



SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

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

ACTION: Semiannual regulatory agenda.

SUMMARY:

This semiannual Regulatory Agenda (Agenda) is a summary of current and projected regulatory and deregulatory actions and completed actions of the Small Business Administration (SBA). This summary information is intended to enable the public to be more aware of, and effectively participate in, SBA's regulatory and deregulatory activities. Accordingly, 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:

The Regulatory Flexibility Act (RFA) requires SBA to publish in the **Federal Register** a semiannual regulatory flexibility agenda describing those Agency rules that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The summary information published in the **Federal Register** is limited to those rules. Additional information regarding all of the rulemakings SBA expects to consider in the next 12 months is included in the Federal Government's complete Regulatory Agenda, which will be available online at www.reginfo.gov in a format that offers users enhanced ability to obtain information about SBA's rules.

SBA is fully committed to implementing the Administration's regulatory reform policies, as established by Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs (January 30, 2017) and Executive Order 13777, Enforcing the Regulatory Reform Agenda (February 24, 2017). In order to

fully implement the goal of these executive orders, SBA seeks feedback from the public in identifying any SBA regulations affected parties believe impose unnecessary burdens or costs that exceed their benefits; eliminate jobs or inhibit job creation; or are ineffective or outdated.

NAME: Christopher Pilkerton,
Acting Administrator.

Small Business Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
344	8(a) Business Development (Section 610 Review)	3245–AH19
345	Government Contracting Programs (Section 610 Review)	3245–AH20
346	HUBZone Program (Section 610 Review)	3245–AH21

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
347	Small Business Development Center Program Revisions	3245–AE05
348	Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation;	3245–AG88

	Accommodation and Food Services; Other Services	
349	Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction	3245-AG89
350	Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing	3245-AG90
351	Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services	3245-AG91
352	Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade	3245-AH09
353	Small Business Size Standards: Wholesale Trade and Retail Trade	3245-AH10

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
354	Small Business Timber Set-Aside Program	3245-AG69

355	National Defense Authorization Acts of 2016 and 2017, RISE After Disaster Act of 2015, and Other Small Business Government Contracting Amendments	3245-AG86
356	Small Business Size Standards: Calculation of Annual Average Receipts	3245-AH16
357	Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation	3245-AH17

Small Business Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
358	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245-AG16

Small Business Administration (SBA)	Prerule Stage

344. • 8(A) BUSINESS DEVELOPMENT (SECTION 610 REVIEW)

EO 13771 Designation: Other

Legal Authority: 15 USC 637

Abstract: On June 30, 1998 (63 FR 35739), SBA promulgated a rulemaking establishing eligibility requirements for participation in the 8(a) Business Development and Federal Small Disadvantaged Business programs, and application, certification, and protest procedures, among other things. Certain sections within the rule may have been subsequently amended. The current requirements are codified in the Code of Federal Regulations at 13 CFR part 124. In developing this rule, SBA performed a Regulatory Flexibility Analysis, which indicated the rule could have a significant impact on a substantial number of small entities. SBA then used this analysis to develop the rule in such a way that mitigated small entity impact to the extent possible while still fulfilling SBA's statutory mandates. SBA is now initiating a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. In the course of the review, SBA will consider the following factors: (1) The continued need for the rule; (2) the comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. SBA will solicit comments. Comments may be submitted through www.regulations.gov, referring to RIN 3245-AH19, and must be submitted on or before January 2, 2020.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/19	
End Review	01/00/20	

Regulatory Flexibility Analysis Required: No

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-AH19

345. • GOVERNMENT CONTRACTING PROGRAMS (SECTION 610 REVIEW)

EO 13771 Designation: Other

Legal Authority: Regulatory Flexibility Act, 5 U.S.C. 610; 15 U.S.C. 634; 15 U.S.C. 637; 15 U.S.C. 644

Abstract: On January 31, 1996 (61 FR 3312), SBA promulgated a rulemaking identifying requirements for four Government contracting assistance programs: Prime contracting assistance, subcontracting assistance, Government property sales assistance, and the Certificate of Competency program. Certain sections within the rule may have been subsequently amended. The current requirements are codified in the Code of Federal Regulations at 13 CFR part 125. In developing this rule, SBA performed a Regulatory Flexibility Analysis, which indicated the rule could have a significant impact on a substantial number of small entities. SBA then used this analysis to develop the rule in such a way that mitigated small entity impact to the extent possible while still fulfilling the programs' statutory mandates. SBA is now initiating a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. In the course of the review, SBA will consider the following factors: (1) The continued need for the rule; (2) the comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. SBA will solicit comments. Comments may be submitted through www.regulations.gov, referring to RIN 3245-AH20, and must be submitted on or before January 2, 2020.

Timetable:

Action	Date	FR Cite

Begin Review	12/00/19	
End Review	01/00/20	

Regulatory Flexibility Analysis Required: No

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-AH20

346. • HUBZONE PROGRAM (SECTION 610 REVIEW)

EO 13771 Designation: Other

Legal Authority: Regulatory Flexibility Act, 5 U.S.C. 610; 15 U.S.C. 632 ; 15 U.S.C. 657a

Abstract: On June 11, 1998 (63 FR 31908), SBA promulgated a rulemaking establishing eligibility requirements for qualified HUBZone small business concerns, procedures for certification program examinations and protests, and provisions relating to HUBZone contracts, among other things. Certain sections within the rule may have been subsequently amended. The current requirements are codified in the Code of Federal Regulations at 13 CFR part 126. In developing this rule, SBA performed a Regulatory Flexibility Analysis, which indicated the rule could have a significant impact on a substantial number of small entities. SBA then used this analysis to develop the rule in such a way that mitigated small entity impact to the extent possible while still fulfilling SBA's statutory mandates. SBA is now initiating a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be amended or rescinded to minimize adverse economic impacts on small entities. In the course of the review, SBA will consider the following factors: (1) The continued need for the rule; (2) the

comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. SBA will solicit comments. Comments may be submitted through www.regulations.gov, referring to RIN 3245-AH21, and must be submitted on or before January 2, 2020.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/19	
End Review	01/00/20	

Regulatory Flexibility Analysis Required: No

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-AH21

Small Business Administration (SBA)	Proposed Rule Stage

347. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM REVISIONS

EO 13771 Designation: Other

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

Abstract: This rule proposes to update the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) procedures for approving applications when a new Lead SBDC center is selected; (2) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (3) requirements for new or renewal applications for SBDC grants, including electronic submission through the approved electronic Government submission facility; (4) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (5) 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	03/00/20	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rachel Newman-Karton, Program Manager, Small Business Administration, 409 3rd Street SW, Washington, DC 20416

Phone: 202 619-1816

Email: rachel.newman-karton@sba.gov

RIN: 3245-AE05

348. SMALL BUSINESS SIZE STANDARDS: EDUCATIONAL SERVICES; HEALTH CARE AND SOCIAL ASSISTANCE; ARTS, ENTERTAINMENT AND RECREATION; ACCOMMODATION AND FOOD SERVICES; OTHER SERVICES

EO 13771 Designation: Other

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

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate size standards for all industries in North American Industry Classification System (NAICS) Sector 61 (Educational Services), Sector 62 (Health Care and Social Assistance), Sector 71 (Arts, Entertainment and Recreation), Sector 72 (Accommodation and Food Services), and Sector 81 (Other Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/20	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-7189

Fax: 202 205-6390

Email: khem.sharma@sba.gov

RIN: 3245–AG88

**349. SMALL BUSINESS SIZE STANDARDS: AGRICULTURE, FORESTRY, FISHING AND HUNTING;
MINING, QUARRYING, AND OIL AND GAS EXTRACTION; UTILITIES; CONSTRUCTION**

EO 13771 Designation: Other

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

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 11 (Agriculture, Forestry, Fishing and Hunting), Sector 21 (Mining, Quarrying, and Oil and Gas Extraction), Sector 22 (Utilities), and Sector 23 (Construction), and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205–7189

Fax: 202 205–6390

Email: khem.sharma@sba.gov

RIN: 3245–AG89

**350. SMALL BUSINESS SIZE STANDARDS: TRANSPORTATION AND WAREHOUSING;
INFORMATION; FINANCE AND INSURANCE; REAL ESTATE AND RENTAL AND LEASING**

EO 13771 Designation: Other

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

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 48-49 (Transportation and Warehousing), Sector 51 (Information), Sector 52 (Finance and Insurance), and Sector 53 (Real Estate and Rental and Leasing) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/20	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205–7189

Fax: 202 205–6390

Email: khem.sharma@sba.gov

RIN: 3245–AG90

351. SMALL BUSINESS SIZE STANDARDS: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES; MANAGEMENT OF COMPANIES AND ENTERPRISES; ADMINISTRATIVE AND SUPPORT, WASTE MANAGEMENT AND REMEDIATION SERVICES

EO 13771 Designation: Other

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

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 54 (Professional, Scientific and Technical Services), Sector 55 (Management of Companies and Enterprises), and Sector 56 (Administrative and Support, Waste Management and Remediation Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/20	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205–7189

Fax: 202 205–6390

Email: khem.sharma@sba.gov

RIN: 3245–AG91

352. SMALL BUSINESS SIZE STANDARDS: MANUFACTURING AND INDUSTRIES WITH EMPLOYEE BASED SIZE STANDARDS IN OTHER SECTORS EXCEPT WHOLESALE TRADE AND RETAIL TRADE

EO 13771 Designation: Other

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

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 31-33 (Manufacturing) and industries with employee based size standards in other sectors except Wholesale Trade and Retail Trade and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

Timetable:

Action	Date	FR Cite

NPRM	05/00/20	
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Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration,
409 Third Street SW, Washington, DC 20416

Phone: 202 205–7189

Fax: 202 205–6390

Email: khem.sharma@sba.gov

RIN: 3245–AH09

353. SMALL BUSINESS SIZE STANDARDS: WHOLESALE TRADE AND RETAIL TRADE

EO 13771 Designation: Other

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

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 42 (Wholesale Trade) and Sector 44-45 (Retail Trade) and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration,
409 Third Street SW, Washington, DC 20416

Phone: 202 205–7189

Fax: 202 205–6390

Email: khem.sharma@sba.gov

RIN: 3245–AH10

Small Business Administration (SBA)	Final Rule Stage

354. SMALL BUSINESS TIMBER SET-ASIDE PROGRAM

EO 13771 Designation: Regulatory

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

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending 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

considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, 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	09/27/16	81 FR 66199
NPRM Comment Period End	11/28/16	
Final Rule	03/00/20	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: David W. Loines, Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-7311

Email: david.loines@sba.gov

RIN: 3245-AG69

355. NATIONAL DEFENSE AUTHORIZATION ACTS OF 2016 AND 2017, RISE AFTER DISASTER ACT OF 2015, AND OTHER SMALL BUSINESS GOVERNMENT CONTRACTING AMENDMENTS

EO 13771 Designation: Regulatory

Legal Authority: 15 U.S.C. 637(d)(17); Pub. L. 114–328, sec. 1811, sec. 1821; Pub. L. 114–92, sec. 863; Pub. L. 114–88, sec. 2108

Abstract: Section 1811 of the of the National Defense Authorization Act (NDAA) for Fiscal Year 2017, Public Law 114-328, December 23, 2016, (NDAA) of 2017 limits the scope of review of Procurement Center Representatives for certain Department of Defense procurements performed outside of the United States. Section 1821 of the NDAA of 2017 establishes that failure to act in good faith in providing timely subcontracting reports shall be considered a material breach of the contract. Section 863 of the NDAA for FY 2016, Public Law 114-92, November 25, 2015, establishes procedures for the publication of acquisition strategies if the acquisition involves consolidation or substantial bundling. This rule also addresses changes requested by industry or other agencies, including those pertaining to exclusions from calculating compliance with the limitations on subcontracting, an agency’s ability to set aside orders under set-aside contracts, and a contracting officer’s authority to request reports on a prime contractor’s compliance with the limitations on subcontracting. Section 2108 of Public Law 114-88 provides agencies with double credit when they award to a local small business in a disaster area.

Timetable:

Action	Date	FR Cite
NPRM	12/04/18	83 FR 62516
NPRM Comment Period End	02/04/19	
Final Action	11/00/19	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205–7189

Fax: 202 205–6390

Email: khem.sharma@sba.gov

RIN: 3245–AG86

356. SMALL BUSINESS SIZE STANDARDS: CALCULATION OF ANNUAL AVERAGE RECEIPTS

EO 13771 Designation: Other

Legal Authority: 15 USC 632(a); Pub. L. 115–32

Abstract: On December 17, 2018, the President signed the Small Business Runway Extension Act (Pub. L. 115-32), which amended section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II)) by changing calculating average annual receipts for size standard purposes. This rulemaking is to implement the new law by changing the period for calculating annual average revenue receipts for receipts based size standards from three (3) years to five (5) years in 13 CFR 121.104.

The Small Business Act (15 U.S.C. 632(a)) delegates to SBA's Administrator the responsibility for establishing, reviewing, and updating small business definitions, commonly referred to as size standards. The Small Business Runway Extension Act amended the Small Business Act, changing the period for calculating average annual receipts from three (3) years to five (5) years.

Timetable:

Action	Date	FR Cite

NPRM	06/24/19	84 FR 29399
NPRM Comment Period End	08/23/19	
Final Action	11/00/19	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205–7189

Fax: 202 205–6390

Email: khem.sharma@sba.gov

RIN: 3245–AH16

357. SMALL BUSINESS SIZE STANDARDS: ADJUSTMENT OF MONETARY BASED SIZE STANDARDS FOR INFLATION

EO 13771 Designation: Deregulatory

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

Abstract: In this interim final rule, the U.S. Small Business Administration (SBA or Agency) adjusts all monetary based industry size standards (i.e., receipts, assets, net worth, and net income) for inflation since the last adjustment in 2014. In accordance with its regulations in 13 CFR 121.102(c), SBA is required to review the effects of inflation on its monetary standards at least once every five years and adjust them, if necessary. In addition, the Small Business Jobs Act of 2010 (Jobs Act) also requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. This action will restore the small business eligibility of businesses that have lost that status due to inflation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/18/19	84 FR 34261
Interim Final Rule Effective	08/19/19	
Interim Final Rule Comment Period End	09/16/19	
Final Action	12/00/19	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration,
409 Third Street SW, Washington, DC 20416

Phone: 202 205-7189

Fax: 202 205-6390

Email: khem.sharma@sba.gov

RIN: 3245-AH17

Small Business Administration (SBA)	Long-Term Actions

**358. SMALL BUSINESS SIZE STANDARDS; ALTERNATIVE SIZE STANDARD FOR 7(A), 504, AND
DISASTER LOAN PROGRAMS**

EO 13771 Designation: Other

Legal Authority: Pub. L. 111–240, sec. 1116

Abstract: SBA will propose amendments 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. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/18	83 FR 12506
ANPRM Comment Period End	05/21/18	
NPRM	12/00/20	

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

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