under title 10, U.S.C. section 3385, 3392 and 12203(a):

To be major general

Brig. Gen. Jerome J. Berard, 399–32–4672
Brig. Gen. James W. Emerson, 238–58–0087
Brig. Gen. Rodney R. Hannula, 389–38–0002
Brig. Gen. James W. MacVay, 181–30–8979
Brig. Gen. James D. Polk, 426–90–1718

To be brigadier general

Col. Earl L. Adams, 004–38–7836
Col. H. Steven Blum, 218–44–9926
Col. Harry B. Burchstead, Jr., 212–46–1334
Col. Larry K. Eckles, 505–54–2902
Col. William L. Freeman, 427–88–2202
Col. Gus L. Hargett, Jr., 409–72–3983
Col. Allen R. Leppink, 517–48–5049
Col. Jacob Lestenkof, 574–09–9878
Col. Joseph T. Murphy, 503–46–0787
Col. Larry G. Powell, 185–32–9108
Col. Roger C. Schultz, 483–54–5293
Col. Michael L. Seely, 144–34–7476
Col. Larry W. Shellito, 477–46–2025
Col. Gary G. Simmons, 340–36–8122
Col. Nicholas P. Sipe, 247–74–4662
Col. George S. Walker, 425–82–9663
Col. Larry Ware, 379–40–4238
Col. Jackie D. Wood, 408–58–3739

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

HATE CRIMES STATISTICS ACT AMENDMENTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 384, S. 1624.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1624) to reauthorize the Hate Crimes Statistics Act, and for other purposes.

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

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

Mr. HATCH. Mr. President, I wish to express my appreciation to the Senate for its swift action in passing S. 1624, which permanently reauthorizes the Hate Crime Statistics Act.

The people of my State of Utah, and of all of our States, have a stake in this legislation, because any of our citizens can fall prey to a hate crime. Every crime, of course, is a terrible event. But the hate crime is of a particularly insidious nature. It splits the individual victim apart from his or her neighbors and community. It isolates the victim because of who he or she is. The hate crime emphasizes the differences, not as the strengths they are in this diverse country, but as a means of dividing American from American. It submerges the common humanity of all peoples. All real Americans condemn these vile crimes without hesitation or reservation.

Under the Hate Crime Statistics Act, the Attorney General is required to collect data ''about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity. . . .'' The act has resulted in the creation of a Federal data base on bias-motivated criminal acts. In addition, it has served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Collection of this data can help alert local communities and their law enforcement agencies to any pattern of hate crimes in their neighborhoods. It can also help spur educational efforts aimed at enhancing goodwill in our communities. The Hate Crime Statistics Act has proven its value, and has earned the permanent reauthorization that the Senate has now approved.

I wish to commend my friend and distinguished colleague, Senator SIMON, for his work on this issue. Without his tireless efforts, there would have been no Hate Crime Statistics Act of 1990, and no reauthorization of the act this year. I also wish to commend his chief counsel, Susan Kaplan, for her work on this law over several years.

Mr. SIMON. Mr. President, I am pleased that today the Senate will pass S. 1624, a bill to reauthorize and provide a permanent mandate for the Hate Crimes Statistics Act. I would like to thank Chairman HATCH for his leadership on this important issue, as well as my 51 colleagues who cosponsored this measure. In addition to its strong bipartisan support in the Senate, this bill also has the strong support of Attorney General Reno, as well as the endorsement of major law enforcement and advocacy groups.

The Hate Crimes Statistics Act, which passed the Senate in 1990 by a vote of 92 to 4 and was signed into law by then President Bush, requires the Justice Department to collect data on crimes that show evidence of prejudice based on race, religion, ethnicity, or sexual orientation. Until this Act was passed, no Federal records of such crimes were maintained. This lack of information made it difficult to determine whether a particular crime was an isolated incident, or part of a continuing series against a particular group.

The act has proven successful in its initial purpose—the creation of data collection—and has also served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Hearings held before the Senate Judiciary Committee's Subcommittee on the Constitution in 1992 and 1994 showed that one of the prime benefits of the act is that it has helped dramatically increase the awareness and sensitivity of the police about hate crimes. Not only do victims of hate crimes benefit from a more informed police force, but greater police awareness encourages others to report hate crimes.

Since all data submission under the act is voluntary, we did not anticipate 100 percent participation by State and local law enforcement agencies from the start. Nonetheless, over the course of 4 years, there has been great progress in participation levels. In 1991, 2,771 law enforcement agencies participated in the voluntary reporting program. In 1994, more than 7,200 agencies participated. Local police, advocacy groups, mayors, and others have joined the effort to encourage every law enforcement agency to comply, and as more and more local agencies participate, the statistics will be more and more useful to identify trends and formulate responses. In addition, the FBI is in the process of working with States to upgrade their computer systems. When this transition is complete, the data should be even more useful. Unfortunately, there are still law enforcement agencies in some States and many large cities which are not yet participating in the data collection. We need active oversight of this act to ensure that these agencies join in this important effort, making the statistics more accurate and useful.

FBI Director Louis Freeh has stated that he is committed to the continued tracking of hate crimes statistics. However, we believe that this effort has proven its usefulness and deserves a permanent mandate. Collecting such data will not erase bigotry. It will, however, be a valuable tool in the fight against prejudice.

Obviously, the FBI statistics do not yet accurately reflect the level of violence motivated by prejudice in our society. We need only read the headlines and reports by advocacy groups to see how widespread the problem of hate crimes remains in our Nation.

The Justice Department recently launched a civil rights probe into a rash of arson which has destroyed at least 23 black churches in the South since 1993. The Justice Department is trying to determine whether the crimes are racially motivated, and whether they are connected. Several of the incidents have been solved, however, and clearly racism motivated the offenders. The teenagers found guilty of burning a church in Mississippi in 1993 shouted racial epithets during commission of their crime. Racist graffiti was spray-painted on the walls of a Knoxville, TN Baptist church set afire on January 8, 1996. Sumter County Circuit Court Judge Eddie Hardaway, a black judge who sent two white men to jail for vandalizing black churches, was recently the victim of a shotgun attack which shattered bedroom windows in his home. During the 1960's civil rights movement, many black churches were set ablaze, however in the late 1980's and early 1990's only one or two such crimes were reported each year. This recent string of arson reminds us that prejudice and hate crimes remain a problem in our Nation.

Recent reports by private groups, such as the Anti-Defamation League, the National Coalition on Anti-Violence Projects, and the National Asian Pacific American Legal Consortium, confirm that unfortunately the problem of crimes based on prejudice continues. The ADL's 1995 annual audit of

anti-Semitic incidents actually had some good news: the 1,843 anti-Semitic incidents reported to the Anti-Defamation League in 1995 represented a decrease of 223 incidents, or 11 percent, from the 1994 total of 2,066. This is the largest decline in 10 years. However, this good news is tempered by the seriousness of many of the incidents reported. For the fifth straight year in a row, acts of anti-Semitic harassment against individuals outnumber incidents of vandalism against institutions and other property.

The National Coalition of Anti-Violence Projects and New York City Gay and Lesbian Anti-Violence Project report similar findings for 1995. There were fewer incidents of violence against homosexuals in 1995, but the incidents were more violent. There was an 8 percent drop in the number of incidents, but a 10 percent increase in the number of assaults and rapes.

We need to realize that the name-calling, the graffiti, the discrimination, and the threats and violence are all signs of a pervasive problem. The more informed we are about the scope and nature of our communities' problems with hate crimes, the better able we will be to develop effective prevention and prosecution strategies, as well as support structures for victims of these crimes.

I am pleased to join with Senator HATCH today to express our gratitude to our colleagues, the Attorney General, law enforcement and advocacy groups across the Nation who helped us to pass this important legislation and urge our friends in the House to move quickly to pass this as well.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1624) was deemed read the third time and passed, as follows:

S. 1624

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

SECTION 1. REAUTHORIZATION.

The first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking ''for the calendar year 1990 and each of the succeeding 4 calendar years'' and inserting ''for each calendar year''; and

(2) in subsection (c), by striking ''through fiscal year 1994''.

REAUTHORIZING THE COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1965 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1965) to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

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

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

Mr. STEVENS. Mr. President, I support Senate passage of H.R. 1965, a bill to reauthorize the Coastal Zone Management Act [CZMA] through fiscal year 1999. H.R. 1965 is similar to section 205 of S. 1142, a bill that Senators PRESSLER, HOLLINGS, BURNS, BREAUX, and I have sponsored to reauthorize the activities of the National Oceanic and Atmospheric Administration. Our bill has been reported by the Senate Commerce Committee, but has not yet been brought before the full Senate.

The CZMA was enacted in 1972 to, among other things, provide grants to States as an incentive to develop Federally approved coastal zone management [CZM] plans. CZM plans are intended to help plan for development in, and protect, coastal areas. Twenty-four coastal States and five island territories now have Federally approved CZM plans. Alaska, which has over half the coastline of the United States, has had a CZM plan in place since 1979. Of the seven eligible coastal States and territories that do not yet have approved CZM plans, five—Georgia, Minnesota, Ohio, Texas and Indiana—are in the process of developing plans.

In fiscal year 1995 and fiscal year 1996, the States and territories with approved CZM plans received appropriations totalling $45.5 million and $46.2 million, respectively. H.R. 1965 authorizes appropriations through fiscal year 1999 with modest growth to these amounts, at roughly the same levels as S. 1142. The bill also reauthorizes grants for States to develop CZM plans, increasing the amounts that may be received, but ending the development grants program after October 1, 1999.

H.R. 1965 includes an amendment to prevent the Secretary of Commerce from delaying the issuance of permits. Section 307 of the CZMA requires federal activities—including private activities that require a Federal permit, and federal assistance to State and local governments—to be consistent with the State's CZM plan. Applicants for Federal permits—including permits to explore, develop or produce oil in areas leased under the Outer Continental Shelf Lands Act [OCSLA]—are required to certify that the activity is consistent with the State's CZM plan before the Federal permit can be issued. States must concur with the certification, but applicants may appeal the State's decision to the Secretary of Commerce. Section 8 of H.R. 1965 requires the Secretary to publish a notice when the record for any appeal has ended, and to make a decision on the appeal within 90 days—with a possible extension of 45 days. This would prevent the Secretary from simply refusing to make a decision on an appeal.

H.R. 1965 does not reauthorize funds for the Secretary of Commerce and Administrator of the Environmental Protection Agency to enforce the section of law passed in 1990 to require States with CZM plans to prepare ''coastal nonpoint pollution control programs,'' and also does not reauthorize grants to States to prepare those programs.

I encourage other Members of the Senate to support Senate passage of H.R. 1965.

Mr. HOLLINGS. Mr. President, I rise to voice my support for passage of H.R. 1965, a bill to reauthorize the Coastal Zone Management Act [CZMA] for the fiscal years 1997, 1998, 1999. This language is similar to language contained in S. 1142, the National Oceanic and Atmospheric Administration authorization bill, which the Commerce Committee reported favorably late last session.

In 1969, the Commission on Marine Science, Engineering and Resources—the—Stratton Commission—recommended that:

A Coastal Zone Management Act be enacted which will provide policy objectives for the coastal zone and authorize federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land.

In response to this recommendation, Congress in 1972 enacted coastal zone management legislation to balance coastal development and preservation needs. To encourage State participation, the CZMA established a voluntary, two-stage, State assistance program. The first stage involves the award of section 305 grants to coastal States for development of coastal management programs meeting certain Federal requirements. State programs which were judged by the Secretary of Commerce to meet those requirements received Federal approval and became eligible for the second stage of grants. This second stage, under section 306, provides ongoing assistance for States to implement their federally approved coastal programs. All grants require equal matching funds from the State. Since passage of the CZMA, all 34 eligible State and territories have participated in the program to some degree. Of the original 34 participants, 29—24 States and five territories—currently have programs which have achieved federally approved status. Only five States are not actively participating in the program: Georgia, Texas, Indiana, Minnesota, and Ohio. Considering the 29 programs for which Federal approval has been attained, the national CZM network covers in excess of 93 percent of the Nation's marine and Great Lakes coastline.

The nature and structure of CZM programs vary widely from State to State. This diversity was intended by Congress. Some States, like North Carolina, passed comprehensive legislation as a framework for coastal management. Other States, like Oregon, used existing land use legislation as the