

has been happening now. I don't think this is an appropriate time to voice lots of criticism, but when we see how difficult it is to move positive things through this institution, it is hard to understand, because the fundamentals that ROBERT C. BYRD brought to his work were that we were here to serve the public. That was the mission.

Rather than standing in the way of permitting things to be considered—things of value—perhaps we ought to have a BYRD lecture to the Senate—at large every now and then and let someone who knew him or studied him talk about what he brought to the Senate, in addition to extraordinary leadership; someone who could talk about the degree of collegiality that is necessary for us to consider things—serious things—and to get them done.

Senator BYRD recently said—and he said this on a regular basis:

The world has changed. But our responsibilities, our duties as Senators have not changed. We have a responsibility, a duty to the people to make our country a better place.

It would be fitting if in the shadow of his passing that we could take a sledgehammer to partisan gridlock, put the unnecessary rancor aside and start functioning in a deliberative fashion once again.

I thank you, Senator ROBERT C. BYRD, for what you gave to us and gave to this country. All of it will not be recognized in these moments. But as history is reviewed, people will remember—I hope they do—that even when he made a mistake, a serious mistake in his early days—when he was not eager to support desegregation; that he should not have abided with segregationists; that this country belonged to all the people and no one should be discriminated against—that one can be forgiven with good deeds after some bad ones. And he redeemed himself so nobly, so wonderfully.

So we say, as we have been for these days, thank you, ROBERT C. BYRD. We loved being with you, and we will miss you.

Mr. WEBB. Mr. President, I have not yet had the opportunity on the floor to express my regret for the passing of Senator ROBERT BYRD and my incredible respect for the service he gave our country.

I was only able to serve with Senator BYRD at the twilight of his career. I knew him in my capacities as Assistant Secretary and then Secretary of the Navy years ago, and I admired him for many years as an individual of fierce intellect. He was a strong proponent of the balance of power, particularly protective of the powers of the U.S. Congress as they relate to the executive branch, which is an area I have also focused on over the years.

Senator BYRD had great love for the people of Appalachia. He was their greatest champion. He was a self-made man in every sense of the word—self-made economically, born an orphan, and self-made in terms of his own education.

I recall that when I was Secretary of the Navy, I had the authority to name various combatants, and I named a submarine the “USS West Virginia.” When I made the statement about why I named it that, I pointed out that West Virginia, in every war in the 20th century, ranked either first or second in terms of its casualty rate. He was someone who never forgot the contributions of the people of that much-maligned State to the well-being and greatness of our country. He left his mark on all of us, and I would be remiss if I didn't express my regret in his passing.

Mr. WHITEHOUSE. Mr. President, I rise today to pay tribute to our departed Senate Dean, ROBERT C. BYRD of West Virginia. Senator BYRD served in this Chamber longer than any Senator in history, 50½ years. Combined with 6 prior years in the House of Representatives, Senator BYRD's service spanned nearly a quarter of the history of the Republic, from the Truman administration to the Obama one, longer than the span of my life.

To serve with Senator BYRD, as was my privilege for too short a time, was to serve with a giant of the Senate, an apotheosis of a long-ago age when oratory was an art. How fortunate I was to sit on the Budget Committee several chairs away from the man who wrote the Budget Act. I will never forget a Budget Committee hearing last year at which, with 35 years of hindsight, Senator BYRD reviewed the very budget process that he had designed. On that February morning, Senator BYRD delighted in describing his crafting of the budget process and its implementation and evolution over three and a half decades.

Tomorrow, for the first time since 1959 when ROBERT C. BYRD was a 40-year-old first-year Senator, a departed Member of this body will lie in repose in its Chamber. The tribute will surely be fitting, as the Senate's most senior Member occupies the floor one final time.

The man will be missed, but his legacy will continue to guide this institution for generations to come, and the institution to whose principles and welfare he dedicated his life, the U.S. Senate, will endure with his lasting imprint upon it.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on June 28, 2010, I was unable to vote on the confirmation of Gary Scott Feinerman, of Illinois, to be U.S. District Judge for the Northern District because my flight from Kansas City was delayed. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position. I would have voted in favor of this confirmation.

TRIBUTE TO COLONEL PHILIP C. SKUTA

Mr. LEAHY. Mr. President, I rise today to recognize COL Phil Skuta, USMC, who will complete his tour of duty with the U.S. Marine Corps' Office of Legislative Affairs on July 15, 2010. In his role as the director of the Marine Corps' Senate Liaison Office, he has provided excellent support by ensuring the smooth and timely passage of information from the Marine Corps to Senators and their staffs. His sense of duty and responsibility contributed to a successful relationship between the U.S. Senate and the U.S. Marine Corps. His dedication to serving the U.S. Senate will be missed.

A native of Williamsport, PA, Colonel Skuta attended the University of Pittsburgh and received a commission as a second lieutenant in the U.S. Marine Corps in 1987. His career as a Marine officer has been varied and admirable. Prior to his assignment to the U.S. Senate, he served on the Joint Chiefs of Staff, in the Strategic Plans and Policy Directorate. Before that, he led 1,200 marines, soldiers, and sailors in combat in Iraq in 2004 as a battalion task force commander. Over the past 24 months, his excellent work, leadership of his liaison team, and example of professionalism have served the Senate well and reflected credit on the U.S. Marine Corps.

Upon his arrival as director of the U.S. Senate Marine Corps Liaison Office, Colonel Skuta assumed and upheld the distinguished standard set by his predecessors. His approach to resolving complex issues allowed him to advise and inform Members and their staffs of Marine Corps plans, policies, programs, and worldwide activities. Despite the fluidity of legislative process, Colonel Skuta established and developed productive working relationships through engagement opportunities.

As liaison officer to the Senate, Colonel Skuta represented the Marine Corps on all Marine-related matters and effectively articulated the Marine Corps' most difficult and challenging legislative initiatives to Members and staff. He has been an integral player in maintaining effective relationships between the Marine Corps, my colleagues in the Senate, professional committee staff, and personal staff members. In particular, he responded to hundreds of congressional inquiries, ranging from such sensitive issues as notification of combat casualties from the Afghanistan and Iraq campaigns to providing timely information on the operation, organization, and budget of the Marine Corps. He also planned and executed dozens of international congressional delegations. I had the pleasure of traveling on two of these congressional delegations with Colonel Skuta and was impressed with his service to the Members of the Senate. He reflected well on his service at numerous Marine Corps and joint social events on Capitol Hill. Among others, these events included

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