

The Senior Citizens Housing Safety Act prohibits current or former drug and alcohol abusers from being placed in public housing which was specifically set aside for the elderly, disabled, and their families.

Mr. Speaker, as a senior citizen and a veteran, I think it is a disgrace to treat our seniors this way. During a recent hearing on this legislation, the House Banking committee heard shocking testimony from seniors terrified to go outside their homes, and seniors who told us they were repeatedly preyed upon by their drug addict neighbors. The Senior Citizens Housing Safety and Economic Relief Act takes care of this problem.

If a public housing project was built for senior citizens, then senior citizens shouldn't have to fear for their lives if they live there. Public housing bureaucrats have used a loophole in the law to let dangerous drug addicts move next door to elderly men and women who never hurt anyone. It is a disgrace that we have allowed this to happen to the same generation that protected this country in World War II.

Mixing drug addicts with senior citizens was never a good idea. It's not what the law was intended to do. As a former chief of police, I know the elderly are particularly vulnerable to crime. I'm delighted to help protect them.

Mr. STOKES. Mr. Speaker I rise in strong support of H.R. 117, the Senior Citizens Housing Safety Act of 1995. I commend the committee for its leadership in recognizing the urgent need to address this serious and distinct issue affecting elderly persons living in public housing.

Nationwide, housing authorities have been struggling with problems arising from mixed populations residing in housing originally established for the elderly. These problems present serious challenges for our Nation's public and assisted housing authorities who have to balance the needs of our senior citizens, while at the same time, provide housing and other specialized services for the nonelderly, in particular the physically and mentally disabled.

Mr. Speaker, in my capacity as a member of the VA/HUD and Independent Agencies Appropriations Subcommittee, I was able—a few years ago—with the support of my colleagues to include provisions in the appropriations bill that would allow the establishment of projects in which only elderly residents would be permitted to live. In addition, reasonable efforts were taken to provide alternative housing to handicapped and disabled persons, and to set aside certain other housing assistance for such persons.

Unfortunately, Mr. Speaker, the definition of eligible disabled populations includes certain substance abusers who tyrannize other residents. This is often the case in those units where mixed populations reside together. It is unconscionable that we place our Nation's elderly in such unsafe and fearful environments.

H.R. 117 gives housing authorities the ability to rid their developments of unsavory individuals who have overwhelmed housing authorities across this Nation. Our support of this measure sends a strong message of support not only to our seniors but to public housing authority directors who are forced to operate under increasing deficits and declining Federal support.

Mr. Speaker, I hope that my colleagues will support H.R. 117 today and also stand up for

all other residents of public housing during later deliberations on funding for federally assisted housing.

Mr. REED. Mr. Speaker, I rise in strong support of H.R. 117, the Senior Citizens Housing Safety and Economic Relief Act of 1995.

All too often, I have spoken with residents of my State's senior housing complexes who are concerned about their safety and quality of life. For too many, expectations of a quiet, all-elderly environment have gone unfulfilled because of a few drug abusing neighbors who are so disruptive that seniors are afraid to leave their apartments. Instead of enjoying the golden years of life with their contemporaries, our older citizens have been unable to live in the type of peaceful environment that was promised to them.

This legislation will clarify the current discrepancy in the mixed population language for section 8 housing. H.R. 117 will allow public housing officials to deny admission to persons whose use and abuse of alcohol and illegal drugs causes a severe threat to the security and well-being of our senior citizens. It establishes specific terms and conditions for leases with respect to termination of tenancy. The bill also provides for an expedited grievance hearing process before local public housing authorities, allowing these potential problems to be solved much quicker.

I believe that this legislation is an important step toward resolving this issue. For many, public or subsidized housing is the only opportunity for decent, affordable housing. We must continue to expand the supply of such housing for all Americans. Indeed, the root of the mixed-population issue is really the lack of affordable housing options in many of our communities. The final solution to this problem will come when we are able to provide adequate, decent, safe, and affordable housing for Americans of all ages.

I urge my colleagues to support this bill and make our senior housing complexes safe again.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. BLUTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until 5 p.m. this evening.

#### FAIR LABOR STANDARDS ACT REVISIONS REGARDING PAPER BALERS

The Clerk called the 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 Clerk read the bill, as follows:

H.R. 1114

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORITY FOR 16 AND 17 YEAR OLDS TO LOAD MATERIALS INTO BALERS AND COMPACTORS.

In the administration of the child labor provisions of the Fair Labor Standards Act of 1938, individuals who are 16 and 17 years of age shall be permitted to load materials into cardboard balers and compactors that are safe for the 16 and 17 year olds loading the equipment and which cannot operate while being loaded. for purposes of this section, such balers and compactors shall be considered safe for 16 and 17 year olds loading such equipment if they are in compliance with the most current safety standard established by the American National Standards Institute.

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GOODLING:

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.

(a) GENERAL RULE.—In the administration and enforcement of the child labor provisions of the Fair Labor Standards Act of 1938, employees who are 16 and 17 years of age shall be permitted to load materials, but not operate or unload materials, into scrap paper balers and paper box compactors—

(1) that are safe for 16 and 17 year old employees loading the scrap paper balers or paper box compactors, and

(2) that cannot operate while being loaded.

(b) DEFINITION.—For purposes of subsection (a), scrap paper balers and paper box compactors shall be considered safe for 16 or 17 year old employees to load only if—

(1) such scrap paper balers and paper box compactors are in compliance with the current safety standard established by the American National Standards Institute;

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

(3) the on-off switch of such scrap paper balers and paper box compactors is maintained in an off condition when such scrap paper balers and paper box compactors are not in operation; and

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

(A) such scrap paper balers and paper box compactors meet the current safety standard established by the American National Standards Institute;

(B) 16 and 17 year old employees may only load such scrap paper balers and paper box compactors; and

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

## SEC. 2. CONSTRUCTION.

Section 1 is not to be construed as affecting the exemption for apprentices and student learners published at 29 Code of Federal Regulations 570.63.

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes, and the gentleman from New York [Mr. OWENS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1114 partially reverses Hazardous Occupation Order 12 [HO 12]. Hazardous occupational orders have been issued by the Department of Labor under the authority of the Fair Labor Standards Act. HO 12 was issued by the Department of Labor in 1954. Under HO 12, minors under the age of 18 may not load or operate any paper baler or compactor.

Again, I want to emphasize to my colleagues that HO 12 was issued in 1954, when paper balers and compactors were significantly more hazardous machines than the state of the art machines being built today.

H.R. 1114 would create an exception to HO 12 by allowing 16 and 17 year olds to load, but not operate or unload, paper balers and compactors that meet certain safety standards. As passed by the Opportunities Committee on July 20, 1995, H.R. 1114 specified that 16 and 17 year olds would be permitted to load only those paper balers that meet the current standards for such equipment issued by the American National Standards Institute [ANSI], a private standards-setting organization. It also specified that such machines must be designed and maintained so as to prevent their operation while they are being loaded. In other words, when the loading door is open, the machine cannot operate. The exception to HO 12 applies only to those machines.

Subsequent to the committee's markup several additional protections were agreed to, and are included in the substitute which I am offering today. The substitute provides that 16 and 17 year olds would be permitted to load, but not to operate or unload, a paper baler or paper compactor, provided that all of the following are met:

First, the equipment meets the current ANSI standard;

Second, the equipment includes an on-off switch with some type of locking system, control of which is kept in the custody of a person over the age of 18;

Third the on-off switch is maintained in an off position when the machine is not being operated; and

Fourth, the employer provides notice and posts notice on the machine that the machine meets the ANSI standard, that 16 and 17 year olds may only load the equipment, and that no employee under age 18 may operate or unload the equipment.

Mr. Speaker, the bill before us is a reasonable resolution and correction for the current overly rigid regulation that flatly prohibits 16 or 17 year olds from loading boxes into paper balers, no matter how safe those balers or compactors are. Unlike that current rigid regulation, the legislation takes into account the advances in technology that have made these machines safe, specifically provides that the machine cannot be operated while being loaded, and it will encourage more employers to put the newer and safe technology into their workplaces. The opponents of the legislation say that people are still being injured by paper balers, but there is no evidence that those injuries and accidents are occurring on machines that meet the standards specified this legislation.

I urge my colleagues to support the substitute and that I am offering today.

□ 1545

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 1114. While the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] is an improvement upon the bill as reported by committee, there are still reasons to be concerned about this legislation.

First, this legislation may not adequately protect the safety of minors. Current regulations applicable to balers and compactors, commonly referred to as H.O. 12, prohibit minors from being employed to load, operate, or unload balers or compactors. The effect of H.O. 12 is to eliminate any occupational justification for a minor to otherwise be in the vicinity of a baler or compactor when it is operating. The amendment before us permits 16 and 17-year-olds to load balers and compactors in certain circumstances. As a consequence, a 16 and 17-year-old is now likely to be the closest person to the machine when it is operating. If the machine malfunctions, it is the minor who is likely to be at greatest risk.

The corrections calendar is a wholly inappropriate forum in which to consider this legislation. The purpose of corrections day is supposed to be to repeal senseless or silly regulations. The contention that hazardous occupation order number 12, which is intended to protect the safety of minors, is either senseless or silly is both inappropriate and false. There were six fatalities involving paper baling machines between 1993 and 1995. Further, while I firmly believe H.O. 12 has saved lives, minors have been seriously injured and killed by these machines.

Typically, a stock clerk will take shopping carts full of boxes back to the baler or compactor to be crushed. The clerk will load the boxes into the baler or compactor. At the point that the loading bin of the baler or compactor is full, an adult operator will cause the door to the loading bin to be closed, unlock the ignition, and engage the ram or plunger to crush the boxes in the loading bin.

A machine in compliance with current American National Standards Institute [ANSI] standards and this legislation must have an interlock device, a mechanical device intended to prevent the ram from functioning unless the loading bin door is completely closed. However, interlock devices are not fail-safe and, as OSHA citations have demonstrated, are known to malfunction. Most injuries associated with these machines occur when the loading bin door fails to close completely, the ram or plunger operates anyway, and an employee gets caught by the ram because the employee reached into the machine to clear a jam or ensure a box is fully inside the loading bin. As a result of this legislation, the individual most likely to reach into the machine in the event the interlock device malfunctions may be the 16- or 17-year-old stock clerk.

I had sought a provision in the legislation requiring employers to take reasonable steps to ensure that 16- and 17-year-olds remain at an arm's length distance, 3 feet, from the machine when it is in operation. Such a requirement would have addressed the most serious safety concern raised by this legislation. The failure of this legislation to include a requirement to remain 3 feet from the machine when it is in operation needlessly increases the risk of minors being grievously injured or killed.

While my most serious concern about the legislation is the potential risk of serious injury or death to minors, I have additional reservations regarding the legislation. The amendment appears to unconstitutionally delegate governmental authority to a private organization, the American National Standards Institute, or ANSI. Under this legislation, a machine is deemed safe so long as it is in compliance with whatever the then current ANSI standards applicable to balers and compactors happen to be. In other words, this legislation delegates to ANSI, a private organization, sole regulatory authority to determine what is a safe baler or compactor for 16- and 17-year-olds to load. The provisions of the Administrative Procedures Act and other laws intended to ensure that regulations are developed fairly and openly are effectively circumvented.

In addition, whereas current regulations provide clear and easily understood obligations on employers, this new legislation does not. H.R. 1114 purports to permit employers to allow 16- and 17-year-olds to load balers and compactors, but only if the machine is

in full compliance with ANSI standards. Compared to government regulations, ANSI standards are both broader and more prescriptive than those typically adopted by agencies. However, at the same time, because legal liability typically does not directly depend upon compliance with voluntary standards, ANSI standards are more vague and less precise than agency regulations.

In order to comply with this legislation and use minors to load balers and compactors, an employer must comply with, and the Department of Labor must ascertain compliance with, cumbersome requirements that are not directly related to the safety of workers. At a time when agency resources are being cut, this legislation increases enforcement burdens on the Department of Labor.

More importantly, because of the vague and uncertain requirements contained in the ANSI standards, an employer, despite good faith efforts, will have difficulty determining with certainty whether or not he or she has met the requirements of the legislation. Far from immunizing employers from enforcement vagaries, this legislation only increases them. Further, because compliance is now dependent upon the state of the machine at the time a minor loads it, this bill also potentially increases the liabilities for noncompliance. That is, a violation will now occur each and every time a minor loads a machine that is not in full compliance with ANSI standards. Finally, the failure of the legislation to provide any regulatory authority to any government agency, or anyone outside of ANSI, means the Department of Labor cannot specify permissible activity for employers. Particularly where employee safety is at issue, it is in no one's interest to enact a statute imposing confusing and imprecise requirements.

I have never contended that it is not possible to craft legislation permitting minors to load balers and compactors in a manner that both clearly states the obligation of employers and fully states the obligations of employers and fully protects the safety of workers. My concern with the bill before us is that it does not adequately do either. Therefore, I oppose H.R. 1114.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EWING], who was very active in bringing this legislation before us.

(Mr. EWING asked and was given permission to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I would like to thank Chairman GOODLING for his assistance in passing this legislation through his committee and bringing it to the floor today. I would like to thank my colleagues LARRY COMBEST, whom I have worked closely with over nearly 3 years to resolve this issue, and ROB ANDREWS, who was instrumental in helping to bring labor

and management together to address concerns raised by both sides.

Many of my colleagues are aware that the Labor Department in its enforcement of H.O. 12 has been levying fines on grocery store owners of up to \$10,000 per violation because teenage employees merely tossed empty boxes into paper balers.

Many of us have visited grocery stores in our district and have seen how safe the modern machines are. It is impossible to load a modern machine when it is operating. These machines include an on-off switch, a key lock, and a lift gate which must be completely closed before the machine may operate. When the gate is lifted the slightest bit, the machine automatically shuts down. In order to load the machine, the machine must be shut down, non-operable, dormant.

The Labor Department, in my opinion, has misused their power by fining grocers huge amounts of money for a casual violation, when there is not a real safety concern. This is an example of what has become a hated symbol of excessive and needless government regulation. For example, I recently heard from a chain of stores which was requested by the Department to pay over \$500,000 for H.O. 12 violations. To arrive at that figure, the Department tracked down isolated violations of H.O. 12 during their investigation of a small number of the chain's stores, asked some employees if they had ever thrown some items into a company paper baler, thereby a technical violation of H.O. 12, then multiplied that number by the number of stores the chain owned to come up with the fine. This chain did not have a single injury involving a paper baler in any of their stores.

Our legislation brings a common-sense approach to this regulation and I think it is extremely reasonable. We allow 16- and 17-year-olds to load machines meeting the modern safety features, but not to operate or unload any paper balers, even the modern ones.

We require that grocers wishing to allow teenagers to load balers always maintain the most modern machines and therefore provide an important incentive for grocers to get rid of the old, potentially dangerous machines that are out there. This is the best way to enhance the safety of all workers.

We worked very hard to accommodate the concerns raised by the minority members of this Committee and the United Food and Commercial Worker's Union.

In fact, the manager's amendment which has been offered would make nine major changes to the original legislation which we wrote. Every single one of these provisions were requested by labor union representatives. For example, under this amendment, we explicitly require that machines to be loaded by 16- and 17-year-olds must not be operable while being loaded, we require them to have a key-lock system and that the key be maintained in the custody of adult employees. We also require employers to provide notice to employees that the machine meets current ANSI standards and post notice on the machine that this is the case and that the teen-

age employees are therefore permitted to load, but not operate or unload the machines.

We believe that we have accommodated every reasonable request made by all the parties interested in this issue.

Mr. Speaker, the American people want us to put an end to government policies which kill jobs and harm small businesses without any benefit to worker safety. The Labor Department's policies on paper balers is a perfect example of why people are so frustrated. I want to thank Speaker GINGRICH for establishing this corrections day process which provides us an opportunity to alter this outdated and costly regulation.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. ANDREWS].

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank the ranking member of the subcommittee for yielding me the time. I thank him and the staff for their outstanding cooperation throughout this process in trying to improve this bill.

Mr. Speaker, with all due respect to my friend, I rise in support of the bill. It has been a long-standing tradition in our country that very often someone's first job was in a grocery store or a supermarket. It is a way that they helped to pay their way through school or help their family meet its family obligations. That is a tradition that I think we should support and promote, and that is what we are doing by this legislation today.

I would not support this legislation if I thought it was going to take jobs away from full-time adult workers. I do not believe there is any evidence that says that it does. Nor would I support this legislation if I thought that it raised significant risks of safety hazards to younger workers. I believe it does not for the following reasons:

First of all, it is very important to note that this statute, this bill, does not permit minors to engage in operating or unloading a paper baler or compactor, a cardboard compactor. It only permits the minor, 16 or 17-year-old, to engage in the practice of loading the cardboard baler or cardboard compactor.

Second, it is important to note that any compactor or baler, to be in compliance with this law, must meet these standards that are set forth by the national organization. I believe that national organization has every vested and appropriate interest in making sure that the standards are very high and the standards will, in fact, protect people using the machine.

Finally, it is very important to note that each of these balers and compactors, to be in compliance with this bill, must have a locking device. The locking device must be in the locked position before the minor may load the baler or compactor, and the key that

would activate the machine must be in the custody of an adult who is supervising the minor worker.

In short, I think that this legislation is common sense, I think it is sensible, I think it has very excellent safeguards for the young workers who are involved, and I believe it helps us to continue that tradition of a young person, a 16 or 17-year-old, getting his or her first job in the supermarket or the grocery store.

I thank the majority staff, the chairman and subcommittee chairman for their work on this. Again, I thank our ranking subcommittee member for his cooperation and his staff's cooperation. I support the measure. I urge its adoption.

Mr. GOODLING. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. BALLENGER], and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. EHRLICH].

(Mr. EHRLICH asked and was given permission to revise and extend his remarks.)

Mr. EHRLICH. Mr. Speaker, I rise in strong support of H.R. 1114, the Ewing-Combust bill, which will bring about one modest but long overdue change to a 1954 Labor Department regulation. This bill will bring fairness and good dose of common sense to a 40-year-old child labor law clearly out of step with today's workplace technology.

In 1954, the Department of Labor issued an order to prohibit minors from working in occupations involving the operation of power-driven paper product machines, including the cardboard balers and compactors. These balers are primarily found in supermarkets and grocery stores.

This order was issued more than 40 years ago, and despite the advancement in safety standards, designs, and mechanisms made since then, it is still enforced. Regulations are necessary, but they must reflect the safety technology currently in use in the workplace. The prohibition does not embrace or promote safety standards. It simply prohibits minors from loading materials into a baler, even balers which meet the highest standards of safety in the industry.

An employer can be fined as much as \$10,000 for a violation of this order. Some companies have even been fined as much as \$250,000—clearly, an excessive burden to small businesses where there is no longer a safety threat. Since 1989, the Department of Labor, has assessed an estimated \$6 million against employers.

Does it make sense to penalize employers when there is no longer a risk to the young worker? As a result many

food retailers no longer hire young people or have to cut back on the number of jobs offered to teenagers. If I owned a grocery store making a net profit of less than a penny on the dollar—the industry average—would I hire young people and run the risk of a \$10,000 fine from the Labor Department? Of course not, it would not be worth it.

Mr. Speaker, on August 8, upon the request of a constituent, Harold Graul, I visited Graul's, a small, family owned supermarket which is the mainstay of a northern Baltimore County community within my district. Graul's is a typical, locally owned business which tries to reach out to its community and give young people their first job opportunity. Graul's baler is a modern piece of equipment with up-to-date safety devices. Harold Graul, the proprietor, has no intention of expecting his young employees to operate this machinery. However, he would like to be able to allow 16- and 17-year-old employees to just toss cardboard into a machine, which isn't even turned on at the time. He would like to avoid unreasonable fines for having cardboard tossed into what is essentially a glorified trash bin.

It was this visit which clearly illustrated to me how mistakes made here in Washington can reach all the way out to my congressional district and have a real effect on the small businessman and even a teenager.

Let me add that—this problem is by no means limited to the small markets—many large-volume grocers, such as Giant, Mars, Santoni's, are equally adversely impacted.

Mr. Speaker, the sad thing about this whole issue is that because of large fines against grocery stores, job opportunities for young people have been curtailed significantly in recent years to the extent that some grocers no longer hire anybody under 18 years of age.

Lawmaking is simply not the means to which the Federal Government must aspire to anticipate with precision every possible situation, obligation, and exception. Laws and regulations must be built upon a foundation of practicality and common sense.

Corrections day is precisely a vehicle which will push the kind of change Americans demanded last November. Corrections day will prove that changes can take place, corrections can be put into force quickly, and Federal Government can remove burdens from individuals, families, and small businesses.

Mr. Speaker, let's correct this bureaucratic mess. Let's reform Hazardous Occupation Order No. 12, and let's be fair to both supermarket employers and young people who want job opportunities. We can all do this enacting H.R. 1114. I urge my colleagues to vote for this common sense legislation.

□ 1600

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the

gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to be here today in support of the manager's amendment to H.R. 1114, which will revise the Federal Department of Labor's Hazardous Occupation Order No. 12.

Mr. Speaker, this legislation is somewhat unusual by congressional standards. It delivers a common sense solution to a real world problem. Furthermore, it was developed in a collegial and bipartisan manner with input from all concerned parties. No one walked away from the table, no one refused to work in good faith, and in the end a consensus was reached.

Mr. ANDREWS, Mr. EWING, Mr. COMBEST, and Chairman GOODLING are all to be commended for their work on this legislation. Their efforts should set the standard by which we develop all future corrections day legislation.

For Members on my side of the aisle I would note that H.R. 1114 was developed with the full participation of the United Food and Commercial Workers, and they are not actively opposed to this legislation.

To put it simply, H.R. 1114 will allow 16- and 17-year-old grocery store employees to throw cardboard boxes into a compacting or baling machine. The only time that this will be allowed is when the doors to the machine are locked open, and the machine itself is turned off with the key removed and in the possession of an adult supervisor. In addition, the machines themselves will be required to meet the most current design safety standards of the American National Standards Institute. That's it.

The bill will not damage current standards for workplace safety in the retail food marketing industry. But it will eliminate an unnecessary regulatory burden on employers in the retail grocery business who often provide that important first job to 16- and 17-year-old young men and women in all of our home towns.

The manager's amendment to H.R. 1114 addresses all of the pertinent safety questions satisfactorily. It will insure maintenance of a rational workplace safety standard while getting the Federal Government out of the silly business of regulating who throws away cardboard boxes in the back of the supermarket.

Mr. Speaker, H.R. 1114 solves a specific problem in a rational and responsible manner. In my opinion, Congress should take on more issues in this manner—responsibly and rationally. I urge the Members to support this consensus legislation, and I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I rise in strong support of this legislation to repeal one of the dumbest rules we have on the books today.

Going back to the 1950's when this rule was written with good intent at the time, how could they have seen back then in the 1950's and foreseen that in the 1990's we would have good machines, good balers that worked very effectively and are perfectly safe? I speak from firsthand knowledge of having put my arms, put my head and shoulders in these machines to examine the safety precautions that are now part of these balers, and they are perfectly safe. I would allow my child to operate one of these balers, if properly employed at a supermarket, and would feel perfectly fine with them doing so.

What has happened is the Labor Department, taking this ancient law, is now using it as a punitive measure to fine grocery stores, in many cases small grocery stores but big employers in communities, \$10,000 a pop when they are having teenagers throw these boxes into the balers, and in most cases they are not even putting their hands or their arms into the balers. They are just taking the box and throwing it in the baler. The baler, then the safety mechanism, if operating properly, will smash the cardboard boxes and dispose of them.

The old machines not covered under these safety standards would not be affected in any way by this law. This is an important piece of legislation. It is also very important for those who believe we need to put teenagers to work in neighborhoods across this country.

It is an effort that we have been working on for a long time. Labor Secretary Reich has told us he is going to try to get rid of this dumb old law. He has not done a thing about it.

Here today we have an opportunity to correct a wrong that has been in existence for too long. I am proud to be a strong supporter of this effort to repeal this cardboard baler law.

Mr. OWENS. Mr. Speaker, I yield myself 2 minutes to point out that we have worked out some language for this bill which I hope we will all reach agreement on, but let us not call the regulations dumb.

In 1991 alone, more than 50 baler accidents among employees were reported nationwide. Although minors at that time were prohibited, as they are now, by law from operating balers and compactors, there have been very serious injuries. A minor working in a supermarket had his arms severely crushed when he reached into a baler to remove a catsup bottle. A minor was seriously injured when his hand was caught in a baler. He broke several fingers and underwent surgery to install pins in the knuckles. A 17-year-old worker in Pennsylvania was killed when he reached into a baler to free some jammed paper. A 13-year-old minor was killed when he became caught in a paper compactor. At the time the in-

jury occurred, he was stuffing cardboard boxes into the baler.

This is not a dumb regulation. We are going to make some changes. We are not dealing with a dumb regulation. Lives were saved by this regulation, I assure you.

Mr. EWING. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Illinois.

Mr. EWING. The question I have is what type of balers were they operating? We have these statistics. We cannot get from the department one statistic that shows that the accidents which the gentleman referred to happened to the new, modern balers, and that is all we are talking about here. The latest, up-to-date baler is the only one that would be exempt. Can you tell me?

Mr. OWENS. Reclaiming my time, I think the gentleman reinforces my point. We had a regulation which dealt with a serious problem which currently deals mostly with the old balers. In this bill, we are saying we want only the new balers to operate when this law is going to be adapted from that new condition and new standards by ANSI. The gentleman is saying what I am saying. It is not a dumb law. This applies now because we have new machines under new standards.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank my friend, the distinguished ranking member of the committee, the gentleman from New York. I want to say to the gentleman from New York [Mr. OWENS] is one of the real fighters in this Congress in behalf of working men and women, the safety and welfare of our people, and I am privileged to be speaking with him. I think his point is well taken as well that the safety of young people and all workers is of paramount importance, I think, on both sides of the aisle.

Mr. Speaker, I rise today in support of H.R. 1114, a bill to reform the Department of Labor's hazardous occupation order No. 12 and allow workers, age 16 and 17, to load paper balers and compactors.

This bill is a good compromise between both sides of the aisle, the grocers and the unions.

Several months ago, Mr. Speaker, I met with the grocers from Maryland and then visited a grocery store in my district to see a baler, first hand.

While I understood the inconvenience of minors being prohibited from loading the balers, I was very concerned about the union's objections and the safety of our Nation's young workers.

I was pleased to work with Members on both sides of the aisle to ensure that the final product that the House will vote on today embodied this approach.

The manager's amendment, offered by Mr. GOODLING, will guarantee that every baler and compactor loaded by minors meets the most current ANSI standards.

Further, to ensure that minors will only be loading the balers, the machines must include an on-off switch with a key-lock system which will be maintained by employees over 18.

Mr. Speaker, I am pleased that we can offer commonsense reform today to the grocers of America, while protecting the health and safety of our young workers. This is a good compromise which brought the grocers and the unions together to help craft a bill which protects everyone's interests and makes sense for America's businesses.

I urge my colleagues to support H.R. 1114.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in opposition to H.R. 1114, a bill which will allow minors 16 and 17 years of age to load paper balers—dangerous machinery used in a variety of businesses including grocery stores, department stores, hospitals, and recycling operations.

I oppose the contents of the bill as it will gut vital protections for youth in the retail industry, and I also oppose the manner in which this matter is being considered by the Congress.

As I understand this new corrections day procedure it is meant to bring up non-controversial bills which seek to eliminate frivolous and useless regulations that are contrary to basic common sense.

H.R. 1114 weakens a child labor law regulation that is neither frivolous or useless. Protecting the lives and limbs of the countless number of teenagers working in grocery stores or other retail outlets as part-time jobs, sounds like pretty good common sense to me. Hazardous Occupation Order 12, which prohibits minors under 18 years of age from loading paper balers limits the participation of young people in a fluid, mechanized process that has proven to be dangerous and life-threatening.

Even with HO 12 in place there have been serious injuries and fatalities when the law has been ignored. Between 1993 and 1995, there were six fatalities involving paper baling machines, including two cases where the victims fell into the compacting area of a machine while attempting to clear jams that occurred during the loading process.

A paper baler is not merely a trash or recycling bin. It is a large, dangerous machine, with a large power-driven steel plunger which crushes and compresses paper into a tight mass. These machines are almost always located in the basement or backroom of a retail outlet, away from supervision.

HO 12 is based on the same kind of common sense that parents use everyday in telling their children to not play with matches. When you play with matches you get burned.

And the more time minors spend around dangerous, complicated machinery the more apt they are to get hurt.

The flaw in this legislation is clear. It replaces a straightforward directive to businesses on how to keep its younger employees safe, with a standard that will be difficult to enforce and that is based on engineering design rather than health and safety standards.

H.R. 1114 as amended by the manager's amendment will allow 16- and 17-year-olds to load paper balers as long as the machine meets current American National Standards Institute [ANSI] standards, the machine has an on-off locking ignition system, and notices are posted regarding these regulations.

This so-called compromise bill attempts to make a bad bill better, but it falls far short of this goal.

Reliance on ANSI standards is a basic flaw that is unworkable and unenforceable.

The National Institute of Occupational Safety and Health, this Nation's primary authority on occupational safety, determined that only one out of five balers currently in use were safe to load and that the ANSI standards are not sufficient to protect minors. NIOSH further determined that HO 12 should be maintained as is.

Of particular concern to NIOSH was the great number of older machines being used, and the necessity for periodic equipment inspection and maintenance to ensure safe working conditions for all employees.

H.R. 1114 does nothing to address this major concern raised by NIOSH. It does not address how adherence to ANSI standards will be enforced, does not include specific requirements on maintenance, and does not include assurances that young people will be properly trained in loading the machine and avoiding any dangerous situations.

I fear that H.R. 1114 simply opens the door for allowing minors to utilize this machinery without appropriate safeguards.

Proponents of H.R. 1114 argue that HO 12 is preventing thousands of young people from getting jobs in supermarkets and retail stores, yet there is no solid evidence that this is the case. We have solid evidence that HO 12 protects the lives and limbs of our young people.

We have responsibility to maintain this protection of health and safety, I urge my colleagues to vote no on H.R. 1114.

Mr. STENHOLM. Mr. Speaker, passing this measure simply makes good common sense. Think about it.

Hazardous Occupation Order No. 12 has been on the books for 41 years. In 1954, heavy-duty industrial machinery, like the paper baler, was substantially more dangerous than today. Since that time, technology and concern for worker safety have helped create a much safer workplace. As a matter of fact, the Waste Equipment Technology Association's 7 year review of 8,000 compensation cases involving injuries could not identify a single injury attributable to a baler or compactor failing to meet acceptable standards. Unfortunately, H.O. 12 has never been updated to reflect the changes brought about by advances in workplace safety. It's time we updated this regulation.

The economic effects of this measure have been substantial. Fines in excess of \$250,000 have been levied against grocery store owners. Faced with this kind of punishment, is it any wonder that store owners are less likely to hire 16 and 17 year olds?

Mr. Speaker, to put things in perspective, I was 16 when this regulation took effect. I remember needing extra money to pay the insurance on my car and to take care of other necessities. Young people today are no different and we should be doing everything we can to encourage employers to hire them.

The bottom line is this: H.R. 1114 is a proemployer, prolabor, proyoung person, projobs bill. We don't see this kind of measure too often, and when we do, we ought to support it.

Mr. LANTOS. Mr. Speaker, I rise in strong opposition to H.R. 1114, legislation which would overturn existing child labor protections

prohibiting young people under the age of 18 from loading paper balers and compactors. I oppose this legislation because I believe that any weakening of current child labor standards will only lead to more exploitation and endangerment of our Nation's most precious resource—our youth.

As the former Chairman of the House Subcommittee on Employment and Housing which investigated workplace injuries of minors, including the death in 1988 of a 17-year-old boy who was crushed while operating a paper baler at the direction of his supervisor, I am appalled that this Congress is about to take this dangerous and ill-conceived step. This legislation will unfortunately result in more tragic deaths and injuries involving our Nation's teenagers.

In 1989, my subcommittee found that, although minors are prohibited by law from operating balers and compactors, serious injuries and deaths occur because the law is ignored by employers. According to the latest figures available from the Department of Labor, this tragedy continues. There were six fatalities involving paper baling machines between 1993 and 1995. In 1991, the most recent statistical year available, more than 50 accidents were reported involving minors and paper balers. Children have suffered amputated limbs and crushed bones. I do not want to imagine how many more of our children will suffer once these regulations are loosened.

Mr. Speaker, it has become popular these days to question regulations without considering the important reasons behind the regulation. Some regulations are out-dated and should be repealed; this regulation emphatically should not be repealed.

A paper baler is not merely a recycling bin or a waste paper bin. It is a large, dangerous machine that can severely injure a careless, untrained, or inexperienced worker. It has a power-driven steel plate which crushes and compresses paper into a tight mass. The paper is then secured by steel straps or wire. When the baler is hand-fed, an arm or a hand can get caught and crushed. A worker can receive serious lacerations to the face or other parts of the body if there is an accidental release of the baling steel or wire.

The legislation before us today would amend the Fair Labor Standards Act to permit minors to load balers and compactors and provides a legal and occupational justification for minors to be present while a baler is being operated. I oppose any effort which will increase the proximity of minors to these machines, even if minors are not actually turning the machines on. It does not take a genius to figure out that permitting children to work in and near these machines will increase the likelihood of serious injury and death.

Let me cite a few examples of the horrific injuries which can occur when minors were allowed or were directed to work illegally in the vicinity of paper balers and compactors:

An 11-year-old boy was loading paper boxes in a paper baler at the C-Town Food Corporation in the Bronx, NY, when his arm got caught in the baler which pulled his body up against the machine and crushed him. He died as a result of internal injuries.

A 16-year-old girl at an IGA Supermarket in Michigan was loading cardboard boxes into a paper baler and started the machine. When she reached down to pick up a loose piece of cardboard, her smock became entangled in

the machine. The baler dragged her right arm in and tore muscle and tendon.

A 16-year-old material handler in Yadkinville, NC, got his hand caught in a baler while loading it and suffered a crushing injury to his hand.

A 16-year-old lost the tip of his index finger while operating a box compactor at Gordy's IGA in Chippewa Falls, WI.

These accidents occurred despite a regulation that prohibits minors from loading or operating paper balers.

It is our duty to ensure that our youth are employed in occupations which do not expose them to unnecessary safety risks. The Congress can do much more to provide our young people with opportunities which provide safe and sound work experience which contribute to their development into responsible, confident, and able-bodied adults. I will not support legislation which will expose our children to needless risk or put them in harm's way. I urge my colleagues to oppose this legislation.

Mr. MARTINI. Mr. Speaker, I rise today in support of H.R. 1114. This bill is a bipartisan bill 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.

At the base of this bill is the 104th Congress' firm commitment to reform outdated Federal regulations. A commitment that is reiterated every day by the electorate who have sent us here to Washington. They do not merely ask for reform, rather they demand reform, and they deserve reform. They deserve reform from a Congress which has pledged to act in a different manner from the Congresses of the past.

We can no longer sit by the wayside and suffer the consequences that are inherent in out-of-date legislation. Too often technological reforms outpace legislative reforms; it is time for us to take a step and catch up. Clearly, we can no longer afford to be shackled to the past by antiquated laws that preclude technological innovations. H.R. 1114 is just one of the many bills that this Congress has proposed to level the playing field and increase productivity for this Nation. This legislation recognizes the safety enhancements that are now being incorporated into the design and manufacturing of balers and compactors, and adjusts the current law accordingly.

The feedback that I have received from companies in my congressional district has provided me with a clear understanding of why we need to pass H.R. 1114. David Maniaci, president and chief executive officer of Nicholas Markets in Haldon, NJ, has written me and documented how the present law has affected his company. As a businessman in my congressional district, Mr. Maniaci has shown me the inadequacies of the system and why we need to pass this measure. This constituent has shown me that H.R. 1114 will not only affect business on a national level, but will help small businesses in local communities in this country.

Mr. Speaker, small business provides the backbone of the U.S. economy as 97 percent of the Nation's employers. We cannot sit idly and allow outdated regulations to continue to slow the economic growth of this Nation. The time for change and reform is upon us.



This legislation currently has over 140 cosponsors; it indisputably serves to maintain a balance of fairness in the increasingly competitive global marketplace. The penalties of the past that have been imposed on industries for allowing teenagers to toss boxes into balers are not only astronomical for the company, but also detrimental to the teenagers of today. There is no incentive to employ our youth and instill a work ethic that they will carry with them from job to job if companies are constantly wary of prosecution. H.R. 1114 allows companies to employ our youth and it gives teenagers additional employment opportunities. Without it our youth will lose.

Mr. Speaker, I ask my fellow colleagues to support H.R. 1114.

Mr. KOLBE. Mr. Speaker, I rise today in support of H.R. 1114 and the managers amendment, a bill to reform Hazardous Occupation Order No. 12.

I first heard about this issue in the late 1980's, when food stores in my own district were being punished based on a simple statement by a former teenage employee who would truthfully tell a Department of Labor investigator: "Yeah, I tossed a box into a baler once." Huge fines were being levied against supermarket companies—large chains as well as independent operators. Efforts to reform Hazardous Occupation Order 12 through the regulatory process were unsuccessful. The Labor Department showed an amazing—though not surprising—lack of common sense. So, I am pleased to vote today for legislation which will correct this longstanding problem for Arizona grocers.

In 1992, I saw this problem first hand. I toured a supermarket's back room and looked at a cardboard baler with members of the Arizona Food Marketing Alliance. These balers operate much like your home dishwasher. If the door is open you can't run the machine, even if you press the "on" button. The cardboard baler operates under the same principle. When the gate is open it can be filled with cardboard boxes. When it is time to run the machine, an authorized adult can close the gate and turn the key to operate the equipment. Only an adult has the operating key. The gate has a lock-out device which prevents it from operating when the gate is opened, even if the machine is in the operating position. This is much the way a microwave oven works. If you open it while it's on, the machine stops. It is beyond comprehension why able 16- and 17-year-olds must stack cardboard by the baler—possibly causing a greater hazard and encumbrance to workers moving around in the area, not to mention health hazards as they attract rats and roaches—and wait for someone 18-years-old or older to place the boxes in the baler.

The owners and store managers of the Nation's supermarkets who don't want to harm these young people entering the work world or working their way through school. They have a good financial incentive to look after the safety anyhow—their insurance costs. But, as it stands now, if minors are stocking shelves, they cannot toss empty, cardboard boxes into an open and locked baler. This is absurd.

I urge my colleagues to support this bill which includes a compromise worked out to address safety concerns. It is a perfect Corrections Day item to fix an outdated 41-year-old regulation while keeping young people safe.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the previous question is ordered on the amendment and the bill.

The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

#### FEDERAL EMPLOYEE REPRESENTATION IMPROVEMENT ACT OF 1995

The SPEAKER pro tempore. The Clerk called the bill (H.R. 782) to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

The Clerk read the bill, as follows:

H.R. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Representation Improvement Act of 1995".

##### SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EMPLOYEES.

(a) EXTENSION OF EXEMPTION TO PROHIBITION.—Subsection (d) of section 205 of title 18, United States Code, is amended to read as follows:

"(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

"(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

"(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

"(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

"(A) is a claim under subsection (a)(1) or (b)(1);

"(B) is a judicial or administrative proceeding where the organization or group is a party; or

"(C) involves a grant, a contract, or other agreement (including a request for any such

grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group."

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 18, United States Code, is amended by adding at the end the following:

"(i) Nothing in this section prevents an employee from acting pursuant to chapter 71 of title 5 or section 1004 or chapter 12 of title 39."

##### COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

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"(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

"(A) is a claim under subsection (a)(1) or (b)(1);

"(B) is a judicial or administrative proceeding where the organization or group is a party; or

"(C) involves a grant, a contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group."

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 18, United States Code, is amended by adding at the end the following:

"(i) Nothing in this section prevents an employee from acting pursuant to chapter 71 of title 5 or section 1004 or chapter 12 of title 39."

Mr. HOKE (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. HOKE] will be recognized for 30 minutes, and the gentleman from