

that earns \$36,000 or \$58,000 or even \$90,000 pays Social Security tax every day of the year, this year, with the expectation they will get a benefit; but not so for people who earn more, \$90,000, including Members of Congress. When income hits \$90,000, the tax goes away. The President stopped paying on March 24, and he wants to cut the benefits of people who pay that tax every day this year, many of them a bigger tax than they pay to the Federal Government under income taxes, particularly low-income people.

Let us take some other friends of the President. The heads of Viacom, Tom Preston and Les Moonves, they stopped paying the Social Security tax at 4 a.m. on January 2 because they earn \$77,000 a day. So at 4 a.m. on January 2, their obligations to Social Security went away. Despite their huge \$20 million salary, they will pay one one-thousandth of 1 percent of their salary to Social Security, but working Americans are going to pay 6.2 percent of every paycheck and self-employed will pay 12.4 percent of every paycheck, and the President wants to cut their benefits. But he does not want to cut the tax cuts for Mr. Moonves or Mr. Preston, and he does not want to cut the tax cuts for himself.

There is a better way to solve the Social Security problem, and I will talk about that another day.

CONSTITUTION OPTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. CHABOT) is recognized during morning hour debates for 5 minutes.

Mr. CHABOT. Mr. Speaker, for several years now, President Bush's judicial nominees have been filibustered, including those who would fill four vacancies in the Sixth Circuit Court of Appeals located in my district in Cincinnati, Ohio. This is unprecedented.

Some would have us believe blocking judicial nominations is a long and revered tradition. Nothing could be further from the truth. Never before have judicial nominees with clear majority support been denied the courtesy of an up-or-down vote. Not once.

The filibuster is not part of the Constitution. It is not even part of the old Senate rules. While it is a useful tool when considering legislation, and should remain as such, we cannot allow filibustering of judicial nominations. Each time a nominee is denied an up-or-down vote, the impact is vast. Not only is our Federal judiciary weakened, but our Constitution becomes more vulnerable; and as chairman of the Subcommittee on the Constitution, let me emphasize that these actions are unprecedented and should be abhorrent to those of us who are bound by oath to uphold our country's most sacred document, the United States Constitution.

ASTHMA AWARENESS DAY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, tomorrow is Asthma Awareness Day. I rise to celebrate the October 2003 enacted Asthmatic Students Treatment and Health Management Act, ASTHMA. It is now Public Law 108-377 and was H.R. 2023 in the House and the Senate bill was S. 2815. I introduced this with the gentleman from Rhode Island (Mr. KENNEDY), and Senator ENZI and Senator KENNEDY carried the mantle there.

Mr. Speaker, this law provides incentives for States to pass favorable laws that guarantee that students can carry and use prescribed medicine and anaphylaxis medications while in school. It is not a mandate, and incurs no new spending. The idea has been germinating since the early 1990s and has been building momentum since.

On Asthma Awareness Day, May 7, 2003, there were only 20 asthma-friendly States in our United States. Even more limiting, of these 20, only nine extended that protection even further to anaphylaxis medication like epinephrine auto-injectors. Today, according to the Allergy and Asthma Network, Mothers of Asthmatics, we have a strong number of 41 States protecting for asthma, 26 for asthma plus anaphylaxis, and four have legislation pending for both conditions. Four that have asthma laws have legislation pending for anaphylaxis, and there is one State just getting started and has legislation that is pending for asthma anaphylaxis-carrying students.

Mr. Speaker, this is a dramatic upswing for our children. I am especially proud to report what is going on in Florida. Florida has been an inhaler-friendly State for years, but now there is legislation pending to include epinephrine auto-injectors.

My friend and constituent, Dr. Karl Altenberger, an allergist in Ocala, Florida, has been active in advancing this for his patients in the Florida State legislature. He is to be commended. This bill passed last week and is ready for the Governor's signature.

Just yesterday, the Orlando Sentinel reported "Girl fights for allergy law as lives depend on it." In Celebration, a central Florida town, lives 9-year-old Kelsey Ryan. "Severely allergic to peanuts, she has never known life without her EpiPen. The dose of adrenaline inside could save her life and is with her at all times: in classrooms, on field trips, and during school activities. Now Kelsey has been urging Tallahassee lawmakers to pass a bill that would allow the estimated 100,000 Florida school children with life-threatening allergies the same access to this EpiPen.

Kelsey has testified before four Tallahassee committees since February, meeting lawmakers and passing out practice injectors urging them to pass

the bill. We might call Kelsey a true respiration inspiration. She shares a quote, "My mom told me in some schools, there are children like myself who need the EpiPen with them, but it is locked far away in the clinic." She told the committee that if someone needed their EpiPen, it might not get to them in time.

Kelsey's charisma and dedication led legislators in Tallahassee to rename H.B. 279 the Kelsey Ryan Act. More than 60 State legislators cosponsored the bill which the House passed earlier this month 114 to 0. The Senate passed it last week, and it is on the desk of Governor Jeb Bush.

Brenda Olson, director of governmental affairs for the American Lung Association of Florida points out that "most schools in Florida do not allow students to carry the EpiPen." As we have been saying for years, "Moments count when these reactions start."

Kelsey's mother, Blair Ryan, emphasized another point we made in our bill, H.R. 2023, that this is a team effort between the student, the parents, the physician, and the school. If a parent and physician believe that a student is mature and competent to treat him or herself, a school should not impede this medical regimen, but help it work for the student.

Currently, school districts across Florida have different policies on this matter, and some may well not serve a student who just accidentally got stung by a bee or ate a cookie with an unknown walnut. Officials in Volusia and Orange counties said the majority of EpiPen are kept locked in school clinics. This is disastrous for the student's health and potentially a lawsuit on the school.

In conclusion, I am pleased with the strong progress on this issue here in our Nation's Capitol and in the State houses. I invite everyone to join us in the Cannon Caucus Room tomorrow at 11:30 a.m. for a congressional briefing followed by free asthma screenings and asthma health clinics and exhibits from 1 to 3:30 p.m. This year, Asthma Awareness Day is truly a breath of fresh air.

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This law provides incentives for States to pass favorable laws guaranteeing that students can carry and use prescribed asthma and anaphylaxis (anna full AXE iss) medications while at school. It is not a mandate, and it incurs no new spending. This idea has been germinating since the late 1990s, and has been building momentum since. On Asthma Awareness Day, May 7, 2003, there were only 20 "asthma-friendly" States. Even more limiting, of these 20 only 9 extended that protection even further to anaphylaxis (anna full AXE

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I am especially proud to report what is going on in Florida. Florida has been inhaler-friendly for years, but now there is legislation pending to include epinephrine auto-injectors. My friend and constituent Karl Altenberger, MD, an allergist in Ocala, FL has been active on advancing this for his patients for years in the Florida State legislature. The bill passed last week and is ready for the Governor.

Just yesterday (May 2nd), the Orlando Sentinel reported that "Girl fights for allergy law as if lives depend on it." In Celebration, a central Florida town, lives 9-year-old Kelsey Ryan. "Severely allergic to peanuts, (she) has never known life without her EpiPen. The dose of adrenaline inside could save her life and is with her at all times: in her classroom, on field trips and during after-school activities.

Now Kelsey has been urging Tallahassee lawmakers to pass a bill that would allow the estimated 100,000 Florida schoolchildren with life-threatening allergies the same access to their EpiPens—also known as epinephrine auto-injectors.

Kelsey has testified before four Tallahassee committees since February, meeting lawmakers and passing out practice injectors with tags urging them to pass the bill." We might call Kelsey a true respiration inspiration. She shares that "My mom told me that in some other schools there's children like myself who need their EpiPen with them, but it's locked up far away in the clinic," Kelsey told one committee. "If they somehow needed their EpiPen, it might not get to them in time."

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Brenda Olsen, director of governmental affairs for the American Lung Association of Florida, points out that "Most schools in the State of Florida do not allow students to carry their EpiPens," and, as we have been saying for years, "Moments count when these reactions start."

Kelsey's mother, Blair Ryan, emphasizes another point we made in H.R. 2003: This is a "team effort" between the student, the parents, the physician, and the school. If a parent and physician believe that a student is mature and competent to treat him or herself, a school should not impede this medical regimen, but help it work for the student. Currently, school districts across Florida vary on their policies, and some may not well-serve a student who just accidentally got stung by a bee, or ate a cookie with an unknown walnut. In the Sentinel article, officials in Volusia and Orange counties said the majority of EpiPens are kept locked in school clinics. This could prove to be just disastrous, for the student's health, and potentially as a lawsuit to the school.

I am pleased with the strong momentous progress of this issue here in our Nation's

capital and in our statehouses. I invite everyone to join us in the Cannon Caucus room tomorrow at 11:30 a.m. for a Congressional Briefing, followed by free asthma screenings and asthma health exhibits from 1-2:30 p.m. This year's Asthma Awareness Day is truly a breath of fresh air.

SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, tomorrow in the Committee on Rules and on Thursday on the House floor under the able leadership of the gentleman from California (Mr. LEWIS), chairman of the Committee on Appropriations, we will be considering and voting with, I am sure, strong bipartisan support, we will be voting out the conference report on the supplemental appropriations bill focused on providing very important assistance to our effort in Iraq, the men and women there, and also aid to the victims of the tragic tsunami that we saw take place last year.

We also are very pleased that included in that legislation is an item which the gentleman from Illinois (Mr. HASTERT) made a commitment to last fall that would be there when we were working on implementations of the recommendations from the 9/11 Commission, the intelligence conference report.

To refresh the memories of our colleagues, there were many of us, Republican conferees on the House side especially, who were pushing to include very important border security provisions.

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Unfortunately, our colleagues in the other body refused to include those. We went ahead and passed out, again with strong bipartisan support, the legislation that implemented the recommendations of the 9/11 Commission, including the establishment of a new Director of National Intelligence and very important measures to increase the size of our border patrol as well as other important items dealing with the issue of intelligence. We were unable, because, as I said, our colleagues in the other body would not include it, to have the border security issues which we are going to be including in this supplemental appropriation bill. Again, Speaker HASTERT made a very good commitment that we would have it on the first must-pass piece of legislation.

Those provisions, Mr. Speaker, are very, very important. They are designed to ensure that driver's licenses do not get into the hands of people who are here illegally. It also is designed to complete the 3½-mile gap in the border fence which exists along the border between Mexico and the United States, between San Diego and Tijuana. We, I

believe, are going to be much better off with these items that are included.

But as we move beyond this issue, it is important for us to also focus on other priorities that we have legislatively to deal with the border security issue. Next week we are scheduled to have a hearing in the Judiciary Committee's Subcommittee on Immigration on H.R. 98, a measure which enjoys bipartisan support. I am proud that the lead cosponsor of the legislation is the gentleman from Texas (Mr. REYES), former chairman of the Hispanic Caucus, and we have support from a wide range of Members.

H.R. 98, Mr. Speaker, establishes a counterfeit-proof Social Security card. We know that there are employers out there who are required under the employer sanctions provisions of the 1986 Immigration Reform and Control Act to ask for documents when they are hiring people, a birth certificate, driver's licenses, other things. The existence of a counterfeit-proof Social Security card will make it easier for the employer with a card like this, and they will simply take and swipe this card or call a toll-free number and be able to determine whether or not someone is an American citizen, here on a work permit or what their status is. If they do not have this card, they will not be able to get a job; and if employers hire them, we have increased by 400 percent the penalty for those employers and we call for the establishment in H.R. 98 of 10,000 enforcement agents who will make sure that employers are actually complying with the law and not hiring people here illegally.

The bill is called H.R. 98, Mr. Speaker, because according to T.J. Bonner, the president of the National Border Patrol Council, it will reduce by 98 percent the number of illegal border crossings. So we believe very strongly that implementation of a national counterfeit-proof Social Security card, which is not a national identification card, only required for people who are looking for a new job, is one of the most important ways that we can deal with our very, very important border security issue.

We look forward to the passage of the supplemental appropriations bill here on the floor on Thursday. We also look forward to what we hope to be very, very growing support for passage of H.R. 98.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this last weekend I held a town hall meeting on Social Security in my hometown of Martinez. I must say that the audience was quite stunned to learn that not only was President Bush continuing his drive for