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Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we are reminded of Your mercies that have been of old; You have been our dwelling place in all generations, before the mountains were brought forth or ever You had formed the Earth and sea. From everlasting to everlasting, You are God.

Guard and guide our Senators. Provide them with a sense of purposeful direction. Give Your enabling grace to our legislative leaders that they may unite their best efforts for the health and strength of the Nation and for peace and justice in our world. Cleanse anything in them that would block the flow of Your joy. May love for You be the motive for their work, as they strive to live worthy of Your grace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following remarks of the leaders, the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes today. The next vote will be tomorrow morning at about 10 a.m. That vote will be on the motion to invoke cloture on the substitute amendment to H.R. 627, the credit card bill.

FINAL WEEK OF APRIL/MAY WORK PERIOD

Mr. REID. Mr. President, in these past few weeks, we have seen the good that can happen when we look out for Main Street, not just Wall Street. We have accomplished a lot. This work period has been tremendously productive, but we have a lot to finish this week before we can adjourn for Memorial Day. We have to finish an important bill that puts fairness and common sense back into credit cards—those credit cards we use every day. It stops companies from taking advantage of their customers with hidden charges and misleading terms. We need to finish a bill we passed a couple weeks ago that will crack down on corporate fraud and mortgage scams. We need to finish a bill that will help millions of families keep their homes. We need to finish a bill that reins in out-of-control

Government contractors who waste taxpayer money, the so-called procurement bill. We need to confirm President Obama's nominee to be Deputy Secretary of the Department of the Interior—a man who is supremely qualified and held the same position in President Clinton's Cabinet. Finally, we have to pass a supplemental appropriations bill to give our troops the tools they need to succeed as they fight in two wars. This funding will strengthen our military, rebuild our standing in the world, and reduce our key security threats.

So I hope this week we can cap off a productive and successful work period with another fruitful week, but it will take the cooperation of both Democrats and Republicans to do this. I have had a brief conversation with the floor staff, and it is something we should be able to do fairly quickly. I hope that, in fact, is the case. I look forward to visiting, sometime today, with my counterpart, the Republican leader, to see what we can do to work toward this common goal of finishing our work as quickly as we can. We all have scheduled a lot of things for the Memorial Day recess. It is one of those rare times when we can be home during the week. We look forward to that. We want to make that time as lengthy as possible, and we will do what we can on this side to see if we can move through these very important pieces of legislation.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUANTANAMO AND THE SUPPLEMENTAL

Mr. McCONNELL. Mr. President, 2 years ago, our Nation was in the midst of a global battle against terrorism, and much of our time and energy in the Senate was devoted to that fight, from updating laws for monitoring terrorists overseas, to fighting an insurgency in Iraq, to combating the Taliban in Afghanistan.

Two years later, we are still engaged in the same battle and in many of the same debates. On most of these issues, the Senate has had an opportunity to express itself very clearly. Yet rarely has it done so with as much unity as on the question of whether to send terrorists at Guantanamo to U.S. soil. On that important question, the vote was 94 to 3 against.

But something has changed. Now a number of Democrats who voted against sending detainees from Guantanamo to the United States are expressing a willingness to do so, in contradiction of their earlier vote. What has changed? America is still at war against terror networks around the world. The detainees held at Guantanamo are still some of the most dangerous terrorists alive. Indeed, over the past 2 years, the inmates there have been winnowed down to an even higher percentage of committed killers than were there before. Americans still do not want these men in their neighborhoods. They saw what the residents of Alexandria, VA, endured a few years ago when just one terrorist was held there, and they do not want armed agents patrolling their streets, ID checks, bomb-sniffing dogs, or millions of their tax dollars diverted to secure terrorists.

When we voted on this question 2 years ago, the prospect of shipping terrorists to U.S. soil was not imminent, even though the previous administration had expressed a desire to close the facility at some point. The new administration, on the other hand, set an arbitrary date for closure before it even had a chance to review the intelligence and the evidence of the 240 men who are down at Guantanamo now.

So I think it is perfectly appropriate, as we look to ensure the safety of the American people, to have another vote on this issue. Later this week, we will have an opportunity to do just that as the Senate takes up the supplemental war spending bill. The administration has requested funds within this bill to close Guantanamo, and Senators should take this opportunity to clarify their positions. So we will have a number of amendments this week on the supplemental that will allow the Senate to express itself once again on this most important issue.

AUNG SAN SUU KYI

Mr. McCONNELL. Mr. President, I would like to briefly discuss a troubling situation a world away in Burma. The situation involves Nobel Peace Prize laureate Aung San Suu Kyi, who, this very morning, stood trial—stood trial this very morning—for permitting a misguided soul to enter her house.

With some regularity, we in the West are reminded of the tyranny that exists in this troubled land.

In 2007, Buddhist monks and other peaceful Burmese protesters were brutally put down by Government authorities. Scores were slain, hundreds more were imprisoned or had to flee the country simply to survive.

In 2008, Burma was lashed by a terrible cyclone. This natural disaster was exacerbated by a manmade disaster: the dismal relief and response effort of the governing State Peace and Development Council, which refused outside aid in the immediate aftermath, resulting in untold numbers of Burmese citizens dying. At the same time, the regime devoted its energies to its referendum of its new Constitution, a document clearly intended to permanently entrench military rule.

In 2009, this familiar pattern of governmental malfeasance has continued. First, the Government refused to permit Suu Kyi's doctor to see her, despite her very poor health. Then the Government took the flimsiest of pretexts to drag Suu Kyi into this trial.

It was in this context that the Obama administration last week issued an Executive order extending for another year sanctions against the Burmese regime. I applaud the administration for taking this step, and I look forward to working with the administration once it has concluded its review of Burma policy, which I have discussed on several occasions with Secretary Clinton.

The Government of Burma should be aware that its actions are highly troubling to democracies the world over. This is reflected not only in the administration's new Executive order but also in the strong support the Burmese people enjoy in the Senate. My colleagues and I on both sides of the aisle will continue to follow Suu Kyi's trial with great interest and deep concern.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

HEALTH CARE REFORM

Mr. SPECTER. Mr. President, I have sought recognition to address the subject of health care reform. I support President Obama's call for health care reform legislation this year. It has long been obvious that there is a need for health care reform in the United States. There are some 47 million people, perhaps more—the precise figure is not known—who do not have health insurance or who are underinsured.

I have prepared an extensive statement outlining some of the issues which I think ought to be addressed, and I have sought recognition this afternoon to summarize those comments briefly. I ask unanimous consent that, at the conclusion of my statement, the full text of my statement be included in the RECORD as if read in full.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the question of health care coverage has long been debated in the Congress. There is a general consensus that we need to cover all Americans who, as I say, either have no insurance or are underinsured.

In my capacity as ranking member or chairman of the Appropriations Subcommittee on Labor, Health, Human Services, and Education for more than a decade, I have taken the lead, along with Senator TOM HARKIN—then on a bipartisan basis, where we, as we have said frequently, have shifted the gavel seamlessly—to provide for a great deal of health care coverage. During that time, the issue of funding for the National Institutes of Health has received special attention, where that figure has been raised from some \$12 billion to \$30 billion; and with the recent stimulus package, an additional \$10 billion has been added. In addition to extensive coverage and increased funding for the National Institutes of Health, which resulted in very substantial improvements in the health of Americans on items such as stroke and cancer and heart disease, that subcommittee has taken the lead on many other health care issues, which I will not take time now to enumerate.

I have cosponsored the legislation proposed on a bipartisan basis by Senator WYDEN, Democrat of Oregon, and Senator BENNETT, Republican of Utah. I have had a series of discussions with Senator BAUCUS, chairman of the Finance Committee, and discussed the issue with Senator ENZI, ranking member on the Health, Education, Labor, and Pension Committee, and have directed my staff to work with the staffs of all the other Senators. I have noted the comment made by Senator GRASSLEY when he came from a meeting at the White House of the interest in a bipartisan approach, and noted Senator

ENZI's statement that it was his hope we would have a consensus for perhaps as many as 80 Senators, which I think is the objective. But one way or another, I do support what the President has said about moving forward health care insurance at this time.

It is my preference, my position, that we rely principally on the private sector. I think it is undesirable to put a massive bureaucracy between the doctor and the patient. I am open to some intervention on a public plan, as I delineate in my formal written statement. Pennsylvania has a plan where, when the insurance was unavailable on medical liability, the State stepped in with an insurance plan. And then, when the insurance was available, the plan was to have it phased out.

I have noted with interest the suggestions made by Senator SCHUMER to have a public sector for a number of dimensions. One is to cover areas where there are no private plans. Certainly that is something that ought to be considered so that everyone has the availability of health care coverage. Senator SCHUMER's proposal further delineates the standing of a public plan to be on a level playing field with the private sector, and has specified a number of issues where that level playing field would be maintained, and they are specified in some detail in my written statement, although not exhaustively.

Here again, it is a matter for discussion and deliberation. Health care reform is an opportunity for the United States Senate to verify and confirm its standing as the world's greatest deliberative body. All of these ideas are in their formative stages, and plans are being worked on. We have the Wyden-Bennett model. I joined that plan, not that I thought it was perfect—and in my floor statement adding my cosponsorship I specified the concerns I had—but I thought it was highly desirable. At that time there were some 14 Senators, equally divided between the two parties, which provided a critical mass, and I thought that was a good start to give impetus.

Of course, with President Obama's emphasis, with his convening a forum on health care, where I was invited to attend and did participate, we are moving forward. I think it is very important to focus on items where we may have savings within the existing health care system. We have had very substantial Federal involvement in the TARP program proposed by President Bush last fall, which is very expensive. We have had very substantial Federal expenditures on President Obama's stimulus package, of which we all know the cost. And at a time when there is a substantial deficit and a very substantial national debt, we ought to look for ways for savings, and I think there are some very specific and concrete ways where savings can be obtained.

I begin that analysis with the National Institutes of Health. What better way to cut down on health care

costs than to prevent illness. What better way than to have scientific research provide the ways to prevent illness. I have introduced specific legislation recently—again delineated in some detail in my written statement—on a Cures Acceleration Network, an effort to bring the research from the National Institutes of Health, from the laboratory, to the bedside—as it is summarized, from bench to the bedside. The advances in medical research, statistics—and again they are delineated in my formal written statement—specify the tremendous improvements in health, where mortality has gone up and prolonged or saved lives in so many fields—cancer, heart disease, stroke, et cetera. When you have a program for health care, then I think there are realistic ways to save money; where people who develop chronic ailments, which are very expensive, can be ameliorated or perhaps even prevented, but holding down health care costs.

A separate item, which has received considerable attention, and which I spoke about at the President's health forum, is lifestyle, on exercise and on diet. Those are items which I have always been concerned about, being a squash player almost on a daily basis, and more recently taking up weight training as a result of an experience I have had with Hodgkin's and with some of the efforts to bring back balance. I feel that exercise is very important. My wife has always been very consistent on dietary considerations. There are some programs I recently heard a presentation on by the chief executive officer of Safeway on exercise and health, and there is a correlation along some lines in reducing health care premiums depending on people avoiding smoking, exercising, and care for their diet. I do believe there are very substantial savings that are involved. It would be my hope that the Congressional Budget Office could quantify some of these savings—savings on NIH, savings on lifestyle, savings on advanced directives. And in presenting a health care reform plan to the American people, I believe it would be enormously beneficial to be able to point to these savings as offsets to whatever the cost may be.

On the subject of advanced directives and living wills, there is a great deal to be saved. One study showed as much as 27 percent of Medicare costs in the last few days, few months, or the last year of a person's life. No one ought to say to anybody else what their directive should specify in terms of what kind of care they want under those circumstances, but I think it is fair to ask people to focus on it, to think about it, and to make a directive in that respect—revocable, they can change it but not leave it to the family in some extremist situation when they are in the hospital and the passion is all in one direction or another.

On the subcommittee on Labor, Health, Human Services and Edu-

cation, we took the lead on including information in the "Medicare and You" handbook to encourage people to have advanced directives and living wills, so that is an item where a savings could be attained.

Another line for possible savings would be a toughening up of criminal penalties for people who cheat on Medicare and Medicaid. From my experience as district attorney of Philadelphia, I saw very concrete examples about the effectiveness of jail sentences on deterrence. If we are dealing with a domestic dispute or dealing with a barroom drunken knife brawl, tough sentences are not going to deter anybody. But if we talk about white collar crime, talk about people who are thoughtful in the way they may engage in Medicare fraud or Medicaid fraud, jail sentences would be effective. This is a subject I have taken up with the Attorney General and with the Assistant Attorney General in the Criminal Division. It will be the subject of a hearing this Wednesday afternoon, the day after tomorrow, when we will bring in experts in the field of Medicare and Medicaid and get into the issue as to what kind of savings might be available.

That is a brief summary of the longer written statement I have. I will conclude by emphasizing my thought that all Americans need to be covered with adequate health care assurance, and this is a matter of the highest priority. It is President Obama's No. 1 priority, as I understand it, and I think properly so. I am prepared, as I said before, to put my shoulder to the wheel to try to get this job done. The experience in the Subcommittee on Appropriations for Health and Human Services provides some insights and some guidance, and it is something I think we ought to accomplish.

I have already asked consent my full statement be printed in the RECORD. I would ask the stenographer to print it out exactly as if I read it. Sometimes it appears in smaller type, so I would like it in big type and, with the explanation I have given, people will understand why there is some repetition between these extemporaneous comments and the written text.

Mr. President, there is no doubt America is in need of major health care reform. With a reported 47 million people without health insurance the status quo is not acceptable. Additionally, there are millions more Americans who are underinsured, with health insurance that is inadequate to cover their needs. Families are forced to make tough sacrifices in order to pay medical expenses or make the agonizing choice to go without health care coverage. There are far too many Americans whose financial and physical health is jeopardized by the rising costs of health care.

In the coming weeks and months Congress will consider health care reform which seeks to address the health care crisis, by addressing access to

quality care, wellness programs and payment improvements. We need to agree on a balanced, common sense solution that reins in costs, protects the personal doctor-patient relationship and shifts our focus to initiatives in preventive medicine and research.

I believe that ensuring all Americans have access to quality, affordable health care coverage is essential for the health and future of our Nation. The creation of an insurance pooling system, such as the one established in Massachusetts in 2006, could serve as a model to provide health insurance to all individuals. The Massachusetts program created a connector which allowed individuals to group together to improve purchasing power to achieve affordable, quality coverage for the entire population and to equitably share risk. However, Congress must be mindful of the cost of providing this care and reforms should not affect those who want to maintain their current insurance through their employer.

Health reform legislation should include health benefit standards that promote healthy lifestyles, wellness programs and provide preventive services and treatment needed by those with serious and chronic diseases. Health care coverage must be affordable with assistance to those who do not have the ability to pay for health care. While I am concerned about a requirement to obtain health insurance, I understand that without it, health providers are forced to write off expensive, uncompensated care that we all pay in the form of higher premiums.

In reforming health care we must work to ensure equity in health care access, treatment, and resources to all people and communities regardless of geography, race or preexisting conditions. The effort to improve health care should improve care in underserved communities in both urban and rural areas.

The effect of these reforms on employers and providers must be kept in mind. Affordable and predictable health costs to businesses and employers and effective cost controls that promote quality, lower administrative costs and long-term financial sustainability should be a part of these reforms. Payment reforms for physicians and other health providers should reflect the cost of providing health care so that there will be providers in the future.

This legislation will present an opportunity to address a number of other health related issues, including fraud and abuse in the health care industry, advanced directives, medical research and Medicare reforms. These ideas are an outline for health care reform legislation, which I believe can benefit all Americans. I am eager to discuss these ideas and look forward to hearing from constituents, colleagues and interested parties on all aspects of health care reform.

On March 5, 2009, at the request of President Obama, I participated in the

White House Forum on Health Reform. During this forum, my colleagues from the Senate and House of Representatives and other health care interest representatives shared priorities and concerns for health care reform. This open process helped flush out ideas and develop a path for reform. Since that time, regional forums have been held throughout the country so more voices can be heard on this important issue and President Obama has worked closely with those representing all health care sectors to find common ground on reform. This effort was highlighted on May 12, 2009, by an agreement with executives of a number of groups, including the Service Employees International Union and PhRMA, to provide \$2 trillion in health care savings.

While the White House Health Forum was a bipartisan event, I am concerned that the passage of health reform legislation could be lost to partisanship. The effort to bring about health reform can and should be a bipartisan effort. As a cosponsor of the Healthy Americans Act, introduced by Senators WYDEN and BENNETT and cosponsored by seven Democrats and four Republicans, I have firsthand experience with finding common ground on health care.

From the outset, the goal for passage of this legislation should be to have 80 Senators vote in support of it. Recently Senator GRASSLEY, after a lunch with President Obama, noted that "the White House prefers a bipartisan agreement." While some people have indicated they would prefer a bill passed by 51 percent, the White House's sentiments are encouraging. We have to try to get as broad a base as possible to get a bill passed.

The most talked about issue to date is that of a public plan or Government-operated program competing against private plans in the insurance market. A starting point for discussion on this issue could be the proposal made by Senator SCHUMER on May 4, 2009, which seeks to maintain a level playing field between the private sector and any public plan. The proposal holds that any public program should comply with all the rules and standards by which the private insurers must abide. The principles include that the public plan should be self-sustaining through premiums and co-pays. Further, the public plan should not be subsidized by Government funds and must maintain a reserve fund as private insurers do; not require health care providers to participate because they participate in Medicare and payments to providers must be higher than Medicare; be required to offer the same minimum benefits as private plans; and be managed by different officials than those regulating the insurance market.

I recently spoke with Senator ENZI about this issue and he raised some concerns regarding fair competition between private and public plans. Specifically, he was concerned that there wouldn't be a level playing field as the Government doesn't have to make a

profit, whereas private companies do. Further, if the public plan becomes insolvent will the Government intervene? I agree that competition lies at the heart of any successful market economy and these concerns and others need to be addressed as we discuss and consider a public plan option.

There are many variations in which a public plan could be brought forward, including offering it as a fallback if no private insurers are willing to provide coverage in a region. In Pennsylvania, a State administered insurance program for doctors and hospitals was established to provide access to medical malpractice insurance. This program could be phased out if the insurance commissioner certifies, pursuant to annual review, that sufficient private insurance capacity exists. These principles could be extended to a public plan offered to individuals. Whereby a public plan could be put into place subject to annual certification by the Secretary of Health and Human Services that a public plan is necessary to provide stable and affordable health insurance; if it isn't needed then the Government plan shall be privatized or eliminated.

This issue will be hotly debated as health reform moves forward. As we begin, let me be clear that I am opposed to placing a giant bureaucracy between a doctor and patient regarding health decisions. Americans should be able to get treatment when they need it, and I will work to protect this right as we move forward. As I have stated, I am open to discussing the best method in which to cover all Americans, including considering a public plan option and look forward to examining all of the options with my colleagues as the legislation progresses.

Another issue that will be the focus of great debate will be the cost of the legislation. Until bill language is produced by the Finance and HELP Committees, it will be difficult to determine the cost of health reform. A recent estimate of this reform is \$120 billion per year, which is, by all standards, a large sum. However, the cost of inaction may be far greater. The United States spent approximately \$2.2 trillion on health care in 2007, or \$7,421 per person. This comes to 16.2 percent of gross domestic product, nearly twice the average of other developed nations. Every effort to find cost saving proposals that can also bring improvements to health reform should be included in this legislation.

The National Institutes of Health—NIH—is the crown jewel of the Federal Government and is responsible for enormous strides in combating the major ailments of our society including heart disease, diabetes, cancer, Alzheimer's, and Parkinson's diseases. I believe continued funding for the NIH and medical research should be another tenet of the health care debate. The NIH provides funding for biomedical research at our Nation's universities, hospitals, and research institutions. I

along with Senator HARKIN led the effort to double funding for the NIH from 1998 through 2003. When I became chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee in 1996, funding for the NIH was \$12 billion; in fiscal year 2009 funding was increased to \$30 billion.

Regrettably, Federal funding for NIH has steadily declined from the \$3.8 billion increase provided in 2003, when the 5-year doubling of NIH ended. To jumpstart the funding in NIH, I worked to include a provision in the American Recovery and Reinvestment Act to increase NIH funding by a total of \$10 billion.

NIH research has provided tremendous benefits to many individuals with diseases. The following are examples of the cost of and success in reducing cancer deaths and cardiovascular disease.

Cancer: The NIH estimates overall costs of cancer in 2007 at \$219.2 billion: \$89 billion for direct medical costs; \$18.2 billion for lost productivity due to illness; and \$112 billion for loss of productivity due to premature death.

Breast Cancer: Breast cancer death rates have steadily decreased in women since 1990. The 5-year relative survival for localized breast cancer has increased from 80 percent in the 1950s to 98 percent today. If the cancer has spread regionally, the current 5-year survival is 84 percent.

Childhood cancer: For all childhood cancers combined, 5-year relative survival has improved markedly over the past 30 years, from less than 50 percent before the 1970s to 80 percent today.

Leukemia: Death rates have decreased by about 0.8 percent per year since 1995. For acute lymphocytic leukemia, the survival rate has increased from 42 percent in 1975–1977 to 65 percent in 1996–2003.

Lymphoma: The 5-year survival rates for Hodgkin's lymphoma has increased dramatically from 40 percent in 1960–1963 to more than 86 percent in 1996–2003. For non-Hodgkin's lymphoma, the survival rates have increased from 31 percent in 1960–1963 to 63.8 percent in 1996–2003.

Prostate Cancer: Over the past 25 years, the 5-year survival rate has increased from 69 percent to almost 99 percent.

Cardiovascular disease: According to the American Heart Association, the estimated direct and indirect cost of cardiovascular disease in the United States in 2008 was \$448.5 billion.

Coronary artery disease: Between 1994 and 2004, the number of deaths from coronary artery disease declined by 18 percent.

Stroke: Between 1995 and 2005, the number of stroke deaths declined 13.5 percent.

These are tremendous accomplishments and more must be done to build on our advancements. We ought to include the \$10 billion in stimulus money in the NIH base funding level to see to it that the funding was not just a one-time shot. The \$10 billion that was pro-

vided in the stimulus package for NIH was for a 2-year period; however, I feel that that \$10 billion should be added to the \$30 billion already appropriated in fiscal year 2009. I support a funding level of \$40 billion for fiscal year 2010 which would require raising the appropriation by another \$5 billion.

Scientists have approached me with stories of how NIH grant applications have skyrocketed since the NIH funding increase in the American Recovery and Reinvestment Act and that the boost has encouraged a new generation of scientists to dedicate themselves to medical research. The effort to increase NIH funding should also be matched by an effort to translate scientific discoveries in the laboratory to the patient's bedside. To meet this need, I introduced S. 914, to establish the cures acceleration network—CAN. This \$2 billion network would be a separate independent agency and would not take research dollars away from the NIH. The network would make research awards to promising discoveries. The grant projects would also have a flexible expedited review process to get funds into the hands of scientists as quickly as possible. Drugs or devices that were funded by the CAN—would benefit from a streamlined FDA review to speed up the approval process for patient use. Implementing this legislation as part of health reform would enhance the important research of NIH by bridging the chasm between a basic scientific discovery and new health care treatments.

The issue of end of life treatment is such a sensitive subject and no one should decide for anyone else what decision that person should make for end-of-life medical care. Advanced directives give an individual an opportunity to make the very personal decision as to the nature of care a person wants at the end of their life. That is, to repeat, a highly personalized judgment for the individual.

Advanced directives should be examined because of the great expense of end of life care. Statistics show that 27 percent of Medicare expenditures occur during a person's last year of life. Beyond the last year of life, a tremendous percentage of medical costs occur in the last month, weeks and days. It has been estimated that the use of advanced directives could save 6 percent of all Medicare spending or \$24 billion in 2008.

Individuals should have access to information about advanced directives. As part of a public education program, I included an amendment to the Medicare Prescription Drug and Modernization Act of 2003, which directed the Secretary of Health and Human Services to include in its annual "Medicare and You" handbook, a section that specifies information on advanced directives, living wills, and durable powers of attorney. As the former ranking member and chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I

worked to ensure that this information continues to be published in the "Medicare and You" handbook.

There are many ways which have been discussed to improve the use of advanced directives. One approach could be to increase education for beneficiaries. It has also been suggested that filling out an advanced directive could be a requirement for joining Medicare. Another suggestion I received was to provide a discount on Medicare Part B premiums for those who fill out an advanced directive. While efforts to inform beneficiaries have improved, including a requirement that the issue be discussed at the beneficiaries' introductory Medicare exam, more must be done to increase usage of advanced directives. On this front, I am eager to explore and analyze the range of possibilities while ensuring that individuals and their families' sensitivities surrounding the end of life care receive paramount priority.

Some of the most prevalent diseases of today can be prevented by small changes in people's behavior. For example, 30 minutes of moderate physical activity each day, the equivalent of a brisk walk, can reduce the risk of a heart attack by up to 50 percent. Increasing one's fruit and vegetable consumption can reduce the risk of colon cancer by up to 50 percent. Obese and overweight individuals suffering metabolic syndrome and Type 2 diabetes showed health improvements after only 3 weeks of diet and moderate exercise. Health care reform should include policies that encourage people to make responsible decisions about their health and create environments to do so. The health benefits are real, achievable, measurable, and cost effective.

One way in which to encourage healthy behavior is through health education in schools, which is proven to reduce the prevalence of health risk behaviors among young people. For example, health education resulted in a 37 percent reduction in the onset of smoking among 7th graders. In addition, obese girls in the 6th and 8th grades lost weight through a health education program, and students who attended a school-based life-skills training program were less likely than other students to smoke or use alcohol or marijuana.

Funding community-based health programs could also be a tenet of health reform. In July 2008, the Trust for America's Health stated that an investment of \$10 per person per year in proven community-based programs to increase physical activity, improve nutrition, and prevent smoking and other tobacco use could save the country more than \$16 billion annually within 5 years. This is a return of \$5.60 for every \$1 invested. Opportunities to save money on the cost of health care through education and proactive community based prevention programs should be included in health reform legislation.

Surveying recent caselaw reveals that individual criminals convicted of

health care fraud can be sentenced to anywhere from 5 to 13 years in prison, substantial penalties and supervised release for a period of years. In any health care reform proposal, I believe we must address the significant potential for people of ill will and profit motives to defraud the Government at the expense of the taxpayers. Therefore, I will push hard for enhanced sentences with real jail time for white collar fraudsters. As the chairman of the Crime and Drug Judiciary Subcommittee, I will push for consideration of sentencing enhancements as at least one alternative and, where appropriate, lengthy jail sentences where the financial losses to the Government are great. It would be intolerable for criminals to defraud the Government of millions of dollars only to have to pay a fine that amounts to the cost of doing business.

According to the National Insurance Crime Bureau and the National Health Care Anti-Fraud Association, the annual loss from health fraud is 10 percent of the \$2.2 trillion spent annually on health care, or \$220 billion. This amount of fraud must be identified and warrants real jail time, which should be taken up in this reform.

Health care reform provides an opportunity to correct a longstanding problem in the Medicare payment system. In determining the payments to hospitals for services, Medicare takes into account the location of a hospital and how much those employees are paid. It is understandable that some areas of the country, where the cost of living is higher, should be reimbursed at higher levels. However, the current system has led to many imbalances that have left some areas of the country disadvantaged. In Pennsylvania, for example, the Scranton—Wilkes-Barre area and Allegheny Valley have received decreasing Medicare payments, which have forced a pay reduction to employees and a reduction in services to patients that rely on them.

Last year, the Medicare Payment Advisory Commission—MedPAC—released a report calling for the system to be reformed. The commission stated that the current system created “cliffs” in payments, which resulted in arbitrary changes in payments in neighboring areas. These disparities can affect competition for employees and will harm services to Medicare beneficiaries. This legislation must include the reforms supported by MedPAC to correct this serious problem of inequity.

The health care crisis in our country endangers the health of our people, our economic viability and our future stability. Now, more so than ever before, it is critical that we pass legislation to ensure all Americans have access to quality and affordable health care. This undertaking requires prompt and effective action. I remain open to ideas on how to accomplish this exceptional task and look forward to working with my colleagues to determine the best path to do so.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CREDIT CARD REFORM

Mr. DORGAN. Mr. President, this week we will once again take up legislation—and, hopefully, finish it—called the credit card reform bill. I wanted to speak for a few minutes about what the bill contains and why it is important we enact that legislation.

I have spoken many times in the last year and a half about the subprime mortgage scandal. It is another adjunct of this. A substantial amount of debt, debt to purchase a home, is not unusual. Almost no one can purchase a home by using cash because they don't have that kind of cash. So they borrow money, which is called a home mortgage. The subprime home mortgage scandal is unbelievable, and I have spoken about it at length. I have shown advertisements from Countrywide Mortgage which was the largest mortgage lender, from Millennium Mortgage and Zoom Credit, and other mortgage companies that were advertising to people with: If you have been bankrupt, if you have bad credit, if you don't pay your bills on time, come to us. We will give you a mortgage. It was unbelievable what was going on. Bad credit, no credit, slow credit, bankrupt, come to us. We will give you a home mortgage.

That sort of thing steered this country's economy right into the ditch and caused a massive amount of problems. Now we see all of these foreclosures and banks in trouble. It is an unbelievable mess. At its root is a substantial amount of greed and a massive amount of mortgage debt. In some cases mortgages were made to people who couldn't pay them, with teaser rates of 2 percent which, when reset, would be 10 and 12 percent, and prepayment penalties so that someone couldn't get out of this mess. It is unbelievable. That is the home mortgage subprime scandal. A lot of folks got rich. The guy who ran Countrywide Mortgage left with \$200 million. The company collapsed, a substantial amount of people were injured and hurt, but he left with a couple hundred million dollars. He was given the Horatio Alger award. He won businessman of the year, a big deal. He steered

his company right into the ditch as well.

This isn't about subprime mortgages. It is about another form of indebtedness, credit card debt. Let me talk for a moment about where we find ourselves with credit cards. It is interesting. In 2008, there were 4.2 billion credit card solicitations sent to consumers. Think of that, 4.2 billion credit card solicitations sent to consumers. We are told it was a bad year—the economy was collapsing—but apparently not in the credit card industry. The average credit card debt per household that has a balance is \$10,000. That is the average credit card debt of households that have a credit card balance. Total amount of credit made available by issuers in 2007 was about \$5 trillion.

This legislation will start to help to curb some of the unfair credit card practices. Let me be quick to say that I use credit cards. I am sure all of my colleagues do. There is a very significant value to credit cards. I am not suggesting there is not. I am saying, when you wallpaper the entire country with credit cards, including especially targeting kids who have no jobs, and then saying, as they did in the subprime mortgage, if you have bad credit, come to us, we will give you a credit card, there is something wrong with that. Yet that is what has been happening. Now we are seeing credit card companies who have had customers for 5, 10, 20 years, who have never been late with a payment, jack up their interest rates from 7 percent to 27 percent. Credit card holders are completely astounded by the penalties and interest rate increases, despite the fact that they have never had a late payment. Those are some of the abuses that have existed. This legislation will begin to deal with those abuses.

Let me show a couple of charts. This is an advertisement for a platinum card. It says:

Even if your credit is less than perfect.

That is just a little offshoot of what they did in the subprime mortgage. Hey, if your credit ain't perfect, as they say, come to us. You got bad credit, slow credit, no credit, been bankrupt, come over here; let us give you a hand. That is what this credit card says.

Here is a debit card. This is one by the Bank of America. It makes a point but that I think is important. You can see the colors on this debit card. Obviously, this is aimed at kids. This is obviously a children's approach to Joe Camel for cigarettes. But we have a debit card that is about the same thing.

Let me show first this chart. This shows Bruce Guiliano, senior vice president for licensing for Sanrio, Inc., which owns the Hello Kitty brand. That is the next card I will show you. It says:

We think our target age group will be from 10 to 14, although it certainly could be younger.

Can you imagine grown men and women sitting around saying: What is our target group for credit cards. We think this is our target group for the new Hello Kitty Platinum Plus Visa credit card. Is this unbelievable? If somebody said to you in class at Harvard Business School: Here is a business proposition. What do you think it will be like if you run a company and you are putting credit cards out there and you are aiming credit cards at kids, 12-year-old kids.

This is, obviously, the Hello Kitty Platinum Plus card. I would love to know the person who thought this up, to ask: Are you nuts?

My son happened to get a credit card solicitation a long while ago. He is in college now. He got a solicitation from a credit card company saying: We have a preapproved credit card for you, and we want you to take a trip to Paris, France. So actually I came to the floor of the Senate and explained to this credit card company, my son is only 12 years old. He is not going to Paris. He is not going to take your credit card either.

But what are the credit card companies doing soliciting young kids to get a credit card?

This is not an accident. I just showed you: Our target audience is 10 to 14. So what do we do with the targets? We design a credit card, a Hello Kitty Platinum Plus, pink and white and yellow. Unbelievable.

Let me show you a credit card for people who don't have such great credit. They get a gold card. This is First Premier Bank. Here is what they do. You don't have such good credit? We will give you a credit card. Come on. The limit is going to be \$250. It is going to be gold. But here is the trick. In order to get this credit card that you can use for up to \$250, you have to pay a \$48 annual fee. You have to pay a \$29 account set-up fee, a \$95 program fee and \$7 a month for servicing. Does that sound like good business to you? Not to me. It sounds like the kind of thing I used to see in the movies. They wore strange suits with big thick stripes, and they carried violin cases. They loaned each other money.

I understand this. Michigan State University. I could use this for any university. A credit card company wanting to wallpaper the dorms and fraternity houses of virtually anyone who is going to college. Most of them don't have a job; some do. I understand the value of a credit card for a college student. What I don't understand is, the credit cards are given to a college student and, in many cases, the parents will cosign because if the student doesn't have a job, you have to have the parents' cosignature. Then all of a sudden the credit card limit is increased without the permission of the cosigner. That is the game.

Here are some notes from constituents of mine. This is a couple from Minot:

My wife and I both have credit scores greater than 800 and have never been late on

any of our payments. So Capital One just sent us a notice that our interest rate on our credit card will almost triple.

Never been late, always made payments on time. Their interest rate is going to triple.

Here is one from Fairmount:

I just wanted to let you know how upset I am with the credit card company (Citibank). They have decided to raise my interest rate to 27 percent. I have always paid my bill on time, have a good credit rating (820). Why would a company that has been bailed out by taxpayers because of bad practices then decide to stick it to us by raising interest rates so high.

He refers to the local mafia, but the fact is, I know there are no local mafia there.

From Williston:

Enough is enough. We have shored up these banks with our hard-earned tax dollars just to have them raise the interest rates on their credit cards to 28 percent and 26.3 percent for absolutely no reason. Something has to be done.

Let me reiterate that I think credit cards are valuable and useful. Most of us use credit cards. But what I think has happened is certain practices have evolved and developed that are pretty unseemly. A practice that says: We need to figure out how to go after kids. It reminds me of the tobacco debate. Because if you don't get a kid when they are a kid, you are not going to get them to smoke; right? Anybody know of somebody who has reached the age of 30 and they are sitting around their living room thinking to themselves, all right, I need to do something different, what haven't I yet done that I should begin doing, and decides the answer is to start smoking? Does anybody know anyone like that? The only way you get somebody to smoke is you find a kid and addict the kid to cigarettes. What about this, aiming a Visa card at 10 to 14-year-olds? It is unbelievable to me.

We bring a bill to the floor of the Senate that we think we will vote on tomorrow. We will have a cloture vote first. We will see if we can't put a stop to some of the practices that have allowed some of the same companies that have gotten substantial bailout funds to say to their customers, who have always paid their bills on time, never been late: We have a treat for you. We have a big, old surprise in your mailbox. You know that 7 percent or 9 percent interest rate you used to pay on your credit card balance? No more. Now it is going to be 27 or 28 percent.

That is not a business practice I think is justifiable. I think Senator DODD and Senator SHELBY from the Banking Committee have brought us legislation that is necessary and one that will be helpful in trying to put a stop to unfair business practices.

I know there are some who say this is none of government's business. I think it is. When consumers are injured, consumers individually and even in a significant group are no match for the size of the companies that have decided to engage in this and do this to the

American people. This legislation is very simple. It sets up the conditions under which we will try to protect consumers from arbitrary interest rates, fee and finance increases, and we will prohibit interest charges on paid-off balances from previous billing cycles, prohibit interest charges on debt that is paid on time. We will require payments to be applied first to the credit card balance with the highest interest rate. We will protect students and other young consumers from aggressive credit card solicitations. We will require greater disclosure of rates and terms and billings, details by credit card companies, and establish tougher penalties for companies that violate these laws.

This is not rocket science. It is very simple. When you engage in these practices and start injuring consumers, often without their knowledge, when you are doing something that is fundamentally unfair and doing it all across the country, the Banking Committee, led by Senators DODD and SHELBY, has a right and the Senate has a right to say: We will try to put a stop to it. There needs to be some semblance of fairness and equity for the American people. There are a whole lot of folks who go to work every day, work hard, try to do the best they can to care for their family and deal with their daily lives. They pay their bills. They have credit cards. They pay those credit card bills. They have made a deal with the credit card company over time about the conditions of that credit card bill, only to discover one day when they come home from work their mailbox contains a little message from the credit card company: Yes, you are a good customer. We have news for you. You are going to pay higher fees and triple the interest rates, and there is not a thing you can do about it.

Well, do you know what? The American people can do something about it through the actions of the Senate. I think that is going to happen—beginning tomorrow—and I think it will be good news for the American people.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

CREDIT CARD ACCOUNTABILITY, RESPONSIBILITY AND DISCLOSURE ACT

Ms. KLOBUCHAR. Mr. President, I am here to speak out in support of the Credit Card Accountability, Responsibility and Disclosure Act.

I am proud to be a cosponsor of this bipartisan legislation, which will help to end the abusive practices of the

credit card industry that are hurting so many hard-working middle-class families. I thank Senator DODD and Senator SHELBY for their efforts to come together on a bill that protects consumers and brings so much needed relief to Main Street families. It has been a long time in coming. I wish we had been able to pass this a few weeks ago, but I am hopeful we will be able to get it done this week.

As families are sitting around the kitchen table looking at their budgets, they have a lot of expenses to deal with—the basics such as food, electricity, the rising cost of college and health care, and growing credit card bills.

Seventy-eight percent of households in this country have at least one credit card. At the end of last year, Americans' credit card debt was more than \$972 billion. The average household debt is more than \$8,300. This does basically track—when you look back over the last 8 to 10 years—where wages have gone down and expenses have gone up. I know that before we entered this economic crisis, it was about \$6,000 that the average middle-class family was behind. Now you see \$8,300—their credit cards. But it is not just debt that families are paying off. In 2006, two-thirds of the credit card companies' profits came from interest payments.

So millions of families are dealing with huge amounts of credit card debt at the same time they are dealing with the many other challenges that are a result of this economic downturn. Their hours have been reduced or one of them may have lost a job or they may have difficulty sending their kids to college.

This isn't just an economic issue, it is also an issue of fairness and common sense. I believe Americans have the obligation and duty to pay the debts they owe. But too many credit card companies are using deceptive practices and fine print to take advantage of hard-working American families. The credit card companies are using tiny words on the back of the bills, and they are doing this to pad their own profits.

Many companies hide the terms of the agreement behind fine print and confusing language. They apply payments to the low-rate balances before high-rate balances and, worst of all, they raise interest rates without proper notice.

According to the Consumers Union, a study of the 12 largest credit card issuers found that 93 percent of credit cards allowed the issuer to raise the interest rate "at any time" by changing the agreement; 93 percent of credit cards allow the issuer—the credit card company—to raise the interest rate at any time by simply changing the agreement.

This isn't right. Credit card companies should not be making a profit by pulling the rug out from under American consumers.

When I think about this issue, I don't just think about that 93 percent figure,

I think about people in my State who have played by the rules and used credit cards responsibly and made timely payments and have good credit ratings—only to turn around and have the rules changed.

I heard from one man in Mahtomedi, MN, who had a credit rating of 800. He had never made a late payment, had never been delinquent on his account in any way. He got word in April that his fixed rate of 5.9 percent was going up to 10.9 percent in May and would thereafter be a variable rate; that is, what used to be a fixed rate at 5.9 percent will be changing constantly. He will have no control.

He called the credit card company to complain and, do you know what. The credit card company told him he ought to be happy because his was one of the lower rate increases. They told him he should not take it personally.

It is awfully hard not to take these rate increases personally when you have not done anything to justify having your rate increased, when you are going to have a tough time making ends meet anyway because of the tough economy, and because you have to pay so much more to keep a card you have had for years and years.

I also heard from a woman in St. Joseph, MN. She had her credit card for 12 years. She had never been late on a payment and has her credit card bill automatically paid from her checking account every month. She recently contacted her credit card company because she noticed her interest rate had suddenly gone up a lot in 1 month. She had received no advance notice from her bank about the interest rate increase.

But her problems didn't stop there. The problem was that the credit card company applied the new interest rate to her existing balance, and with the new interest rate factored in, her balance suddenly exceeded her available credit.

Do you know what? She got hit with another interest rate increase. This woman, who had been a great customer for 12 years, saw her interest rate go up from 8 percent, to 19.3 percent, to 27 percent—all in a matter of 16 days—and through absolutely no fault of her own. She started at 8 percent and she had the money deducted from her checking account every month and she had not had any problems with late payments. She starts at 8 percent, goes up to 19.3 percent, and she ends up at 27 percent—all in a matter of 16 days, through no fault of her own. They raised the interest rate without telling her, applied it to her existing account balance and, suddenly, she was stuck with a problem she didn't even create.

In the letter she wrote to me, she asked some valid and heartbreaking questions:

How is something like this legal? How can the credit card companies make it even harder in such hard times?

These are questions a lot of hard-working Minnesotans and other Ameri-

cans are asking today, and they deserve answers.

We want Americans to pay their debt, and we want our businesses to succeed, but consumers deserve a level playing field, they deserve some rules of the road, and they deserve an end to the abuses and deceptive practices by the credit card industry.

The credit card bill that is on the floor is going to do that. The bill will put commonsense rules into place to ensure fairness for consumers.

First, the bill protects people from arbitrary interest rate increases, such as we saw with the man from Mahtomedi, MN, and the woman from St. Joseph, MN. It establishes fair rules and makes sense for how and when companies can raise interest rates. Additionally, the bill prohibits credit card companies from increasing rates on a cardholder for the first year when that account is open.

Second, the bill requires credit card companies to give people 45 days' notice of interest rate, fee, and finance charge increases. This will ensure that people such as the woman from St. Joseph, MN, who wrote me, would not see any surprises on their credit card statements anymore. They will get a notice.

Third, the bill prevents credit card companies from charging abusive fees. For example, credit card companies would not be able to charge you a fee for the "privilege" of paying down your credit card.

Fourth, the bill requires more transparency from credit card companies. Credit card bills will be mailed 3 weeks before they are due to give consumers plenty of advance warning. Credit card companies will have to disclose any changes to the terms of a credit card agreement when people renew their cards. They will have to be upfront about the length of time and the total interest it will take to pay off the card balance if people only make minimum monthly payments. I think that would be helpful for many people I know, if they knew exactly how long it would take—if they just pay the minimum amount—and how much extra they would be paying. They will have to post their credit card agreements on the Internet so people can look at them anytime and compare them.

Fifth, the bill strengthens oversight of the credit card industry so we can hold companies accountable for their behavior.

This legislation will give consumers much-needed protections from bad practices that have been going on for too long. It is the beginning of leveling the playing field.

If we are going to get our economy moving, we need to restore trust in our financial systems, and when it comes to the credit card industry, that means protecting consumers from unfair practices and putting into place commonsense rules that will bring much-needed transparency and accountability.

We will be voting on this bill shortly. When I cast my vote, I will be voting

for all the people in my State who are working hard and playing by the rules and just want the credit card companies to do the same.

We cannot forget that the ultimate goal of reviving our economy is to make it possible for people in this country—who have worked hard, done everything right, paid their bills, and gotten these credit card bills—to get ahead. This bipartisan legislation, which I cosponsored, will end the unfair practices that have been going on too long for Main Street families, so they can keep more of their hard-earned money.

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

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

JUSTICE SANDRA DAY O'CONNOR

Mr. DURBIN. Mr. President, I just left a ceremony in the Hart Office Building, not far from where we are meeting, which is an annual event where the University of Illinois presents the Senator Paul H. Douglas Ethics in Government Award. The 2008 recipient is former Supreme Court Justice Sandra Day O'Connor. She is the first woman to be so honored.

There has been a long list of public servants who have distinguished themselves with their integrity and their show of ethics in government who have been acknowledged for this award, and Justice Sandra Day O'Connor certainly follows in that tradition.

It was my good fortune as a young college student to work as an intern in the office of Senator Paul Douglas. It truly shaped my life and convinced me that public service was a good calling, and I was lucky, as I have said many times, to be inspired by the gospels of St. Paul—that would be former Senator Paul Douglas and former Senator Paul Simon—who showed me what I thought was the very best in public service in their honesty—not only dollar honesty but honesty on the issues. It is a great honor for me to continue and serve in the same Senate seat that both of these men occupied.

But today the University of Illinois honored Sandra Day O'Connor, and she is well deserving—the first woman to serve on the U.S. Supreme Court. By the time her career was coming to a close, she became one of the most decisive forces on that High Court. During her last decade on the Court, 193 decisions were made by the Court by a vote of 5 to 4. One Justice's vote made the difference, and in 148 of those 193 cases, that one vote was cast by Justice Sandra Day O'Connor.

There were so many issues—issues regarding privacy, the rights of people with disabilities, affirming the voting

rights of Americans, preserving the rights of universities to use affirmative action, protecting the rights established under McCain-Feingold to have cleaner elections in America, upholding State laws giving individuals their rights under health insurance contracts, preserving the authority of the Federal Government to protect the environment, banning the execution of children, reaffirming America's time-honored tradition of separation of church and state.

One New York Times reporter wrote in 2001 that Justice O'Connor's vote tipped the scale so often that “we are all living now in Sandra Day O'Connor's America.”

As I said a few moments ago in introducing her at this gathering, one of her most significant and oft-quoted opinions was a recent one—her landmark decision in *Hamdi v. Rumsfeld*, in which she famously wrote:

A state of war is not a blank check for the President when it comes to the rights of a Nation's citizens.

Mr. President, I wanted to come to the floor briefly today to add my voice to so many Americans in gratitude to Sandra Day O'Connor for her great service to Arizona and to the United States of America and to the Supreme Court. I am glad her voice is still strong and part of the public chorus, calling on us to be better as a people and better in government.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech I gave during the awards ceremony.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY ASSISTANT SENATE MAJORITY LEADER RICHARD J. DURBIN CONGRATULATING JUSTICE SANDRA DAY O'CONNOR ON RECEIVING THE 2008 SENATOR PAUL H. DOUGLAS ETHICS IN GOVERNMENT AWARD

I would like to acknowledge University of Illinois President Joseph White, Chairman Shah and members of the University of Illinois Board of Trustees; Robert Rich and the staff of the Institute of Government and Public Affairs; and members of the Douglas family.

I also want to acknowledge the members of the Douglas Senate family—those of us who had the good fortune to have worked for Paul Douglas in the Senate and whose hearts and minds and lives were enlarged by his example.

Sadly, there is one important member of the Douglas Senate family who is missing this year. Paul Douglas lost the use of his left arm when it was smashed to pieces in Okinawa in World War II. But he gained another strong right arm when he and Howard Shuman joined forces in the United States Senate. On the Civil Rights Act, the Voting Rights Act and so many important battles, Howard Shuman truly was Paul Douglas' “right hand man.” We are all free-er because of their partnership. It's good to see Howard's daughter Ellen and other members of the Shuman family here today.

We are here today to celebrate a woman whose courage, character and wisdom helped preserve many of the same principles that Paul Douglas spent his life fighting to protect and enlarge. It is an honor to join you in recognizing Justice Sandra Day O'Connor.

Before I say a few words about Justice O'Connor, I want to acknowledge another person whose wisdom and integrity has served our nation so well—Supreme Court Justice David Souter.

Thank you, Justice Souter, for your many years of service to our nation and our Constitution. Your voice on the Court has made a difference.

Someone asked me once where I found my political inspiration.

I said, “Most of it comes from the gospel of St. Paul.” Paul Douglas. And another brilliant and compassionate statesman, Paul Simon. Much of what I know that is good and important about politics, I learned from them.

Paul Simon once said that the test for a Supreme Court nominee is not where he or she stands on a given issue. The real test is: Will this Justice use his or her power on the Court to restrict freedom, or expand it?

Justice O'Connor and Justice Souter, you have both scored high grades on the Paul Simon test. Our nation is better for your service. And we are grateful to you.

If the man or woman President Obama nominates to serve as America's next Supreme Court Justice is as independent, open-minded and fair as the two of you—and I feel confident they will be—our country and our Constitution will be in good hands.

And now, regarding our guest of honor. What can you give a woman who has already been inducted into the National Cowgirl Hall of Fame?

It took 190 years and 101 male Justices before Sandra Day O'Connor broke the gender barrier on the United States Supreme Court. It took only 14 years and 16 male recipients for Justice O'Connor to become the first woman recipient of the Paul Douglas Ethics in Government Award. That is progress.

Paul Douglas is most closely associated with the civil rights movement. But he was a true egalitarian. He believed in equality of opportunity for all people. And he greatly admired strong, intelligent women.

He kept a series of photographs in his office. One was a photo of one of his political heroes, Jane Addams, the great social reformer from Chicago whom he first met in 1921.

My first introduction to Jane Addams was that 1966 campaign. We started off by making a visit to Freeport to lay flowers on the grave of Jane Addams.

I think it would make Senator Douglas quite proud to see an award bearing his name presented to a woman who has done so much to advance the causes of equal justice and equal opportunity, which were so dear to him.

There are some strong similarities between Senator Douglas and Justice O'Connor.

He grew up in the Maine woods. She grew up on a ranch in the high desert on the Arizona-New Mexico border. It was in those isolated environments of their childhoods that they both developed a lifelong love of reading and learning.

(Of course, life on the Lazy B Ranch wasn't all books and reading. By the time she was 8 years old, Justice O'Connor could drive a truck ... mend a fence ... brand cattle ... and shoot her own .22 caliber rifle. She had cowboys for friends and a bobcat for a playmate—good preparation for all those Supreme Court conferences.)

Another, more important similarity between Senator Douglas and Justice O'Connor is their shared distrust of ideology.

Here is a fact about Paul Douglas that many people do now know. His first foray into elected politics was running for mayor of Chicago as a Republican. He was elected to the Board of Alderman as an Independent. It wasn't until he first ran for the Senate

that he aligned himself with the Democratic Party.

Justice O'Connor's ability to see beyond partisan divides was reflected early when every member of the Senate Judiciary Committee—from Strom Thurmond to Ted Kennedy—voted to support her nomination. And it grew over her 24 years on the Court.

Their mutual commitment to principle rather than political ideologies enabled both Paul Douglas and Sandra Day O'Connor to build coalitions to advance our nation's common good. And for that, we are very grateful.

Here is another similarity: As a member of the Arizona state Senate, Sandra Day O'Connor once introduced an amendment to remove a misplaced comma from a bill.

As a college intern, I sat next to Senator Douglas many nights as he read, and edited, and signed every single letter that went out under his name. Because he couldn't use his left arm, it was my job to pull the letters off the top of the pile as he finished them. Believe me, no misplaced comma ever escaped his editing pen, either.

But the most important similarity—the reason we are all here today—is because, like Paul Douglas, Justice O'Connor used the power she was given to defend and expand our freedom. With her voice and her vote, she said—time and time again—that government has an obligation to defend the powerless from the powerful.

Justice O'Connor was always open to those who could make a strong case. She listened to the arguments and weighed the evidence.

During her last decade on the Court, 193 decisions were decided by a vote of 5-to-4. One Justice's vote made the difference. And in 148 of those 193 cases, that one vote was cast by Justice Sandra Day O'Connor.

She cast the fifth and deciding vote safeguarding Americans' right to privacy; requiring that courtrooms be accessible to people with disabilities; affirming the obligation of states to protect the voting rights of minorities; and preserving the rights of universities to use affirmative action programs.

Justice O'Connor cast the deciding vote preserving the right of the federal government under the McCain-Feingold law to place reasonable restrictions on campaign contributions so that special interest money can't gain overwhelm our democracy—a vote, I think, that Senator Douglas would have applauded.

She cast the deciding vote upholding state laws giving individuals the right to a second doctor's opinion if their HMO denies them treatment; preserving the authority of the federal government to protect the environment; banning the execution of children in America; and reaffirming America's time-honored tradition of separation of church and state.

Indeed, as a New York Times reporter wrote in 2001, Justice O'Connor's vote tipped the scales so often that—quote, “we are all living now in Sandra Day O'Connor's America.”

And that was before what is perhaps her most significant opinion: the landmark decision of *Hamdi v. Rumsfeld*, in which Justice O'Connor famously wrote: “A state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.”

It strikes me as ironic that Sandra Day O'Connor could have grown up in a place called the Lazy B Ranch because lazy is about the last word you could ever use to describe her. Since leaving the Court nearly four years ago, she has written and spoken extensively. She has been especially eloquent and courageous in speaking out in defense of an independent judiciary.

In 2005, she wrote an op-ed for the Wall Street Journal about those who seek to score political points by railing against and trying

to intimidate what they call “activist federal judges.”

She warned that “using judges as punching bags presents a grave threat to the independent judiciary.” She added: “We must be more vigilant in making sure that criticism does not cross over into intimidation ... that the current mood of cynicism does not end up compromising the rule of law.”

For all she has done to advance the cause of equal justice and equal opportunity in America, and for her continued defense of our courts and our Constitution, Justice Sandra Day O'Connor is a true American she-ro and a worthy recipient of the Paul Douglas Ethics in Government Award. Thank you again, Justice O'Connor, for your selfless service to our nation.

Mr. DURBIN. I thank the Presiding Officer for this time.

HONORING OUR ARMED FORCES

SPECIALIST ADAM KULIGOWSKI

Mrs. SHAHEEN. Madam President, I wish to express my sympathy over the loss of Army SPC Adam Kuligowski, a 21-year-old from Derry, NH. Kuligowski died on April 6, 2009 in Bagram, Afghanistan. Specialist Kuligowski was a signals intelligence analyst assigned to the Special Troops Battalion, 101st Airborne Division.

Specialist Kuligowski grew up in Derry, NH, and attended Gilbert H. Hood Middle School and Pinkerton Academy. He had lived all over the world including South Korea, Saudi Arabia, Nigeria, Honduras, and Utah, before he enlisted in the military in October 2006. Specialist Kuligowski had been in Afghanistan for about a year and was scheduled to return home this summer.

Specialist Kuligowski served with honor and distinction throughout his young military career, earning the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon and the NATO Medal. New Hampshire is proud of Specialist Kuligowski's service to and sacrifice for our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

Specialist Kuligowski is survived by his parents, Michael and Tracie Kuligowski of Derry, his grandparents, Stanley and Phyllis Kuligowski, two brothers and a sister. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring U.S. Army Specialist Adam Kuligowski.

SPECIALIST CRAIG R. HAMILTON

Madam President, I wish to express my sympathy over the loss of U.S. Army SPC Craig R. Hamilton, a 35-year-old native of Nashua, NH. Specialist Hamilton died on March 27 at Fort Sam Houston in San Antonio, TX.

Born in Nashua in 1974, Specialist Hamilton was raised and educated in nearby Milford. After graduating from Milford High School in 1992, he joined the U.S. Marine Corps, rising to the

rank of corporal before being honorably discharged in 1996. Hamilton spent 11 years back home in Milford before deciding to once again serve his country by enlisting in the U.S. Army in 2007. He was assigned to Fort Sam Houston where he was recovering from a shoulder injury.

New Hampshire is proud of Specialist Hamilton's service to and sacrifice for our country. His decision to reenlist in the U.S. Army following his time in the Marine Corps demonstrates a deep commitment to duty and service for which his country will forever be grateful. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

Specialist Hamilton is survived by his wife Stacey; his father and stepmother Chuck and Kathy Hamilton; his mother Karen Hamilton; and his brothers Jon and Adam. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring U.S. Army SPC Craig Hamilton.

CELEBRATING TUNISIAN AMERICAN DAY

Mrs. BOXER. Madam President, I ask my colleagues to join me in celebrating Tunisian American Day on May 27. This annual celebration is in recognition of the many contributions that Tunisian Americans have made to enrich our culture and society.

The United States has maintained diplomatic relations with Tunisia for more than two centuries. On March 26, 1799, the first agreement of friendship and trade was concluded between the United States and Tunisia. The first American consulate was established in Tunis, the Tunisian capital, on January 20, 1800. On May 17, 1956, the United States was the first major power to recognize the sovereign state of Tunisia. Throughout the years, the United States and Tunisia have forged an amicable and enduring relationship that is based on a common commitment to the ideals of democracy and liberty.

Currently, there are more than 13,500 Americans of Tunisian descent residing in the United States. The Tunisian American community has made invaluable contributions to improving our cultural diversity by sharing their proud heritage and rich cultural traditions.

As Tunisian Americans gather to celebrate Tunisian American Day, I wish them a joyous and inspiring day and thank them for their contributions to cultural diversity.

ADDITIONAL STATEMENTS

REMEMBERING DOM DeLUISE

• Mrs. BOXER. Madam President, California and our Nation have lost one of our most talented entertainers. Dominick “Dom” DeLuise, a wonderful

comedian and chef who entertained America with his delightful sense of humor, recently passed away. I would like to take a few moments to recognize Dom DeLuise's many accomplishments and the tremendous impact he made on our lives.

Born in New York City, DeLuise entered acting at an early age. Although discouraged at first, he persisted in finding his way in the field of entertainment and into the hearts of his fans. His hard work and dedication earned him many entertaining and prestigious acting roles in film, television, and theater. Many films which feature Dom DeLuise, such as "The Cannonball Run," "Blazing Saddles," "History of the World Part 1," and "Spaceballs" have become classics in their own right and will ensure that future generations will enjoy and appreciate his talent.

Later in life, DeLuise worked toward furthering his love for the culinary arts and establishing himself as a chef. His efforts resulted in the publishing of two successful cookbooks: "Eat This It Will Make You Feel Better!" and "Eat This Too! It'll Also Make You Feel Good."

I invite all of my colleagues to join me in recognizing and honoring Dominick "Dom" DeLuise for his work, which touched the lives of generations of Americans. He is survived by his wife of 54 years, Carol Arthur, and his three sons, Peter, David and Michael.●

125TH ANNIVERSARY OF THE ADRIAN DOMINICAN SISTERS

● Mr. LEVIN. Madam President, service to your community and to those most in need is one of the most important legacies we can leave as individuals or as institutions. It is with this in mind that I am honored to congratulate the Adrian Dominican Sisters, the Congregation of the Most Holy Rosary as they celebrate their 125th anniversary today. Guided by the humble yet inspiring mission to seek truth, make peace, and reverence life, this congregation has made a profound and enduring impact on many lives.

The Adrian Dominicans trace their history back to the establishment of the Holy Cross convent in 1233. A presence in the United States was established in 1853 with the arrival in New York of three sisters from this convent. Since the establishment of a hospital for injured railroad workers in 1884 to meet a pressing need in the Adrian community, the sisters of this congregation have devoted their energy, talent, and efforts in pursuit of meeting the spiritual, educational, and practical needs of those within the Adrian community and those far beyond its borders. Mother Camilla Madden was the first mother provincial, and she became the first mother general when the province became an independent congregation in 1923.

Adrian has grown steadily since its founding and has not only maintained

a presence in Adrian, but has branched out into communities far beyond through ministries in 31 States, the District Of Columbia, Puerto Rico, Canada, the Dominican Republic, Italy, and Swaziland. The Adrian Dominican Sisters currently number more than 900 and are involved in ministries primarily in areas of education, health care, and social work. The congregation currently sponsors two universities, including Siena Heights University; two hospital systems; a long-term health care facility; three congregation-owned schools; and two retreat centers.

The Adrian Dominican Sisters have impacted many throughout its rich history, and I am truly delighted to recognize this impressive milestone, as well as their many important contributions over the years. Their influence and service to the community are apparent and appreciated by the many who have benefitted from their many spiritual and outreach efforts. I know my colleagues join me in congratulating Adrian Dominican Sisters on 125 years of dedicated service, and I wish them continued success as they build upon their legacy of accomplishment and excellence.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DE- CLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997, WITH RE- SPECT TO BURMA, AS RECEIVED DURING AN ADJOURNMENT OF THE SENATE ON MAY 15, 2009— PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the Burma emergency is to continue for 1 year beyond May 20, 2009.

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its engaging in large-scale repression of the democratic opposition in Burma that led to the declaration of a national emergency in Executive Order 13047 of May 20, 1997, as modified in scope and relied upon for additional steps taken in Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, and Executive Order 13464 of April 30, 2008, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, May 14, 2009.

MESSAGE FROM THE HOUSE

At 2:03 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 bills, in which it requests the concurrence of the Senate:

H.R. 347. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

H.R. 1209. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.R. 2187. An act to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.

MEASURES REFERRED

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

H.R. 347. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1209. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2187. An act to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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-1637. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the notification of Congress that during the period of January 1, 2008, through December 31, 2008, no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC-1638. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings for the period of January 1, 2008 through December 31, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-1639. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to significant modifications to the auction process for issuing United States Treasury obligations; to the Committee on Banking, Housing, and Urban Affairs.

EC-1640. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amending the Terrorism List Governments Sanctions Regulations" (31 CFR Parts 596) received in the Office of the President of the Senate on May 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1641. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to programs and projects of the International Atomic Energy Agency (IAEA); to the Committee on Foreign Relations.

EC-1642. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of a Determination and Certification under Section 40A of the Arms Export Control Act relative to countries not cooperating fully with United States antiterrorism efforts; to the Committee on Foreign Relations.

EC-1643. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0062-2009-0067); to the Committee on Foreign Relations.

EC-1644. A communication from the Acting Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-1645. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a confirmation in the position of Director of National Drug Control Policy, received in the Office of the President of the Senate on May 13, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1646. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC-1647. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Measurement, Science and Engineering Research Grants Programs; Availability of Funds" (RIN0693-ZA84) received in the Office of the President of the Senate on May 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC-1648. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Construction Grant Program Notice of Availability of Funds" (RIN0693-ZA81) received in the Office of the President of the Senate on May 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC-1649. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Precision Measurement Grants Programs; Availability of Funds" (RIN0693-ZA83) received in the Office of the President of the Senate on May 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC-1650. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds" (RIN0693-ZA85) received in the Office of the President of the Senate on May 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC-1651. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technology Innovation Program (TIP) Notice of Availability of Funds and Announcement of Public Meeting (Proposers' Conference)" (RIN0693-ZA89) received in the Office of the President of the Senate on May 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC-1652. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30663) (Amendment No. 3318)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Requirements for Private Use Transport Category Airplanes" ((RIN2120-AI61) (Docket No. FAA-2007-28250)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30664) (Amendment No. 3319)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Albemarle, NC" ((Docket No. FAA-2009-0203) (Airspace Docket No. 09-ASO-12)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters" ((Docket No. FAA-2009-0351) (Directorate Identifier 2009-SW-08-AD)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rutland, VT" ((Docket No. FAA-2008-1076) (Airspace Docket No. 08-ANE-102)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Refugio, TX" ((Docket No. FAA-2009-0241) (Airspace Docket No. 09-ASW-6)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clewiston, FL" ((Docket No. FAA-2008-1168) (Airspace Docket No. 08-ASO-19)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace;

Russellville, AL" ((Docket No. FAA-2008-1094) (Airspace Docket No. 08-ASO-18)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Morehead, KY" ((Docket No. FAA-2008-0809) (Airspace Docket No. 08-ASO-13)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300 -400 and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1070)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emission Standards for Turbine Engine Powered Airplanes" ((RIN2120-AJ41)(Docket No. FAA-2009-0112)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1664. A Communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Communication and Area Navigation Equipment (RNAV) Operations in Remote Locations and Mountainous Terrain" ((RIN2120-AJ46)(Docket No. FAA-2002-14002)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1327)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300 -400 and -500 Series Airplanes" ((RIN 2120-AA64)(Docket No. FAA-2008-1275)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1239)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1668. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from October 1, 2008 through March 31, 2009 received in the Office of the President of the Senate during an adjournment of the Senate on May 15, 2009; ordered to lie on the table.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DORGAN for the Committee on Indian Affairs.

*Larry J. Echo Hawk, of Utah, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO:

S. 1059. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 1060. A bill to comprehensively prevent, treat, and decrease overweight and obesity in our Nation's populations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1061. A bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund and to direct the Secretary of Energy to provide a plan for the re-enrichment of certain uranium tailings; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 1062. A bill to amend the Beef Research and Information Act to allow the promotion of beef that is born and raised exclusively in the United States and to establish new referendum requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN:

S. 1063. A bill to amend the USEC Privatization Act to authorize the Secretary of Energy to pay affected participants under a pension plan referred to in the USEC Privatization Act for benefit increases not received; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BURRIS, and Mrs. McCASKILL):

S. 1064. A bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWNBAC (for himself and Mr. CASEY):

S. 1065. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. SESSIONS, Mr. CONRAD, Ms. LANDRIEU, Mr. LEAHY, and Mr. SANDERS):

S. 1066. A bill to amend title XVIII of the Social Security Act to preserve access to

ambulance services under the Medicare program; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 370, a bill to prohibit the use of funds to transfer detainees of the United States at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or to construct any facility for such detainees in the United States, and for other purposes.

S. 448

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 475

At the request of Mr. BURR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 511

At the request of Mr. BROWNBAC, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 658

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 676

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 676, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 707

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 707, a bill to enhance the Federal Telework Program.

S. 726

At the request of Mr. SCHUMER, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 726, a bill to amend the Public Health Service Act to provide for the licensing of biosimilar and biogeneric biological products, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 795

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BOND), the Senator from Indiana (Mr. BAYH) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 827

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 846, a bill to award a congressional

gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 908

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 909, *supra*.

S. 925

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 925, a bill to direct the Secretary of Health and Human Services to study the presence of contaminants and impurities in cosmetics and personal care products marketed to and used by children.

S. 956

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 956, a bill to amend title XVIII of the Social Security Act to exempt unsanctioned State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS).

S. 982

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. KYL) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee

Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1057

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1057, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1060. A bill to comprehensively prevent, treat, and decrease overweight and obesity in our Nation's populations; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Obesity Prevention, Treatment and Research Act of 2009. This legislation would develop a national strategy to organize our efforts to combat childhood and adult obesity. It would help foster unprecedented collaborations and collective actions across agencies, and among private entities, individuals, and communities.

The prevalence of obesity in the U.S. has grown to staggering proportions. According to the Centers for Disease Control and Prevention National Center for Health Statistics, 66 percent of adults and 32 percent of children are considered either overweight or obese. Over the past 30 years, the obesity rate has more than doubled across all age groups. The U.S. now has the highest prevalence of obesity among the developed nations. In fact, the prevalence of obesity in the U.S. in 2006, 34 percent, is more than twice the average for other developed nations.

The Obesity Prevention, Treatment and Research Act of 2009 comprehensively addresses the obesity and overweight epidemic by focusing on coordinating and augmenting existing prevention and treatment activities. This legislation is based on recommendations of the Institutes of Medicine, IOM, to confront the obesity epidemic. It focuses on developing dynamic new collaborations and will improve access for beneficiaries in Medicare, Medicaid, and other Federal programs to nutritional counseling, prevention services, and physical education programs.

Obesity is a costly problem for the U.S. both in terms of health care expenditures and the loss of life. The incidence of type 2 diabetes, high blood pressure, and progressive liver disease—ailments once associated only with adults—is rising among overweight children. These health risks compound with age, since overweight children and adolescents are more likely to become obese adults. For the first time in our history, the lifespan of a child born today may be less than that of his or her parents. Interventions aimed at significantly decreasing the prevalence of these illnesses are extremely cost effective and are critical to overall disease prevention and health promotion efforts. The Trust for America's Health recently reported that an investment of just \$10 per person per year in proven community-based disease prevention programs would yield a \$2.8 billion annual health expenditure reduction. Put another way, our nation would recoup nearly \$1 over and above the cost of a comprehensive disease prevention and health promotion program for every \$1 invested in the first 1 to 2 years of the program. To that end, my legislation creates grant programs to provide funding to schools, community health centers, academic institutions, State medical societies, State health departments, and communities to reduce the prevalence of obesity and improve the prevention and treatment of individuals who are obese or overweight.

The Obesity Prevention, Treatment and Research Act of 2009 establishes the U.S. Council on Overweight & Obesity Prevention, USCO-OP, which is charged with creating a comprehensive strategy to prevent, treat and reduce the prevalence of overweight individuals and obesity. This advisory council will update Federal guidelines; identify best practices; conduct ongoing surveillance and monitoring of existing Federal programs; and make recommendations to coordinate budgets, policies, and programs across Federal agencies in collaboration with private and public partners. In addition, the Council will help develop and update the daily physical activity requirements in our schools, and identify activities that families can do together.

It is also critical to recognize that certain populations are more vulnerable than others to the obesity epidemic. Minorities, especially from Hispanic and Native American communities, are disproportionately affected by this disease. For example, in my home State of New Mexico, approximately 26 percent of Hispanic and 32 percent of Native American adolescents, grades 9–12, are overweight or obese; the rate of prevalence is less than 20 percent among white, non-Hispanic adolescents. I have, therefore, prioritized grants in this legislation to these populations and required Federal reporting on research and data related to obesity in disproportionately affected groups. This includes grants

aimed at behavioral risk factors such as sedentary lifestyles and poor nutrition.

This bill will help further develop and then increase funding to the Department of Agriculture's Fresh Fruit and Vegetable Program. This will help ensure that low-income children will have access to healthier foods within their schools. In addition, the Secretary of Health and Human Services and the Secretary of Agriculture will be tasked to consult with the USCO-OP to update and reform Federal oversight of food and beverage labeling. Such reforms include improving the transparency of labeling with regard to nutritional and caloric value of food and beverages.

I think it is imperative that we provide treatment to those individuals who are likely to develop obesity-related ailments before the full onset of disease. The Obesity Prevention, Treatment and Research Act of 2009 does this by expanding coverage of Medicare to include medical nutritional counseling for beneficiaries who are overweight or obese and are considered pre-diabetics. In addition, my legislation gives States the option to include medical nutrition therapy services in Medicaid and SCHIP.

There is no doubt that the obesity epidemic has grown immensely. I am confident, however, that it can be stopped but it requires a nationwide commitment for resolution. I look forward to working with my colleagues to enact this legislation this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Obesity Prevention, Treatment, and Research Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2001, the United States Surgeon General released the Call to Action to Prevent and Decrease Overweight and Obesity to bring attention to the public health problems related to obesity.

(2) Since the Surgeon General's call to action, the problems of obesity and overweight have become epidemic, occurring in all ages, ethnicities and races, and individuals in every State.

(3) The United States now has the highest prevalence of obesity among the developed nations, according to 2006 data by the Organisation for Economic Co-operation and Development. The prevalence of obesity in the United States (34 percent) is more than twice the average for other developed nations (13 percent). The closest nation in prevalence of obesity is the United Kingdom (24 percent) which is over 25 percent less than the United States.

(4) The National Health and Nutrition Examination Survey in 2006 estimated that 32 percent of children and adolescents aged 2 to 19 and an alarming 66 percent of adults are overweight or obese.

(5) More than 30 percent of young people in grades 9 through 12 do not regularly engage in vigorous intensity physical activity, while almost 40 percent of adults are sedentary and 70 percent report getting less than 20 minutes of regular physical activity per day.

(6) The Institute of Medicine, in their 2005 publication "Preventing Childhood Obesity: Health in the Balance", reported that over the last 3 decades, the rate of childhood obesity has tripled for children aged 6 to 11 years, and doubled for children aged 2 to 5 years old and in adolescents aged 12 to 19 years old. In 2004, approximately 9,000,000 children over 6 years of age were obese. Only 2 percent of children eat a healthy diet consistent with Federal nutrition guidelines.

(7) For children born in 2000, it is estimated the lifetime risk of being diagnosed with type 2 diabetes is 40 percent for females and 30 percent for males.

(8) Overweight and obesity disproportionately affect minority populations and women. According to the 2006 Behavioral Risk Factor Surveillance System of the Centers for the Disease Control and Prevention, 61 percent of adults in the United States are overweight or obese.

(9) The Centers for the Disease Control and Prevention estimates the annual expenditures related to overweight and obesity in the United States to be \$117,000,000,000 in 2001 and rising rapidly.

(10) The Centers for the Disease Control and Prevention estimates that the increase in the number of overweight and obese Americans between 1987 and 2001 resulted in a 27 percent increase in per capita health costs, and that as many as 112,000 deaths per year are associated with obesity.

(11) Being overweight or obese increases the risk of chronic diseases including diabetes, heart disease, stroke, certain cancers, arthritis, and other health problems.

(12) According to the National Institute of Diabetes and Digestive and Kidney Diseases, individuals who are obese have a 50 to 100 percent increased risk of premature death.

(13) Healthy People 2010 goals identify overweight and obesity as 1 of the Nation's leading health problems and include objectives for increasing the proportion of adults who are at a healthy weight, reducing the proportion of adults who are obese, and reducing the proportion of children and adolescents who are overweight or obese.

(14) Another Healthy People 2010 goal is to eliminate health disparities among different segments of the population. Obesity is a health problem that disproportionately impacts medically underserved populations.

(15) Food and beverage advertisers are estimated to spend \$10,000,000 to \$12,000,000,000 per year to target children and youth.

(16) The United States spends less than 2 percent of its annual health expenditures on prevention.

(17) Employer health promotion investments net a return of \$3 for every \$1 invested.

(18) High-energy dense and low-nutrient dense foods represent 30 percent of American's total calorie intake. Fast food company menus are twice the energy density of recommended healthful diets.

(19) Research suggests that individuals eat too much high-energy dense foods without feeling full because the brain's pathways that regulate hunger and influence normal food intake are not triggered by these foods.

(20) Packaging, product placement, and high-energy dense food content manipulation contribute to the overweight and obesity epidemic in the United States.

(21) Such marketing and content manipulation techniques have been used by other industries to encourage consumption at the expense of health. To help individuals make

healthy choices, education and information must be available with clear, consistent, and accurate labeling.

TITLE I—OBESITY TREATMENT, PREVENTION, AND REDUCTION

SEC. 101. UNITED STATES COUNCIL ON OVERWEIGHT-OBESITY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by—

(1) redesignating section 399R (as inserted by section 2 of Public Law 110-373) as section 399S;

(2) redesignating section 399R (as inserted by section 3 of Public Law 110-374) as section 399T; and

(3) adding at the end the following:

“SEC. 399U. UNITED STATES COUNCIL ON OVERWEIGHT-OBESITY PREVENTION.

“(a) ESTABLISHMENT.—The Secretary shall convene a United States Council on Overweight-Obesity Prevention (referred to in this section as ‘USCO-OP’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—USCO-OP shall be composed of 20 members, which shall consist of—

“(A) the Secretary;

“(B) the Secretary (or his or her designee) of—

“(i) the Department of Agriculture;

“(ii) the Department of Education;

“(iii) the Department of Housing and Urban Development;

“(iv) the Department of the Interior

“(v) the Federal Trade Commission;

“(vi) the Department of Transportation; and

“(vii) any other Federal agency that the Secretary of Health and Human Services determines appropriate;

“(C) the Chairman (or his or her designee) of the Federal Communications Commission;

“(D) the Director (or his or her designee) of the Centers for Disease Control and Prevention, the National Institutes of Health, and the Agency for Healthcare Research and Quality;

“(E) the Administrator of the Centers for Medicare and Medicaid Services (or his or her designee);

“(F) the Commissioner of Food and Drugs (or his or her designee); and

“(G) a minimum of 5 representatives, appointed by the Secretary, of expert organizations such as public health associations, key healthcare provider groups, planning and development organizations, education associations, advocacy groups, relevant industries, State and local leadership, and other entities as determined appropriate by the Secretary.

“(2) APPOINTMENTS.—The Secretary shall accept nominations for representation on USCO-OP through public comment before the initial appointment of members of USCO-OP under paragraph (1)(G), and on a regular basis for open positions thereafter, but not less than every 2 years.

“(3) CHAIRPERSON.—The chairperson of USCO-OP shall be—

“(A) an individual appointed by the President; and

“(B) until the date that an individual is appointed under subparagraph (A), the Secretary.

“(c) MEETINGS.—

“(1) IN GENERAL.—USCO-OP shall meet—

“(A) not later than 180 days after the date of enactment of the Obesity Prevention, Treatment, and Research Act of 2009; and

“(B) at the call of the chairperson thereafter, but in no case less often than 2 times per year.

“(2) MEETINGS OF FEDERAL AGENCIES.—The representatives of the Federal agencies on USCO-OP shall meet on a regular basis, as determined by the Secretary, to develop strategies to coordinate budgets and discuss

other issues that are not otherwise permitted to be discussed in a public forum. The purpose of such meetings shall be to allow more rapid interagency strategic planning and intervention implementation to address the overweight and obesity epidemic.

“(d) DUTIES OF USCO-OP.—USCO-OP shall—

“(1) develop strategies to comprehensively prevent, treat, and reduce overweight and obesity;

“(2) coordinate interagency cooperation and action related to the prevention, treatment, and reduction of overweight and obesity in the United States;

“(3) identify best practices in communities to address overweight and obesity;

“(4) work with appropriate entities to evaluate the effectiveness of obesity and overweight interventions;

“(5) update the National Institutes of Health 1998 ‘Clinical Guidelines on the Identification, Evaluation, and Treatment of Overweight and Obesity in Adults: The Evidence Report’ and include sections on childhood obesity in such updated report;

“(6) conduct ongoing surveillance and monitoring using tools such as the National Health and Nutrition Examination Survey and the Behavioral Risk Factor Surveillance System and assure adequate and consistent funding to support data collection and analysis to inform policy;

“(7) make recommendations to coordinate budgets, grant and pilot programs, policies, and programs across Federal agencies to cohesively address overweight and obesity, including with respect to the grant programs carried out under sections 306(n), 399V, and 1904(a)(1)(H);

“(8) make recommendations to update and improve the daily physical activity requirements for students under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and include recommendations about physical activities that families can do together, and involving parents in these activities;

“(9) make recommendations about coverage for obesity-related services and for an early and periodic screening, diagnostic, and treatment services program under the State Children’s Health Insurance Program established under title XXI of the Social Security Act;

“(10) make recommendations for obesity-related information, including height, weight, and body mass index, to be included in electronic health records for the purpose of ongoing surveillance and monitoring; and

“(11) provide guidelines for childhood obesity health care related treatment under the early and periodic screening, diagnostic, and treatment services program under the Medicaid program established under title XIX of the Social Security Act and otherwise described in section 2103(c)(5) of such Act.

“(e) REPORT.—Not later than 18 months after the date of enactment of the Obesity Prevention, Treatment, and Research Act of 2009, and on an annual basis thereafter, USCO-OP shall submit to the President and to the relevant committees of Congress, a report that—

“(1) summarizes the activities and efforts of USCO-OP under this section to coordinate interagency prevention, treatment, and reduction of obesity and overweight, including a detailed strategic plan with recommendations for each Federal agency;

“(2) evaluates the effectiveness of these coordinated interventions and conducts interim assessments and reporting of health outcomes, achievement of milestones, and implementation of strategic plan goals starting with the second report, and yearly thereafter; and

“(3) makes recommendations for the following year’s strategic plan based on data and findings from the previous year.

“(f) TECHNICAL ASSISTANCE.—The Department of Health and Human Services may provide technical assistance to USCO-OP to carry out the activities under this section.

“(g) PERMANENCE OF COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to USCO-OP.”

SEC. 102. GRANTS AND DEMONSTRATION PROGRAMS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN POPULATIONS DISPROPORTIONATELY AFFECTED BY OBESITY AND OVERWEIGHT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 101, is amended by adding at the end the following:

“SEC. 399V. GRANTS AND DEMONSTRATION PROGRAMS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN POPULATIONS DISPROPORTIONATELY AFFECTED BY OBESITY AND OVERWEIGHT.

“(a) ELIGIBLE ENTITY.—For purposes of this section, the term ‘eligible entity’ means—

“(1) a city, county, Indian tribe, tribal organization, territory, or State;

“(2) a local, tribal, or State educational agency;

“(3) a Federal medical facility, including a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act), an Indian Health Service hospital or clinic, any health facility or program operated by or pursuant to a contractor grant from the Indian Health Service, an Indian Health Service entity, an urban Indian center, an Indian tribal clinic, a health care for the homeless center, a rural health center, migrant health center, and any other Federal medical facility;

“(4) any entity meeting the criteria for medical home under section 204 of the Tax Relief and Health Care Act of 2006 (Public Law 109-432);

“(5) a nonprofit organization (such as an academic health center or community health center);

“(6) a health department;

“(7) any licensed or certified health provider;

“(8) an accredited university or college;

“(9) a community-based organization;

“(10) a local city planning agency; and

“(11) any other entity determined appropriate by the Secretary.

“(b) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the use of funds that may be awarded and an evaluation of any training that will be provided under such grant.

“(c) GRANT DEMONSTRATION AND PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the United States Council on Overweight-Obesity Prevention under section 399U, shall establish and evaluate a grant demonstration and pilot program for entities to—

“(A) prevent, treat, or otherwise reduce overweight and obesity;

“(B) increase the number of children and adults who safely walk or bike to school or work;

“(C) increase the availability and affordability of fresh fruits and vegetables in the community;

“(D) expand safe and accessible walking paths and recreational facilities to encourage physical activity, and other interventions to create healthy communities;

“(E) create advertising, social marketing, and public health campaigns promoting healthier food choices, increased physical activity, and healthier lifestyles targeted to individuals and to families;

“(F) promote increased rates and duration of breast-feeding; and

“(G) increase worksite and employer promotion of and involvement in community initiatives that prevent, treat, or otherwise reduce overweight and obesity.

“(2) SPECIAL PRIORITY.—Special priority will be given to grant proposals that target communities or populations disproportionately affected by overweight or obesity, including Native Americans, other minorities, and women.

“(d) GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN POPULATIONS DISPROPORTIONATELY AFFECTED BY OBESITY AND OVERWEIGHT.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to eligible entities to promote health behaviors for women and children in target populations, especially racial and ethnic minority populations in medically underserved communities.

“(2) USE OF FUNDS.—An award under this section shall be used to carry out any of the following:

“(A) To educate, promote, prevent, treat and determine best practices in overweight and obese populations.

“(B) To address behavioral risk factors including sedentary lifestyle, poor nutrition, being overweight or obese, and use of tobacco, alcohol or other substances that increase the risk of morbidity and mortality. Special priority will be given to grant applications that—

“(i) propose interventions that address embedded levels of influence on behavior, including the individual, family, peers, community and society; and

“(ii) utilize techniques that promote community involvement in the design and implementation of interventions including community diagnosis and community-based participatory research.

“(C) To develop and implement interventions to promote a balance of energy consumption and expenditure, to attain healthier weight, prevent obesity, and reduce morbidity and mortality associated with overweight and obesity.

“(D)(i) To train primary care physicians and other licensed or certified health professionals on how to identify, treat, and prevent obesity or eating disorders and aid individuals who are overweight, obese, or who suffer from eating disorders.

“(ii) To use evidence-based findings or recommendations that pertain to the prevention and treatment of obesity, being overweight, and eating disorders to conduct educational conferences, including Internet-based courses and teleconferences, on—

“(I) how to treat or prevent obesity, being overweight, and eating disorders;

“(II) the link between obesity, being overweight, eating disorders and related serious and chronic medical conditions;

“(III) how to discuss varied strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to avoid obesity, being overweight, and eating disorders;

“(IV) how to identify overweight, obese, individuals with eating disorders, and those who are at risk for obesity and being overweight or suffer from eating disorders and, therefore, at risk for related serious and chronic medical conditions; and

“(V) how to conduct a comprehensive assessment of individual and familial health risk factors and evaluate the effectiveness of

the training provided by such entity in increasing knowledge and changing attitudes and behaviors of trainees.

“(iii) In awarding a grant to carry out an activity under this subparagraph, preference shall be given to an entity described in subsection (a)(4).

“(e) REPORTING TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention shall submit to the Secretary and Congress a report concerning the result of the activities conducted through the grants awarded under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2013.”

SEC. 103. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m)(4)(B), by striking “subsection (n)” each place it appears and inserting “subsection (o)”;;

(2) by redesignating subsection (n) as subsection (o); and

(3) by inserting after subsection (m) the following:

“(n)(1) The Secretary, acting through the Center, may provide for the—

“(A) collection of data for determining the fitness levels and energy expenditure of adults, children, and youth; and

“(B) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

“(2) In carrying out paragraph (1), the Secretary, acting through the Center, may make grants to States, public entities, and nonprofit entities.

“(3) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.”

SEC. 104. HEALTH DISPARITIES REPORT.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director of the Agency for Healthcare Research and Quality shall review all research that results from the activities carried out under this Act (and the amendments made by this Act) and determine if particular information may be important to the report on health disparities required by section 903(c)(3) of the Public Health Service Act (42 U.S.C. 299a-1(c)(3)).

SEC. 105. PREVENTIVE HEALTH SERVICES BLOCK GRANT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)) is amended by adding at the end the following:

“(H) Activities and community education programs designed to address and prevent overweight, obesity, and eating disorders through effective programs to promote healthy eating, and exercise habits and behaviors.”

SEC. 106. REPORT ON OBESITY AND EATING DISORDERS RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on research conducted on causes and health implications (including mental health implications) of being overweight, obesity, and eating disorders.

(b) CONTENT.—The report described in subsection (a) shall contain—

(1) descriptions on the status of relevant, current, ongoing research being conducted in the Department of Health and Human Services including research at the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and other offices and agencies;

(2) information about what these studies have shown regarding the causes, prevention, and treatment of, being overweight, obesity, and eating disorders; and

(3) recommendations on further research that is needed, including research among diverse populations, the plan of the Department of Health and Human Services for conducting such research, and how current knowledge can be disseminated.

TITLE II—FOOD AND BEVERAGE LABELING FOR HEALTHY CHOICES

SEC. 201. FOOD AND BEVERAGE LABELING FOR HEALTHY CHOICES.

(a) USCO-OP.—In this section, the term “USCO-OP” means the United States Council on Overweight-Obesity Prevention under section 399U of the Public Health Service Act (as added by section 101).

(b) REFORM OF FOOD AND BEVERAGE LABELING.—The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the USCO-OP, shall, through regulation or other appropriate action, update and reform Federal oversight of food and beverage labeling. Such reform shall include improving the transparency of such labeling with regard to nutritional and caloric value of food and beverages.

TITLE III—HEALTHY CHOICES FOOD AND BEVERAGE PROGRAMS

SEC. 301. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8); and

(2) by inserting after paragraph (2) the following:

“(3) ADDITIONAL MANDATORY FUNDING.—

“(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out and expand the program under this section, to remain available until expended—

“(i) on October 1, 2009, \$80,000,000;

“(ii) on July 1, 2010, \$130,000,000;

“(iii) on July 1, 2011, \$202,000,000;

“(iv) on July 1, 2012, \$300,000,000; and

“(v) on July 1, 2013, and on each July 1 thereafter, the amount made available for the previous fiscal year, as adjusted under subparagraph (B).

“(B) ADJUSTMENT.—On July 1, 2013, and on each July 1 thereafter the amount made available under subparagraph (A)(v) shall be calculated by adjusting the amount made available for the previous fiscal year to reflect changes in the Consumer Price Index of the Bureau of Labor Statistics for fresh fruits and vegetables, with the adjustment—

“(i) rounded down to the nearest dollar increment; and

“(ii) based on the unrounded amounts for the preceding 12-month period.

“(C) ALLOCATION.—Funds made available under this paragraph shall be allocated among the States and the District of Columbia in the same manner as funds made available under paragraph (1).”

TITLE IV—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 401. COVERAGE OF EVIDENCE-BASED PREVENTIVE SERVICES UNDER MEDICARE, MEDICAID, AND SCHIP.

(a) MEDICARE.—Section 1861(ddd) of the Social Security Act, as added by section 101 of

the Medicare Improvements for Patients and Providers Act of 2008, is amended—

(1) in paragraph (2), by striking “paragraph (1)” and inserting “paragraphs (1) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) The term ‘additional preventive services’ includes any evidence-based preventive services which the Secretary has determined are reasonable and necessary, including, as so determined, smoking cessation and prevention services, diet and exercise counseling, and healthy weight and obesity counseling.”.

(b) STATE OPTION TO PROVIDE MEDICAL ASSISTANCE FOR EVIDENCE-BASED PREVENTIVE SERVICES.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) in paragraph (27), by striking “and” at the end;

(ii) by redesignating paragraph (28) as paragraph (29); and

(iii) by inserting after paragraph (27) the following:

“(28) evidence-based preventive services described in subsection (y); and”;

(B) by adding at the end the following:

“(y) For purposes of subsection (a)(28), evidence-based preventive services described in this subsection are any preventive services which the Secretary has determined are reasonable and necessary through the process for making national coverage determinations (as defined in section 1869(f)(1)(B)) under title XVIII, including, as so determined, smoking cessation and prevention services, diet and exercise counseling, and healthy weight and obesity counseling.”.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of such Act is amended by inserting “, and (28)” after “(24)”.

(c) STATE OPTION TO PROVIDE CHILD HEALTH ASSISTANCE FOR EVIDENCE-BASED PREVENTIVE SERVICES.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)) is amended—

(1) by redesignating paragraph (28) as paragraph (29); and

(2) by inserting after paragraph (27) the following:

“(28) Evidence-based preventive services described in section 1905(y).”.

SEC. 402. COVERAGE OF MEDICAL NUTRITION COUNSELING UNDER MEDICARE, MEDICAID, AND SCHIP.

(a) MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR PEOPLE WITH PRE-DIABETES.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)) is amended by inserting after “beneficiary with diabetes” the following “, pre-diabetes or its risk factors (including hypertension, dyslipidemia, obesity, or overweight).”.

(b) STATE OPTION TO PROVIDE MEDICAL ASSISTANCE FOR MEDICAL THERAPY SERVICES.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d), as amended by section 401(b), is amended—

(A) in paragraph (28), by striking “and” at the end;

(B) by redesignating paragraph (29) as paragraph (30); and

(C) by inserting after paragraph (28) the following:

“(29) medical nutrition therapy services (as defined in section 1861(vv)(1)) for individuals with pre-diabetes or obesity, or who are overweight (as defined by the Secretary); and”.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of such Act, as amended by section 401(b)(2), is amended by striking “and (28)” and inserting “(28), and (29)”.

(c) STATE OPTION TO PROVIDE CHILD HEALTH ASSISTANCE FOR MEDICAL NUTRITION

THERAPY SERVICES.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)), as amended by section 401(c), is amended—

(1) by redesignating paragraph (29) as paragraph (30); and

(2) by inserting after paragraph (28) the following:

“(29) Medical nutrition therapy services (as defined in section 1861(vv)(1)) for individuals with pre-diabetes or obesity, or who are overweight (as defined by the Secretary).”.

SEC. 403. AUTHORIZING EXPANSION OF MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) AUTHORIZING EXPANDED ELIGIBLE POPULATION.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)), as amended by section 402, is amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting each such clause an additional 2 ems;

(2) by striking “in the case of a beneficiary with diabetes, pre-diabetes or its risk factors (including hypertension, dyslipidemia, obesity, overweight), or a renal disease who—” and inserting “in the case of a beneficiary—

“(i) with diabetes, pre-diabetes or its risk factors (including hypertension, dyslipidemia, obesity, overweight), or a renal disease who—”;

(3) by adding “or” at the end of subclause (III) of clause (i), as so redesignated; and

(4) by adding at the end the following new clause:

“(ii) who is not described in clause (i) but who has another disease, condition, or disorder for which the Secretary has made a national coverage determination (as defined in section 1869(f)(1)(B)) for the coverage of such services.”.

(b) COVERAGE OF SERVICES FURNISHED BY PHYSICIANS.—Section 1861(vv)(1) of the Social Security Act (42 U.S.C. 1395x(vv)(1)) is amended by inserting “or which are furnished by a physician” before the period at the end.

(c) NATIONAL COVERAGE DETERMINATION PROCESS.—In making a national coverage determination described in section 1861(s)(2)(V)(ii) of the Social Security Act, as added by subsection (a)(4), the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) consult with dietetic and nutrition professional organizations in determining appropriate protocols for coverage of medical nutrition therapy services for individuals with different diseases, conditions, and disorders; and

(2) consider the degree to which medical nutrition therapy interventions prevent or help prevent the onset or progression of more serious diseases, conditions, or disorders.

SEC. 404. CLARIFICATION OF EPSDT INCLUSION OF PREVENTION, SCREENING, AND TREATMENT SERVICES FOR OBESITY AND OVERWEIGHT; SCHIP COVERAGE.

(a) IN GENERAL.—Section 1905(r)(5) of the Social Security Act (42 U.S.C. 1396d(r)(5)) is amended by inserting “, including weight and BMI measurement and monitoring, as well as appropriate treatment services (including but not limited to) medical nutrition therapy services (as defined in section 1861(vv)(1)), physical therapy or exercise training, and behavioral health counseling, based on recommendations of the United States Council on Overweight-Obesity Prevention under section 399U of the Public Health Service Act and such other expert recommendations and studies as determined by the Secretary” before the period.

(b) SCHIP.—

(1) REQUIRED COVERAGE.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “and (7)” and inserting “(7), and (9)”; and

(B) in subsection (c)—

(i) by redesignating paragraph (7) as paragraph (9); and

(ii) by inserting after paragraph (6), the following:

“(7) PREVENTION, SCREENING, AND TREATMENT SERVICES FOR OBESITY AND OVERWEIGHT.—The child health assistance provided to a targeted low-income child shall include coverage of weight and BMI measurement and monitoring, as well as appropriate treatment services (including but not limited to) medical nutrition therapy services (as defined in section 1861(vv)(1)), physical therapy or exercise training, and behavioral health counseling, based on recommendations of the United States Council on Overweight-Obesity Prevention under section 399U of the Public Health Service Act and such other expert recommendations and studies as determined by the Secretary.”.

(2) CONFORMING AMENDMENT.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by striking “section 2103(c)(5)” and inserting “paragraphs (5) and (7) of section 2103(c)”.

SEC. 405. INCLUSION OF PREVENTIVE SERVICES IN QUALITY MATERNAL AND CHILD HEALTH SERVICES.

Section 501(b) of the Social Security Act (42 U.S.C. 701(b)) is amended by adding at the end the following new paragraph:

“(5) The term ‘quality maternal and child health services’ includes the following:

“(A) Evidence-based preventive services described in section 1905(y).”.

“(B) Medical nutrition counseling for individuals with pre-diabetes or obesity, or who are overweight (as defined by the Secretary).”.

“(C) Weight and BMI measurement and monitoring, as well as appropriate treatment services (including but not limited to) medical nutrition therapy services (as defined in section 1861(vv)(1)), physical therapy or exercise training, and behavioral health counseling, based on recommendations of the United States Council on Overweight-Obesity Prevention under section 399U of the Public Health Service Act and such other expert recommendations and studies as determined by the Secretary.”.

SEC. 406. CHILDHOOD OBESITY INFORMATION, GUIDELINES, AND REPORTING.

The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare and Medicaid Services, shall—

(1) not later than 18 months after the date of the enactment of this Act, provide the State agencies responsible for administering the State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the State child health plan approved under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) with relevant data, information, and recommendations, as the Administrator deems appropriate, regarding the risks associated with childhood obesity and the importance of identifying at-risk children for treatment;

(2) not later than 18 months after the date of the enactment of this Act, issue guidelines, or amend existing guidelines, concerning the development of pediatric obesity prevention programs for at-risk populations through the use of managed care techniques, integrated service delivery models, disease management programs, and other methods that the Administrator deems appropriate;

(3) provide for the annual reporting by such State agencies of the number of children enrolled in a State Medicaid or child health plan that are—

(A) screened for overweight or obesity; and
(B) identified as at-risk for overweight or obesity and have been provided with appropriate medical follow-up services or counseling; and

(4) prepare and submit an annual report to Congress on the percentage of children enrolled in a State Medicaid or child health plan that are screened for overweight or obesity and, for those identified as at-risk, receive appropriate medical follow-up services or counseling.

SEC. 407. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made under this title, take effect on October 1, 2010.

(b) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Thursday, May 21, 2009 at 10:30 a.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that William "Bill" Curlin have full floor privileges during the consideration of the supplemental appropriations bill. He is a fellow in my office.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 134, 135, 136, 137, 138, 141, 142, 143, 145, 146, 147, 148, 149, 150, and 151.

NOMINATION OF THOMAS R. LAMONT

I would like to add, Madam President, before I ask for this consent, that one of the numbers I have just read relates to the nomination of Thomas Lamont, to serve as Assistant Secretary of the Army for Manpower and Reserve Affairs.

Mr. Lamont is a friend of mine. He lives in my hometown, and I have known him for many years. He and his wife Bridget are close friends.

Tom is a dedicated public servant. He has spent 25 years in the Judge Advocate General's division of the Illinois Army National Guard, where he was a State staff judge advocate general before retiring with the rank of colonel in the year 2007.

He was also elected to the board of trustees at the University of Illinois. He served in the highest capacities with the Office of the State Attorney Appellate Prosecutor, Civil Litigation in the Office of the Illinois Attorney General, and the Illinois Board of Higher Education.

He has practiced law in Springfield, my hometown, where he has built a sterling reputation for integrity and ability.

Most recently, Tom has served as special counsel to the University of Illinois.

With this confirmation, his broad array of service and experience will serve our Nation. The Army and America need leaders such as Tom Lamont.

With our Army's soldiers deployed around the world, with their families counting on good leadership in the Pentagon to make certain they are well trained, serve us well, and come home safely, we have an excellent person to serve as Assistant Secretary of the Army for Manpower and Reserve Affairs in Tom Lamont of Springfield, IL.

I was happy to recommend his name to the President.

NOMINATION OF MARGARET A. HAMBURG

Madam President, one of the nominees to be considered and voted out this evening is to serve in the administration with a special responsibility for the Food and Drug Administration. Margaret A. Hamburg is certainly well qualified to serve in that capacity. There are many responsibilities to be dealt with in the agency, including the safety of drugs, pharmaceuticals, medical devices, and food in America. It is an issue that is near and dear to me. I have spoken to the nominee about it personally, and I wish to commend her.

Madam President, I ask unanimous consent that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury.

DEPARTMENT OF VETERANS AFFAIRS

John U. Sepulveda, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources).

Jose D. Riojas, of Texas, to be an Assistant Secretary of Veterans Affairs (Operations, Security, and Preparedness).

William A. Gunn, of Virginia, to be General Counsel, Department of Veterans Affairs.

Roger W. Baker, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

DEPARTMENT OF THE INTERIOR

Rhea S. Suh, of California, to be an Assistant Secretary of the Interior.

DEPARTMENT OF ENERGY

David B. Sandalow, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

Daniel B. Poneman, of Virginia, to be Deputy Secretary of Energy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

[NEW REPORTS]

DEPARTMENT OF DEFENSE

Robert O. Work, of Virginia, to be Under Secretary of the Navy.

Raymond Edwin Mabus, Jr., of Mississippi, to be Secretary of the Navy.

Thomas R. Lamont, of Illinois, to be an Assistant Secretary of the Army.

Paul N. Stockton, of California, to be an Assistant Secretary of Defense.

Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Air Force.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, as in executive session, I ask unanimous consent that on Tuesday, May 19, following disposition of H.R. 627, the Senate proceed to executive session to consider Calendar No. 29, the nomination of Gary Gensler to be a Commissioner of the Commodity Futures Trading Commission; that there be 60 minutes of debate with respect to the nomination, with the time equally divided and controlled between Senators HARKIN and CHAMBLISS or their designees, with Senators CANTWELL, CARDIN, and SANDERS each controlling 5 minutes of the majority's time; that at 2:15 p.m. the Senate proceed to vote on confirmation of the nomination; that upon confirmation of Calendar No. 29, the Senate then proceed to Calendar No. 30, that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in

order; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

ORDERS FOR TUESDAY, MAY 19, 2009

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, May 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 627, the credit card bill, as provided for under the previous order; that upon disposition of H.R. 627, the Senate proceed to executive session to consider the Gensler nomination as provided under a previous order; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conference lunches.

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

PROGRAM

Mr. DURBIN. Madam President, under the previous order, tomorrow there will be a rollcall vote shortly after we convene. The vote will be on the motion to invoke cloture on the Dodd-Shelby substitute amendment to H.R. 627, the credit card bill. If cloture is invoked, the Senate will dispose of the pending amendments and vote on passage of the bill, as amended. As a result, Senators should expect at least two rollcall votes tomorrow morning.

At 2:15 p.m., there will be a vote on confirmation of the Gensler nomination. We also expect to begin consideration of the Iraq and Afghanistan supplemental appropriations bill sometime later tomorrow afternoon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Tuesday, May 19, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ZACHARY J. LEMNIOS, OF MASSACHUSETTS, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, VICE JOHN J. YOUNG, JR.

DEPARTMENT OF EDUCATION

ANTHONY W. MILLER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE RAYMOND SIMON, RESIGNED.

DEPARTMENT OF ENERGY

RICHARD G. NEWELL, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, VICE GUY F. CARUSO.

DEPARTMENT OF THE TREASURY

ROSA GUMATAOTAO RIOS, OF CALIFORNIA, TO BE TREASURER OF THE UNITED STATES, VICE ANNA ESCOBEDO CABRAL, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211(A)(2):

To be commander

SCOTT W. CRAWLEY
MICHAEL F. PIERSON

To be lieutenant commander

JAMES J. BAILEY
JOSE M. BOLANOS
MICHAEL R. CAIN
PATRICK A. CULVER
ASA S. DANIELS
JEFFREY B. DORWART
LEE A. FLEMING
MARK C. FOCKEN
DOUGLAS C. HALL
JOHN M. HARTLOVE
DEAN A. HINES
BRIAN P. HUFF
HENRY M. KONCZYNSKI
HEATHER M. KOSTECKI
MANUEL P. LOMBA
MATTHEW I. MARLOW
STEVEN J. MCKECHNIE
ANN M. MCSADDEN
DAVID W. MITCHELL
GUY A. MORROW
DAWN W. MURRAY
JOSEPH B. NOTCH
MICHAEL G. ODOM
MARK S. PALMER
BRYAN C. PAPE
BENJAMIN L. PERKINS
WILLIAM W. PRESTON
BRIAN W. ROBINSON
ROBERT A. ROSENOW
EDWARD P. SORIANO
FRAMAR L. STENSON
PRUDENCIO M. TUBALADO
JON T. WARNER
ROBERT D. WYMAN
JAMES T. ZAWROITNY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211(A)(2):

To be lieutenant commander

MICHAEL J. CAPELLI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211(A)(2):

To be lieutenant commander

MICHAEL J. HAUSCHEN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. STANLEY A. MCCRYSTAL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH D. KERNAN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS J. SOBIESKI

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOHN E. BLAIR

SAMANTHA L. BUTLER
DAVID M. CRAWFORD
MICHAEL W. FOUNTAIN
ROD S. JOHNSON
MICHAEL J. MATSUURA
MARSHA D. MITCHUM
JAMES REED
KADEE E. THOMPSON
PETER T. TRAN

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KINDALL L. JONES
WILLIAM J. NOVAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SHARON E. BLONDEAU
KAREN D. CHAMBERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

REBECCA D. LANGE
FRANK PIPER
ROBERT SANTIAGO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WALTER A. BEHNERT
ROBERT J. BROODY
MARION S. CALOW
DANIEL L. DUCKER
DAVID E. FLOYD, JR.
TAMARA J. FREEMAN
VIRGINIA W. GERDE
JOHN R. GOUIN
MICHAEL D. KOLODZIEJ
SUSAN MORRIS
RAYMOND B. MURRAY
INGER M. NILSSON
ROBERT J. ROLLE
KELLY L. SNYDER
BRUCE A. SPAULDING
YANN STANCZEWSKI
SHELLY M. WALKER
ZACHARIAH P. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ARTHUR R. BAKER
SARY O. BEIDAS
DAVID E. BENTLEY
MARY M. BRANDT
LISA M. BREITENBACH
JOHN R. BRINEMAN
WALLACE B. BRUCKER
JOHN W. BUCKNER III
DANIEL A. BUTLER
THOMAS E. CASHERO
KARIN A. COX
ERIC C. DESSAIN
GARY L. DOUBLESTEIN
GARTH A. ELIAS
MARIO F. GOLLE, JR.
MELVYN L. HARRIS
JOHN E. HARTMANN
EDWARD P. HORVATH
JAMES A. JEFFERSON
HELEN R. JOHNSON
KEVIN R. JOHNSON
TIMOTHY L. KINZIE
STEVEN B. KNIGHT
FREDERICK C. LOUGH
SCOTT A. LYNCH
PAUL F. MALINDA
RONALD F. MARTIN
MARK A. MATAOSKY
JAIME L. MAYORAL
JOHN J. MCGRAW
STEPHEN B. PALTE
MARK L. PASSAMONTI
ROY D. PENDERGRAFT
ANGEL PEREZTORO
PAUL C. PERLIK
ANDREA J. PLASKIEWICZ
MICHAEL J. RABORN
FELIX E. ROQUE
HENRY J. SCHILLER
STEVEN A. SEVERYN
ROBERT A. SHIVELY
ROBERT A. SOLOMON
JOHN B. SORENSEN
DONALD K. SPANER
DENNIS M. SULLIVAN
ANITA M. YEARLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DENNIS C. AYER

JAMES E. BARRON
MARK D. BRUM
DAVID M. COLLINS
MARCEL S. DENARD
OCIE DRAKE, JR.
JOSEPH K. DRINKWATER
BRIAN D. FOW
JEFFREY O. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL C. OGUINN
CHRISTOPHER D. PRIEST
TRACY L. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARRY D. BARTHOLOMEW
DAVID M. LENNON
TIMOTHY V. MAULDIN
CRAIG W. MEINKING
WILLIAM G. REISZ
RANDY L. SPEAR
KENNETH A. WADE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAWN B. BARROWMAN
SUSAN K. HAGMANN
REBA J. MUELLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LAUREN J. ALUKONIS
MARYETTA M. BECK
MARY P. BOLK
ELIZABETH BONET
ROSETTE BROWNIRVING
MARY D. BURNS
CYNTHIA M. CAMPBELL
CELESTINE CARTER
JOHNNIE M. CARTER
GERALD A. CHAMBERS
MARTHA L. CLINTON
DOUGLAS W. COFFEY
JEAN A. DAYRIT
NOREEN K. DIEDO
JOHN E. FLOOD
VEDA K. FORTE
DAVID J. FREEMAN
LORENA A. GIRON
MARGARET M. HENNESSY

JAMES W. HUGHES
GRETCHEN E. MADEYAWOLFSON
PHYLLIS D. MCCORSTIN
JANECE M. MOLLHOFF
KATHRYN M. MOORE
RHONDA M. MOORE
KARA T. MURRAY
ELSA NEGRIN
KEVIN L. NELSON
IRENE L. PARRISH
CHARLES K. PERSINGER
ELIZABETH M. PETRAS
BEVERLY I. RIVELL
JANE A. RUTLEDGE
NORMA SANDOW
ROBERT P. SAVAGE
YEE L. SIMMONS
CORWYN R. VOKOUN
LUCY D. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PETER H. GUEVARA
JON R. LUNDQUIST
EDWARD A. MOORE
LESTER D. OBANTON
MATTHEW A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD CANER
ROBIN J. DELEON
BENJAMIN W. GOH
JOAQUIN HERNANDEZ
WILLIAM G. HUBER
EMMETT W. MOSLEY
DAVID A. NATHAN
JOSE I. RUIZQUINONES
JEFFREY A. SZUBLEWSKI
CHARLES W. WHITE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL J. BEAULIEU
EUGENE C. BLACKWELL
HARRY B. CARAVAGGIO
CHRISTOPHER E. CONLEY
RICHARD H. DAHLMAN
DANIEL D. DARLAND
GARY L. MILLER
STEVEN J. OWENS
JEFFREY K. PETERS
HEATHER C. TAYLOR
LINDA K. WOMACK
JAMES A. YOUNG

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, May 18, 2009:

DEPARTMENT OF THE TREASURY

NEAL S. WOLIN, OF ILLINOIS, TO BE DEPUTY SECRETARY OF THE TREASURY.

DEPARTMENT OF VETERANS AFFAIRS

JOHN U. SEPULVEDA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES).

JOSE D. RIOJAS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (OPERATIONS, SECURITY, AND PREPAREDNESS).

WILLIAM A. GUNN, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS.

ROGER W. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY).

DEPARTMENT OF THE INTERIOR

RHEA S. SUH, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

DEPARTMENT OF ENERGY

DAVID B. SANDALOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY).

DANIEL B. PONEMAN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARGARET A. HAMBURG, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF DEFENSE

ROBERT O. WORK, OF VIRGINIA, TO BE UNDER SECRETARY OF THE NAVY.

RAYMOND EDWIN MABUS, JR., OF MISSISSIPPI, TO BE SECRETARY OF THE NAVY.

THOMAS R. LAMONT, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

PAUL N. STOCKTON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ANDREW CHARLES WEBER, OF VIRGINIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

CHARLES A. BLANCHARD, OF ARIZONA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.