

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6315

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.

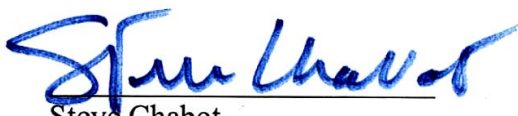
The Committee requests the following information and documents as soon as possible, but no later than May 25, 2018:

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.

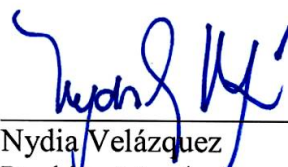
When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2361 of the Rayburn House Office Building and the Minority Staff in Room 2069 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

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.*



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 13, 2018

The Honorable Nydia M. Velazquez
Ranking Member
Committee on Small Business
U.S. House of Representatives
2069 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Velazquez:

Thank you for your letter regarding the Federal Communications Commission's compliance with the Small Business Regulatory Enforcement Fairness Act of 1996, as amended by the Fair Minimum Wage Act of 2007. Let me address each of your questions in turn.

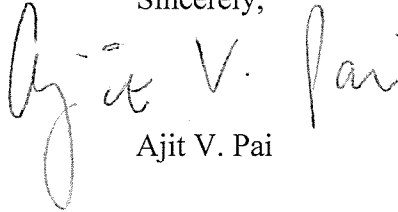
1. Accompanying this letter are all Small Entity Compliance Guides for the years 2008-2018. The Office of Communications Business Opportunities within the Commission submitted these reports to the requisite committees of Congress each year, with the exception of 2014. Current staff in the Office of Communications Business Opportunities does not know why the report was not submitted that year, but the accompanying documents include the report for 2014 that should have been submitted.
2. I have also attached the report you requested for 2018.
3. The location of the Small Entity Compliance Guides on the Commission website is: <https://www.fcc.gov/general/compliance-guides-small-businesses>.
4. The Small Entity Compliance Guides are sent to the Small Business Administration and approximately 3,000 associations, small businesses, and entrepreneurs. A sample of entities that receive these guides are: the NAACP, League of United Latin American Citizens, National Congress on Black Women, Latinos in Information Sciences and Technology Association, Rainbow PUSH Coalition & Citizen Education Fund, United States Hispanic Chamber of Commerce, Asian American Justice Center, National Association of Black Owned Broadcasters, National Black Coalition for Media Justice, National Puerto Rican Coalition, International Black Broadcasters Association, United States Black Chamber of Commerce, National Urban League, and Black College Communication Association.

These guides are also sent to several media and journalism entities, such as: Newspaper Association of America Database, Hispanic Publications, Black-Owned Broadcast Stations and Networks, American Society of Newspaper Editors, UNITY: Journalists of Color, as well as universities, associations, and individual companies. Due to the fact that the Office of Communications Business Opportunities relies on a

listserv that contains personal information, and due to the lack of resources to separate out that sensitive information, we are unable to provide an exhaustive list of the entities that receive these guides without compromising personal information.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ajit V. Pai". The signature is written in dark ink and is positioned above the printed name.

Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 13, 2018

The Honorable Steve Chabot
Chairman
Committee on Small Business
U.S. House of Representatives
2361 Rayburn House Office Building
Washington, D.C. 20515

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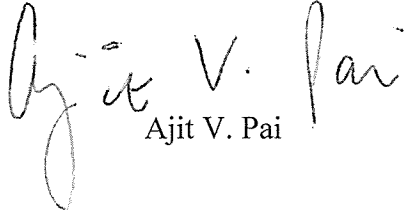
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Ajit V. Pai