

107TH CONGRESS
2D SESSION

H. R. 4054

To provide for civil monetary penalties in certain cases.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide for civil monetary penalties in certain cases.

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. CIVIL MONETARY PENALTIES.**

4 Title VI of the Labor-Management Reporting and
5 Disclosure Act of 1959 (29 U.S.C. 521) is amended—

6 (1) by redesignating section 611 as section 612;

7 and

8 (2) by inserting after section 610 the following:

9 **“SEC. 611. CIVIL MONEY PENALTIES.**

10 “(a) IN GENERAL.—The Secretary, upon finding a
11 violation of either section 201(a), 201(b), 202, 203, or 301

1 of this Act, may require the person, labor organization,
2 or employer responsible for such violation to pay a civil
3 money penalty in an amount determined under a schedule
4 of penalties which is established and published by the Sec-
5 retary and which takes into account the nature of the vio-
6 lation involved, the revenues of, and the existence of pre-
7 vious violations of the Act by, the person, labor organiza-
8 tion, or employer involved, and such other factors as the
9 Secretary considers appropriate.

10 “(b) NOTICE.—The Secretary may not make any de-
11 termination adverse to a person, labor organization, or
12 employer under subsection (a) until such person or entity
13 has been given written notice and an opportunity to be
14 heard before the Secretary or designee. Procedures for
15 such notice, opportunity to be heard, decision and review
16 shall be as set forth in sections 208 and 606. Requests
17 for review shall be filed in Federal district court not later
18 than 30 days of the receipt of an adverse determination.

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