

106TH CONGRESS
1ST SESSION

H. R. 391

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. MCINTOSH introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PA-
5 PERWORK REQUIREMENTS.**

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

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

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

14 (3) by adding at the end the following new
15 paragraphs:

16 “(6) publish in the Federal Register on an an-
17 nual basis a list of the requirements applicable to
18 small-business concerns (within the meaning of sec-
19 tion 3 of the Small Business Act (15 U.S.C. 631 et
20 seq.)) with respect to collection of information by
21 agencies, organized by North American Industrial
22 Classification System code and industrial/sector de-
23 scription (as published by the Office of Management
24 and Budget), with the first such publication occur-
25 ring not later than one year after the date of the en-

1 actment of the Small Business Paperwork Reduction
2 Act Amendments of 1999; and

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

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

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

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

20 “(B) in any case of a first-time violation by a
21 small-business concern of a requirement regarding
22 collection of information by the agency, provide that
23 no civil fine shall be imposed on the small-business
24 concern unless, based on the particular facts and cir-
25 cumstances regarding the violation—

1 “(i) the head of the agency determines that
2 the violation has caused actual serious harm to
3 the public;

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

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

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

17 “(v) except as provided in paragraph (2),
18 the head of the agency determines that the vio-
19 lation presents an imminent and substantial
20 danger to the public health or safety.

21 “(2)(A) In any case in which the head of an agency
22 determines that a first-time violation by a small-business
23 concern of a requirement regarding the collection of infor-
24 mation presents an imminent and substantial danger to
25 the public health or safety, the head of the agency may,

1 notwithstanding paragraph (1)(B)(v), determine that a
2 civil fine should not be imposed on the small-business con-
3 cern if the violation is corrected within 24 hours of receipt
4 of notice in writing by the small-business concern of the
5 violation.

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

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

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

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

23 “(iv) whether the small-business concern has
24 obtained a significant economic benefit from the vio-
25 lation.

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

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

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

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

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

24 (3) by adding at the end the following new
25 paragraph:

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

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

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

14 **“§ 3521. Establishment of task force on feasibility of**
15 **streamlining information collection re-**
16 **quirements**

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

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

23 “(1) At least two representatives of the Depart-
24 ment of Labor, including one representative of the

1 Bureau of Labor Statistics and one representative of
2 the Occupational Safety and Health Administration.

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

5 “(3) At least one representative of the Depart-
6 ment of Transportation.

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

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

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

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

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

23 “(3) on the same date.

24 “(d) Not later than one year after the date of the
25 enactment of the Small Business Paperwork Reduction

1 Act Amendments of 1999, the task force shall submit a
2 report of its findings under subsection (e) to the chairmen
3 and ranking minority members of the Committee on Gov-
4 ernment Reform and Oversight and the Committee on
5 Small Business of the House of Representatives, and the
6 Committee on Governmental Affairs and the Committee
7 on Small Business of the Senate.

8 “(e) As used in this section, the term ‘small-business
9 concern’ has the meaning given that term under section
10 3 of the Small Business Act (15 U.S.C. 631 et seq.).”.

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

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

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