

**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.

THE IRAN OIL SANCTIONS ACT OF  
1996

KENNEDY (AND D'AMATO)  
AMENDMENT NO. 4588

Mr. LOTT (for Mr. KENNEDY, for himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 3107) to impose sanctions on persons exporting certain goods or technology that would enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes; as follows:

On page 7, line 8, strike all through page 8, line 20 and insert:

(b) MANDATORY SANCTIONS WITH RESPECT TO LIBYA.—

(1) VIOLATIONS OF PROHIBITED TRANSACTIONS.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

(A) contributed to Libya's ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya's military or paramilitary capabilities;

(B) contributed to Libya's ability to develop its petroleum resources; or

(C) contributed to Libya's ability to maintain its aviation capabilities.

(2) INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of \$40,000,000 or more (or any combination of investments of at least \$10,000,000 each, which in the aggregate equals or exceeds \$40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a hearing

before the Committee on Energy and Natural Resources to receive testimony on S. 1920, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes, has been cancelled.

The hearing was scheduled to take place Wednesday, July 17, 1996, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

I plan to reschedule this hearing at a later date. For further information, please contact Brain Malnak or Jo Meuse.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. CRAIG. Mr. Speaker, I would like to announce for the public that an oversight hearing has been scheduled from the Subcommittee on Forests and Public Land Management.

The hearing will take place Tuesday, July 30, 1996, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the conditions that have made the national forests in Arizona susceptible to catastrophic fires and disease.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Mark Rey.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, July 16, at 2 p.m., for a hearing on S. 1629, the Tenth Amendment Enforcement Act of 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 16, at 10:30 a.m., to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, July 16, 1996, at 9:30 a.m. until business is completed, to hold a hearing on "Public Access to Government Information in the 21st Century, Title 44/GPO."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Aging be authorized to meet for a hearing on "Proposals for

Reform: Ensuring Our Workers' Retirement Security" during the session of the Senate on Tuesday, July 16, 1996, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 16, to hold hearings on security in cyberspace.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND  
PEACE CORPS AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 16, 1996, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHURCH ARSON PREVENTION ACT

• Mr. FAIRCLOTH. Mr. President, last week at the White House, the President held a ceremony to thank the Congress for acting swiftly on legislation to make it a Federal crime to burn a church.

H.R. 3525 passed the House on June 18, 1996 by a vote of 422 to 0. The Senate approved a broader bill on June 26, 1996 by a vote of 98-0. The House passed the Senate version on June 27, 1996 by unanimous consent.

Due to the compelling need to pass legislation, House and Senate Democrats and Republicans met on a bipartisan basis where the differences between the two bills were reconciled. Because of the speed with which we acted, there was little time to prepare a statement of the conferees.

In lieu of a conference report, I ask that this statement of managers be printed in the RECORD, and be made part of the legislative history of H.R. 3525.

The statement follows:

JOINT STATEMENT OF FLOOR MANAGERS REGARDING H.R. 3525, THE CHURCH ARSON PREVENTION ACT OF 1996

(By: Senators Faircloth and Kennedy, and Congressmen Hyde and Conyers)

I. INTRODUCTION

Recently, the entire Nation has watched in horror and disbelief as an epidemic of church arsons has gripped the Nation. The wave of arsons, many in the South, and a large number directed at African American churches, is simply intolerable, and has provoked a strong outcry from Americans of all races and religious backgrounds.

Congress has responded swiftly and in a bipartisan fashion to this troubling spate of arsons. On May 21, 1996, the House Judiciary Committee held an oversight hearing focusing on the problem of church fires in the

Southeast. Two days later, on May 23, Chairman Hyde and Ranking Member Conyers introduced H.R. 3525, the Church Arson Prevention Act of 1996. H.R. 3525 was passed by the House of Representatives on June 18, 1996, by a vote of 422-0. On June 19, 1996, the Senate introduced a companion bill, S. 1890.

In the interests of responding swiftly to this pressing national problem, Congressman Henry Hyde and Congressman John Conyers, the original authors of the bill in the House of Representatives, and Senator Lauch Faircloth and Senator Edward Kennedy, the original authors of the bill in the Senate, with the cooperation and assistance of the Chairman and Ranking Member of the Senate Judiciary Committee, have crafted a bipartisan bill that combines portions of H.R. 3525, as passed on June 18, 1996 by the House of Representatives, and S. 1890, as introduced in the Senate on June 19, 1996. On June 26, 1996, an amendment in the form of substitute to H.R. 3525 was introduced in the Senate, and passed by a 98-0 vote. This substitute embodies the agreement that was reached between House and the Senate, on a bipartisan basis. The House of Representatives, by unanimous consent, took up and passed H.R. 3525 as amended on June 27, 1996.

This Joint Statement of Floor Managers is in lieu of a Conference report and outlines the legislative history of H.R. 3525.

## II. SUMMARY OF THE LEGISLATION

The purpose of the legislation is to address the growing national problem of destruction and desecration of places of religious worship. The legislation contains five different components.

### 1. AMENDMENT OF CRIMINAL STATUTE RELATING TO CHURCH ARSON

Section three of the bill amends section 247 of Title 18, United States Code to eliminate unnecessary and onerous jurisdictional obstacles, and conform the penalties and statute of limitation with those under the general Federal arson statute, Title 18, United States Code, Section 844(i). Section two contains the Congressional findings that establish Congress' authority to amend section 247.

### 2. AUTHORIZATION FOR LOAN GUARANTEES

Section four gives authority to the Department of Housing and Urban Development to use up to \$5,000,000 from an existing fund to extend loan guarantees to financial institutions who make loans to organizations defined in Title 26, Section 501(c)(3), United States Code, that have been damaged as a result of acts of arson or terrorism, as certified by procedures to be established by the Secretary of Housing and Urban Development.

### 3. ASSISTANCE FOR VICTIMS WHO SUSTAIN INJURY

Section five amends Section 1403(d)(3) of the Victim of Crime Act to provide that individuals who suffer death or personal injury in connection with a violation described in Title 18, United States Code, Section 247, are eligible to apply for financial assistance under the Victims of Crime Act.

### 4. AUTHORIZATION OF FUNDS FOR THE DEPARTMENT OF THE TREASURY AND THE DEPARTMENT OF JUSTICE

Section six authorizes funds to the Department of Justice, including the Community Relations Service, and the Department of the Treasury to hire additional personnel to investigate, prevent and respond to possible violations of Title 18, United States Code, Sections 247 and 844(i). This provision is not intended to alter, expand or restrict the respective jurisdictions or authority of the Department of the Treasury and the Federal Bureau of Investigation relating to the investigation of suspicious fires at places of religious worship.

### 5. REAUTHORIZATION OF THE HATE CRIMES STATISTICS ACT

Section seven reauthorizes the Hate Crimes Statistics Act through 2002.

### 6. SENSE OF THE CONGRESS

Section eight embodies the sense of the Congress commending those individuals and entities that have responded to the church arson crisis with enormous generosity. The Congress encourages the private sector to continue these efforts, so that the rebuilding process will occur with maximum possible participation from the private sector.

### III. AMENDMENT TO TITLE 18, UNITED STATES CODE, SECTION 247

Section 3 of H.R. 3525, as passed by the Senate and the House, amends section 247 in a number of ways.

#### 1. EXPANSION OF FEDERAL JURISDICTION TO PROSECUTE ACTS OF DESTRUCTION OR DESECRATION OF PLACES OF RELIGIOUS WORSHIP

The bill replaces subsection (b) with a new interstate commerce requirement, which broadens the scope of the statute by applying criminal penalties if the "offense is in or affects interstate or foreign commerce." H.R. 3525 also adds a new subsection (c), which provides that: "whoever intentionally defaces, damages or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so," is guilty of a crime. Section two of H.R. 3525 contains the Congressional findings which establish Congress' authority to amend section 247.

The new interstate commerce language in subsection (b) is similar to that in the general Federal arson statute, Title 18, United States Code, Section 844(i), which affords the Attorney General broad jurisdiction to prosecute conduct which falls within the interstate commerce clause of the Constitution.

Under this new formulation of the interstate commerce requirement, the Committee intends that the interstate commerce requirement is satisfied, for example, where in committing, planning, or preparing to commit the offense, the defendant either travels in interstate or foreign commerce, or uses the mail or any facility or instrumentality of interstate commerce. The interstate commerce requirement would also be satisfied if the real property that is damaged or destroyed is used in activity that is in or affects interstate commerce. Many of the places of worship that have been destroyed serve multiple purposes in addition to their sectarian purpose. For example, a number of places of worship provide day care services, or a variety of other social services.

These are but a few of the many factual circumstances that would come within the scope of H.R. 3525's interstate commerce requirement, and it is the intent of the Congress to exercise the fullest reach of the Federal commerce power.

The floor managers are aware of the Supreme Court's ruling in *United States v. Lopez*, 115 S.Ct. 1624 (1995), in which the Court struck down as unconstitutional legislation which would have regulated the possession of firearms in a school zone. In *Lopez*, the Court found that the conduct to be regulated did not have a substantial effect upon interstate commerce, and therefore was not within the Federal Government's reach under the interstate commerce clause of the Constitution.

Subsection (b), unlike the provision at issue in *Lopez*, requires the prosecution to prove an interstate commerce nexus in order to establish a criminal violation. Moreover, H.R. 3525 as a whole, unlike the Act at issue in *Lopez*, does not involve Congressional intrusion upon "an area of traditional state

concern." 115 S.Ct. at 1640 (KENNEDY, J. concurring). The Federal Government has a longstanding interest in ensuring that all Americans can worship freely without fear of violent reprisal. This Federal interest is particularly compelling in light of the fact that a large percentage of the arsons have been directed at African-American places of worship.

Congress also has the authority to add new subsection (c) to section 247 under the Thirteenth Amendment to the Constitution, an authority that did not exist in the context of the Gun Free School Zones Act. Section 1 of the Thirteenth Amendment prohibits slavery or involuntary servitude. Section 2 of the Amendment states that "Congress shall have the power to enforce this article by appropriate legislation." In interpreting the Amendment, the Supreme Court has held that Congress may reach private conduct, because it has the "power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States." *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 439 (1968). See also *Griffin v. Breckinridge*, 403 U.S. 88 (1971). The racially motivated destruction of a house of worship is a "badge or incident of slavery" that Congress has the authority to punish in this amendment to section 247.

Section two of H.R. 3525 sets out the Congressional findings that establish Congressional authority under the commerce clause and the Thirteenth Amendment to amend section 247.

In replacing subsection (b) of section 247, H.R. 3525 also eliminates the current requirement of subsection (b)(2) that, in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction be more than \$10,000. This will allow for the prosecution of cases involving less affluent congregations where the church building itself is not of great monetary value. It will also enhance Federal prosecution of cases of desecration, defacement or partial destruction of a place of religious worship. Incidents such as spray painting swastikas on synagogues, or firing gunshots through church windows, are serious hate crimes that are intended to intimidate a community and interfere with the freedom of religious expression. For this reason, the fact that the monetary damage caused by these heinous acts may be de minimis should not prevent their prosecution as assaults on religious freedom under this section.

H.R. 3525 also amends section 247 by adding a new subsection (c), which criminalizes the intentional destruction or desecration of religious real property "because of the race, color or ethnic characteristics of any individual associated with that property." This provision will extend coverage of the statute to conduct which is motivated by racial or ethnic animus. Thus, for example, in the event that the religious real property of a church is damaged or destroyed by someone because of his or her hatred of its African American congregation, section 247 as amended by H.R. 3525 would permit prosecution of the perpetrator.

H.R. 3525 also amends the definition of "religious real property" to include "fixtures or religious objects contained within a place of religious worship." There have been cases involving desecration of torahs inside a synagogue, or desecration of portions of a tabernacle within a place of religious worship. These despicable acts strike at the heart of congregation, and this amendment will ensure that such acts can be prosecuted under section 247.

#### 2. Amendment of Penalty Provisions

H.R. 3525 amends the penalty provisions of section 247 in cases involving the destruction

or attempted destruction of a place of worship through the use of fire or an explosive. The purpose of this amendment is to conform the penalty provisions of section 247 with the penalty provisions of the general Federal arson statute, Title 18, United States Code, Section 844(i). Under current law, if a person burns down a place of religious worship (with no injury resulting), and is prosecuted under section 247, the maximum possible penalty is 10 years. However, if a person burns down an apartment building, and is prosecuted under the Federal arson statute, the maximum possible penalty is 20 years. H.R. 3525 amends section 247 to conform the penalty provisions with the penalty provisions of section 844(i). H.R. 3525 also contains a provision expanding the statute of limitations for prosecutions under section 247 from 5 to 7 years. Under current law, the statute of limitations under section 844(i) is 7 years, while the statute of limitations under section 247 is 5 years. This amendment corrects this anomaly.

#### IV. Severability

It is not necessary for Congress to include a specific severability clause in order to express Congressional intent that if any provision of the Act is held invalid, the remaining provisions are unaffected. S. 1890, as introduced on June 16, 1996 contained a severability clause, while the original version of H.R. 3525 which was introduced in the House did not. While the final version of H.R. 3525, as passed by the Senate and the House of Representatives, does not contain a severability clause, it is the intent of Congress that if any provision of the Act is held invalid, the remaining provisions are unaffected.●

#### POSSESSIONS TAX CREDIT

● Mr. BREAUX. Mr. President, last week on Tuesday, July 9, the Senate passed H.R. 3448, the Small Business Job Protection Act of 1996. I rise today to speak about the provision in that bill relating to Section 936 of the Internal Revenue Code, the Possessions Tax Credit. The Senate passed version of this legislation creates a long-term wage credit for the 150,000 employees currently working in Puerto Rico through section 936 of the code. Without question, this provision represents a major step forward for those working Americans in our poorest jurisdiction. Unfortunately, Mr. President, the House passed bill contains no such long-term incentives for the economy of Puerto Rico. I want to urge the Conferees, under the leadership of the distinguished Chairman of the Senate Finance Committee, Senator ROTH, and the distinguished ranking member, Senator MOYNIHAN, to preserve the Senate position on section 936. Also, at the earliest opportunity we should address the important issues of economic growth, new jobs, and new investments in Puerto Rico including the proposals offered by the Governor of Puerto Rico, Pedro Rossello, to replace the possessions tax credit.●

#### CENTRALIA HIGH SCHOOL BOYS BASKETBALL TEAM

● Mr. SIMON. Mr. President, I would like to commend the Orphans of Centralia High School of Centralia, IL,

for the amazing success of their boys basketball program. They have the best winning record of any high school basketball team in the Nation, according to the 1996 edition of the National High School Sports Record Book. Since 1907, the basketball program has been dedicated to excellence on the basketball court. In this span, the Centralia High boys team has recorded 45 regional championships, 16 district titles, 16 sectional crowns, two second-, one third- and one fourth-place finish in the State tournament. With 20 wins and 6 losses during the 1995-96 season, their record now stands at 1,780-761. This is quite an achievement.

I would also like to extend my appreciation to coach Rick Moss. In the three seasons he has been coach, he has posted a 71-12 record—a record that looks a lot like the Chicago Bulls' great success of the past season. Coach Moss and his staff have done a magnificent job in preparing his team for competition.

Again, I offer my congratulations to the Centralia High School boys basketball team for achieving this feat. I look forward to seeing them maintain this winning tradition during the 1996-97 season, which will make the 90th year of the boys basketball program.●

#### TRIBUTE TO CMDR. JOHN J. JASKOT, U.S. COAST GUARD

● Mr. KERRY. Mr. President, I want to take this opportunity to express my sincere thanks to Cmdr. John Jaskot of the U.S. Coast Guard who has served as the Coast Guard liaison to the Senate for the past 3 years and who will retire this month from the service after a distinguished 20-year career.

John, or J.J. as he is better known, has done an outstanding job in his role of Senate liaison and has honored himself and the Coast Guard with his dedication and devotion to duty. A graduate of the U.S. Coast Guard Academy and George Washington University Law School, J.J. has served commendably as the conduit between the Senate and the Coast Guard when Coast Guard-related legislation was under development and when difficult problems involving the Coast Guard were being dealt with by Members of the Senate.

Mr. President, it is my pleasure to serve as the ranking Democratic member of the subcommittee responsible for Senate oversight of the Coast Guard, the Senate Commerce Committee's Subcommittee on Oceans and Fisheries. It is from this position that my staff and I have had the pleasure to work on a continual basis with Commander Jaskot and the Coast Guard. Therefore, I know firsthand that J.J. is a professional who deservedly prides himself on being a responsive and efficient problem solver. His comprehensive knowledge of Coast Guard law and programs has been extremely valuable to the Senate. Coast Guard issues in general are nonpartisan and the Nation's oldest continuous maritime serv-

ice enjoys support from both sides of the aisle. During his tenure, Commander Jaskot has been successful in continuing this bipartisan collegiality.

After an exemplary career and service to our country, J.J. is now retiring. His departure will be a loss to both the Coast Guard and the Senate, but I am sure that his family will be the ones to gain as they will see much more of him than they saw in the past 3 years. I am pleased for them—and pleased for him in this respect.

As he leaves the Senate and the Coast Guard, I join everyone who has had the pleasure to work with John Jaskot during his time in the Senate in wishing him well in whatever follows his Coast Guard service. Doubtlessly, he will have opportunities to do other useful and valuable work even as he spends more time with his family.

Good luck, Cmdr. John J. Jaskot, and thank you for a job well done.●

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 258, No. 511, No. 678, No. 637 through No. 644.

I might note, this is for the appointment of Richard Stern to the National Council on the Arts, Mr. Greenaway to the New Jersey District Court, Mr. Kahn to the New York District Court, National Institute for Literacy Advisory Board, the James Madison Memorial Fellowship Foundation, the National Foundation on the Arts and Humanities, National Commission on Libraries and Information Science, the Corporation for National and Community Service, and the EEOC.

I further ask unanimous consent the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Richard J. Stern, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

#### THE JUDICIARY

Joseph A. Greenaway, of New Jersey, to be U.S. District Judge for the District of New Jersey.

#### NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board, for a term expiring October 12, 1998.

Reynaldo Flores Macias, of California, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.