

Guard to send more students to flight school.

Mr. President, the Coast Guard is the lead federal agency in maritime drug interdiction. Therefore, they are often our nation's first line of defense in the war on drugs. This bill authorizes the Coast Guard to acquire and operate up to seven ex-Navy patrol boats, thereby expanding the Coast Guard's critical presence in the Caribbean, a major drug trafficking area. With the vast majority of the drugs smuggled into the United States on the water, the Coast Guard must remain well equipped to prevent drugs from reaching our schools and streets.

Environmental protection, including oil-spill cleanup, is an invaluable service provided by the Coast Guard. Under current law, the Coast Guard has access to a permanent annual appropriation of \$50 million, distributed by the Oil Spill Liability Trust Fund, to carry out emergency oil spill response needs. Over the past few years, the fund has spent an average of \$42 to \$50 million per year, without the occurrence of a major oil spill. Clearly these funds would not be adequate to respond to a large spill. For instance, a spill the size of the Exxon Valdez could easily deplete the annual appropriated funds in two to three weeks. This bill authorizes the Coast Guard to borrow up to an additional \$100 million, per incident, from the Oil Spill Liability Trust Fund, for emergency spill responses. In such cases, it also requires the Coast Guard to notify Congress of amounts borrowed within thirty days and repay such amounts once payment is collected from the responsible party.

This bill represents a thorough set of improvements which will make the Coast Guard more effective, improve the quality of life of its personnel, and facilitate their daily operations. I would like to express my gratitude and that of the full Commerce Committee to staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Rob Freeman, Emily Lindow, Brooke Sikora, Margaret Spring, Catherine Wannamaker, Jean Toal, Carl Bentzel, and Rick Kenin, a Coast Guard fellow whose knowledge of the Coast Guard was invaluable to the Committee because he was able to give a first hand account of how this bill will improve the lives of the men and women who so dutifully serve our nation. I would also like to thank Senators SNOWE, HOLLINGS, and KERRY for their bipartisan support of and hard work on this bill.

Mr. KERRY. Mr. President, I rise today to support Senate passage of H.R. 820, as amended by the text of S. 1089, the Coast Guard Authorization Act of 2000. I would like to thank Senator SNOWE for her leadership on this very important legislation, of which I am proud to be a cosponsor. The legislation provides authorization of appropriations for fiscal years 2000 through 2002 for the U.S. Coast Guard, and is an important step to helping them further

their responsibilities that are so important to all of us.

It is widely recognized that the Coast Guard is critically underfunded. Pursuant to the administration's request, H.R. 820 authorizes a substantial increase in the two largest Coast Guard appropriation accounts, operating expenses and acquisition, construction, and improvement of equipment and facilities. Operating funds are critically needed by the Coast Guard to protect public safety and the marine environment, enforce laws and treaties, ensure safety and compliance in our marine fisheries, maintain aids to navigation, prevent illegal drug trafficking and illegal alien migration, and preserve defense readiness.

H.R. 820 will also provide an increase of approximately \$130 million for the acquisition, construction, and improvement of equipment and facilities. These funds would be used to support vital long-term projects such as the Deepwater System, which the Coast Guard launched in 1998 to modernize its aging, and now inadequate, deepwater-capable cutters and aircraft. H.R. 820 specifically authorizes \$42.3 million of the \$9.6 billion required over the next twenty years for this Integrated Deepwater System.

Increasing authorization levels for the Coast Guard is important, but we must continue to work together to ensure the increases in this bill become a reality for the agency in the coming years. The Coast Guard is facing a fiscal crisis as a result of a number of budgetary pressures. While demand for Coast Guard services continues to increase, there has been no parallel increase in the amounts available for the Coast Guard in our budget. We are only in the beginning stages of modernizing aging ships and aircraft through the Deepwater Project, and funding needs will increase in the coming years. At the same time, the number of jobs created by the new economy has severely affected Coast Guard recruitment, and it disturbs me to report that the Coast Guard is short nearly 1,000 uniformed personnel. Ever-increasing fuel and maintenance costs, along with these escalating recruiting costs to address personnel shortfalls, have placed increased pressure on Coast Guard operations.

This year, these pressures forced the Coast Guard to reduce days at sea and flight hours for a number of its missions such as environmental protection, fisheries enforcement, and drug trafficking; meanwhile, the demands of these missions grow daily. More commercial and recreational vessels ply our waters today than ever before in our Nation's history. International trade has expanded greatly, resulting in increased maritime traffic through our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our county's coastline as the means to introduce illegal drugs into our country. In a typical day the Coast Guard

will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save \$2.5 million in property.

The continued operation of all of the Coast Guard services is critical. The men and women of the Coast Guard do their utmost for us every day. We owe it to them to provide the resources necessary to carry out their missions effectively and safely. H.R. 820 is a good first step, and I would hope that my colleagues will join Senator SNOWE and me in our continuing effort to rebuild our Nation's oldest sea service.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the bill be read the third time.

The bill (S. 1089), as amended, was read the third time.

Mr. CAMPBELL. I further ask unanimous consent H.R. 820 be discharged from the Commerce Committee and the Senate proceed to its consideration. Further, I ask all after the enacting clause be stricken and the text of S. 1089, as amended, be inserted in lieu thereof, the bill be read the third time and passed, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 820), as amended, was read the third time and passed.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Presiding Officer (Mr. VOINOVICH) appointed Mr. MCCAIN, Mr. STEVENS, Ms. SNOWE, Mr. HOLLINGS, and Mr. KERRY of Massachusetts, conferees on the part of the Senate.

Mr. CAMPBELL. Finally, I ask unanimous consent S. 1089 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I ask unanimous consent I speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

MR. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 2950 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, today is in effect the anniversary of the only

meeting of the House-Senate Conference committee on the Hatch-Leahy juvenile crime bill. This is the last day before the August recess this year and last year on August 5, Chairman HATCH convened the conference for the limited purpose of opening statements. I am disappointed that the majority continues to refuse to reconvene the conference and that for a over a year this Congress has failed to respond to issues of youth violence, school violence and crime prevention.

It has been 15 months since the shooting at Columbine High School in Littleton, Colorado, where 14 students and a teacher lost their lives in that tragedy on April 20, 1999. It has been 14 months since the Senate passed the Hatch-Leahy juvenile justice bill by an overwhelming vote of 73-25. Our bipartisan bill includes modest yet effective gun safety provisions. It has been 13 months since the House of Representatives passed its own juvenile crime bill on June 17, 1999.

Sadly, it will be 12 months next week since the House and Senate juvenile justice conference met for the first—and only—time on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions, but the majority refuses to act. Indeed, on October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH, the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately. In April 2000, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

A few months ago, the President even invited House and Senate members of the conference to the White House to urge us to proceed to the conference and to final enactment of legislation before the anniversary of the Columbine tragedy. But the majority has rejected his pleas for action as they have those of the American people. Apparently, the gun lobby objects to one provision in the bill, even though the bill passed overwhelmingly, and they will not let us proceed with the conference. This lobby was not elected to the Senate or to the House of Representatives, but apparently has enormous influence.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

Just last week, a 13-year old student put a gun to a fellow classmate at Se-

attle middle school. Although the student fired a shot in the school cafeteria, thankfully no one was hurt during this latest school shooting. Unfortunately, that cannot be said about the rash of recent incidents of school violence throughout the country. The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, and Florida is simply unacceptable and intolerable.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should not let another school year begin without addressing some of the core issues of youth violence and school violence. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

It is ironic that the Senate will be in recess next week on the anniversary of the first and only meeting of the juvenile justice conference. In fact, the Senate has been in recess more than in session since the one ceremonial meeting of the juvenile crime conference committee. It is beneath us. We ought to meet. We ought to get this done.

#### CONGRESS AND THE FEDERAL JUDICIARY

Mr. LEAHY. Mr. President, I want to turn now to another issue. This time last year, I rose to express concern about the final decisions of the Supreme Court's 1998 Term, in which it struck down on federalism grounds three important pieces of bipartisan legislation. Another Supreme Court Term has now ended, and this Term's victims include the Violence Against Women Act and, as applied to State employees, the Age Discrimination in Employment Act.

I see my distinguished friend from Delaware in the Chamber, and I know he has spoken extensively on this. I believe it bears repeating.

We have seen a growing trend of judicial second-guessing of congressional policy decisions, both in the Supreme Court and in some of the lower Federal courts. Most troubling to me is the encroachment of the Federal judiciary on the legitimate functions of the Federal legislative branch in matters that are perceived by the courts to impact the States.

We ought to all be concerned about this because it affects our constitutional system of checks and balances. We ought to ask ourselves how we can have a situation where an unelected group of Supreme Court Justices can over and over substitute their judgment for the judgment of the elected representatives of this country.

It is not a question of how we feel about an individual case. Sometimes I

vote for these bills and sometimes I vote against them. But when we have held hearings, when we have determined that there is a need for Federal legislation, when we have gone forward, and then in an almost cavalier and, in some cases, disdainful fashion, the Supreme Court knocks it all down, something is wrong. It is time for us to join together in taking stock of the relationship between Congress and the courts.

According to a recent article by Stuart Taylor, the Rehnquist Court has struck down about two dozen congressional enactments in the last five terms. That is about five per year—a stunning pace. To put that in perspective, consider that the Supreme Court struck down a total of 128 Federal statutes during its first 200 years. That is less than one per year, and it includes the years of the so-called "activist" Warren Court.

Justice Scalia recently admitted that the Rehnquist Court is "striking down as many Federal statutes from year to year as the Warren Court at its peak." In fact, the Rehnquist Court, with its seven Republican-appointed Justices, is striking down Federal statutes almost as fast as this Republican Congress can enact them. These cases evidence a breakdown of respect between the judiciary and legislative branches, and raise serious concerns about whether the Court has embarked on a program of judicial activism under the rubric of protecting State sovereignty.

Let me start where I left off a year ago, with the trio of 5-4 decisions that ended the Court's last Term. In the Florida Prepaid case, the Court held that the States could no longer be held liable for infringing a Federal patent. In the College Savings Bank case, the Court held that the States could no longer be held liable for violating the Federal law against false advertising. And in *Alden v. Maine*, the Court held that the States could no longer be held liable for violating the Federally-protected right of their employees to get paid for overtime work.

These decisions were sweeping in their breadth. They allowed special immunities not just to essential organs of State government, but also to a wide-range of State-funded or State-controlled entities and commercial ventures. They tilted the playing field by leaving institutions like the University of California entitled to benefit from Federal intellectual property laws, but immune from enforcement if they violate those same laws. They were also startling in their reasoning, casting aside the text of the Constitution, inferring broad immunities from abstract generalizations about federalism, and second-guessing Congress' reasoned judgment about the need for national remedial legislation.

When I discussed these decisions last year, I warned that they could endanger a wide range of other Federally-protected rights, including rights to a minimum wage, rights against certain