



SBA Information Notice

TO: To All SBA Employees

CONTROL NO.: 2000-833

SUBJECT: Revised Form 912

EFFECTIVE: 6/19/13

The purpose of this notice is to advise agency employees that the Office of Management and Budget has approved revisions to SBA Form 912, Statement of Personal History, which is used to determine citizenship and character issues for various applicants for SBA assistance. The revised form is now available on the internal agency webpage under “Forms” and on the Agency’s external page, www.sba.gov (click the links for “About SBA,” then “Policy and Regulations,” and then “Forms”). This updated form became effective on May 1, 2013, and, since the previous form has expired and is no longer valid, the new form is to be used on all transactions or applications requiring SBA Form 912.

Changes to Form 912:

Employees should be aware that the questions regarding criminal background history are different from those in the previous version of this form. Our review determined that the questions on the old form were under-inclusive because they didn’t ask for information that should have been requested. For example, the old form asked whether the applicant was under indictment, but didn’t inquire whether the applicant had been arraigned or was the subject of a criminal information. A criminal information is a document that is filed in court identifying charges against a defendant; this document is commonly used in lieu of an indictment if the subject is intending to plead guilty. Similarly, the old form asked whether the applicant had ever been convicted, but didn’t inquire whether the applicant had ever pleaded guilty to a crime or pleaded nolo contendere.

At the same time, the old form was also over-inclusive because it asked for more information than was needed. For example, the old form inquired whether the applicant had ever been arrested, but had never been charged, even if this occurred years in the past. After consulting with program offices, it was collectively determined that the following three questions adequately address the Agency’s needs in determining character issues:

7. Are you presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction?
8. Have you been arrested in the past six months for any criminal offense?
9. For any criminal offense – other than a minor vehicle violation – have you ever: 1) been convicted; 2) plead guilty; 3) plead nolo contendere; 4) been placed on pretrial diversion; or 5) been placed on any form of parole or probation (including probation before judgment).

EXPIRES June 1, 2014

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SBA Form 1353.3 (4-93) MS Word Edition; previous editions obsolete
Must be accompanied by SBA Form 58

There have been some inquiries as to why question 8 now asks whether the applicant was arrested within the past six months when the previous version asked whether the applicant had ever been arrested. As noted above, the previous language was viewed as over-inclusive. Moreover, the Sixth Amendment to the United States Constitution guarantees all persons accused of criminal wrongdoing the right to a speedy trial. The U.S. Supreme Court's interpretation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment have applied this right to state criminal proceedings. Thus, states have adopted legislation similar to the Federal Speedy Trial Act of 1974, as amended, 18 U.S.C. §§ 3161-3174, which requires the Government to file an information or indictment within 30 days from the date of arrest. Accordingly, the question was limited to six months with the expectation that if the subject was formally charged this would be picked up by the response to question 7 or 9.

For questions, please contact Travis J. Farris, Assistant Counsel to the Inspector General, at (202) 205-7200 or Travis.Farris@sba.gov.

Peggy E. Gustafson
Inspector General