

105TH CONGRESS
2D SESSION

H. R. 3310

IN THE SENATE OF THE UNITED STATES

MARCH 30, 1998

Received

APRIL 2, 1998

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 1998”.

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

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

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

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

11 (3) by adding at the end the following new
12 paragraphs:

13 “(6) publish in the Federal Register on an an-
14 nual basis a list of the requirements applicable to
15 small-business concerns (within the meaning of sec-
16 tion 3 of the Small Business Act (15 U.S.C. 631 et
17 seq.)) with respect to collection of information by
18 agencies, organized by North American Industrial
19 Classification System code and industrial/sector de-
20 scription (as published by the Office of Management
21 and Budget), with the first such publication occur-
22 ring not later than one year after the date of the en-
23 actment of the Small Business Paperwork Reduction
24 Act Amendments of 1998; and

25 “(7) make available on the Internet, not later
26 than one year after the date of the enactment of

1 such Act, the list of requirements described in para-
2 graph (6).”.

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

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

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

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

22 “(i) the head of the agency determines that
23 the violation has caused actual serious harm to
24 the public;

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

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

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

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

18 “(2)(A) In any case in which the head of an agency
19 determines that a first-time violation by a small-business
20 concern of a requirement regarding the collection of infor-
21 mation presents an imminent and substantial danger to
22 the public health or safety, the head of the agency may,
23 notwithstanding paragraph (1)(B)(v), determine that a
24 civil fine should not be imposed on the small-business con-
25 cern if the violation is corrected within 24 hours of receipt

1 of notice in writing by the small-business concern of the
2 violation.

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

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

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

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

20 “(iv) whether the small-business concern has
21 obtained a significant economic benefit from the vio-
22 lation.

23 “(3) In any case in which the head of the agency im-
24 poses a civil fine on a small-business concern for a first-
25 time violation of a requirement regarding collection of in-

1 formation which the agency head has determined presents
2 an imminent and substantial danger to the public health
3 or safety, and does not provide the small-business concern
4 with 24 hours to correct the violation, the head of the
5 agency shall notify Congress regarding such determination
6 not later than 60 days after the date that the civil fine
7 is imposed by the agency.

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

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

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

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

21 (3) by adding at the end the following new
22 paragraph:

23 “(4) in addition to the requirements of this Act
24 regarding the reduction of paperwork for small-busi-
25 ness concerns (within the meaning of section 3 of

1 the Small Business Act (15 U.S.C. 631 et seq.)),
2 make efforts to further reduce the paperwork burden
3 for small-business concerns with fewer than 25 em-
4 ployees.”.

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

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

11 **“§ 3521. Establishment of task force on feasibility of**
12 **streamlining information collection re-**
13 **quirements**

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

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

20 “(1) At least two representatives of the Depart-
21 ment of Labor, including one representative of the
22 Bureau of Labor Statistics and one representative of
23 the Occupational Safety and Health Administration.

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

1 “(3) At least one representative of the Depart-
2 ment of Transportation.

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

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

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

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

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

19 “(3) on the same date.

20 “(d) Not later than one year after the date of the
21 enactment of the Small Business Paperwork Reduction
22 Act Amendments of 1998, the task force shall submit a
23 report of its findings under subsection (c) to the chairmen
24 and ranking minority members of the Committee on Gov-
25 ernment Reform and Oversight and the Committee on

1 Small Business of the House of Representatives, and the
2 Committee on Governmental Affairs and the Committee
3 on Small Business of the Senate.

4 “(e) As used in this section, the term ‘small-business
5 concern’ has the meaning given that term under section
6 3 of the Small Business Act (15 U.S.C. 631 et seq.).”.

7 (b) CONFORMING AMENDMENT.—The table of sec-
8 tions at the beginning of such chapter is amended by add-
9 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 March 26,
1998.

Attest:

ROBIN H. CARLE,

Clerk.