

In the Senate of the United States,

July 16, 1996

Resolved, That the bill from the House of Representatives (H.R. 1114) entitled “An Act 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 compacters that meet appropriate American National Standards Institute design safety standards”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

4 *Section 13(c) of the Fair Labor Standards Act of 1938*
5 *(29 U.S.C. 213(c)) is amended by adding to the end thereof*
6 *the following new paragraph:*

7 *“(5)(A) In the administration and enforcement of the*
8 *child labor provisions of this Act, employees who are 16*
9 *and 17 years of age shall be permitted to load materials*

1 *into, but not operate or unload materials from, scrap paper*
2 *balers and paper box compactors—*

3 *“(i) that are safe for 16- and 17-year-old em-*
4 *ployees loading the scrap paper balers or paper box*
5 *compactors; and*

6 *“(ii) that cannot be operated while being loaded.*

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

10 *“(i)(I) the scrap paper balers and paper box*
11 *compactors meet the American National Standards*
12 *Institute’s Standard ANSI Z245.5–1990 for scrap*
13 *paper balers and Standard ANSI Z245.2–1992 for*
14 *paper box compactors; or*

15 *“(II) the scrap paper balers and paper box com-*
16 *compactors meet an applicable standard that is adopted*
17 *by the American National Standards Institute after*
18 *the date of enactment of this paragraph and that is*
19 *certified by the Secretary to be at least as protective*
20 *of the safety of minors as the standard described in*
21 *subclause (I);*

22 *“(ii) the scrap paper balers and paper box com-*
23 *compactors include an on-off switch incorporating a key-*
24 *lock or other system and the control of the system is*

1 *maintained in the custody of employees who are 18*
2 *years of age or older;*

3 “(iii) *the on-off switch of the scrap paper balers*
4 *and paper box compactors is maintained in an off*
5 *position when the scrap paper balers and paper box*
6 *compactors are not in operation; and*

7 “(iv) *the employer of 16- and 17-year-old em-*
8 *ployees provides notice, and posts a notice, on the*
9 *scrap paper balers and paper box compactors stating*
10 *that—*

11 “(I) *the scrap paper balers and paper box*
12 *compactors meet the applicable standard de-*
13 *scribed in clause (i);*

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

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

20 *The Secretary shall publish in the Federal Register a stand-*
21 *ard that is adopted by the American National Standards*
22 *Institute for scrap paper balers or paper box compactors*
23 *and certified by the Secretary to be protective of the safety*
24 *of minors under clause (i)(II).*

1 “(C)(i) *Employers shall prepare and submit to the*
2 *Secretary reports—*

3 “(I) *on any injury to an employee under the age*
4 *of 18 that requires medical treatment (other than first*
5 *aid) resulting from the employee’s contact with a*
6 *scrap paper baler or paper box compactor during the*
7 *loading, operation, or unloading of the baler or com-*
8 *pactor; and*

9 “(II) *on any fatality of an employee under the*
10 *age of 18 resulting from the employee’s contact with*
11 *a scrap paper baler or paper box compactor during*
12 *the loading, operation, or unloading of the baler or*
13 *compactor.*

14 “(ii) *The reports described in clause (i) shall be used*
15 *by the Secretary to determine whether or not the implemen-*
16 *tation of subparagraph (A) has had any effect on the safety*
17 *of children.*

18 “(iii) *The reports described in clause (i) shall*
19 *provide—*

20 “(I) *the name, telephone number, and address of*
21 *the employer and the address of the place of employ-*
22 *ment where the incident occurred;*

23 “(II) *the name, telephone number, and address of*
24 *the employee who suffered an injury or death as a re-*
25 *sult of the incident;*

1 “(III) the date of the incident;

2 “(IV) a description of the injury and a narrative
3 describing how the incident occurred; and

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

7 “(iv) The reports described in clause (i) shall be sub-
8 mitted to the Secretary promptly, but not later than 10
9 days after the date on which an incident relating to an
10 injury or death occurred.

11 “(v) The Secretary may not rely solely on the reports
12 described in clause (i) as the basis for making a determina-
13 tion that any of the employers described in clause (i) has
14 violated a provision of section 12 relating to oppressive
15 child labor or a regulation or order issued pursuant to sec-
16 tion 12. The Secretary shall, prior to making such a deter-
17 mination, conduct an investigation and inspection in ac-
18 cordance with section 12(b).

19 “(vi) The reporting requirements of this subparagraph
20 shall expire 2 years after the date of enactment of this sub-
21 paragraph.”.

22 **SEC. 2. CIVIL MONEY PENALTY.**

23 Section 16(e) of the Fair Labor Standards Act of 1938
24 (29 U.S.C. 216(e)) is amended in the first sentence—

1 (1) by striking “section 12,” and inserting “sec-
2 tion 12 or section 13(c)(5),”; and

3 (2) by striking “that section” and inserting “sec-
4 tion 12 or section 13(c)(5)”.

5 **SEC. 3. CONSTRUCTION.**

6 Section 1 shall not be construed as affecting the exemp-
7 tion for apprentices and student learners published in sec-
8 tion 570.63 of title 29, Code of Federal Regulations.

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 1114

AMENDMENT