

S 1536

Small Business Regulatory Flexibility Improvements Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Jun 10, 2015

Current Status: Committee on Small Business and Entrepreneurship. Hearings held. Hearings printed: S.Hrg. 114-637.

Latest Action: Committee on Small Business and Entrepreneurship. Hearings held. Hearings printed: S.Hrg. 114-637. (Apr 27, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/1536>

Sponsor

Name: Sen. Vitter, David [R-LA]

Party: Republican • **State:** LA • **Chamber:** Senate

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Enzi, Michael B. [R-WY]	R · WY		Jun 10, 2015
Sen. Ernst, Joni [R-IA]	R · IA		Jun 10, 2015
Sen. Gardner, Cory [R-CO]	R · CO		Jun 10, 2015
Sen. Risch, James E. [R-ID]	R · ID		Jun 10, 2015
Sen. Rubio, Marco [R-FL]	R · FL		Jun 10, 2015
Sen. Fischer, Deb [R-NE]	R · NE		Jun 16, 2015
Sen. Scott, Tim [R-SC]	R · SC		Jul 7, 2015
Sen. Cotton, Tom [R-AR]	R · AR		Jul 13, 2016

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Jun 10, 2015
Small Business and Entrepreneurship Committee	Senate	Hearings By (full committee)	Apr 27, 2016

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
114 S 426	Related bill	Feb 10, 2015: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
114 HR 527	Related bill	Feb 9, 2015: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
114 S 86	Related bill	Jan 7, 2015: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Small Business Regulatory Flexibility Improvements Act of 2015

This bill modifies the rule making requirements and procedures of federal agencies (excluding Congress, U.S. courts, U.S. territories and possession, and the District of Columbia) under the Regulatory Flexibility Act of 1980 (RFA) and the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The definition of "rule" under RFA is expanded to include all agency rules, except for rules that pertain to the protection of the rights of and benefits for veterans or rules of particular (and not general) applicability relating to rates, wages, and other financial indicators. Under a new definition of "economic impact," agencies are required to consider any direct economic effect of a proposed rule on small entities and any indirect economic effect on small entities that is reasonably foreseeable and that results from such rule.

Under the bill, agencies are required to modify their rulemaking procedures to:

- include within initial and final regulatory flexibility analyses a detailed statement of information relating to a proposed rule;
- include in the agency regulatory flexibility agenda a description of the sector of the North American Industrial Classification System that is affected by a proposed rule that is likely to have a significant economic impact of a substantial number of small entities;
- require each initial regulatory flexibility analysis to contain detailed information about a proposed rule, including why agency action is being considered, the objectives and legal basis for the proposed rule, and an estimate of the number and types of small entities to which the proposed rule will apply;
- eliminate waivers or delays of an initial regulatory flexibility analysis;
- modify the procedures for participation of small entities in the promulgation of a proposed rule and the review panel advocacy process; and
- publish a plan for the periodic review of existing rules and new rules that have a significant impact on a substantial number of small entities to determine whether such rules should be continued, changed, or rescinded.

Judicial review of an agency final rule for compliance with RFA requirements is allowed after the publication of such rule, instead of after completion of the rule making process.

The Small Business Act is amended to authorize the Chief Counsel for Advocacy of the Small Business Administration (SBA) to make small business size standard determinations for all purposes other than for the purposes of such Act or the Small Business Investment Act of 1958.

The bill amends SBREFA to require agencies to: (1) solicit input from affected small entities or associations of small entities in preparing small entity compliance guides, and (2) review biennially the civil penalties imposed on small entities for violations of a statutory or regulatory requirement to determine whether a reduction or waiver of such penalties is appropriate.

The bill amends the Paperwork Reduction Act to prohibit agencies from imposing civil fines for a first-time paperwork violation by a small business concern unless the violation has the potential to cause serious harm to the public interest, the detection of criminal activity would be impaired, the violation is a violation of internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt, the violation is not corrected within six months, or the violation presents a danger to the public health or safety.

The bill imposes certain additional requirements on agencies when there is a determination that a rule imposes a

significant economic impact on a substantial number of small entities, including requirements for: (1) publication of an initial regulatory flexibility analysis for public comment, (2) a determination of the average cost of a rule for affected small entities and the number of small entities affected or reasonably presumed to be affected, and (3) consultation with the SBA Chief Counsel for Advocacy with respect to the accuracy of information relating to the cost and impact of a final rule.

The Comptroller General must complete and publish a study that examines whether the SBA Chief Counsel for Advocacy has the capacity and resources to carry out duties under this Act.

Actions Timeline

- **Apr 27, 2016:** Committee on Small Business and Entrepreneurship. Hearings held. Hearings printed: S.Hrg. 114-637.
- **Jun 10, 2015:** Introduced in Senate
- **Jun 10, 2015:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.