

Mollohan	Roberts	Tejeda
Montgomery	Roemer	Thompson
Moran	Ros-Lehtinen	Thornton
Morella	Rose	Thurman
Murtha	Roukema	Tiahrt
Myers	Roybal-Allard	Torkildsen
Nadler	Rush	Torres
Neal	Sabo	Torrice
Nethercutt	Sanders	Towns
Neumann	Sanford	Traficant
Oberstar	Sawyer	Velazquez
Obey	Saxton	Vento
Olver	Schroeder	Visclosky
Ortiz	Schumer	Volkmer
Orton	Scott	Walsh
Owens	Serrano	Ward
Packard	Shays	Waters
Pallone	Sisisky	Watt (NC)
Pastor	Skaggs	Watts (OK)
Payne (NJ)	Skelton	Waxman
Payne (VA)	Slaughter	White
Pelosi	Smith (NJ)	Whitfield
Peterson (MN)	Smith (WA)	Williams
Pickett	Solomon	Wilson
Pomeroy	Souder	Wise
Poshard	Spratt	Wolf
Quinn	Stark	Woolsey
Radanovich	Stenholm	Wynn
Rahall	Stokes	Yates
Rangel	Studds	Young (AK)
Reed	Stupak	Zimmer
Richardson	Tate	
Rivers	Taylor (MS)	

NOT VOTING—13

Bevill	Hayes	Roth
Coleman	Lincoln	Tanner
Collins (IL)	McDade	Young (FL)
Ford	Peterson (FL)	
Hastings (FL)	Quillen	

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

¶94.23 PROVIDING FOR THE CONSIDERATION OF H.R. 2823

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 104-708) the resolution (H. Res. 489) providing for consideration of the bill (H.R. 2823) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶94.24 LABOR SAFETY STANDARDS FOR MINORS

On motion of Mr. BALLENGER, by unanimous consent, 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; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

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 new 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 key-lock 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)(I).

"(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.

On motion of Mr. BALLENGER, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.25 WORDS TAKEN DOWN

Mr. KANJORSKI during one minute speeches addressed the House and, during the course of his remarks,

Mr. SOLOMON demanded that certain words be taken down.

The Clerk read the words taken down as follows:

I was aware of what you were going to say today. You know full well the reason you came down here on the floor and said what you said is that you didn't have the nerve to go up in the Press Galley and make those charges because you would be subject to a lawsuit.

The SPEAKER pro tempore, Mr. HOBSON, held the words taken down to be unparliamentary, and said:

"In the opinion of the Chair, the remarks question the integrity of the gentleman from Pennsylvania [Mr. CLINGER] and constitute a personality in debate."

By unanimous consent, the unparliamentary words were stricken from the Record.

On motion of Mr. ARMEY, Mr. KANJORSKI was allowed to proceed in order.

¶94.26 ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1627. An Act to amend the Federal Insecticide, Fungicide, and Rodenticide Act