



# Federal Register

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**Monday,  
June 28, 2004**

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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**

**Semiannual Regulatory Agenda, Spring 2004**

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The regulatory agenda (agenda) is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed regulatory actions of SBA. The agenda provides the public with information about SBA's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, SBA's regulatory activities.

**FOR FURTHER INFORMATION CONTACT:** For additional information about specific regulatory actions listed in the agenda, you should direct your comments and inquiries to the appropriate agency contact. For additional information of a

general nature about the agenda, you should direct your comments or inquiries to Martin "Sparky" Conrey, Assistant General Counsel for Legislation and Appropriations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 619-0638.

**SUPPLEMENTARY INFORMATION:** This agenda announces the proposed regulatory actions that SBA plans for the next 12 months and those that were completed since the fall 2003 edition. Executive Order 12866 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations. As permitted by law, SBA is combining the publication of its agendas and conforming them to the Unified Agenda of Federal Regulatory and Deregulatory Actions format developed by the Regulatory Information Service Center.

Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2003 agenda. The purpose of the agenda is to provide information to the

public on regulations currently under review, being proposed, or issued by SBA. The agenda is intended to facilitate comments and views by interested members of the public. SBA also encourages public participation through [www.regulations.gov](http://www.regulations.gov), by placing SBA rules on that website, by encouraging commenters to use the website, and by providing a link from to the website.

Publication of the agenda does not impose any binding obligation on SBA with regard to any specific item. Moreover, regulatory actions not listed in the agenda are not precluded. SBA regulations are developed in a manner that promotes statutory mandates and Presidential directives linked to SBA's goals to improve the economic environment for small business, increase small business success by bridging competitive opportunity gaps, restore homes and businesses affected by disaster, and ensure maximum efficiency and effectiveness.

**Hector V. Barreto,**  
*Administrator.*

**Small Business Administration—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
3713	Surety Bond Guarantee .....	3245-AE13
3714	HUBZone Empowerment Contracting Program .....	3245-AF13
3715	Affiliation With Venture Capital Companies Under the Small Business Innovation Research Program .....	3245-AF15

**Small Business Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3716	Small Business Development Centers (SBDC) Program Revisions .....	3245-AE05
3717	Small Business Lending Companies Regulations .....	3245-AE14
3718	8(a) Business Development/Program Improvement .....	3245-AE38
3719	SDB Certification and Eligibility—Program Improvement .....	3245-AE47
3720	Small Business Investment Companies—Civil Penalties for Late Submission of Required Reports .....	3245-AE69
3721	Small Business Investment Companies—Maximum Leverage Eligibility .....	3245-AE79
3722	Small Business Size Standards; Surety Bond Guarantee Program .....	3245-AE81
3723	Business Loans and Development Company Loans; Liquidation and Litigation Procedures .....	3245-AE83
3724	Small Business Size Standards; New Car Dealers .....	3245-AF01
3725	Surety Bond Guarantee Program—Procedural Changes for Payment of Fees .....	3245-AF10
3726	Economic Injury Disaster Loans (EIDL) .....	3245-AF14
3727	8(a) Business Development/Small Disadvantaged Business Status Determinations .....	3245-AF17
3728	Testimony and Production of Records; Office of Inspector General .....	3245-AF18

**SBA**

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3729	Administrative Wage Garnishment .....	3245-AE50
3730	Small Business Size Regulations; Small Business Innovation Research Program .....	3245-AE76
3731	Small Business Technology Transfer Program Policy Directive .....	3245-AE96
3732	Size for Purposes of the Multiple Award Schedule and Other Multiple Award Contracts; Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations .....	3245-AF06
3733	Small Business Size Standards; Restructuring of Size Standards .....	3245-AF11
3734	Small Business Government Contracting Programs .....	3245-AF12
3735	Small Business Size Regulations: Government Contracting Programs .....	3245-AF16
3736	Amendment to SBA's Regulations Regarding Administrative Offset .....	3245-AF19

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3737	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration .....	3245-AC96
3738	Disclosure of Information Regulations; Subpart B .....	3245-AE03
3739	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) .....	3245-AE61
3740	HUBZone Empowerment Contracting Program .....	3245-AE66
3741	Small Business Investment Companies—Amendment Under the Small Business Reauthorization Act of 2000 .....	3245-AE70
3742	Small Business Size Standards; Testing Laboratories .....	3245-AE78
3743	Small Business Size Standards; Information Technology Value Added Resellers .....	3245-AE80
3744	Small Business Size Regulations: Rules of Procedure Governing Cases Before the Office of Hearings and Appeals .....	3245-AE92

**Small Business Administration (SBA)**

**Prerule Stage**

**3713. SURETY BOND GUARANTEE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC app 3; 15 USC 687b; 15 USC 694b; PL 105-135; 15 USC 687c; 15 USC 694a

**CFR Citation:** 13 CFR 115

**Legal Deadline:** None

**Abstract:** SBA is considering revising the Preferred Surety Bond and the Prior Approval program regulations to simplify the language, make the rule easier to understand, and clarify policy.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Johnnie L. Albertson, AA, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6540

**RIN:** 3245-AE13

**3714. • HUBZONE EMPOWERMENT CONTRACTING PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 657(a)

**CFR Citation:** 13 CFR 126

**Legal Deadline:** None

**Abstract:** This Advanced Notice of Proposed Rulemaking is requesting comments regarding the HUBZone Program and agricultural commodities purchased by the U.S. Department of Agriculture (USDA). According to the Small Business Act, in the case of a contract for the procurement by the USDA of agricultural commodities, a qualified HUBZone SBC may not purchase the commodity from a subcontractor if the subcontractor will supply the commodity in substantially the final form in which it is to be supplied to the Government. The SBA

is seeking comments on how to define “substantially the final form” with respect to this statutory requirement. Additionally, SBA is requesting comments on the implementation of a statutory provision regarding HUBZone set-asides and the definition of “employee.”

**Timetable:**

Action	Date	FR Cite
ANPRM	05/13/04	69 FR 26511
ANPRM Comment Period End	07/12/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael P. McHale, Associate Administrator for HUBZone Empowerment Contracting Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416

## SBA

## Prerule Stage

Phone: 202 205-6731

RIN: 3245-AF13

**3715. • AFFILIATION WITH VENTURE CAPITAL COMPANIES UNDER THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 632(a), 634(b)(6), 636(b), 637(a), 644(c), and 662(5); sec 304, PL 103-403, 108 Stat 4175, 4188; PL 106-24, 113 Stat 39**CFR Citation:** 13 CFR 121.702**Legal Deadline:** None**Abstract:** The SBA is seeking public comments on whether it should provide an exclusion from affiliation for venture capital companies in size determinations for eligibility for the Small Business Innovation Research (SBIR) Program. Under such a policy venture capital companies that invest in SBIR participants would not be considered affiliates of the SBIR participant and their size would therefore not be included in determining the size of the participant.**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Edsel Brown, Assistant Administrator for Technology, Office of Government Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6450

Email: edsel.brown@sba.gov

RIN: 3245-AF15

## Small Business Administration (SBA)

## Proposed Rule Stage

**3716. SMALL BUSINESS DEVELOPMENT CENTERS (SBDC) PROGRAM REVISIONS****Priority:** Other Significant**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 statutory and other changes. The proposed regulation incorporates provisions from Public Law 103-403, enacted on October 22, 1994; Public Law 104-208, enacted on September 30, 1996; and Public Law 105-135, enacted on December 2, 1997. This regulation will bring SBA into compliance with the statutory requirements for due process procedures in termination of Small Business Development lead centers. In addition, the funding formulas will be updated and the use of appropriated funds for administration of the program will be aligned with the statutory requirements.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Antonio Doss, Associate Administrator/SBDC, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6766

RIN: 3245-AE05

**3717. SMALL BUSINESS LENDING COMPANIES REGULATIONS****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(b)**CFR Citation:** 13 CFR 120.470**Legal Deadline:** None**Abstract:** This rulemaking would amend 13 CFR 120.470 to clarify and strengthen the rules regarding Small Business Lending Companies (SBLCs) monitoring and oversight for safety and soundness, compliance, and related areas.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Janet A. Tasker, Associate Administrator for Lender Oversight, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-3049  
Email: janet.tasker@sba.gov

RIN: 3245-AE14

**3718. 8(A) BUSINESS DEVELOPMENT/PROGRAM IMPROVEMENT****Priority:** Other Significant**Legal Authority:** 15 USC 631**CFR Citation:** 13 CFR 124**Legal Deadline:** None**Abstract:** This rule will make program improvements to the 8(a) regulations. Among other things, the rule will clarify: The mentor/protege program, who will be considered socially disadvantaged, who will be considered economically disadvantaged, and the provision requiring firms to make substantial and sustained efforts to attain the targeted levels of non-8(a) revenue established in their business plans as it applies only to firms in the developmental stage of program participation. The rule will also give SBA the discretion to permit a disadvantaged individual to meet the full-time devotion requirement and prohibit tribes from being majority owner of more than one 8(a) concern in the same or similar line of business. The rule will set forth the procedures for terminations and early graduations and amend the rules governing Federal surplus property. The rule will clarify what criteria an 8(a) participant must meet in order to be considered eligible for a sole source 8(a) contract. Part 124 will also be amended to include certain new policies and procedures.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

## SBA

## Proposed Rule Stage

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Albert Stubblefield, Acting Associate Administrator for Business Development, Small Business Administration, 409 3rd Street SW, Washington, DC 20416  
Phone: 202 619-0628**RIN:** 3245-AE38**3719. SDB CERTIFICATION AND ELIGIBILITY—PROGRAM IMPROVEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661; PL 100-656, sec 1207; PL 101-37; PL 101-574; 42 USC 9815**CFR Citation:** 13 CFR 124; 13 CFR 134**Legal Deadline:** None**Abstract:** Program improvements to clarify regulations governing the SDB program. The proposed changes clarify requirements, enhance customer service, and correct omissions. For example: A procedure for recertifying eligible firms is established; 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	03/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Albert Stubblefield, Acting Associate Administrator for Business Development, Small Business Administration, 409 3rd Street SW, Washington, DC 20416  
Phone: 202 619-0628**RIN:** 3245-AE47**3720. SMALL BUSINESS INVESTMENT COMPANIES—CIVIL PENALTIES FOR LATE SUBMISSION OF REQUIRED REPORTS****Priority:** Substantive, Nonsignificant**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; 15 USC 662**CFR Citation:** 13 CFR 107**Legal Deadline:** None**Abstract:** This rule will provide for the imposition of civil penalties on small business investment companies that fail to file required reports by the applicable due date. The proposed amount of civil penalties are, for each day past the due date, it must pay to SBA \$100.00 per day per report. The civil penalties will continue to accrue until and including the date upon which it submits the complete and accurate report.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jeffrey D. Pierson, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416  
Phone: 202 205-6510  
Fax: 202 205-6959**RIN:** 3245-AE69**3721. SMALL BUSINESS INVESTMENT COMPANIES—MAXIMUM LEVERAGE ELIGIBILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 662; 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 will implement a provision of the New Markets Venture Capital Program Act of 2000 that allows small business investment companies to be eligible for additional Government leverage based on their investments in low-income areas.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jeffrey D. Pierson, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416  
Phone: 202 205-6510  
Fax: 202 205-6959**RIN:** 3245-AE79**3722. SMALL BUSINESS SIZE STANDARDS; SURETY BOND GUARANTEE PROGRAM****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None**Abstract:** This rule will revise the size standard applicable to construction and service companies seeking assistance under SBA's Surety Bond Guarantee Program. Changes in the program and economic trends support an increase above the current \$6 million size standard.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618  
Fax: 202 205-6390  
Email: gary.jackson@sba.gov**RIN:** 3245-AE81**3723. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS; LIQUIDATION AND LITIGATION PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 15 USC 697(a)(2)

## SBA

## Proposed Rule Stage

**CFR Citation:** 13 CFR 120

**Legal Deadline:** None

**Abstract:** This proposed rule would implement statutory provisions that give some Certified Development Companies (CDCs) authority to handle liquidation and litigation of loans that are funded with the proceeds of debentures guaranteed by the SBA under the 504 loan program. It also proposes uniform liquidation and litigation procedures for authorized CDCs and for lenders participating in the 7(a) business loan program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Walter C. Intlekofer, Director, Portfolio Management Division, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-7543

Email: walter.intlekofer@sba.gov

**RIN:** 3245-AE83

**3724. SMALL BUSINESS SIZE STANDARDS; NEW CAR DEALERS**

**Priority:** Other Significant

**Legal Authority:** 15 USC 632(a)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule proposes to increase the current size standard for the New Car Dealer industry. Changes in the industry over the last 10 years indicate that a size standard review of the current \$24.5 million is warranted.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Phone: 202 205-6618

Fax: 202 205-6390

Email: gary.jackson@sba.gov

**RIN:** 3245-AF01

**3725. SURETY BOND GUARANTEE PROGRAM—PROCEDURAL CHANGES FOR PAYMENT OF FEES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 5 USC app 3; 15 USC 687(b); 15 USC 694(b); 15 USC 687(c); 15 USC 694 (a); PL 105-135

**CFR Citation:** 13 CFR 115

**Legal Deadline:** None

**Abstract:** SBA is revising its Surety Bond Guarantee Program regulations to change the procedures for the payment of the Principal's and the Surety's fees. Currently, the Principal pays its fee to SBA directly, but the proposed regulations would require the Surety to pay the Principal's fee to SBA. An additional change would require the Surety to pay SBA its fee within a specified timeframe.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Johnnie L. Albertson, AA, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6540

**RIN:** 3245-AF10

**3726. • ECONOMIC INJURY DISASTER LOANS (EIDL)**

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

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395, 106 Stat 1828; PL 103-75, 107 Stat 739

**CFR Citation:** 13 CFR 123

**Legal Deadline:** None

**Abstract:** The SBA is amending its disaster loan rules to ensure that when a small business entity is engaged in both agricultural and non-agricultural business ventures, SBA can provide economic injury disaster loans (EIDL) to the non-agricultural business which

has been economically hurt by fires, floods or other disasters.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cheri L. Cannon, Deputy AA for Office of Disaster Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6734

**RIN:** 3245-AF14

**3727. • 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 636; 15 USC 637

**CFR Citation:** 13 CFR 124

**Legal Deadline:** None

**Abstract:** The purpose of this direct final rule change in title 13 CFR part 124 is to clarify the Small Business Administration's (SBA or Agency) requirements for concerns or individuals filing on behalf of businesses, who are applying for 8(a) Business Development (8(a)BD) Program participation or Small Disadvantaged Business (SDB) certification either in hard copy or electronically (via the Internet). This change will facilitate the use of SBA's electronic application for the 8(a) BD Program and SDB certification, while providing the means for SBA to acquire validating documentation in support of the electronic application.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Albert Stubblefield, Acting Associate Administrator for Business Development, Small Business Administration, 409 3rd Street SW, Washington, DC 20416  
Phone: 202 619-0628

**RIN:** 3245-AF17

## SBA

## Proposed Rule Stage

**3728. • TESTIMONY AND PRODUCTION OF RECORDS; OFFICE OF INSPECTOR GENERAL****Priority:** Info./Admin./Other**Legal Authority:** Not Yet Determined**CFR Citation:** None**Legal Deadline:** None**Abstract:** This proposed rule would implement the requirements for testimony, documents or other information or subpoenas issued to the

Office of Inspector General (OIG) or OIG employees and for OIG responses to the requests or subpoenas in proceedings where OIG, SBA or the United States is not a party.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Agency Contact:** Cherry W. Tolliver, Assistant Counsel to the Inspector General, Office of Inspector General, Counsel Division, Small Business Administration, 409 3rd Street SW, Washington, DC 20416  
Phone: 202 205-7200  
Fax: 202-205-7127**RIN:** 3245-AF18

## Small Business Administration (SBA)

## Final Rule Stage

**3729. ADMINISTRATIVE WAGE GARNISHMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 504; 15 USC 632; 15 USC 634(b)(6); 15 USC 637(a); 31 USC 3711; 31 USC 3720; 31 USC 3716**CFR Citation:** 13 CFR 134; 13 CFR 140**Legal Deadline:** None**Abstract:** SBA is issuing a rule adopting administrative wage garnishment regulations to implement the Debt Collection Improvement Act of 1996. The rule will 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 will be entitled to a hearing before a Judge assigned to SBA's Office of Hearings and Appeals.**Timetable:**

Action	Date	FR Cite
NPRM	06/27/00	65 FR 39567
NPRM Comment Period End	08/28/00	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Walter C. Intlekofer, Director, Portfolio Management Division, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-7543

Email: walter.intlekofer@sba.gov

**RIN:** 3245-AE50**3730. SMALL BUSINESS SIZE REGULATIONS; SMALL BUSINESS INNOVATION RESEARCH PROGRAM****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None**Abstract:** This rule will allow wholly owned subsidiaries to be eligible for Small Business Innovation Research funding agreements. Current regulations limit the eligibility of the program to businesses owned by individuals.**Timetable:**

Action	Date	FR Cite
NPRM	06/04/03	68 FR 33142
NPRM Comment Period End	07/07/03	
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6618  
Fax: 202 205-6390

Email: gary.jackson@sba.gov

**RIN:** 3245-AE76**3731. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM POLICY DIRECTIVE****Priority:** Other Significant**Legal Authority:** 15 USC 638**CFR Citation:** None**Legal Deadline:** None**Abstract:** This policy directive will incorporate recently enacted statutory requirements. The purpose of the directive is to provide guidance to participating Federal agencies for the general conduct of the Small Business Technology Transfer Program.**Timetable:**

Action	Date	FR Cite
Notice of Proposed Policy Directive	06/16/03	68 FR 35748
Comment Period End	07/16/03	
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Edsel Brown, Assistant Administrator for Technology, Office of Government Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6450

Email: edsel.brown@sba.gov

**RIN:** 3245-AE96**3732. SIZE FOR PURPOSES OF THE MULTIPLE AWARD SCHEDULE AND OTHER MULTIPLE AWARD CONTRACTS; SMALL BUSINESS SIZE REGULATIONS; 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS****Priority:** Other Significant**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

## SBA

## Final Rule Stage

**Abstract:** This rule will amend SBA's small business size regulations as it relates to the General Services Administration's Multiple Award Schedule Program, including the Federal Supply Schedule, multiple award contracts, including Governmentwide Acquisition Contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	04/25/03	68 FR 20350
NPRM Comment Period End	06/24/03	
Final Action	10/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Barry Meltz, Deputy AA, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6390

**RIN:** 3245-AF06

### 3733. SMALL BUSINESS SIZE STANDARDS; RESTRUCTURING OF SIZE STANDARDS

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

**Legal Authority:** 15 USC 632

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** The SBA proposes to restructure its small business size standards by reducing the number of different size standards levels. This restructuring will simplify the identification of which businesses are small and the use of size standards in Federal small business programs.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/04	69 FR 13130
NPRM Comment Period End	05/18/04	
Comment Period Extended	07/02/04	69 FR 27865
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business

Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6618

Fax: 202 205-6390

Email: gary.jackson@sba.gov

**RIN:** 3245-AF11

### 3734. SMALL BUSINESS GOVERNMENT CONTRACTING PROGRAMS

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

**Legal Authority:** 15 USC 634(b)(6); 15 USC 637; 15 USC 644; 31 USC 9701; 31 USC 9702

**CFR Citation:** 13 CFR 125

**Legal Deadline:** None

**Abstract:** The U.S. Small Business Administration (SBA) proposes to amend its regulation governing small business subcontracting assistance. As proposed, the rule would implement additional subcontracting goals required by statute, clarify prime contractor responsibilities in providing subcontracting opportunities for small businesses, and provide additional guidance on evaluating the good faith efforts of large businesses to comply with subcontracting plans.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/03	68 FR 60015
NPRM Comment Period End	12/19/03	
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dean Robert Koppel, Assistant Administrator, Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-7322

Email: dean.koppel@sba.gov

**RIN:** 3245-AF12

### 3735. • SMALL BUSINESS SIZE REGULATIONS: GOVERNMENT CONTRACTING PROGRAMS

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** PL 108-183 sec 308

**CFR Citation:** 13 CFR 121; 13 CFR 125

**Legal Deadline:** None

**Abstract:** SBA intends to propose interim final rules implementing procurement guidelines resulting from Public Law 108-183 the "Veteran Benefit Act of 2003." Section 308 of the Act redesignated section 36 of the Small Business Act (15 U.S.C. 631 et seq.) "Procurement Program for Small Business Concerns Owned and Controlled by Service-Disabled Veterans." Under this new program, Federal contracting officials have the discretionary authority to award sole source contracts limited to contracts of up to \$5 million for manufacturing and \$3 million for non-manufacturing to small business concerns owned and controlled by service-disabled veterans.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/05/04	69 FR 25262
Interim Final Rule Comment Period End	07/06/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Dean Robert Koppel, Assistant Administrator, Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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Email: dean.koppel@sba.gov

**RIN:** 3245-AF16

### 3736. • AMENDMENT TO SBA'S REGULATIONS REGARDING ADMINISTRATIVE OFFSET

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**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. Publication of this regulatory change is required to comply with Treasury directive.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3454



## SBA

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/22/99	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Walter C. Intlekofer, Director, Portfolio Management Division,

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**RIN:** 3245-AF19

## Small Business Administration (SBA)

## Completed Actions

### 3737. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SMALL BUSINESS ADMINISTRATION

**Priority:** Other Significant

**CFR Citation:** 5 CFR 5400

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/27/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Robinson S. Nunn  
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**RIN:** 3245-AC96

### 3738. DISCLOSURE OF INFORMATION REGULATIONS; SUBPART B

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 13 CFR 102

**Completed:**

Reason	Date	FR Cite
Withdrawn	05/03/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3245-AE03

### 3739. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 13 CFR 145

**Completed:**

Reason	Date	FR Cite
Final Rule	11/26/03	68 FR 66533

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** This action may have federalism implications as defined in EO 13132.

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**RIN:** 3245-AE61

### 3740. HUBZONE EMPOWERMENT CONTRACTING PROGRAM

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 13 CFR 121; 13 CFR 125; 13 CFR 126

**Completed:**

Reason	Date	FR Cite
Final Action	05/24/04	69 FR 29411
Final Action Effective	06/23/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael P. McHale  
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**RIN:** 3245-AE66

### 3741. SMALL BUSINESS INVESTMENT COMPANIES—AMENDMENT UNDER THE SMALL BUSINESS REAUTHORIZATION ACT OF 2000

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 13 CFR 107

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	02/23/04	69 FR 8097
Direct Final Rule Effective	05/24/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Jeffrey D. Pierson  
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**RIN:** 3245-AE70

### 3742. SMALL BUSINESS SIZE STANDARDS; TESTING LABORATORIES

**Priority:** Other Significant

**CFR Citation:** 13 CFR 121

**Completed:**

Reason	Date	FR Cite
Final Action	12/29/03	68 FR 74842
Final Action Effective	01/28/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 3245-AE78

### 3743. SMALL BUSINESS SIZE STANDARDS; INFORMATION TECHNOLOGY VALUE ADDED RESELLERS

**Priority:** Other Significant

**CFR Citation:** 13 CFR 121

**Completed:**

Reason	Date	FR Cite
Final Action	12/29/03	68 FR 74833
Final Action Effective	01/28/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 3245-AE80

## SBA

## Completed Actions

**3744. SMALL BUSINESS SIZE  
REGULATIONS: RULES OF  
PROCEDURE GOVERNING CASES  
BEFORE THE OFFICE OF HEARINGS  
AND APPEALS****Priority:** Substantive, Nonsignificant**CFR Citation:** 13 CFR 121**Completed:**

<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	05/21/04	69 FR 29192
Final Action Effective	06/21/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal,  
Tribal**Agency Contact:** Bridget Bean

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**RIN:** 3245-AE92

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