of any American Ambassador to China, Jim Sasser has accomplished so much in helping to improve Sino-American relations. His achievements are numerous and commendable. Ambassador Sasser's service has helped advance cooperation between American and Chinese political and security officials. Economic relations between our two countries have improved under Ambassador Sasser's leadership including ongoing negotiations for admitting China into the World Trade Organization. In the area of nuclear nonproliferation, Ambassador Sasser has seen the Chinese government address U.S. concerns about providing assistance to rogue nations, as well as issuing a State Council directive controlling export of dual-use items with potential nuclear weapons uses. The U.S. Embassy in China has also helped to secure relief assistance to Chinese earthquake victims. The list of accomplishments of Ambassador Sasser and his corps of diplomatic officials goes on and on. His record as Ambassador speaks for itself.

Although United States-China relations have been damaged by the accidental bombing of the Belgrade embassy, we can say that relations with China are better now than they were 3 years ago when Ambassador Sasser assumed his post in Beijing.

Now that Jim and Mary have returned safely home, I would like to take one final opportunity to thank them and his family for their courageous service and commitment to serving America in China. I have to agree with former Secretary of State Henry Kissinger's assessment of Ambassador Sasser as ''the best Ambassador to China we've ever had''. To Jim Sasser and his family, I say maholo nui loa, thank you very much, for your service and bid you aloha, welcome home.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314(b)(5) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided for an earned income tax credit compliance initiative.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current allocation:		
General purpose discretionary	533,971	543,967
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	859,973	882,509
Adjustments:		
General purpose discretionary	+144	+146
Violent crime reduction fund	.....	.....
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+144	+146
Revised allocation:		
General purpose discretionary	534,115	544,113
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	860,117	882,655

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current allocation: Budget resolution	1,428,920	1,415,349	−7,267
Adjustments: EITC compliance	+144	+146	−146
Revised allocation: Budget resolution	1,429,064	1,415,495	−7,413

THE SUPREME COURT'S END-OF-TERM DECISIONS

Mr. LEAHY. Mr. President, the Supreme Court ended its term last week with a trio of deeply disturbing decisions regarding the role of the States and Congress in our federal system. In Alden v. Maine, the Court made it impossible for State employees to enforce their rights under the Fair Labor Standards Act, which for decades has guaranteed public and private employees nationwide a fair minimum wage.

In College Savings Bank, the Court deprived private parties of the ability to enforce federal unfair competition law against the States. And in Florida Prepaid, the Court held that Congress can execute its constitutional mandate to protect patents as against States only if the Court is satisfied that there is a sufficient ''pattern of constitutional violations'' of patent rights by the States. The Court also made an unprecedented suggestion about how we must write legislation: that we must expressly invoke a constitutional provision before it will honor our authority to legislate.

These three decisions, all by the same bare majority, are disturbing on three fronts. First, they seem to be premised on obsolete notions of natural law, with no basis in the text of the Constitution, and they expressly depart from established constitutional precedent. Second, they will make it harder for ordinary Americans to enforce their federally-protected rights against States. Third, they will make it far more difficult for Congress to enforce uniform policies on matters of national concern.

Justice Souter has eloquently explained how the Court's decisions will harm individuals. Dissenting in the Alden case, Justice Souter pointed out that the majority's decision left Maine's employees with a federal right to get paid for overtime work, but no way to enforce it. This flies in the face of logic, precedent, and common sense. As every first-year law student knows, where there is a right, there must be a remedy.

The maintenance of State sovereignty is clearly a matter of great importance. For this reason, I have been critical of the increasing intrusion of federal regulation into areas traditionally reserved to the States.

In particular, I have expressed concern about the seemingly uncontrollable impulse to react to the latest headline-grabbing criminal caper with a new federal prohibition. This Congress has also extended the federalization of State laws to civil law matters traditionally the province of the States, as in the Y2K bill. But though I watch the federalization of the law with concern, I cannot agree with the Court's decisions, which privilege States' rights over those of both the individual citizen and the federal Government. It is one thing to say that Congress should forbear from interfering in areas that are adequately regulated by the States; it is quite another thing to say that Congress may not exercise its constitutionally-delegated authority even when the national interest so demands.

We on the Senate Judiciary Committee hear a good deal of rhetoric about judicial activism. Here we have the real thing. The Court's so-called conservatives, who routinely limit individual constitutional rights on the basis of supposed strict adherence to the constitutional text, have suddenly developed a natural law concept of State sovereignty that even they admit has no basis in the constitutional text.

These conservative activists have reached out to overrule solid legal precedent. Thirty-five years ago, in Parden v. Terminal Railway Company, the Court held that States may lose their immunity by engaging in ordinary commercial ventures. This makes a good deal of sense.

Why should States that choose to act outside their core sovereign powers and compete in the marketplace get an edge over their regulated private competitors? Certainly, nothing in the Constitution suggests that they should. By overruling Parden, the Court's ''conservatives'' abandoned all pretense of judicial restraint.

Let me turn now to the flip-side of the Court's new emphasis on States' rights. In strengthening the power of the States, the Court has weakened the power of Congress and the federal Government.

We should, I believe, pay particular attention to the Court's restrictive reading of Congress's authority to enforce the Fourteenth Amendment.

This amendment grants the Congress the power to enforce, by appropriate legislation, federal constitutional rights. Last week, for the second time in as many years, the Court invalidated an Act of Congress because of the perceived deficiency of the legislative

record. The Court held, in effect, that Congress may not exercise its power pursuant to the Fourteenth Amendment unless it justifies itself, in advance, to the satisfaction of the federal courts. This demonstrates a breathtaking lack of respect for a co-equal branch of Government. Congress is not an administrative agency, and it should not be required to dot every ''i'' and cross every ''t'' before taking action in the public interest.

The Court's ''no-deference'' approach could complicate a broad range of current legislative initiatives. I will note just two that are of critical importance to me: civil rights and intellectual property.

The Religious Liberty Protection Act, which was recently reported by the House Judiciary Committee, is an important congressional effort to protect religious liberty after the Court struck down our previous attempt in the 1997 City of Boerne case. To the extent that any new bill rests on our authority under the Fourteenth Amendment, we must now do the work of an administrative agency to develop an evidentiary record that will satisfy the Supreme Court.

The end-of-term decisions will also make it harder for Congress to design a uniform system that will apply throughout the nation to protect important intellectual property interests. Intellectual property rights are deeply rooted in the Constitution, which provides in Article I that ''The Congress shall have power . . . [t]o promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.'' I have worked hard over the years to provide the creators and inventors of copyrighted and patented works with the protection they may need in our global economy.

Yet, the Court's decisions will have far-reaching consequences about how these intellectual property rights may be protected against even egregious infringements and violations by the States. For example, in light of the Court's decisions, will Congress now have to write one law for private universities, libraries and educational institutions, while State-run institutions are free to do whatever they please. This is a matter that Chairman HATCH and I will have to examine closely in the Judiciary Committee as we consider a host of intellectual property matters ranging from distance education, database protection, cyberpiracy of domain names, and others.

The Court's new conception of federalism poses an interesting challenge to Congress. Over the coming years, we can expect a flurry of lawsuits aimed at testing the limits of last week's rulings and of this body's legislative authority. In fact, the Court has already agreed to decide next term whether States are immune from suits charging that they have violated the federal law against age discrimination and whether they may be sued for defrauding the federal government.

I have risen to discuss the Court's end-of-term decisions for two reasons. First, I agree with the four dissenting Justices that these decisions are an egregious case of judicial activism and a misapplication of the Constitution. The four dissenters expressed their belief that the Court's new direction will eventually be reversed. I hope this is so. In the interim, however, we need to determine what means remain to Congress to fulfill the promise of the Constitution, which guarantees national supremacy to federal law and to federally-protected rights.

At least three paths remain open to us. First, Congress can require States to waive their immunity from suit as a condition of receiving federal funds. Second, since the States are not immune from suit by the federal Government, Congress can empower federal authorities to collect damages on behalf of private citizens whose federal rights have been violated by States. Third, Congress can give more emphasis to preventative remedies, since nothing in the Court's decisions affects the ability of individuals to sue States for injunctive relief.

I urge all Senators to study the Court's decisions. We need to work together with a clear understanding of the Court's new constitutional order.

KAREN SCHREIER'S CONFIRMATION AS UNITED STATES FEDERAL DISTRICT JUDGE FOR SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I rise to express my appreciation of my colleagues for their overwhelming and bipartisan support for confirmation of Karen Schreier as a United States Federal District Judge for South Dakota. Karen Schreier has established an extraordinary reputation for skill and integrity during her years of private law practice, and as a very successful United States Attorney.

It is of historic note, that Karen is about to become the first female federal judge in South Dakota's 110-year history, and her outstanding achievements as an attorney, community leader, and federal judge will serve as a model for countless other talented young people throughout our state—both men and women. Most importantly, however, her ascension to the federal bench is a victory for justice and the rule of law. South Dakota and our nation will be very well served by Karen Schreier's tenure as Federal District Judge for South Dakota.

I also must observe that even the most talented of individuals does not achieve the highest career success without the support and assistance of other important people in their lives. I had the great honor and pleasure of serving in the South Dakota legislature with Karen's father, Harold Schreier. Harold represented the very best of public service in our state, and I know that Karen's success would be of enormous pride and satisfaction to him. Karen's mother, Maysie Schreier, has been a wonderful resource in the Flandreau community in her own right, and her values and determination are reflected in her daughter. Karen's husband, Tim Dougherty, is a talented lawyer, community leader and source of never-ending support and encouragement. Tim's father, Bill Dougherty, has for many years been one of South Dakota's foremost political leaders and voice for common-sense and progressive public policy. Bill has been the father of a great deal of legislative accomplishment in our state, but I have a feeling that Karen's success will always be one of his greatest sources of pride.

Mr. President, it is with wonderful personal satisfaction, that I can today offer my congratulations to Karen Schreier on her confirmation. Congratulations as well, to the Schreier and Dougherty families—outstanding South Dakota families, and valued personal friends!

SILVERY MINNOW—CRITICAL HABITAT DESIGNATION

Mr. DOMENICI. Mr. President, I rise today to discuss recent developments regarding the Rio Grande River in New Mexico, an endangered species called the silvery minnow, and praiseworthy action by the Senate Environment and Public Works Committee earlier this week.

As I have previously outlined before to my colleagues, a complicated and potentially chaotic situation involving literally hundreds of thousands of water users along the Rio Grande in my state could emerge this year. Yesterday, the Fish and Wildlife Service designated almost 170 miles of the Rio Grande channel as critical habitat for the silvery minnow. This designation, as Secretary of Interior Bruce Babbitt testified earlier this year, is prematurely driven by a court order before the needs of the minnow and economic impacts are known. Indeed, this is a ''cart before the horse'' situation that would be comical if its consequences weren't potentially so tragic.

In light of this situation, the action by the Senate Environment and Public Works Committee Tuesday is heartening in two respects. First, I want to profoundly thank Senator CHAFEE, chairman of the committee; Senator BAUCUS, ranking member; and Senator CRAPO, chairman of the relevant subcommittee, and their staffs, for their help on S. 1100, a precisely crafted bill that would bring a logical and commonsense reform to the present Endangered Species Act. Second, I also thank the various environmental organizations and their staffs that helped us in this effort. This was a unique, bi-partisan undertaking. I think the committee's work shows that intelligent reform can occur in this highly charged