

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

# H. R. 4946

To amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2000

Mr. SWEENEY (for himself, Mr. TALENT, Mr. ENGLISH, and Mr. McINTOSH) introduced the following bill; which was referred to the Committee on Small Business

---

## A BILL

To amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

**1 SECTION. 1. SHORT TITLE.**

2 This Act may be cited as the “National Small Busi-  
3 ness Regulatory Assistance Act of 2000”.

**4 SEC. 2. PURPOSE.**

5 The purpose of this Act is to establish a pilot pro-  
6 gram to—

1           (1) provide confidential assistance to small  
2 business concerns;

3           (2) provide small business concerns with the in-  
4 formation necessary to improve their rate of compli-  
5 ance with Federal regulations;

6           (3) create a partnership among Federal agen-  
7 cies to increase outreach efforts to small business  
8 concerns with respect to regulatory compliance;

9           (4) provide a mechanism for unbiased feedback  
10 to Federal agencies on the regulatory environment  
11 for small business concerns; and

12           (5) utilize the service delivery network of Small  
13 Business Development Centers to improve access of  
14 small business concerns to programs to assist them  
15 with regulatory compliance.

16 **SEC. 3. SMALL BUSINESS REGULATORY ASSISTANCE PILOT**  
17 **PROGRAM.**

18       The Small Business Act (15 U.S.C. 637 et seq.) is  
19 amended—

20           (1) by redesignating section 34 as section 35;  
21 and

22           (2) by inserting after section 33 the following  
23 new section:

1 **“SEC. 34. SMALL BUSINESS REGULATORY ASSISTANCE**  
2 **PILOT PROGRAM.**

3 “(a) DEFINITIONS.—In this section, the following  
4 definitions apply:

5 “(1) ASSOCIATION.—The term ‘Association’  
6 means the association, established pursuant to sec-  
7 tion 21(a)(3)(A), representing a majority of Small  
8 Business Development Centers, regardless whether  
9 any or all of the participating Small Business Devel-  
10 opment Centers are members of the association.

11 “(2) PARTICIPATING SMALL BUSINESS DEVEL-  
12 OPMENT CENTER.—The term ‘participating Small  
13 Business Development Center’ means a Small Busi-  
14 ness Development Center selected to participate in  
15 the pilot program established under this section.

16 “(3) REGULATORY COMPLIANCE ASSISTANCE.—  
17 The term ‘regulatory compliance assistance’ means  
18 assistance provided by a Small Business Develop-  
19 ment Center to a small business concern to enable  
20 the concern to comply with Federal regulatory re-  
21 quirements.

22 “(4) SMALL BUSINESS DEVELOPMENT CEN-  
23 TER.—The term ‘Small Business Development Cen-  
24 ter’ means a Small Business Development Center  
25 described in section 21.

1       “(b) AUTHORITY.—In accordance with this section,  
2 the Administrator of the Small Business Administration  
3 shall establish a pilot program to provide regulatory com-  
4 pliance assistance to small business concerns through par-  
5 ticipating Small Business Development Centers, the Asso-  
6 ciation, and Federal compliance partnership programs.

7       “(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

8               “(1) IN GENERAL.—In carrying out the pilot  
9 program under this section, the Administrator shall  
10 enter into arrangements with participating Small  
11 Business Development Centers under which such  
12 centers will provide—

13                       “(A) access to information and resources,  
14 including current Federal and State nonpuni-  
15 tive compliance and technical assistance pro-  
16 grams similar to those established under section  
17 507 of the Clean Air Act Amendments of 1990;

18                       “(B) training and educational activities;

19                       “(C) confidential, free-of-charge, one-on-  
20 one, in-depth counseling to the owners and op-  
21 erators of small business concerns regarding  
22 compliance with Federal regulations, provided  
23 that such counseling is not considered to be the  
24 practice of law in a State in which a Small

1 Business Development Center is located or in  
2 which such counseling is conducted; and

3 “(D) technical assistance.

4 “(2) QUARTERLY REPORTS.—

5 “(A) IN GENERAL.—The Administrator  
6 shall require that each participating Small  
7 Business Development Center transmit to the  
8 Association a quarterly report that includes—

9 “(i) a summary of the regulatory com-  
10 pliance assistance provided by the center  
11 under the pilot program; and

12 “(ii) any data and information ob-  
13 tained by the center from a Federal agency  
14 regarding regulatory compliance that the  
15 agency intends to be disseminated to small  
16 business concerns.

17 “(B) FORM.—Each report referred to in  
18 subparagraph (A) shall be transmitted to the  
19 Association in electronic form.

20 “(C) INTERIM REPORTS.—During any time  
21 period falling between the transmittal of quar-  
22 terly reports, a participating Small Business  
23 Development Center may transmit to the Asso-  
24 ciation any interim report containing data or

1 information considered by the center to be nec-  
2 essary or useful.

3 “(D) LIMITATION ON DISCLOSURE RE-  
4 QUIREMENTS.—The Administrator may not re-  
5 quire a Small Business Development Center to  
6 disclose the name or address of any small busi-  
7 ness concern that received or is receiving assist-  
8 ance under the pilot program, except that the  
9 Administrator shall require such a disclosure if  
10 ordered to do so by a court in any civil or  
11 criminal enforcement action commenced by a  
12 Federal or State agency.

13 “(d) ASSOCIATION OF SMALL BUSINESS DEVELOP-  
14 MENT CENTERS.—

15 “(1) IN GENERAL.—In carrying out the pilot  
16 program under this section, the Administrator, act-  
17 ing through the Office of Small Business Develop-  
18 ment Centers (or any successor to such office), shall  
19 enter into a contract with the Association under  
20 which the Association will—

21 “(A) act as the repository of and clearing-  
22 house for data and information submitted by  
23 Small Business Development Centers; and

24 “(B) transmit an annual report to the  
25 President, the Small Business and Agriculture

1 Regulatory Enforcement Ombudsman described  
2 in section 30(b), and to the Committees on  
3 Small Business of the Senate and House of  
4 Representatives, which report shall include—

5 “(i) a description of the types of as-  
6 sistance provided by participating Small  
7 Business Development Centers under the  
8 pilot program;

9 “(ii) data regarding the number of  
10 small business concerns that contacted  
11 participating Small Business Development  
12 Centers regarding assistance under the  
13 pilot program;

14 “(iii) data regarding the number of  
15 small business concerns assisted by partici-  
16 pating Small Business Development Cen-  
17 ters under the pilot program;

18 “(iv) data and information regarding  
19 outreach activities conducted by partici-  
20 pating Small Business Development Cen-  
21 ters under the pilot program, including any  
22 activities conducted in partnership with  
23 Federal agencies;

24 “(v) data and information regarding  
25 each case known to the Association in

1           which 1 or more Small Business Develop-  
2           ment Centers offered conflicting advice or  
3           information regarding compliance with a  
4           Federal regulation to 1 or more small busi-  
5           ness concerns; and

6                   “(vi) any recommendations for im-  
7           provements in the regulation of small busi-  
8           ness concerns; and

9                   “(C) not later than 3 years after the estab-  
10          lishment of the pilot program, transmit to the  
11          recipients referred to in subparagraph (B) a re-  
12          port containing an evaluation of the pilot pro-  
13          gram and any recommendations as to whether  
14          the pilot program, without or without modifica-  
15          tion, should be extended to include the partici-  
16          pation of all Small Business Development Cen-  
17          ters.

18          “(e) SELECTION OF PARTICIPATING CENTERS.—

19                   “(1) IN GENERAL.—Subject to paragraph (2),  
20          the Administrator shall select 1 Small Business De-  
21          velopment Center from each of the following States  
22          to participate in the pilot program carried out under  
23          this section:

24                   “(1) Massachusetts.

25                   “(2) New Hampshire.

1 “(3) New York.

2 “(4) New Jersey.

3 “(5) Maryland.

4 “(6) Pennsylvania.

5 “(7) Florida.

6 “(8) South Carolina.

7 “(9) Illinois.

8 “(10) Ohio.

9 “(11) New Mexico.

10 “(12) Texas.

11 “(13) Missouri.

12 “(14) Iowa.

13 “(15) Colorado.

14 “(16) South Dakota.

15 “(17) California.

16 “(18) Nevada.

17 “(19) Washington.

18 “(20) Alaska.

19 “(2) STATES WITH MULTIPLE CENTERS.—In  
20 the case of each State listed in paragraph (1) in  
21 which there is located more than 1 Small Business  
22 Development Center, the Administrator shall select  
23 for participation in the pilot program the center that  
24 the State director (or, in the case of the State of  
25 Texas, the regional director) of Small Business De-

1 velopment Centers for the State (or the region of the  
2 State) determines to be the most qualified, based on  
3 the director's assessment of the center's capability to  
4 provide regulatory compliance assistance.”.

○