

to be able to spend and invest the way they wish rather than send it to Washington, DC, and let Washington, DC, decide how to spend that money. That does give economic stimulus and creates jobs.

We will most likely examine in the Senate, under the leadership of Senator KAY BAILEY HUTCHISON of Texas, the marriage tax penalty. Once again, the complexities of the Tax Code, combined with peculiarities of our budget laws, have created a tax, a penalty for people who are married. Maybe a teacher and a policeman are married and they are paying more if they are married than if they were not married. It does not make sense. People do not understand it. We know these couples have been unfairly taxed. We will argue that it is unfair. I hope this inequity that we have made some progress in addressing in the past we can really permanently erase.

In the area of family—partial-birth abortion is something we have debated on this floor. We passed it in this body. It was vetoed by President Clinton in the past. We have passed it in the body, and the House has passed it in the past. Now we have to pull those two together in conference. The problem is, we can't appoint and can't fulfill appointment of the conferees until we have another debate on the floor of the Senate. I am working very hard to get that scheduled so we can go to conference, have a bill and send it to the President so we can finally, finally ban partial-birth abortion. We don't need to get into the issue right now, but it has been described by Members on both sides of the aisle as close to infanticide as you can get. Yet we still have not been able to come to agreement on both sides of the aisle about the conferees, go to conference, and send the bill to the President. We are going to bring this to closure sometime here in the next several weeks.

Senator MIKE DEWINE from Ohio and Senator LINDSEY GRAHAM—I can't come to this floor without them saying, What about our Unborn Victims of Violence Act? It is something we debated on this floor, we made the case for, and now is the time for us to complete our legislative activity so we truly can protect unborn victims of violence.

All of this is ambitious, but it is time to be bold and it is time to be ambitious. I think this body demonstrated this again for the most part in a bipartisan way over the last several months. But each of these issues that I have mentioned will be addressed on the floor of the Senate.

Yesterday an event happened. Again, I don't need to rehash that today, but the withdrawal of Miguel Estrada's nomination yesterday was a tragedy. It was a sad day for this body. At the end of the day I had the opportunity to call and talk to Miguel Estrada, and there is just simply nobody to my mind who is better qualified for the position for which he was nominated and who was more unjustly treated by this body.

These blocked judicial nominations are maybe the biggest challenges we have before us—unprecedented filibusters, unprecedented partisan filibusters on the floor of this Senate are unpardonable, I believe.

We are going to stay focused. We are going to do our very best to educate, to break these filibusters. I think one day the consequences of the minority blocking highly qualified nominees without good reason will come home to roost.

Other issues, reauthorization issues, and then I will close. I know it is late on this afternoon and we need to move on. But reauthorization I at least wanted to mention. There are many so I don't want to mention them all, but reauthorization of welfare, of the highway bill—again, a lot of discussion this week as we look forward to addressing these sorts of issues in the coming weeks.

There are a lot of opportunities. It is a huge responsibility for each of us in the coming weeks. But I am absolutely confident that by pulling together, by working as a team, by working across the aisle, we will be able to advance the mission I mentioned of moving America forward and to do it in a way that celebrates the freedoms we all enjoy.

We will be able to make meaningful progress in our Nation's economic life. We will be able to make meaningful progress in our Nation's moral life. We will be able to make meaningful progress in our Nation's civic life.

We are going to have a very busy and we are going to have a very productive fall.

SECTION 189 OF THE FAA CONFERENCE REPORT, H.R. 2115

Mr. COLEMAN. I would like to engage the Senator from Mississippi in a colloquy regarding section 189 of the conference report in order to clarify the intent of the conferees.

Mr. LOTT. I would be pleased to engage in a colloquy with the Senator from Minnesota.

Mr. COLEMAN. It is my understanding that this section is a very limited, temporary funding restriction that will not affect noise mitigation funding in any significant way. Federal airport improvement program monies from the "Noise set aside" have not normally supported noise mitigation projects below a Day-Night Average Sound Level (DNL) of less than 65. This is because under the FAA's system of ranking projects for the use of the noise set aside, projects to reduce higher levels of noise having funding priority and projects below 65 DNL have not normally ranked high enough to get such funding. I further understand that nothing in this section or any other provision of the FAA conference report would prohibit an airport from using either passenger facility charges, PFC, or other locally generated monies to fund noise mitigation projects below

a DNL of 65. It is also my understanding that the provision is not intended to change the FAA's current approach of not disapproving an airport's entire part 150 noise program, where there is only a portion or portions of the program that are problematic. The FAA would continue to be able to disapprove portions of a part 150 program, while approving other portions, as they do today. Furthermore, the provision would not affect noise set-aside funding that would not require part 150 approval, such as school soundproofing or noise mitigation for an airport expansion project in an FAA environmental record of decision.

Mr. LOTT. The Senator is correct. The intent of this provision is a narrow one and does not affect the use of non-AIP funds by any airport. Nothing in this section or any other provision of the FAA conference report would prohibit an airport from using either passenger facility charges, PFC, or other locally generated monies to fund noise mitigation projects below a DNL of less than 65. It is my understanding that the FAA agrees with this interpretation of the effect of the provision.

CHANGE OF VOTE

Mr. COLEMAN. Mr. President, with respect to rollcall vote No. 323, I was recorded as voting "nay." I ask unanimous consent to change my vote to "yea." This change will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

COACHES AGAINST GUN VIOLENCE

Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues a new and innovative program created by the Alliance for Justice called Coaches Against Gun Violence.

This program asks high school coaches to dedicate one game or event each year to gun violence prevention. The dedication can take a variety of forms, including inviting a local speaker to talk about gun violence, recognizing a victim or his or her family, having a school assembly devoted to the issue, or distributing ribbons in remembrance of lives lost to gun violence.

Each year, millions of students take part in athletic activities. Coaches are leaders and mentors and have an enormous impact on the lives of many of their players. Harnessing this influence to educate students about the deadly effects of gun violence is an excellent idea.

According to statistics compiled by the Alliance for Justice, there are an estimated 3,400 firearm-related injuries and 1,000 deaths each year in Michigan. In 2000 alone, 133 Michiganders under the age of 20 were killed in incidents of gun violence, and 3,894 people under 20 years old were killed in firearm-related incidents in the United States. These statistics are sobering. The Coaches Against Gun Violence Program is a

creative approach to educating young people about the deadly effects of gun violence and I hope that coaches across the country will consider this program for their school communities.

I urge my colleagues to encourage coaches in their home States to join the Coaches Against Gun Violence, and I commend the Alliance for Justice for its efforts.

PROTECT HOME HEALTH CARE

Mr. BOND. Mr. President, home health care is an important part of Medicare in which seniors and the disabled can get basic nursing and therapy care in their home. I rise today to urge the Senate Medicare conferees to stand firm against provisions in the House passed prescription drug and Medicare reform bill, H.R. 1, that would make further cuts in the Medicare home health benefit by reducing the home health inflation update and imposing a new copayment on home health beneficiaries.

Home health care is convenient, but much more importantly, patients love it. I have seen this first hand as I have had the privilege of visiting with many of my constituents who rely on this benefit. They love home health care because it is the key to fulfilling what is virtually a universal desire among seniors and those with disabilities—to remain independent and within the comfort of their own homes despite their health problems.

Since the passage of the Balanced Budget Act of 1997, BBA, no other group of Medicare patients and providers have endured as many difficulties. This is a big claim, given the many horror stories we've heard about the Balanced Budget Act. But absolutely nobody has suffered like home health patients and home health agencies. True reform means more than just ratcheting down payments to providers and services to patients.

Since 1997 Medicare home health spending has been reduced by over 40 percent and the number of beneficiaries by 1.3 million, or about a third. Forty percent of the agencies in my State have closed down or quit serving Medicare patients.

In a move to modernize the Medicare program, Congress eliminated the home health copay in 1972 to encourage the provision of health care in the home rather than in more costly institutions. With all the cuts in home health care that have occurred since 1997—including the loss of venipuncture, blood drawing, as a qualifying service, the imposition of per beneficiary limits under the interim payment system, cuts in the market basket inflation update, a "15 percent" cut in October of last year, and the loss of the 10 percent rural add on in April of this year—MedPAC has recently confirmed an alarming trend toward greater use of nursing home care. The reimposition of a home health copayment now would be a step backward that would exacerbate this recent trend.

Home health beneficiaries already must pay the Part B deductible and a 20 percent copay for preparation of a home health plan of care and ongoing home health care oversight by a physician. Over half of home health patients come directly from the hospital and must pay the Part A deductible of over \$800 in order to receive the home health benefit. Often they and their families must pay out of pocket for personal care services to assist with activities of daily living.

Our Nation's dedicated home health providers—and you know they are dedicated if they have stuck with it through the difficulties of the last few years—deserve to be left alone and given a rest. They, and the patients they serve, deserve to be left alone to recover from the post-BBA chaos. They deserve to be left alone in order to adjust to a new home health payment system.

In passing the Senate prescription drug and Medicare reform legislation, S. 1, the Senate wisely chose to forgo further cuts in the home health benefit. I urge my colleagues on the Medicare conference committee to oppose the provisions in H.R. 1 that would further cut and destabilize the home health benefit.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in San Diego, CA. On September 24, 2002, two teenagers attacked an immigrant, Jose Luis Cisneros, that left him in a coma for several days and with head and facial injuries. The pair were charged with hate crimes. According to the Deputy District Attorney, they went looking for "beaners" to beat and rob and went to a spot where they knew they could find undocumented immigrants.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

IN RECOGNITION OF THE 160TH ANNIVERSARY OF B'NAI B'RITH

Mr. LEVIN. Mr. President, I would like to call my colleagues' attention to a very significant milestone for our nation's oldest and one of the largest service organizations, B'nai B'rith, which was founded on New York City's lower east side in October 1843. Its

name, meaning "Children of the Covenant," reflects a commitment to unify Jewish people everywhere in service to their community and the world. On September 7th, in my home state of Michigan, the Great Lakes Region of this great organization will celebrate the B'nai B'rith anniversary and mark its many achievements in helping others, advocating freedom and democracy, and combating racism and bigotry.

Over the years, B'nai B'rith has been steadfast in meeting challenges on many fronts. Motivated in part by core Jewish values such as loving-kindness to others and peace and justice in the world, it has acted on a fundamental belief that all people should be treated with dignity and respect. Its members have answered the call to stand against racism, persecution, and violence against Jews and others, while working to protect basic human rights and preserve justice. B'nai B'rith has taken a leadership role during pivotal times in our history. Its members have worked to steer our nation on the right path to the benefit of all Americans. They opposed General Ulysses Grant during the Civil War when he attempted to expel Jews from several states. They urged President Theodore Roosevelt to take action in 1903 with the Czar of Russia to denounce anti-Semitic violence. And in 1913 after the lynching of B'nai B'rith member Leo Frank in Atlanta, B'nai B'rith leaders were moved to organize the Anti-Defamation League to battle bigotry.

Now as an international organization, B'nai B'rith is represented in 58 countries around the world. It has a full-time presence at the United Nations and the European Union in Brussels. It has the proud history of having initiated many programs and services, from disaster relief, to feeding the hungry, to medical research, to housing for the low-income elderly, to Jewish education, to a premier Youth Organization and an effective campus outreach for thousands and thousands of Jewish college students. B'nai B'rith helped bring war criminals to justice, has worked tirelessly for Jewish security around the world, and has helped to strengthen the land of Israel. After more than a century and a half of innovation and activism, B'nai B'rith is stronger than ever and continues to make an important and meaningful contribution around the world.

B'nai B'rith can be proud of its dedication to preserve Jewish heritage and promote values that inspire individuals to act in goodwill and to shape their communities for the betterment of all. We as a nation have benefitted from their extraordinary contributions both here and abroad, and I am sure that my Senate colleagues join me in paying tribute to B'nai B'rith for 160 years of superior performance in serving the needs of generations of Americans and people of nations around the world.