

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2501 Rayburn House Office Building
Washington, DC 20515-0515

351

May 1, 2018

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Pai:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Small Business is conducting oversight over the Federal Communications Commission's compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104-121, enacted March 29, 1996) (SBREFA), as amended by the Fair Minimum Wage Act of 2007 (Pub. L. No. 110-28, enacted May 25, 2007) (FMWA).¹

Section 212 of SBREFA requires the publication of small entity compliance guides, which explain the actions a small entity must take to comply with agency rules. These guides must be prepared for each rule or group of related rules for which a final regulatory flexibility analysis is required under the Regulatory Flexibility Act (Pub. L. No. 96-354, enacted September 19, 1980).² Agencies must publish these compliance guides by posting the guides in easily identifiable locations on their websites and by distributing the guides to affected entities.³ The guides must be published on the date of publication of the final rule (or as soon as possible after that date) and no later than the effective date of the final rule.⁴ The guides must contain an explanation of the actions a small entity must complete to meet the requirements of a rule and may include a description of possible procedures that may assist a small entity in meeting the requirements.⁵ Agencies must ensure that the guides are written using sufficiently plain language so that they are likely to be understood by the affected small entities.⁶ The agencies may also group issue-related guides when the guides cover similar rules.⁷

Section 212(a)(6) of SBREFA requires an agency to annually submit a report to the Committee on Small Business of the House of Representatives, the Committee on Small Business and

¹ The Small Business and Work Opportunity Act of 2007 amended SBRFEA to include specific requirements for small entity compliance guides. *See* U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. No. 110-28, § 8302, 121 Stat. 112, 204-05 (codified as amended at 5 U.S.C. § 631 note). This letter will cite to the statutory sections of SBRFEA, as amended.

² Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, § 212(a)(1), 110 Stat. 847 (codified at 5 U.S.C. § 631 note).

³ *Id.* § 212(a)(2).

⁴ *Id.* § 212(a)(3).

⁵ *Id.* § 212(a)(4).

⁶ *Id.* § 212(a)(5).

⁷ *Id.*

Entrepreneurship of the Senate, and any other committee of relevant jurisdiction.⁸ The report must describe the status of the agency's compliance with section 212(a)(1) through (5) of SBRFEA, and must be received no later than one year after the date of the enactment of the FMWA, and annually thereafter.⁹ The FMWA was enacted on May 25, 2007.

To date, the Committee has received only the following small entity compliance guide reports from the Federal Communications Commission since the statute's enactment in 2007:

1. Annual reports for years 2017, 2016, 2014, 2013, and 2012.

The Committee requests the following information and documents as soon as possible, but no later than May 25, 2018:

1. Any annual small entity compliance guide reports that have been transmitted to the Committee since the reporting requirement began in 2007. If no reports have been transmitted, an explanation as to why the Committee has not received any reports;
2. The annual small entity compliance guide report on your agency's compliance with section 212 of SBREFA for the year 2018;
3. The location of the small entity compliance guides on your agency's website; and
4. A list of the affected entities that your agency distributed, or will distribute, the guides to.

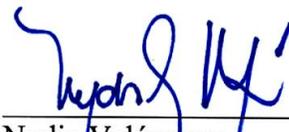
When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2361 of the Rayburn House Office Building and the Minority Staff in Room 2069 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Stephanie Fekete of the Majority Staff at (202) 225-5821 or Melissa Jung of the Minority Staff at (202) 225-4038. Thank you for your attention to this matter.

Sincerely,



Steve Chabot
Chairman
Committee on Small Business



Nydia Velázquez
Ranking Member
Committee on Small Business

⁸ *Id.* § 212(a)(6).

⁹ *Id.*

