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 without 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