

For the last 10 years, he suffered from dementia and had to move into an assisted living facility that cost much more than his pension. So he and his beloved wife Sylvia led the fight to convince the NFLPA and the NFL to establish the "88 Plan," named for his uniform number, which provides adult day care and nursing home care for retired players suffering from dementia or Alzheimer's disease. Even in death, John continues to give: Sylvia has announced that his brain will be donated to a Boston University School of Medicine study of brain damage in athletes. Researchers at the university's Center for the Study of Traumatic Encephalopathy are examining potential links between repeated concussions and chronic traumatic encephalopathy, CTE, a condition which mirrors symptoms of dementia and Alzheimer's disease.

John Mackey grew up in Roosevelt, NY. He was a man of strong convictions, a character trait he inherited from his father, who was a Baptist minister. John was offered an appointment to the U.S. Naval Academy but turned it down to attend Syracuse University, where he studied economics, became an All-American football player, and roomed with Ernie Davis, who became the first African American to win the Heisman Trophy. The Colts drafted him in 1963 and he caught more touchdown passes and gained more yards as a rookie than the team's two wide receivers, Hall of Famer Raymond Berry and Jimmy Orr. John was big and strong, like other tight ends of his era, but he could run after catching a pass like no other tight end before him. As Hall of Fame coach Don Shula said, "Mackey gave us a tight end who weighed 230, ran a 4.6 and could catch the bomb. It was a weapon other teams didn't have."

John was a three-time All-NFL selection. He played in five Pro Bowls. In 1969, while still playing, he made the NFL's 50th anniversary team as pro football's all-time tight end. Over the course of his career, he caught 38 touchdown passes, 13 of which were for 50 yards or more, including an 89-yarder against the Los Angeles Rams in 1966. That particular touchdown pass was the longest of the 290 scoring passes in Hall of Fame legend Johnny Unitas's career. In a 10-year career, John caught 331 passes for 5,236 yards. Perhaps the biggest and most memorable play in John's career came in the 1971 Super Bowl, when he caught a pass from Unitas that had been deflected by two other players—Colts receiver Eddie Hinton and Dallas Cowboys defender Mike Renfro—and scored a touchdown on the 75-yard play. The Colts went on to win that game in dramatic fashion on Jim O'Brien's field goal with 5 seconds left in the game.

By the time John retired, he had already endeared himself to the people of Baltimore, but he wasn't finished. He was elected to the Hall of Fame in 1992, but he refused to accept his ceremonial

ring in Indianapolis, where the Colts had moved in 1984. He said, "I will do it in Baltimore. That is where I played." And so he received his Hall of Fame ring in Memorial Stadium, at half-time of an exhibition game between Miami and New Orleans.

I send my deepest condolences to John's wife Sylvia, to whom he was married for 47 years; his son John Kevin Mackey of Atlanta; two daughters Lisa Mackey Hazel of Bowie and Laura Mackey Nattans of Baltimore; and John and Sylvia's six grandchildren. John Mackey has been taken from us much too soon, but what a life he lived. He was one of the greatest collegiate and professional football players of all time. The Mackey Award is given annually to the best tight end in college. He is enshrined in the Hall of Fame. He led the NFLPA and then courageously led the fight for retired players which culminated in the "88 Plan." His accomplishments and legacy will endure in the hearts and minds of his fellow players and Baltimore Colts fans and football fans forever.

#### EPA RULING

• Mr. LEAHY. Mr. President, today, the Environmental Protection Agency took steps to make the air in Vermont cleaner by issuing the final cross-State air pollution rule.

In Vermont, we pride ourselves on our bucolic views, unspoiled waterways, and our connection to the land. Yet, all of this is threatened by pollution that is beyond our control, and coming from beyond our borders. Vermont has always been a dumping ground, so to speak, for emissions from coal-fired powerplants from other States. Toxic pollution, generated in other parts of the country, blows into Vermont and damages our State's scenic beauty, decreases the value of conservation investments, and damages our forests, lakes, rivers, and wetlands.

These powerplant emissions and air pollution are transported long distances and not only mars our landscapes and threatens our health, but it also costs downwind States and businesses billions of dollars annually. Our only defense against such activity is the Federal Clean Air Act. Today, with the implementation of the EPA's cross-State air pollution rule, powerplants will be required to install new pollution controls that reduce the amount of dangerous emissions crossing State lines and entering Vermont. This will level the playing field by requiring powerplants to make long overdue investments in proven, readily available pollution control technologies that are already in place at many powerplants.

The cross-State air pollution rule requires many fossil fuel-fired powerplants to slash emissions that cross State lines and contribute to ground-level ozone and fine particle pollution in other States. These pollutants contribute to smog and air pollution which causes tens of thousands of Americans

to become sick each year. Those most susceptible to illnesses related to poor air quality are often our most vulnerable citizens. The elderly and children, especially those already suffering from respiratory disorders like asthma, are routinely forced to stay inside on poor air quality days.

Pollution is also responsible for thousands of new respiratory illnesses each year, adding more unnecessary costs to our health care system. In fact, the reductions contained in this rule would prevent 14,000 to 36,000 premature deaths each year, 23,000 nonfatal heart attacks, 21,000 cases of acute bronchitis, 240,000 cases of aggravated asthma, and 1.9 million missed school and work days. The total benefits of this rule are estimated to be \$120–290 billion.

Some believe these benefits are not worth the costs to industry. However, the cross-State air pollution rule is projected to cost industry from \$10–30 billion, a very modest amount compared to the financial benefits and deaths prevented by this rule. In addition, a utility-funded report recently contradicted arguments that the rule will threaten U.S. electricity reliability. The reason for this is that a majority of utilities have already taken steps to adapt to Federal rules. In fact, over half of the country's coal-fired powerplants have already installed sulfur dioxide scrubbers or plan to install them. Of those that had plans to retire units, they are doing so because they are inefficient and cannot compete in today's market, not because of these rules.

In the end, only about one-fourth of the Nation's powerplants need to take action. Are we going to let these plants, which have dragged their feet, refusing to install new technology that would prevent pollution and prevent deaths and serious illness, continue to poison our air on the public's dime?

No, instead we should encourage the use of cleaner technologies that will lead to healthier air, increased efficiency, and a boost in jobs. Overall, regulations under the Clean Air Act have dramatically reduced air pollution while creating jobs and spurring American innovation in new industries and technology. Reports show the creation of 1.5 million jobs over the next 5 years and increased global exports of domestically produced clean technologies. History has demonstrated that since 1970, every dollar spent on compliance with the Clean Air Act has led to \$4–\$8 in economic benefits. By 2020, the total benefits of the Clean Air Act will reach \$2 trillion.

Coming from a State with no coal-fired powerplants that has been on the receiving end of these pollutants for far too long, I fully welcome the final cross-State air pollution rule because I know that it will improve the quality of life for Vermonters who are subject to the impacts, and costs, of pollution from far beyond our borders. This rule is good for Vermont. It is good for the

country. The Clean Air Act has been cleaning our air for over four decades, while continuing to grow our economy. The final cross-State air pollution rule that was published today will encourage innovation and cost-savings and help powerplants achieve their mission of providing clean, affordable, and reliable energy. I am happy to see the EPA use this tool, given to it by Congress, to protect the people and the environment of Vermont and the rest of the country from pollution generated by distant industries.●

#### ADDITIONAL STATEMENTS

##### REMEMBERING DAVID GETCHES

● Mr. BINGAMAN. Mr. President, today I recognize the important contributions of David Getches, who died earlier this week. He leaves behind not only a family to whom he was intensely devoted, but also an impressive legacy of public service, scholarship, mentorship, and friendship.

Having served as both chairman and ranking member of the Energy and Natural Resources Committee, I am particularly appreciative of his remarkable scholarship and public service in the areas of natural resources law and policy. He was a prolific writer on water, public land, and Indian law and policy, and there are no doubt many dog-eared copies of his books and articles on those subjects in our committee files. He was called on to testify as an expert in both the Senate and the House of Representatives, and his insight and creativity on those issues have had a positive impact on the legislation and oversight that are the responsibility of our committee and others.

While his resume of government service is notable—including special consultant to Department of the Interior Secretary Bruce Babbitt and director of the Colorado Department of Natural Resources—it does not reflect the countless hours of knowledge and wisdom that David freely shared with government officials and staff who regularly sought his counsel.

David was a dedicated teacher of many thousands of students at the University of Colorado School of Law and a mentor to two of our committee staff who have worked on water and public lands issues. He was returning to the faculty this summer after serving 8 years as dean of the School of Law.

David Getches distinguished himself throughout his career. But what I understand set him apart, was that, at the same time, he distinguished himself as a father to his three children Liza, Catie, and Matthew and as a husband to his wife Ann. They have our deep sympathy as they endure this loss. He is greatly missed.●

#### MESSAGE FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 515. An act to reauthorize the Belarus Democracy Act of 2004.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 515. An act to reauthorize the Belarus Democracy Act of 2004; to the Committee on Foreign Relations.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1340. A bill to cut, cap, and balance the Federal budget.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2408. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a semi-annual report relative to Reserve component equipment delivery; to the Committee on Armed Services.

EC-2409. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the implementation of the discretionary special compensation provided in section 603 of the National Defense Authorization Act for Fiscal Year 2010; to the Committee on Armed Services.

EC-2410. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Air Force and was assigned case number 08-07; to the Committee on Armed Services.

EC-2411. A communication from the Chairman of the Federal Energy Regulatory Commission, and the Secretary of the Department of Energy, transmitting, pursuant to law, a joint report entitled "Implementation Proposal for the National Action Plan for Demand Response"; to the Committee on Energy and Natural Resources.

EC-2412. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the U.S. Economic Development Administration (EDA), Department of Commerce, for fiscal year 2010; to the Committee on Environment and Public Works.

EC-2413. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (Docket No. WV-117-FOR) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Environment and Public Works.

EC-2414. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partial Exchange of Annuity Contracts" (Rev. Proc. 2011-38) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Finance.

EC-2415. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Suspension of Reporting Requirements Under Sections 6038D and 1298(f)" (Notice 2011-55) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Finance.

EC-2416. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-79 "Housing Production Trust Fund Dedicated Tax Appropriations Authorization Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-2417. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-80 "Housing Production Trust Fund Pollin Memorial Community Dedicated Tax Appropriations Authorization Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-2418. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-81 "Unemployment Compensation Extended Benefits Continuation Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-2419. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-82 "Brewery Manufacturer's Tasting Permit Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-2420. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-89 "Department of Forensic Sciences Establishment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-2421. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-90 "Closing of Water Street, S.W., S.O. 10-15906, Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-2422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-91 "Closing of Public Street adjacent to Square 4376 Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-2423. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Automotive Fuel Ratings Certification and Posting" (RIN3084-AB14) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2424. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revision to the List of Hazardous Substances and Reportable Quantities" (RIN2137-AE74) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2425. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of