failed to ''assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available . . . at least to the extent that such care and services are available to the general population,'' as required by 42 U.S.C. § 1396a(a)(30)(A). In other words, they took California to court to make the State obey Federal law and ensure patients have access to the Medicaid benefits required by Congress.

The court of appeals agreed with the plaintiffs' claims that the California plan was preempted by Federal law. But that wasn't the end of it. The Supreme Court decided to review the case. Denying review on the underlying issue of whether California's action is, in fact, preempted by Federal law, the Court has taken up the question whether the parties should be allowed to assert that California's plan is unconstitutional. The California attorney general has argued that they should not, claiming that private parties cannot have a day in court to raise a preemption claim, regardless whether the State's action is illegal under Federal law.

This case will be significant for our country, and Constitution, for years to come.

As my colleagues know, it is foundational to our system of government that States must comply with duly enacted laws of this Congress. The supremacy clause, in article VI of the Constitution, makes clear that the Constitution and ''the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.''

Our carefully balanced Federal system, designed by the Framers, would fall apart without the supremacy clause. As James Madison wrote in Federalist No. 44, without that clause we would be left ''a system of government founded on an inversion of the fundamental principles of all government; it would have seen the authority of the whole society every where subordinate to the authority of the parts; it would have seen a monster, in which the head was under the direction of the members.'' For this reason, the Supreme Court has enforced the supremacy clause since 1796, striking down State measures incompatible with Federal law.

It has previously been widely accepted in the courts of appeals, legal treatises, and filings by the United States—that the American people can go to court to protect themselves from preempted State law.

The Supreme Court has repeatedly allowed big corporations to argue in court that State actions are preempted by Federal laws and regulations. To take one example, in Chamber of Commerce of the United States v. Brown, 2008, business interests sued to enjoin enforcement of a California law that prohibited employers in that State from spending State funds to deter union organizing. The Supreme Court held that the National Labor Relations Act, NLRA, preempted the California law. It didn't tell the corporation that it could not assert this argument in the first place. So too, in Rowe v. New Hampshire Motor Transport Association, 2008, a group of transport carrier associations brought suit to argue that a Maine statute regulating tobacco delivery in order to protect minors was preempted by Federal law. Again, the Supreme Court found that the State law was preempted, striking it down without prohibiting the corporate interests from making their argument in court. And in Watters v. Wachovia Bank, 2007, the Court allowed a big national bank to argue that Federal law preempted Michigan's State banking regulations, once again without denying the corporate interest the chance to raise such an argument in court.

Now is not the time to inhibit the supremacy clause and preclude regular Americans from having their Federal rights enforced in court, particularly when that privilege has been respected for corporations.

If the Court does take that step, it will create a legal loophole that invites states to ignore Federal law, and weaken the supremacy clause. It will put Americans at risk, weakening hard-won statutory protections. Most important, it will warp the carefully balanced Federal system that has served us so well through the centuries.

HONORING OUR ARMED FORCES

SPECIALIST DONALD L. NICHOLS

Mr. GRASSLEY. Mr. President, it is with deep regret that I must inform the Senate about the passing of a soldier from my home State, specialist Donald L. Nichols of Shell Rock, IA. He was 21 years old. Specialist Nichols enlisted in the Iowa National Guard in March of 2008 and was assigned to the Iowa Army National Guard's Headquarters and Headquarters Company, 1st Battalion, 133rd Infantry, 2nd Brigade Combat team, 34th Infantry Division, based in Waterloo, IA. Specialist Nichols was killed by an improvised explosive device that struck the armored vehicle while he was patrolling in the Mehtar Lam District, Laghman Province, Afghanistan.

Specialist Nichols is survived by his mother Becky Poock; his father Jeff Nichols; his fiance Chelsey Bliss; two brothers, and many other family and friends.

The family and friends of Specialist Nichols remember him as a dedicated soldier who truly loved serving his country. His fellow soldiers remember him as a ''studious soldier who took his duty with zeal.'' Donald had decided that he wanted to join the Armed Forces even before he graduated high school. He showed a dedication to service that is typical of all of the men and women fighting for our Nation but one that is so rare in the common man. The memory of his sense of humor and his love for family, friends, and country will remain constantly with his loved ones.

SPC Donald L. Nichols will be missed by all that were privileged to know him and my thoughts and prayers go out to his loved ones in this incredibly difficult time.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, since 1978 we have set aside the month of May to honor Americans who are of Asian and Pacific Islander descent. Today I am pleased to join the celebration of Asian Pacific American Heritage Month and the many accomplishments and contributions of such an inspiring, spirited, and industrious group of people.

Efforts to establish an Asian Pacific American Heritage Month first took shape in 1977 when U.S. Representatives Frank Horton and Norman Y. Mineta introduced a resolution calling on the President to declare a weeklong commemoration. Senators DANIEL INOUYE and Spark Matsunaga followed suit in the Senate. Both resolutions were ultimately passed, and President Carter in 1978 officially designated a weeklong celebration to honor the first Japanese immigrants to the United States and the Chinese laborers who completed the Transcontinental Railroad.

In 1990, President George H.W. Bush extended the event to a month-long celebration, and in 1992 the designation of May as Asian Pacific American Heritage Month was signed into law.

More than 17 million Asian Pacific Americans live in the United States today, with more than 5 million living in California. Together, these Americans represent more than 30 countries and ethnic groups and enhance the diversity that is a hallmark of our Nation. Asian Pacific Americans enrich California through their famous and iconic communities including Chinatown in San Francisco, Filipino Town and Little Tokyo in Los Angeles, Little Cambodia in Long Beach, and Little Saigon in Westminster.

Asian Pacific Americans have also left a large imprint on the economy of the United States, although in this time of economic challenge, it is important that we offer as much support as possible to keep those businesses thriving. This is why I support the White House Initiative on Asian Americans and Pacific Islanders, which is focused on increasing Asian Pacific American participation in areas such as commerce, labor and employment, and economic and community development. I am also a cosponsor of legislation that will help create small businesses and improve small business owners' access to capital.