

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(c) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 2635. A bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of Federal, State, and local governments; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, the United States and Israel share a strong and enduring friendship. We also share the threat of terrorist attacks against our citizens. Yet, while terrorism within our borders is relatively new to us, Israelis have confronted this danger for decades. Israel's long history of fighting terrorism has spurred Israeli businesses, researchers and academics to develop highly sophisticated homeland security technologies, particularly in the fields of border integrity, transportation security, and first responder equipment. As the United States pursues new approaches to protecting our Nation, it only makes sense to look to Israel's extensive expertise in this area.

This is why I am introducing legislation with Senator LIEBERMAN to establish a program to provide funds to eligible joint ventures between American firms and businesses in countries such as Israel that are already highly focused on the homeland security issue and have demonstrated the capacity for fruitful cooperation with America in the area of counterterrorism.

This program will act as a revolving fund to develop new homeland security technologies. As these technologies are deployed and become profitable, the businesses that developed them will be required to repay the program for the amount of the funds. This requirement, which has worked for similar existing programs, will help sustain the availability of funds for future funds.

The program will be managed by the Department of Homeland Security. It will dedicate \$25 million toward these joint ventures that develop, manufacture, sell, or otherwise provide products and services with applications related to homeland security.

This legislation will build upon a number of other highly successful public-private partnerships between businesses in the United States and those located in countries such as Israel. Since its founding in 1977, the Bi-National Industrial Research and Development Foundation (BIRD) has created numerous research and development partnerships between American and Israeli businesses. The BIRD Foundation has invested \$180 million in 600 projects during the past 27 years. Simi-

lar partnerships also exist in the development of agricultural, defense, telecommunications, and other technologies. This record demonstrates the potential of a similar binational foundation in the area of homeland security.

As recent international events have demonstrated, the fight against terrorism knows no borders. This legislation will enable our Nation to deploy the highest quality and most innovative tools to improve our homeland security. I ask you to join me in supporting this effort to enhance our Nation's fight against terrorism.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 401—DESIGNATING THE WEEK OF NOVEMBER 7 THROUGH NOVEMBER 13, 2004, AS “NATIONAL VETERANS AWARENESS WEEK” TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY.

Mr. BIDEN (for himself, Mr. ALLEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HOLLINGS, Mr. INOUE, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Ms. SNOWE, Mr. SPECTER, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WYDEN, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 401

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that

the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 10, 2003, President George W. Bush issued a proclamation urging all the people of the United States to observe November 9 through November 15, 2003, as “National Veterans Awareness Week”: Now, therefore, be it

*Resolved,*

#### SECTION 1. NATIONAL VETERANS AWARENESS WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of November 7 through November 13, 2004, as “National Veterans Awareness Week”.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of November 7 through November 13, 2004, as “National Veterans Awareness Week” for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) calling on the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

#### SENATE CONCURRENT RESOLUTION 121—SUPPORTING THE GOALS AND IDEALS OF THE WORLD YEAR OF PHYSICS

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 121

Whereas throughout history, physics has contributed to knowledge, civilization, and culture around the world;

Whereas physics research has been and continues to be a driving force for scientific, technological, and economic development;

Whereas many emerging fields in science and technology, such as nanoscience, information technology, and biotechnology, are substantially based on, and derive many tools from, fundamental discoveries in physics and physics applications;

Whereas physics will continue to play a vital role in addressing many 21st-century challenges relating to sustainable development, including environmental conservation, clean sources of energy, public health, and security;

Whereas Albert Einstein is a widely recognized scientific figure who contributed enormously to the development of physics, beginning in 1905 with Einstein's groundbreaking papers on the photoelectric effect, the size of molecules, Brownian motion, and the theory of relativity that led to Einstein's most famous equation,  $E = mc^2$ ;

Whereas 2005 will be the 100th anniversary of the publication of those groundbreaking papers;

Whereas the General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics; and

Whereas the Department of Energy is the leading source of Federal support for academic physics research, accounting for a majority of Federal funding for physics: Now, therefore, be it

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

(1) supports the goals and ideals of the World Year of Physics, as designated by the

General Assembly of the International Union of Pure and Applied Physics;

(2) encourages the people of the United States to observe the World Year of Physics as a special occasion for giving impetus to—

(A) education and research in physics; and  
(B) the public's understanding of physics;

(3) calls on the Secretary of Energy to lead and coordinate Federal activities to commemorate the World Year of Physics;

(4) encourages the Secretary, all science-related organizations, the private sector, and the media to highlight and give enhanced recognition to—

(A) the role of physics in social, cultural, and economic development; and

(B) the positive impact and contributions of physics to society; and

(5) encourages the Secretary and all people involved in physics education and research to take additional steps (including strengthening existing and emerging fields of physics research and promoting the understanding of physics) to ensure that—

(A) support for physics continues; and

(B) physics studies at all levels continue to attract an adequate number of students.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3555. Mrs. BOXER (for herself, Mr. KENNEDY, Mr. BYRD, Ms. MIKULSKI, Mrs. CLINTON, Mr. LIEBERMAN, Mr. LEVIN, Mr. FEINGOLD, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

SA 3556. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3557. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3558. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3559. Mr. ENSIGN (for himself, Mr. SUNUNU, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3560. Mr. KENNEDY (for himself, Mr. CORZINE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. MURRAY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3561. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3555. Mrs. BOXER (for herself, Mr. KENNEDY, Mr. BYRD, Ms. MIKULSKI, Mrs. CLINTON, Mr. LIEBERMAN, Mr. LEVIN, Mr. FEINGOLD, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . . . FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the “Fair Minimum Wage Act of 2004”.

(b) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

“(B) \$6.45 an hour, beginning 12 months after that 60th day; and

“(C) \$7.00 an hour, beginning 24 months after that 60th day;”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) \$3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by \$0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 3556. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, lines 1 and 2, after “defendant” insert “or by the court sua sponte”.

On page 21, line 9, strike “solely”.

SA 3557. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 7, strike “or”.

On page 18, line 8, insert “over a class action in which” after “(B)”.

On page 18, line 11, strike the period and insert “; or”.

On page 18, between lines 11 and 12, insert the following:

“(C) except for a class action in which any member of a proposed plaintiff class is a citizen of a State different from any defendant, over a class action in which—

“(i) the alleged harm that resulted in injuries to the person or risk to the person's life occurred in the State in which the action is filed;

“(ii) the products, goods, or services responsible for causing the injuries to the person or risk to the person's life were sold, marketed, distributed, purchased, or obtained in the State in which the action is filed;

“(iii) the time the alleged harm occurred, all the plaintiff class members were citizens of the State in which the action is filed;

“(iv) the time the alleged harm occurred, the defendant was registered to do business in the State in which the action is filed; and

“(v) the claims asserted allege violations of State law.

SA 3558. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike line 21 and insert the following:

#### SEC. 9. EXCLUDED ACTIONS.

(a) IN GENERAL.—This Act, and the amendments made by this Act, shall not apply to any civil action relating to a tobacco product.

(b) DEFINED TERM.—As used in this section, the term “tobacco product” means—

(1) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(2) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(3) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

(4) pipe tobacco;

(5) loose rolling tobacco and papers used to contain that tobacco;

(6) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

(7) any other form of tobacco intended for human consumption.

#### SEC. 10. EFFECTIVE DATE.

SA 3559. Mr. ENSIGN (for himself, Mr. SUNUNU, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 23, strike “commenced” and insert “in which the entry of a class certification order (as defined in section 1332(d)(1)(C) of title 28, United States Code) occurs”.

SA 3560. Mr. KENNEDY (for himself, Mr. CORZINE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. MURRAY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 7, and insert the following:

“(B) the term ‘class action’—

“(i) means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or