(Mr. SARBANES) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 784

At the request of Mr. THOMAS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 792

At the request of Mr. DORGAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

S. 806

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 806, a bill to amend title 38, United States Code, to provide a traumatic injury protection rider to servicemembers insured under section 1967(a)(1) of such title.

S. 811

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. LUGAR) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 936

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 936, a bill to ensure privacy for e-mail communications.

S. 962

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 967

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 967, a bill to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and for other purposes.

S. RES. 33

At the request of Mr. LEVIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 984. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to speak on the issue of currency policies and to offer a bill, the Fair Currency Practices Act of 2005, that will address key concerns regarding the Treasury Department's statutory review and reporting requirements on currency manipulation. In particular, this bill strengthens Treasury's hand in addressing currency manipulation, including the current practices of countries such as China.

Through the practice of pegging its currency to the dollar, China artificially maintains the yuan, at 8.28 per dollar. While economists differ over the extent that China's currency is undervalued, it is often estimated to be undervalued by as much as fifteen to forty percent, rendering Chinese manufactured goods cheaper in the U.S.—and U.S. manufactured goods more expensive in China.

China's deliberate and unfair currency practices have contributed to our Nation's trade deficit with China, reaching a record $162 billion last year. The yuan's undervaluation has had a profound impact on our Nation's manufacturing sector—particularly on U.S. manufacturing employment.

As Chair of the Senate Committee on Small Business and Entrepreneurship, Co-Chair of the Senate Task Force on Manufacturing, and a Senator from a State with a rich history in manufacturing, I am keenly aware of this issue's importance. Indeed, our manufacturers—who are integral to our economic security and national defense—unjustifiably struggle to compete with countries that disregard their international obligations.

The U.S.-China Economic and Security Review Commission released a report today, which focuses on China's exchange rate problem. In the report, the Commission notes that foreign exchange markets are sending clear signals that China should revalue its yuan, and that in recent years all major currencies have adjusted upward with the exception of China's. The Commission explains that an appreciation of foreign currencies is needed to help correct the U.S. current account deficit.

In the report, the Commission discusses the value of improving the process by which the Treasury Department assesses and reports upon the issue of foreign countries' currency manipulation. The legislation that I offer today, which is cosponsored by Senator DOLE, makes substantial improvements to that process.

Chair MANZULLO, my counterpart in the House of Representatives is offering this bill today in the House. I thank him for his leadership on issues affecting our Nation's small businesses, and particularly for his efforts on behalf of our Nation's manufacturers.

Specifically, the legislation amends the Exchange Rates and Economic Policy Coordination Act of 1988, to clarify that a country is manipulating its currency if it is engaged in ''protracted large-scale intervention in one direction in the exchange market.''

The legislation also amends the 1988 Act to eliminate the necessity that a country have both a material global current account surplus and a significant bilateral trade surplus with the United States, before the Secretary of the Treasury is required to enter into negotiations with the offending country to end its unfair practices. The change requires such negotiations if there is either a material global current account surplus or a significant bilateral trade surplus with the United States.

Currently, the Treasury Department, the International Monetary Fund, and others rely largely upon suspect Chinese data in determining China's trade balance with other countries. The legislation's final provision instructs the Treasury Department to undertake an exercise examining China's trade surplus. The investigation would include an analysis of why China's reported trade surplus with the U.S. and other countries differs from that reported by China's trading partners. The legislation requires that the Treasury Department submit a report of its investigation to Congress.

Representative MANZULLO and I will continue to collaborate on addressing unfair currency practices by offending countries. We Are both well aware of the negative effects these practices have on our Nation's small businesses. One of our combined efforts commissioned a General Accounting Office study which examined issues related to foreign government manipulation of world currency markets. That study is expected to be released soon.

As in the past, I will continue to strive to draw greater attention to the effects of China's currency practices

and to find solutions that enable our domestic industries to compete on a level and fair playing field.

I ask unanimous consent that the text of the bill and that a section-by-section summary of the bill be printed in the RECORD.

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

S. 984

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Currency Practices Act of 2005''.

SEC. 2. AMENDMENTS RELATING TO INTERNATIONAL FINANCIAL POLICY.

(a) BILATERAL NEGOTIATIONS.—Section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)) is amended in the second sentence by striking ''and (2)'' and inserting ''or (2)''.

(b) DEFINITION OF MANIPULATION.—Section 3006 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5306) is amended by adding at the end the following:

''(3) MANIPULATION OF RATE OF EXCHANGE.—For purposes of this Act, a country shall be considered to be manipulating the rate of exchange between its currency and the United States dollar if there is a protracted large-scale intervention in one direction in the exchange markets. The Secretary may find that a country is manipulating the rate of exchange based on any other factor or combination of factors.''.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall undertake an examination, and submit a report to Congress, regarding the trade surplus of the People's Republic of China. The Secretary shall examine why the trade surplus with the United States and other countries reported by the People's Republic of China differs from the trade surplus reported by the other countries. The report shall also quantify the differences between the trade surplus reported by the United States and other countries and what is reported by the People's Republic of China.

LEGISLATION ADDRESSING CHINA'S CURRENCY MANIPULATION

Background: The Exchange Rates and International Economic Policy Coordination Act of 1998 (the 1998 Act) requires that Treasury regularly make a determination of whether countries are manipulating the rate of exchange between their currency and the U.S. dollar for purposes of preventing effective balance of payments adjustments or gaining an unfair competitive advantage in international trade. If the Secretary of Treasury considers that such manipulation is occurring with respect to countries that (1) have material global current account surpluses; and (2) have significant bilateral trade surpluses with the United States, the Secretary is required to take action to initiate negotiations with such foreign countries on an expedited basis.

Section 1—Short Title—This Act will be known as the Fair Currency Practices Act of 2005.

Section 2—Amendments Relating to International Financial Policy.

(a)—Amends the Trade Act to eliminate the necessity that a country have both a material global current account surplus AND a significant bilateral trade surplus with the United States, before the Secretary of the Treasury is required to enter into negotiations with the offending country to end its unfair practices. The change requires such negotiations if there is either a material global current account surplus *OR* a significant bilateral trade surplus with the United States.

Reasoning: Under current law, even if manipulation was found, Treasury would not be required to act unless the offending country has a significant bilateral trade surplus with the U.S. AND a material global current account surplus. The U.S.-China Economic and Security Review Commission recommended in its 2004 Report to Congress that the material global current account surplus condition not be required.

(b)—Amends the 1988 Act to clarify that a country engaged in ''protracted large-scale intervention in one direction in the exchange market'' is manipulating its currency. This language derives from the International Monetary Fund's (IMF) Principles for Fund Surveillance Over Exchange Rate Policies.

Reasoning: Treasury repeatedly fails to make a determination that China is manipulating its currency and the Trade Act does not specifically define ''manipulating.'' This provision clarifies that a country engaged in ''protracted large-scale intervention in one direction in the exchange market'' is manipulating its currency. The provision does not preclude the Secretary of Treasury from finding a country to be manipulating its rate of exchange based on any other factor or combination of factors.

(c)—Requires that Treasury undertake an examination of China's trade surplus and report on its findings. The Department of Treasury should investigate why China's reported trade surplus with the U.S. and other countries differs from that reported by the trading partner countries. The report should quantify these differences so that policy makers will be better able to understand the facts behind China's trade surplus.

Reasoning: Treasury and the IMF use official Chinese statistics when determining China's global current account and trade balances. China's global current account and trade balance statistics differ markedly from the aggregate statistics of its trading partners. This results in an inaccurate depiction of China's true surplus, which is presumably much larger than reported by China.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. JOHNSON, and Mr. COCHRAN):

S. 985. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to re-introduce the Kinship Caregiver Support Act with my friend and colleague, Senator OLYMPIA SNOWE. I would like to acknowledge Senators TIM JOHNSON and THAD COCHRAN who are original co-sponsors of this legislation.

Over the weekend, America celebrated Mother's Day, a special day when we honored our mothers, whose love and nurturing sustains us throughout our lives. Mother's Day offers a wonderful opportunity to honor the millions of mothers who offer the gifts of love and nurturing for children in need. They give so much to the most vulnerable among us, and too often they go unnoticed and unthanked. Many of these women earn the title of Mother not through biology, but by their unconditional love for children.

In New York alone, more than 500,000 children are cared for by non-parent relative caregivers. Nationwide, grandparents head 4.5 million households and other relatives head another 1.5 million households. Linda James of Rochester, NY is one such mother. She became a second-time mother at the age of 41 when her granddaughter Jasmine was born prematurely and her daughter, Jasmine's mother, was unable to care for her daughter. When the hospital needed authorization to perform an emergency operation on tiny Jasmine, Linda stepped in and assumed responsibility. Since that day, Linda has been Jasmine's only resource for stability and happiness.

Over time, Linda, like many relative caregivers, faced many challenges as she tried to raise Jasmine. Simple tasks such as enrolling her in school and securing health insurance were daunting because she had trouble finding basic information about how to approach the process. Linda made many sacrifices to ensure Jasmine's success, even taking a leave of absence from her job so she could give Jasmine the constant medical attention she required, but she often felt like the cards were stacked against her. Emotionally, physically, and financially, the experience of raising little Jasmine was nothing short of exhausting.

Kinship caregivers like Linda are often the best chance for a loving and stable childhood for the children in their care, but Federal law does little to support these families. In fact, unless a child's parents relinquish their parental rights, and the relative caregivers become adoptive parents, kinship caregivers are no different from strangers in the eyes of Federal law.

In these sad cases, children often linger in foster care unnecessarily while a stable, permanent, loving option is overlooked.

That is why Senator SNOWE and I are introducing The Kinship Caregiver Support Act. This proposal will provide relative caregivers with the information and assistance they need to thrive as non-traditional families. This bill will link kinship families with localized information about the services and support available to them. By creating one-stop centers for kinship caregivers, this bill will provide essential support that will keep these families afloat. This legislation will also allow States to use their Federal foster care funds to provide kinship caregiver assistance payments for children languishing in foster care while a kinship caregiver stands ready to step in.

At this time of year, when we remember and honor our mothers, let us also remember the contributions that unconventional mothers make, mothers who each and every day go above and beyond the call of duty to help some of the most vulnerable of our children.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 987. A bill to restore safety to Indian women; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am introducing ''The Restoring Safety to Indian Women Act'' and I look forward to working with the Committee on the Judiciary to ensure that the provisions of this bill are given consideration, particularly as the reauthorization of the Violence Against Women Act moves forward. I also wish to thank Senator BYRON DORGAN for cosponsoring this legislation and for his dedication to addressing the health and welfare needs of Indian tribes.

This legislation creates a new Federal criminal offense authorizing Federal prosecutors to charge repeat domestic violence offenders before they seriously injure or kill someone and to use tribal court convictions for domestic violence for that purpose. It authorizes the creation of tribal criminal history databases to document these convictions and protection orders for use by all law enforcement. The bill authorizes BIA and tribal officers to make arrests for domestic violence assaults committed outside of their presence and would authorizes a comprehensive study of domestic violence in Indian Country to determine its impact to Indian tribes.

The 1994 Violence Against Women Act has had a tremendous impact on raising the national awareness of domestic violence and providing communities, including Indian tribes, the resources to respond to the devastating impact of domestic violence. National studies show that one in four women are victims of domestic violence. Since 1999, the Department of Justice has issued various studies which report that Indian women experience the highest rates of domestic violence compared to all other groups in the United States. These reports state that one out of every three Indian women are victims of sexual assault; that from 1979 to 1992, homicide was the third leading cause of death of Indian females between the ages of 15 to 34 and that 75 percent of those deaths were committed by a family member or acquaintance. These are startling statistics that require our close examination and a better understanding of how to prevent and respond to domestic violence in Indian Country.

Domestic violence is a national problem and not one that is unique to Indian Country. Yet, due to the unique status of Indian tribes, there are obstacles faced by Indian tribal police, Federal investigators, tribal and Federal prosecutors and courts that impede their ability to respond to domestic violence in Indian Country. This bill is intended to remove these obstacles at all levels and to enhance the ability of each agency to respond to acts of domestic violence when they occur.

The division of criminal jurisdiction between Federal and tribal law enforcement and prosecutors working in Indian Country present challenges. For example, Federal prosecutors prosecute acts of domestic violence in Indian Country using the Assault or, unfortunately, the Murder statutes in the Major Crimes Act. These statutes require the prosecutor to prove beyond a reasonable doubt that the victim was disfigured, suffered a serious risk of death or was killed before these felony charges can be filed. Meanwhile, the research has shown that perpetrators of domestic violence become increasingly more violent over time. Under the existing statutory scheme, these perpetrators may escape felony charges until they seriously injure or kill someone.

This bill would create a new Federal offense aimed at the habitual domestic violence offender and allow tribal court convictions to count for purposes of Federal felony prosecution when the perpetrator has at least two separate Federal, State or tribal convictions for crimes involving assault, sexual abuse or a violent felony against a spouse or intimate partner. This provision is similar to many state laws that apply a felony penalty to an individual who commits multiple offenses. It will empower Indian tribal prosecutors and courts to document domestic violence cases at the local level and give federal prosecutors the ability to intervene in the cycle of violence by charging repeat offenders before they seriously injure or kill someone.

The bill would also encourage the use of existing grants authorized by the Violence Against Women Act to create tribal criminal history databases for use by Indian tribes and tribal, State and Federal law enforcement agencies to document final convictions, stay away orders and orders of protection issued by tribal courts. As I understand it, no such database exists today. This database would be used solely as a law enforcement and court tracking tool. It would enable tribal, State and Federal law enforcement officers to determine whether an individual is a habitual domestic violence offender and therefore subject to the felony crime described above. It also would enhance the implementation of the criminal provisions that already exist in the Violence Against Women Act.

All manner of law enforcement agencies report that responding to domestic violence disturbances are among the most dangerous situations that a police officer faces. Therefore, many States have enacted immediate arrest or removal policies that enable responding officers to diffuse these dangerous situations. Currently, the primary law enforcement authority for Indian tribes, the BIA police, are only authorized to make an arrest without a warrant for an offense committed in Indian Country if the offense is committed in the presence of the officer or the offense is a felony. This legislation would expand the authority of the BIA police, and tribal police agencies that derive their arrest authority by contract with the BIA, to make an arrest without a warrant for a domestic violence offense when the officer has reasonable grounds to believe the person arrested committed the offense. This arrest authority will enable a responding officer to diffuse the dangerous situation by arresting the perpetrator. This will go a long way toward improving public safety for both the officer and the domestic violence victim.

Finally, while the national data on the rates of violence affecting Indian women are astounding, we do not know the full extent to which Indian women residing in Indian Country are impacted by domestic violence or the impact of domestic violence on Indian tribes. For example, we know that nationally, domestic violence costs $4.1 billion each year for direct medical and mental health services and in my own State of Arizona, last year, police received approximately 100,000 domestic violence calls, but we do not know the extent to which tribal prevention programs, law enforcement, court or medical intervention resources are similarly impacted. Therefore, this bill would require that a comprehensive study be done on the scope of the domestic violence problem in Indian Country.

I look forward to working with my colleagues on the Indian Affairs Committee and the Judiciary Committee to ensure that these statistics become a record of the past. I urge my colleagues to support this important legislation.

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. 987

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restoring Safety to Indian Women Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) national studies indicate that Indian women experience domestic and sexual assaults at a far greater rate than other groups of women in the national population;

(2) there is relatively little data on the rate of domestic violence perpetrated upon Indian women in Indian country or the costs associated with responding to acts of domestic violence in Indian country;

(3) Indian tribes have criminal jurisdiction to prosecute Indians who commit violations of tribal law;

(4) the Federal Government has jurisdiction to prosecute specific enumerated crimes that arise in Indian country under section 1153 of title 18, United States Code (commonly known as the Major Crimes Act);

(5) the Major Crimes Act does not include provisions to provide Federal prosecutors the ability to prosecute domestic violence assaults unless they rise to the level of serious bodily injury or death;

(6) national studies conducted by law enforcement organizations show that domestic violence disturbance calls are the most dangerous situations and pose the highest risk to responding law enforcement officers;

(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 perpetrated upon Indian women in Indian country.

(2) To close existing gaps in Federal criminal laws to enable Federal, State, and tribal law enforcement, prosecution 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 Act:

(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 of 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, 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, or by a person similarly situated to a spouse, parent, child, or guardian of the victim;

''(2) the term 'final conviction' means the final judgment on a verdict of finding of guilty, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment which has been expunged by pardon, reversed, set aside, or otherwise rendered void;

''(3) the term 'order of protection' has the meaning given to such term by section 2265(b);

''(4) the term 'serious violent felony' has the meaning given to such term by section 3559(c)(2)(F);

''(5) the term 'State' has the meaning given to such term by section 3559(c)(2)G);

''(6) the term 'substantial bodily injury' has the meaning given to such term by section 113(b)(1); and

''(7) the term 'sexual abuse' has the meaning given to such term by section 2242.''.

SEC. 6. ENHANCED ARREST AUTHORITY.

Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking '', or'' and inserting ''; or''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking '', or'' and inserting a semi-colon;

(B) in subparagraph (B), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(C)(i) the offense is a misdemeanor offense of domestic violence (as defined in section 117 of title 18, United States Code); and

''(ii) the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the offense;''.

SEC. 7. CRIMINAL RECORDS DATABASE PILOT PROJECT.

(a) IN GENERAL.—The Attorney General shall make grants available pursuant to section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) to Indian tribes for the development of tribal criminal history databases to document final convictions of tribal domestic violence court adjudications, orders of protection, stay away orders, and such other domestic violence criminal history.

(b) REQUIREMENTS.—A database developed under subsection (a) shall include—

(1) final convictions by a tribal court order;

(2) orders of protection that are currently in effect and meet the requirements of section 2265(b) of title 18, United States Code;

(3) a means to provide tribal, Federal, and State law enforcement agencies with access to the information in the database; and

(4) safeguards to prevent the dissemination of the information contained therein for other than a criminal justice or law enforcement purpose.

SEC. 8. STUDY OF DOMESTIC VIOLENCE IN INDIAN COUNTRY.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, the Director of the Indian Health Service, and Indian tribes, shall conduct a study on the incidents of domestic violence in Indian country.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) determine the extent of domestic violence in Indian country and its causes; and

(2) identify obstacles to—

(A) the prevention of incidents of domestic violence;

(B) the appropriate response to incidents of domestic violence;

(C) adequate treatment for victims of domestic violence; and

(D) criminal prosecution of domestic violence offenders.

(c) REPORT .—Not later than 1 year after the date of enactment of this Act, the Attorney General shall transmit to Congress a report regarding the study conducted under this section. This report shall include recommendations, including legislative recommendations, to address domestic violence in Indian country.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 9. CONFORMING AMENDMENTS.

Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; 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 consist of partnerships between one or 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.

It is, 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 their participation. Teachers gain further confidence as they 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 providing them the resources to develop curricula relevant to their classroom and their students, the Institutes empower teachers. Teachers are the front line—they are the interface between the educational system and the students it aspires to shape and inform—and they know what should be done to improve their schools and increase student achievement. The Teacher Professional Development Institutes promote this philosophy.

From 1999–2002, the Yale-New Haven Teachers Institute conducted a 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 Santa Ana, 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 that they developed increased expectations for students' achievement. Further, because of their personal involvement in the course selection and curriculum development process, teacher participants have found these seminars to be especially relevant and useful in their classroom practices—in fact, ninety-five percent of all participating teachers reported them to be beneficial. Finally, study results have found that these Institutes foster teacher leadership, develop supportive teacher networks, heighten university faculty commitments to improving K–12 public education, and create more positive partnerships between school districts and institutions of higher education—something I believe is essential to improving students' readiness for college.

Several studies assert that teacher quality is the single most important school-related factor in determining student achievement. Accordingly, the No Child Left Behind Act requires a ''highly qualified'' teacher to be in every classroom by the end of the 2005–2006 academic year. Effective teacher professional development programs that focus on content area and pedagogical knowledge are proven means of enhancing the success of classroom teachers and helping to meet the ''highly qualified'' criteria. Yet, a 2003 Government Accountability Office Report on Teacher Quality found that many state and local school districts view shortcomings in their current professional development practices as a significant barrier to meeting this requirement. These local agencies are looking for innovative, research-proven alternatives to their current programs, and this is precisely what Teacher Professional Development Institutes will provide.

Nationwide, projects developed to conform to the Yale-New Haven Institute model have proven to be successful in providing innovative teacher professional development. Virtually all teacher participants 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 outcomes.

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

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

S. 990

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

SECTION 1. TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES

''SEC. 241. SHORT TITLE.

''This part may be cited as the 'Teachers Professional Development Institutes Act'.

''SEC. 242. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Ongoing, subject-specific teacher professional development is essential to improved student learning.

''(2) The No Child Left Behind Act of 2001 calls for a highly qualified teacher in every core-subject classroom; attaining this goal will require innovative and effective approaches to improving the quality of teaching.

''(3) The Teachers Institute Model is an innovative and proven approach that encourages collaboration between urban school teachers and university faculty. The model focuses on teachers' continuing academic preparation and on the personal and collaborative application of their studies in their classrooms, schools, and districts.

''(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 provide Federal assistance to support 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 subject matter mastery and pedagogical skills of current teachers through continuing teacher preparation.

''SEC. 243. DEFINITIONS.

''In this part:

''(1) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

''(2) SIGNIFICANT LOW-INCOME POPULATION.—The term 'significant low-income population' means a student population of which not less than 25 percent are from families with incomes below the poverty line.

''(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(4) 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—

''(A) 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

''(B) 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 existing Teachers Professional Development Institutes, to assist local educational agencies and institutions of higher education in preparing to establish and in operating Teachers Professional Development Institutes.

''(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 follow 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 extent to which the proposed Teachers Professional Development Institute will receive a level of support from the community and other sources that will ensure the requisite long-term commitment for the success of a Teachers Professional Development Institute.

''(c) CONSULTATION.—

''(1) IN GENERAL.—In evaluating applications under subsection (b), the Secretary may request the advice and assistance of existing Teachers Professional Development Institutes.

''(2) STATE AGENCIES.—If the Secretary receives 2 or more applications for new Teachers Professional Development Institutes that propose serving the same State, the Secretary shall consult with the State educational agency regarding the applications.

''(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.

''SEC. 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 to act as liaison between the participating local educational agency and institution of higher education;

''(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;

''(5) 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

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

''(b) 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.

''SEC. 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 section 244(b);

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

''(5) 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.

''SEC. 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 purposes of the grant.

''(b) EVALUATION AND DISSEMINATION.—

''(1) EVALUATION.—The Secretary shall evaluate the activities funded 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 Education and the 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.

''SEC. 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. 991. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to limit the availability of benefits under an employer's nonqualified 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 the maintenance of nonqualified deferred compensation plans, and 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. Yet 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 retirees had 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.

Let us be clear: forced or indentured labor means work which is extracted from any person under the menace of penalty for nonperformance and for which the worker does not offer himself voluntarily. Let us be really clear: this means slave labor. In the case of children, it means child slavery.

Some examples of goods that are made with child slave labor include cocoa beans, hand-knotted carpets, beedis, which are small Indian cigarettes, soccer balls and cotton.

Throughout my Senate career, I have worked to reduce the use of forced child labor worldwide.

In 2003, my staff was invited by Customs to meet with field agents on Section 307 to discuss what appropriations were needed to enforce the statute. At the meeting, the field agents reported that the consumptive demand clause was an obstacle to their ability to enforce the law that is supposed to prevent goods made with slave labor from being imported into the United States.

The consumptive demand clause is outdated. Since this exception was enacted in the 1930s, the U.S. has taken numerous steps to stop the scourge of child slave labor. Most notably, the United States has ratified International Labor Organization's Convention 182 to Prohibit the Worst forms of Child Labor. Currently, 152 other countries have also ratified this ILO Convention.

Retaining the consumptive clause contradicts our international commitments to eliminate abusive child labor. Maintaining the consumptive demand clause says to the world that the United States justifies the use of slave labor, if US consumers need an item not produced in this country. There should be no exception to a fundamental stand against the use of slave labor. it is my hope that Congress will act.

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. 992

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

SECTION 1. GOODS MADE WITH FORCED OR INDENTURED LABOR.

(a) IN GENERAL.—The second sentence of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by striking ''; but in no case'' and all that follows to the end period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 993. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on amounts received under certain insurance policies in which certain exempt organizations hold an interest; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the bill imposes an excise tax, equal to 100 percent of the acquisition costs, on the taxable acquisition of any interest in an applicable insurance contract. An applicable insurance contract is any life insurance, annuity or endowment contract in which both an applicable exempt organization and any person that is not an applicable exempt organization have, directly or indirectly, held an interest in the contract (whether or not the interests are held at the same time).

An applicable exempt organization generally includes an organization that is exempt from Federal income tax by reason of being described in section 501(c)(3) (including one organized outside the United States), a government or political subdivision of a government, and an Indian tribal government.

The bill provides that an interest in an applicable insurance contract includes any right with respect to the contract, whether as an owner, beneficiary, or otherwise. An indirect interest in a contract includes an interest in an entity that, directly or indirectly, holds an interest in the contract.

Exceptions apply under the bill. An exception is provided if each person (other than the exempt organization) with an interest in the contract has an insurable interest in the insured person independent of any interest of the exempt organization. Another exception is provided if each person, other than an exempt organization, has an interest solely as a named beneficiary. An exception is also provided for a person, other than the exempt organization, with an interest as a trust beneficiary, if the beneficiary designation is purely gratuitous, or with an interest as a trustee who holds in a fiduciary capacity for an applicable exempt organization or another permitted beneficiary.

The bill provides reporting rules requiring an applicable exempt organization or other person that makes a taxable acquisition of an applicable insurance contract to file a return showing required information. A statement is required to be furnished to each person whose taxpayer identification information is required to be reported on the return. Penalties apply for failure to file the return or furnish the statement, including, in the case of intentional disregard of the return filing requirement, a penalty equal to the amount of the excise tax that has not been paid with respect to the items required to be included on the return.

The bill is effective for contracts issued after May 3, 2005. The bill requires reporting of existing life insurance, endowment and annuity contracts issued on or before that date, in which an applicable exempt organization holds an interest and which would be treated as an applicable insurance contract under the bill. This reporting is required within one year after the date of enactment.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. OBAMA, Ms. MURKOWSKI, and Mr. ALEXANDER):

S.J. Res. 18. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, along with my colleagues from California, Arizona, Vermont, Kansas and Illinois, I come to the floor to introduce legislation to renew sanctions against the illegitimate and repressive State Peace and Development Council (SPDC) in Burma.

I do not intend today to recount the litany of abuses committed by the military junta in Rangoon against the Burmese people and their neighbors given the extensive documentation of these violations by credible sources, including the U.S. Department of State, the United Nations and numerous nongovernmental organizations, my colleagues are undoubtedly familiar with many of the SPDC's heinous crimes—from the production and trafficking of illicit drugs, to the use of rape as a weapon of war against ethnic minority women and girls and the forced conscription of children into military service.

Instead, I urge my colleagues to act quickly—as we have in the past—in considering and passing the renewal of sanctions, which include an import ban on Burmese goods and visa restrictions on officials from the SPDC and affiliated organizations.

We must act quickly as the SPDC poses an immediate danger to the entire region, whether through the trafficking of illicit drugs, the unchecked spread of HIV/AIDS, or the forced movement of people who seek refuge and safety in neighboring countries.

There is no more definitive expression of support for democracy and human rights—for solidarity with those struggling for freedom—than an import ban. As Archbishop Desmond Tutu has eloquently pointed out on several occasions, sanctions worked in South Africa, and they can work in Burma, too.

We must act resolutely as the junta continues to imprison those who nonviolently struggle for freedom and justice, including Nobel laureate and Burmese democracy leader Daw Aung San Suu Kyi. Burma has a rising prisoner of conscience population, with over 1,300 political prisoners. I renew my call that Suu Kyi and other prisoners of conscience be immediately and unconditionally released.

Just last month, the European Union renewed sanctions against the SPDC that restrict members of the junta and their families from entering the EU, and bans EU companies from doing business in Burma. While I applaud this action, I call upon the EU and other multilateral organizations, including the United Nations, to do more in support of freedom in Burma.

Specifically, the EU, along with the United States, should not participate

in any Association of Southeast Asian Nations (ASEAN) related meetings should the SPDC assume chairmanship of that Association next year. It is worth noting that some ASEAN member states are now publicly discussing the junta's possible leadership with growing concern. This increased attention—and a growing chorus for political reform in Burma in the region by likeminded lawmakers—is also appreciated.

Finally, while I welcome UN Secretary-General Kofi Annan's personal comments in support of freedom in Burma, the time for talk is over. The UN must act on Burma—in New York. It is past time for the UN to discuss and debate the myriad threats Burma poses to the region. What are they waiting for?

The people of Burma must know that they have no better friends in this body than Senators FEINSTEIN, MCCAIN, LEAHY, BROWNBACK and OBAMA. There is an unofficial Burma Caucus in the Senate, and I am proud to stand shoulder-to-shoulder with my dedicated colleagues on this issue.

To them—and to Suu Kyi and all who nonviolently struggle for freedom in Burma—I say ''we will prevail.''

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

Mrs. FEINSTEIN. Mr. President, I rise today in support of a resolution introduced by myself, Senator MCCONNELL, Senator LEAHY, Senator MCCAIN, Senator BROWNBACK, and Senator OBAMA to renew the sanctions imposed on Burma by the Burmese Freedom and Democracy Act of 2003.

Last year, in response to the failure by the military junta—the State Peace and Development Council, SPDC—to take any meaningful steps towards restoring democracy and releasing Nobel Peace Prize winner and National League for Democracy, NLD, leader Aung San Suu Kyi, Congress overwhelmingly renewed a complete ban on all imports from Burma for another year.

One year later, it is clear that Rangoon has once again failed to make ''substantial and measurable progress'' toward putting Burma on a irreversible path of national reconciliation and democracy.

Suu Kyi remains under house arrest. On her 60th birthday on June 19, 2005, she will have spent a total of 2,523 days in detention.

NLD Vice Chairman Tin Oo has also remained in custody since May 2003. And 1,400 political prisoners are still in jail.

The military junta's ''road map'' to democracy and national convention to draft a new constitution has produced no timetable for restoring democracy and shut out the participation of Suu Kyi and the NLD, the legitimate winners of the 1990 elections.

The United Nations Commission on Human Rights passed a resolution last month highlighting continued human rights abuses by Rangoon including ''extrajudicial killings,'' rape, torture, sex trafficking and forced labor.

And let us not forget that Congress passed the original ''Burmese Freedom and Democracy Act of 2003'' in response to a brutal coordinated assault by progovernment paramilitary thugs on Suu Kyi and other members of the NLD. Is anyone surprised that no one has been brought to justice for these crimes?

The generals who run the country have shown a remarkable ability to ignore the demands of their own people and the international community. The simple truth is that as long as the SPDC remains in power the democratic hopes and aspirations of the Burmese people will continue to be denied.

Now is not the time to let the sanctions expire and try to ''engage'' the military junta.

Doing so without any meaningful steps toward democracy taken by Rangoon would only serve to bolster the regime's campaign against democratic government, the rule of law, and basic human rights.

I point out that the democratic movement in Burma continues to support sanctions against the SPDC. We must give them more time to effect change in Burma.

Let us not fall into the trap of thinking true representative democracy cannot come to Burma and the Burmese people. I agree with Deputy Secretary of State Robert Zoellick when he said recently:

What we see throughout the world, even in places where people don't expect it, like the Middle East, is a process of openness and democracy. There's no reason it can't happen in Burma as well.

As champions of freedom and respect for human rights, we must stand in solidarity with Suu Kyi, the people of Burma, and the international community in once again calling on the SPDC to release Suu Kyi, relinquish power, and respect the 1990 elections. Archbishop Desmond Tutu has rightly said:

As long as [Suu Kyi] remains under house arrest, none of us is truly free.

In the face of human rights abuses and terror, approximately 300,000 Burmese citizens have already defied the military junta and signed their names on a petition calling for true democratic change in Burma. We must back their courage. I urge my colleagues to support the resolution.

Mr. MCCAIN. Mr. President, I would like to thank Senators MCCONNELL and FEINSTEIN for their efforts to renew again the sanctions contained in the 2003 Burmese Freedom and Democracy Act. I am proud to join along with Senators LEAHY, BROWNBACK, and OBAMA as sponsors of this resolution.

As we take action to renew this legislation, the situation inside Burma grows ever dimmer. The military junta in that country controls the population through a campaign of violence and terror, and the lack of freedom and justice there is simply appalling. The Burmese regime has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Political activists remain imprisoned, including elected members of parliament, and Aung San Suu Kyi remains a captive.

Aung San Suu Kyi's courageous and steadfastness in the face of tyranny inspires me and, I believe, every individual who holds democracy dear. Because she stands for freedom, this heroic woman has endured attacks, arrest, captivity, and untold sufferings at the hands of the regime. Burma's rulers fear Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run the country have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shine brightly for the millions of Burmese who hunger for freedom and for those of us outside Burma who seek justice for its people.

The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule. The Burmese people deserve no less. And I see encouraging signs that the world is no longer content to sit on the sidelines.

The U.S. Congress has been in the forefront, and we stepped up our pressure significantly in 2003 with the Burmese Freedom and Democracy Act. In doing so, we took active steps to pressure the military junta, and we sent a signal to the Burmese people that they are not forgotten—that the American people care about their freedom and will stand up for justice in their country.

Now the Europeans and the countries of Southeast Asia are finally stepping up their own pressure. While they can and should do more, the signs are encouraging. I have recently seen a report that 78 Thai senators have sponsored a motion opposing Burma's chairmanship of ASEAN, scheduled for next year. Similar moves by governments of other Southeast Asian nations suggest that opposition to Burma's rotation is becoming widespread, as it should—ASEAN's credibility would crumble under Burmese leadership. A unified message from all ASEAN countries that Burma's behavior is simply unacceptable would make clear to its leaders that they cannot practice repression forever.

For our part, I support today the joint resolution that will renew the import restrictions—sanctions that are

supported by the National League for Democracy. These restrictions must remain until Burma embarks on a true path of reconciliation—a process that must include the NLD and Burmese ethnic minorities.

The picture today in Burma is tragically clear. So long as a band of thugs rules Burma, its people will never be free. They will remain mired in poverty and suffering, cut off from the world, with only their indomitable spirit to keep them moving forward. With our action today, we will support this spirit.

Mr. BROWNBACK. Mr. President, I rise with several of my colleagues to speak about the importance of the renewal of the Burma sanctions. I also wish to speak candidly about the Burmese Military Junta's continued oppression of their people through rape, torture and other severe human rights abuses.

As the world's only imprisoned Nobel Peace Prize recipient, Aung San Suu Kyi continues to inspire the democracy movement and seek support for their peaceful cause. It has been reported that the National League for Democracy has collected more than 300,000 signatures on a petition calling for change in the country. Those who sign are actively putting their lives in danger by publicly stating that they seek democratic change and some 1,400 political prisoners are locked up for supporting human rights and democracy.

The human rights abuses in Burma continue daily against ethnic minorities, political activists and others who simply suffer as innocent bystanders. A 2002 Human Rights Watch report found that Burma has nearly 70,000 child soldiers in its army, more than any other country in the world. Up to 2 million people have been forced to flee the country as refugees and migrants and the burning of villages continues in eastern Burma, especially in the Karen and Karenni states. Last year I drew to your attention a report titled ''Shattering Silences'', in which the Karen Women's Organization carefully investigated and recorded the Burmese military regime's use of rape as a weapon of war against ethnic minority women, revealing a shockingly brutal and callous practice.

For the past two years, I have joined my colleagues in reauthorizing the Burmese Freedom and Democracy Act, which bans mainly textile and garment imports from Burma. When I chaired the East Asia and Pacific Subcommittee I held a hearing on this very subject. In that hearing I spoke about the importance of a multilateral isolation policy. I urge my colleagues to consider the strides that have been made in just two years of promoting such a policy.

In a major and important move, the European Union, in October 2004, followed the lead of the United States and significantly strengthened its sanctions on Burma, including a ban on investments in enterprises of the ruling regime and a strengthened visa ban. The EU also pledged to join the United States in opposing loans to Burma's regime from the International Monetary Fund and World Bank. The European Parliament passed a resolution calling ''on the UN Security Council to address the situation in Burma as a matter of urgency.'' Additionally, 289 members of the British parliament tabled a motion calling on the UN Security Council to address the situation in Burma.

After both houses of Congress passed resolutions in October 2004 calling on the UN Security Council to address the situation in Burma, the parliament of Australia followed suit. The Australian motion called on the government to, ''support the Burmese National League for Democracy's call for the UN Security Council to convene a special session to consider what further measures the UN can take to encourage democratic reform and respect for human rights in Burma.''

Support at the United Nations is growing as well. Burma was one of only a few countries on which resolutions were passed by the United Nations Commission on Human Rights. This was led by the European Union with strong support from the United States as well as support from Japan. The resolution strongly condemned what it called ''the systematic ongoing violation of human rights'' in Burma.

There has been unprecedented action on Burma within ASEAN. Whereas in the past ASEAN refused to even comment on what it deemed Burma's ''internal affairs'', many members of the organization are now publicly pressuring Burma to step aside as the chair of the association in 2006.

The tough approach maintained by the United States towards Burma, including import sanctions and a possible boycott of 2006 meetings, is for the first time encouraging many Asian nations to rethink whether the Burmese regime should assume the rotating chairmanship. There is widespread belief within the leadership of ASEAN countries that Burma has failed to deliver on its promises to the region.

In all of the above-mentioned instances, the strong stand of the United States has influenced countries around the world. The movement at the EU, UN, and within ASEAN is unprecedented. We must keep up the tough pressure by the United States.

I urge my colleagues to reauthorize the sanctions as a strong and clear signal that the United States will not support this brutal regime and their continued oppression of activists and minorities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—CONGRATULATING THE NATIONAL ASPHALT PAVEMENT ASSOCIATION ON ITS 50TH ANNIVERSARY AND RECOGNIZING THE CONTRIBUTIONS OF MEMBERS OF THE ASSOCIATION TO THE UNITED STATES

Mr. INHOFE (for himself, Mr. BOND, Mr. BAUCUS, and Mr. JEFFORDS) submitted the following resolution; which was considered and agreed to:

S. RES. 135

Whereas in 2005, the National Asphalt Pavement Association (incorporated on May 17, 1955, as the National Bituminous Concrete Association) celebrates its 50th anniversary;

Whereas the members of the National Asphalt Pavement Association play a key role in strengthening the economy of the United States and promoting the mobility of citizens of the United States by providing hot-mix asphalt used in the construction of the 41,000-mile Interstate Highway System and other highways, streets, roads, parking lots, and airports;

Whereas the National Asphalt Pavement Association has focused on continually improving the quality of asphalt pavement by establishing a quality improvement program;

Whereas the National Asphalt Pavement Association has facilitated technology transfer and advanced new asphalt pavement technologies through partnerships, scanning tours, publications, and presentations;

Whereas the National Asphalt Pavement Association, through members of the Association, has fostered and encouraged young people to pursue careers in civil engineering by establishing the National Asphalt Pavement Association Research and Education Foundation to provide scholarships, sponsor educational exhibitions, and fund research of national significance relating to hot-mix asphalt;

Whereas the National Asphalt Pavement Association, through members of the Association, endowed the National Center for Asphalt Technology, the world's premier institution for asphalt research, and continues to fund the activities of the Center; and

Whereas the National Asphalt Pavement Association will continue to contribute to research to ensure that the Interstate Highway System will be designed and constructed for perpetual use in order to meet the growing economic and national security needs of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Asphalt Pavement Association on its 50th anniversary; and

(2) recognizes and celebrates the achievements of the members of the National Asphalt Pavement Association for their contributions to the economic well-being of the citizens of the United States.

SENATE CONCURRENT RESOLUTION 31—TO CORRECT THE ENROLLMENT OF H.R. 1268

Mrs. HUTCHISON submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1268, an Act making emergency