

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. HOLLINGS, 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