

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

Marcie 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.

JAMES MADISON MEMORIAL FELLOWSHIP  
FOUNDATION

Alan G. Lowry, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2001.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

Doris B. Holleb, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

NATIONAL COMMISSION ON LIBRARIES AND  
INFORMATION SCIENCE

LeVar Burton, of California, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

Luis Valdez, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY  
SERVICE

Victor H. Ashe, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2000.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2000.

## THE JUDICIARY

Lawrence E. Kahn, of New York, to be U.S. District Judge for the Northern District of New York.

## NOMINATION OF JOSEPH A. GREENAWAY

Mr. BRADLEY. Mr. President, I am extremely pleased that my colleagues voted today to confirm the nomination of Joseph Greenaway to the United States District Court for the District of New Jersey. Mr. Greenaway, who is currently a corporate attorney with Johnson and Johnson, is an extraordinarily talented attorney who will serve the State of New Jersey with distinction.

Mr. President, Mr. Greenaway was nominated by the White House to serve on the Federal district court in New Jersey on November 27, 1995. He was reported by unanimous vote out of the Judiciary Committee on March 13, 1996. During his hearing before the Judiciary Committee, Mr. Greenaway impressed Members on both sides of the aisle with his stately demeanor and intimate knowledge of the law.

Mr. President, Mr. Greenaway is no stranger to public service. Prior to joining Johnson and Johnson as a corporate attorney, Mr. Greenaway served as an assistant U.S. attorneys for the State of New Jersey from 1985 to 1990. While at the U.S. attorney's office, Mr. Greenaway, in his capacity as the chief of the narcotics division, coordinated narcotics investigations by all Federal agencies in New Jersey and supervised all narcotics prosecutions.

During his tenure at the U.S. attorney's office, Mr. Greenaway handled, in addition to narcotics prosecutions, bank fraud, hijacking, check kiting, sexual abuse, and mail fraud cases. Mr. Greenaway also prosecuted perhaps the most significant drug case in the his-

tory of New Jersey, United States versus Pray. His prosecution culminated in the conviction of Wayne Pray, AKA "Akbar", a notorious criminal who for almost 20 years masterminded a multi-million dollar cocaine operation in northern New Jersey.

In this case, Mr. Greenaway led a 15 month investigation, which required the cooperation of the DEA, FBI, Customs Service and ATF in New Jersey, Florida, Michigan, New York, and Texas. After a 6-month trial, the evidence showed that Akbar's operation imported 100-plus kilogram shipments of cocaine directly from Columbia to Mexico and across the United States border into New Jersey. The efforts of Mr. Greenaway resulted in Akbar being sentenced to life in prison without the possibility of parole. This court victory was indeed a victory for all New Jerseyans.

Mr. President, Mr. Greenaway graduated from Columbia University in 1978. After receiving his law degree from Harvard Law School, where he served as a teaching assistant to Prof. David Rosenberg and was a member of the Harvard Civil Rights and Civil Liberties Law Review, Mr. Greenaway secured a prestigious judicial clerkship with the Hon. Vincent Broderick of the United States District Court for the Southern District of New York. Following the clerkship, he specialized in complex commercial litigation at the law firm of Kramer, Levin, Nessen, Kamin, and Frankel.

Mr. President, Mr. Greenaway's nomination has been supported by the New Jersey legal community, including the New Jersey Bar Association; Garden State Bar Association; New Jersey Corporate Counsel Association; National Bar Association; and George Fraza, the vice president and general counsel of Johnson and Johnson.

Moreover, because of Mr. Greenaway's strong law and order background, New Jersey's law enforcement community has wholeheartedly endorsed the nomination. The New Jersey State Policemen's Benevolent Association, the New Jersey Fraternal Order of Police, the Policemen's Benevolent Association of Newark, and the State Troopers Non-Commissioned Officers Association of New Jersey proclaimed without reservation their strong support for Mr. Greenaway.

Mr. President, today is a great day for the citizens of New Jersey. Mr. Greenaway's impeccable character, excellent legal background, and demonstrated commitment to public service indicate that his addition to the court will only enhance the excellent reputation that the court enjoys. I applaud my colleagues for their action today, which will benefit the State of New Jersey for years to come. I also congratulate Mr. Greenaway, his wife, Veronica, and their son, Joey. I wish them every success as Joe Greenaway joins the Federal bench in service to people of New Jersey.

Mr. President, this is a proud day for Joe Greenaway and his family. Joe is

an outstanding person and will be an outstanding judge.

Prior to this moment, he has had many highlights in his career. Probably the biggest professional highlight was his work over a lengthy trial of a drug kingpin in Newark, NJ, and sending that person to jail for life without parole. He is an outstanding law enforcement official. He was an outstanding corporate attorney, and he will be an outstanding judge. The people of New Jersey are fortunate to have his talents and the value of his service in the years to come. I thank the Chair.

Mr. LAUTENBERG. Mr. President, it is my pleasure to offer congratulations to Joseph A. Greenaway, Jr., President Clinton's nominee for appointment to one of the two vacancies on the District Court of New Jersey, on his confirmation to the Federal bench.

I also extend my congratulations to his very proud family—his father Joseph Greenaway, Sr., his wife Veronica, and son Joey Greenaway III.

Mr. President, although I have just recently met Mr. Greenaway, I can tell you that he has a strong record as a distinguished attorney, having practiced extensively in Federal court in both civil and criminal cases.

He has also expressed to me his honor at being nominated for this appointment and his deep commitment to serving the public and to administering justice fairly for all who appear before him.

Joe is very much a product of the American dream.

As a young man, he emigrated to this country from England and attended public schools in New York as his parents strove to provide a better future for their children. Joe was selected to attend the esteemed Bronx High School of Science, and he then attended Columbia University, from which he graduated in 1978.

Mr. Greenaway received his law degree from Harvard Law School, where he was the recipient of the Earl Warren Legal Scholarship, and where he served as a member of the Harvard Civil Rights and Civil Liberties Law Review.

After a year of private practice, Mr. Greenaway secured a prestigious judicial clerkship with the Hon. Vincent Broderick of the United States District Court for the Southern District of New York.

He then returned to private practice, where he specialized in commercial litigation.

His most recent employment with Johnson and Johnson in New Brunswick, NJ has deepened his knowledge of Federal civil law and taught him first hand how corporations function.

But, Mr. President, Joe also has a strong grounding in Federal criminal law. One of his strongest credentials as a nominee is his personal familiarity with our criminal justice system.

From 1985 to 1990, Mr. Greenaway served as an assistant U.S. attorney for the district of New Jersey.

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

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

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

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

### LEGISLATIVE SESSION

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

### BALERS AND COMPACTORS SAFETY STANDARDS MODERNIZATION ACT

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

AMENDMENT NO. 4587

(Purpose: To provide for a substitute amendment)

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

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

The legislative clerk read as follows:

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

Strike all after the enacting clause and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(III) the date of the incident;

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

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

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

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

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

### SEC. 2. CIVIL MONEY PENALTY.

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

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

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

### SEC. 3. CONSTRUCTION.

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

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

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

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

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

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