

Calendar No. 234

107TH CONGRESS
1ST SESSION

S. 1271

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 2001

Mr. VOINOVICH (for himself, Mrs. LINCOLN, Mr. LEAHY, Mr. BOND, Mr. CONRAD, Mr. MILLER, Mr. JEFFORDS, Mr. BUNNING, Mr. CLELAND, Mr. CARPER, Mr. LIEBERMAN, Mr. THOMPSON, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

NOVEMBER 27, 2001

Reported by Mr. LIEBERMAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable 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 “Small Business Paper-
 5 work Relief Act of 2001”.

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

8 (a) REQUIREMENTS APPLICABLE TO THE DIRECTOR
 9 OF OMB.—Section 3504(e) of title 44, United States
 10 Code (commonly referred to as the “Paperwork Reduction
 11 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:

17 “(6) publish in the Federal Register on an an-
 18 nual basis a list of the collections of information ap-
 19 plicable to small-business concerns (as defined in
 20 section 3 of the Small Business Act (15 U.S.C.
 21 632)), organized by North American Industrial Clas-
 22 sification System code and industrial/sector descrip-
 23 tion (as published by the Office of Management and
 24 Budget), with the first such publication occurring
 25 not later than 1 year after the date of enactment of

1 the Small Business Paperwork Relief Act of 2001;
 2 and

3 “(7) make available on the Internet, not later
 4 than 1 year after the date of enactment of the Small
 5 Business Paperwork Relief Act of 2001, the list of
 6 requirements described in paragraph (6).”.

7 (b) ESTABLISHMENT OF AGENCY POINT OF CON-
 8 TACT.—Section 3506 of title 44, United States Code, is
 9 amended by adding at the end the following:

10 “(i) In addition to the requirements described in sub-
 11 section (e), each agency shall, with respect to the collection
 12 of information and the control of paperwork, establish 1
 13 point of contact in the agency to act as a liaison between
 14 the agency and small-business concerns (as defined in sec-
 15 tion 3 of the Small Business Act (15 U.S.C. 632)).”.

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

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

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

23 (3) by adding at the end the following:

24 “(4) in addition to the requirements of this
 25 chapter regarding the reduction of paperwork for

1 small-business concerns (as defined in section 3 of
 2 the Small Business Act (15 U.S.C. 632)), make ef-
 3 forts to further reduce the paperwork burden for
 4 small-business concerns with fewer than 25 employ-
 5 ees.”.

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

9 (a) IN GENERAL.—Chapter 35 of title 44, United
 10 States Code, is amended—

11 (1) by redesignating section 3520 as section
 12 3521; and

13 (2) by inserting after section 3519 the fol-
 14 lowing:

15 **“§ 3520. Establishment of task force on feasibility of**
 16 **streamlining information collection re-**
 17 **quirements**

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

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

24 “(1) not less than 2 representatives of the De-
 25 partment of Labor, including 1 representative of the

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

3 “(2) not less than 1 representative of the Envi-
4 ronmental Protection Agency;

5 “(3) not less than 1 representative of the De-
6 partment of Transportation;

7 “(4) not less than 1 representative of the Office
8 of Advocacy of the Small Business Administration;

9 “(5) not less than 1 representative of each of
10 two agencies other than the Department of Labor,
11 the Environmental Protection Agency, the Depart-
12 ment of Transportation, and the Small Business Ad-
13 ministration; and

14 “(6) not less than 2 representatives of the De-
15 partment of Health and Human Services, including
16 one representative of the Health Care Financing Ad-
17 ministration.

18 “(c) The task force shall—

19 “(1) recommend a system to clarify which small
20 businesses within particular North American Indus-
21 trial Classification System codes are subject to
22 which information compliance requirements; and

23 “(2) examine the feasibility of requiring each
24 agency to consolidate requirements regarding collec-
25 tions of information with respect to small-business

1 concerns, in order that each small business concern
 2 may submit all information required by the agency—

3 “(A) to 1 point of contact in the agency;

4 “(B) in a single format, such as a single
 5 electronic reporting system, with respect to the
 6 agency; and

7 “(C) on the same date.

8 “(d) Not later than 1 year after the date of enact-
 9 ment of the Small Business Paperwork Relief Act of 2001,
 10 the task force shall submit a report of its findings under
 11 subsection (e) to the chairpersons and ranking minority
 12 members of the Committee on Governmental Affairs and
 13 the Committee on Small Business of the Senate, and the
 14 Committee on Government Reform and the Committee on
 15 Small Business of the House of Representatives.

16 “(e) In this section, the term ‘small business concern’
 17 has the meaning given under section 3 of the Small Busi-
 18 ness Act (15 U.S.C. 632).”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The table of sections for chapter 35 of title 44, United
 21 States Code, is amended by striking the item relating to
 22 section 3520 and inserting the following:

“3520. Establishment of task force on feasibility of streamlining information
 collection requirements.

“3521. Authorization of appropriations.”.

1 **SEC. 4. REGULATORY ENFORCEMENT REFORMS.**

2 Section 223 of the Small Business Regulatory En-
 3 forcement Fairness Act of 1996 (5 U.S.C. 601 note) is
 4 amended by striking subsection (c) and inserting:

5 “(c) REPORTS.—

6 “(1) IN GENERAL.—Not later than 1 year after
 7 the date of enactment of the Small Business Paper-
 8 work Relief Act of 2001, and not later than every
 9 2 years thereafter, each agency shall submit a report
 10 to the Committee on Governmental Affairs and the
 11 Committee on Small Business of the Senate, and the
 12 Committee on the Judiciary and the Committee on
 13 Small Business of the House of Representatives,
 14 that includes information with respect to the appli-
 15 cable 1-year period or 2-year period covered by the
 16 report on each of the following:

17 “(A) The number of enforcement actions
 18 in which a civil penalty is assessed or proposed
 19 to be assessed:

20 “(B) The number of enforcement actions
 21 in which a civil penalty is assessed or proposed
 22 to be assessed against a small entity.

23 “(C) The number of enforcement actions
 24 described under subparagraphs (A) and (B) in
 25 which the civil penalty is reduced or waived.

1 ~~“(D) The total monetary amount of the re-~~
 2 ~~ductions or waivers referred to under subpara-~~
 3 ~~graph (C).~~

4 ~~“(2) DEFINITIONS IN REPORTS.—Each report~~
 5 ~~under paragraph (1) shall include definitions of the~~
 6 ~~terms ‘enforcement actions’, ‘reduction or waiver’,~~
 7 ~~and ‘small entity’ as used in the report.”.~~

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Small Business Paper-*
 10 *work Relief Act of 2001”.*

11 **SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PA-**
 12 **PERWORK REQUIREMENTS.**

13 *(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR*
 14 *OF OMB.—Section 3504(c) of title 44, United States Code*
 15 *(commonly referred to as the “Paperwork Reduction Act”),*
 16 *is amended—*

17 *(1) in paragraph (4), by striking “; and” and*
 18 *inserting a semicolon;*

19 *(2) in paragraph (5), by striking the period and*
 20 *inserting a semicolon; and*

21 *(3) by adding at the end the following:*

22 *“(6) publish in the Federal Register and make*
 23 *available on the Internet (in consultation with the*
 24 *Small Business Administration) on an annual basis*
 25 *a list of the compliance assistance resources available*

1 to small businesses, with the first such publication oc-
 2 curring not later than 1 year after the date of enact-
 3 ment of the Small Business Paperwork Relief Act of
 4 2001.”.

5 (b) *ESTABLISHMENT OF AGENCY POINT OF CON-*
 6 *TACT.*—Section 3506 of title 44, United States Code, is
 7 amended by adding at the end the following:

8 “(i)(1) In addition to the requirements described in
 9 subsection (c), each agency described under paragraph (2)
 10 shall, with respect to the collection of information and the
 11 control of paperwork, establish 1 point of contact in the
 12 agency to act as a liaison between the agency and small
 13 business concerns (as defined in section 3 of the Small Busi-
 14 ness Act (15 U.S.C. 632)). Each such point of contact shall
 15 be established not later than 1 year after the date of enact-
 16 ment of the Small Business Paperwork Relief Act of 2001.

17 “(2) An agency described under this paragraph is—

18 “(A) any agency with a head that is listed at a
 19 level I position on the Executive Schedule under sec-
 20 tion 5312 of title 5; and

21 “(B) the Federal Communications Commission,
 22 the Securities and Exchange Commission, and the
 23 Environmental Protection Agency.”.

1 (c) *ADDITIONAL REDUCTION OF PAPERWORK FOR*
 2 *CERTAIN SMALL BUSINESSES.*—Section 3506(c) of title 44,
 3 *United States Code, is amended—*

4 (1) *in paragraph (2)(B), by striking “; and”*
 5 *and inserting a semicolon;*

6 (2) *in paragraph (3)(J), by striking the period*
 7 *and inserting “; and”; and*

8 (3) *by adding at the end the following:*

9 “(4) *in addition to the requirements of this*
 10 *chapter regarding the reduction of information collec-*
 11 *tion burdens for small business concerns (as defined*
 12 *in section 3 of the Small Business Act (15 U.S.C.*
 13 *632)), make efforts to—*

14 “(A) *further reduce the information collec-*
 15 *tion burden for small business concerns with*
 16 *fewer than 25 employees; and*

17 “(B) *eliminate any unnecessary paperwork*
 18 *burdens.”.*

19 **SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION**
 20 **COLLECTION AND DISSEMINATION.**

21 (a) *IN GENERAL.*—Chapter 35 of title 44, *United*
 22 *States Code, is amended—*

23 (1) *by redesignating section 3520 as section*
 24 *3521; and*

25 (2) *by inserting after section 3519 the following:*

1 **“§ 3520. Establishment of task force on information**
2 **collection and dissemination**

3 “(a) *There is established a task force to study the feasi-*
4 *bility of streamlining requirements with respect to small*
5 *business concerns regarding collection of information and*
6 *strengthening dissemination of information (in this section*
7 *referred to as the ‘task force’).*

8 “(b) *The members of the task force shall be appointed*
9 *by the Director, and include—*

10 “(1) *not less than 2 representatives of the De-*
11 *partment of Labor, including 1 representative of the*
12 *Bureau of Labor Statistics and 1 representative of the*
13 *Occupational Safety and Health Administration;*

14 “(2) *not less than 1 representative of the Envi-*
15 *ronmental Protection Agency;*

16 “(3) *not less than 1 representative of the Depart-*
17 *ment of Transportation;*

18 “(4) *not less than 1 representative of the Office*
19 *of Advocacy of the Small Business Administration;*

20 “(5) *not less than 1 representative of the Internal*
21 *Revenue Service;*

22 “(6) *not less than 2 representatives of the De-*
23 *partment of Health and Human Services, including*
24 *1 representative of the Health Care Financing Ad-*
25 *ministration;*

1 “(7) not less than 1 representative of the Depart-
2 ment of Agriculture;

3 “(8) not less than 1 representative of the Depart-
4 ment of Interior;

5 “(9) not less than 1 representative of the General
6 Services Administration;

7 “(10) not less than 1 representative of each of 2
8 agencies not represented by representatives described
9 under paragraphs (1) through (9) and (11);

10 “(11) 1 representative of the Director, who shall
11 convene and chair the task force; and

12 “(12) not less than 3 representatives of the small
13 business community.

14 “(c) The task force shall—

15 “(1) recommend a plan for the development of
16 an interactive Government application, available
17 through the Internet, to allow each small business to
18 better understand which Federal requirements regard-
19 ing collection of information (and, when possible,
20 which other Federal regulatory requirements) apply
21 to that particular business;

22 “(2) identify ways to integrate the collection of
23 information across Federal agencies and programs
24 and examine the feasibility of requiring each agency
25 to consolidate requirements regarding collections of

1 *information with respect to small business concerns,*
2 *within and across agencies without negatively im-*
3 *pacting the effectiveness of underlying laws and regu-*
4 *lations regarding such collections of information, in*
5 *order that each small business concern may submit*
6 *all information required by the agency—*

7 *“(A) to 1 point of contact in the agency;*

8 *and*

9 *“(B) in a single format, such as a single*
10 *electronic reporting system, with respect to the*
11 *agency;*

12 *“(3) examine the feasibility and helpfulness to*
13 *small businesses of the Director publishing a list of*
14 *the collections of information applicable to small busi-*
15 *ness concerns (as defined in section 3 of the Small*
16 *Business Act (15 U.S.C. 632)), organized—*

17 *“(A) by North American Industrial Classi-*
18 *fication System code;*

19 *“(B) industrial/sector description; or*

20 *“(C) in another manner by which small*
21 *business concerns can more easily identify re-*
22 *quirements with which those small business con-*
23 *cerns are expected to comply; and*

1 “(4) *examine the savings, including cost savings,*
 2 *for implementing a system of electronic paperwork*
 3 *submissions.*

4 “(d) *Not later than 1 year after the date of enactment*
 5 *of the Small Business Paperwork Relief Act of 2001, the*
 6 *task force shall submit a report of its findings under sub-*
 7 *section (c) to—*

8 “(1) *the Director; and*

9 “(2) *the chairpersons and ranking minority*
 10 *members of—*

11 “(A) *the Committee on Governmental Af-*
 12 *fairs and the Committee on Small Business of*
 13 *the Senate; and*

14 “(B) *the Committee on Government Reform*
 15 *and the Committee on Small Business of the*
 16 *House of Representatives.*

17 “(e) *In this section, the term ‘small business concern’*
 18 *has the meaning given under section 3 of the Small Busi-*
 19 *ness Act (15 U.S.C. 632).”.*

20 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 21 *table of sections for chapter 35 of title 44, United States*
 22 *Code, is amended by striking the item relating to section*
 23 *3520 and inserting the following:*

 “3520. *Establishment of task force on information collection and dissemination.*
 “3521. *Authorization of appropriations.”.*

1 **SEC. 4. REGULATORY ENFORCEMENT REFORMS.**

2 *Section 223 of the Small Business Regulatory Enforce-*
 3 *ment Fairness Act of 1996 (5 U.S.C. 601 note) is amended*
 4 *by striking subsection (c) and inserting:*

5 “(c) *REPORTS.*—

6 “(1) *IN GENERAL.*—Not later than 1 year after
 7 the date of enactment of the Small Business Paper-
 8 work Relief Act of 2001, and not later than every 2
 9 years thereafter, each agency shall submit a report to
 10 the Director of the Office of Management and Budget
 11 and the chairpersons and ranking minority members
 12 of the Committee on Governmental Affairs and the
 13 Committee on Small Business of the Senate, and the
 14 Committee on the Judiciary and the Committee on
 15 Small Business of the House of Representatives, that
 16 includes information with respect to the applicable 1-
 17 year period or 2-year period covered by the report on
 18 each of the following:

19 “(A) *The number of enforcement actions in*
 20 *which a civil penalty is assessed.*

21 “(B) *The number of enforcement actions in*
 22 *which a civil penalty is assessed against a small*
 23 *entity.*

24 “(C) *The number of enforcement actions de-*
 25 *scribed under subparagraphs (A) and (B) in*
 26 *which the civil penalty is reduced or waived.*

1 “(D) *The total monetary amount of the re-*
 2 *ductions or waivers referred to under subpara-*
 3 *graph (C).*

4 “(2) *DEFINITIONS IN REPORTS.—Each report*
 5 *under paragraph (1) shall include definitions of the*
 6 *terms ‘enforcement actions’, ‘reduction or waiver’,*
 7 *and ‘small entity’ as used in the report.’.*

Amend the title so as to read: “A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.”.

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A BILL

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

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Reported with an amendment and an amendment to the
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