

While at the U.S. attorney's office, in his capacity as the chief of the narcotics division, Mr. Greenaway coordinated narcotics investigations by all Federal agencies in New Jersey and supervised all narcotics prosecutions.

During his tenure at the U.S. attorney's office, Joe handled, in addition to narcotics prosecutions, bank fraud, hijacking, check kiting, sexual abuse, and mail fraud cases.

Since 1990, Mr. Greenaway has served as a corporate counsel with Johnson and Johnson.

Mr. President, I want to again congratulate Joe on his appointment, and wish him all the best in his new position. I hope he will serve on our district court for many years. I know he will serve with distinction, dispensing justice to each person who appears before him with compassion, fairness, and wisdom.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

BALERS AND COMPACTORS SAFETY STANDARDS MODERNIZATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent the Labor Committee be immediately discharged from further consideration of H.R. 1114, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1114) to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4587

(Purpose: To provide for a substitute amendment)

Mr. LOTT. I understand there is a substitute amendment at the desk offered by Senators HARKIN and CRAIG. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HARKIN, for himself and Mr. CRAIG, proposes an amendment numbered 4587.

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY FOR 16- AND 17-YEAR-OLDS TO LOAD MATERIALS INTO SCRAP PAPER BALERS AND PAPER BOX COMPACTORS.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding to the end thereof the following paragraph:

"(5)(A) In the administration and enforcement of the child labor provisions of this

Act, employees who are 16 and 17 years of age shall be permitted to load materials into, but not operate or unload materials from, scrap paper balers and paper box compactors—

"(i) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors; and

"(ii) that cannot be operated while being loaded.

"(B) For purposes of subparagraph (A), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

"(i)(I) the scrap paper balers and paper box compactors meet the American National Standards Institute's Standard ANSI Z245.5-1990 for scrap paper balers and Standard ANSI Z245.2-1992 for paper box compactors; or

"(II) the scrap paper balers and paper box compactors meet an applicable standard that is adopted by the American National Standards Institute after the date of enactment of this paragraph and that is certified by the Secretary to be at least as protective of the safety of minors as the standard described in subclause (I);

"(ii) the scrap paper balers and paper box compactors include an on-off switch incorporating a keylock or other system and the control of the system is maintained in the custody of employees who are 18 years of age or older;

"(iii) the on-off switch of the scrap paper balers and paper box compactors is maintained in an off position when the scrap paper balers and paper box compactors are not in operation; and

"(iv) the employer of 16- and 17-year-old employees provides notice, and posts a notice, on the scrap paper balers and paper box compactors stating that—

"(I) the scrap paper balers and paper box compactors meet the applicable standard described in clause (i);

"(II) 16- and 17-year-old employees may only load the scrap paper balers and paper box compactors; and

"(III) any employee under the age of 18 may not operate or unload the scrap paper balers and paper box compactors.

The Secretary shall publish in the Federal Register a standard that is adopted by the American National Standards Institute for scrap paper balers or paper box compactors and certified by the Secretary to be protective of the safety of minors under clause (i)(II).

"(C)(i) Employers shall prepare and submit to the Secretary reports—

"(I) on any injury to an employee under the age of 18 that requires medical treatment (other than first aid) resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor; and

"(II) on any fatality of an employee under the age of 18 resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor.

"(ii) The reports described in clause (i) shall be used by the Secretary to determine whether or not the implementation of subparagraph (A) has had any effect on the safety of children.

"(iii) The reports described in clause (i) shall provide—

"(I) the name, telephone number, and address of the employer and the address of the place of employment where the incident occurred;

"(II) the name, telephone number, and address of the employee who suffered an injury or death as a result of the incident;

"(III) the date of the incident;

"(IV) a description of the injury and a narrative describing how the incident occurred; and

"(V) the name of the manufacturer and the model number of the scrap paper baler or paper box compactor involved in the incident.

"(iv) The reports described in clause (i) shall be submitted to the Secretary promptly, but not later than 10 days after the date on which an incident relating to an injury or death occurred.

"(V) The Secretary may not rely solely on the reports described in clause (i) as the basis for making a determination that any of the employers described in clause (i) has violated a provision of section 12 relating to oppressive child labor or a regulation or order issued pursuant to section 12. The Secretary shall, prior to making such a determination, conduct an investigation and inspection in accordance with section 12(b).

"(vi) The reporting requirements of this subparagraph shall expire 2 years after the date of enactment of this subparagraph."

SEC. 2. CIVIL MONEY PENALTY.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended in the first sentence—

(1) by striking "section 12," and inserting "section 12 or section 13(c)(5)."; and

(2) by striking "that section" and inserting "section 12 or section 13(c)(5)".

SEC. 3. CONSTRUCTION.

Section 1 shall not be construed as affecting the exemption for apprentices and student learners published in section 570.63 of title 29, Code of Federal Regulations.

Mr. HARKIN. Mr. President, I am pleased that we are taking action on, H.R. 1114, a common-sense bill that has broad bipartisan support. I especially want to thank my colleague, Senator CRAIG, from the State of Idaho for his hard work with me on this issue.

Use of scrap paper balers and paper box compactors in the grocery industry has expanded since the 1970's due to the increase in recycling of cardboard boxes. The balers and compactors that are prevalent today have gone through significant safety design improvements over the last 20 years—design features that, for example, prevent compression action unless a gate over the loading area is shut.

In other words, modern balers and compactors cannot be loaded while the machine is operating. Such safety features have, since 1982, been codified in design safety standards now recognized as the norm by the waste equipment industry as well as the insurance industry.

Back in 1954, however, balers did not have such safety features. Because they could be loaded while they were being operated they presented a significant danger to individuals unfamiliar with the machines. In response to this concern, the Labor Department issued hazardous occupation order No. 12 (HO 12), prohibiting 16- and 17-year-olds from loading, operating, or unloading balers.

Unfortunately, HO 12 has not been updated to account for the advances in baler and compactor safety. Modern balers cannot be operated when the loading gate is open and are shut off by a key lock held by the store manager or adult supervisor. They are safe, yet