

# Updated Guidance on SBREFA Compliance and Annual Reporting

**“Other agencies shall assist the Small Business and Agriculture Regulatory Enforcement Ombudsman and take actions as necessary to ensure compliance with the requirements of this section.” -SBREFA Section 30(b)(1)**

Pursuant to Section 30(b)(2)(B) of the Small Business Regulatory Enforcement Fairness Act (SBREFA), the below text must appear on all agency communications, or contact from agency personnel, which could be received by a small entity<sup>1</sup>. These include, but are not limited to, notifications of audit / inspection / civil penalty, compliance assistance efforts, and other enforcement-related communications. Notification of intent to pursue a fine or civil penalty is considered an enforcement action for the purposes herein. This text may not be abbreviated for space or appear alongside implicitly or explicitly contradictory information.

*The National Ombudsman resolves concerns of uneven or excessive federal regulatory enforcement. Reviews are confidential and do not waive the right to pursue administrative appeals or any other legal action. 888-REG-FAIR / [Ombudsman@SBA.gov](mailto:Ombudsman@SBA.gov)*

Pursuant to the One Stop Shop for Small Business Compliance Act of 2021, the Ombudsman is required annually to assess agency compliance with SBREFA Section 212. The assessment of compliance with this statute may be separate and distinct from that of SBREFA Section 30. Agencies which are not required to publish SECGs under Section 212(a) shall not claim an exemption to the additional requirements of 212(b).

*(b): Agencies shall cooperate to make available to small entities through comprehensive sources of information, the small entity compliance guides and all other available information on statutory and regulatory requirements affecting small entities.*

*(a): The guides shall explain the actions a small entity is required to take to comply with a rule or group of rules.*

Compliance with the SBREFA Section 223 will be assessed in future reports to Congress. Such policies and programs have been required since March 29, 1997.

*Each agency regulating the activities of small entities shall establish a policy or program within 1 year of enactment of this section to provide for the reduction, and under appropriate circumstances for the waiver, of civil penalties for violations of a statutory or regulatory requirement by a small entity. Under appropriate circumstances, an agency may consider ability to pay in determining penalty assessments on small entities.*



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Small Business and Agriculture  
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<sup>1</sup> Businesses with 1,500 or fewer employees, independent schools / universities, trade associations, other non-profits, cities, counties, towns, townships, villages, school districts, and other special districts.