

OFFICE OF MANAGEMENT AND BUDGET

Compliance Assistance Resources and Points of Contact Available to Small Businesses

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice.

SUMMARY: In accord with the Small Business Paperwork Relief Act of 2002, the Office of Management and Budget (OMB) is publishing a “list of the compliance assistance resources available to small businesses” and a list of the points of contacts in agencies “to act as a liaison between the agency and small business concerns” with respect to the collection of information and the control of paperwork.

FOR FURTHER INFORMATION CONTACT: Mr. Jefferson B. Hill, Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (202/395–3176). Inquiries may be submitted by facsimile to 202/395–7285. Electronic mail inquiries may be submitted to jhill@omb.eop.gov.

SUPPLEMENTARY INFORMATION:

A. Background

The Small Business Paperwork Relief Act of 2002 (Public Law 107–198) requires OMB to “publish in the **Federal Register** and make available on the Internet (in consultation with the Small Business Administration) * * * a list of the compliance assistance resources available to small businesses * * *” (44 U.S.C. 3504(c)(6)). In addition, under another provision of this Act, “each agency shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns * * *” (44 U.S.C. 3506(i)(1)).

Working in cooperation with the Small Business and Agriculture Enforcement Ombudsman (SBA Ombudsman) in the Small Business Administration, OMB has, with the active assistance and support of the SBA Ombudsman, assembled a list of the compliance assistance resources available to small businesses. Because it may be helpful to the public to have the list of agency contacts together with the list of compliance assistance resources, OMB is publishing these lists together. These lists are also available today on OMB’s Web site at <http://www.whitehouse.gov/omb/inforeg/infocoll.html>. The SBA Ombudsman is also making these lists available today

on the SBA Ombudsman’s Web site at <http://www.sba.gov/ombudsman>.

B. Legislative Initiatives

The publication of these lists is part of a more comprehensive effort to assist small businesses. The context for this initiative begins several years ago with enactment of the “Small Business Regulatory Enforcement Fairness Act of 1996” (Public Law 104–121, Title II) (SBREFA). Among other provisions, SBREFA calls on agencies to “publish one or more guides to assist small entities in complying” with certain regulations (Section 212), and “to answer inquiries by small entities concerning information on, and advice about, compliance” with regulatory statutes (Section 213). In other words, Federal regulatory agencies are to develop small entity compliance guides and to answer inquiries, and provide advice, about regulatory compliance issues.

In addition, SBREFA created within the Small Business Administration the office of the “Small Business and Agriculture Enforcement Ombudsman” (Section 222). The SBA Ombudsman’s responsibilities involve working “with each agency with regulatory authority over small businesses to ensure that small business concerns [involving the agency’s implementation and enforcement of those regulatory authorities] are provided with a means to comment on the enforcement activity” conducted each agency. In other words, the SBA Ombudsman is to monitor, and report annually to Congress, on the enforcement practices of Federal regulatory agencies.

SBREFA was followed by the Small Business Paperwork Relief Act of 2002 (Public Law 107–198) (SBPRA). As described above, this law requires OMB to publish “a list of the compliance assistance resources available to small business.” OMB is also publishing the points of contacts in agencies who are “to act as a liaison between the agency and small business concerns” with respect to the collection of information and the control of paperwork.

In addition, this statute directed the Director of OMB to convene and have a representative chair a Task Force “to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information” (44 U.S.C. 3520). The Small Business Paperwork Relief Task Force has been developing recommendations to improve and more closely link the existing assistance resources through the use of information technology. More

specifically, the Small Business Paperwork Relief Task Force is charged with examining five ways to reduce the information collection burden placed by government on small business concerns. They are:

1. Examine the feasibility and desirability of requiring the consolidation of information collection requirements within and across Federal agencies and programs, and identify ways of doing so.

2. Examine the feasibility and benefits to small businesses of having OMB publish a list of data collections organized in a manner by which they can more easily identify requirements with which they are expected to comply.

3. Examine the savings and develop recommendations for implementing electronic submissions of information to the Federal government with immediate feedback to the submitter.

4. Make recommendations to improve the electronic dissemination of information collected under Federal requirements.

5. Recommend a plan to develop an interactive Government-wide Internet program to identify applicable collections and facilitate compliance.

SBPRA requires OMB to publish a report on the first three topics by June 28, 2003. On May 9, 2003, OMB published in the **Federal Register** a “Draft Report of the Small Business Paperwork Relief Task Force” (68 FR 25166, Part III). As required, this draft report discussed the first three topics listed above. The final “Report of the Small Business Paperwork Relief Task Force” is available on OMB’s Web site at <http://www.whitehouse.gov/omb/inforeg/infocoll.html>. By June 28, 2004, the Small Business Paperwork Relief Task Force will respond to Items 4 and 5 mentioned above.

SBREFA and SBPRA are closely related. SBREFA focuses on helping small businesses understand how to comply with Federal regulations. SBPRA focuses on helping small businesses understand how to comply with Federal collections of information—that is, filling out forms, reporting information, and keeping certain records. These two types of requirements are related because, as the Task Force report noted, agencies generally collect information, or require those regulated to keep records, as part of regulatory provisions. The information-related provisions are designed to help the agency ensure compliance with the rule.

The close functional linkage between compliance with Federal regulations and with Federal reporting and