



## **SMALL BUSINESS ADMINISTRATION**

### **Reporting and recordkeeping requirements under OMB review**

**AGENCY:** Small Business Administration.

**ACTION:** 30-Day notice.

**SUMMARY:** The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

**DATES:** Submit comments on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting “Small Business Administration”; “Currently Under Review,” then select the “Only Show ICR for Public Comment” checkbox. This information collection can be identified by title and/or OMB Control Number.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at [Shauniece.Carter@sba.gov](mailto:Shauniece.Carter@sba.gov); (202) 935-6942, or from [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

**SUPPLEMENTARY INFORMATION:** SBA guarantees bid, payment, and performance bonds for small and emerging contractors who cannot obtain surety bonds through regular commercial channels. SBA's guarantee, authorized pursuant to part B of

title IV of the Small Business Investment Act of 1958, 15 U.S.C. 694a et seq., gives Sureties an incentive to provide bonding for small businesses and thereby assists small businesses in obtaining greater access to contracting opportunities. SBA's guarantee is an agreement between a Surety and SBA that SBA will assume a certain percentage of the Surety's loss should a contractor default on the underlying contract.

This information collection currently consists of SBA Forms 990, 991, 994, 994B, 994F, and 994H. This information collection is being renewed and revised to better align with SBA regulatory changes, and surety bond industry practices. Additionally, this information collection creates SBA Forms 900 and 901. The new forms both serve the purpose of streamlining SBA's surety bond guarantee agreement procedures and to improve and clarify program participation requirements. These form revisions and additions will result in greater clarity and understanding for small businesses and surety bond companies applying for assistance.

New SBA forms: SBA Form 900, "Prior Approval Surety Bond Surety Participation Agreement", and SBA Form 901, "Preferred Surety Bond Surety Participation Agreement", are new SBA forms created for the purpose of surety bond company and surety bond agency participation in SBA's Surety Bond Guarantee program. The forms outline authorities granted by SBA to the signing business and the requirements of participation in the program. The only information collected in the forms are the signature, name, title, and date of signature for the individual signing on behalf of the business requesting to participate in SBA's Surety Bond Guarantee program. By creating these two forms, SBA is 1) enabling future streamlining enhancements to the program to reduce application submission burdens, and 2) certifying that every participating surety bond

company understands the program's participation requirements according to their type of participation.

SBA intends to update SBA Form 990, Part II, to include a question for Quick Bond applications on whether the application project includes hazardous materials, asbestos, or timber sales over SBA's allowed amount. This question will enable SBA to further streamline and automate application reviews by collecting a key factor in the approval process currently obtained through manual review of uploaded documents. SBA intends to update SBA Form 990, Part III, with a subsection B titled "SBA Bonding Line Request". This information collection already exists as SBA Form 994B, Part III. By moving the information collection to SBA Form 990, SBA is aligning the request for SBA approval within the form intended for agreements between SBA and the participating surety bond company. SBA intends to update SBA Form 990, Part IV, with clarification language in field 1, "Bond Type". SBA intends to update SBA Form 990, Part V, with clarification language in the certification text and the addition of the "SBA Approval Number" field. These updates do not create additional information collection since the SBA Approval Number field is produced by SBA. SBA intends to update the Terms and Conditions section to align with the addition of SBA Form 900.

SBA intends to update SBA Form 991 instructions as well as fields 4, 5, 6, and 10 for language clarifications. The clarifications do not change information collected in the form.

SBA intends to update SBA Form 994, field 14 and Part 2 instruction, with a clarification instruction. Part 2 of this form collects information on the applicant business individual owners, with fields for up to three individuals' entries. When one of these fields is revised, all three are revised. SBA intends to update SBA Form 994, fields 21, 34, 47 and Part III

field 10 with the addition of country to the address. This update is required to improve compliance with SBA policy updates on citizenship eligibility and Executive Order 14159. SBA intends to update SBA Form 994, fields 26, 39, and 52 to comply with OMB's Statistical Policy Directive 15. SBA intends to add SBA Form 994, fields 27, 40, and 53 to collect information regarding economic status of the applicant business' individual owners. This information collection improves SBA's ability to verify applicant compliance with economic status requirements when seeking a ninety percent guarantee under economically disadvantaged status. SBA intends to update SBA Form 994, Part III field numbering to conform the part to the rest of the form. SBA intends to update SBA Form 994, Part III fields 1, 5, 12, and 13 for language clarification. SBA intends to update SBA Form 994, Part II fields 14, 15, and 20 to add fields for second obligee entries. The new fields provide designated space for "dual obligee" scenarios that were difficult for applicant businesses to include in the current form. This information collection is not new but organizes and clarifies the field space for applicants. SBA intends to update SBA Form 994, Part III field 20 with language clarification of field response options and add a new option. This information collection update clarifies the meanings of response options, and the additional option enables greater statistical clarity. This update does not increase information collection for applicants. SBA intends to update SBA Form 994, Part V field 1 with clarification language and removing fields regarding legal permanent resident status. This update is required to improve compliance with SBA policy updates on citizenship eligibility and Executive Order 14159. SBA intends to update SBA Form 994 submission instructions with clarification language and numbering.

SBA intends to update SBA Form 994B, Part I fields 1 and 2 by adding "within last 5 years" to increase clarification of the fields. Additionally, field 2 is being revised from "work program" to "total backlog" to increase clarification as well. SBA intends to remove

SBA Form 994B, Part III in its entirety since it is being moved to SBA Form 990 (as explained above). SBA intends to update SBA Form 994B, Surety's Review certification language to align with the addition of SBA Form 900 and with the other forms submitted by surety bond companies. SBA intends to update SBA Form 994B, Surety's Review field 1 to state "Attorney In Fact Signature" for clarification.

SBA does not intend to update SBA Form 994F with any revisions.

SBA intends to update SBA Form 994H, Part D by adding "SBA Claim Approval Number" field. This update does not create additional information collection since the SBA Claim Approval Number field is produced by SBA. SBA intends to update SBA Form 994H, Part E instructions with clarification language. SBA intends to update SBA Form 994H, Part H certification language for clarification and to align with the addition of SBA Forms 900 and 901. SBA intends to update SBA Form 994H, "Instructions and Clarifications of Selected Form 994H Items" section with additional information on how to access the form online.

***Solicitation of Public Comments:***

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

***Summary of Information Collection***

*OMB Control Number:* 3245-0007

*Title:* Surety Bond Guarantee Assistance

*Description of Respondents:* Small businesses, surety bond companies, and contract owners

*SBA Form Number:* SBA Forms 900, 901, 990, 991, 994, 994B, 994F, 994H

*Estimated Number of Respondents:* 3,949

*Estimated Annual Responses:* 36,885

*Estimated Annual Hour Burden:* 9,369

**Shauniece Carter,**

*Interim Agency Clearance Officer.*

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