

# Rules and Regulations

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## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

### 6 CFR Part 1000

[PCLOB; Docket No. 2013-0005; Sequence 2]

RIN 0311-AA02

### Organization and Delegation of Powers and Duties; Correction

**AGENCY:** Privacy and Civil Liberties Oversight Board.

**ACTION:** Final rule; correction.

**SUMMARY:** The Privacy and Civil Liberties Oversight Board is issuing a correction to fix a duplicate section designation published in a final rule in the **Federal Register** on June 5, 2013.

**DATES:** This correction is effective June 28, 2013.

**FOR FURTHER INFORMATION CONTACT:** Susan Reingold, Chief Administrative Officer, Privacy and Civil Liberties Oversight Board, at 202-331-1986.

#### SUPPLEMENTARY INFORMATION:

#### Correction

In rule FR Doc. 2013-13166 published in the **Federal Register** at 78 FR 33690, June 5, 2013, an incorrect section heading was codified.

Accordingly, the Privacy and Civil Liberties Oversight Board amends 6 CFR part 1000 by making the following correcting amendment:

### PART 1000—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

■ 1. The authority citation for part 1000 continues to read as follows:

**Authority:** 5 U.S.C. 552.

#### § 1000.3 Corrected.

■ 2. The second and erroneous occurrence of § 1000.3 (Delegations of

authority) is correctly redesignated as § 1000.5.

Dated: June 24, 2013.

**Diane M. Janosek,**  
*Chief Legal Counsel.*

[FR Doc. 2013-15538 Filed 6-27-13; 8:45 am]

**BILLING CODE 6820-B3-P**

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Parts 121, 124, 125, 126, and 127

RIN 3245-AG23

### Small Business Size and Status Integrity

**AGENCY:** Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** This rule implements provisions of the Small Business Jobs Act of 2010 (Jobs Act) pertaining to small business size and status integrity. This rule amends the U.S. Small Business Administration's (SBA or Agency) program regulations to implement statutory provisions establishing that there a presumption of loss equal to the value of the contract or other instrument when a concern willfully seeks and receives an award by misrepresentation. The rule implements statutory provisions that provide that: The submission of an offer or application for an award intended for small business concerns will be deemed a size or status certification or representation in certain circumstances; an authorized official must sign in connection with a size or status certification or representation for a contract or other instrument; and concerns that fail to update their size or status in the Online Representations and Certifications Application (ORCA) database or a successor thereto (such as the System for Award Management (SAM) database) at least annually shall no longer be identified in the database as small or some other socioeconomic status, until the representation is updated. The rule also amends SBA's regulations to clarify when size is determined for purposes of entry into the 8(a) Business Development, HUBZone and Small Disadvantaged Business (SDB) programs.

**DATES:** This rule is effective August 27, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Dean R. Koppel, Office of Government Contracting, 409 Third Street SW., Washington, DC 20416; (202) 205-7322; [dean.koppel@sba.gov](mailto:dean.koppel@sba.gov).

**SUPPLEMENTARY INFORMATION:** On September 27, 2010, Congress amended the Small Business Act to provide that if a concern willfully seeks and receives an award by misrepresenting its small business size or status, there is a presumption of loss to the United States equal to the value of the contract, subcontract, cooperative agreement, cooperative research and development agreement or grant. The Small Business Act was also amended to provide that certain actions, such as submitting an offer in response to a solicitation set aside for small business concerns, will be deemed a representation of small business size or status. The Small Business Act was amended to provide that the signature of an authorized official of a concern is required in making a small business size or status representation in connection with certain actions, such as submitting an offer. The Small Business Act now provides that concerns must update their size and status certifications in SAM at least annually, or the status will be lost until such time as the update is made. Finally, the Small Business Act provides that SBA must promulgate regulations to protect individuals and concerns from liability in cases of unintentional errors, technical malfunctions and other similar situations.

SBA published a proposed rule regarding these statutory provisions in the **Federal Register** on October 7, 2011 (76 FR 62313), inviting the public to submit comments on or before November 7, 2011. This comment period was extended through December 8, 2011 by notice in the **Federal Register** published on November 8, 2011 (76 FR 69154).

#### Summary of Comments and SBA's Responses

SBA received and considered twenty comments on the proposed rule. Two commenters fully supported the rule as proposed. One comment addressed the proposed Small Business Subcontracting Rule published at 76 FR 61626 on October 5, 2011. This comment was outside the scope of this proposed rulemaking and was not