

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1867

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 26, 1998

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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”.

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 (c) ADDITIONAL REDUCTION OF PAPERWORK FOR  
9 CERTAIN SMALL BUSINESSES.—Section 3506(c) of title  
10 44, United States Code, is amended—

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

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

15 (3) by adding at the end the following new  
16 paragraph:

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

1 **SEC. 3. ESTABLISHMENT OF TASK FORCE TO STUDY**  
2 **STREAMLINING OF PAPERWORK REQUIRE-**  
3 **MENTS FOR SMALL-BUSINESS CONCERNS.**

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

7 **“§ 3521. Establishment of task force on feasibility of**  
8 **streamlining information collection re-**  
9 **quirements**

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

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

16 “(1) At least two representatives of the Depart-  
17 ment of Labor, including one representative of the  
18 Bureau of Labor Statistics and one representative of  
19 the Occupational Safety and Health Administration.

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

22 “(3) At least one representative of the Depart-  
23 ment of Transportation.

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

1           “(5) At least one representative of each of two  
2 agencies other than the Department of Labor, the  
3 Environmental Protection Agency, the Department  
4 of Transportation, and the Small Business Adminis-  
5 tration.

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

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

12           “(2) in a single format, or using a single elec-  
13 tronic reporting system, with respect to the agency;  
14 and

15           “(3) on the same date.

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

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

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

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

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