

provisions, collectively known as the "Feeney Amendment," that effectively overturned the basic structure of the carefully crafted sentencing guideline system. The bill we introduce today contains a provision, similar to the JUDGES Act that I cosponsored in 2003, that would reverse the provisions in the Feeney Amendment that limited the number of Federal judges who can serve on the Sentencing Commission. Our Federal judges are experts on sentencing policy, indeed they preside over criminal sentencing proceedings daily; I am glad this restoration has been included.

This important legislation has the support of the Administrative Office of the Courts, on behalf of the Judicial Conference, and senators on both sides of the aisle. Our judiciary needs these improvements to increase its efficiency and administrative operations. I urge my Senate colleagues to quickly pass this noncontroversial legislation.

By Mr. MENENDEZ:

S. 3570. A bill to establish a National Public Health Coordinating Council to assess the impact of Federal health-related socio-economic and environmental policies across Federal agencies to improve the public's health; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise to speak on behalf of the public's health, and I am introducing two pieces of legislation that will help us assure that healthy people live, work and learn in healthy buildings and healthy communities, S. 3570 and S. 3571.

Public health is a shared responsibility of both public and private entities—Federal, State, and local governments, as well as independent organizations and even individuals in their local communities. We all have a role to play, and we must all do more if we are to truly improve the public's health. That is why today I am introducing the Public Health Coordinating Council Act. This bill will establish a National Public Health Coordinating Council, to be chaired by the Assistant Secretary of Health and the Surgeon General. This Council will be a forum to improve interagency communication, coordination and strategic collaboration across Federal agencies. We should have confidence that policies and programs from one office support, rather than undermine, the policies and programs in another office. Unfortunately, I'm not sure that's the case within today's structure.

For example, if the Department of Health and Human Services is working to reduce obesity, the 2nd leading cause of preventable death in the Nation, how well do the policies of the Transportation, Interior or Agriculture departments support these same goals? Are they working on programs to encourage public safety, or physical activity and healthy eating, as they should be?

I look forward to passing this legislation and increasing the Federal Government's effectiveness in protecting the public's health.

Secondly, another significant issue facing our Nation is escalating health care costs from chronic diseases—health conditions that can be reduced if we use our land responsibly and design and manage our local environments wisely.

Our physical environment is not being designed to protect or promote health. The built environment—the places where we live, work, shop, and play—has an enormous impact on health, and can encourage active living and sound nutritional choices. How we plan and build our streets, homes, businesses and schools can either improve or compromise our health, and I am concerned that more often than not, we miss opportunities to get it right.

Uninformed public policy decisions can contribute to health inequities, chronic disease, increased sprawl and traffic, decreased air and water quality, loss of green space and inappropriate siting of facilities and other unwanted health consequences.

However, with good planning, we can intentionally and predictably improve health outcomes, improve individual safety, protect the environment, and lower public costs. For example, when car use was reduced during the 1966 Atlanta Olympic Games, asthma admissions to emergency rooms and hospitals also decreased.

Obese and physically inactive workers have higher health care costs, lower productivity, increased absenteeism and higher workers' compensation claims. In one state, physical inactivity was estimated to cost \$128 per person per year.

So imagine, if 10 percent of Americans began a regular walking program, we could save \$5.6 billion in heart disease costs. If you combine concerns over growing health care costs with concerns over growing waistlines and chronic diseases, it becomes clear very quickly that designing our environment to encourage walking and physical activity is a good investment.

We can improve health outcomes by how we design our environments. People living in the most sprawling counties are likely to weigh on average six pounds more than people in the most compact counties, and are more likely to be obese and have high blood pressure.

We can improve public safety outcomes by how we design our environments. The 10 most sprawling cities had traffic death rates 50 percent higher than the 10 least sprawling.

We can protect our environments by how we design them. Improved land use, design and engineering practices, and conservation and recycling substantially reduce contamination of major public water supplies, and preserve habitats and biodiversity of species.

We can improve social connectedness by how we design our environments.

Building healthy neighborhoods and communities increases social cohesiveness, improves mental health, reduces crime, and allows more seniors to "age in place". Designing our communities with short commuting distances increases time for extracurricular activities for our children, recreation/rejuvenation time after work for adults, and time for family members to spend together or involved in their communities.

My bill, the Health Impact Assessment Act, will encourage community environments that improve, or at least do not harm the public's health. Health Impact Assessments, HIAs, are a relatively new strategy here in this country, although they have been successfully used for years in Europe and elsewhere to protect the public's health.

Public health is generally not examined in the Environmental Impact Statement process in this country. Some innovative researchers and planners are trying HIAs here, including in Los Angeles and Atlanta. One recent example was an HIA for proposed oil and gas development in Alaska's North Slope region. Interestingly, they learned that the local community was concerned about loss of hunting grounds, increased contamination of their food supply and water quality, and an increased trafficking of alcohol and drugs. Their findings included measures to mitigate these health concerns, such as creating a health advisory board and increasing public safety officers, setting up a public health monitoring system and strategies to control spills and contaminants.

My bill requests that the GAO identify what works best for assessing planning, the impact of land use and building design, and social policy on community health. It also creates a national clearinghouse and demonstration program to improve the built environment and promote health. Additionally, it strengthens CDC's capacity to promote HIA processes by developing guidance for assessing the potential health effects of social policy, land use and design, housing, and transportation policy and plans.

I want to thank the National Association of County & City Health Officials, Partnership for Prevention, American College of Preventive Medicine, American Public Health Association, and Trust for America's Health for their help and support of this legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 679—COMMEMORATING THE 219TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

Mr. MARTINEZ (for himself and Mr. NELSON or Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 679

Whereas the Act entitled "An Act to establish the Judicial Court of the United States", approved September 24, 1789 (1 Stat. 73, chapter 20) (commonly known as the "Judiciary Act of 1789"), directed the appointment of United States Marshals and launched the United States Marshals Service;

Whereas the Judiciary Act of 1789 determined that law enforcement would be the primary function of the United States Marshals;

Whereas President George Washington appointed the first 13 United States Marshals soon after signing the Judiciary Act of 1789 into law;

Whereas, during 219 years of service, United States Marshals have executed warrants, distributed presidential proclamations, registered enemy aliens in time of war, and helped conduct the national census;

Whereas, during 219 years of service, United States Marshals have protected the President and the Federal courts, provided for the custody and transportation of Federal prisoners, and maintained and disposed of seized and forfeited properties;

Whereas, during 219 years of service, United States Marshals have ensured the safe conduct of judicial proceedings and protected Federal judges and jurors and other members of the Federal judiciary;

Whereas, through the Witness Security Program, United States Marshals provide for the security, health, and safety of nearly 18,000 Government witnesses and their family members whose lives are in danger as a result of the witnesses' testimony against gangs, drug traffickers, terrorists, organized crime members, and other criminals;

Whereas the United States Marshals Service directs and coordinates regional and district fugitive task forces that combine the efforts of Federal, State, and local law enforcement agencies to apprehend the most dangerous fugitives, making the United States safer;

Whereas, during 219 years of service, United States Marshals have conducted their mission of apprehending fugitives with skill and valor;

Whereas, during fiscal year 2008, United States Marshals have arrested more than 100,000 fugitives wanted for committing felonies and have conducted more than 800 extraditions; and

Whereas United States Marshals carry out complex and life-threatening missions daily to maintain the integrity of the judicial process of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the United States Marshals Service on its 219th anniversary;

(2) commends the United States Marshals Service as one of the most versatile and effective law enforcement agencies in the world; and

(3) honors the men and women who have served the United States Marshals Service and the Nation valiantly with their dedication to justice, integrity, and service.

**SENATE RESOLUTION 680—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 680

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how financial institutions have designed, marketed, and implemented transactions intended to enable foreign taxpayers to avoid taxes on U.S. stock dividends;

Whereas, the Subcommittee has received requests from law enforcement and regulatory agencies for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how financial institutions have designed, marketed, and implemented transactions intended to enable foreign taxpayers to avoid taxes on U.S. stock dividends.

**SENATE RESOLUTION 681—TO ALLOW THE PART TIME, VOLUNTEER PRACTICE OF MEDICINE IN PRIVATE MEDICAL FACILITIES**

Mr. MCCONNELL (for himself, Mr. CORNYN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 681

*Resolved*,

**SECTION 1. VOLUNTARY PROVISION OF MEDICAL SERVICES.**

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate, a Senator may use the medical facilities of a private entity in order to provide voluntary and necessary medical care to his patients, provided that the Senator—

(1) is a licensed physician;

(2) only practices medicine on a part-time basis outside of regular Senate office hours;

(3) believes in good faith that he must use the medical facilities of a private entity in order to provide the necessary and professionally required level of medical care to his patients;

(4) does not receive any compensation, income, or revenue as a result of providing such voluntary medical care; and

(5) does not allow the private medical facility to use his name.

(b) EFFECTIVE PERIOD.—This resolution shall take effect on the date of adoption of this resolution.

**SENATE RESOLUTION 682—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF HISPANIC AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION**

Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. MARTINEZ, Mr. REID, Ms. STABENOW, Mr. DURBIN, Mr. BINGAMAN, Mr. OBAMA, Mr. LEVIN, Mrs. CLINTON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DODD, Mr. FEINGOLD, Mrs. BOXER, Mr. DOMENICI, Mrs. MURRAY, Mr. LUGAR, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 682

Whereas from September 15, 2008, through October 15, 2008, the country celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at 45,500,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 3 United States public school students is Hispanic, and the total number of Hispanic students enrolled in our Nation's public schools is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans has reached \$870,000,000,000 by 2008 and there are more than 1,600,000 Hispanic-owned firms in the United States, supporting 1,536,795 employees nationwide;

Whereas Hispanic Americans serve in all branches of the Armed Forces, bravely fought in every war in United States history, and continue to serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of those who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas, as of August 2, 2008, approximately 11 percent of the more than 4,122 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas 43 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2008, through October 15, 2008;

(2) honors the heritage and culture of Hispanic Americans and their immense contributions to the life of the Nation; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.