Oversight and the Courts on the dangers that obesity lawsuits pose for small businesses. Mr. Reaves gave compelling testimony about the catastrophic effects that such a lawsuit could have on him and his 196 employees. He then noted an even more insidious cost of obesity lawsuits:

But beyond the costs of defending a potential suit and the risks to my business that go along with it, there are other significant and detrimental effects. For instance, the mere threat of such a suit can have a direct impact on the cost of insuring my business. Insurance companies have acknowledged that they are watching these lawsuits very closely, and they recognize that this litigation is very much a factor in how they may price future liability products for food companies.

Mr. Reaves' testimony is especially important, because it highlights the fact that much more is at stake in the obesity lawsuit debate than the transfer of huge monetary sums from businesses to wealthy trial lawyers. If the mere threat of these lawsuits is not removed, then economic ripples will negatively impact every sector of the food industry. Even the ordinary consumer will feel this impact in the form of higher retail prices.

These lawsuits may even have the perverse effect of exacerbating the problems of overweight Americans. By trying to assign responsibility for overeating to food producers and sellers, the obesity lawsuit movement may be actively discouraging the kind of personal responsibility needed for Americans to develop healthier eating habits.

Let me be clear: This bill is not intended to minimize the problem of overeating. In fact, overweight Americans need to design healthier lifestyles for themselves and their children. America is blessed with an abundant, affordable food supply and an overwhelming number of food choices. With so many food choices, some of us overdo it.

That overindulgence, combined with an underindulgence of exercise, can have negative health consequences. But most of us take responsibility for the amount and the type of food we put in our mouth, and we accept the consequences of these decisions.

Unfortunately, some personal injury lawyers are now trying to convince Americans with expanding waistlines that someone else is to blame for their weight problem. This is precisely the wrong message to send to Americans who may be struggling with their weight.

Dr. Gerard J. Musante is an adjunct professor at Duke University and founder of Structure House, a well-known and highly respected residential weight loss center in Durham, North Carolina. Dr. Musante has testified before a Senate Judiciary subcommittee that he was concerned about the message sent to overweight Americans by litigation related to obesity.

Dr. Musante's viewpoint on this issue is worth our full attention. Specifically, he testified that:

Lawsuits are pointing fingers at the food industry in an attempt to curb the nation's obesity epidemic. These lawsuits do nothing but enable consumers to feel powerless in a battle for maintaining one's own personal health. The truth is, we as consumers have control over the food choices we make, and we must issue our better judgment when making these decisions. Negative lifestyle choices cause obesity, not a trip to the fast food restaurant or a cookie high in trans fat. Certainly we live in a litigious society. Our understanding of psychological issues tells us that when people feel frustrated and powerless, they lash out and seek reasons for their perceived failure. They feel the victim and look for the deep pockets to pay. Unfortunately, this has become part of our culture, but the issue is far too comprehensive to lay blame on any single food marketer or manufacturer. These industries should not be demonized for providing goods and services demanded by our society.

Dr. Musante is absolutely right, and this bill is designed to ensure that an individual's eating habits do not become the province of our already overcrowded judicial system.

The bill is narrowly tailored to apply only to frivolous lawsuits seeking to shift responsibility for unhealthy lifestyle choices. It acknowledges that weight gain and its consequences have numerous interrelated causes, including genetic factors, physical activity, and other lifestyle choices unrelated to consumption of food manufactured or sold by a specific restaurant or corner store.

It is not intended to limit a plaintiff's ability to pursue legal action against food manufacturers or sellers who are found to be engaged in wrongdoing. In fact, let me be clear about what this bill will not do:

It would not affect lawsuits against food manufacturers or sellers that knowingly and willfully violate Federal or State statutes applicable to the manufacture or sale of food. This means that suits based on knowing misrepresentations regarding nutritional information or other statements would not be precluded by this bill.

It would not apply to lawsuits for breach of contract or express warranty.

It would not apply to claims relating to ''adulterated'' food or provide immunity to restaurants that improperly store, handle, or prepare food leading to an illness.

It would not apply to claims stemming from the use of dietary supplements.

In short, it will not provide widespread legal immunity for the food industry. It only provides protection from abusive lawsuits by people seeking to blame someone else for their poor eating habits.

I should mention that in the 109th Congress, the House voted on similar legislation. That bill, entitled the ''Personal Responsibility in Food Consumption Act,'' passed the House on October 19, 2005, by the overwhelming margin of 306–120.

In our overly litigious society, this bill delivers an important message about personal responsibility. Americans have the freedom to make choices about the food they want to eat, and those choices cannot be litigated away. Frivolous lawsuits are not a substitute for the considered judgment of legislatures and regulatory agencies about the best ways to encourage healthy lifestyles that include a proper diet and exercise.

I hope my colleagues will join me in taking an important step to preserve common sense in the judicial system.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS KATIE SOENKSEN

Mr. GRASSLEY. Mr. President, it is with deep sadness that I announce to the Senate that one of Iowa's own, PFC Katie Soenksen of Davenport, has given her life in service to her country in Iraq. My thoughts and prayers are with her parents, Mary Ann and Ronald Soenksen, her brother and sister, and all her family and friends as they grieve her loss. Katie is one of many members of her extended family who have served their country in the military, and she felt a calling to military service. She even visited her former high school, Davenport North, to recruit for the Army. She joined the Army knowing full well what sacrifices she might be asked to make, but she believed in what she was doing and in her mission in Iraq. Katie kept in regular contact with her family and reported about the tremendous good she and her fellow soldiers were doing to make better the lives of everyday Iraqis. Certainly the Iraqi citizens whose lives she helped to improve, as well as all Americans, whose security she has helped ensure, owe her a tremendous debt of gratitude. Our Nation is truly blessed to have such citizens as Katie Soenksen who are prepared to make the ultimate sacrifice for our freedom, and I am proud to call her an Iowan. Words cannot adequately express the thanks owed to her and her family, who feel her loss so deeply. Her ashes will now rest alongside her fellow patriots at the National Cemetery on Arsenal Island, and her soul is no doubt in heaven.

GENETIC TESTING

Mr. OBAMA. Mr. President, I wish to comment about an amendment that I offered to the bill, S. 1082, that the Senate passed on Wednesday.

Researchers and clinicians continue to make significant advancements in personalized medicine. The ability to diagnose, evaluate disease susceptibility, and provide medical treatment at an individual level is made possible by powerful tools such as genetic testing, an essential component of personalized medicine. Given the complex nature of genetic testing, I am pleased that my amendment, No. 1041, to the bill was accepted. This amendment provides for a study by the highly regarded Institute of Medicine, which will give independent, renowned, and respected experts in genetics,

genomics, and related fields the opportunity to provide their thoughtful recommendations on the best ways to further the promise of personalized medicine.

I thank the bill managers and their staffs for their assistance.

RISK OF GUNS ON COLLEGE CAMPUSES

Mr. LEVIN. Mr. President, in order to get a handle on today's gun violence among students, we must increase our awareness on the issue. Last week, the Brady Center to Prevent Gun Violence released a report that draws attention to the gun lobby's efforts over the past few years to change college campus rules that prohibit firearms. The report details the gun lobby's efforts in multiple States to pressure colleges to allow the possession and use of firearms by students and others on campus.

The report, ''No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools,'' reveals a letter addressed to a Maine legislator from the National Rifle Association Institute for Legislative Action on April 2, 2007, emphatically opposing legislation to ''allow any college or university to regulate the possession of firearms on the property of the college or university.'' It also describes the gun lobby's support for a law passed in Utah that expressly prohibits public school districts, public schools, and State institutions of higher education from keeping guns off campuses. Similar legislation was proposed in Virginia last year.

''Our schools should be sanctuaries, not armed camps,'' stated Paul Helmke, President of the Brady Center. ''Institutions of higher education already have chosen policies either banning or tightly controlling guns on campus. That is as it should be. These institutions are responsible for the safety of their students and the security of their campuses and should continue to have the right to control firearms.''

No Gun Left Behind also details some of the reasons bringing guns onto campus increases the danger to students and faculty alike. Every year approximately 1,100 college students commit suicide, with an additional 24,000 attempting suicide. Roughly 90 percent of those who attempt suicide with a firearm are successful. And, there is a significant danger of guns being stolen in the dorm setting.

As Congress considers sensible gun legislation, I urge my colleagues to read this important report.

MILITARY SPOUSE APPRECIATION DAY

Mr. HAGEL. Mr. President, I rise today to honor the men and women that serve our Nation as military spouses. I greatly admire the strength, courage, and commitment of these special individuals.

In 1984, President Ronald Regan recognized the vital importance and personal sacrifice of the military spouse by declaring the Friday before Mother's Day as Military Spouse Appreciation Day. The impact that the military spouse has on the readiness and effectiveness of today's all-volunteer Armed Forces cannot be overstated.

However, military spouses are rarely thanked or recognized for the vital role that they play in maintaining our national security.

Today, more than 50 percent of our total force is married. Of the 1.12 million military spouses 92 percent are women, 78 percent are enlisted spouses, 57 percent are between the ages of 25–40 years, 73 percent have children, and 65 percent also work outside of the home.

The Armed Forces' current operational tempo has placed unique challenges and extraordinary strain on our military families. Months of waiting and late nights filled with worry about a forward deployed loved one can take a toll on the most steadfast and stouthearted man or woman. Despite this intense strain, military spouses have remained committed and loyal to their servicemember and families. These men and women know the true meaning of sacrifice and devotion.

Today, America says thank you to our loving military spouses.

NATIONAL POLICE WEEK

Mr. DOMENICI. Mr. President, I rise today to commemorate the hard work and sacrifices made daily by law enforcement officers all across our great land. Many officers have lost their lives in the line of duty so that our families and communities may remain safe. We must never forget those who have given their lives to protect us all.

In 1962, President John F. Kennedy first declared the annual celebration of Peace Officers Memorial Day and National Police Week in ''recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws.''

Sadly, since the turn of the last century, more than 126 law enforcement officers have been killed in the line of duty in New Mexico. This year, two New Mexico police officers will be honored and remembered by having their names added to the National Law Enforcement Officers Memorial in Washington, DC.

The first, Deputy James McGrane was tragically shot and killed on March 22, 2006 while making a traffic stop. Unknown at the time to Deputy McGrane, the driver of the vehicle Michael Paul Astorga was wanted for a 2005 murder. As he approached the vehicle, Deputy McGrane was cold bloodedly shot twice and died at the scene. A massive manhunt in New Mexico ensued. After the case was profiled on the television show Americas Most Wanted Astorga was apprehended in Juarez, Mexico and expedited to the United States. Deputy McGrane had served with the Bernalillo County Sheriff's Department for three years and had previously served with the New Mexico State Police and the U.S. Postal Inspection Service.

Also being honored this week is Patrolman James Archuleta of Espanola who was killed June 4, 2006, in an automobile accident. Patrolman Archuleta was responding to a shooting when the accident occurred. Patrolman Archuleta had served with the New Mexico State Police for 2 years and was also a member of the U.S. Marine Corps Reserves.

This week we remember the dedication of Deputy McGrane and Patrolman Archuleta and all of our fallen policemen and women who protect and serve our communities, and the tragic price they paid for that devotion. We must also remember the families of all fallen officers and the sacrifices they have incurred because of a deep-seated commitment to duty and public service. All of us from New Mexico owe a debt of gratitude to each and every officer who has lost their life in the line of duty. To those who continue to serve, we are grateful. You have my utmost admiration.

VOTE EXPLANATION

Mr. REED. Mr. President, due to my flight from Rhode Island being delayed, I was unavoidably absent for vote No. 151, the Cochran second-degree amendment No. 1010 to the Dorgan amendment No. 990.

Had I been present, I would have opposed the Cochran amendment. While I have supported the Cochran amendment in the past, the amendment this time seeks to amend a different and vastly strengthened Dorgan reimportation proposal. Senators DORGAN and SNOWE have acknowledged the safety concerns that have been raised in the past and have sought to address them. Specifically, their amendment establishes a framework for the registration and regulation of exporting pharmacies and wholesalers. It also directs the FDA to initiate a process to approve identical medications as FDA-approved products in the United States. The amendment also requires clear labeling and documentation of the drug from the point of origin to the point of sale. I believe these series of measures greatly improve the Dorgan amendment, reduce the risk of counterfeit products entering the domestic drug supply chain, and assure the safety of reimported drugs. The Dorgan-Snowe proposal also meets the second test set forth in the Cochran second degree amendment—cost savings. According to Congressional Budget Office, CBO, estimates, implementation of prescription drug importation provisions would lead to $50 million in direct savings. However, the CBO also found that imposing the Cochran amendment would reduce those potential savings to zero.