(7) the limited arrest authority of the Bureau of Indian Affairs and Indian tribal law enforcement agencies impacts the ability of law enforcement to properly respond to acts of domestic violence; and
(8) Federal and tribal prosecutors and law enforcement services are hampered in their efforts to address domestic violence by the lack of available criminal history information for tribal ordinance offenders.

SEC. 3. PURPOSES.
The purposes of this Act are as follows:
(1) To obtain data on the rates of domestic violence experienced by Indian women in Indian country.
(2) To close existing gaps in Federal criminal laws to enable Federal, State, and tribal law enforcement agencies and courts to address incidents of domestic violence.
(3) To address the public safety concerns experienced by tribal police officers that arise in responding to incidents of domestic violence.
(4) To prevent the serious injury or death of Indian women subject to domestic violence.

SEC. 4. DEFINITIONS.
In this section:
(1) ATTORNEY GENERAL.—The term ‘Attorney General means the Attorney General of the United States.
(2) SECRETARY.—The term ‘Secretary means the Secretary of the Department of the Interior.
(3) INDIAN TRIBE.—The term ‘Indian Tribe’ has the same meaning as in section 4 of the Indian Self-determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 5. DOMESTIC VIOLENCE HABITUAL OFFENDER.
Chapter 7 of title 18, United States Code, is amended by adding at the end the following:
‘‘§ 117. Domestic assault by a habitual offender. ‘‘(a) Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least two separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—
‘‘(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or
‘‘(2) an offense under chapter 110A. shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from a violation under this section, the offender shall be imprisoned for a term not more than 10 years.

‘‘(b) For purposes of this section—
‘‘(1) the term ‘domestic assault’ means an assault committed by a current or former spouse, parent, child, or guardian of the victim, or by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian of the victim; and
‘‘(2) the term ‘final conviction’ means the final judgment on a verdict of finding of guilt, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment which has been expunged by pardon, reverse, set aside, or otherwise rendered void;

‘‘(3) the term ‘order of protection’ has the meaning given to such term by section 3559(c)(2)(G);

‘‘(4) the term ‘substantial bodily injury’ has the meaning given to such term by section 115(b).

‘‘(5) the term ‘sexual abuse’ has the meaning given to such term by section 2265(b).

‘‘(6) the term ‘substantial bodily injury’ has the meaning given to such term by section 115(b).

‘‘(7) the term ‘sexual abuse’ has the meaning given to such term by section 2265(b).

SEC. 6. ENHANCED ARREST AUTHORITY.
Section 209 of the Indian Self-determination and Education Assistance Act (25 U.S.C. 450b) is amended—
(1) by striking ‘‘(A); by inserting ‘‘or’’ and
(2) in paragraph (1)(A), by striking ‘‘, or’’ and inserting ‘‘; or’’; and
(3) by adding at the end the following:
‘‘(12) to develop tribal domestic violence criminal history databases for use by Indian tribal courts and tribal, State, and Federal law enforcement officers engaged in a law enforcement function.’’.

By Mr. LIEBERMAN (for himself and Mr. DODD):
S. 990. A bill to provide a grant program to support the establishment and operation of Teachers Professional Development Institutes to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with my colleague from Connecticut, Mr. DODD, legislation that will bolster the content and pedagogical knowledge of our K–12 teacher workforce. This measure provides resources and incentives to enlist college and university faculties in partnerships with public school districts throughout the Nation in an effort to strengthen public school instruction.

My proposal will establish, over the next five years, forty new Teacher Professional Development Institutes in locales throughout the Nation. Based on the model which has been operating at Yale University and the City of New Haven for over 25 years, Teacher Professional Development Institutes will address gaps between the skills of more institutions of higher education and local, economically disadvantaged public school systems. These Institutes will strengthen the present teacher workforce by giving participants an opportunity to gain more sophisticated content knowledge and instructional skills, and will provide them a chance to develop—in conjunction with their Institute colleagues—practical curriculum units that they can implement in their classrooms and share with their schools and districts.

Since 1978, the Yale-New Haven Institute has offered five to seven thirteen-session seminars each year, led by Yale faculty, on topics that teachers have selected to enhance their teaching mastery. To begin the process, teacher representatives from the Institute solicit teachers throughout the school district for ideas on how to help meet their perceived needs—for example, improving content area knowledge, preparing instructional materials, managing the classroom, or addressing accountability standards. As a consensus emerges regarding seminar content, the Institute director identifies and enlists university faculty members with the appropriate expertise, interest, and desire to lead the seminar. Because the topics are ultimately determined by the teachers who participate, seminars offer content which teachers believe is pertinent, valuable, and practical for both themselves and their students.

In fact, the cooperative and emergent nature of the Institute seminar planning process that ensures its success—rigorous topical instruction
and relevant materials are provided based on participants’ self-identified needs. Granted the opportunity to examine and act on their own skills and knowledge, teachers gain a sense of self-sufficiency, and are more enthusiastic about the participation. Teachers can further develop classroom practice using the materials they obtain and develop among their peers, ensuring that the experience not only increases their subject-matter proficiency, but also provides immediate hands-on active learning materials that can be transferred to the classroom. In short, by allowing teachers to determine the seminar subjects and room, they are assigned to teach; and increase student achievement. The Teacher Professional Development Institutes promote this philosophy.

From 1999–2002, the Yale-New Haven Teachers Institute conducted the Yale National Demonstration Project to create comparable Institutes at four diverse sites with large concentrations of disadvantaged students. These demonstration projects were located in Pittsburgh, PA; Houston, TX; Albuquerque, NM; and CA. Based on the success of that Project, the Institute has launched the Yale National Initiative—a long-term endeavor to establish exemplary Teachers Institutes in states throughout the nation, just as the legislation I have introduced would do.

Follow-up evaluations have garnered encouraging reactions from teachers who have participated both in the Yale-New Haven Institute and in the demonstration Institutes. These data strongly support the conclusions that virtually all teachers felt substantially strengthened in their mastery of content knowledge and their teaching skills. My proposal would open this opportunity to many more urban teachers and would provide high quality professional development to educators and policy makers throughout the Nation. In this way, we can set high standards for effective teacher professional development as we have done for student achievement.

I ask unanimous consent that the text of the Teachers Professional Development Institute Act be printed in the RECORD.

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

SEC. 242. FINDINGS AND PURPOSE. 

This part—Teachers Professional Development Institutes—has a high percentage of teachers who are unprepared or under prepared to teach the core academic subjects the teachers are assigned to teach; and

SEC. 243. DEFINITIONS.

(a) Teachers Professional Development Institute—The term ‘Teachers Professional Development Institute’ means a partnership or joint venture between or among 1 or more institutions of higher education, and 1 or more local educational agencies serving a significant low-income population, which partnership or joint venture—

(1) is entered into for the purpose of improving the quality of teaching and learning through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants; and

(2) works in collaboration to determine the direction and content of the collaborative seminars.

SEC. 244. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized—

(1) to award grants to Teachers Professional Development Institutes to encourage the establishment and operation of Teachers Professional Development Institutes; and

(2) to provide technical assistance, either directly or through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants; and

(b) SELECTION CRITERIA.—In selecting a Teachers Professional Development Institute for a grant under this part, the Secretary shall consider—

(1) the extent to which the proposed Teachers Professional Development Institute will serve a community with a significant low-income population;

(2) the extent to which the proposed Teachers Professional Development Institute will provide the Understandings and Necessary Procedures that have been developed following the National Demonstration Project.

(3) the extent to which the local educational agency participating in the proposed Teachers Professional Development Institute has a high percentage of teachers who are unprepared or under prepared to teach the core academic subjects the teachers are assigned to teach; and

(4) the Teachers Institute Model has a proven record, as demonstrated by the success of a 3-year national demonstration pilot project (referred to in this part as the National Demonstration Project) in several United States cities.

(b) PURPOSE.—The purpose of this part is to further the Federal assurance of the establishment and operation of Teachers Professional Development Institutes for local educational agencies that serve significant low-income populations in States throughout the Nation—

(1) to improve student learning; and

(2) to enhance the quality of teaching by strengthening the content mastery and pedagogical skills of current teachers through continuing teacher preparation.

SEC. 245. INSTITUTIONS.
“(d) Fiscal Agent.—For the purpose of this part, an institution of higher education participating in a Teachers Professional Development Institute shall serve as the fiscal agent for the receipt of grant funds under this part.

“(e) Limitations.—A grant under this part—

“(1) shall be awarded for a period not to exceed 5 years; and

“(2) shall not exceed 50 percent of the total costs of the eligible activities, as determined by the Secretary.

“§ 245. Eligible Activities

“(a) In General.—A Teachers Professional Development Institute that receives a grant under this part may use the grant funds—

“(1) for the planning and development of applications for the establishment of Teachers Professional Development Institutes;

“(2) to provide assistance to existing Teachers Professional Development Institutes established during the National Demonstration Project to enable the Teachers Professional Development Institutes—

“(A) to further develop existing Teachers Professional Development Institutes; or

“(B) to support the planning and development of applications for new Teachers Professional Development Institutes;

“(3) for the salary and necessary expenses of a full-time director to plan and manage such Teachers Professional Development Institute; and

“(4) to provide suitable office space, staff, equipment, and supplies, and to pay other operating expenses for the development and maintenance of Teachers Professional Development Institutes;

“(b) To provide stipends for teachers participating in collaborative seminars in the sciences and humanities, and to provide remuneration for those members of the higher education faculty who lead the seminars; and

“(c) To provide for the dissemination through print and electronic means of curriculum units prepared in conjunction with Teachers Professional Development Institutes seminars.

“(d) Technical Assistance.—The Secretary may use not more than 50 percent of the funds appropriated to carry out this part to provide technical assistance to facilitate the establishment and operation of Teachers Professional Development Institutes. For the purpose of this subsection, the Secretary may contract with existing Teachers Professional Development Institutes to provide all or a part of the technical assistance under this subsection.

“§ 246. Application, Approval, and Agreement

“(a) In General.—To receive a grant under this part, a Teachers Professional Development Institute shall submit an application to the Secretary that—

“(1) meets the requirement of this part and any regulations under this part;

“(2) includes a description of how the Teachers Professional Development Institute intends to use funds provided under the grant;

“(3) includes such information as the Secretary may require to apply the criteria described in paragraphs (1) and (2); and

“(4) includes measurable objectives for the use of the funds provided under the grant; and

“(g) contains such other information and assurances as the Secretary may require.

“(b) Approval.—The Secretary shall—

“(1) promptly evaluate an application received for a grant under this part, and

“(2) notify the applicant within 90 days of the receipt of a completed application of the Secretary’s approval or disapproval of the application.

“(c) Agreement.—Upon approval of an application, the Secretary and the Teachers Professional Development Institute shall enter into a comprehensive agreement covering the entire period of the grant.

“§ 247. Reports and Evaluations

“(a) Report.—Each Teachers Professional Development Institute receiving a grant under this part shall report annually on the progress of the Teachers Professional Development Institute in achieving the purpose of this part and the grant.

“(b) Evaluation and Dissemination.—

“(1) Evaluation.—The Secretary shall evaluate the funds provided under this part and submit an annual report regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Labor and Workforce of the House of Representatives.

“(2) Dissemination.—The Secretary shall broadly disseminate successful practices developed by Teachers Professional Development Institutes.

“(c) Revocation.—If the Secretary determines that a Teachers Professional Development Institute is not making substantial progress in achieving the purpose of this part and the purposes of the grant by the end of the second year of the grant under this part, the Secretary may take appropriate action, including revocation of further payments under the grant, to ensure that the funds available under this part are used in the most effective manner.

“§ 248. Authorization of Appropriations

“There are authorized to be appropriated to carry out this part—

“(1) $4,000,000 for fiscal year 2006;

“(2) $5,000,000 for fiscal year 2007;

“(3) $6,000,000 for fiscal year 2008;

“(4) $7,000,000 for fiscal year 2009; and

“(5) $8,000,000 for fiscal year 2010.”

By Mr. KENNEDY (for himself, Mr. DURBIN, Mr. HARKIN, and Mr. AKAKA):

S. 992 would amend title I of the Employee Retirement Income Security Act of 1974 to limit the availability of benefits under an employer’s non-qualified deferred compensation plans in the event that any of the employer’s defined benefit pension plans are subjected to a distress or PBGC termination in connection with bankruptcy reorganization or a conversion to a cash balance plan, to provide appropriate funding restrictions in connection with non-qualified deferred compensation plans; to provide for appropriate disclosure with respect to nonqualified deferred compensation plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the Pension Fairness and Full Disclosure Act we are introducing today is urgently needed to end the nightmare that the current pension system is becoming for millions of families across the Nation.

Thousands of flight attendants and machinists from United Airlines have suffered heavily in pay and job security in recent years, and now they’re losing their pensions, too. For that matter, corporate CEO’s are still receiving bonuses worth millions of dollars a year.

This nightmare is happening to workers all across America. Companies are cutting employees’ pensions by switching to cash balance plans, or even going into bankruptcy. But executive retirement is still going through the roof. A recent report found over 20 percent of America’s top 500 largest companies have promised pensions worth more than $1 million a year for their CEOs.

President Bush has said that what is good for the top floor is good for the shop floor. It’s wrong for it to be business as usual on the top floor when so much pain is spreading on the shop floor.

Polaroid in Massachusetts filed for bankruptcy in 2001 and terminated its pension plan in 2002. Its pension plan was underfunded by over $300 million dollars. Thousands of workers lost their benefits cut when the Pension Benefit Guaranty Corporation took over. Yet the principal executives of the company received millions of dollars in bonuses. Last week, the company was sold again, and the chairman and CEO received golden parachutes of nearly $10 million each.

The bill we are introducing will end that injustice. It prohibits companies from lining executives’ pockets and ignoring commitments to rank-and-file workers. It will require companies to inform employees about executive compensation.

These changes are long overdue. It’s an issue of basic fairness, and only Congress can solve this.

By Mr. HARKIN:

S. 992. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, I am proposing to strike the consumptive demand clause from Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307). Section 307 prohibits the importation of any product or good produced with forced or indentured labor including forced or indentured child labor.

The consumptive demand clause creates an exception to this prohibition. Under the exception, if a product is not made in the United States, and there is a demand for it, then a product made with forced or indentured child labor may be imported into this country.