

the Marine Corps Birthday Commemoration, the Joint Services Reception, the Marine Corps Marathon, and several Marine Corps seasonal receptions.

On behalf of the Senate, I thank Colonel Skuta for his continued service to the Nation and the U.S. Marine Corps, and I thank his wife Jane for her steadfast support while he fulfilled this essential duty. We in the U.S. Senate, and I personally, wish them all the best as Phil departs to assume duties as Director of the Marine Corps' Strategic Initiatives Group at Headquarters, U.S. Marine Corps, Washington, DC.

Semper Fi!

HARRIS v. McRAE

Mr. HATCH. Mr. President, 30 years ago today, the Supreme Court of the United States announced its landmark decision in *Harris v. McRae*, 448 U.S. 297, upholding the constitutionality of the Hyde amendment, which prohibits Federal funding of abortions under the Medicaid Program. That decision made it possible for Congress, by annual enactment of the Hyde amendment, to protect American taxpayers from being forced to fund the destruction of innocent preborn human beings.

The majority opinion, written by Justice Potter Stewart, established three important principles. First, no matter what unwritten right to abortion may be said to exist in our written Constitution, "it simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices." Second, the Court accepted in full the argument of Solicitor General Wade McCree that the Hyde amendment is rationally related to the interest we all have in preserving nascent human life and encouraging childbirth. Finally, the Court rejected the spurious claims of the Hyde amendment's opponents that the amendment violated the establishment clause of the first amendment because it somehow incorporated into federal law the religious doctrine of the Roman Catholic Church.

In our recent debate over healthcare reform, we often heard that because the Hyde amendment is already "settled law," there was no need for specific provisions to ban taxpayer subsidies for abortion through the health insurance exchanges or other features of the legislation. That argument, of course, was wrong. The Hyde amendment affects the appropriations that fund the Departments of Labor and of Health and Human Services. The vast health care bureaucracy created by this new legislation will exist outside of those departments. Time will tell whether those who argued so strongly that the Hyde amendment is settled and "good law" will nonetheless challenge it again in the future.

Let's be honest about a fundamental point: change in our health care system provides another opportunity for

abortion advocates to claim that abortion is health care that must be funded by the taxpayers. That claim must be resisted and defeated, just as it was resisted and defeated in *Harris v. McRae*.

Were he still among us, our dear and esteemed colleague Henry Hyde would have reminded our colleagues of this, with an eloquence we cannot muster. The amendment bearing his name, after all, did not become law by accident; nor did it survive other than by the heroic efforts of Henry Hyde and a small cadre of pro-life attorneys who persuaded the Department of Justice to make the very arguments critical to successfully defending the Hyde amendment in court.

Henry Hyde was vilified at the time for his amendment, and for his unwillingness to yield or compromise on its principles. Investigators for the plaintiffs in *Harris* followed the Congressman to Mass, and then argued to the Federal district court in Brooklyn that his amendment was motivated by his religion. What a scandal—that a Congressman's faith would motivate his work.

Henry, of course, did more than simply introduce and achieve passage of his amendment. That alone would have been heroic. But he also entered the litigation challenging his amendment as an intervening-defendant, joined by former Senator and now-Judge James L. Buckley, Senator Jesse Helms, and others, to ensure that the amendment would receive the most vigorous defense in court.

His New York lawyers, Lawrence Washburn and Gerald Bodell, were joined by the superb legal team at Americans United for Life Legal Defense Fund, a fledgling Chicago-based office that suddenly found itself in the biggest case in its short existence. The AUL lawyers, including Northwestern University law professor Victor G. Rosenblum, eminent Chicago trial lawyer Dennis Horan, and AUL staff attorneys Patrick Trueman and Thomas Marzen, were pivotal in framing the legal arguments that prevailed in *Harris*. They simultaneously represented intervening defendants in *Williams v. Zbaraz*, defending an Illinois version of the Hyde amendment. In *Williams*, named for AUL's clients Dr. Jasper F. Williams and Dr. Eugene F. Diamond, Professor Rosenblum eloquently argued to the Supreme Court that neither due process nor equal protection required government at any level to treat abortion on a par with the life-giving alternative of childbirth.

The victories in *Harris* and *Williams* remain the most significant pro-life legal victories of our lifetimes. But, until the Hyde amendment becomes a part of the United States Code rather than an annual appropriations amendment, so that it covers a government programs and expenditures, we must continue to make the same vigilant effort that made the victories in those cases possible. AUL was a key partner as I and others in Congress fought to

put true Hyde-type language in the health care legislation. Undaunted at the loss in Congress, AUL has turned its attention to the States, helping to draft legislation allowing States to "opt-out" of coverage for abortion through the insurance exchanges, and to take other steps to ensure that health care reform does not undermine the principles of the Hyde amendment.

Many of the courageous warriors who first defended those principles three decades ago have passed from our midst: my friends Henry Hyde and Jesse Helms, attorneys Dennis Horan and Tom Marzen, and Dr. Jasper Williams. Thankfully, some of the young lawyers who worked with them such as Carl Anderson, Robert Destro, and Paige Comstock Cunningham, remain active pro-life leaders today. Meanwhile, the ranks of young lawyers and students eager to follow in the footsteps of these legal pioneers continues to grow. That is what trailblazers do, they lead the way so that others may follow and continue the fight. May their efforts be blessed, and this Nation move swiftly to the day when the lives of the unborn receive full legal protection.

CLEAN AIR ACT AMENDMENTS OF 2010

Mr. CARDIN. Mr. President, today I rise to discuss my support for the Clean Air Act Amendments of 2010 and how I plan to continue to work with the sponsors to improve the bill to meet health standards for Maryland and the States of the Northeast.

First, I want to commend Senator CARPER for his years of hard work and dedication to clean air policy issues. I know these issues are very near and dear to Senator CARPER and his perseverance is admirable. I feel the same way about water quality protection in the Chesapeake Bay watershed. When this bill received a hearing in the Environment and Public Works Committee in March I expressed my support for the goals of the Clean Air Act Amendments of 2010 and what the bill aims to achieve. Because I believe this legislation is the right framework to protect public health, I have added my name as a cosponsor of this bill.

The strong limits the legislation sets on mercury emissions is important. Air pollution, primarily from powerplants, is the main source of the mercury that contaminates the fisheries of the Chesapeake Bay Mid-Atlantic. We have fish consumption advisories throughout Maryland because of the high levels of mercury found in fish tissue.

A large part of my motivation for restoring the Chesapeake Bay is to restore a healthy fishery for Maryland watermen to make a sound living on and for recreational anglers to enjoy. I am pleased with the effects this bill would have on the health of our fishery and the people who rely on healthy fish from a healthy bay.

The cap on sulfur dioxide, SO₂, levels in the Clean Air Act Amendments of

2010 is strong as well. SO₂ is a harmful particulate that is a major component of acid rain which does serious damage to plants and trees. States in the Mid-Atlantic and Northeast see the worst of acid rain's effects on our forests and croplands. EPA's acid rain program has yielded tremendous success and the SO₂ reductions that the bill calls for would help us achieve greater SO₂ reductions.

These important limits on two harmful air pollutants are very important measures to protect the public health and the environment.

Nitrogen Oxide, NO_x, is a dangerous air pollutant that contributes to haze, water nitrification, and ground level ozone during the summer months which is extremely dangerous to breathe particularly for people who suffer from respiratory diseases like asthma and emphysema. Maryland, and Northeast and Mid-Atlantic States struggle to achieve attainment of healthy air standards because of NO_x emissions. The Federal Government must do what it can to help these States achieve healthy air through reductions in NO_x.

I am committed to working with Senators CARPER and ALEXANDER to make the bill achieve the goal of NO_x reductions to protect the public health of citizens of all States including Maryland.

Maryland's experience as a downwind State motivated the Maryland legislature and our Governor to take firm and decisive action to reduce mercury, SO₂ and NO_x emissions in the State by implementing the toughest powerplant emissions law on the east coast. The Healthy Air Act, enacted in July 2007, established an ambitious timetable of 3 years for Maryland's powerplants to meet a new set of robust clean air standards.

Using 2002 as its emissions baseline, Maryland's Healthy Air Act has the State well on its way to reducing NO_x emissions in Maryland by 75 percent by 2012, after already achieving an interim goal of 70 percent reduction target for NO_x in 2009. SO₂ emissions will be reduced by 80 percent this year with a second phase of controls in 2013 to achieve 85 percent SO₂ emission reductions. The Healthy Air Act also sets a 90 percent reduction in mercury by 2013.

Maryland's powerplants quickly met this challenge by immediately installing and operating pollution emission reductions technologies. In less than 3 years Maryland's State electricity generators began achieving significant mercury, SO₂ and NO_x emissions reductions. The Maryland Department of Environment tells me that all of our power generators are either meeting or are on schedule to meet the near term targets of Maryland's Healthy Air Act.

The Clean Air Act Amendments of 2010 supports Maryland's mercury and SO₂ reductions goals. Because Maryland has taken positive steps to also reduce NO_x emissions I must work to

ensure that any national standard supports Maryland's healthy air attainment limits for NO_x as well.

Being a downwind State that must mitigate or offset pollution that travels in from other States has made it especially challenging for Maryland to be in attainment with the National Ambient Air Quality Standards, NAAQS, for ozone and fine particulate matter by the Federal deadline of 2010. Maryland is doing its part.

I mention all of this so that my colleagues understand how important strong clean air requirements are to me and to Maryland. I support the goal of cleaner air and I think the approach the Clean Air Act Amendments of 2010 takes is correct. I very much want to save lives by cleaning up our air and I want to work with Senator CARPER, Senator ALEXANDER and the other sponsors of this bill to make it stronger. Specifically, I want to ensure that EPA will review its air quality standards. Should the agency's analysis of the ozone standard indicate that additional NO_x emissions reductions are necessary to protect public health it is important that the EPA has a congressional mandate to act to strengthen the emission reduction requirement on NO_x to address this public health threat.

In a matter of days, EPA will issue its revised Clean Air Interstate Rule, CAIR, following the DC Circuit's determination that CAIR did not adequately address transport. Later this summer EPA will also propose new National Ambient Air Quality Standards. These landmark policies ought to guide what steps need to be taken to better protect public health and inform us about the congressional authority needed.

ADDITIONAL STATEMENTS

TRIBUTE TO SUSAN BERRY

• Mr. BINGAMAN. Mr. President, my hometown of Silver City, NM, is in the southwestern corner of our State. It is the county seat, and the largest town for about a hundred miles around. Right on the edge of the Gila Wilderness, it has been called by others, not by just me, "One of the 100 Best Small Towns in America."

One of the reasons it is so outstanding is because of the tireless, thoughtful work of Susan Berry. For 36 years, she has been involved in historic preservation work in and around our town, and throughout the State of New Mexico. An early force of the MainStreet Project in Silver City and a longtime member of the Design Review Committee, she has done so much so well, that the New Mexico Historic Preservation Division recently gave her its Lifetime Achievement Award which she earned during a career of preserving the past for the future.

On Saturday of this week, she will retire after decades of service as director of the Silver City Museum. Her accom-

plishments in that capacity are too numerous to list, but as a result of her vision and skill, that museum has been accredited by the American Association of Museums, one of only thirteen in New Mexico to be so designated.

She has helped make Silver City a significant destination for travelers to the Southwest, and added to the list of reasons that 10,000 people like to call it "home." We are so fortunate that she chose to make the town the focus of her considerable ability and vision for so many years.●

REMEMBERING POLLY ARANGO

• Mr. BINGAMAN. Mr. President, today I wish to pay tribute to the extraordinary life of Polly Arango, who died on Saturday, June 26, 2010, in a tragic accident in Alamosa, CO. Her husband, children, grandchildren, family, and friends have lost a very special individual. And New Mexico and the Nation lost a tireless advocate for children, particularly those with disabilities.

Polly spent her life working on behalf of the most vulnerable in our society. Early in her career, she organized programs that allowed American families to adopt orphans from Ecuador. She and her husband John later adopted themselves, providing loving care to a son who had severe developmental difficulties. Shortly thereafter, Polly began her lifelong work to ensure that other families in similar situations had access to vital education, health care, and support services.

To do so, she cofounded Parents Reaching Out, a nonprofit organization that works with parents, caregivers, educators and other professionals to promote healthy, positive and caring experiences for New Mexico families and children.

Polly also founded and served as the executive director of Family Voices, an advocacy group that strives to bolster both the access and the quality of health care for children with special needs. In her work for Family Voices, she, more than any other leader in the advocacy world, fought for family-centered care for children with disabilities. Her efforts with officials in New Mexico led to many important successes such as establishing the Medically Fragile Children's Program and the New Mexico High Risk Insurance Pool, reducing the school age for children with disabilities, and increasing coverage and services for children in Medicaid Programs.

Polly was very helpful to my staff and me over many years as we worked together on major health reform and education issues. She was in contact with us monthly and even weekly to inform us of developments in New Mexico and across the Nation and she had a wonderful ability to blend an understanding of complex policies with the practical needs of New Mexicans. I know she was particularly heartened by our recent passage of national