

The curing season has been good
 He takes it from the barn.
 The second fight he also wins . . .
 His crop emerges safe from harm.
 Lovingly the leaves are handled.
 He prepares for the sale.
 These will serve to feed his family—
 These leaves hand-tied or in a bale.
 His legal crop goes to the floor
 And now the prayer that's prayed,
 "Oh God, please let demand be high,
 A good price given by the trade."
 And so he wins fight number three.
 He's paid for all he's done.
 He did his best and it paid off.
 He thinks this season's battles' won.
 WRONG!!! Now enter fight number four:
 His goose may well be cooked!
 In talks of politics and suits
 The farmers' fate is overlooked!
 That status doesn't last for long.
 Parties soon see the light.
 Leave out the guy who grows the plant?!?
 That's just plain dumb! And far from right!
 Now talks of settlement include
 The man who has the chore
 Of growing the tobacco plants,
 And so he wins fight number four.
 But he worries for his family.
 It's how his family's fed.
 The money from tobacco sales
 Buys shelter, clothes and bread.
 The plant the farmer nourishes . . .
 He tries to keep alive . . .
 There are those who want to kill it
 Watch if wither up and die
 Deep in his soul he wants to help
 This industry survive.
 And now he bows his head and pleads,
 "God help us win fight number five."—PEM
 PFISTERER CLARK, *Copyright pending.*

HONORING JEWEL AND RUDY RUSH ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Jewel and Rudy Rush of Rolla, MO, who on October 19, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Rushes' commitment to the principles and values of their marriage deserves to be saluted and recognized.

TRIBUTE TO LIFE CHOICES CRISIS PREGNANCY CENTER IN JOPLIN, MO

Mr. ASHCROFT. Mr. President, I rise today to salute a most deserving and life-affirming ministry, the Life Choices Crisis Pregnancy Center in Joplin, Missouri. This ministry began

in 1990, and has provided a much-needed service to more than four thousand women and their families. Thanks to a strong commitment and dedication to life, they have saved at least 160 babies from abortion.

Many of the services are aimed specifically at young people. One example is a program that encourages abstinence and uses trained counselors who provide information and support for teens and their parents through the Center's 24-hour help line. Additionally, the Center provides free confidential counseling, basic medical services, and lifestyle assessments at its newly constructed facility.

America needs more organizations which, like Life Choices Crisis Pregnancy Center, encourage communities to help their own, rather than rely on government-funded programs for assistance. I ask that you join with me today in recognizing not only the achievements of this center, but also the compassionate individuals who give of themselves so selflessly, helping others in their time of need.

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 OF THE CANCELLATION OF DOLLAR AMOUNTS OF DISCRETIONARY BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 71

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to section 1025 of Public Law 93-344, to the Committee on Appropriations, and to the Committee on the Budget.

To the Congress of the United States:

In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the "Military Construction Appropriations Act, 1998" (Public Law 105-45; H.R. 2016). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 6, 1997.

MESSAGES FROM THE HOUSE

At 6:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 167. Concurrent resolution to correct a technical error in the enrollment of H.R. 2160.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

At 7:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ROGERS, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. REGULA, Mr. FORBES, Mr. LATHAM, Mr. LIVINGSTON, Mr. MOLLOHAN, Mr. SKAGGS, Mr. DIXON, and Mr. OBEY, as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3278. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of August 4, 1997, the following measure was discharged and placed on the calendar:

S. 261. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 587. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado (Rept. No. 105-96).

S. 588. A bill to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White

River National Forest, Colorado, to include land known as the State Creek Addition (Rept. No. 105-97).

S. 589. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys (Rept. No. 105-98).

S. 591. A bill to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado (Rept. No. 105-99).

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. COATS (for himself and Mr. HARKIN):

S. 1255. A bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based policy may be used to enable individuals and families with limited means to achieve economic self-sufficiency; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. REID, Mr. COVERDELL, Mr. THURMOND, Mr. GRAMM, and Mr. BURNS):

S. 1256. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the United States district courts and the Court of Federal Claims; to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 1257. A bill to prohibit the Secretary of the Interior from permitting oil and gas leasing, exploration, or development activity off the coast of North Carolina unless the Governor of the State notifies the Secretary that the State does not object to the activity; to the Committee on Energy and Natural Resources.

By Mr. BENNETT:

S. 1258. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. HOLINGS, and Mr. BREAUX):

S. 1259. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

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

S. Res. 130. A resolution to authorize testimony by a Member and an employee of the Senate; considered and agreed to.

By Mr. DOMENICI (for himself, Mr. D'AMATO, Mr. COATS, Mr. MURKOWSKI, Mr. MACK, Mr. DEWINE, Mr. HELMS, and Mr. LEAHY):

S. Res. 131. A resolution to express the sense of the Senate regarding the provision of technical assistance in the restoration of the Basilica of St. Francis of Assisi; considered and agreed to.

By Mr. WARNER:

S. Res. 132. A resolution to authorize the printing of a collection of rules and authorities of special investigatory committees of the Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. REID, Mr. COVERDELL, Mr. THURMOND, Mr. GRAMM, and Mr. BURNS):

S. 1256. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal Agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the U.S. district courts and the Court of Federal Claims; to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes; to the Committee on the Judiciary.

THE CITIZENS ACCESS TO JUSTICE ACT OF 1997

Mr. HATCH. Mr. President, I am pleased today to introduce the Citizens Access to Justice Act of 1997. Many Members of the Senate have as a paramount concern the protection of individual rights protected by our Constitution.

One particular right—the right to own and use private property free from arbitrary governmental action—is increasingly under attack from the regulatory state. Indeed, despite the constitutional requirement for the protection of property rights, the America of the late 20th century has witnessed an explosion of Federal regulation that has jeopardized the private ownership of property with the consequent loss of individual liberty.

Under current Federal regulations, thousands of Americans have been denied the right to the quiet use and en-

joyment of their private property. Arbitrary bureaucratic enforcement of Federal and State regulatory programs has prevented Americans from building homes and commercial buildings, plowing fields, repairing barns and fences, clearing brush and fire hazards, felling trees, and even removing refuse and pollutants, all on private property.

To make matters worse, many property owners often are unable to safeguard their rights because they effectively are denied access to Federal courts. In a society based upon the rule of law, the ability to protect property and other rights is of paramount importance. Indeed, it was Chief Justice John Marshall, who in the seminal 1803 case of *Marbury versus Madison*, observed that the "government of the United States has been emphatically termed a government of laws, and not of men. It will cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested right." Despite this core belief of John Marshall and other Founders, the ability of property owners to vindicate their rights in court today is being hampered by the overlapping and confusing jurisdiction of the Court of Federal Claims and the Federal district courts over fifth amendment property rights claims. It is also frustrated by localities which sometimes create labyrinths of administrative hurdles that property owners must jump through before being able to bring a claim in Federal court to vindicate their Federal constitutional rights. CAJA seeks to remedy these situations. Let me explain.

The Tucker Act, which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate their right to just compensation for a Government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the Federal district court and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the Government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court.

This Tucker Act shuffle is aggravated by section 1500 of the Tucker Act, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and brought by the same plaintiff. Section 1500 is so poorly drafted and has brought so many hardships, that Justice Stevens, in *Keene Corporation versus United States*, 113 S.Ct. 2035, 2048 (1993), has called for its repeal or amendment. CAJA would resolve the jurisdictional muddle by both repealing section 1500 and by eliminating the