

Twenty-five years ago, April 7, 1972, the Federal debt stood at \$429,202,000,000 which reflects a debt increase of nearly \$5 trillion (\$4,955,988,477,419.92) during the past 25 years.

#### THE GREAT FALLS OPTIMIST CLUB

Mr. BAUCUS. Mr. President, as a newly inducted member of the downtown Optimist Club of Great Falls, MT, I take great pride in telling my colleagues about the new Optimist International Child Safety Awareness Program.

In recent months, there have been numerous reports of serious and even fatal injuries to children as a result of incorrect positioning or improper restraint in vehicles. Often these injuries are preventable.

The Optimist International Child Safety Awareness Program operates under the premise that adults must assume the responsibility to see that their kids are safe while driving in a motor vehicle. The Optimist Club seeks to increase adult awareness of the hazards of incorrectly positioned children. I am very excited about this plan because I think we can make a real difference.

The Optimists have always been strong advocates for children's safety. I encourage all of my colleagues in Congress to become familiar with the Optimists program and give it their full support. Our children are depending on it.

Mr. President, I yield the floor.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT CONCERNING THE ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

*To the Congress of the United States:*

As required by section 308 of Public Law 97-449 (49 U.S.C. 308(a)), I transmit herewith the Annual Report of the De-

partment of Transportation, which covers fiscal year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 8, 1997.

#### REPORT CONCERNING THE ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

*To the Congress of the United States:*

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 13th Annual Report of the National Endowment for Democracy, which covers fiscal year 1996.

The report demonstrates the National Endowment for Democracy's unique contribution to the task of promoting democracy worldwide. The Endowment has helped consolidate emerging democracies—from South Africa to the former Soviet Union—and has lent its hand to grass-roots activists in repressive countries—such as Cuba, Burma, or Nigeria. In each instance, it has been able to act in ways that government agencies could not.

Through its everyday efforts, the Endowment provides evidence of the universality of the democratic ideal and of the benefits to our Nation of our continued international engagement. The Endowment has received and should continue to receive strong bipartisan support.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 8, 1997.

#### REPORT CONCERNING THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

*To the Congress of the United States:*

In accordance with section 540 of the Federal Food, Drug, and Cosmetic (FDC) Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1995.

The report recommends the repeal of section 540 of the FDC Act, which requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Center's

Home Page Internet Site, and other publicly available sources. Agency resources devoted to the preparation of this report should be put to other, better uses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 8, 1997.

#### MESSAGES FROM THE HOUSE

At 11:38 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 11. Concurrent resolution permitting the use of the rotunda of the Capitol for ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

#### MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

S. 522. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; ordered referred jointly to the Committee on Finance and Committee on Environment and Public Works.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ABRAHAM:

S. 518. A bill to control crime by requiring mandatory victim restitution; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 519. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 520. A bill to terminate the F/A-18 E/F aircraft program; to the Committee on Armed Services.

By Mr. COVERDELL (for himself, Mr. INHOFE, Mr. HUTCHINSON, Mr. HAGEL, and Mr. SHELBY):

S. 521. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; to the Committee on Finance.

S. 522. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; read the first time.

By Mr. GLENN:

S. 523. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. DORGAN):

S. 524. A bill to amend title XVIII of the Social Security Act to remove the requirement of an X-ray as a condition of coverage

of chiropractic services under the Medicare program; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Mr. STEVENS, Mr. ROCKEFELLER, Mr. BENNETT, Mr. DASCHLE, Ms. COLLINS, Mr. WELLSTONE, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. CAMPBELL, Mrs. MURRAY, Mr. REED, Mrs. BOXER, Mr. LAUTENBERG, Mr. DURBIN, and Mr. REID):

S. 525. A bill to amend the Public Health Service Act to provide access to health care insurance coverage for children; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. JEFFORDS, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Ms. SNOWE, and Mr. WELLSTONE):

S. 526. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. HARKIN, Mr. WELLSTONE, and Mr. KENNEDY):

S. 527. A bill to prescribe labels for packages and advertising for tobacco products, to provide for the disclosure of certain information relating to tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 518. A bill to control crime by requiring mandatory victim restitution; to the Committee on the Judiciary.

##### THE VICTIM RESTITUTION ENFORCEMENT ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Victim Restitution Enforcement Act of 1997. I have long supported restitution for crime victims, and have long been convinced that justice requires us to devise effective mechanisms through which victims can enforce restitution orders and make criminals pay for their crimes.

I was very pleased when we enacted mandatory victim restitution legislation last Congress as part of the Antiterrorism and Effective Death Penalty Act of 1996. I supported that legislation and very much appreciated the efforts of my colleagues, particularly Senators HATCH, BIDEN, NICKLES, GRASSLEY, and MCCAIN, to ensure that victim restitution provisions were included in the antiterrorism legislation.

Those victim restitution provisions—brought together as the Mandatory Victims Restitution Act of 1996—will significantly advance the cause of justice for victims in Federal criminal cases. The act requires Federal courts, when sentencing criminal defendants, to order these defendants to pay restitution to the victims of their crimes. It also establishes a single set of procedures for the issuance of restitution orders in Federal criminal cases to provide uniformity in the Federal system. Inclusion of mandatory victim restitution provisions in the Federal criminal

code was long overdue, and I am pleased that Congress was able to accomplish that last year.

However, much more remains to be done to ensure that victims can actually collect those restitution payments and to provide victims with effective means to pursue whatever restitution payments are owed to them. Even if a defendant may not have the resources to pay off a restitution order fully, victims should still be entitled to go after whatever resources a defendant does have and to collect whatever they can. We should not effectively tell victims that it is not worth going after whatever payments they might get. That is what could happen under the current system, in which victims have to rely on Government attorneys—who may be busy with many other matters—to pursue restitution payments. Instead, we should give victims themselves the tools they need so that they can get what is rightfully theirs.

The victim restitution provisions enacted last Congress consolidated the procedures for the collection of unpaid restitution with existing procedures for the collection of unpaid fines. Unless more steps are taken to make enforcement of restitution orders more effective for victims, we risk allowing mandatory restitution to be mandatory in name only, with criminals able to evade ever paying their restitution and victims left without the ability to take action to enforce restitution orders.

Last Congress, I introduced the Victim Restitution Enforcement Act of 1995. Many components of my legislation were also included in the victim restitution legislation enacted as part of the Antiterrorism and Effective Death Penalty Act. The legislation I introduce today is similar to the legislation I introduced last Congress as Senate bill 1504, and is designed to build on what are now current provisions of law. All in all, I hope to ensure that restitution payments from criminals to victims become a reality, and that victims have a greater degree of control in going after criminals to obtain restitution payments.

Under my legislation, restitution orders would be enforceable as a civil debt, payable immediately. Most restitution is now collected entirely through the criminal justice system. It is frequently paid as directed by the probation officer, which means restitution payments cannot begin until the prisoner is released. This bill makes restitution orders payable immediately, as a civil debt, speeding recovery and impeding attempts by criminals to avoid repayment. This provision will not impose criminal penalties on those unable to pay, but will simply allow civil collection against those who have assets.

This will provide victims with new means of collecting restitution payments. If the debt is payable immediately, all normal civil collection procedures, including the Federal Debt Collection Act, can be used to collect

the debt. The bill explicitly gives victims access to other civil procedures already in place for the collection of debts. This lightens the burden of collecting debt on our Federal courts and prosecutors.

My bill further provides that Federal courts will continue to have jurisdiction over criminal restitution judgments for 5 years, not including time that the defendant is incarcerated. The court is presently permitted to resentencing or take several other actions against a criminal who willfully refuses to make restitution payments; the court may do so until the termination of the term of parole. Courts should have the ability to do more over a longer period of time, and to select those means that are more likely to prove successful. Under my bill, during the extended period, Federal courts will be permitted, where the defendant knowingly fails to make restitution payments, to modify the terms or conditions of a defendant's parole, extend the defendant's probation or supervised release, hold the defendant in contempt, increase the defendant's original sentence, or revoke probation or supervised release.

My legislation will also give the courts power to impose presentence restraints on defendants' uses of their assets in appropriate cases. This will prevent well-heeled defendants from dissipating assets prior to sentencing. Without such provisions, mandatory victim restitution provisions may well be useless in many cases. Even in those rare cases in which a defendant has the means to pay full restitution at once, if the court has no capacity to prevent the defendant from spending ill-gotten gains or other assets prior to the sentencing phase, there may be nothing left for the victim by the time the restitution order is entered.

The provisions permitting presentence restraints are similar to other provisions that already exist in the law for private civil actions and asset forfeiture cases, and they provide adequate protections for defendants. They require a court hearing, for example, and place the burden on the Government to show by a preponderance of the evidence that presentence restraints are warranted.

In short, I want to make criminals pay and to give victims the tools with which to make them pay. In enacting mandatory victim restitution legislation last Congress, we demonstrated our willingness to make some crimes subject to this process. I believe we must take additional steps to make those mandatorily issued orders easily enforceable.

This legislation is supported by the National Victim Center and by the Michigan Coalition Against Domestic and Sexual Violence. I ask unanimous consent to have placed in the RECORD letters of support from those victims' rights organizations.

I urge my colleagues to support my legislation, which will empower victims to collect on the debts that they