

110TH CONGRESS
1ST SESSION

S. 1598

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

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2007

Mr. COLEMAN (for himself, Mr. ENZI, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Labor Protection
5 Act of 2007”.

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

9 “(e)(1)(A) Any person who violates the provisions of
10 sections 12 or 13(e), relating to child labor, or any regula-

1 tion issued pursuant to such sections, shall be subject to
2 a civil penalty not to exceed—

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

5 “(ii) \$50,000 with regard to each such violation
6 that causes the death or serious injury of any em-
7 ployee under the age of 18 years, which penalty may
8 be doubled where the violation is a repeated or will-
9 ful violation.

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

12 “(i) permanent loss or substantial impairment
13 of one of the senses (sight, hearing, taste, smell, tac-
14 tile sensation);

15 “(ii) permanent loss or substantial impairment
16 of the function of a bodily member, organ, or mental
17 faculty, including the loss of all or part of an arm,
18 leg, foot, hand or other body part; or

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

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

1 “(3) In determining the amount of any penalty under
2 this subsection, the appropriateness of such penalty to the
3 size of the business of the person charged and the gravity
4 of the violation shall be considered. The amount of any
5 penalty under this subsection, when finally determined,
6 may be—

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

9 “(B) recovered in a civil action brought by the
10 Secretary in any court of competent jurisdiction, in
11 which litigation the Secretary shall be represented
12 by the Solicitor of Labor; or

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

17 “(4) Any administrative determination by the Sec-
18 retary of the amount of any penalty under this subsection
19 shall be final, unless within 15 days after receipt of notice
20 thereof by certified mail the person charged with the viola-
21 tion takes exception to the determination that the viola-
22 tions for which the penalty is imposed occurred, in which
23 event final determination of the penalty shall be made in
24 an administrative proceeding after opportunity for hearing

1 in accordance with section 554 of title 5, United States
2 Code, and regulations to be promulgated by the Secretary.

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

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act.

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