



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, MAY 3, 2005

No. 56

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, May 9, 2005, at 2 p.m.

## House of Representatives

TUESDAY, MAY 3, 2005

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 3, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
Speaker of the House of Representatives.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

### SOCIAL SECURITY WILL NOT GO BANKRUPT

Mr. DEFAZIO. Mr. Speaker, well, last week the President finally revealed a few more specifics about the direction

he wants to take to deal with the potential, possible, future funding shortfalls in Social Security. He used some unfortunate verbiage. He said Social Security will be bankrupt in 2041. It will not be bankrupt; it will pay 75 percent of promised benefits under very conservative economic assumptions into the indefinite future, or 2053 if we use the estimates of the Republican Congressional Budget Office. So it would not be bankrupt in any sense.

But he did talk about the possibility there could be a shortfall in Social Security starting 40 or 50 years from today. That is progress that he is beginning to talk about that problem. He actually offered a solution, for once. His privatization plan he has admitted would in fact make Social Security's finances worse, has nothing to do with dealing with the future possible potential shortfalls in the Social Security trust fund, the program as we know it today. He said, finally, let us talk about how we might get there.

He cloaked benefit cuts in a veneer in high-falutin rhetoric. He called it progressive indexing of wages. What he is talking about is benefit cuts. Who would pay the benefit cuts? Let us take someone who is 22 years old, graduated from college last year. They are a public schoolteacher. They are going to work the next 40 years as a public schoolteacher and hope to retire in their 60s with a Social Security benefit. If they earn \$36,000 average over their lifetime, their benefits would be cut by 16 percent, \$3,000 a year. Their proposed benefit would go from \$19,800 down to \$16,500. These are calculations

of the Social Security actuaries of the President's proposed cuts.

Now let us say that young person graduating from college is going to become an entrepreneur, small business person and do pretty well with a truly small business, and they average \$58,000 a year throughout their lifetime. What would the President do to them? He would cut their Social Security benefit from \$26,000 to \$19,800 which would be a 25-percent cut which they could get if Social Security went, under the President's words, bankrupt. That is if Congress did nothing and Social Security had a shortfall starting 40 or 50 years from today. Under the worst-case scenario, that person would get the same. But the President wants to guarantee a cut in that person's benefits. Remember, this does not have anything to do with the President's privatization plan which would further undermine the finances of Social Security and accelerate the date of what the President calls bankruptcy, others call trust fund exhaustion, I call benefit reductions.

The funny thing is that half of the American people pay more in taxes to Social Security than Federal income taxes. They have a lot invested in this program, and they would like to see the benefits when they retire.

Now, it is a little different for rich people. Let us take the President on his modest \$400,000 which is a lot less than he earns from his private investments. Let us just take his salary and pretend that is all he has. He stopped paying Social Security taxes on the morning of March 24. That American

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H2745

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.

Mr. Speaker, tomorrow, is Asthma Awareness Day and I rise to celebrate the October 2003-enacted Asthmatic Students Treatment and Health Management Act (ASTHMA). What is now P.L. 108-377, and was H.R. 2023 in the House and S. 2815 in the Senate, I had introduced on 2003's Asthma Awareness Day with my friend Representative PATRICK KENNEDY from Rhode Island. In the Senate, Senator ENZI and Senator KENNEDY carried the mantle.

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