

109TH CONGRESS  
1ST SESSION

# H. R. 1075

To provide for civil monetary penalties in certain cases.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. AKIN, Mr. FLAKE, Mr. SHADEGG, Mr. KLINE, Mr. ISTOOK, Mr. RYUN of Kansas, Mrs. MUSGRAVE, Mr. PITTS, Ms. FOXX, Mr. CANTOR, Mr. BURTON of Indiana, and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on Education and the Workforce

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# 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. SHORT TITLE.**

4       This Act may be cited as the “Labor-Management  
5 Accountability Act”.

6 **SEC. 2. CIVIL MONETARY PENALTIES.**

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

9                   (1) by redesignating section 611 as section 612;  
10               and

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

## 2 "SEC. 611. CIVIL MONEY PENALTIES.

3       “(a) IN GENERAL.—The Secretary, upon finding a  
4 violation of either section 201(a), 201(b), 202, 203, or 301  
5 of this Act, may require the person, labor organization,  
6 or employer responsible for such violation to pay a civil  
7 money penalty in an amount determined under a schedule  
8 of penalties which is established and published by the Sec-  
9 retary and which takes into account the nature of the vio-  
10 lation involved, the revenues of, and the existence of pre-  
11 vious violations of the Act by, the person, labor organiza-  
12 tion, or employer involved, and such other factors as the  
13 Secretary considers appropriate.

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

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