

Language was added to provide additional clarity regarding the penalties for incomplete and/or inaccurate statements. Language was added to clarify that the form may also be used by agencies in determining whether a subject performing work for or on behalf of the Government under a contract should be deemed eligible for logical or physical access when the nature of the work to be performed is sensitive and could bring about an adverse effect on the national security. Language referencing immunity protections was added to the questions regarding illegal use of drugs or drug activity, use of information technology systems, and association record. Questions were added to the section on police record in order to identify respondents who may be impacted by the restrictions cited in the Lautenberg Amendment. The advisement regarding mental health counseling was expanded to explain that mental health counseling in and of itself is not a reason to revoke or deny eligibility for access to classified information or for a sensitive position, suitability or fitness to obtain or retain Federal employment, fitness to obtain or retain contract employment, or eligibility for physical or logical access to Federally controlled facilities or information systems. Questions that elicited the reason for and nature of mental health treatment were removed, as were questions regarding participation in self-help groups for alcohol abuse. In the financial record section, the question regarding involvement with a credit counseling service was amended to better capture mitigating information from respondents who seek assistance to resolve financial difficulties. A question on holding foreign political office and voting in foreign elections was moved from the form's association record section to the form's foreign activities section.

To provide additional clarity, a copy of a matrix, "Changes between Current Form and proposed Sep 09 30-day Notice," that shows the changes between the currently approved SF 86 and the SF 86 proposed in this 30-day notice, is available upon request.

**John Berry,**

*Director, U.S. Office of Personnel Management.*

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## **SMALL BUSINESS ADMINISTRATION**

### **Business Loan Program Maximum Allowable Fixed Rate**

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Notice announcing maximum allowable fixed rate.

**SUMMARY:** This Notice announces the maximum allowable fixed rate for 7(a) guaranteed loans.

**DATES:** This Notice is effective October 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** The Lender Relations Specialist in the SBA district office nearest you. The list of offices can be found at <http://www.sba.gov/localresources/index.html>.

**SUPPLEMENTARY INFORMATION:** Agency regulations at 13 CFR 120.213(a), Fixed Rates for Guaranteed Loans, state the following: "A loan may have a reasonable fixed interest rate. SBA periodically publishes the maximum allowable rate in the **Federal Register**."

For a number of years, the SBA maximum allowable fixed rate has been based on the Prime rate. Because the Prime rate is a short term rate, very few lenders have been willing to make long term SBA Section 7(a) loans with a fixed rate. In order to provide small businesses with an opportunity to lock in the fixed interest rates available in the market today, SBA is revising how the maximum allowable fixed rate is calculated. Effective October 1, 2009, the SBA maximum allowable fixed rate for 7(a) loans (other than SBA Express and Export Express loans) will utilize a new base rate for fixed rate loans (Fixed Base Rate) plus the maximum allowable spreads that are already being used on variable rate loans.

The Fixed Base Rate for a 7(a) loan will be calculated as follows: The SBA LIBOR Base Rate (defined in 13 CFR 120.214 as the 1-month LIBOR in effect on the first business day of the month as printed in a national financial newspaper each business day PLUS 300 basis points), plus the average of the 5-year and 10-year LIBOR swap rates in effect on the first business day of the month as printed in a national financial newspaper published each business day. In other words, the Fixed Base Rate is based on the rate a borrower would pay if it purchased a floating-to-fixed rate swap contract on a 7(a) loan. A swap rate factors in what the money markets identify as the likely difference between a variable rate and a fixed rate over a set period of time. SBA chose to use the average of the 5-year and 10-year LIBOR swap rates in the calculation of the maximum allowable fixed rate

because these rates are published in a financial newspaper on a daily basis and the average of these two rates will provide a basis for a maximum allowable fixed rate appropriate both for shorter term and longer term loans.

The maximum allowable fixed rate for 7(a) loans (excluding SBA Express and Export Express) will be the Fixed Base Rate plus the allowable interest rate spreads identified in 13 CFR 120.214 (d) and (e) and 13 CFR 120.215. (For SBA Express and Export Express loans, the maximum allowable interest rate is the prime rate plus 6.5 or 4.5 depending on the loan amount. See SOP 50 10 5(B), Subpart B, Chapter 3. SOP 50 10 5(B) may be found at <http://www.sba.gov/aboutsba/sbaprograms/elending/reg/index.html>.)

The following is an example for 7(a) loan applications (other than SBA Express and Export Express), submitted to SBA in the month of September 2009 if the new policy had been in effect:

The SBA LIBOR Base Rate for September is 3.26.

The 5-year LIBOR swap rate on the first business day of September as published in a national financial newspaper was 2.72 (rounded to the second decimal). The 10-year LIBOR swap rate on the first business day of September as published in a national financial newspaper was 3.60 (rounded to the second decimal). The average of these two rates is 3.16.

The SBA Fixed Base Rate for loans submitted to SBA during September 2009 would have been 6.42 [3.26 (SBA LIBOR Base Rate) + 3.16 (average of 5-year and 10-year swap rates)].

Thus, the maximum allowable fixed rates for 7(a) loans (other than SBA Express and Export Express) submitted to SBA in September 2009 would have been as follows:

For 7(a) loans with a maturity less than 7 years: 6.42 (SBA Fixed Base Rate for September) + 2.25 (maximum spread for loans with a maturity less than 7 years) equals 8.67 (maximum allowable fixed rate). If the loan amount is over \$25,000 but not exceeding \$50,000, the maximum allowable fixed rate may be increased by one percentage point. If the loan amount is \$25,000 or less, the maximum allowable fixed rate may be increased by two percentage points.

For 7(a) loans with a maturity of 7 years or more: 6.42 (SBA Fixed Base Rate for September) + 2.75 (maximum spread for loans with a maturity of 7 years or more) equals 9.17 (maximum allowable fixed rate). If the loan amount is over \$25,000 but not exceeding \$50,000, the maximum allowable fixed rate may be increased by one percentage point. If the loan amount is \$25,000 or

less, the maximum allowable fixed rate may be increased by two percentage points.

The maximum allowable fixed rates will be posted monthly on SBA's Web site at <http://www.sba.gov/aboutsba/sbaprograms/elending> on the second business day of the month, in the afternoon. SBA will review the newspaper on the second business day of the month to determine the SBA LIBOR Base Rate and the LIBOR swap rates in effect on the first business day of the month and will use those rates in the calculation.

The new maximum allowable fixed rates identified in this Notice will be available for 7(a) loan applications (other than SBA Express and Export Express) received by SBA on or after October 1, 2009.

Questions on the maximum allowable fixed rates may be directed to the Lender Relations Specialist in the local SBA district office. The local SBA district office may be found at <http://www.sba.gov/localresources>.

**Authority:** 15 U.S.C. 636(a)(4)(A) and 13 CFR 20.213.

**Richard C. Blewett,**  
*Acting Director, Office of Financial Assistance.*

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## **SMALL BUSINESS ADMINISTRATION**

### **Small Business Information Security Task Force; Request for Nominations**

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Request for nominations.

**SUMMARY:** On May 22, 2009, Public Law 111-24 was signed by the President establishing, among other things, a Small Business Information Security Task Force. This task force was established to address the information technology security needs of small businesses and to help small businesses prevent the loss of credit card data. SBA is now requesting nominations for members of this task force.

**DATES:** Submit nominations on or before 5 p.m. EST October 16, 2009 per the instructions below.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this request for nominations may contact Jack Bienko, via telephone (202) 205-6052, fax (202) 481-2636, e-mail [john.bienko@sba.gov](mailto:john.bienko@sba.gov) or mail U.S. Small Business Administration, 409 3rd Street, SW., 6th Floor, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** SBA is requesting nominations for the Small Business Information Security Task Force. SBA encourages all qualified candidates to apply. Candidates may self-nominate or be nominated by another source.

#### **Function of the Task Force**

This task force was established by section 507 of Public Law 111-24 to assess the information security needs of small business concerns, including the programs and services currently available, and make recommendations to SBA as to new programs and services which will help small businesses address those concerns. Specifically, the task force shall:

1. Identify the information technology security needs of small business concerns,

2. Identify and assess the programs and services provided by Federal and State governments and non-government organizations which serve the information technology security needs of small business concerns,

3. Make recommendations to SBA on how to more effectively serve small business information technology security needs through the creation of new Federal programs and services, small business education and training, or more effective marketing of existing programs,

4. Make recommendations on how SBA can better inform and educate small businesses on information technology security concerns, including use of the Internet,

5. Assess and recommend whether a permanent advisory board should be created,

6. Provide SBA with a comprehensive list of Internet sites containing appropriate and relevant information on small business information technology security needs of which SBA should link, and

7. Prepare a final report with recommendations for SBA, which will be submitted to Congress.

#### **Qualifications**

From the nominations received, the SBA Administrator will appoint a Chair and Vice Chair of the task force. The Administrator will then work with the Chair to appoint up to 13 additional members; at least one from each of the following categories who will serve as representatives of their respective constituency:

1. Subject matter experts,
2. Users of information technology within small business concerns,

3. Vendors of information technologies for small business concerns,

4. Academics with expertise in the use of information technologies to support business,

5. Small business trade associations,

6. Federal, state or local agencies engaged in securing cyberspace, and

7. Information technology training providers with expertise on the use of information technologies to support business.

#### **Meetings**

The entire task force will meet at least twice per year in Washington DC. Other meetings may occur via conference call.

#### **Status**

All members will be considered representatives and will not be paid for participation however the Agency will pay travel and per diem expenses while members are attending required meetings in Washington, DC.

#### **Expectations**

All task force members are expected to fully participate in the task force and come to the twice-yearly meetings in Washington DC.

#### **What To Send**

1. Letter of Nomination: nominees should send a letter of self-nomination or a letter of nomination from a peer or professional organization or society. This letter must indicate which category the nominee fulfills and highlight accomplishments, including studies, publications and professional accomplishments related to small business information technology security issues.

2. Current resume.

3. Biographical sketch (optional) no more than two pages listing areas of expertise related to information technology security and small business, research activities, service on other Federal advisory committees and professional organizations.

4. Nomination Form: Nominees must complete and sign SBA Form 898 (available at <http://www.sba.gov/nac>).

All nominees are subject to a conflict of interest determination by SBA and will not be considered eligible until such determination is made. Nominations must be sent to Jack Bienko at the above information. E-mail and fax are preferred methods of submission.