

108TH CONGRESS
1ST SESSION

H. R. 1867

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

APRIL 29, 2003

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 BY SMALL BUSINESS CON-**
3 **CERNS.**

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

8 “(i)(1) In the case of a first-time violation by a small
9 business concern of a requirement regarding collection of
10 information by an agency, the head of such agency shall
11 provide that no civil fine shall be imposed on the small
12 business concern unless, based on the particular facts and
13 circumstances regarding the violation—

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

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

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

23 “(D) the violation is not corrected on or before
24 the date that is six months after the date of receipt
25 by the small business concern of notification of the
26 violation in writing from the agency; or

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

4 “(2)(A) In any case in which the head of an agency
5 determines under paragraph (1)(E) that a violation pre-
6 sents a danger to the public health or safety, the head
7 of the agency may, notwithstanding paragraph (1)(E), de-
8 termine that a civil fine should not be imposed on the
9 small business concern if the violation is corrected within
10 24 hours of receipt of notice in writing by the small busi-
11 ness concern of the violation.

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

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

20 “(ii) whether the small business concern has
21 made a good faith effort to comply with applicable
22 laws, and to remedy the violation within the shortest
23 practicable period of time; and

1 “(iii) whether the small business concern has
2 obtained a significant economic benefit from the vio-
3 lation.

4 “(C) In any case in which the head of the agency
5 imposes a civil fine on a small business concern for a viola-
6 tion with respect to which this paragraph applies and does
7 not provide the small business concern with 24 hours to
8 correct the violation, the head of the agency shall notify
9 Congress regarding such determination not later than 60
10 days after the date that the civil fine is imposed by the
11 agency.

12 “(3) With respect to any agency, this subsection shall
13 not apply to any violation by a small business concern of
14 a requirement regarding collection of information by such
15 agency if such small business concern previously violated
16 any requirement regarding collection of information by
17 such agency.

18 “(4) In determining if a violation is a first-time viola-
19 tion for purposes of this subsection, the head of an agency
20 shall not take into account any violation of a requirement
21 regarding collection of information by another agency.

22 “(5) For purposes of this subsection, the term ‘small
23 business concern’ means a business concern that meets the
24 requirements of section 3(a) of the Small Business Act

1 (15 U.S.C. 632(a)) and the regulations promulgated pur-
2 suant to such section.”.

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