6540  
**RIN:** 3245-AE13

**3825. LOCAL ECONOMIC DEVELOPMENT AND FOR-PROFIT CDCS**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.  
**Legal Authority:** 15 USC 695  
**CFR Citation:** 13 CFR 120  
**Legal Deadline:** None  
**Abstract:** The Office of Financial Assistance proposes to publish an Advanced Notice of Proposed Rulemaking regarding our intention to propose a regulation to better define "local economic development" and the organizational and program requirements CDCs must satisfy in

order to be in compliance with this concept. As part of the regulation, for-profit CDCs' organizational requirements will be dealt with specifically to ensure that they are in compliance with the congressional intent for the program.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Gail Hepler, Chief, 504 Branch, Small Business Administration, Room 804, 1441 L Street NW, Washington, DC 20416  
 Phone: 202 653-6570

**RIN:** 3245-AE41

## SMALL BUSINESS ADMINISTRATION (SBA)

## Proposed Rule Stage

**3826. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SMALL BUSINESS ADMINISTRATION****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 684; 15 USC 637(a)(18); 15 USC 637(a)(19); EO 12674**CFR Citation:** 5 CFR 5400**Legal Deadline:** None**Abstract:** This rule is part of SBA's regulatory streamlining effort. The SBA and the Office of Government Ethics (OGE) are jointly issuing this rule, which is designed to establish uniform standards of ethical conduct for the officers and employees of the SBA. The 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 OGE (57 FR 35006; Aug. 7, 1992). The 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
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**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: 202 205-6642**RIN:** 3245-AC96**3827. RECORD DISCLOSURE AND PRIVACY REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104-231; 5 USC 552; 5 USC 552a**CFR Citation:** 13 CFR 102**Legal Deadline:** None**Abstract:** This proposed regulation will amend 13 CFR section 102 part A, governing disclosure of information, to implement the Electronic Freedom of

Information Act Amendments of 1996. Additionally, amendments to subpart B, "The Privacy Act" (PA), would add new routine disclosures, correct the term "system of records," require identification of requesters, clarify when lack of Social Security Number can cause benefit denial, and provide for one free copy of an Official Personnel File.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
NPRM Comment Period End	06/00/00	
Final Action	09/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Beverly Linden, Chief, Freedom of Information Act Office, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 401-8200**RIN:** 3245-AE03**3828. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 648**CFR Citation:** 13 CFR 130**Legal Deadline:** None**Abstract:** SBA is revising its SBDC regulations to reflect programmatic changes contained in Public Law 105-135.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Johnnie L. Albertson, AA/SBDCs, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6766**RIN:** 3245-AE05**3829. PLP LENDERS' RESPONSIBILITIES FOR SERVICING AND LIQUIDATING LOANS****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 634(b)(7)**CFR Citation:** 13 CFR 120.453**Legal Deadline:** None**Abstract:** SBA is amending 13 CFR to provide PLP lenders guidance on submitting liquidation plans.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jane Palsgrove Butler, Associated Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6485**RIN:** 3245-AE09**3830. SERVICING OF GUARANTEED LOANS****Priority:** Other Significant**Legal Authority:** 15 USC 634(b); 15 USC 634(b)(7)**CFR Citation:** 13 CFR 120.512**Legal Deadline:** None**Abstract:** SBA is amending 13 CFR section 120.512 to require a lender, after SBA honors its guarantee, to service and liquidate the loan and continue to hold the loan instruments unless SBA indicates otherwise. SBA is also amending this regulation for other technical changes.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jane Palsgrove Butler, Associated Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6485**RIN:** 3245-AE10

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## Proposed Rule Stage

**3831. SMALL BUSINESS LENDING COMPANY REGULATIONS****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(b)**CFR Citation:** 13 CFR 120**Legal Deadline:** None**Abstract:** This rulemaking would amend 13 CFR part 120 to provide clarity to and expand upon the rules regarding Small Business Lending Company (SBLC) oversight and expand the SBLC Program.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jane Palsgrove Butler, Associated Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6485**RIN:** 3245-AE14**3832. SMALL BUSINESS SIZE STANDARDS; ELECTRIC SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121.201**Legal Deadline:** None**Abstract:** This rule will revise the size standard for Electrical Services (Standard Industrial Classification 4911). The current size standard is 4 million megawatts.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No**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.**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small BusinessAdministration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618**RIN:** 3245-AE18**3833. BUSINESS LOAN PROGRAMS—MULTI-LENDER SECURITIZATIONS****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 15 USC 634(a)**CFR Citation:** 13 CFR 120**Legal Deadline:** None**Abstract:** This regulation will allow multiple lenders to pool and securitize the unguaranteed portion of 7(a) loans ("multi-lender securitizations").**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** James W. Hammersley, Director for Secondary Market Sales, Small Business Administration, 8th Floor, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6490**RIN:** 3245-AE26**3834. HUBZONE PROGRAM TECHNICAL AMENDMENTS****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 105-135, sec 601; 15 USC 632(a); 15 USC 634(b)(6)**CFR Citation:** 13 CFR 126**Legal Deadline:** None**Abstract:** This proposed rule would make technical changes and would also amend several definitions, the requirements for affiliation, the program examination process, and the de-certification process for the HUBZone program.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**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:** Michael P. McHale, Associate Administrator for HUBZone Empowerment Contracting Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6731

**RIN:** 3245-AE28**3835. SMALL BUSINESS SIZE STANDARDS; NET INCOME COMPUTATION FOR THE SMALL BUSINESS INVESTMENT COMPANY****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-9**CFR Citation:** 13 CFR 121.301(c)(1)**Legal Deadline:** None**Abstract:** This rule will incorporate statutory change to the method of computing net income to determine the eligibility of non-taxpaying small businesses for the Small Business Investment Company Program.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	

**Regulatory Flexibility Analysis Required:** No**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.**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618**RIN:** 3245-AE29**3836. SMALL BUSINESS SIZE STANDARDS; MAPPING SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121.201**Legal Deadline:** None**Abstract:** This will establish a size standard for Mapping Services, a component of Standard Industrial Classification 8713, Surveying and

## SBA

## Proposed Rule Stage

Mapping Services. The current size standard is \$4 million. The size standard for surveying services would not be affected by this action.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	

**Regulatory Flexibility Analysis Required:** No

**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.

**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AE30

**3837. 8(A) BUSINESS DEVELOPMENT/APPLICATION OF BENCHMARKS**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 15 USC 631

**CFR Citation:** 13 CFR 124

**Legal Deadline:** None

**Abstract:** The proposed rule provides guidance to Federal agencies on applying benchmarking principles to the 8(a) Business Development Program to further comply with the Supreme Court's decision in *Adarand Constructors, Inc., v. Peña*, 515 U.S. 200, 115 S. Ct. 2097 (1995).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**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:** Delorice Price Ford, (A)AA/Minority Enterprise

Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-7340

**RIN:** 3245-AE37

**3838. 8(A) BUSINESS DEVELOPMENT/PROGRAM IMPROVEMENT AND TECHNICAL AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** 15 USC 631

**CFR Citation:** 13 CFR 124; 13 CFR 134

**Legal Deadline:** None

**Abstract:** This rule makes technical corrections and clarifying amendments to the 8(a) regulations published on June 30, 1998. The amendments will clarify, and in some cases modify, certain requirements and procedures. For example, the rules governing the mentor/protege program will be clarified. Part 124 will also be amended to include certain new policies and procedures. Also, SBA has recently entered into a Memorandum of Understanding (MOU) with the Department of Transportation (DOT) to make applications for SBA's 8(a) program and DOT's DBE program more compatible. The proposed rule will cover the changes to the 8(a) program resulting from that MOU.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	

**Regulatory Flexibility Analysis Required:** No

**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.

**Agency Contact:** Delorice Price Ford, (A)AA/Minority Enterprise Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-7340

**RIN:** 3245-AE38

**3839. NEW MARKETS VENTURE CAPITAL PROGRAM**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The New Markets Venture Capital (NMVC) program will help spur economic development in some of America's under-invested communities through a public-private partnership encouraging venture capital investing and intensive technical assistance to small businesses in low- and moderate-income areas.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Saunders Miller, Senior Policy Advisor, Small Business Administration, Suite 6300, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-3646

**RIN:** 3245-AE40

**3840. PRE-DISASTER MITIGATION LOAN PROGRAM AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** PL 106-24

**CFR Citation:** 13 CFR 123.400 et seq

**Legal Deadline:** None

**Abstract:** Necessary Amendments to Pre-Disaster Mitigation Loan Program to permit implementation of the program. Amendments will clarify and add to existing regulations in areas of eligibility and process.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
NPRM Comment	05/00/00	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James E. Rivera, Senior Loan Officer, Small Business Administration, Suite 6050, 409 Third Street SW, Washington, DC 20416

## SBA

## Proposed Rule Stage

Phone: 202 205-6734  
 Fax: 202 205-7728  
 Email: james.rivera@sba.gov  
 RIN: 3245-AE44

### 3841. • MILITARY RESERVIST ECONOMIC INJURY DISASTER LOAN PROGRAM

**Priority:** Other Significant  
**Legal Authority:** PL 106-50  
**CFR Citation:** 13 CFR 123  
**Legal Deadline:** None

**Abstract:** Regulation to implement new Military Reserve Economic Injury Loan Program mandated by Public Law 106-50. This program will assist small businesses suffering economic injury as a result of the call up to active military duty of an essential employee of the small business during a period of military conflict. The proposed regulation will cover eligibility and process.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/00	
NPRM Comment Period End	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James E. Rivera, Senior Loan Officer, Small Business Administration, Suite 6050, 409 Third Street SW, Washington, DC 20416  
 Phone: 202 205-6734  
 Fax: 202 205-7728  
 Email: james.rivera@sba.gov

RIN: 3245-AE45

### 3842. • SDB PROGRAM—RECONSIDERATION FOR SDB CERTIFICATION

**Priority:** Other Significant  
**Legal Authority:** 15 USC 634 (b)(6), 636(j), 637(a), 637(d); PL 99-661; PL 100-656, sec 1207; PL 101-37; PL 101-574; 42 USC 9815

**CFR Citation:** 13 CFR 124

**Legal Deadline:** None

**Abstract:** Amendment to grant a 45-day period in which an applicant may request that SBA reconsider a decision finding it to be ineligible for SDB Certification.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/00	

**Regulatory Flexibility Analysis Required:** No

**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.

**Agency Contact:** Terri A. Dickerson, AA/SDBCE, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
 Phone: 202 619-0622  
 Fax: 202 205-7259

RIN: 3245-AE46

### 3843. • SDB CERTIFICATION AND ELIGIBILITY—PROGRAM IMPROVEMENT AND TECHNICAL AMENDMENTS

**Priority:** Other Significant

**Legal Authority:** 15 USC 634(b)(6), 636(j), 637(a), 637(d); PL 99-661; PL 100-656, sec 1207; PL 101-37; PL 101-574; 42 USC 9815

**CFR Citation:** 13 CFR 124

**Legal Deadline:** None

**Abstract:** Program improvements and technical amendments to clarify regulations governing the SDB program. The proposed changes clarify requirements, enhance customer service, and correct omissions. For example: A procedure for re-certifying eligible firms is established; circumstances under which SBA may reevaluate determinations made by Private Certifiers is broadened; provisions are made to prevent loss of SDB certification by a subcontractor following award of a contract; and stipulations are made requiring contracting officers to forward protests to SBA for determination of merit.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/00	

**Regulatory Flexibility Analysis Required:** No

**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.

**Agency Contact:** Terri A. Dickerson, AA/SDBCE, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
 Phone: 202 619-0622  
 Fax: 202 205-7259

RIN: 3245-AE47

### 3844. • SMALL BUSINESS INVESTMENT COMPANIES—MANAGEMENT-OWNERSHIP DIVERSITY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** Proposed rule would strengthen management-ownership diversity requirements in 13 CFR 107.150 by limiting any one investor or group of related investors to a maximum 70 percent ownership interest in an SBIC.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Don A. Christensen, Associate Administrator for Investment, Small Business Administration, Suite 6300, 409 Third Street SW, Washington, DC 20416  
 Phone: 202 205-6510

RIN: 3245-AE48

### 3845. • SMALL BUSINESS INVESTMENT COMPANIES—COST OF MONEY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 681 et seq, 683, 687b, 687c, 687d, 687g, 687m; PL 106-9

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** Proposed rule would implement Public Law 106-9. This rule would permit SBICs to receive performance-based royalties from small businesses, and similar contingent payments, without regard to the cost of money limits in 13 CFR 107.855.

## SBA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Don A. Christensen, Associate Administrator for Investment, Small Business Administration, Suite 6300, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6510

**RIN:** 3245-AE49**3846. • ADMINISTRATIVE WAGE GARNISHMENT****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 504; 15 USC 632, 634(b)(6), 637(a); 31 USC 3711, 3720, 3716**CFR Citation:** 13 CFR 134; 13 CFR 140**Legal Deadline:** None

**Abstract:** SBA is issuing a proposed rule adopting administrative wage garnishment regulations to implement the Debt Collection Improvement Act of 1996. The rule would allow SBA to garnish the wages of a person indebted to the United States for any non-tax debt without first obtaining a judgment. The debtor generally would be entitled

to a hearing before a Judge assigned to SBA's Office of Hearings and Appeals.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined

**Agency Contact:** Arnold Rosenthal, Assistant Administrator for Borrowers and Lender Servicing, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6481

**RIN:** 3245-AE50

## SMALL BUSINESS ADMINISTRATION (SBA)

## Final Rule Stage

**3847. AMENDMENT TO SBA'S REGULATIONS REGARDING ADMINISTRATIVE OFFSET****Priority:** Info./Admin./Other**Legal Authority:** 31 USC 3711; 31 USC 3720; 5 USC 5574; 31 USC 3716; 15 USC 634(b)(6)**CFR Citation:** 13 CFR 140**Legal Deadline:** None

**Abstract:** SBA intends to amend its regulations to include references to administrative offset and other remedies that the Treasury Department may use on behalf of SBA to collect debt pursuant to the Debt Collection Improvement Act of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3454
NPRM Comment Period End	02/22/99	
Final Action	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Arnold Rosenthal, Assistant Administrator for Borrowers and Lender Servicing, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6481

**RIN:** 3245-AD90**3848. CONTRACT BUNDLING PROCUREMENT STRATEGY****Priority:** Other Significant**Legal Authority:** PL 105-135**CFR Citation:** 13 CFR 121; 13 CFR 125**Legal Deadline:** Final, Statutory, September 30, 1998.

**Abstract:** This regulation will implement new statutory authority regarding duties and responsibilities of contracting officers and SBA in cases of bundled contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/99	64 FR 2153
NPRM Comment Period End	03/15/99	
Interim Final Rule	10/25/99	64 FR 57366
Interim Final Rule Comment Period End	12/27/99	
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

**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:** Susan Monge, AA/Prime Controls, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6471

**RIN:** 3245-AE04**3849. SMALL BUSINESS SIZE STANDARDS; HEALTH CARE INDUSTRIES****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** This regulation proposes changes to SBA's size standards for the health care industries.

**Timetable:**

Action	Date	FR Cite
NPRM	05/04/99	64 FR 23798
NPRM Comment Period End	07/06/99	
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** Yes**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.

**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

## SBA

## Final Rule Stage

Phone: 202 205-6618

RIN: 3245-AE06

**3850. SMALL BUSINESS SIZE STANDARDS; NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM****Priority:** Other Significant**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** This proposed regulation will amend our current regulations to convert SBA's size standards from the Standard Industrial Classification system to conform with OMB's new North American Industry Classification system.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/99	64 FR 57187
NPRM Comment Period End	12/21/99	
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** Yes**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.

**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618

RIN: 3245-AE07

**3851. SMALL BUSINESS SIZE STANDARDS; HELP SUPPLY SERVICES****Priority:** Other Significant**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** This rule proposes to change the size standard for help supply services. The proposed revision would better define the size of businesses that the SBA believes should be eligible for Federal small business assistance programs in this industry.

**Timetable:**

Action	Date	FR Cite
NPRM	10/15/99	64 FR 55873
NPRM Comment Period End	12/14/99	
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** Yes**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.

**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618

RIN: 3245-AE17

**3852. COMMON RULE ON TITLE IX OF THE CIVIL RIGHTS ACT****Priority:** Other Significant

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 42 USC 2000(e)**CFR Citation:** 13 CFR 113**Legal Deadline:** None

**Abstract:** The Department of Justice, in consultation with other agencies, has drafted a proposed common rule to implement title IX of the Education Amendments of 1972, as amended. Each agency that provides financial assistance for educational or training services must adopt this rule. When final, this rule will become part of SBA's regulations and appear as subpart B of 13 CFR part 113.

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/99	64 FR 58584
NPRM Comment Period End	12/28/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local

**Agency Contact:** Dr. Erlene M. Patrick, AA/Equal Employment Opportunity and Civil Rights Compliance, Small

Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6750

RIN: 3245-AE19

**3853. SMALL BUSINESS SIZE STANDARDS; GENERAL BUILDING CONTRACTORS, HEAVY CONSTRUCTION, DREDGING AND SURFACE CLEANUP ACTIVITIES, SPECIAL TRADE CONTRACTORS, GARBAGE AND REFUSE COLLECTION****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); PL 105-135**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** The Small Business Administration (SBA) proposes a size standard of \$25.0 million in average annual receipts for all industries in General Building Contractors (Standard Industrial Classification (SIC) Major Group 15) and for all industries except Dredging and Surface Cleanup Activities in Heavy Construction Other Than Building Construction (SIC Major Group 16); \$20.0 million for Dredging and Surface Cleanup Activities (part of SIC 1629, Heavy Construction, Not Elsewhere Classified (NEC)); \$10.5 Million for all Special Trade Contractors industries (SIC Major Group 17); and \$9.0 million for Garbage and Refuse Collection, Without Disposal (part of SIC 4212, Local Trucking Without Storage), and Refuse Systems (SIC 4953). The proposed revisions are being made to adjust these industries' size standards for the effects of inflation since the time they were established in the mid-1980s.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/99	64 FR 40311
NPRM Comment Period End	09/24/99	
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** Yes**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

## SBA

## Final Rule Stage

paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AE23

### 3854. SMALL BUSINESS SIZE STANDARDS; ARRANGEMENT OF TRANSPORTATION OF FREIGHT AND CARGO

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule will modify the way average annual receipts are calculated for firms in the Arrangement of Transportation of Freight and Cargo industry (SIC code 4731).

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/99	64 FR 40314
NPRM Comment Period End	09/24/99	
Final Action	05/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**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.

**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618

**RIN:** 3245-AE27

### 3855. BUSINESS LOAN PROGRAM; MODIFICATIONS TO CDC OPERATIONS

**Priority:** Other Significant

**Legal Authority:** 15 USC 636(b)(6); 15 USC 636(a), 636(h); 15 USC 634 (b)(b); 15 USC 696; 15 USC 697(a)(2), 697(b)

**CFR Citation:** 13 CFR 802; 13 CFR 810; 13 CFR 820; 13 CFR 822-825; 13 CFR 835, 837

**Legal Deadline:** None

**Abstract:** This would amend the rules governing CDC Area of Operations (the geographic area where SBA authorizes a CDC to make loans under SBA's development company loan program ("504 loan")).

The rule would cover an applicant requesting to become a CDC; an existing CDC applying to expand its Area of Operations within the State in which it is chartered; an existing CDC applying to expand its Area of Operations beyond the State in which it is chartered into a contiguous bisected local economic area ("Local Economic Area"); and an existing CDC applying to expand its Area of Operations outside the State in which it is chartered into another State beyond a Local Economic Area.

This rule also revises when SBA considers a county "adequately served" (when the 504 loan activity within a county precludes the county from being available for inclusion in a new CDC's Area of Operations or an existing CDC's expansion request). In some cases, counties would be available for inclusion in a new CDC's Area of Operations or an existing CDC's expansion request under the proposed rule that are not available under the current regulations.

The rule would clarify under what circumstances and conditions a CDC may contract out its management and staff functions. It also would address the purposes for which a CDC may use its net income generated in different States. The rule would eliminate a limited liability company from the types of organizations that may apply to become a CDC.

Finally, the rule would expressly authorize CDCs to establish Loan Committees and set forth conditions under which they may be used.

**Timetable:**

Action	Date	FR Cite
NPRM	11/08/99	64 FR 60735
NPRM Comment Period End	02/08/00	64 FR 67206
Final Action	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gail Hepler, Chief, 504 Branch, Small Business Administration, Room 804, 1441 L Street NW, Washington, DC 20416  
Phone: 202 653-6570

**RIN:** 3245-AE39

### 3856. • SIZE STANDARDS FOR COMPLIANCE WITH PROGRAMS OF OTHER AGENCIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-135, sec 601 et seq, 111 Stat. 2592; 15 USC 632(a), 634(b)(6), 637(a), and 644(c); PL 102-486, 106 Stat. 2776, 3133

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This revision requires an agency to consult in writing with SBA before proposing small business size standards for use in its program. It removes the requirement that the agency have the SBA Administrator's approval for the contemplated size standards prior to the proposed rule. Rather, the agency must seek the SBA Administrator's approval only before it adopts size standards in a final rule. This proposed revision requires an agency to consult in writing with SBA before proposing small business size standards for use in its program. It removes the requirement that the agency have the SBA Administrator's approval for the contemplated size standards prior to the proposed rule. Rather, the Agency must seek the SBA Administrator's approval only before it adopts size standards in a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/00	65 FR 4176
NPRM Comment Period End	03/27/00	
Final Action	05/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Carl Jordan, Program Analyst, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6093  
Fax: 202 205-6390

**RIN:** 3245-AE42

## SMALL BUSINESS ADMINISTRATION (SBA)

## Completed Actions

**3857. SBIC PROGRAM REFORM****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 661 et seq; 15 USC 683; 15 USC 687; PL 105-135**CFR Citation:** 13 CFR 107**Legal Deadline:** None**Abstract:** This rule would increase the maximum leverage amount for SBICs based on changes in the Consumer Price Index, permit SBICs with participating securities to make quarterly tax distributions, establish regulatory guidelines for Limited Liability Companies, make minor changes in the definition of private capital, and other technical changes.**Timetable:**

Action	Date	FR Cite
NPRM	04/14/99	64 FR 18375
NPRM Comment Period End	05/14/99	
Final Action	12/20/99	64 FR 70992

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Leonard Fagan,  
Investment Division, Small Business  
Administration, 409 Third Street SW,  
Washington, DC 20416  
Phone: 202 205-6510**RIN:** 3245-AE08**3858. SMALL BUSINESS SIZE  
STANDARDS; ACCOUNTING,  
AUDITING, AND BOOKKEEPING  
SERVICES****Priority:** Other Significant**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6)**CFR Citation:** 13 CFR 121**Legal Deadline:** None**Abstract:** This rule sought public input on the present size standard of \$6 million in average annual revenues. After analyzing the comments and additional information, SBA had

decided not to propose a new size standard.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/03/99	64 FR 29813
ANPRM Comment Period End	07/06/99	
Withdrawn	03/06/00	

**Regulatory Flexibility Analysis  
Required:** No**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.**Agency Contact:** Gary M. Jackson,  
AA/Size Standards, Small Business  
Administration, 409 Third Street SW,  
Washington, DC 20416  
Phone: 202 205-6618**RIN:** 3245-AE16

[FR Doc. 00-6003 Filed 04-21-00; 8:45 am]

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