

106TH CONGRESS
1ST SESSION

H. R. 391

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 1999

Received

FEBRUARY 22, 1999

Read twice and referred to the Committee on Governmental Affairs

AN ACT

To amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business Paper-
5 work Reduction Act Amendments of 1999”.

6 **SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PA-**
7 **PERWORK REQUIREMENTS.**

8 (a) REQUIREMENTS APPLICABLE TO THE DIRECTOR
9 OF OMB.—Section 3504(c) of chapter 35 of title 44,
10 United States Code (commonly referred to as the “Paper-
11 work Reduction Act”), is amended—

12 (1) in paragraph (4), by striking “; and” and
13 inserting a semicolon;

14 (2) in paragraph (5), by striking the period and
15 inserting a semicolon; and

16 (3) by adding at the end the following new
17 paragraphs:

18 “(6) publish in the Federal Register on an an-
19 nual basis a list of the requirements applicable to
20 small-business concerns (within the meaning of sec-
21 tion 3 of the Small Business Act (15 U.S.C. 631 et
22 seq.)) with respect to collection of information by
23 agencies, organized by North American Industrial
24 Classification System code and industrial/sector de-
25 scription (as published by the Office of Management

1 and Budget), with the first such publication occur-
2 ring not later than one year after the date of the en-
3 actment of the Small Business Paperwork Reduction
4 Act Amendments of 1999; and

5 “(7) make available on the Internet, not later
6 than one year after the date of the enactment of
7 such Act, the list of requirements described in para-
8 graph (6).”.

9 (b) ESTABLISHMENT OF AGENCY POINT OF CON-
10 TACT; SUSPENSION OF FINES FOR FIRST-TIME PAPER-
11 WORK VIOLATIONS.—Section 3506 of such chapter is
12 amended by adding at the end the following new sub-
13 section:

14 “(i)(1) In addition to the requirements described in
15 subsection (c), each agency shall, with respect to the col-
16 lection of information and the control of paperwork—

17 “(A) establish one point of contact in the agen-
18 cy to act as a liaison between the agency and small-
19 business concerns (within the meaning of section 3
20 of the Small Business Act (15 U.S.C. 631 et seq.));
21 and

22 “(B) in any case of a first-time violation by a
23 small-business concern of a requirement regarding
24 collection of information by the agency, provide that
25 no civil fine shall be imposed on the small-business

1 concern unless, based on the particular facts and cir-
2 cumstances regarding the violation—

3 “(i) the head of the agency determines that
4 the violation has the potential to cause serious
5 harm to the public interest;

6 “(ii) the head of the agency determines
7 that failure to impose a civil fine would impede
8 or interfere with the detection of criminal activ-
9 ity;

10 “(iii) the violation is a violation of an in-
11 ternal revenue law or a law concerning the as-
12 sessment or collection of any tax, debt, revenue,
13 or receipt;

14 “(iv) the violation is not corrected on or
15 before the date that is six months after the date
16 of receipt by the small-business concern of noti-
17 fication of the violation in writing from the
18 agency; or

19 “(v) except as provided in paragraph (2),
20 the head of the agency determines that the vio-
21 lation presents a danger to the public health or
22 safety.

23 “(2)(A) In any case in which the head of an agency
24 determines that a first-time violation by a small-business
25 concern of a requirement regarding the collection of infor-

1 mation presents a danger to the public health or safety,
2 the head of the agency may, notwithstanding paragraph
3 (1)(B)(v), determine that a civil fine should not be im-
4 posed on the small-business concern if the violation is cor-
5 rected within 24 hours of receipt of notice in writing by
6 the small-business concern of the violation.

7 “(B) In determining whether to provide a small-busi-
8 ness concern with 24 hours to correct a violation under
9 subparagraph (A), the head of the agency shall take into
10 account all of the facts and circumstances regarding the
11 violation, including—

12 “(i) the nature and seriousness of the violation,
13 including whether the violation is technical or inad-
14 vertent or involves willful or criminal conduct;

15 “(ii) whether the small-business concern has
16 made a good faith effort to comply with applicable
17 laws, and to remedy the violation within the shortest
18 practicable period of time;

19 “(iii) the previous compliance history of the
20 small-business concern, including whether the small-
21 business concern, its owner or owners, or its prin-
22 cipal officers have been subject to past enforcement
23 actions; and

1 “(iv) whether the small-business concern has
2 obtained a significant economic benefit from the vio-
3 lation.

4 “(3) In any case in which the head of the agency im-
5 poses a civil fine on a small-business concern for a first-
6 time violation of a requirement regarding collection of in-
7 formation which the agency head has determined presents
8 a danger to the public health or safety, and does not pro-
9 vide the small-business concern with 24 hours to correct
10 the violation, the head of the agency shall notify Congress
11 regarding such determination not later than 60 days after
12 the date that the civil fine is imposed by the agency.

13 “(4) Notwithstanding any other provision of law, no
14 State may impose a civil penalty on a small-business con-
15 cern, in the case of a first-time violation by the small-busi-
16 ness concern of a requirement regarding collection of in-
17 formation under Federal law, in a manner inconsistent
18 with the provisions of this subsection.”.

19 (c) ADDITIONAL REDUCTION OF PAPERWORK FOR
20 CERTAIN SMALL BUSINESSES.—Section 3506(c) of title
21 44, United States Code, is amended—

22 (1) in paragraph (2)(B), by striking “; and”
23 and inserting a semicolon;

24 (2) in paragraph (3)(J), by striking the period
25 and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(4) in addition to the requirements of this Act
4 regarding the reduction of paperwork for small-busi-
5 ness concerns (within the meaning of section 3 of
6 the Small Business Act (15 U.S.C. 631 et seq.)),
7 make efforts to further reduce the paperwork burden
8 for small-business concerns with fewer than 25 em-
9 ployees.”.

10 **SEC. 3. ESTABLISHMENT OF TASK FORCE TO STUDY**
11 **STREAMLINING OF PAPERWORK REQUIRE-**
12 **MENTS FOR SMALL-BUSINESS CONCERNS.**

13 (a) IN GENERAL.—Chapter 35 of title 44, United
14 States Code, is further amended by adding at the end the
15 following new section:

16 **“§ 3521. Establishment of task force on feasibility of**
17 **streamlining information collection re-**
18 **quirements**

19 “(a) There is hereby established a task force to study
20 the feasibility of streamlining requirements with respect
21 to small-business concerns regarding collection of informa-
22 tion (in this section referred to as the ‘task force’).

23 “(b) The members of the task force shall be ap-
24 pointed by the Director, and shall include the following:

1 “(1) At least two representatives of the Depart-
2 ment of Labor, including one representative of the
3 Bureau of Labor Statistics and one representative of
4 the Occupational Safety and Health Administration.

5 “(2) At least one representative of the Environ-
6 mental Protection Agency.

7 “(3) At least one representative of the Depart-
8 ment of Transportation.

9 “(4) At least one representative of the Office of
10 Advocacy of the Small Business Administration.

11 “(5) At least one representative of each of two
12 agencies other than the Department of Labor, the
13 Environmental Protection Agency, the Department
14 of Transportation, and the Small Business Adminis-
15 tration.

16 “(6) At least two representatives of the Depart-
17 ment of Health and Human Services, including one
18 representative of the Health Care Financing Admin-
19 istration.

20 “(c) The task force shall examine the feasibility of
21 requiring each agency to consolidate requirements regard-
22 ing collections of information with respect to small-busi-
23 ness concerns, in order that each small-business concern
24 may submit all information required by the agency—

25 “(1) to one point of contact in the agency;

1 “(2) in a single format, or using a single elec-
 2 tronic reporting system, with respect to the agency;
 3 and

4 “(3) on the same date.

5 “(d) Not later than one year after the date of the
 6 enactment of the Small Business Paperwork Reduction
 7 Act Amendments of 1999, the task force shall submit a
 8 report of its findings under subsection (c) to the chairmen
 9 and ranking minority members of the Committee on Gov-
 10 ernment Reform and Oversight and the Committee on
 11 Small Business of the House of Representatives, and the
 12 Committee on Governmental Affairs and the Committee
 13 on Small Business of the Senate.

14 “(e) As used in this section, the term ‘small-business
 15 concern’ has the meaning given that term under section
 16 3 of the Small Business Act (15 U.S.C. 631 et seq.).”.

17 (b) CONFORMING AMENDMENT.—The table of sec-
 18 tions at the beginning of such chapter is amended by add-
 19 ing at the end the following new item:

“3521. Establishment of task force on feasibility of streamlining information
 collection requirements.”.

Passed the House of Representatives February 11,
 1999.

Attest:

JEFF TRANDAHL,

Clerk.