

I just say to all of my colleagues, I hope that, No. 1, you will agree to a unanimous-consent agreement that in our discussion or our debate whether or not we go into closed session, that it be open to the public. What an irony it would be if, in the very debate about whether or not our deliberations will be open or closed, our deliberations were closed. It seems to me that debate ought to be open to the public.

Second, I certainly hope that we will have the two-thirds vote that it will take to suspend the current rule that says we must be in closed session.

Mr. President, I think it is important for the public right now to be engaged in this process. I hope people will be calling their Senators, because I really do believe that part of our deliberations, part of our *modus operandi* as Senators, whatever States we represent, should be to stay in touch with people. Of course, we reach our own independent judgment. We reach our own independent judgment about the facts, about the charges.

Then there is another question, the threshold question, about whether or not these charges rise to the level of removing a President from office.

I think part of what we are about as Senators is to try to stay in close touch with the public, with people in our States, whatever decision we make. It can be a matter of individual conscience, but I think it is terribly important that we operate as a representative body, as the U.S. Senate, as a part of representative democracy of the United States of America. We can't on this question, we can't on these questions, if we go into closed session.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. WELLSTONE. Mr. President, regarding the President's speech last night, I will start out with his style. I thought it was rather amazing that, given all that has happened—like our trial here—that the President came before the Congress and delivered a very good speech. He certainly had confidence and he outlined some important proposals.

I think his proposal dealing with Social Security was extremely important. I think it is a solid proposal. And it does not go in the direction of some of the privatization schemes which I think would have taken the "security" out of Social Security. But it also recognizes we need to make some changes and we need to make sure that we support or save the Social Security system. But we keep it as a social insurance program. It is a contract. It is for all the people in the country.

The emphasis on the COPS Program, community policing, is right on the mark. The law enforcement community in Minnesota has done some great work with this community policing program, including dealing with all of the issues having to do with domestic violence. Every 13 seconds a woman is

battered in the United States of America in her home—a home should be a safe place—and many children see this, as well. God knows what the effect is on the children.

Mr. President, I also want to just be very honest about my disappointment in this speech. Here we are, going into the next century, the next millennium. Here we have this great economy, booming along. We hear about it all the time. This is our opportunity now to take bold initiatives, to put forth bold proposals that really respond to children in America.

The President talked about low-income, elderly citizens, many of them women. I think it is terribly important to address that reality. Mr. President, what about the reality of close to 1 out of 4 children under the age of 3 growing up poor in our country? What about the reality of 1 out of every 2 children of color under the age of 3 growing up poor in our country?

We have heard from the experts. We have had the conferences. We have seen the studies. We know about the involvement of the brain. We know we have to get it right for these children by age 3 or many of them will never be able to do well in school and never be able to do well in life.

I see a real disconnect between some of the words uttered by our President and his proposals that don't meet the challenge. The commitment of resources to affordable child care for so many families in our country doesn't even come close to meeting the need. I thought we were going to make a commitment to affordable child care for everyone, not just for welfare mothers and their children. Not that we've done enough for those on welfare. That, in and of itself, is important, and we are not doing nearly as well as we should. But we need to help not just low income, but working income, moderate income, even middle-income families, for whom good child care is a huge expense, so that their children can get the best of nurturing and intellectual stimulation. But this is not in this budget. It is not in this budget. There's money, but the President's solutions are not in the same scope as the problems themselves.

The President has a proposal that focuses on afterschool care. I am all for that. But when I think about the poverty of children in our country, when I think about a set of social arrangements that allow children to be the most poverty-stricken group in our country, when I think about what a national disgrace that is, and when I think about all we should be doing to make sure that every child in our country has the same opportunity to reach his and her full potential, and when I think about what we are going to be asking our children to carry on their shoulders in the next century, I don't see in the President's State of the Union Address a bold agenda that would lead to the dramatic improvement of the lives of so many children

in our country. Why the timidity? With this economy booming along, in the words of Rabbi Hillel, "If not now, when?" If we are not going to speak for our children now, when will we? If we are not going to move forward with bold proposals, start with affordable child care, when will we?

Finally, Mr. President, on the health care front, some important proposals:

Give credit where credit should be given. I meet with people in the disabilities community and this is a huge problem. You want to work and then when you get a job you lose your medical assistance and you are worse off. To be able to carry health care coverage for people in the disabilities community so more people can work—yes.

A tax credit proposal that says if you have a problem of catastrophic expenses—I know what this is about; I had two parents with Parkinson's disease—as a family, you can get up to a \$1,000 tax credit per year. But this credit is not refundable. Why in the world do we have a tax credit that is not refundable, in which case families with incomes under \$30,000 a year get no help whatever? Are we worried about providing assistance to low-income people, poor people, as if they have it made in America?

Second of all, catastrophic expenses go way beyond \$1,000 a year.

And here is what I don't understand about the President's downsized agenda. Whatever happened to universal health care coverage? Now we have 44 million people with no health insurance, more than when we started the debate several years ago. Now we have another 44 million people who are underinsured. We have people falling between the cracks. They are not old enough for Medicare, prescription drug costs are not covered, they can't afford catastrophic expenses, they are not poor enough for medical assistance, they are getting dropped for coverage by their employers, and copay and deductibles are going up and are way too high a percentage of family income.

Several years ago, the health insurance industry took universal health care coverage off the table. We ought to put it back on the table. I don't understand the timidity of the President's State of the Union Address when it comes to making sure that we can provide good health care coverage for all of our citizens. Our economy is booming, we are going into the next century, this is the time for bold initiatives. This is not the time for timidity. This is a time to make a connection between the words we speak and the problems we identify and the challenges we say we have as a Nation and the investment.

Where is the investment in the health, skills, intellect and character of our children in America? Where is the investment to make sure that every citizen has health coverage that he and she can afford for themselves and their families? I didn't see it in the

President's State of the Union Address. For that reason, I am disappointed. I believe our country can do better. I believe our country can do better. I believe the U.S. Congress can do better, and I hope that we will.

THE PRIVATE PROPERTY
FAIRNESS ACT OF 1999

Mr. HAGEL. Mr. President, I have introduced S. 246, the Private Property Fairness Act of 1999. This bill will help ensure that when the Government issues regulations for the benefit of the public as a whole, it does not saddle just a few landowners with the whole cost of compliance. This bill will help enforce the U.S. Constitution's guarantee that the Federal Government cannot take private property without paying just compensation to the owner.

Recent record low prices received by American agricultural producers has prompted great concern about the future of family farmers and ranchers. What we must remember is that government regulations are unfairly burdening this vital sector—hitting family farmers the hardest.

The dramatic growth in Federal regulation in recent decades has focused attention on a very murky area of property law, a regulatory area in which the law of takings is not yet settled to the satisfaction of most Americans.

The bottom line is that the law in this area is unfair. For example, if the Government condemns part of a farm to build a highway, it has to pay the farmer for the value of his land. But if the Government requires that same farmer stop growing crops on that same land in order to protect endangered species or conserve wetlands, the farmer gets no compensation. In both situations the Government has acted to benefit the general public and, in the process, has imposed a cost on the farmer. In both cases, the land is taken out of production and the farmer loses income. But only in the highway example is the farmer compensated for his loss. In the regulatory example, the farmer, or any other landowner, has to absorb all of the cost himself. This is not fair.

The legislation I am introducing today is an important step toward providing relief from these so-called regulatory takings. My bill is a narrowly tailored approach that will make a real difference for property owners across America. It protects private property rights in two ways. First, it puts in place procedures that will stop or minimize takings by the Federal Government before they occur. The Government would have to jump a much higher hurdle before it can restrict the use of someone's privately owned property. For the first time, the Federal Government will have to determine in advance how its actions will impact the property owner, not just the wetland or the endangered species. This bill also would require the Federal Government

to look for options other than restricting the use of private property to achieve its goal.

Second, if heavy Government regulations diminish the value of private property, this bill would allow the landowners to plead their case in a Federal district court, instead of forcing them to seek relief. This bill makes the process easier, less costly, and more accessible and accountable so all citizens can fully protect their property rights.

For too long, Federal regulators have made private property owners bear the burdens and the costs of Government land use decisions. The result has been that real people suffer.

Joe Jeffrey is a farmer in Lexington, NE. Like most Americans, he is proud of his land. He believed his property was his to use and control as he saw fit. So, after 12 years of regulatory struggles, Mr. Jeffrey got fed up and decided to lease out his land. The Central Nebraska Public Power and Irrigation District now has use of the property for the next 17 years. The Government's regulatory intrusion left Mr. Jeffrey few other options.

Joe Jeffrey first met the U.S. Fish and Wildlife Service and the Army Corps of Engineers in 1987. Mr. Jeffrey's introduction to the long arm of the Federal bureaucracy was in the form of wetlands regulations. Mr. Jeffrey was notified that he had to destroy two dikes on his land because they were constructed without the proper permits. Nearly 2 years later, the corps partially changed its mind and allowed Mr. Jeffrey to reconstruct one of the dikes because the corps lacked authority to make him destroy it in the first place.

Then floods damaged part of Mr. Jeffrey's irrigated pastureland and changed the normal water channel. Mr. Jeffrey set out to return the channel to its original course by moving sand that the flood had shifted. But the Government said "no." The corps told him he had to give public notice before he could repair his own property.

Then came the Endangered Species Act.

Neither least terns nor piping plovers—both federally protected endangered species—have ever nested on Mr. Jeffrey's property. But that didn't stop the regulators. The U.S. Fish and Wildlife Service wanted to designate Mr. Jeffrey's property as "critical habitat" for these protected species.

The bureaucrats could not even agree among themselves on what they wanted done. The Nebraska Department of Environmental Control wanted the area re-vegetated. But the U.S. Fish and Wildlife Service wanted the area kept free of vegetation. Mr. Jeffrey was caught in the middle.

This is a real regulatory horror story. And there's more.

Today—12 years after his regulatory struggle began—Mr. Jeffrey is faced with eroded pastureland that cannot be irrigated and cannot be repaired with-

out significant personal expense. The value of Mr. Jeffrey's land has been diminished by the Government's regulatory intrusion—but he has not been compensated. In fact, he has had to spend money from his own pocket to comply with the regulations. The Fish and Wildlife Service asked Mr. Jeffrey to modify his center pivot irrigation system to negotiate around the eroded area—at a personal cost of \$20,000. And the issue is still not resolved.

Mr. President, we do not need more stories like Joe Jeffrey's in America. Our Constitution guarantees our people's rights. Congress must act to uphold those rights and guarantee them in practice, not just in theory. Government regulation has gone too far. We must make it accountable to the people. Government should be accountable to the people, not the people accountable to the Government.

What this issue comes down to is fairness. It is simply not fair and it is not right for the Federal Government to have the ability to restrict the use of privately owned property without compensating the owner. It violates the principles this country was founded on. This legislation puts some justice back into the system. It reins in regulatory agencies and gives the private property owner a voice in the process. It makes it easier for citizens to appeal any restrictions imposed on their land or property. It is the right thing to do. It is the just and fair thing to do.

THE SAFE SCHOOLS, SAFE
STREETS AND SECURE BORDERS
ACT OF 1999

Mr. DASCHLE. Mr. President, I am pleased to join Senator LEAHY and several other Democratic Senators in introducing the Safe Schools, Safe Streets and Secure Borders Act of 1999. Thanks in large part to the legacy of success that Senate Democrats have had in the area of anti-crime legislation, the crime rate in this country has been going down for six consecutive years. This is the longest such period of decline in 25 years, and the comprehensive crime bill that we are introducing will build on this success and reduce crime even further.

Despite the decrease in crime throughout the last six years, juvenile crime and drug abuse continue to be problems that weigh heavily on the minds of the American people. In my home state of South Dakota, there has been a particularly alarming increase in juvenile crime, and I have been working extensively with community leaders and concerned parents to focus public attention on this issue. Now is the time when we must target the real needs of American families and communities, and I believe that the Safe Schools, Safe Streets and Secure Borders Act of 1999 will do just that. This bill will reduce crime by targeting violent crime in our schools, reforming the juvenile justice system, combating gang violence, cracking down on the