

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Ch. I**

**Semiannual Regulatory Agenda**

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This Regulatory Agenda is a semiannual summary of all current and projected rulemakings and completed actions of the Small Business Administration (SBA). SBA expects that this summary information will enable the public to be more aware of, and effectively participate in, SBA’s regulatory activity. SBA invites the public to submit comments on any aspect of this Agenda.

**FOR FURTHER INFORMATION CONTACT:**

**General**

Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW.,

Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov*.

**Specific**

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

**SUPPLEMENTARY INFORMATION:** SBA provides this notice under the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 and Executive Order 12866, “Regulatory Planning and Review,” which require each agency to publish a semiannual agenda of regulations. The Regulatory Agenda is a summary of all current and projected Agency rulemakings, as well as actions completed since the publication of the last Regulatory Agenda. SBA’s last Semiannual Regulatory Agenda was published on December 15, 2015, at 80 FR 78039. The Semiannual Agenda of the SBA conforms to the Unified Agenda format

developed by the Regulatory Information Service Center. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that greatly enhances a user’s ability to obtain information about the rules in SBA’s Agenda.

The Regulatory Flexibility Act requires federal agencies to publish those regulatory actions that are likely to have a significant economic impact on a substantial number of small entities in their regulatory flexibility agendas in the **Federal Register**. SBA’s Regulatory Agenda includes regulatory actions that are in the SBA’s regulatory flexibility agenda. Publication of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

**Maria Contreras-Sweet,**  
*Administrator.*

**SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
244 .....	Small Business Development Center Program Revisions .....	3245–AE05
245 .....	Miscellaneous Amendments to Surety Bond, 7(a), and 504 Regulations .....	3245–AF85
246 .....	Immediate, Expedited, and Private Disaster Assistance Loan Programs .....	3245–AF99
247 .....	Office of Women Owned Business: Women’s Business Center Program .....	3245–AG02
248 .....	Small Business HUBZone Program; Government Contracting Programs; Office of Hearings and Appeals .....	3245–AG38
249 .....	Record Disclosure and Privacy .....	3245–AG52
250 .....	Small Business Timber Set-Aside Program .....	3245–AG69
251 .....	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification.	3245–AG75

**SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
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253 .....	Agent Revocation and Suspension Procedures .....	3245–AG40
254 .....	Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments ...	3245–AG58
255 .....	Small Business Investment Company (SBIC) Program—Impact SBICs .....	3245–AG66
256 .....	Small Business Investment Companies; Passive Business Expansion & Technical Clarifications .....	3245–AG67
257 .....	Credit for Lower Tier Small Business Subcontracting .....	3245–AG71
258 .....	Affiliation for Business Loan Programs and Surety Bond Guarantee Program .....	3245–AG73

**SMALL BUSINESS ADMINISTRATION—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
259 .....	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs .....	3245–AG16

**SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
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261 .....	Small Business Size Standards for Manufacturing .....	3245–AG50

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
262 .....	Small Business Size Standards: Industries With Employee Based Size Standards Not Part of Manufacturing, Wholesale Trade, or Retail Trade.	3245–AG51
263 .....	Small Business Size Standards: Inflation Adjustment to Monetary Based Size Standards .....	3245–AG60
264 .....	Surety Bond Guarantee Program; Miscellaneous Amendments .....	3245–AG70

**SMALL BUSINESS ADMINISTRATION (SBA)**

Proposed Rule Stage

**244. Small Business Development Center Program Revisions**

*Legal Authority:* 15 U.S.C. 634(b)(6); 15 U.S.C. 648

*Abstract:* Updates the SBDC program regulations by proposing to amend: (1) Procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including the requirements for electronic submission through the approved electronic Government submission facility; (5) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC’s cooperative agreement; and (6) provisions regarding the collection and use of the individual SBDC client data.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM .....	10/00/16	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Victoria Mundt, Acting Deputy Associate Administrator, Office of Small Business Development Centers, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7176, *Email:* victoria.mundt@sba.gov. *RIN:* 3245–AE05

**245. Miscellaneous Amendments to Surety Bond, 7(A), and 504 Regulations**

*Legal Authority:* 15 U.S.C. 636(a); 15 U.S.C. 694b

*Abstract:* Certain lenders have been delegated the authority to make loan decisions without prior approval from SBA under certain circumstances. SBA plans to formalize such delegated

authorities in this proposed rule. Several minor modifications to the 504 Loan Program and governance rules for Certified Development Company (CDC) are also proposed in a follow-on to the Final Rule: 504 and 7(a) Loan Program Updates (March 21, 2014), along with alignment of terminology for 7(a) lenders that are federally regulated to synchronize with existing industry requirements. SBA plans to propose several other miscellaneous amendments to improve oversight and operations of its finance programs.

This rule proposes to make four changes to the Surety Bond Guarantee (SBG) Program. The first would change the threshold for notification to SBA of changes in the contract or bond amount. Second, the change would require sureties to submit quarterly contract completion reports. Third, SBA proposes to increase the eligible contract limit for the Quick Bond Application and Agreement from \$250,000 to \$400,000. Finally, SBA proposes to increase the guarantee percentage in the Preferred Surety Bond program to reflect the statutory change made by the National Defense Authorization Act of 2016. The guarantee percentage will increase from 70% to 80% or 90%, depending on contract size and socioeconomic factors currently in effect in the Prior Approval Program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/00/16	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Dianna L. Seaborn, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–3645, *Email:* dianna.seaborn@sba.gov. *RIN:* 3245–AF85

**246. Immediate, Expedited, and Private Disaster Assistance Loan Programs**

*Legal Authority:* 15 U.S.C. 636(c); 15 U.S.C. 636j; 15 U.S.C. 657n

*Abstract:* Through this advanced notice of proposed rulemaking, SBA solicited comments from potential

lenders and the public on three guaranteed disaster loan programs: (1) The expedited disaster assistance program (EDAP), under which the SBA would guarantee short-term loans of up to \$150,000 made by private lenders to eligible small businesses located in a catastrophic disaster area; (2) the private disaster assistance program (PDAP), under which SBA would guarantee loans of up to \$2 million made by private lenders to eligible small businesses and homeowners located in a catastrophic disaster area; and (3) the immediate disaster assistance program (IDAP), under which the SBA would guarantee interim loans of up to \$25,000 made by private lenders to eligible small businesses, which would then be repaid with the proceeds of SBA direct disaster loans. SBA will seek input on what program features would be required for lenders to participate in these guaranteed disaster loan programs. SBA plans to use this feedback in drafting proposed rules for the EDAP and PDAP programs and in considering changes to the existing IDAP regulations.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	10/21/15	80 FR 63715
ANPRM Comment Period End.	12/21/15	
NPRM .....	09/00/16	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Dianna L. Seaborn, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–3645, *Email:* dianna.seaborn@sba.gov. *RIN:* 3245–AF99

**247. Office of Women Owned Business: Women’s Business Center Program**

*Legal Authority:* 15 U.S.C. 656

*Abstract:* SBA’s Office of Women’s Business Ownership (OWBO) oversees a network of SBA-funded Women’s Business Centers (WBCs) throughout the United States and its territories. WBCs provide management and technical assistance to small business concerns both nascent and established, with a focus on such businesses that are owned

and controlled by women, or on women planning to start a business, especially women who are economically or socially disadvantaged. The training and counseling provided by the WBCs encompass a comprehensive array of topics, such as finance, management and marketing in various languages. This rule would propose to codify the requirements and procedures that govern the delivery, funding and evaluation of the management and technical assistance provided under the WBC Program. The rule would address, among other things, the eligibility criteria for selection as a WBC, use of Federal funds, standards for effectively carrying out program duties and responsibilities, and the requirements for reporting on financial and programmatic performance.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	04/22/15	80 FR 22434
ANPRM Comment Period End.	06/22/15	
NPRM .....	09/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Bruce D. Purdy, Deputy Assistant Administrator, Office of Women’s Business Ownership, Small Business Administration, Washington, DC 20416, *Phone:* 202 205–7532, *Email:* [bruce.purdy@sba.gov](mailto:bruce.purdy@sba.gov).  
*RIN:* 3245–AG02

**248. Small Business Hubzone Program; Government Contracting Programs; Office of Hearings and Appeals**

*Legal Authority:* 15 U.S.C. 657a

*Abstract:* SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA’s regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Order 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same

time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mariana Pardo, Director, Office of HUBZone, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–2985, *Email:* [mariana.pardo@sba.gov](mailto:mariana.pardo@sba.gov).  
*RIN:* 3245–AG38

**249. Record Disclosure and Privacy**

*Legal Authority:* 5 U.S.C. 301, 552 and 552(a); 31 U.S.C. 9701; 44 U.S.C. 3501 *et seq.*; E.O. 12600; 52 FR 23781

*Abstract:* SBA proposes to amend its Record Disclosure and Privacy regulations to implement the Openness Promotes Effectiveness in our National Government Act. The amendments, among other things, will update the Agency’s Freedom of Information Act regulations to adjust the time for the public to submit an appeal of SBA’s decision regarding a request for information, correct an obsolete address and provide applicable Web site addresses, and clarify the definition of news media for purposes of assessing processing fees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Laura Magere, Director, Freedom of Information Act Office, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6837, *Email:* [laura.magere@sba.gov](mailto:laura.magere@sba.gov).  
*RIN:* 3245–AG52

**250. Small Business Timber Set-Aside Program**

*Legal Authority:* 15 U.S.C. 631; 15 U.S.C. 644(a)

*Abstract:* The U.S. Small Business Administration (SBA or Agency) is proposing to amend its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small

business when small business participation falls below a certain amount. SBA is considering comments received during the ANPRM process, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM .....	06/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* David W. Loines, Area Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7311, *Email:* [david.loines@sba.gov](mailto:david.loines@sba.gov).  
*RIN:* 3245–AG69

**251. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business— Certification**

*Legal Authority:* Pub. L. 113–291, sec 825; 15 U.S.C. 637(m)

*Abstract:* Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Public Law 113–291, 128 Stat. 3292, Dec. 19, 2014, included language requiring that women-owned small business concerns and economically disadvantaged women-owned small business concerns are certified by a Federal agency, a State government, the Administrator, or national certifying entity approved by the Administrator as a small business concern owned and controlled by women. SBA is issuing this Advance Notice of Proposed Rulemaking to get public feedback on how best to implement this statutory provision. SBA intends to request information on whether SBA should: Create its own certification program, rely on private certifiers, allow Federal agencies to create their own certification systems, or create a hybrid system. SBA also intends to request information from the public concerning State government certification programs.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	12/18/15	80 FR 78984
ANPRM Comment Period End.	02/16/16	
NPRM .....	10/00/16	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Kenneth Dodds, Director, Office of Government Contracting, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 619-1766, *Fax:* 202 481-2950, *Email:* kenneth.dodds@sba.gov.  
*RIN:* 3245-AG75

**SMALL BUSINESS ADMINISTRATION (SBA)**

Final Rule Stage

**252. Small Business Mentor Protégé Programs**

*Legal Authority:* Pub. L. 111-240; sec 1347; 15 U.S.C. 657r  
*Abstract:* The U.S. Small Business Administration (SBA or Agency) is amending its regulations to implement provisions of the Small Business Jobs Act of 2010 and the National Defense Authorization Act for Fiscal Year 2013. Based on authorities provided in these two statutes, the rule will establish a Government-wide mentor-protégé program for all small business concerns, consistent with SBA's mentor-protégé program for Participants in SBA's 8(a) Business Development (BD) program. The rule will also make minor changes to the mentor-protégé provisions for the 8(a) Business Development program in order to make the mentor-protégé rules for each of the programs as consistent as possible. The rule will amend the current joint venture provisions to clarify the conditions for creating and operating joint venture partnerships, including the effect of such partnerships on any mentor-protégé relationships. Finally, the rule will make several additional changes to current size, 8(a) Office of Hearings and Appeals or HUBZone regulations, concerning among other things, ownership and control, changes in primary industry, standards of review and interested party status for some appeals.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/05/15	80 FR 6618
NPRM Comment Period End.	04/06/15	
NPRM Comment Period Extension.	04/07/15	80 FR 18556

Action	Date	FR Cite
NPRM Comment Period End.	05/06/15	
Final Rule .....	06/00/16	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Brenda J. Fernandez, Procurement Analyst, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205-7337, *Email:* brenda.fernandez@sba.gov.  
*RIN:* 3245-AG24

**253. Agent Revocation and Suspension Procedures**

*Legal Authority:* 15 U.S.C. 634; 15 U.S.C. 642  
*Abstract:* This rule establishes detailed procedures for the suspension and revocation of an Agent's privilege to do business with the United States Small Business Administration (SBA) within a single Part of the Code of Federal Regulations; removes 8(a) program specific procedures for Agent suspension and revocation; clarifies existing and related regulations as to suspension, revocation, and debarment; and removes Office of Hearings and Appeals jurisdiction over Agent suspensions and revocations and government-wide debarment and suspension actions. This rule will also conform SBA suspension and revocation procedures for Agents with general government-wide nonprocurement suspension and debarment procedures.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/16/14	79 FR 62060
NPRM Comment Period Extended.	12/12/14	79 FR 73853
NPRM Comment Period End.	12/15/14	
Second NPRM Comment Period End.	02/14/15	
Final Rule .....	10/00/16	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Debra Mayer, Chief, Supervision and Enforcement, Office of Credit Risk Management, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205-7577, *Email:* debra.mayer@sba.gov.  
*RIN:* 3245-AG40

**254. Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments**

*Legal Authority:* 15 U.S.C. 631; Pub. L. 112-239

*Abstract:* The U.S. Small Business Administration (SBA or Agency) is amending its regulations to implement provisions of the National Defense Authorization Act of 2013, which pertain to performance requirements applicable to small business and socioeconomic program set aside contracts and small business subcontracting. SBA will make changes to its regulations concerning the nonmanufacturer rule and affiliation rules. Further, SBA will allow a joint venture to qualify as small for any government procurement as long as each partner to the joint venture qualifies individually as small under the size standard corresponding to the NAICS code assigned in the solicitation.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/29/14	79 FR 77955
NPRM Comment Period End.	02/27/15	
NPRM Comment Period Re-opened.	03/09/15	80 FR 12353
Second NPRM Comment Period End.	04/06/15	
Final Rule .....	05/00/16	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Brenda J. Fernandez, Procurement Analyst, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205-7337, *Email:* brenda.fernandez@sba.gov.  
*RIN:* 3245-AG58

**255. Small Business Investment Company (SBIC) Program—Impact SBICS**

*Legal Authority:* 15 U.S.C. 681  
*Abstract:* This rule establishes a regulatory structure for the SBIC Programs Impact Investment Fund, which is currently being implemented through a policy memorandum to interested applicants. The rule establishes in the regulations a new type of SBIC license called the Impact SBIC license and will include application and examination fee considerations to incentivize Impact Investment Fund participation. Impact SBICs may also be able to access Early Stage leverage on the same terms as Early Stage SBICs without applying through the Early Stage call process defined in 107.310. This will allow Impact SBICs with early stage strategies to apply for the program. The new license will be available to investment funds that meet the SBIC Programs licensing qualifications and commit to invest at least 50 percent of their invested capital in impact

investments as defined in the rule. The rule would also outline reporting and performance measures for licensed funds to maintain Impact Investment Fund designation. The goal of the Impact Investment Fund is to support small business investment strategies that maximize financial returns while also yielding enhanced social environmental or economic impacts as part of the SBIC Programs overall effort to supplement the flow of private equity and long-term loan funds to small businesses whose capital needs are not being met.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/03/16	81 FR 5666
NPRM Comment Period End.	03/04/16	
Final Rule .....	09/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Nate T. Yohannes, Senior Advisor, Office of Investments, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205-6714, *Email:* nate.yohannes@sba.gov. *RIN:* 3245-AG66

**256. Small Business Investment Companies; Passive Business Expansion and Technical Clarifications**

*Legal Authority:* 15 U.S.C. 681 *et seq.*  
*Abstract:* The SBA is revising the regulations for the Small Business Investment Company (SBIC) program to further expand the use of Passive Businesses and provide needed protections for SBA with regard to such investments. SBICs are generally prohibited from investing in passive businesses under the Small Business Investment Act of 1958 as amended as well as by regulations. Current program regulations provided for two exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through. The first exception identified in 107.720(b)(2) provides that an SBIC may structure an investment utilizing two pass-through entities to make an investment into an active business. The second exception identified in 107.720(b)(3) allows partnership SBICs with SBA prior approval to invest in a wholly owned passive business that in turn provides financing to an active small business only if a direct financing would cause its investors to incur Unrelated Business Taxable Income (UBTI). The second exception is commonly known as a blocker corporation. The current rule creates unnecessary complications in

defining two exceptions and does not provide SBA with sufficient protections. SBA is simplifying the rule to allow a more flexible two pass-through entity structure but provides SBA certain protections to offset risks associated with passive investment structures. As part of the rule, SBA will also make technical corrections and clarifications, including conforming the regulation to the new “family of funds” statutory provision.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/05/15	80 FR 60077
NPRM Comment Period End.	12/04/15	
Final Rule .....	05/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Theresa M. Jamerson, Senior Policy Advisor, Investment Division, Small Business Administration, 409 3rd Street SW., Washington, DC 20461, *Phone:* 202 205-7563, *Email:* theresa.jamerson@sba.gov. *RIN:* 3245-AG67

**257. Credit for Lower Tier Small Business Subcontracting**

*Legal Authority:* Pub. L. 113-66, sec 1614

*Abstract:* The U.S. Small Business Administration (SBA or Agency) is amending its regulations to implement Section 1614 of the National Defense Authorization Act (NDAA) of 2014, Public Law 113-66, December 26, 2013. Under the statute, when an other than small prime contractor has an individual subcontracting plan for a contract, the large business may receive credit towards its small business subcontracting goals for subcontract awards made to small business concerns at any tier. Currently, other than small business prime contractors only report on their performance awarding subcontracts to small businesses at the first tier level.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/06/15	80 FR 60300
NPRM Comment Period End.	12/07/15	
Final Rule .....	09/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kenneth Dodds, Director, Office of Government Contracting, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 619-

1766, *Fax:* 202 481-2950, *Email:* kenneth.dodds@sba.gov. *RIN:* 3245-AG71

**258. Affiliation for Business Loan Programs and Surety Bond Guarantee Program**

*Legal Authority:* 15 U.S.C. 634(b)(6)  
*Abstract:* The U.S. Small Business Administration (SBA) has determined that changing conditions in the American economy and a constantly evolving small business community compel it to seek ways to improve program efficiency for its Surety Bond Guarantee (SBG) Program, and the business loan programs consisting of the 7(a) Loan Program, the Business Disaster Loan Programs (the Economic Injury Disaster Loans, Reservist Injury Disaster Loans, Physical Disaster Business Loans, Immediate Disaster Assistance Program loans), the Microloan Program, and the Development Company Program (the 504 Loan Program). As a result, SBA is simplifying guidelines for determining affiliation for eligibility based on size as it relates to these programs. This rule would redefine affiliation for all five Programs, thereby simplifying eligibility determinations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/02/15	80 FR 59667
NPRM Comment Period End.	12/01/15	
Final Rule .....	07/00/16	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dianna L. Seaborn, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205-3645, *Email:* dianna.seaborn@sba.gov. *RIN:* 3245-AG73

**SMALL BUSINESS ADMINISTRATION (SBA)**

Long-Term Actions

**259. Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs**

*Legal Authority:* Pub. L. 111-240, sec 1116

*Abstract:* SBA will amend its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard

for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. These alternative size standards do not affect other Federal Government programs, including Federal procurement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Khem Raj Sharma, Phone: 202 205-7189, Fax: 202 205-6390, Email: khem.sharma@sba.gov. RIN: 3245-AG16

**SMALL BUSINESS ADMINISTRATION (SBA)**

Completed Actions

**260. Small Business Size Standards: Employee Based Size Standards in Wholesale Trade and Retail Trade**

*Legal Authority:* 15 U.S.C. 632(a)  
*Abstract:* The U.S. Small Business Administration (SBA) published a rule to increase employee based size standards in 46 industries in North American Industry Classification System (NAICS) Sector 42, Wholesale Trade, and in one industry in Sector 44-45, Retail Trade. As a part of its comprehensive size standards review required by the Small Business Jobs Act of 2012, SBA reviewed all 71 industries in Sector 42 and two industries with employee based size standards in Sector 44-45 to determine whether their size standards should be retained or revised. The revisions primarily affect eligibility for SBA's financial assistance programs. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its "Size Standards Methodology," which is available on its Web site at <http://www.sba.gov/size>, to this proposed rule. SBA expects to publish the final rule in the near future.

NOTE: The title for this rule has been changed since the rule was first reported in the Regulatory Agenda on January 8, 2013, from "Small Business Size Standards for Wholesale Trade" to

"Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade." The title was changed to make it clear that the rule also addresses industries with employee based size standards in Retail Trade.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	01/25/16	81 FR 3941
Final Rule Effective.	02/26/16	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Khem Raj Sharma, Phone: 202 205-7189, Fax: 202 205-6390, Email: khem.sharma@sba.gov.

RIN: 3245-AG49

**261. Small Business Size Standards for Manufacturing**

*Legal Authority:* 15 U.S.C. 632(a)

*Abstract:* This rule increases employee based size standards for 209 industries in North American Industry Classification System (NAICS) Sector 31-33, Manufacturing. SBA also increases the refining capacity component of the Petroleum Refiners (NAICS 324110) size standard to 200,000 barrels per calendar day total capacity for businesses that are primarily engaged in petroleum refining. The rule also eliminates the requirement that 90 percent of a refiner's output being delivered should be refined by the bidder. As a part of its comprehensive size standards review required by the Small Business Jobs Act of 2010, SBA evaluated all 364 industries in NAICS Sector 31-33 to determine whether their size standards should be retained or revised. This is one of the rules that examined industries grouped by an NAICS Sector. SBA has applied its "Size Standards Methodology," which is available on its Web site at <http://www.sba.gov/size>, to this proposed rule.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	01/26/16	81 FR 4469
Final Rule Effective.	02/26/16	

*Regulatory Flexibility Analysis*

*Required: Yes.*

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RIN: 3245-AG50

**262. Small Business Size Standards: Industries With Employee Based Size Standards Not Part of Manufacturing, Wholesale Trade, or Retail Trade**

*Legal Authority:* 15 U.S.C. 632(a)

*Abstract:* This rule increases the employee-based size standards for 30 industries and three exceptions and decrease them for three industries that are not a part of NAICS Sector 31-33 (Manufacturing) Sector 42 (Wholesale Trade) and Sector 44-45 (Retail Trade). Additionally, SBA proposes to remove the Information Technology Value Added Resellers exception under NAICS 541519 (Other Computer Related Services) together with its 150-employee size standard. Similarly, SBA proposes to eliminate the Offshore Marine Air Transportation Services exception under NAICS 481211 and 481212 and Offshore Marine Services exception under NAICS Subsector 483 and their \$30.5 million receipts based size standard. As part of its comprehensive size standards review required by the Small Business Jobs Act of 2010 SBA evaluated 57 industries and five exceptions with employee based size standards that are not in NAICS Sectors 31-33 42 or 4445. This is one of the rules that examined industries grouped by an NAICS Sector. SBA has applied its Size Standards Methodology, which is available on its Web site at <http://www.sba.gov/size> to this proposed rule.

Please Note: The title for this rule has been changed since it was first announced in the Regulatory Agenda on January 8, 2013 to add the words or Retail Trade at the end of the previous title. This change makes it clear that industries in the retail trade with employee based size standards are also not addressed in the rule.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	01/26/16	81 FR 4436
Final Rule Effective.	02/26/16	

*Regulatory Flexibility Analysis*

*Required: Yes.*

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**263. Small Business Size Standards: Inflation Adjustment to Monetary Based Size Standards**

*Legal Authority:* 15 U.S.C. 632(a)

*Abstract:* SBA issued a final rule with to adjust its monetary small business size standards (i.e., receipts, net income, net worth, and financial assets), for the effects of inflation that have occurred

since the last inflation adjustment. The final rule aims to restore small business eligibility to businesses that have lost their small business status due to inflation. The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to review and adjust (as necessary) all size standards within five years of its enactment. SBA's Small Business Size Regulations at 13 CFR 121.102(c) require the same quinquennial (or less) review and adjustment. The rule did not increase the \$750,000 size standard for agricultural enterprises, which is established by the Small Business Act (§ 3(a)(1)). The alternate size standard used in the 7(a) and 504 business loan programs is unaffected by this adjustment.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	01/25/16	81 FR 3949
Final Rule Effective.	01/25/16	

*Regulatory Flexibility Analysis Required: Yes.*

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**264. Surety Bond Guarantee Program; Miscellaneous Amendments**

*Legal Authority:* 15 U.S.C. 694b

*Abstract:* This rule will change the regulations for SBA's Surety Bond Guarantee Program in four areas. First, as a condition for participating in the Prior Approval and Preferred Programs, the rule will clarify that a Surety must directly employ underwriting and claims staffs sufficient to perform and manage these functions, and final settlement authority for claims and recovery is vested only in salaried employees of the Surety. Second, the rule will provide that all costs incurred by the Surety's salaried claims staff are ineligible for reimbursement by SBA, but the Surety may seek reimbursement for amounts paid for specialized services that are provided by outside consultants in connection with the processing of a claim. Third, the rule will modify the criteria for determining when a Principal that caused a Loss to SBA is ineligible for a bond guaranteed by SBA. Fourth, the rule will modify the criteria for admitting Sureties to the Preferred Surety Bond Guarantee Program by increasing the Surety's underwriting limitation, as certified by the U.S. Treasury Department on its list

of acceptable sureties, from at least \$2 million to at least \$6.5 million.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	04/22/16	81 FR 23563
Final Rule Effective.	05/23/16	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3245-AG70

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