

110TH CONGRESS  
1ST SESSION

# H. R. 731

To amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2007

Mr. LATHAM (for himself, Mr. TERRY, Mr. McCOTTER, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. McHUGH) introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, 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 “National Small Busi-  
5       ness Regulatory Assistance Act of 2007”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to establish a program  
8       to—

### 16 SEC. 3. DEFINITIONS.

17 In this Act, the definitions set forth in section 37(a)  
18 of the Small Business Act (as added by section 4 of this  
19 Act) shall apply.

20 SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PRO-  
21 GRAM.

22 The Small Business Act (15 U.S.C. 637 et seq.) is  
23 amended—

24 (1) by redesignating section 37 as section 38;  
25 and

1 (2) by inserting after section 36 the following  
2 new section:

5        “(a) DEFINITIONS.—In this section, the following  
6 definitions apply:

7           “(1) ASSOCIATION.—The term ‘Association’  
8       means the association recognized by the Adminis-  
9       trator of the Small Business Administration under  
10      section 21(a)(3)(A).

11                 “(2) PARTICIPATING SMALL BUSINESS DEVEL-  
12                 OPMENT CENTER.—The term ‘participating Small  
13                 Business Development Center’ means a Small Busi-  
14                 ness Development Center participating in the pro-  
15                 gram.

16               “(3) PROGRAM.—The term ‘program’ means  
17               the regulatory assistance program established under  
18               this section.

19                     “(4) REGULATORY COMPLIANCE ASSISTANCE.—  
20                     The term ‘regulatory compliance assistance’ means  
21                     assistance provided by a Small Business Develop-  
22                     ment Center to a small business concern to enable  
23                     the concern to comply with Federal regulatory re-  
24                     quirements.

1           “(5) SMALL BUSINESS DEVELOPMENT CEN-  
2       TER.—The term ‘Small Business Development Cen-  
3       ter’ means a Small Business Development Center  
4       described in section 21.

5           “(6) STATE.—The term ‘State’ means each of  
6       the several States, the District of Columbia, the  
7       Commonwealth of Puerto Rico, the Virgin Islands,  
8       Guam, and American Samoa.

9           “(b) AUTHORITY.—In accordance with this section,  
10      the Administrator shall establish a program to provide  
11      regulatory compliance assistance to small business con-  
12      cerns through selected Small Business Development Cen-  
13      ters, the Association of Small Business Development Cen-  
14      ters, and Federal compliance partnership programs.

15           “(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

16           “(1) IN GENERAL.—In carrying out the pro-  
17       gram, the Administrator shall enter into arrange-  
18       ments with selected Small Business Development  
19       Centers under which such Centers shall provide—

20           “(A) access to information and resources,  
21       including current Federal and State nonpuni-  
22       tive compliance and technical assistance pro-  
23       grams similar to those established under section  
24       507 of the Clean Air Act (42 U.S.C. 7661f);

25           “(B) training and educational activities;

1                   “(C) confidential, free-of-charge, one-on-  
2                   one, in-depth counseling to the owners and op-  
3                   erators of small business concerns regarding  
4                   compliance with Federal and State regulations,  
5                   as long as such counseling is not considered to  
6                   be the practice of law in a State in which a  
7                   Small Business Development Center is located  
8                   or in which such counseling is conducted;

9                   “(D) technical assistance;

10                   “(E) referrals to experts and other pro-  
11                   viders of compliance assistance who meet such  
12                   standards for educational, technical, and profes-  
13                   sional competency as are established by the Ad-  
14                   ministrator; and

15                   “(F) access to the Internet and training on  
16                   Internet use, including the use of the Internet  
17                   website established by the Administrator under  
18                   subsection (d)(1)(C).

19                   “(2) REPORTS.—

20                   “(A) IN GENERAL.—Each selected Small  
21                   Business Development Center shall transmit to  
22                   the Administrator a quarterly report that in-  
23                   cludes—

1                     “(i) a summary of the regulatory com-  
2                     pliance assistance provided by the center  
3                     under the program; and

4                     “(ii) any data and information ob-  
5                     tained by the center from a Federal agency  
6                     regarding regulatory compliance that the  
7                     agency intends to be disseminated to small  
8                     business concerns.

9                     “(B) ELECTRONIC FORM.—Each report re-  
10                    quired under subparagraph (A) shall be trans-  
11                    mitted in electronic form.

12                    “(C) INTERIM REPORTS.—A participating  
13                    Small Business Development Center may trans-  
14                    mit to the Administrator such interim reports  
15                    as the Center considers appropriate.

16                    “(D) LIMITATION ON DISCLOSURE RE-  
17                    QUIREMENTS.—The Administrator shall not re-  
18                    quire a Small Business Development Center to  
19                    disclose the name or address of any small busi-  
20                    ness concern that received or is receiving assist-  
21                    ance under the program, except that the Ad-  
22                    ministrator shall require such a disclosure if or-  
23                    dered to do so by a court in any civil or crimi-  
24                    nal action.

25                    “(d) DATA REPOSITORY AND CLEARINGHOUSE.—

1           “(1) IN GENERAL.—In carrying out the pro-  
2        gram, the Administrator shall—

3               “(A) act as the repository of and clearing-  
4        house for data and information submitted by  
5        Small Business Development Centers;

6               “(B) submit to the President, the Com-  
7        mittee on Small Business and Entrepreneurship  
8        of the Senate, and the Committee on Small  
9        Business of the House of Representatives an  
10      annual report that includes—

11               “(i) a description of the types of as-  
12        sistance provided by participating Small  
13        Business Development Centers under the  
14      program;

15               “(ii) data regarding the number of  
16        small business concerns that contacted  
17        participating Small Business Development  
18        Centers regarding assistance under the  
19      program;

20               “(iii) data regarding the number of  
21        small business concerns assisted by partici-  
22        pating Small Business Development Cen-  
23        ters under the program;

24               “(iv) data and information regarding  
25        outreach activities conducted by partici-

1 pating Small Business Development Cen-  
2 ters under the program, including any ac-  
3 tivities conducted in partnership with Fed-  
4 eral agencies;

5 “(v) data and information regarding  
6 each case known to the Administrator in  
7 which one or more Small Business Devel-  
8 opment Centers offered conflicting advice  
9 or information regarding compliance with a  
10 Federal or State regulation to one or more  
11 small business concerns;

12 “(vi) any recommendations for im-  
13 provements in the regulation of small busi-  
14 ness concerns; and

15 “(vii) a list of regulations identified  
16 by the Administrator, after consultation  
17 with the Chief Counsel for Advocacy of the  
18 Administration, who shall review such list,  
19 and the Small Business and Agriculture  
20 Regulatory Enforcement Ombudsman, as  
21 being most burdensome to small business  
22 concerns, and recommendations to reduce  
23 or eliminate the burdens of such regula-  
24 tions; and

25 “(C) establish an Internet website that—

1                             “(i) provides access to Federal, State,  
2 academic, and industry association Inter-  
3 net websites containing industry-specific  
4 regulatory compliance information that the  
5 Administrator deems potentially useful to  
6 small businesses attempting to comply with  
7 Federal regulations; and  
8                             “(ii) arranges such Internet websites  
9 in industry-specific categories.

10                         “(e) REVIEW OF BURDENsome REGULATIONS AND  
11 PETITION FOR AGENCY REVIEW.—

12                         “(1) TRANSMISSION OF LIST OF REGULATIONS  
13 TO CHIEF COUNSEL FOR ADVOCACY.—The Adminis-  
14 trator shall transmit to the Chief Counsel for Advo-  
15 cacy of the Administration a copy of the list of regu-  
16 lations submitted under subsection (d)(1)(B) as part  
17 of the annual report required by that subsection.

18                         “(2) REVIEW OF LIST OF REGULATIONS.—The  
19 Chief Counsel for Advocacy shall review the list of  
20 regulations transmitted under paragraph (1) and  
21 identify any regulation that—

22                             “(A) is eligible for review in accordance  
23 with section 610 of title 5, United States Code;  
24                             “(B) has a significant impact on a sub-  
25 stantial number of small business concerns that

1       is substantially different from the impact indi-  
2       cated in the final regulatory flexibility analysis  
3       for that regulation, as published with the final  
4       regulation in the Federal Register; or

5           “(C) has a significant impact on a sub-  
6       stantial number of small business concerns and  
7       for which no final regulatory flexibility analysis  
8       was ever performed.

9           “(3) NOTIFICATION AND AGENCY REVIEW.—  
10      With respect to any regulation identified under para-  
11      graph (2) the Chief Counsel for Advocacy shall—

12           “(A) notify the appropriate Federal rule-  
13       making agency and the Office of Information  
14       and Regulatory Affairs of the Office of Manage-  
15       ment of the identification of such rule or regu-  
16       lation; and

17           “(B) request the review of such regula-  
18       tion—

19               “(i) in accordance with section 610 of  
20       title 5, United States Code; or

21               “(ii) for any impact it has on small  
22       business concerns.

23           “(4) ANNUAL REPORT.—The Chief Counsel for  
24       Advocacy shall publish an annual report containing

1 a list of any regulation identified under paragraph  
2 (2) and the disposition by the appropriate agency.

3 “(f) ELIGIBILITY.—

4 “(1) IN GENERAL.—A Small Business Develop-  
5 ment Center shall be eligible to receive assistance  
6 under the program only if the center is certified  
7 under section 21(k)(2).

8 “(2) WAIVER.—With respect to a Small Busi-  
9 ness Development Center seeking assistance under  
10 the program, the administrator may waive the cer-  
11 tification requirement set forth in paragraph (1) if  
12 the Administrator determines that the center is  
13 making a good faith effort to obtain such certifi-  
14 cation.

15 “(3) EFFECTIVE DATE.—The restriction de-  
16 scribed in paragraph (1) shall not apply to any  
17 Small Business Development Center before October  
18 1, 2007.

19 “(g) SELECTION OF PARTICIPATING STATE PRO-  
20 GRAMS.—

21 “(1) ESTABLISHMENT OF PROGRAM.—In con-  
22 sultation with the Association and giving substantial  
23 weight to the Association’s recommendations, the  
24 Administrator shall select the Small Business Devel-  
25 opment Center programs of 2 States from each of

1 the following groups of States to participate in the  
2 program:

3                 “(A) Group 1: Maine, Massachusetts, New  
4                 Hampshire, Connecticut, Vermont, and Rhode  
5                 Island.

6                 “(B) Group 2: New York, New Jersey,  
7                 Puerto Rico, and the Virgin Islands.

8                 “(C) Group 3: Pennsylvania, Maryland,  
9                 West Virginia, Virginia, the District of Colum-  
10                 bia, and Delaware.

11                 “(D) Group 4: Georgia, Alabama, North  
12                 Carolina, South Carolina, Mississippi, Florida,  
13                 Kentucky, and Tennessee.

14                 “(E) Group 5: Illinois, Ohio, Michigan, In-  
15                 diana, Wisconsin, and Minnesota.

16                 “(F) Group 6: Texas, New Mexico, Arkan-  
17                 sas, Oklahoma, and Louisiana.

18                 “(G) Group 7: Missouri, Iowa, Nebraska,  
19                 and Kansas.

20                 “(H) Group 8: Colorado, Wyoming, North  
21                 Dakota, South Dakota, Montana, and Utah.

22                 “(I) Group 9: California, Guam, Hawaii,  
23                 Nevada, and Arizona.

24                 “(J) Group 10: Washington, Alaska,  
25                 Idaho, and Oregon.

1           “(2) DEADLINE FOR INITIAL SELECTIONS.—

2       The Administrator shall make selections under para-  
3       graph (1) not later than 60 days after promulgation  
4       of regulations under section 5 of the National Small  
5       Business Regulatory Assistance Act of 2007.

6           “(3) ADDITIONAL SELECTIONS.—Not earlier  
7       than the date 3 years after the date of the enact-  
8       ment of this paragraph, the Administrator may se-  
9       lect Small Business Development Center programs  
10      of States in addition to those selected under para-  
11      graph (1). The Administrator shall consider the ef-  
12      fect on the programs selected under paragraph (1)  
13      before selecting additional programs under this  
14      paragraph.

15           “(4) COORDINATION TO AVOID DUPLICATION  
16      WITH OTHER PROGRAMS.—In selecting programs  
17      under this subsection, the Administrator shall give a  
18      preference to Small Business Development Center  
19      programs that have a plan for consulting with Fed-  
20      eral and State agencies to ensure that any assist-  
21      ance provided under this section is not duplicated by  
22      an existing Federal or State program.

23           “(h) MATCHING NOT REQUIRED.—Subparagraphs  
24      (A) and (B) of section 21(a)(4) shall not apply to assist-  
25      ance made available under the program.

1       “(i) DISTRIBUTION OF GRANTS.—

2           “(1) IN GENERAL.—Except as provided in para-  
3           graph (2), each State program selected to receive a  
4           grant under subsection (g) in a fiscal year shall be  
5           eligible to receive a grant in an amount not to ex-  
6           ceed the product obtained by multiplying—

7               “(A) the amount made available for grants  
8               under this section for the fiscal year; and

9               “(B) the ratio that the population of the  
10              State bears to the population of all the States  
11              with programs selected to receive grants under  
12              subsection (g) for the fiscal year.

13           “(2) MINIMUM AMOUNT.—The minimum  
14           amount that a State program selected to receive a  
15           grant under subsection (g) shall be eligible to receive  
16           under this section for any fiscal year shall be  
17           \$250,000. The Administrator shall reduce the  
18           amount described in paragraph (1) as appropriate to  
19           carry out the purposes of this paragraph and sub-  
20           section (j)(2).

21           “(j) EVALUATION AND REPORT.—Not later than 3  
22           years after the establishment of the program, the Com-  
23           troller General of the United States shall conduct an eval-  
24           uation of the program and shall transmit to the Adminis-  
25           trator, the Committee on Small Business and Entrepre-

1 neurship of the Senate, and the Committee on Small Busi-  
2 ness of the House of Representatives a report containing  
3 the results of the evaluation along with any recommenda-  
4 tions as to whether the program, with or without modifica-  
5 tion, should be extended to include the participation of all  
6 Small Business Development Centers.

7       “(k) AUTHORIZATION OF APPROPRIATIONS.—

8           “(1) IN GENERAL.—There is authorized to be  
9           appropriated to carry out this section \$6,000,000 for  
10          fiscal year 2008 and each subsequent fiscal year.

11           “(2) LIMITATION ON USE OF OTHER FUNDS.—  
12          The Administrator shall carry out the program only  
13          with amounts appropriated in advance specifically to  
14          carry out this section.”.

15 **SEC. 5. PROMULGATION OF REGULATIONS.**

16          After providing notice and an opportunity for com-  
17          ment and after consulting with the Association (but not  
18          later than 180 days after the date of the enactment of  
19          this Act), the Administrator shall promulgate final regula-  
20          tions to carry out this Act, including regulations that es-  
21          tablish—

22           (1) priorities for the types of assistance to be  
23          provided under the program;

○