

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself, Mr. KYL, Mr. THURMOND, and Mr. GRASSLEY):

S. 173. A bill to provide for restitution of victims of crimes, and for other purposes; to the Committee on the Judiciary.

CRIME VICTIMS RESTITUTION ACT

Mr. NICKLES. Mr. President, I have come to the floor today to reintroduce the Crime Victims Restitution Act. Last fall when the Senate passed its version of the crime bill, I lauded the inclusion of my victim's rights and mandatory restitution provisions in the legislation. Three years ago, I introduced the Victim's Rights and Restitution Act, and many of those victim's rights provisions passed as part of the 1990 crime bill. However, each time this restitution provision has passed the Senate it has subsequently been dropped in conference.

Passage of this legislation would signal a great victory for all victims of crime. If these provisions become law, crime victims will enjoy rights at the Federal level that many States already guarantee. Most important are the act's restitution provisions, making criminals pay for their crimes. Under the legislation, crime victims will be entitled to receive full financial compensation directly from the criminal in the form of mandatory restitution.

Over the last several years, it seems we have continuously debated what should be done to improve our Nation's judicial system. Now is the time to do something about it. I strongly believe our judicial system needs fundamental reform to help our police officers and courts deal with the overwhelming increase in crime. Furthermore, it is crucial that while trying to facilitate more effective and efficient methods of dealing with criminals, we must not forget about the most important part of the crime-fighting equation: The victims.

In 1990, I authored the crime victim's bill of rights which passed as part of the 1990 crime bill. For crimes tried in Federal court, victims now have the right to be notified of and involved in court proceedings, the right to be protected from the accused, the right to be treated fairly and with respect, and the right to be informed of the detention status of the convicted criminal.

However, passage of just the victims rights portion of my proposal left some unfinished business. Crime victims should be entitled to compensation for losses sustained from their victimization. This glaring inequity was remedied in the crime bill when it passed the Senate last year. It contained mandates that courts order restitution in all Federal criminal cases. Victims would be able to recover financial losses resulting from the criminal act. This restitution order would be a condition of any form of release for the offender. The legislation would ensure

that the criminal not only pays his debt to society, but he also pays his debt to his victim. However, the Democrats in the House voted to delete these provisions from the final crime bill.

The provisions of this legislation also overturn the Supreme Court's ruling in the Hughey case which stated restitution could not be ordered for crimes beyond the scope of the offense of conviction. So, if a criminal is convicted of a criminal offense, but plea bargains his way out of a conviction on a second offense, he cannot be held responsible to repay the victim of the second offense. This obvious shortcoming would be corrected by allowing the court to consider the course of criminal conduct and order restitution for crimes other than the offense of conviction. Plea bargains should not result in victims being denied the justice they deserve which certainly includes full restitution from the offender.

Over the years mandatory restitution has received the written endorsements of victim rights experts across the Nation including the National Organization for Victim Assistance, the National Victim Center, Mothers Against Drunk Driving, and the National Coalition Against Sexual Assault.

This landmark victim's legislation needs to be enacted into law. Mandatory restitution, while not healing all the wounds associated with a crime, will provide some compensation to help people who have been victimized and allow them to get their lives back in order. If Congress reconsiders crime legislation this year, these provisions certainly need to be a part of the final bill.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

AMENDMENT NO. 4

At the request of Mr. BRADLEY, his name was added as a cosponsor of amendment No. 4 proposed to S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

SENATE RESOLUTION 31—REL-
ATIVE TO THE ATTORNEY GEN-
ERAL

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KERRY, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. JEFFORDS, Mr. PELL, Mr. CHAFEE, Ms. SNOWE, Mr. INOUE, and Mr. BRADLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 31

Whereas there are approximately 900 clinics in the United States providing reproductive health services;

Whereas violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

Whereas organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

Whereas there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

Whereas the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

Whereas violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

Whereas persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

Whereas the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

Whereas the Attorney General has at her disposal law enforcement personnel including 10,000 FBI agents and over 2,000 members of the United States Marshals Service: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

Mrs. BOXER. Mr. President, I am submitting a resolution that calls on the Attorney General to do everything she can to protect reproductive health care clinics, given the violence that we have seen throughout America. I think that all of my colleagues share that view this violence is deplorable. This is a bipartisan resolution that I am submitting today. It includes Republicans and Democrats.

I hope the Attorney General will follow the advice of the resolution, and I hope she will also listen to the advice of the President, who says please let us

do something about protecting these clinics.

Mr. President, today I am submitting legislation calling on the Attorney General to take all necessary measures to protect reproductive health care clinics and their staff from violent attack.

I know that many of my colleagues are as shocked as I am about the ongoing terror and violence directed at our Nation's family planning clinics. That is why I am pleased that my legislation has bipartisan support.

In 1994 there were over 130 incidents nationwide of violence or harassment directed at clinics and the people who work there. They include 50 reports of death threats to doctors and other clinic workers, 40 incidents of vandalism, 16 incidents of stalking, 4 acts of arson and 3 attempted bombings.

Tragically, since the murder of Dr. David Gunn in March, 1993 outside of the Pensacola Women's Health Clinic there have been four additional slayings at clinics.

In July, 1994 Dr. John Britton and his escort Jim Barret were shot to death at The Ladies' Center in Pensacola, FL. Mr. Barret's wife was injured.

On December 30, Shannon Lowney and Leanne Nichols were shot and killed while working at reproductive health care clinics in Massachusetts. Five others were wounded. A day later the gunman fired shots at another clinic in Virginia.

The resolution I am submitting today urges the Attorney General to use all of the tools at her disposal to stop this escalating violence, including the Freedom of Access to Clinic Entrances Act which we passed last year, the FBI and the U.S. Marshals Service.

I urge my colleagues to join me in working to protect our Nation's reproductive health care clinics from violent attack.

Mr. KENNEDY. Mr. President, the murderous assaults at two clinics in Brookline, Massachusetts last week were despicable acts of terrorism. This kind of vicious, hateful assault against women and health care providers cannot be tolerated in any community in America.

Two women who worked at the Brookline clinics, Shannon Lowney and Lee Ann Nichols, had their lives brutally cut short. Five other people were seriously wounded, and four of them are still hospitalized. My heart goes out to these victims and their families.

No effort can be spared to make sure that these crimes are not repeated anywhere else. Women must be able to seek reproductive health care without fear of violent assault. Doctors should be able to practice their profession without wearing bullet-proof vests. Clinic staff should be able to go to work each day in safety.

Abortion is a constitutionally protected right, and it must be safe and accessible. Many of the clinics targeted by violence and obstruction provide a

wide range of health care services for women, including family planning and prenatal care. We cannot allow access to these important services to be reduced or blocked.

Last year, we passed and President Clinton signed the Freedom of Access to Clinic Entrances Act. That law gives the Attorney General the tools she needs to prevent violence and obstruction and to punish such acts whenever and wherever they occur with the full force of Federal law. The Justice Department has already brought several enforcement actions under this law, and it is actively investigating other possible violations. In addition, the Attorney General has made U.S. Marshals available to protect clinics.

Some have suggested that the new Federal law is somehow responsible for fomenting violence at abortion clinics, because it allegedly closes off peaceful picketing as an outlet for those with strongly held views against abortion. Any such suggestion is nonsense.

The clinic access law does not prohibit or punish peaceful picketing or any other expression protected by the first amendment. On the contrary, it expressly allows it. What the act prohibits is violent, threatening, obstructive, or destructive conduct—none of which has ever been protected by the Constitution. For that reason, every one of the Federal courts that have been asked to review the law since President Clinton signed it last year has upheld it.

Tough laws against clinic blockades and clinic violence are not the problem. They are the solution.

I commend President Clinton and Attorney General Reno for their vigorous enforcement of the new Federal law, and for their commitment to work with local law enforcement authorities to protect the clinics throughout the country. They are doing everything in their power to guarantee public safety and deter the use of violent tactics aimed at patients and providers.

I am proud to join in sponsoring this legislation. The Senate must go on record unequivocally to denounce the violence, and to express our solid support for vigorous enforcement and implementation of the Federal clinic protection law. I hope that every Member of the Senate will join in supporting this important measure.

SENATE RESOLUTION 32—MAKING MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 32

Resolved, That the following shall constitute the minority party's membership on the committees for the One Hundred and Fourth Congress, or until their successors are chosen:

Committee on the Budget: Mr. Exon, Mr. Hollings, Mr. Johnston, Mr. Lautenberg, Mr. Simon, Mr. Conrad, Mr. Dodd, Mr. Sarbanes, Mrs. Boxer, and Mrs. Murray.

Committee on Rules and Administration: Mr. Ford, Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. Moynihan, Mr. Dodd, and Mrs. Feinstein.

Committee on Small Business: Mr. Bumpers, Mr. Nunn, Mr. Levin, Mr. Harkin, Mr. Kerry (MA), Mr. Lieberman, Mr. Wellstone, Mr. Heflin, and Mr. Lautenberg.

Committee on Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Campbell, and Mr. Dorgan.

Special Committee on Aging: Mr. Pryor, Mr. Glenn, Mr. Bradley, Mr. Johnston, Mr. Breaux, Mr. Reid, Mr. Kohl, Mr. Feingold, and Ms. Moseley-Braun.

SENATE RESOLUTION 33—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 33

Resolved, That the following shall constitute the majority party's membership on those Senate committees listed below for the 104th Congress, or until their successors are appointed:

Budget: Mr. Domenici, Mr. Grassley, Mr. Nickles, Mr. Gramm, Mr. Bond, Mr. Lott, Mr. Brown, Mr. Gorton, Mr. Gregg, Ms. Snowe, Mr. Abraham, and Mr. Frist.

Rules and Administration: Mr. Stevens, Mr. Hatfield, Mr. Helms, Mr. Warner, Mr. Dole, Mr. McConnell, Mr. Cochran, Mr. Santorum, and Mr. Nickles.

Veterans' Affairs: Mr. Simpson, Mr. Murkowski, Mr. Specter, Mr. Thurmond, Mr. Jeffords, Mr. Craig, and Mr. Brown.

SENATE RESOLUTION 34—AMENDING RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution, which was considered and agreed to:

S. RES. 34

Resolved, That Rule XXV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Budget" and insert in lieu thereof "22".

Strike the figure after "Small Business" and insert in lieu thereof "19".

SEC. 2. That Rule XXV, paragraph 3(b) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Aging" and insert in lieu thereof "19".

Strike the figure after "Intelligence" and insert in lieu thereof "17".

SEC. 3. That Rule XXV, paragraph 3(c) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Indian Affairs" and insert in lieu thereof "17".

SENATE RESOLUTION 35—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 35

Resolved, That the following shall constitute the majority party's membership on the following Senate committee for the 104th Congress, or until their successors are appointed:

Small Business: Mr. Bond, Mr. Pressler, Mr. Burns, Mr. Mack, Mr. Coverdell, Mr.