

110TH CONGRESS
1ST SESSION

H. R. 2637

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2007

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To amend the Fair Labor Standards Act, with respect to
civil penalties for child labor violations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Child Labor Protection Act of 2007”.

4 (b) IN GENERAL.—Section 16(e) of the Fair Labor
5 Standards Act of 1938 (29 U.S.C. 216(e)) is amended to
6 read as follows:

7 “(e)(1)(A) Any person who violates the provisions of
8 sections 12 or 13(c), relating to child labor, or any regula-
9 tion issued pursuant to such sections, shall be subject to
10 a civil penalty not to exceed—

11 “(i) \$11,000 for each employee who
12 was the subject of such a violation; or

13 “(ii) \$50,000 with regard to each
14 such violation that causes the death or se-
15 rious injury of any employee under the age
16 of 18 years, which penalty may be doubled
17 where the violation is a repeated or willful
18 violation.

19 “(B) For purposes of subparagraph (A), the term ‘se-
20 rious injury’ means—

21 “(i) permanent loss or substantial impairment
22 of one of the senses (sight, hearing, taste, smell, tac-
23 tile sensation);

24 “(ii) permanent loss or substantial impairment
25 of the function of a bodily member, organ, or mental

1 faculty, including the loss of all or part of an arm,
2 leg, foot, hand or other body part; or

3 “(iii) permanent paralysis or substantial im-
4 pairment that causes loss of movement or mobility
5 of an arm, leg, foot, hand or other body part.

6 “(2) Any person who repeatedly or willfully violates
7 section 6 or 7, relating to wages, shall be subject to a
8 civil penalty not to exceed \$1,100 for each such violation.

9 “(3) In determining the amount of any penalty under
10 this subsection, the appropriateness of such penalty to the
11 size of the business of the person charged and the gravity
12 of the violation shall be considered. The amount of any
13 penalty under this subsection, when finally determined,
14 may be—

15 “(A) deducted from any sums owing by the
16 United States to the person charged;

17 “(B) recovered in a civil action brought by the
18 Secretary in any court of competent jurisdiction, in
19 which litigation the Secretary shall be represented
20 by the Solicitor of Labor; or

21 “(C) ordered by the court, in an action brought
22 for a violation of section 15(a)(4) or a repeated or
23 willful violation of section 15(a)(2), to be paid to the
24 Secretary.

1 “(4) Any administrative determination by the Sec-
2 retary of the amount of any penalty under this subsection
3 shall be final, unless within 15 days after receipt of notice
4 thereof by certified mail the person charged with the viola-
5 tion takes exception to the determination that the viola-
6 tions for which the penalty is imposed occurred, in which
7 event final determination of the penalty shall be made in
8 an administrative proceeding after opportunity for hearing
9 in accordance with section 554 of title 5, United States
10 Code, and regulations to be promulgated by the Secretary.

11 “(5) Except for civil penalties collected for violations
12 of sections 12 or 13(c), sums collected as penalties pursu-
13 ant to this section shall be applied toward reimbursement
14 of the costs of determining the violations and assessing
15 and collecting such penalties, in accordance with the provi-
16 sion of section 2 of the Act entitled ‘An Act to authorize
17 the Department of Labor to make special statistical stud-
18 ies upon payment of the cost thereof and for other pur-
19 poses’ (29 U.S.C. 9a). Civil penalties collected for viola-
20 tions of sections 12 or 13(c) shall be deposited in the gen-
21 eral fund of the Treasury.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

Passed the House of Representatives June 12, 2007.

Attest: LORRAINE C. MILLER,
Clerk.