

“(A) the actual knowledge that the manufacturer or distributor had; or

“(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.”.

#### SEC. 302. STUDY AND REPORT.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

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

S. 2975. A bill to amend the Fair Labor Standards Act of 1938 to clarify regulations relating to overtime compensation; considered and passed.

Mr. HARKIN. Mr. President, 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. 2975

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFICATION OF REGULATIONS RELATING TO OVERTIME COMPENSATION.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

“(k) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provisions of section 7 any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall remain in effect. Notwithstanding the preceding sentence, the increased salary requirements provided for in such final rule at section 541.600 of such title 29, shall remain in effect.”.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 455—SUPPORTING THE GOALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. GRASSLEY, Mr. CORNYN,

Mr. CHAMBLISS, Mr. ALLEN, Mr. CAMPBELL, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 455

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique “Kiki” Camarena, a Drug Enforcement Administration special agent who died in the line of duty while engaged in the battle against illicit drugs;

Whereas Red Ribbon Week is nationally recognized and celebrated, helping to preserve Special Agent Camarena’s memory and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and communitywide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is 1 of the major challenges our Nation faces in securing a safe and healthy future for our families and children; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this weeklong celebration: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages all people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

#### SENATE RESOLUTION 456—DESIGNATING OCTOBER 14, 2004, AS “LIGHTS ON AFTERSCHOOL! DAY”

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 456

Whereas quality afterschool programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas quality afterschool programs support working families by ensuring their children are safe and productive after the regular school day ends;

Whereas quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of young people, thereby promoting positive relationships among children, youth, families, and adults;

Whereas quality afterschool programs engage families, schools, and diverse community partners in advancing the welfare of children;

Whereas “Lights On Afterschool!”, a national celebration of afterschool programs

on October 14, 2004, promotes the critical importance of quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home, and 14,300,000 children have no place to go after school; and

Whereas many afterschool programs across the country are facing funding shortfalls so severe that they are forced to close their doors and turn off their lights: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 14, 2004, as “Lights On Afterschool! Day”; and

(2) requests that the President issue a proclamation calling on the communities of the Nation to engage in innovative afterschool programs and activities that ensure the lights stay on and the doors stay open for all children after school.

#### SENATE RESOLUTION 457—DESIGNATING THE WEEK OF OCTOBER 24, 2004, THROUGH OCTOBER 30, 2004, AS “NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK”

Mr. REED (for himself, Mr. BOND, Ms. MIKULSKI, Ms. COLLINS, Mr. SARBANES, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. CONRAD, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. HAGEL, Mr. JEFFORDS, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. SANTORUM, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. REID, Mr. TALENT, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 434,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 24, 2004, through October 30, 2004, as “National Childhood Lead Poisoning Prevention Week”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

# SENATE RESOLUTION 458—CONGRATULATING THE SPACE SHIP ONE TEAM FOR ACHIEVING A HISTORIC MILESTONE IN HUMAN SPACE FLIGHT

Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 458

Whereas the Ansari X Prize was established with private capital to jumpstart the space tourism industry, inspire and educate students, focus public attention and investment capital on this new business frontier, and challenge explorers and rocket scientists around the world;

Whereas the \$10,000,000 Ansari X Prize was modeled after the \$25,000 Orteig Prize won by trans-Atlantic aviator Charles Lindbergh in 1927;

Whereas on October 4, 2004, SpaceShipOne, designed by Burt Rutan and flown first by Mike Melvill and later by Brian Binnie, won the Ansari X Prize by being the first privately funded space vehicle to depart from and safely return to Earth twice within 2 weeks;

Whereas SpaceShipOne broke the previous record for maximum altitude achieved by a plane, which was set by the X-15 in 1963;

Whereas the SpaceShipOne flights represent a historic accomplishment for humanity; and

Whereas future achievements in commercial space flight will be stimulated by an ongoing annual competition for an X Prize Cup, beginning in 2006 at White Sands Missile Range outside Las Cruces, New Mexico: Now, therefore be it

*Resolved*, That the Senate—

(1) congratulates the SpaceShipOne team led by Bert Rutan, and test pilots Mike Melvill and Brian Binnie, for their historic achievement in human space flight;

(2) recognizes the contributions of all members and supporters of the X Prize Foundation and the SpaceShipOne team, the efforts of which were instrumental in this accomplishment; and

(3) encourages the continuation of efforts towards practical commercial space flight through future X Prize Cup and other competitions.

# SENATE RESOLUTION 459—DESIGNATING NOVEMBER 2004 AS “AMERICAN MUSIC MONTH” TO CELEBRATE AND HONOR MUSIC PERFORMANCE, EDUCATION, AND SCHOLARSHIP IN THE UNITED STATES

Mr. DURBIN (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 459

Whereas the music of the United States embodies the artistic reflection of the country's history and heritage and the promise of its ideals and values;

Whereas the music of the United States transcends culture, gender, race, class, and creed, and thrives freely as it is continually reinvented, rearranged, transformed, and infused by the personal experiences of men and women;

Whereas the music of the United States expresses the country's vital cultural and social identities and empowers the people of the United States to assert and preserve our pasts for a future, transforms the wondrous

and harsh experiences of the people of the United States into potent messages that freely declare democratic choice and freedom of expression, inspires social justice, enlivens collective action, and reflects our Nation's dynamic social movements;

Whereas the National Federation of Music Clubs (NFMC) and its 17th president, Ada Holding Miller, building on their efforts to create American Music week in 1924 with the aid of Arthur Bodansky, conductor of the Metropolitan Opera, and Walter Damrosch, conductor of the New York Symphony Orchestra, established “American Music Month” and the “Parade of American Music” in February 1955 to recognize music and its importance to the social, cultural, historical, and educational development of the United States;

Whereas by action of the NFMC Board of Directors in 1998, the celebration of “American Music Month” was changed to the month of November in 1999 at the request of Sonneck Society for American Music;

Whereas the leading arts and education organizations of the United States, such as the Society for American Music, MENC: the National Association for Music Education, the College Music Society, the Music Library Association, the American Musicological Society, and Americans for the Arts, continue to strive to stimulate the appreciation, performance, creation, and study of music in the United States;

Whereas the month of November has witnessed the births of such artistic legends as Scott Joplin (1868), William Christopher “W. C.” Handy (1873), Aaron Copland (1900), Coleman Hawkins (1904), and Mary Travers (1937) of the folk song trio Peter, Paul and Mary; the premiers of the New York Symphony (1878), the Philadelphia Orchestra (1900), Jerome Kern's musical, *Show Boat*, in Washington, DC (1927), *Frede Grofé's Grand Canyon Suite* in Chicago (1931), and the first broadcast of the newly-organized National Broadcasting Company (1926);

Whereas November 2004 marks the sesquicentennial of John Philip Sousa's birth on November 6, 1854, and is an occasion to celebrate his monumental contributions to the musical heritage of the United States;

Whereas John Philip Sousa's music continues to embody the unflagging spirit of the United States and, as a product of a renaissance in the art and technology of the United States, affirmed the previous generation's contagious patriotism and profound love of country even as they witnessed the brutalities of a Nation at war; his music was a fanfare about and for all men and women of this United States and his rousing melodies celebrated the best and worst of the diverse cultures and emerging histories of the United States; even today, Sousa's music conveys our Nation's indomitable spirit to the world; and

Whereas John Philip Sousa, as Director of the United States Marine Band from 1880 to 1892, brought “The President's Own” to unprecedented levels of excellence and shaped the band into a world-famous musical organization, and through White House performances, public concerts, and national tours, the Band continues to maintain Sousa's standard of excellence for the performance of the music of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2004 as “American Music Month” to celebrate music performance, education, and scholarship in the United States;

(2) recognizes that the musical heritage of the United States should be honored, celebrated, and preserved for future generations as expressions of this country's democratic freedoms and indomitable spirit; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe “American Music Month” with appropriate ceremonies and programs to honor the contributions of the music educators, performers, scholars, conductors, composers and arrangers, librarians, archivists, and curators of the United States for their tireless efforts to foster greater understanding and preservation of the diverse music and cultures of the United States through active performance, education, and cultural engagement.

# SENATE RESOLUTION 460—HONORING THE YOUNG VICTIMS OF THE SIXTEENTH STREET BAPTIST CHURCH BOMBING, RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE TRAGIC EVENT, AND COMMENDING THE EFFORTS OF LAW ENFORCEMENT PERSONNEL TO BRING THE PERPETRATORS OF THIS CRIME TO JUSTICE ON THE OCCASION OF ITS 40TH ANNIVERSARY

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following resolution; which was considered and agreed to:

S. RES. 460

Whereas the Sixteenth Street Baptist Church of Birmingham, Alabama, was constructed in 1911 and served as a center for African-American life in the city and a rallying point for the civil rights movement during the 1960s;

Whereas on Sunday, September 15, 1963, segregationists protesting the mandatory integration of Birmingham's public schools firebombed the Sixteenth Street Baptist Church;

Whereas the blast killed Addie Mae Collins, age 14, Denise McNair, age 11, Carole Robertson, age 14, and Cynthia Wesley, age 14, all members of the Church, while they were preparing for Sunday service;

Whereas September 15, 1963, has been called the darkest day in the history of Birmingham and one of the darkest days of the entire civil rights movement;

Whereas this act of terrorism raised national and international awareness of the African-American civil rights struggle and galvanized those dedicated to the cause of civil rights;

Whereas Congress passed the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) and the Voting Rights Act of 1965 (Public Law 89-110, 79 Stat. 437) in the wake of the bombing;

Whereas the 4 men suspected of the bombing, Bobby Frank Cherry, Herman Cash, Thomas Blanton, and Robert Chambliss, were not immediately prosecuted because authorities believed it impossible to obtain a conviction in the heated racial climate of the mid-1960s;

Whereas Alabama Attorney General Bill Baxley successfully prosecuted Robert Chambliss 13 years after the bombing;

Whereas after the indictment and conviction of Robert Chambliss, the bombing investigation was closed;

Whereas the bombing investigation was reopened in 1995 due to the efforts of Federal Bureau of Investigation Special Agent Rob Langford and local African-American leaders;

Whereas in 2001 and 2002, a joint Federal and State task force, under the supervision of United States Attorney Douglas Jones and Alabama Attorney General William Pryor,

successfully prosecuted Thomas Blanton and Bobby Frank Cherry with the assistance of State and local law enforcement personnel; and

Whereas the bombing, the prosecution of the offenders, and the cause of civil rights in general have become national and international concerns: Now, therefore, be it

*Resolved*, That the Senate, on the occasion of the 40th anniversary of the bombing of the Sixteenth Street Baptist Church of Birmingham, Alabama—

(1) honors the memory of Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley;

(2) recognizes the historical significance of the bombing and the enduring impact it has had on the cause of civil rights everywhere; and

(3) commends the efforts of the Alabama Attorney General's office for its successful prosecution of Robert Chambliss in 1977, the efforts of the joint Federal and State task force for the successful prosecution of Bobby Frank Cherry and Thomas Blanton in 2001 and 2002, and the efforts of all other law enforcement personnel who worked to bring the persons responsible for the bombing to justice.

**SENATE RESOLUTION 461—DESIGNATING THE WEEK BEGINNING ON OCTOBER 17, 2004, AS "NATIONAL CHARACTER COUNTS WEEK"**

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. DORGAN, Mr. BUNNING, Mr. CONRAD, Mr. CAMPBELL, Mr. ROCKEFELLER, Mr. WARNER, Mr. KERRY, Mr. FITZGERALD, Ms. LANDRIEU, Mr. HAGEL, Mr. KENNEDY, Mr. INHOFE, Mr. BIDEN, Mr. DEWINE, Mr. JOHNSON, Mr. LOTT, Mr. AKAKA, Mr. ALEXANDER, Mr. DURBIN, Mr. BROWNBACK, Mr. SESSIONS, Mr. LEVIN, Mrs. DOLE, Mr. SARBANES, Mr. TALENT, Ms. STABENOW, Ms. MURKOWSKI, Mr. BAYH, Mr. ALLEN, Mr. LIEBERMAN, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 461

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service

organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) proclaims the week beginning October 17, 2004, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

**SENATE RESOLUTION 462—RECOGNIZING THE SIGNIFICANT ACHIEVEMENT OF THE PEOPLE AND GOVERNMENT OF AFGHANISTAN SINCE THE EMERGENCY LOYA JIRGA WAS HELD IN JUNE 2002 IN ESTABLISHING THE FOUNDATION AND MEANS TO HOLD PRESIDENTIAL ELECTIONS ON OCTOBER 9, 2004**

Mr. HAGEL (for himself, Mr. LUGAR, Mr. BIDEN, Mr. LEAHY, Mr. MCCAIN, Mr. SUNUNU, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 462

Whereas section 101(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511(1)) declares that the "United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan";

Whereas on January 4, 2004, the Constitutional Loya Jirga of Afghanistan adopted a constitution that promises free elections

with full participation by women and establishes a legislative foundation for democracy in Afghanistan;

Whereas on June 15, 2004, President Bush stated that "Afghanistan's journey to democracy and peace deserves the support and respect of every nation.... The world and the United States stand with [the people of Afghanistan] as partners in their quest for peace and prosperity and stability and democracy.";

Whereas the independent Joint Electoral Management Body in Afghanistan and thousands of its staff throughout Afghanistan have worked to register voters and organize a fair and transparent election process despite violent and deadly attacks on them and on the purpose of their work;

Whereas more than 10,500,000 Afghans have been reported registered to vote, demonstrating great courage and a deep desire to have a voice in the future of Afghanistan, and more than 40 percent of those reported registered to vote are women;

Whereas the presidential election campaign in Afghanistan officially began on September 7, 2004 and 18 candidates, including one woman, are seeking the presidency;

Whereas on October 9, 2004, the people of Afghanistan will vote in the first direct presidential election, at the national level, in Afghanistan's history at 5,000 polling centers located throughout Afghanistan, as well as polling centers in Pakistan and Iran;

Whereas the United States, the European Union, the Organization for Security and Cooperation in Europe, and the Asian Network for Free Elections will send monitors and support teams to join the more than 4,000 domestic election observers in Afghanistan for the presidential election;

Whereas the United States and many international partners have provided technical assistance and financial support for elections in Afghanistan; and

Whereas the International Security Assistance Force (ISAF), led by the North Atlantic Treaty Organization (NATO), and coalition forces will join the Afghan National Army and police in Afghanistan to help provide security during the presidential election: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States applauds the steadfast commitment of the people of Afghanistan to achieve responsive and responsible government through democracy;

(2) the United States strongly supports self-government and the protection of human rights and freedom of conscience for all men and women in Afghanistan; and

(3) the United States remains committed to a long-term partnership with the people of Afghanistan and to a peaceful future for Afghanistan.

**SENATE RESOLUTION 463—AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL**

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 463

**SECTION 1. REVISED EDITION OF THE SENATE RULES AND MANUAL.**

(a) REVISED EDITION.—The Committee on Rules and Administration of the Senate shall prepare a revised edition of the Senate Rules and Manual for the use of the 109th Congress.

(b) SENATE DOCUMENT.—The revised edition of the Senate Rules and Manual shall be printed as a Senate document.

(c) BINDING AND DISTRIBUTION.—In addition to the usual number of documents, 1,500 additional copies of the revised edition of the

Senate Rules and Manual shall be bound and distributed, of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 1000 copies shall be delivered as may be directed by the Committee on Rules and Administration and bound as follows:

- (A) 550 paperbound.
- (B) 250 nonstapled black skiver.
- (C) 200 stapled black skiver.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4050. Mr. FRIST (for Ms. COLLINS (for herself and Mr. FEINGOLD)) proposed an amendment to the concurrent resolution S. Con. Res. 8, expressing the sense of Congress that there should be established a National Visiting Nurse Association Week.”.

SA 4051. Mr. FRIST (for Ms. COLLINS (for herself and Mr. FEINGOLD)) submitted an amendment intended to be proposed by Mr. FRIST to the concurrent resolution S. Con. Res. 8, *supra*.

SA 4052. Mr. FRIST (for Ms. COLLINS (for herself and Mr. FEINGOLD)) proposed an amendment to the concurrent resolution S. Con. Res. 8, *supra*.

SA 4053. Mr. FRIST (for Mr. ALEXANDER (for himself, Mr. BINGAMAN, and Mr. DOMENICI)) proposed an amendment to the bill H.R. 4516, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

SA 4054. Mr. FRIST (for Mr. ENSIGN (for himself and Mr. REID)) proposed an amendment to the bill H.R. 4593, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

SA 4055. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill H.R. 1630, to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

SA 4056. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1466, to facilitate the transfer of land in the State of Alaska, and for other purposes.

SA 4057. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 2656, to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon.

#### TEXT OF AMENDMENTS

**SA 4050.** Mr. FRIST (for Ms. COLLINS (for herself and Mr. FEINGOLD)) proposed an amendment to the concurrent resolution S. Con. Res. 8, expressing the sense of Congress that there should be established a National Visiting Nurse Association Week; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that there should be established a National Visiting Nurse Association Week.

**SA 4051.** Mr. FRIST (for Ms. COLLINS (for herself and Mr. FEINGOLD)) submitted an amendment intended to be proposed by Mr. FRIST to the concurrent resolution S. Con. Res. 8, expressing the sense of Congress that there should be established a National Visiting Nurse Association Week; as follows:

Strike the preamble and insert the following:

Whereas visiting nurse associations (“VNAs”) are nonprofit home health agen-

cies that, for more than 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals’ condition or ability to pay for services;

Whereas there are approximately 500 visiting nurse associations, which employ more than 90,000 clinicians, provide health care to more than 4,000,000 people each year, and provide a critical safety net in communities by developing a network of community support services that enable individuals to live independently at home;

Whereas visiting nurse associations have historically served as primary public health care providers in their communities, and are today one of the largest providers of mass immunizations in the medicare program (delivering more than 2,500,000 influenza immunizations annually);

Whereas visiting nurse associations are often the home health providers of last resort, serving the most chronic of conditions (such as congestive heart failure, chronic obstructive pulmonary disease, AIDS, and quadriplegia) and individuals with the least ability to pay for services (more than 50 percent of all Medicaid home health admissions are by visiting nurse associations);

Whereas any visiting nurse association budget surplus is reinvested in supporting the association’s mission through services, including charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs;

Whereas visiting nurse associations and other nonprofit home health agencies care for the highest percentage of terminally ill and bedridden patients;

Whereas thousands of visiting nurse association volunteers across the Nation devote time serving as individual agency board members, raising funds, visiting patients in their homes, assisting in wellness clinics, and delivering meals to patients;

Whereas the establishment of a National Visiting Nurse Association Week would increase public awareness of the charity-based missions of visiting nurse associations and of their ability to meet the needs of chronically ill and disabled individuals who prefer to live at home rather than in a nursing home, and would spotlight preventive health clinics, adult day care programs, and other customized wellness programs that meet local community needs; and

Whereas the second week of May 2005 is an appropriate week to establish as National Visiting Nurse Association Week: Now, therefore, be it

**SA 4052.** Mr. FRIST (for Ms. COLLINS (for herself and Mr. FEINGOLD)) proposed an amendment to the concurrent resolution S. Con. Res. 8, expressing the sense of Congress that there should be established a National Visiting Nurse Association Week”; as follows:

Amend the title so as to read: “Expressing the sense of Congress that there should be established a National Visiting Nurse Association Week.”

**SA 4053.** Mr. FRIST (for Mr. ALEXANDER (for himself, Mr. BINGAMAN, and Mr. DOMENICI)) proposed an amendment to the bill H.R. 4516, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Energy High-End Computing Revitalization Act of 2004”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **CENTER.**—The term “Center” means a High-End Software Development Center established under section 3(d).

(2) **HIGH-END COMPUTING SYSTEM.**—The term “high-end computing system” means a computing system with performance that substantially exceeds that of systems that are commonly available for advanced scientific and engineering applications.

(3) **LEADERSHIP SYSTEM.**—The term “Leadership System” means a high-end computing system that is among the most advanced in the world in terms of performance in solving scientific and engineering problems.

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Energy, acting through the Director of the Office of Science of the Department of Energy.

#### SEC. 3. DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) **IN GENERAL.**—The Secretary shall—

(1) carry out a program of research and development (including development of software and hardware) to advance high-end computing systems; and

(2) develop and deploy high-end computing systems for advanced scientific and engineering applications.

(b) **PROGRAM.**—The program shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) conduct research in multiple architectures, which may include vector, reconfigurable logic, streaming, processor-in-memory, and multithreading architectures;

(3) conduct research on software for high-end computing systems, including research on algorithms, programming environments, tools, languages, and operating systems for high-end computing systems, in collaboration with architecture development efforts;

(4) provide for sustained access by the research community in the United States to high-end computing systems and to Leadership Systems, including provision of technical support for users of such systems;

(5) support technology transfer to the private sector and others in accordance with applicable law; and

(6) ensure that the high-end computing activities of the Department of Energy are coordinated with relevant activities in industry and with other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the National Nuclear Security Administration, the National Security Agency, the National Institutes of Health, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Institutes of Standards and Technology, and the Environmental Protection Agency.

(c) **LEADERSHIP SYSTEMS FACILITIES.**—

(1) **IN GENERAL.**—As part of the program carried out under this Act, the Secretary shall establish and operate 1 or more Leadership Systems facilities to—

(A) conduct advanced scientific and engineering research and development using Leadership Systems; and

(B) develop potential advancements in high-end computing system hardware and software.