

My questions are:

1. Would you apply the Justice Harlan “rational basis” standard or the “congruence and proportionality standard”?

2. What are your views on Justice Scalia’s characterization that the “congruence and proportionality standard” is a “flabby test” and “an invitation to judicial arbitrariness and policy driven decision making”?

3. Do you agree with Chief Justice Rehnquist’s conclusion that the Violence Against Women legislation was unconstitutional because of Congress’s “method of reasoning”?

4. Do you agree with the division of constitutional authority between Congress and the Supreme Court articulated by Chief Justice Roberts in his responses cited in this letter to questions posed at his hearing by Senator DeWine and me?

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. CORKER pertaining to the introduction of S. 1280 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

APPROPRIATIONS

Mr. CORKER. Mr. President, I would like to mention one other issue in closing. A large number of Senators signed a letter to the leader asking that we do our business in a very thoughtful way as it relates to appropriations. Each year we find ourselves in a position where we end up with an omnibus bill that most of us feel very uncomfortable signing into law.

We ask that the appropriations bills be passed in such a manner that we have eight of them passed individually by the August recess.

I know, today, we are stuck on a bill, and I realize there is some stalling that is taking place. I have to question why we are focused on a tourism bill today when we still have not begun our appropriations process.

So I will say to the leader, I hope he will move on with doing the appropriations in an appropriate order so, as I have mentioned, we will have at least eight of those passed by the recess so we can do our citizens’ work in the most appropriate manner.

Mr. President, I yield the floor and thank you for the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak in morning business.

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

HONORING OUR ARMED FORCES

ARMY SPECIALIST CHRISTOPHER KURTH

Mr. UDALL of New Mexico. Mr. President, I rise to honor a proud son

of Alamogordo, NM. Army SPC Chris Kurth died on Thursday, June 4, after his vehicle was struck by an antitank grenade. He was 23 years old.

In Iraq, Chris was responsible for escorting convoys. But this job description conveys none of the risk or the courage involved in the job. The military can secure a town or a base, but somebody must still travel the roads that cannot be secured. Christopher Kurth was responsible for undertaking this act of courage.

Chris knew how dangerous his job could be when he began his last mission. He was on his second tour of duty, and he had just recovered from a neck wound that won him a Purple Heart. But for Chris, success was defined by keeping his fellow soldiers safe. And that is what he died fighting to do.

The values reflected in this duty are as important in peace as they are in war. His job was to protect his fellow soldiers—to be a good friend in the most difficult of times. By serving them, he served his country.

The characteristics that made Chris Kurth a good soldier also made him a good friend when he was back in Alamogordo. They made him a good teacher when he volunteered to tell students at his former high school about his life as a soldier. They made him a loving—and loved—son, brother, and husband.

Chris Kurth lost his life keeping American soldiers safe. He was a proud soldier and a good man.

My thoughts are with Chris’s parents, with his wife, and with all those who knew and loved him. I ask you to join me today in remembering his service.

NAVAJO CODE TALKERS

Mr. UDALL of New Mexico. Mr. President, I rise to mark a solemn moment for the Navajo Nation and for our country.

In the past month, three of America’s veterans passed away: Willie Begay, Thomas Claw, and John Brown, Jr. These men were members of the small group of marines known as the Navajo Code Talkers. Their story is one of the most compelling in American military history.

In May of 1942, 29 Navajo Indians arrived at Camp Pendleton in California. They were there to develop a code that could be deployed easily and would not be cracked by Japanese cryptographers.

Over the course of the war, the original 29 became a team of roughly 400 Navajos responsible for building and using their code. Their success in that mission helped the Marines capture Iwo Jima. It contributed to the American victory, and it saved untold numbers of allied soldiers.

As most World War II veterans were returning home with stories of courage and victory, the Navajo Code Talkers were ordered to keep their story secret. Their mission was classified. Only in

1968 was it revealed to the world. And only in 2001 did these men finally receive the recognition they deserved when they were presented with Congressional Medals.

It is often said that America’s diversity makes her strong. During World War II, this country’s cultural diversity contributed to America’s military strength in a very real and concrete way. Because the Navajo language had survived and it had been passed down, Americans had a code that the Japanese were never able to crack—a weapon they could not counter.

America is unique among the countries of the world. Almost every other country on Earth finds its sense of solidarity in a common race and a common culture. Even countries as diverse as our own trace their heritage to some imagined community older than their political institutions. Our Nation has always defined itself by its ideals, not by race or culture. Although we have not always lived up to this vision of a truly multicultural democracy, it has guided our development and spurred our progress.

When the Navajo Code Talkers first arrived at Camp Pendleton, there were those who considered them less than fully equal. U.S. law had only acknowledged Native Americans as citizens for 17 years when our country entered World War II. Many of the code talkers were born as noncitizens in a land that had belonged to their people before the Europeans knew it existed. Yet 45,000 of 350,000 Native Americans in this country served in the Armed Forces during that conflict, including 400 Navajo Code Talkers.

The Native Americans who signed up to serve this country in the Armed Forces were sending a message that they, just as much as anyone else, were citizens of the United States of America, their people were just as much a part of this country’s cultural tapestry as any other.

In the Navajo code, the word for America was “our mother.” As one code talker has explained:

“Our Mother” stood for freedom—our religion—our ways of life. And that’s why we went in.

The Navajo marines identified their culture with their country. When they fought, they fought for both. In fact, values integral to the Navajo experience spurred them to fight in America’s war against tyranny. As Americans who faced bigotry and injustice, they eagerly signed on to free others from oppression. As individuals who had lived with the legacy of aggression against their people, they felt keenly the need to prevent other acts of aggression, even if these acts were being perpetrated on the other side of the world.

The passing of the three code talkers—thousands of miles and dozens of years from the events that made them heroes—should make us all remember the great patriotism and honor all the code talkers displayed. It should make

us appreciate their work and honor their memory, and it should make us proud to live in a country where such things are possible.

As time does the work Japanese guns could never do, the code talkers are slowly leaving us. Only 80 of the original 400 remain with us. Too soon, these men will live only in our memories. Let's keep those memories strong, lest we lose the inspiration they can offer.

To Willie Begay, Thomas Claw, and John Brown, Jr., we honor your lives and mourn your passing. To all of the code talkers, alive and beyond, we celebrate your service. Whenever stories of courage and patriotism are told, we will think of you.

Thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BURRIS. Mr. President, I wish to speak on two different issues in morning business.

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

COMMUNITY REHABILITATION

Mr. BURRIS. Mr. President, I rise today to applaud Senator LINCOLN and Senator SNOWE for their leadership and commitment in introducing S. 1222. This legislation would revise and extend existing empowerment zone, renewal community, and enterprise community rules. It seeks to make these programs more effective and ensure that the incentives work as intended. I am proud to be a cosponsor of this important measure.

Congress created empowerment zones, renewal communities, and enterprise communities to spur economic growth and create job opportunities. Cities such as East St. Louis and Chicago, IL, have received tax incentives worth \$5.3 billion. These incentives encourage businesses to open or expand and to hire local residents. They include employment credits, low-interest loans, reduced taxation on capital gains, and other incentives.

Unfortunately, some of the programs have not operated as intended. A few major hurdles have prevented full utilization of the tax benefits available. These incentives desperately need to be refined and extended. That is exactly what this legislation would do, and that is why it is so important for the Senate to act without delay.

Empowerment zones such as the one in East St. Louis, IL, focus on grassroots, sustainable progress. They create a bond between businesses, employees, and surrounding communities. Despite receiving only one-fourth of an-

anticipated Federal funding, they have found aspiring entrepreneurs to expand and develop local businesses, using a creative array of tax incentives and loans.

This legislation is an important step toward reversing the blight faced by our inner cities without gentrifying these areas or shutting out the community members who need our help the most. Senator LINCOLN and Senator SNOWE deserve our utmost support in their fight to rehabilitate these communities. I am proud to cosponsor this legislation, and I urge my colleagues to join with me in this effort.

ECONOMIC RECOVERY

Mr. BURRIS. Mr. President, as I address this Chamber today, our country remains in the grips of the worst economic disaster since the Great Depression. We have all felt its devastating effects. In the last half century, it has never been harder for working Americans to make ends meet. But finally we are beginning to see indications that the worst may be behind us. The economy is still shedding jobs but at a slower rate. Business is starting to pick up again for some—not all but for some. The American Recovery and Reinvestment Act has started to take hold, and at long last some people are beginning to feel more hopeful.

But as the tide rises for some communities, others continue to slip further and further behind. In a troubling new report, the unemployment rate among African Americans has risen to 14.9 percent—up 6 points since 2007. Everyone is hurting, but this is an alarming sign that some groups are still hurting more than others. While one in five White teens is without a job, two in five African-American teens are unemployed, along with one in three Hispanic teens. The overall share of African Americans with jobs has reached its lowest point since 1986.

As we begin to emerge from the worst of this economic crisis, we must not forget that there is still a long way to go for many Americans. In our rush to get this economy back on track, we need to make sure we don't leave certain communities behind. This means increasing the amount of capital available to employers, helping put Americans back to work, and protecting small businesses.

As a former banker who worked hard to secure loans for small businesses, I have a deep understanding of the role these companies play in creating jobs and helping the economy to grow.

I know how crucial it is to provide immediate relief, as well as lasting support. That is why I applaud President Obama's recent call to speed up the disbursement of stimulus funds. This would save or create roughly 600,000 jobs in the next 3 months alone.

This will not be an easy task, but it is necessary to strengthen America's small business, put people back to work, and restore economic security.

But as we rush to provide aid to the American people, we need to make sure the stimulus funds are targeted effectively. That is why oversight is critical.

As billions of dollars flow from the Federal Government to the State treasuries, transparency will help keep State and Federal officials accountable for every dollar spent in the name of economic recovery.

If done right, this will ensure that everyone can share in the promise and prosperity of a revitalized economy. That is why I introduced S. 1064, a bill that will set aside small amounts of stimulus money to pay for regulation and oversight.

These costs are currently unfunded, leaving the American people with only vague assurances that their money will be used effectively.

Mr. President, this is simply not good enough. We need to protect the interests of the American taxpayers and ensure that every dollar can be tracked.

I ask my colleagues to join with me in the fight for accountability. I thank my good friends, Chairman LIEBERMAN, Ranking Member COLLINS, and Senator MCCASKILL for signing on to cosponsor this bill.

As the economy begins to improve for some Americans, let's make sure millions of others are not left behind.

We need to lift the least fortunate among us and ensure every American has an equal chance to benefit from our continued economic recovery.

As one of our former distinguished Vice Presidents, Hubert Humphrey, famously said:

The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

It is time to renew our commitment to the communities that are hurting the most, and as we work to increase transparency and speed up the responsible use of the stimulus funds, we need to make sure no one is left behind.

Mr. President, again, we need to make sure no one is left behind.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE REFORM

Mr. JOHANNIS. Mr. President, as the rhetoric over health care reform starts to heat up—and, of course, it has—I find myself trying to determine exactly what we are trying to accomplish with this debate. Are we attempting to put together what I think is the right