



SBA ADVOCACY REGULATORY ALERT May 2012

Advocacy: the voice of small business in government

PROCUREMENT: SBIR Rule Change

Small Business Innovation and Research Program Proposed Rule

The U.S. Small Business Administration (SBA) proposes to amend its regulations governing size and eligibility for the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs. The proposed rule addresses ownership, control and affiliation for participants in the SBIR and STTR programs. This includes participants that are majority owned by multiple venture capital operating companies, private equity firms or hedge funds.

Comments are due by July 16, 2012.

- [Proposed Rule](#) from the Federal Register
- Submit Comments [electronically](#) www.regulations.gov
- Advocacy contact: major.clark@sba.gov or call 202-205-7150
- [Regulations.gov](http://www.regulations.gov), the Federal government's one stop site to comment on Federal regulations.

Federal Acquisition Regulation; Non Displacement of Qualified Workers Under Service Contracts

GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Executive Order 13495 and a final regulation issued by the Department of Labor for non-displacement of qualified workers under service contracts, as implemented in Department of Labor regulations. This proposed rule would amend the FAR to require service contractors and their subcontractors under successor contracts to offer employees of the predecessor contractor and its subcontractors a right of first refusal of employment for positions for which they are qualified.

Comments are due by July 2, 2012.

- Proposed Rule from the Federal Register www.regulations.gov
- Submit Comments electronically
- Advocacy contact: major.clark@sba.gov or call 202-205-7150
- [Regulations.gov](http://www.regulations.gov), the Federal government's one stop site to comment on Federal regulations.

WHAT'S NEW IN THE OFFICE OF ADVOCACY

ADVOCACY NEWSLETTER

The Small Business Advocate

http://www.sba.gov/sites/default/files/newsletter_april_2012.pdf

NEW ADVOCACY REPORTS

Veteran Owned Businesses and their Owners

<http://www.sba.gov/advocacy/7540/132031>

Immigrant Entrepreneurs & Access to Capital

<http://www.sba.gov/advocacy/7540/141841>

Small Business Quartely Lending Bulletin

http://www.sba.gov/sites/default/files/SBL_2011Q4.pdf

The President's Export Council, Subcommittee on Export Administration (PECSEA)

<https://www.surveymonkey.com/s/LQ7B5XM>

YOUR REGIONAL ADVOCATE

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Visit: <http://web.sba.gov/list> to join email lists for:
Advocacy's **News Releases**
Advocacy's monthly newsletter "**The Small Business Advocate**"
Advocacy's **Small Business Research and Statistics**
Advocacy's **Regulatory Communications**

To easily **comment on important proposed regulations** visit:
<http://www.sba.gov/advocacy/815>

Check out Advocacy's blog at
<http://weblog.sba.gov/blog-advo/>

ENVIRONMENT: FISHERIES

NOAA Proposes Rules Requiring Shrimp Boats to use Turtle Excluder Devices

On May 10, 2012, the National Oceanic and Atmospheric Administration proposed rules to withdraw the alternative tow time restriction and require all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) rigged for fishing to use turtle excluder devices (TEDs) in their nets. The intent of this proposed rule is to reduce incidental by-catch and mortality of sea turtles in the southeastern U.S. shrimp fisheries, and to aid in the protection and recovery of listed sea turtle populations. Public hearings on the proposed rule will be held in May and June 2012. See the *Federal Register* notice below for meeting dates, times, and locations.

Comments are due July 9, 2012.

- Notice of [Proposed Rule](#) from the *Federal Register*
- You may submit comments on this proposed rule, identified by 0648-BC10, by any of the following methods:
 - **Electronic Submissions:** Submit all electronic public comments via the [Federal e-Rulemaking Portal](#) or www.regulations.gov
 - **Mail:** Michael Barnette, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.
 - **Fax:** 727-824-5309; Attention: Michael Barnette.
- Advocacy contact: Jamie Belcore or call 202-205-6890

Technical Standard Changes

Incorporation by Reference

The Office of Management and Budget (OMB) is requesting public input on issues related to Incorporation By Reference (IBR) of private technical standards and conformity assessment activities and whether and how to amend OMB Circular A-119 (Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities). This request for information is in addition the request for comments on a petition to the Office of the Federal Register on Federal Register regulations governing the approval of agency requests to incorporate material by reference into the Code of Federal Regulations.

Comments on both requests are due by June 1, 2012.

- Request for Information in the Federal Register ([77 FR 19357 \(3/30/2012\)](#))
- [Submit Comments](#) to OMB Electronically ([Docket ID OMB-2012-003](#))
- Announcement Of A Petition For Rulemaking And Request For Comments ([77 FR 11414 \(2/27/2012\)](#))
[Submit Comments](#) to the Office of the Federal Register Electronically ([Docket ID NARA-12-0002](#))

ENVIRONMENT: FISHERIES

National Oceanic and Atmospheric Administration

The National Marine Fisheries Service (NMFS) and the National Oceanic and Atmospheric Administration (NOAA), Commerce are requesting comments on the proposed rule to implement management measures as described in a regulatory amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) as prepared by the Gulf of Mexico Fishery Management Council.

If implemented, this rule would increase the commercial and recreational quotas for red snapper in the Gulf of Mexico reef fish fishery for the 2012/13 fishing years, if NMFS determines the acceptable biological catch (ABC) is not exceeded in the 2012 fishing year.

This rule would also eliminate the October 1 closure date of the recreational fishing season.

Submit comments on the proposed rule, identified by "NOAA-NMFS-2012-0024" by any of the following methods:

- **Electronic submissions:** Submit electronic comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>.
- **Mail:**
Cynthia Meyer,
Southeast Regional Office, NMFS
263 13th Avenue South
St. Petersburg, FL 33701
P: 727-824-5305
E: Cynthia.Meyer@noaa.gov.
- **Federal e-Rulemaking Portal:**
<http://www.regulations.gov>
Enter "NOAA-NMFS-2011-0024" in the search field and click on "search".

TAX: IRS AND SMALL BUSINESS

Amendment of Gross Receipts and Merchant Card Transactions

On February 10, the Internal Revenue Service (IRS) amended its informational webpage on credit card reporting requirements to announce that the IRS will not require reconciliation of gross receipts and merchant card transactions on Forms 1120, "U.S. Corporate Income Tax Return," and other business income tax forms. The Housing Assistance Tax Act of 2008 requires credit card companies to report merchants' annual gross credit, debit, and third party network payment card transactions to the IRS using Form 1099K. Small businesses had expressed concern about the burdens and costs associated with reconciling discrepancies between their own sales records and the Forms 1099K issued by credit card processors. The February 10th IRS announcement directly addresses these small business concerns.

- Find the IRS FAQs on New Payment Card Reporting Requirements
- Advocacy contact: Dillon Taylor at 202-401-9787
- Regulations.gov or www.regulations.gov, the Federal government's one stop site to comment on Federal regulations

INTERNATIONAL TRADE

President's Export Council: International Trade Survey

The President's Export Council, Subcommittee on Export Administration (PECSEA) is a federal advisory committee that provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons. The PECSEA Benchmarking Subcommittee has developed a survey on the impact of export controls and priorities for export reform. This is an opportunity for small firms to make their voices heard on the important issue of export controls and reform. The survey is designed to take only 15 minutes to complete. The PECSEA intends to provide recommendations related to export reform and the impact that export controls have on U.S. exporters. The PECSEA advises that the survey tool is anonymous and providing contact information in the survey response is optional, and that responses should include only information that is not proprietary or business sensitive.

One response per company. Survey responses are due by **June 1, 2012**.

- The survey is located at <https://www.surveymonkey.com/s/LQ7B5XM>.
- Advocacy contact: Major Clark at 202-205-7150