

Regional Regulatory Fairness Boards

Overview

Congress established the Office of the National Ombudsman and 10 Regulatory Fairness Boards in 1996 as part of the Small Business Regulatory Enforcement Fairness Act (SBREFA).

Purpose

Each Regulatory Fairness (RegFair) Board shall meet at least annually to advise the Ombudsman on matters of concern to small businesses relating to the enforcement activities of agencies; report to the Ombudsman on substantiated instances of excessive enforcement actions of agencies against small business concerns including any findings or recommendations of the Board as to agency enforcement policy or practice; and prior to publication, provide comment on the annual report of the Ombudsman to Congress.

Membership Background Required

Each of the 10 RegFair Boards shall consist of five members, who are owners, operators, or officers of small business concerns, appointed by the Administrator, after receiving the recommendations of the chair and ranking minority member of the Committees on Small Business of the House of Representatives and the Senate. Not more than three of the Board members shall be of the same political party. No member shall be an officer or employee of the Federal Government, in either the executive branch or the Congress.

Appointing Authority

Administrator

Member Term

Regional Board Members serve at the pleasure of the Administrator for terms of three years or less.

Members Permitted

5 Board members for each of the 10 RegFair Boards for a total of 50 members nationwide.

Committee Officials

The Administrator shall select a chair from among the members of the Board who shall serve at the pleasure of the Administrator for not more than 1 year as chair.

Membership Structure

A majority of the members of each Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

Membership and Membership Requirements

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Ethical Guidelines

Members must not engage in conduct that calls their good character into serious doubt, or creates a conflict of interest or the appearance of a conflict of interest.

Regulatory Fairness (RegFair) Board Members must make recommendations only to SBA officials and other Government officials specifically designated by statute. Member recommendations are only advisory, and SBA decides how to respond to them.

Members may at times obtain confidential information about SBA, other agencies, or confidential information about agencies' customers or resource partners because of their membership on the RegFair Board. Members must not disclose such information unless they request and receive permission to do so. Members must request permission through the Committee Management Officer's (CMO) office. The CMO's office will consult with the appropriate SBA official responsible for granting or denying permission.

Members may not use their title and status as a SBA RegFair Board member to endorse the products or services of outside entities.

Members must not participate in, or make use of RegFair Board activities that directly affect their business or financial interests, unless the activities are available to the general public.

Members must not use their title and status as a SBA RegFair Board member to apply for or get benefits that are not available to the general public.

Members must not use their title and status as a SBA RegFair Board member to attempt to influence government officials at the Federal, state or local level.

Members may not receive SBA assistance, other than Disaster Loans, without the prior written approval of the Standards of Conduct Counselor, or a designee. For these purposes, SBA assistance does not include an 8(a) competitive contract. The Standards of Conduct Counselor, or a designee, will only give such approval when there is no conflict of interest or no significant appearance of a conflict of interest.

With limited exceptions, members may not advocate for or represent small businesses, state or local development companies, small business investment companies, or others, in making an application for SBA assistance. Exceptions to this policy include:

An officer, director, or employee of a financial institution that participates in an SBA loan program; An attorney, accountant, appraiser, engineer, or similar professional, if the person does not regularly provide service to, or derive large income from, providing a service to SBA; or An employee of an institution of higher education that participates in SBA's business development programs.

Members must notify the National Ombudsman immediately of any changes in circumstances that could result in a conflict of interest, or appearance of a conflict of interest with the SBA.

Services to Members with Disabilities

The SBA will follow all applicable laws and regulations.

Meetings

Each RegFair Board may hold such hearings and collect such information as appropriate for carrying out the mission. Each Regulatory Fairness (RegFair) Board shall meet at least annually to advise the Ombudsman on matters of concern to small businesses relating to the enforcement activities of agencies; report to the Ombudsman on substantiated instances of excessive enforcement actions of agencies against small business concerns including any findings or recommendations of the Board as to agency enforcement policy or practice; and prior to publication, provide comment on the annual report of the Ombudsman to Congress.

Compensation

RegFair Board members serve without compensation, provided that, members of the board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of Title 5 while away from their homes or regular places of business in the performance of services to the Board.