

**The Small Business Paperwork Relief Act (SBPRA) of 2002:  
Questions and Answers for Federal Agencies**

Question: What is SBPRA?

Answer: The Small Business Paperwork Relief Act of 2002 was enacted on June 28, 2002. The purpose of the Act is “to facilitate small business compliance with certain paperwork requirements, to establish a task force to examine paperwork collection and dissemination, and for other purposes.”

Question: What specific requirements does SBPRA impose on Federal agencies?

Establish Single Point of Contact. The Act requires agencies to establish, no later than June 28, 2003, one point of contact to act as liaison between the agency and small business concerns (as defined in Section 3 of the Small Business Act (15 USC 632)).

Make Efforts to Reduce Paperwork Burden. The Act requires agencies to make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.

Designate Task Force Representative(s). The Act requires the head of applicable departments and agencies to designate a representative or representatives to serve on a task force on information collection and dissemination.

Submit Regulatory Enforcement Reports. The Act requires each covered agency to submit an initial regulatory enforcement report to Congress by December 31, 2003, and a final report to Congress by December 31, 2004.

In addition to these direct requirements, agencies will be involved indirectly in meeting other requirements of the Act. For example, the Act requires OMB to undertake certain activities that involve agencies. These include publishing in the Federal Register and making available on the internet (in consultation with the Small Business Administration) on an annual basis a list of compliance assistance resources available to small businesses. The first list of compliance assistance resources was published before the June 28, 2003 statutory deadline. In meeting this requirement, OMB and/or SBA requested and received information from all Federal agencies.

### Establish Single Point of Contact

Question: How do agencies establish a single point of contact?

Answer: Agencies designate an appropriate person to serve as the single point of contact. The Small Business Administration maintains the list of single points of contact and makes this list available on its web site. The initial list was published on June 28, 2003 and is available on the SBA web site (<http://www.sba.gov/ombudsman/compliance/complianceassist.html>), as well as the OMB web site (<http://www.whitehouse.gov/omb/inforeg/infocoll.html>).

Question: Whom should agencies notify regarding changes to their single point of contact?

Answer: Agencies should notify SBA when making any changes to information on their single point of contact. Contact Mr. Michael Campilongo, Office of General Counsel, U.S. Small Business Administration, by phone (202-205-6879) or by e-mail ([michael.campilongo@sba.gov](mailto:michael.campilongo@sba.gov)) SBA will provide OMB with periodic updates of the list. OMB, as required by the SBPRA, will publish the list annually.

### Make Efforts To Reduce Paperwork Burden

Question: How does the statute recognize the special needs of very small businesses?

Answer: The statute amends Section 3506(c) of title 44, U.S.C. by instructing agencies to “make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.”

### Designate Task Force Representative(s)

Question: Which agencies must be represented on the Task Force?

Answer: Minimum requirements for Task Force representation are defined by the statute. The Task Force must include one member from OMB (to serve as Chairman); not less than two representatives from Labor (including one from the Bureau of Labor Statistics and one from the Occupational Safety and Health Administration); not less than one representative of the Environmental Protection Agency; not less than one representative of the Department of Transportation; not less than one representative of the Office of Advocacy of the Small Business Administration; not less than one representative of the Internal Revenue Service; not less than two representatives of the Department of Health and Human Services (including one from the Centers for Medicare and Medicaid Services); not less than one representative of the Department of Agriculture; not less than one representative of the Department of the Interior; not less than one representative of the General Services Administration; and not less than one representative of each of two agencies not identified previously.

Question: Have agencies designated representatives to the task force on information collection and dissemination?

Answer: Yes. Agencies represented on the Task Force designated their representative(s), and the Task Force completed its first report by June 28, 2003, in accordance with SBPRA. The first task force report can be found on the OMB website (<http://www.whitehouse.gov/omb/inforeg/sbptra2003.pdf>). The Task Force must now turn its attention to its second and final report, which is due June 28, 2004. Because the subject matter of the second report differs from the first report, the composition of the Task Force will also change. OMB will be contacting agencies in the near future to ensure appropriate representation.

Question: What work products must the Task Force produce?

Answer: The Task Force must produce two reports. The first report, which was completed, addressed (1) the feasibility and desirability of requiring each agency to consolidate requirements relating to collections of information with respect to small business concerns within and across agencies; (2) the feasibility and benefits to small businesses of publishing a list of the information collections applicable to small business concerns organized by NAICS code, by industrial sector description, or by another manner; and (3) examine the savings and make recommendations for implementing systems for electronic submissions of information to the Federal Government and interactive reporting systems.

In the second report, which is due by June 28, 2004, the Task Force shall (1) make recommendations to improve the electronic dissemination of information collected under Federal requirements, and (2) recommend a plan for the development of an interactive government-wide system, available through the Internet, to allow each small business to (A) better understand which Federal requirements regarding collection of information apply to that particular business, and (B) more easily comply with those Federal requirements; and (3) consider opportunities for coordination of (A) Federal and State reporting requirements, and (B) among points of contact.

## Submit Regulatory Enforcement Reports

Question: Which Federal agencies must submit regulatory enforcement reports to Congress?

Answer: With respect to regulatory enforcement reports, the term “agency” has the same meaning given that term under Section 551 of title 5, United States Code.

Question: What information must be included in a regulatory enforcement report?

Answer: The initial report shall include information with respect to the one-year period beginning October 1, 2002. The final report shall include information with respect to the one-year period beginning October 1, 2003.

Each report shall include information on each of the following: (A) the number of enforcement actions in which a civil penalty is assessed, (B) the number of enforcement actions in which a civil penalty is assessed against a small entity, (C) the number of enforcement actions described under subparagraphs (A) and (B) in which the civil penalty is reduced or waived, and (D) the total monetary amount of the reductions or waivers referred to under subparagraph (C).

Each report shall include definitions (selected at the discretion of the reporting agency) of the terms “enforcement actions”, “reduction or waiver”, and “small entity” as used in the report.

Each agency should have some prior agency precedent in defining the terms "enforcement actions", "reduction or waiver" and "small entity." Section 223 of the 1996 "Small Business Regulatory Enforcement Fairness Act of 1996" (P.L. 104-121), entitled "Rights of Small Entities in Enforcement Actions," required each agency by the spring of 1997 to "establish a policy or program . . . for the reduction, and under appropriate circumstances for the waiver, of civil penalties for violations of a statutory or regulatory requirement by a small entity." In addition, Section 223 also required each agency to report to Congress by the spring of 1998 "on the scope of their program or policy, the number of enforcement actions against small entities that qualified or failed to qualify for the program or policy, and the total amount of penalty reductions and waivers."

Question: To whom must each regulatory enforcement report be sent?

Answer: Each agency shall submit its report to (A) the chairpersons and ranking minority members of (i) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and (ii) the Committee on Governmental Reform and the Committee on Small Business of the House of Representatives; and (B) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).