

Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk non-profit organizations, and for other purposes.

S. 2283

At the request of Mr. GREGG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2425

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2602

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2603

At the request of Mr. SMITH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 2609

At the request of Mr. COLEMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2609, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend and improve national dairy market loss payments.

S. 2623

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2647

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2706

At the request of Mrs. CLINTON, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2706, a bill to

establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 2718

At the request of Mr. DEWINE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2718, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 2759

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. ROBERTS), the Senator from Maryland (Mr. SARBANES) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2764

At the request of Mr. DODD, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 2764, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 2781

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2807

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. CON. RES. 134

At the request of Mr. FITZGERALD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 134, a concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 345

At the request of Mrs. CLINTON, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. Res. 345, a resolution expressing the Sense of the Senate that Congress should expand the supports and services available to grandparents and other relatives who are raising children when their biological parents have died or can no longer take care of them.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Louisiana (Mr. BREAU), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. FITZGERALD) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. BREAU), the Senator from Illinois (Mr. FITZGERALD), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), the Senator from Ohio (Mr. DEWINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 424, a resolution designating October 2004 as "Protecting Older Americans From Fraud Month".

S. RES. 427

At the request of Mr. SARBANES, the names of the Senator from Utah (Mr. BENNETT), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Ms. STABENOW), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 427, a resolution congratulating the citizens of Greece, the members of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games, the International Olympic Committee, the United States Olympic Committee, the 2004 United States Olympic Team, athletes from around the world, and all the personnel who participated in the 2004 Olympic Summer Games in Athens, Greece.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. KENNEDY):

S. 2815. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma

or anaphylaxis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I come to the floor today to introduce the Asthmatic Schoolchildren's Treatment and Health Management Act of 2004. I would like to thank my colleague, Senator KENNEDY, for cosponsoring this important piece of legislation.

I have come to the floor now many times to talk about asthma, a condition that affects more than 20 million people, including 6.3 million children. As a parent of eight and a grandparent of eight, I am particularly concerned with the disproportionately high number of children who suffer from pediatric asthma—the worst chronic health problem among our Nation's youth.

I suffer from asthma, as have some of my children, so I know how frightening and dangerous this disease can be. The statistics on pediatric asthma, especially, highlight the need to do more to combat this disease. An average of one out of every 13 school-age children has asthma and the disease is the leading cause of missed school days due to chronic illness. In 2002, the Centers for Disease Control reported that 14 million school days were missed annually because of asthma.

More than missed school days, however, are the tragic consequences of the condition. The number of deaths related to pediatric asthma nearly tripled between 1979 and 1996. In 2000, asthma attacks were the cause of 728,000 visits to the emergency room, 214,000 hospitalizations, and 223 deaths.

We know that the severity of asthma attacks can be decreased primarily through the control of the disease. Physicians instruct patients to carry their inhalers with them at all times, as they know asthma can strike a child anytime, anywhere—in the classroom, on the playground, or in the lunchroom. Therefore, it is imperative that students have immediate access to their inhalers. However, many schools do not allow students to carry their prescribed lifesaving asthma medication. To date, only 30 States, including my home State of Ohio, have laws or developed policies protecting children's right to carry an inhaler at school.

The bill I am introducing today would encourage more States to allow their children to carry their needed asthma medication while they are at school, on the school bus, on the playground, at school sporting events, or on school field trips. It would do so by giving States preference when applying for asthma-related grants.

This bill would help protect our Nation's children from the dangers of a sudden asthma attack—an attack that could result in hospitalization or even death. It also would help prevent the consequences of more severe allergic reactions. Many children suffer from asthma attacks and allergy reactions so severe that they need to carry an epinephrine injector with them at all times in the event of sudden, life-

threatening attacks. Severe attacks can cause anaphylactic shock which can kill within minutes. This bill would encourage States to adopt laws and policies allowing children to carry their anaphylaxis medication, including epinephrine injectors, while they are at school.

Currently, 18 States have developed legislation protecting the rights of children to carry and self-administer epinephrine-injectors. We applaud these States and hope that this bill will encourage more States to follow suit.

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

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

S. 2815

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 "Asthmatic Schoolchildren's Treatment and Health Management Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Asthma is a chronic condition requiring lifetime, ongoing medical intervention.
- (2) In 1980, 6,700,000 Americans had asthma.
- (3) In 2001, 20,300,000 Americans had asthma and 6,300,000 children under age 18 had asthma.
- (4) The prevalence of asthma among African-American children was 40 percent greater than among Caucasian children, and more than 26 percent of all asthma deaths are in the African-American population.
- (5) In 2000, there were 1,800,000 asthma-related visits to emergency departments (more than 728,000 of these involved children under 18 years of age).
- (6) In 2000, there were 465,000 asthma-related hospitalizations (214,000 of these involved children under 18 years of age).
- (7) In 2000, 4,487 people died from asthma, and of these 223 were children.
- (8) According to the Centers for Disease Control and Prevention, asthma is a common cause of missed school days, accounting for approximately 14,000,000 missed school days annually.
- (9) According to the New England Journal of Medicine, working parents of children with asthma lose an estimated \$ 1,000,000,000 a year in productivity.

(10) At least 30 States have legislation protecting the rights of children to carry and self-administer asthma metered-dose inhalers, and at least 18 States expand this protection to epinephrine auto-injectors.

(11) Tragic refusals of schools to permit students to carry their inhalers and auto-injectable epinephrine have occurred, some resulting in death and spawning litigation.

(12) School district medication policies must be developed with the safety of all students in mind. The immediate and correct use of asthma inhalers and auto-injectable epinephrine are necessary to avoid serious respiratory complications and improve health care outcomes.

(13) No school should interfere with the patient-physician relationship.

(14) Anaphylaxis, or anaphylactic shock, is a systemic allergic reaction that can kill within minutes. Anaphylaxis occurs in some asthma patients. According to the American Academy of Allergy, Asthma, and Immunology, people who have experienced symp-

toms of anaphylaxis previously are at risk for subsequent reactions and should carry an epinephrine auto-injector with them at all times, if prescribed.

(15) An increasing number of students and school staff have life-threatening allergies. Exposure to the affecting allergen can trigger anaphylaxis. Anaphylaxis requires prompt medical intervention with an injection of epinephrine.

SEC. 3. PREFERENCE FOR STATES THAT ALLOW STUDENTS TO SELF-ADMINISTER MEDICATION TO TREAT ASTHMA AND ANAPHYLAXIS.

(a) AMENDMENTS.—Section 399L of the Public Health Service Act (42 U.S.C. 280g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) PREFERENCE FOR STATES THAT ALLOW STUDENTS TO SELF-ADMINISTER MEDICATION TO TREAT ASTHMA AND ANAPHYLAXIS.—

“(1) PREFERENCE.—The Secretary, in awarding any grant under this section or any other grant that is asthma-related (as determined by the Secretary) to a State, shall give preference to any State that satisfies the following:

“(A) IN GENERAL.—The State must require that each public elementary school and secondary school in that State will grant to any student in the school an authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if—

“(i) a health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

“(ii) the student has demonstrated to the health care practitioner (or such practitioner's designee) and the school nurse (if available) the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed;

“(iii) the health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

“(iv) the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under clause (iii) and other documents related to liability.

“(B) SCOPE.—An authorization granted under subparagraph (A) must allow the student involved to possess and use his or her medication—

“(i) while in school;

“(ii) while at a school-sponsored activity, such as a sporting event; and

“(iii) in transit to or from school or school-sponsored activities.

“(C) DURATION OF AUTHORIZATION.—An authorization granted under subparagraph (A)—

“(i) must be effective only for the same school and school year for which it is granted; and

“(ii) must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

“(D) BACKUP MEDICATION.—The State must require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

“(E) MAINTENANCE OF INFORMATION.—The State must require that information described in clauses (iii) and (iv) of subparagraph (A) be kept on file at the student's school in a location easily accessible in the

event of an asthma or anaphylaxis emergency.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

“(3) DEFINITIONS.—For purposes of this subsection:

“(A) ELEMENTARY SCHOOL AND SECONDARY SCHOOL.—The terms ‘elementary school’ and ‘secondary school’ have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965.

“(B) HEALTH CARE PRACTITIONER.—The term ‘health care practitioner’ means a person authorized under law to prescribe drugs subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

“(C) MEDICATION.—The term ‘medication’ means a drug as that term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act and includes inhaled bronchodilators and auto-injectable epinephrine.

“(D) SELF-ADMINISTRATION.—The term ‘self-administration’ means a student’s discretionary use of his or her prescribed asthma or anaphylaxis medication, pursuant to a prescription or written direction from a health care practitioner.”.

(b) APPLICABILITY.—The amendments made by this section shall apply only with respect to grants made on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 4. SENSE OF CONGRESS COMMENDING CDC FOR ITS STRATEGIES FOR ADDRESSING ASTHMA WITHIN A COORDINATED SCHOOL HEALTH PROGRAM.

It is the sense of Congress—

(1) to commend the Centers for Disease Control and Prevention for identifying and creating “Strategies for Addressing Asthma Within a Coordinated School Program” for schools to address asthma; and

(2) to encourage all schools to review these strategies and adopt policies that will best meet the needs of their student population.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator DEWINE in introducing the Asthmatic School-Children’s Treatment and Health Management Act. This legislation will save lives by enabling children to carry their medications with them and quickly treat their asthma attacks or allergic reactions.

Asthma continues to be a major, and often preventable cause of needless suffering and death among children in the United States. Over 6 million children under 18 have asthma, and it is significantly more prevalent in minority groups. Tragically, over 200 children die from this disease every year. Asthma affects more than health. It accounts for 14 million missed school days annually, and affects grades and personality. The estimated cost of asthma-related health care in our society is over \$14 billion a year.

The key to preventing deaths and severe health effects caused by asthma and allergic reactions is prompt treatment. Inhalers work within minutes to end acute asthma attacks in children. Children experiencing severe allergic reactions must receive life-saving injections of epinephrine immediately, in order to avoid serious complications or even death.

Children need quick access to these medications when they are at school. Yet, in many States, these medications

are locked up. Twenty States do not have legislation allowing students to carry and use their asthma inhalers, and 32 states have not yet passed legislation permitting students to carry and use epinephrine.

Some say that school nurses should control access to these lifesaving medications. But in America today, we have only 56,000 school nurses serving 47 million students in public schools. The ratio is only one school nurse for every 840 students. If access to these needed medications is controlled by nurses, the safety of asthma and allergy sufferers may often be compromised, and needless deaths may occur. Students without immediate access to needed medications could be at increased risk of harm while in a classroom far away from a nurse’s office or other school facility. Allowing children to take their own medicine during asthma attacks and severe allergic reactions can prevent many life-threatening situations.

Our bill will help to see that children with asthma or allergic reactions will get their medications when they need it. Under this Act, States that allow students to carry and self-administer asthma or allergy medications will receive preferences for asthma-related grants. It requires that a health care practitioner must prescribe the medication and instruct students on its proper use. The student must demonstrate to the practitioner that they have the skills to administer the medication correctly. This bill also requires the student’s parent or guardian to provide written consent for the student to take their medication according to the treatment plan.

When they face a life-threatening asthma attack or allergic reaction, children deserve an effective way to avoid severe health consequences. Schools should give our children the right to carry their medications with them in order to minimize the time lost between the onset of symptoms and the needed treatment. The “Asthmatic School-Children’s Treatment and Health Management Act” will save children’s lives and minimize suffering during these attacks. I commend Senator DEWINE for his leadership on this important health issue, and I encourage Congress to act quickly to improve every child’s access in school of life-saving medications.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 138—COMMENDING JOHN W. KLUGE FOR HIS DEDICATION AND COMMITMENT TO THE UNITED STATES ON THE OCCASION OF HIS 90TH BIRTHDAY

Mr. STEVENS (for himself, Mr. LOTT and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES 138

Whereas John W. Kluge has combined a unique history of American entrepreneurship

with pioneering contributions to philanthropy, electronic education, and television and radio broadcasting;

Whereas John W. Kluge is a dedicated patriot who served his country well as an Army intelligence officer during World War II;

Whereas John W. Kluge’s commitment to public service has made him one of the most esteemed and generous benefactors of education, and has brought him the admiration and gratitude of the people of the United States;

Whereas John W. Kluge’s deep belief in human potential and creativity has quietly helped extend educational opportunity through scholarships and other support of important civic causes;

Whereas John W. Kluge’s wise counsel and leadership as the founding chairman of the Library of Congress’s first private sector philanthropic organization, the James Madison Council, have inspired many others to join in support of the Library of Congress’s programs and initiatives;

Whereas John W. Kluge has established an endowed program at the Library of Congress to bring leading senior scholars and junior fellows from around the world to the Library to use its great collections and to interact with the members and staff of Congress;

Whereas John W. Kluge has generously supported the first Nobel-level award for lifetime scholarly achievement in the study of the human sciences;

Whereas John W. Kluge has generously supported the creation of advanced training for library leaders of the 21st century through a Leadership Development Program at the Library of Congress; and

Whereas John W. Kluge has inspired the people of the United States by his example of support for programs that educate and equip individuals for responsible and productive citizenship: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends John W. Kluge for his dedication and commitment to the United States;

(2) expresses, on the occasion of John W. Kluge’s 90th birthday, its sincere appreciation and admiration for his example of philanthropy and public service to the people of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

Mr. STEVENS. Mr. President, I have come to the Senate to submit a resolution honoring the great philanthropist John Kluge whose 90th birthday is tomorrow. He is a personal friend.

John Kluge is a self-made man. He came to this country as a young boy from Germany with virtually nothing but a china Dresden horse—which he still has. From these humble origins and through hard work he received a scholarship to Columbia University.

After distinguished service as an army intelligence officer during WW II—and I say parenthetically he served in Alaska during that period—he went on in the business world to create a vast media empire which he converted into a great engine of philanthropy, supporting many educational programs, aimed in particular toward helping minorities.

John Kluge’s quiet commitment to public service and generosity of spirit will live on for generations. For years to come, individuals will be able to attend college on a Kluge scholarship