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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 29, 2004, at 12:30 p.m.

## Senate

FRIDAY, MARCH 26, 2004

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

### PRAYER

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

Let us pray.

Sovereign Lord, You are our strong shelter and hiding place. We praise You for Your love and Your wisdom. You are too wise to ever make a mistake, too loving to ever do anything unkind. When we are unfaithful, eternal God, You remain faithful. Our times are in Your hands.

Thank You that though human beings plan, You have the final word about what happens to our world. Forgive us when we lack the patience to wait for the unfolding of Your powerful providence. Help us to comprehend clearly the road You desire us to travel.

Bless our Senators as they lean upon Your wisdom. Give them the courage to choose the harder right and accomplish those things that will unite rather than divide. Keep them from falling and prepare them to stand before You with great joy.

We pray this in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business to allow Senators to make statements. No rollcall votes will occur today. I do not anticipate a lengthy session of the Senate today. As a reminder, we will begin the welfare reauthorization bill on Monday, and I will be laying out Monday's schedule at the close of today's business. But I would also remind Members that any votes ordered on Monday will be delayed to occur on Tuesday.

### OBESITY

Mr. FRIST. Mr. President, I will be back a little later this morning, but I do want to take an opportunity, seeing our distinguished President pro tempore in the chair today, to comment on an issue I know he feels strongly about as well as I, and that is the issue of physical activity and nutrition and the growing obesity epidemic in the United States.

It is an issue that has, thank goodness, received increasing attention over the last several weeks and months; that is, obesity, the epidemic now in the United States, and its very direct impact on one's overall health, whether it is quality of life or how long one lives.

Despite tremendous gains in public health in this country and, indeed,

around the world, America remains the most overweight country on the globe. Indeed, it is taking its toll in a way that people are only now beginning to realize. But thank goodness they are.

In fact, earlier this year, the CDC, Centers for Disease Control and Prevention, released data showing that lack of physical activity and poor nutrition are the second leading causes of death in the United States of America. That is second only to smoking. In fact, if recent trends continue, obesity can soon overtake smoking as the leading cause of death in the United States. Looking at the recent trends, it is very likely that, indeed, will be the case.

The good news about that, and I would also say about smoking—although smoking is such a powerful addiction, it has been shown to be such a challenge—but the good news about the obesity epidemic we are seeing is, through education and a change in lifestyle alone we can prevent this epidemic from occurring. We can prevent this killing.

The trend has been over the last 30 years. It is one of these problems that has been around. We have always had obesity for whole different reasons. But for new reasons—lack of activity, poor nutrition, promotion of poor nutrition—we have had this trend of obesity skyrocketing over a 30-year period. I am very hopeful that by doing our part in the Senate, as elected representatives, as leaders, through the hearing process, through education, through serving as direct examples, we can help turn this tide and again reverse it over the next several years.

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



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The CDC, the American College of Sports Medicine, and the U.S. Surgeon General have come together to recommend that, for adults, 30 minutes of moderate-intensity activity 5 or more days a week will actually stabilize and reverse the trends we have seen. It is clear that additional physical activity will have even increased benefits on the part of the body that I specialized on, the heart, but also chronic diseases such as diabetes, probably some cancers, clearly lung disease as well. Again, if we can all concentrate on that 30 minutes.

In terms of weight gain, it is not clear yet. We can't accurately predict and say this is how much exercise you need to do to prevent weight gain or reverse weight gain because it is such an individual matter. But we all know physical activity plays a very prominent role in reversing weight gain. It is an important aspect of weight control. It helps promote caloric balance. It helps promote general well-being. In fact, it also helps control appetite.

I mention all this, and I am delighted you will see a lot of Senators and staff members wearing one of these little pedometers. I happen to have one on now. I am a little embarrassed to open up and read how many steps I have taken today. As of 9:30 this morning I have only taken 625 steps. That is too little because by the end of the day I need to have taken a recommended 8,000 or 10,000 steps.

In fact, yesterday I only took about 4,500 steps. So I need to reach my goal of 8,000 to 10,000 over the course of the day. What it does cause me to do is at least think about, instead of taking the elevator right outside the doors, to walk up those two flights of steps, or instead of riding in a car a block or two blocks or three blocks, go ahead and walk on the beautiful day that we have outside. The feedback one gets really helps you think, and then hopefully gives you sort of secondary reinforcement to incorporate that into your lifestyle.

The daily step goals can vary. What I encourage people to do is wear these little inexpensive pedometers. All they do is measure your steps. They do that fairly accurately. People's steps are different lengths, but they give you a way to monitor the activity you do each day, but then also how much you can improve by altering your lifestyle just a little bit. That feedback is very important in terms of changing lifestyle.

During last week—and we will see how long it lasts; I hope it will be for a while—all of my staff have gone out and gotten these little, tiny plastic devices which they are wearing. This week we are going to be measuring our baselines to see where we are, and then we will see in the future how much improvement there is. In fact, later today we will all go out and take a little jog around The Mall. All of us will try bringing our counts up. We try to do a lot within our own Senate community.

I encourage my colleagues to do the same. It is really a matter of raising awareness and changing our lifestyles, which will definitely improve health.

I thank the CDC Foundation and the America on the Move organization for supplying us with these devices. I should also mention for those of my colleagues and others who are listening today who wish to find out more about the pedometers and the importance of daily exercise, two Web sites. The one I highly recommend is the CDC Web site. I will give my colleagues both those addresses. The Web site for America on the Move is [www.americaonthemove.org](http://www.americaonthemove.org). The Web site for the CDC is [www.cdc.gov](http://www.cdc.gov).

You don't have to run. You can walk. You can use a pedometer doing that, and you can make great strides toward a healthier lifestyle.

A couple of key points:

The 30-minute minimum does not have to be done at one time in terms of the official recommendations. You can do it in three 10-minute intervals over the course of the day. You want to be walking at a fast enough intensity where it will make a difference enough to accelerate the heart rate modestly for each of those 10-minute periods.

Finally, I will close with the best part of all of this, which is that it is never too late. No matter what age you are, you can actually change your overall health status, your quality of life, and how long you live if you decide today to change your lifestyle. It will make a difference. It doesn't matter how old you are, how unfit your baseline is, or how inactive you are. Current research shows that starting a more active lifestyle through exercise can make you healthier and improve your quality of life.

That is my health tip for day. It is a little bit about what we do as physicians, as one who exercises regularly, and as one who believes it can make a difference. I know the distinguished occupant of the Chair, the distinguished President pro tempore, is a religious exerciser.

I wanted to make that very brief statement.

I yield the floor.

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#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

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

Who seeks recognition?

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

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

The legislative clerk proceeded to call the roll.

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

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

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#### POLITICIZATION OF THE NOMINATION PROCESS

Mr. DASCHLE. Mr. President, our Constitution has vested the Senate with the responsibility of advising and consenting on the President's nominations.

Throughout the full range of administration appointments—from top Cabinet officials, to Federal judges, to boards and commissions—the Senate's role is to speak for the American people and ensure the highest standards of public service are maintained throughout our Government.

We have exercised this oversight authority with extraordinary restraint. Democrats have sought to participate in the nomination process and work together with the administration and the majority in a bipartisan fashion to confirm public servants in the highest traditions of our Nation.

Regrettably, the administration has chosen to reject the course of bipartisanship, even though Democrats have tried to accommodate the President's goal of filling judicial vacancies. The Senate has confirmed a record 173 Federal judges, rejecting only 3.

These three judges were far outside the mainstream and had troubling records of judicial activism in service to extreme ideology. They were rejected for that reason.

In spite of the Senate's judgment, the President has chosen to take the unprecedented step of using recess appointments to bypass the Senate on two occasions. First, in order to appoint Charles Pickering to the Fifth Circuit Court of Appeals. And second, to appoint William Pryor to the Eleventh Circuit Court of Appeals.

At no point has a President ever used a recess appointment to install a rejected nominee on to the Federal bench. And there are intimations that there will be even more recess appointments in the coming months.

These actions not only poison the nomination process, but they strike at the heart of the principle of checks and balances that is one of the pillars of the American democracy.

This cannot continue. What is at stake here is not just a few nominations. What is at stake is the Senate's obligation to represent the American people and check unrestrained executive power.

This White House is insisting on a radical departure from historic and constitutional practices. They have broken the process and we want to fix it.

And we stand ready to fix it. I have spoken to the majority leader about my serious concerns.

Let us be clear: We will continue to cooperate in the confirmation of Federal judges, but only if the White