

112TH CONGRESS  
2D SESSION

# H. R. 6224

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2012

Mr. AUSTIN SCOTT of Georgia introduced the following bill; which was referred to the Committee on Oversight and 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

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## A BILL

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

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 “Providing Assistance  
5 with the Paperwork from Excessive Regulations Act of  
6 2012”.

1 **SEC. 2. SUSPENSION OF FINES FOR FIRST-TIME PAPER-**  
2 **WORK VIOLATIONS BY SMALL BUSINESS CON-**  
3 **CERNS.**

4 Section 3506 of title 44, United States Code (com-  
5 monly referred to as the “Paperwork Reduction Act”), is  
6 amended by adding at the end the following:

7 “(j) SUSPENSION OF FINES FOR CERTAIN SMALL  
8 BUSINESS CONCERNS.—

9 “(1) SMALL BUSINESS CONCERN.—In this sub-  
10 section, the term ‘small business concern’ given that  
11 term under section 3 of the Small Business Act (15  
12 U.S.C. 632).

13 “(2) IN GENERAL.—In the case of a first-time  
14 violation by a small business concern of a require-  
15 ment regarding the collection of information by an  
16 agency, the head of the agency shall not impose a  
17 civil fine on the small business concern unless the  
18 head of the agency determines that—

19 “(A) the violation has the potential to  
20 cause serious harm to the public interest;

21 “(B) failure to impose a civil fine would  
22 impede or interfere with the detection of crimi-  
23 nal activity;

24 “(C) the violation is a violation of an inter-  
25 nal revenue law or a law concerning the assess-

1           ment or collection of any tax, debt, revenue, or  
2           receipt;

3           “(D) the violation was not corrected on or  
4           before the date that is 6 months after the date  
5           on which the small business concern receives  
6           notification of the violation in writing from the  
7           agency; or

8           “(E) except as provided in paragraph (3),  
9           the violation presents a danger to the public  
10          health or safety.

11          “(3) DANGER TO PUBLIC HEALTH OR SAFE-  
12          TY.—

13                 “(A) IN GENERAL.—In any case in which  
14                 the head of an agency determines under para-  
15                 graph (2)(E) that a violation presents a danger  
16                 to the public health or safety, the head of the  
17                 agency may, notwithstanding paragraph (2)(E),  
18                 determine not to impose a civil fine on the  
19                 small business concern if the violation is cor-  
20                 rected not later than 5 business days after re-  
21                 ceipt by the owner of the small business con-  
22                 cern of notification of the violation in writing.

23                 “(B) CONSIDERATIONS.—In determining  
24                 whether to allow a small business concern 5  
25                 business days to correct a violation under sub-

1 paragraph (A), the head of an agency shall take  
2 into account all of the facts and circumstances  
3 regarding the violation, including—

4 “(i) the nature and seriousness of the  
5 violation, including whether the violation is  
6 technical or inadvertent or involves willful  
7 or criminal conduct;

8 “(ii) whether the small business con-  
9 cern has made a good faith effort to com-  
10 ply with applicable laws and to remedy the  
11 violation within the shortest practicable pe-  
12 riod of time; and

13 “(iii) whether the small business con-  
14 cern has obtained a significant economic  
15 benefit from the violation.

16 “(C) NOTICE TO CONGRESS.—In any case  
17 in which the head of an agency imposes a civil  
18 fine on a small business concern for a violation  
19 that presents a danger to the public health or  
20 safety and does not allow the small business  
21 concern 5 business days to correct the violation  
22 under subparagraph (A), the head of the agency  
23 shall notify Congress regarding the determina-  
24 tion not later than 60 days after the date on  
25 which the civil fine is imposed by the agency.

1 “(4) LIMITED TO FIRST-TIME VIOLATIONS.—

2 “(A) IN GENERAL.—This subsection shall  
3 not apply to any violation by a small business  
4 concern of a requirement regarding collection of  
5 information by an agency if the small business  
6 concern previously violated any requirement re-  
7 garding collection of information by the agency.

8 “(B) OTHER AGENCIES.—For purposes of  
9 making a determination under subparagraph  
10 (A), the head of an agency shall not take into  
11 account any violation of a requirement regard-  
12 ing collection of information by another agen-  
13 cy.”.

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