



# Federal Register

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**Monday,  
December 22, 2003**

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**Part XLIV**

## **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 (SBA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The entries below represent SBA's 49th 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 Martin S. 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:** SBA's semiannual 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 that are likely to be proposed during the next 12 months); part II, Final Rules (includes proposed rules that 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or withdrawn and any reviews completed since the preceding agenda).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. Moreover, regulatory actions not listed in the agenda are not precluded. SBA regulations are developed in a manner that promotes economic growth without imposing unnecessary regulatory burdens on the public.

For this edition of SBA's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

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

**Small Business Administration—Prerule Stage**

Sequence Number	Title	Regulation Identification Number
3826	Surety Bond Guarantee .....	3245—AE13
3827	HUBZone Empowerment Contracting Program .....	3245—AE66

**Small Business Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3828	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration .....	3245—AC96
3829	Disclosure of Information Regulations; Subpart B .....	3245—AE03
3830	Small Business Development Centers (SBDC) Program Revisions .....	3245—AE05
3831	Small Business Lending Companies Regulations ( <b>Reg Plan Seq No. 136</b> ) .....	3245—AE14
3832	8(a) Business Development/Program Improvement .....	3245—AE38
3833	SDB Certification and Eligibility—Program Improvement .....	3245—AE47
3834	Small Business Investment Companies—Civil Penalties for Late Submission of Required Reports .....	3245—AE69
3835	Small Business Investment Companies—Amendment Under the Small Business Reauthorization Act of 2000 .....	3245—AE70
3836	Small Business Investment Companies—Maximum Leverage Eligibility .....	3245—AE79
3837	Small Business Size Standards; Surety Bond Guarantee Program .....	3245—AE81
3838	Business Loans and Development Company Loans; Applications by Certified Development Companies (CDCs) for Liquidation and Litigation Authority/Uniform Liquidation and Litigation Procedures .....	3245—AE83
3839	Small Business Size Standards; New Car Dealers .....	3245—AF01
3840	Surety Bond Guarantee Program—Procedural Changes for Payment of Fees .....	3245—AF10
3841	Small Business Size Standards; Restructuring of Size Standards ( <b>Reg Plan Seq No. 137</b> ) .....	3245—AF11
3842	Small Business Government Contracting Programs .....	3245—AF12

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

**SBA**

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3843	Administrative Wage Garnishment and Administrative Offset .....	3245—AE50
3844	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug—Free Workplace (Grants) .....	3245—AE61
3845	Small Business Size Regulations; Small Business Innovation Research Program .....	3245—AE76
3846	Small Business Size Standards; Testing Laboratories .....	3245—AE78
3847	Small Business Size Standards; Information Technology Value Added Resellers .....	3245—AE80
3848	Small Business Size Regulations: Rules of Procedure Governing Cases Before the Office of Hearings and Appeals .....	3245—AE92
3849	Small Business Technology Transfer Program Policy Directive .....	3245—AE96
3850	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

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3851	Development Company Loan (504) Program Changes .....	3245—AE41
3852	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs or Activities Receiving Federal Financial Assistance .....	3245—AE59
3853	Business Loans and Development Company Loans 2000 Act Changes .....	3245—AE68
3854	Small Business Size Standards; Forest Fire Suppression and Fuels Management Services .....	3245—AE89
3855	Record Disclosure and Privacy; The Electronic Freedom of Information Act Amendments of 1996 .....	3245—AE94
3856	Small Business Size Standards; Facilities Support Services (Including Base Maintenance) .....	3245—AF03
3857	Prime Contracting Assistance; Contract Bundling .....	3245—AF07
3858	Small Business Investment Company Amendments Act of 2001 .....	3245—AF09

**Small Business Administration (SBA)**

**Prerule Stage**

**3826. 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	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Ms. 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

**3827. HUBZONE EMPOWERMENT CONTRACTING PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); 15 USC 662(5); PL 105—135, sec 601 et seq, 111 Stat 2592; sec 304, PL 103—403, 108 Stat 4175, 4188

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

**Legal Deadline:** None

**Abstract:** The SBA proposed to amend its regulations for the HUBZone Empowerment Contracting Program to incorporate changes enacted by Public Law 106—554. SBA has withdrawn the proposed rule on the HUBZone Program. SBA received over 1100

comments on the proposed rule and in reviewing those comments, felt several of them were significant enough to warrant further consideration.

Internally, SBA also found some other issues that we believe required further study. The Agency does intend to publish an Advanced Notice of Proposed Rulemaking to address each of these issues. However, this action is currently pending because of the major potential changes the Small Business Reauthorization Act of 2003 could make to the HUBZone Program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/02	67 FR 3826
NPRM Comment Period Extended	02/26/02	67 FR 8739
NPRM Comment Period End	02/27/02	
NPRM Comment Period End	03/29/02	
ANPRM	05/00/04	

## SBA

## Prerule Stage

**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** None**Agency Contact:** Michael P. McHale, Associate Administrator for HUBZone Empowerment Contracting Program, Small Business Administration, 409Third Street SW, Washington, DC 20416  
Phone: 202 205—6731  
**RIN:** 3245—AE66

## Small Business Administration (SBA)

## Proposed Rule Stage

**3828. 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 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 chapter XLIV and will supplement the Standards of Ethical Conduct for Employees of the executive branch issued by the OGE (57 FR 35006; August 7, 1992). The rule is necessary to supplement the standards issued by OGE because it addresses ethical issues that are unique to SBA.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/04	

**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**3829. DISCLOSURE OF INFORMATION REGULATIONS; SUBPART B****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104—231; 5 USC 552**CFR Citation:** 13 CFR 102**Legal Deadline:** None**Abstract:** This proposed regulation will amend 13 CFR 102, amendments to

subpart B “The Privacy Act” (PA). This action proposes to add new routine disclosures, correct the definition of “system of records,” require identification of requestors, 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	09/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Lisa Babcock, Chief, Freedom of Information Act Office, Small Business Administration, Room 2441, 409 Third Street SW, Washington, DC 20416  
Phone: 202 401—8200  
Fax: 202 205—7059  
Email: lisa.babcock@sba.gov**RIN:** 3245—AE03**3830. 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	06/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Bridget E. Bean, Acting AA/SBDC, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205—6766**RIN:** 3245—AE05**3831. SMALL BUSINESS LENDING COMPANIES REGULATIONS****Regulatory Plan:** This entry is Seq. No. 136 in part II of this issue of the **Federal Register**.**RIN:** 3245—AE14**3832. 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

## SBA

## Proposed Rule Stage

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	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Eugene Cornelius Jr., Associate Administrator for Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205—6452  
Email: eugene.cornelius@sba.gov

**RIN:** 3245—AE38

**3833. SDB CERTIFICATION AND ELIGIBILITY—PROGRAM IMPROVEMENT**

**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; 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	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Eugene Cornelius Jr., Associate Administrator for Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205—6452  
Email: eugene.cornelius@sba.gov

**RIN:** 3245—AE47

**3834. 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	03/00/04	

**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

**3835. SMALL BUSINESS INVESTMENT COMPANIES—AMENDMENT UNDER THE SMALL BUSINESS REAUTHORIZATION ACT OF 2000**

**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; PL 106—554

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** The Small Business Reauthorization Act of 2000 made a number of changes to the Small Business Investment Act of 1958, as amended. For the Small Business Investment Companies (SBIC) Program, the changes include provisions effecting the definition of “long—term financing.” This rule will incorporate this change.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**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—AE70

**3836. 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	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**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

## SBA

## Proposed Rule Stage

Phone: 202 205—6510

Fax: 202 205—6959

RIN: 3245—AE79

### 3837. 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	03/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**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

### 3838. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS; APPLICATIONS BY CERTIFIED DEVELOPMENT COMPANIES (CDCS) FOR LIQUIDATION AND LITIGATION AUTHORITY/UNIFORM LIQUIDATION AND LITIGATION PROCEDURES

**Priority:** Other Significant

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

**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	11/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**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

### 3839. 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	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**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

### 3840. • 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	02/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Ms. 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

### 3841. • SMALL BUSINESS SIZE STANDARDS; RESTRUCTURING OF SIZE STANDARDS

**Regulatory Plan:** This entry is Seq. No. 137 in part II of this issue of the **Federal Register**.

RIN: 3245—AF11

### 3842. • 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.

## SBA

## Proposed Rule Stage

**Timetable:**

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

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

## Small Business Administration (SBA)

## Final Rule Stage

**3843. ADMINISTRATIVE WAGE  
GARNISHMENT AND  
ADMINISTRATIVE OFFSET****Priority:** Other Significant**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 and administrative offset 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 an appropriate official. This rule will also include administrative offset and other remedies to comply with Treasury directives.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/00	65 FR 39567
NPRM Comment Period End	08/28/00	
Final Action	11/00/03	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** Federal**Agency Contact:** James W.  
Hammersley, Director, Office of Loan  
Policy, Small Business Administration,  
8th Floor, 409 Third Street SW,  
Washington, DC 20416  
Phone: 202 205—6490**RIN:** 3245—AE50**3844. GOVERNMENTWIDE  
DEBARMENT AND SUSPENSION  
(NONPROCUREMENT) AND  
GOVERNMENTWIDE REQUIREMENTS  
FOR DRUG—FREE WORKPLACE  
(GRANTS)****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549 (3 CFR,  
1986 Comp, p 189); EO 11738 (3 CFR,  
1973 Comp, p 799); EO 12689 (3 CFR,  
1989 Comp, p 235); Drug Free  
Workplace Act of 1988, sec 5151 to  
5160; PL 100—690, title V, subtitle D;  
41 USC 701 et seq; 15 USC 634(b)(6);  
5 USC 301 et seq; 15 USC 631 et seq;  
PL 103—355, sec 2455, 108 Stat 3327  
(31 USC 6160 note)**CFR Citation:** 13 CFR 145**Legal Deadline:** None

**Abstract:** This rule will make substantive changes and amendments to the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule for implementing the Drug—Free Workplace Act of 1988. For example, this rule will: (1) provide for optional lower tier suspension and debarment coverage by including paragraph 145.220(d) for all contracts that equal or exceed the \$25,000 award threshold under SBA nonprocurement transactions; (2) limit the mandatory lower tier application of an exclusion to the first procurement level under a nonprocurement covered transaction; (3) set the dollar threshold on prohibited lower tier procurement transactions with excluded persons at \$25,000; and (4) separate this proposed rule from the drug—free workplace requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Final Rule	11/00/03	

**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.**Agency Contact:** Darryl Hairiston,  
Assistant Administrator, Small  
Business Administration, 409 Third  
Street SW, Washington, DC 20416  
Phone: 202 205—6412  
Email: darryl.hairiston@sba.gov**RIN:** 3245—AE61**3845. 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	12/00/03	

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

## SBA

## Final Rule Stage

**3846. SMALL BUSINESS SIZE STANDARDS; TESTING LABORATORIES****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** This rule revises the size standard for the Testing Laboratories industry. Changes in the composition of the industry indicate a higher size standard than \$6 million is warranted to define which businesses are small businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17020
NPRM Comment Period End	05/10/02	
NPRM Comment Period Extended	09/03/02	67 FR 56966
Final Action	11/00/03	

**Regulatory Flexibility Analysis Required:** Yes**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—AE78**3847. SMALL BUSINESS SIZE STANDARDS; INFORMATION TECHNOLOGY VALUE ADDED RESELLERS****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** This rule will establish a size standard for Information Technology (IT) Value Added Resellers. Current regulations apply the same eligibility requirements to these types of businesses as for dealers and nonmanufacturers. To establish more appropriate eligibility requirements for IT Value Added Resellers, a new industry category and size standard will be established.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/02	67 FR 48419

Action	Date	FR Cite
NPRM Comment Period End	08/23/02	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes**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—AE80**3848. SMALL BUSINESS SIZE REGULATIONS: RULES OF PROCEDURE GOVERNING CASES BEFORE THE OFFICE OF HEARINGS AND APPEALS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105—135, sec 601 et seq, 111 Stat 2592; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); 15 USC 662(5); PL 102—486, 106 Stat 2776, 3133**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** This rule will amend SBA's Small Business Size Regulations and the regulations applying to appeals of size determinations. The rule will further amend the definitions of affiliation, annual receipts, and employees. It will also make procedural and technical changes to cover additional programs such as SBA's HUBZone program and the Governmentwide Small Disadvantaged Business Program. This rule will codify several long-standing precedents of SBA's Office of Hearing and Appeals and will clarify the jurisdiction of that office. Further, the rule will amend all references in part 134 from the Standard Industrial Classification code to the North American Industry Classification System (NAICS) code because on October 1, 2000, SBA converted to NAICS.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/02	67 FR 70339
NPRM Comment Period End	01/21/03	
Final Rule	12/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Tribal**Agency Contact:** Linda Williams, AA, Office of Policy, Planning, and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 401—8150

Fax: 202 205—6390

**RIN:** 3245—AE92**3849. 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	11/00/03	

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

Phone: 202 205—6450

**RIN:** 3245—AE96**3850. 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



## SBA

## Final Rule Stage

**Legal Deadline:** None

**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	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** Federal

**Agency Contact:** Linda Williams, AA, Office of Policy, Planning, and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 401-8150  
Fax: 202 205-6390  
**RIN:** 3245-AF06

## Small Business Administration (SBA)

## Completed Actions

**3851. DEVELOPMENT COMPANY LOAN (504) PROGRAM CHANGES**

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

**CFR Citation:** 13 CFR 120**Completed:**

Reason	Date	FR Cite
NPRM	07/08/03	68 FR 40553
Final Action	10/07/03	68 FR 57960
Final Action Effective	11/06/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Gail Hepler  
Phone: 202 653-7530

**RIN:** 3245-AE41**3852. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**Priority:** Substantive, Nonsignificant

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

Reason	Date	FR Cite
Final Action	08/26/03	68 FR 51334
Final Action Effective	09/25/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** L. Rose Trujillo  
Phone: 202 205-6750

**RIN:** 3245-AE59**3853. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS 2000 ACT CHANGES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 13 CFR 120**Completed:**

Reason	Date	FR Cite
Direct Final Rule	08/28/03	68 FR 51677
Direct Final Rule Comment Period End	09/29/03	
Direct Final Rule Effective	10/14/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** James W. Hammersley  
Phone: 202 205-6490

**RIN:** 3245-AE68**3854. SMALL BUSINESS SIZE STANDARDS; FOREST FIRE SUPPRESSION AND FUELS MANAGEMENT SERVICES**

**Priority:** Other Significant

**CFR Citation:** 13 CFR 121**Completed:**

Reason	Date	FR Cite
Final Action	06/04/03	68 FR 33348

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Gary M. Jackson  
Phone: 202 205-6618  
Fax: 202 205-6390  
Email: gary.jackson@sba.gov

**RIN:** 3245-AE89**3855. RECORD DISCLOSURE AND PRIVACY; THE ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 13 CFR 102, subpart A**Completed:**

Reason	Date	FR Cite
Final Action	10/14/03	68 FR 59091
Final Action Effective	11/14/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lisa Babcock  
Phone: 202 401-8200  
Fax: 202 205-7059  
Email: lisa.babcock@sba.gov

**RIN:** 3245-AE94**3856. SMALL BUSINESS SIZE STANDARDS; FACILITIES SUPPORT SERVICES (INCLUDING BASE MAINTENANCE)**

**Priority:** Other Significant

**CFR Citation:** 13 CFR 121**Completed:**

Reason	Date	FR Cite
Final Action	10/15/03	68 FR 59309
Final Action Effective	11/14/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Gary M. Jackson  
Phone: 202 205-6618  
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**RIN:** 3245-AF03

## SBA

## Completed Actions

**3857. PRIME CONTRACTING ASSISTANCE; CONTRACT BUNDLING****Priority:** Other Significant**CFR Citation:** 13 CFR 125**Completed:**

Reason	Date	FR Cite
Final Action	10/20/03	68 FR 60006
Final Action Effective	11/19/03	

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Linda Williams

Phone: 202 401—8150

Fax: 202 205—6390

**RIN:** 3245—AF07**3858. • SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a) and (h); 15 USC 696(3); 15 USC 697 (a)(2); PL 107—100**CFR Citation:** 13 CFR 120**Legal Deadline:** None

**Abstract:** This direct final rule incorporates changes to the regulations as required by the Small Business Investment Company Amendments Act of 2001. The 2001 Act contained two provisions that temporarily reduced 7(a) program fees for a 2—year period (from 10/1/02 through 9/30/04). Thus, it temporarily reduces the guarantee fee and the ongoing annual service fee payable to SBA by participation lenders in SBA's 7(a) business loan program. This direct final rule will incorporate these statutory, temporary reduced fee provisions into SBA regulations. No other amendments are made by this

action. These fee provisions have already been publicized to borrowers and lenders through an SBA Information Notice.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	10/01/03	68 FR 56553
Direct Final Rule Comment Period End	10/31/03	
Direct Final Rule Effective	11/17/03	

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

**Agency Contact:** Andrew B. McConnell Jr., Chief, Office of Financial Assistance, Small Business Administration, 409 Third Street, SW, Washington, DC 20416  
Phone: 202 205—7238

**RIN:** 3245—AF09

[FR Doc. 03—24025 Filed 12—19—03; 8:45 am]

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