

Union Calendar No. 266

105TH CONGRESS
2^D SESSION

H. R. 3310

[Report No. 105-462, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1998

Mr. MCINTOSH (for himself, Mr. KUCINICH, Mr. FROST, Ms. WOOLSEY, Mr. GORDON, Mr. HAMILTON, Mr. HASTERT, Mr. SCARBOROUGH, Mr. SUNUNU, Mr. SESSIONS, Mr. SHAYS, Mr. MCHUGH, Mr. DAVIS of Virginia, Mr. MILLER of Florida, Mr. LIVINGSTON, Mr. DELAY, Mr. ARMEY, Mr. BOEHNER, Mr. THORNBERRY, Mr. BARR of Georgia, Ms. DUNN, and Mr. SNOWBARGER) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, 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

MARCH 24, 1998

Additional sponsors: Mr. SANDLIN, Ms. LOFGREN, Mr. KING, Mr. HALL of Texas, Mr. COMBEST, Mr. CUNNINGHAM, Mrs. EMERSON, Mr. TALENT, Mr. GEJDENSON, Mr. SHADEGG, Mr. MICA, Mr. BURTON of Indiana, Mr. COX of California, Mr. CONDIT, Mr. SANFORD, Mr. PAPPAS, Mr. NORWOOD, Mr. POMBO, Mrs. KELLY, Mr. PICKERING, Mr. HORN, and Mr. EHRLICH

MARCH 24, 1998

Reported from the Committee on Government Reform and Oversight with an amendment

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

MARCH 24, 1998

Referral to the Committee on Small Business extended for a period ending not later than March 24, 1998

MARCH 24, 1998

The Committee on Small Business discharged; referred to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 3, 1998]

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, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

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”.*

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, United*
 10 *States Code (commonly referred to as the “Paperwork Re-*
 11 *duction Act”), is amended—*

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

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

5 (3) *by adding at the end the following new para-*
6 *graphs:*

7 “(6) *publish in the Federal Register on an an-*
8 *ual basis a list of the requirements applicable to*
9 *small-business concerns (within the meaning of sec-*
10 *tion 3 of the Small Business Act (15 U.S.C. 631 et*
11 *seq.)) with respect to collection of information by*
12 *agencies, organized by North American Industrial*
13 *Classification System code and industrial/sector de-*
14 *scription (as published by the Office of Management*
15 *and Budget), with the first such publication occurring*
16 *not later than one year after the date of the enact-*
17 *ment of the Small Business Paperwork Reduction Act*
18 *Amendments of 1998; and*

19 “(7) *make available on the Internet, not later*
20 *than one year after the date of the enactment of such*
21 *Act, the list of requirements described in paragraph*
22 *(6).”.*

23 (b) *ESTABLISHMENT OF AGENCY POINT OF CONTACT;*
24 *SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIO-*

1 *LATIONS.—Section 3506 of such chapter is amended by add-*
2 *ing at the end the following new subsection:*

3 “(i)(1) *In addition to the requirements described in*
4 *subsection (c), each agency shall, with respect to the collec-*
5 *tion of information and the control of paperwork—*

6 “(A) *establish one point of contact in the agency*
7 *to act as a liaison between the agency and small-busi-*
8 *ness concerns (within the meaning of section 3 of the*
9 *Small Business Act (15 U.S.C. 631 et seq.)); and*

10 “(B) *in any case of a first-time violation by a*
11 *small-business concern of a requirement regarding*
12 *collection of information by the agency, provide that*
13 *no civil fine shall be imposed on the small-business*
14 *concern unless, based on the particular facts and cir-*
15 *cumstances regarding the violation—*

16 “(i) *the head of the agency determines that*
17 *the violation has caused actual serious harm to*
18 *the public;*

19 “(ii) *the head of the agency determines that*
20 *failure to impose a civil fine would impede or*
21 *interfere with the detection of criminal activity;*

22 “(iii) *the violation is a violation of an in-*
23 *ternal revenue law or a law concerning the as-*
24 *essment or collection of any tax, debt, revenue,*
25 *or receipt;*

1 “(iv) the violation is not corrected on or be-
2 fore the date that is six months after the date of
3 receipt by the small-business concern of notifica-
4 tion of the violation in writing from the agency;
5 or

6 “(v) except as provided in paragraph (2),
7 the head of the agency determines that the viola-
8 tion presents an imminent and substantial dan-
9 ger to the public health or safety.

10 “(2)(A) In any case in which the head of an agency
11 determines that a first-time violation by a small-business
12 concern of a requirement regarding the collection of infor-
13 mation presents an imminent and substantial danger to the
14 public health or safety, the head of the agency may, notwith-
15 standing paragraph (1)(B)(v), determine that a civil fine
16 should not be imposed on the small-business concern if the
17 violation is corrected within 24 hours of receipt of notice
18 in writing by the small-business concern of the violation.

19 “(B) In determining whether to provide a small-busi-
20 ness concern with 24 hours to correct a violation under sub-
21 paragraph (A), the head of the agency shall take into ac-
22 count all of the facts and circumstances regarding the viola-
23 tion, including—

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

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

8 “(iii) the previous compliance history of the
9 small-business concern, including whether the small-
10 business concern, its owner or owners, or its principal
11 officers have been subject to past enforcement actions;
12 and

13 “(iv) whether the small-business concern has ob-
14 tained a significant economic benefit from the viola-
15 tion.

16 “(3) In any case in which the head of the agency im-
17 poses a civil fine on a small-business concern for a first-
18 time violation of a requirement regarding collection of in-
19 formation which the agency head has determined presents
20 an imminent and substantial danger to the public health
21 or safety, and does not provide the small-business concern
22 with 24 hours to correct the violation, the head of the agency
23 shall notify Congress regarding such determination not
24 later than 60 days after the date that the civil fine is
25 imposed by the 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 new para-*
9 *graph:*

10 “*(4) in addition to the requirements of this Act*
11 *regarding the reduction of paperwork for small-busi-*
12 *ness concerns (within the meaning of section 3 of the*
13 *Small Business Act (15 U.S.C. 631 et seq.)), make ef-*
14 *forts to further reduce the paperwork burden for*
15 *small-business concerns with fewer than 25 employ-*
16 *ees.”.*

17 **SEC. 3. ESTABLISHMENT OF TASK FORCE TO STUDY**
18 **STREAMLINING OF PAPERWORK REQUIRE-**
19 **MENTS FOR SMALL-BUSINESS CONCERNS.**

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

1 **“§3521. Establishment of task force on feasibility of**
2 **streamlining information collection re-**
3 **quirements**

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

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

10 “(1) *At least two representatives of the Depart-*
11 *ment of Labor, including one representative of the*
12 *Bureau of Labor Statistics and one representative of*
13 *the Occupational Safety and Health Administration.*

14 “(2) *At least one representative of the Environ-*
15 *mental Protection Agency.*

16 “(3) *At least one representative of the Depart-*
17 *ment of Transportation.*

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

20 “(5) *At least one representative of each of two*
21 *agencies other than the Department of Labor, the En-*
22 *vironmental Protection Agency, the Department of*
23 *Transportation, and the Small Business Administra-*
24 *tion.*

25 “(c) *The task force shall examine the feasibility of re-*
26 *quiring each agency to consolidate requirements regarding*

1 *collections of information with respect to small-business*
2 *concerns, in order that each small-business concern may*
3 *submit all information required by the agency—*

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

5 “(2) *in a single format, or using a single elec-*
6 *tronic reporting system, with respect to the agency;*
7 *and*

8 “(3) *on the same date.*

9 “(d) *Not later than one year after the date of the enact-*
10 *ment of the Small Business Paperwork Reduction Act*
11 *Amendments of 1998, the task force shall submit a report*
12 *of its findings under subsection (c) to the chairmen and*
13 *ranking minority members of the Committee on Govern-*
14 *ment Reform and Oversight and the Committee on Small*
15 *Business of the House of Representatives, and the Commit-*
16 *tee on Governmental Affairs and the Committee on Small*
17 *Business of the Senate.*

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

21 (b) *CONFORMING AMENDMENT.—The table of sections*
22 *at the beginning of such chapter is amended by adding at*
23 *the end the following new item:*

“3521. Establishment of task force on feasibility of streamlining information col-
lection requirements.”.

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