



U.S SMALL BUSINESS ADMINISTRATION  
WASHINGTON, D.C. 20416

June 26, 2015

The Honorable Jason Chaffetz  
Chairman  
Committee on House Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Administrator Contreras-Sweet has asked me to respond to the Committee's request for information regarding the assessment of fines or penalties by the U.S. Small Business Administration (SBA).

**Question 1: You asked for a list of all fines or penalties that may be assessed by the SBA. You asked for the following information: the Agency component responsible for assessing the fine or penalty; the regulatory and statutory authority under which the fine or penalty may be assessed; the regulatory and statutory authority under which funds may be retained or spent after collection, including any constraints on such spending; all non-Agency recipients of funds collected from the fine or penalty, including the amount provided to each recipient, since January 1, 2010; and whether the fine or penalty is civil or criminal in nature.**

Response: Please see Attachment A for a detailed response to this question.

**Question 2: You asked for all guidance referring or relating to assessment of fines or penalties.**

Response: The relevant guidance is contained in the statutory and regulatory authority. Please see the cited statutes and regulations under "Assessment authority" in Attachment A.

**Question 3: You asked for all guidance referring or relating to retention or expenditure of funds collected from the fines or penalties.**

Response: The relevant guidance is contained in the statutory authority. Please see the cited statutes under "Spending authority" in Attachment A.

**Question 4: You asked for a list of all instances since January 1, 2010, where a fine or penalty was waived or otherwise disposed of as part of a settlement with the Agency and/or the Department of Justice.**

Response: We interpret this request to refer to instances where a fine or penalty was originally sought in litigation and waived or disposed of in a settlement with the Government. Cases brought by the Department of Justice on behalf of SBA involving treble damages under the False Claims Act would satisfy this request. The Agency, however, does not keep a compilation of these cases and to the extent available should be sought from the Department of Justice.

**Question 5: For each Agency component, the total amount of funds collected through the assessment of fines and penalties since January 1, 2010.**

Response: The total amount collected is \$297,900.17. SBA has no "Agency components" as we understand the term. The collections for SBA are reflected under "Amounts collected" in Attachment A.

**Question 6: A breakdown of the total amount of funds collected through the assessment of fines and penalties by the applicable statute or regulation that was implicated since January 1, 2010.**

Response: This information is reflected in Attachment A.

You also requested a briefing to Committee staff on this matter. We would be happy to work with your staff to arrange for a briefing at a mutually convenient time.

We appreciate your support of SBA's efforts to serve the nation's small business community. If you or your staff have any questions, please do not hesitate to contact me at (202) 205-6634. A similar response is being sent to Chairman Jordan and Representative Cummings.

Sincerely,

Thaddeus Inge  
Associate Administrator  
Office of Congressional and Legislative Affairs

Attachment