

107TH CONGRESS
1ST SESSION

H. R. 3605

To amend title 44, United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small-business concerns.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. VITTER introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 44, United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small-business concerns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business Paper-
5 work Amnesty Act”.

1 **SEC. 2. SUSPENSION OF FINES FOR FIRST-TIME PAPER-**
2 **WORK VIOLATIONS.**

3 Section 3506 of chapter 35 of title 44, United States
4 Code (commonly referred to as the “Paperwork Reduction
5 Act”) is amended by adding at the end the following new
6 subsection:

7 “(i)(1) The head of each agency shall, with respect
8 to the collection of information and the control of paper-
9 work, in any case of a first-time violation by a small-busi-
10 ness concern of a requirement regarding collection of in-
11 formation by the agency, provide that no civil fine shall
12 be imposed on the small-business concern unless, based
13 on the particular facts and circumstances regarding the
14 violation—

15 “(A) the head of the agency determines that the
16 violation has the potential to cause serious harm to
17 the public interest;

18 “(B) the head of the agency determines that
19 failure to impose a civil fine would impede or inter-
20 fere with the detection of criminal activity;

21 “(C) the violation is a violation of an internal
22 revenue law or a law concerning the assessment or
23 collection of any tax, debt, revenue, or receipt;

24 “(D) the violation is not corrected on or before
25 the date that is six months after the date of receipt

1 by the small-business concern of notification of the
2 violation in writing from the agency; or

3 “(E) except as provided in paragraph (2), the
4 head of the agency determines that the violation pre-
5 sents a danger to the public health or safety.

6 “(2)(A) In any case in which the head of an agency
7 determines that a first-time violation by a small-business
8 concern of a requirement regarding the collection of infor-
9 mation presents a danger to the public health or safety,
10 the head of the agency may, notwithstanding paragraph
11 (1)(E), determine that a civil fine should not be imposed
12 on the small-business concern if the violation is corrected
13 within 24 hours of receipt of notice in writing by the
14 small-business concern of the violation.

15 “(B) In determining whether to provide a small-busi-
16 ness concern with 24 hours to correct a violation under
17 subparagraph (A), the head of the agency shall take into
18 account all of the facts and circumstances regarding the
19 violation, including—

20 “(i) the nature and seriousness of the violation,
21 including whether the violation is technical or inad-
22 vertent or involves willful or criminal conduct;

23 “(ii) whether the small-business concern has
24 made a good faith effort to comply with applicable

1 laws, and to remedy the violation within the shortest
2 practicable period of time;

3 “(iii) the previous compliance history of the
4 small-business concern, including whether the small-
5 business concern, its owner or owners, or its prin-
6 cipal officers have been subject to past enforcement
7 actions; and

8 “(iv) whether the small-business concern has
9 obtained a significant economic benefit from the vio-
10 lation.

11 “(3) In any case in which the head of the agency im-
12 poses a civil fine on a small-business concern for a first-
13 time violation of a requirement regarding collection of in-
14 formation which the agency head has determined presents
15 a danger to the public health or safety, and does not pro-
16 vide the small-business concern with 24 hours to correct
17 the violation, the head of the agency shall notify Congress
18 regarding such determination not later than 60 days after
19 the date that the civil fine is imposed by the agency.

20 “(4) Notwithstanding any other provision of law, no
21 State may impose a civil penalty on a small-business con-
22 cern, in the case of a first-time violation by the small-busi-
23 ness concern of a requirement regarding collection of in-

- 1 formation under Federal law, in a manner inconsistent
- 2 with the provisions of this subsection.”.

