

The majority leader.

#### ESTABLISHING A NATIONAL SEX OFFENDER REGISTRATION DATABASE

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 792 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 792) to establish a National sex offender registration database, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, my agreement with the majority leader was that we would pass by consent S. 792 which the Senate passed by consent last year. We are now passing it once again to go to the House. This deals with sexual predators. This legislation is called "Dru's Law."

My colleagues and I who have joined together to pass this legislation tonight do so in honor of this wonderful young woman who was tragically murdered in a parking lot in Grand Forks, ND. The man accused of murdering Dru Sjodin spent 23 years in prison. He was a violent sexual predator who was let out of prison with a wave. So long. Check in now and then. Compare that, for example, to Martha Stewart, who was let out of prison but had to wear an electronic ankle bracelet.

Violent sexual predators judged to be at high risk for committing another violent sexual act are let out of prison with a wave. As a result, this young woman, Dru Sjodin, was tragically murdered. This is the man who spent 23 years behind bars. The psychiatrists said before he was released that he was a high risk for committing another violent sexual act. Within 6 months, he is now accused of murdering this young woman.

It is not only this man. It is Mr. Duncan. Remember the last couple of weeks, the two young children kidnapped, one murdered. The other is still alive, with her family dead. We know about this man. He raped a 16-year-old boy at gunpoint, a violent sexual predator. Last April, he was put in the arms of law enforcement and let out on \$15,000 bail. More Americans are dead because of it.

This is not some mysterious illness for which we don't know the cure. We know what causes it and we know how to stop it. Again, if Martha Stewart has to wear an electronic ankle bracelet ordered by a judge, then surely violent sexual predators, when and if released, can be highly monitored by local governments. Surely, we ought to decide that if violent sexual predators are a high risk for reoffending, then

the local State's attorney ought to be notified in case they want to seek a civil commitment to protect the public at large.

This bill does three things: One, create a national sex offender registry; No. 2, if a violent offender judged to be at high-risk is to be released from prison, the local State's attorney must first be notified so they can seek additional civil commitment; No. 3, if a high-risk sexual predator is released, then there must be maintenance and monitoring of that sex offender. No more "so long, see you at the prison door," for a violent sexual predator.

We must stop this. How many more Americans will lose their lives? How many kids are going to be killed before we do the right thing?

Tonight the Senate takes an important step in the right direction. Senator SPECTER and I and others who have authored this legislation—Senators DAYTON, CLINTON, and others—have decided that enough is enough. It is long past time to do what is right with respect to dealing with sexual predators and protecting the American people. We do this in the name of and in honor of Dru Sjodin, a young woman who tragically lost her life.

Perhaps in her name, with this legislation, we can save other lives. I feel good about what we do tonight in passing Dru's Law.

Mr. FRIST. Mr. President, I ask unanimous consent that a Dorgan substitute amendment at the desk be agreed to, the bill, as amended, be read a third time, passed, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 1643) was agreed to, as follows:

(Purpose: To propose a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dru Sjodin National Sex Offender Public Database Act of 2005" or "Dru's Law".

#### SEC. 2. DEFINITION.

In this Act:

(1) CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR.—The term "criminal offense against a victim who is a minor" has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(2) MINIMALLY SUFFICIENT SEXUAL OFFENDER REGISTRATION PROGRAM.—The term "minimally sufficient sexual offender registration program" has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

(3) SEXUALLY VIOLENT OFFENSE.—The term "sexually violent offense" has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(4) SEXUALLY VIOLENT PREDATOR.—The term "sexually violent predator" has the

same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

#### SEC. 3. AVAILABILITY OF THE NSOR DATABASE TO THE PUBLIC.

(a) IN GENERAL.—The Attorney General shall—

(1) make publicly available in a registry (in this Act referred to as the "public registry") from information contained in the National Sex Offender Registry or State sex offender web sites, via the Internet, all information described in subsection (b); and

(2) allow for users of the public registry to determine which registered sex offenders are currently residing within a radius, as specified by the user of the public registry, of the location indicated by the user of the public registry.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to any person convicted of a criminal offense against a victim who is a minor or a sexually violent offense, or any sexually violent predator, required to register with a minimally sufficient sexual offender registration program within a State, including a program established under section 170101 of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(b)), the public registry shall provide, to the extent available in the National Sex Offender Registry—

(1) the name and any known aliases of the person;

(2) the date of birth of the person;

(3) the current address of the person and any subsequent changes of that address;

(4) a physical description and current photograph of the person;

(5) the nature of and date of commission of the offense by the person;

(6) the date on which the person is released from prison, or placed on parole, supervised release, or probation; and

(7) any other information the Attorney General considers appropriate.

#### SEC. 4. RELEASE OF HIGH RISK INMATES.

(a) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to the attorney general of that State of the impending release of any person incarcerated by the State who—

(A) is a sexually violent predator; or

(B) has been deemed by the State to be at high risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State attorney general shall consider whether or not to institute a civil commitment proceeding, or any equivalent proceeding required under State law.

(b) MONITORING OF RELEASED PERSONS.—

(1) IN GENERAL.—Each State shall intensively monitor, for not less than 1 year, any person described under paragraph (2) who—

(A) has been unconditionally released from incarceration by the State; and

(B) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) any sexually violent predator; or

(B) any person who has been deemed by the State to be at high risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(c) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement the requirements of this section.

(2) INELIGIBILITY FOR FUNDS.—A State that fails to implement the requirements of this section, shall not receive 25 percent of the funds that would otherwise be allocated to the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(3) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

The bill (S. 792), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREE-  
MENT—CONFERENCE REPORT TO  
ACCOMPANY H.R. 6

Mr. FRIST. Mr. President, I ask unanimous consent that following the CAFTA vote, the Senate proceed to the conference report to accompany H.R. 6, the energy legislation; provided further that there be 3 hours equally divided between the chairman and ranking member or their designees. I further ask consent that following the use or yielding back of time, Senator FEINGOLD be recognized in order to raise a Budget Act point of order and that Senator DOMENICI or his designee be immediately recognized in order to make a motion to waive the respective point of order. I further ask consent that if the point of order is waived, the Senate then proceed immediately to a vote on the adoption of the conference report with no intervening action or debate.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I apologize for not raising this with the majority leader a second ago, but I would ask consent that this legislation be known as the Domenici Energy bill. I ask consent. I would ask that we do a correcting resolution, that it be done.

The PRESIDING OFFICER. Is there any objection?

Mr. FRIST. Mr. President, a quick review of what we have just done.

The PRESIDING OFFICER. For the purpose of clarification of the record—

Mr. REID. Mr. President, we will supply forthwith the text for the correcting resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader's request is agreed to.

Mr. FRIST. All right, Mr. President.

Mr. REID. Mr. President, will the Senator yield for just a second? I will be very brief. I know everybody is tired.

Senator DOMENICI kept his word on the Energy bill. It was very difficult. The conference was a real conference. They met until 3 o'clock in the morning. Senator DOMENICI has worked very hard on this bill. There are a lot of people who do not like the bill, but it is not because of him. He did everything he could to please Democrats and Republicans. So that is why the majority leader and I join in the request that

has just been granted regarding Senator DOMENICI.

Mr. FRIST. All right, Mr. President. The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, within several minutes, we will start 20 minutes of debate on CAFTA, equally divided. We will have a rollcall vote. We will go to energy after that. We will complete debate on energy tonight. We will not have a further rollcall vote tonight after the CAFTA vote.

We will begin—and we will announce the time a little bit later as to the two votes on energy tomorrow, one on the point of order and one on the bill. Following that, we will be going to the amendments that have been outlined with the time agreements on guns. The highway bill we will expect at some point. I don't know when the House will finish with that, but we will deal appropriately with that after it arrives. Since energy arrived, we are going to energy first. That is the general outline. We have the unanimous consent agreements. I would recommend very soon we go to the CAFTA bill.

Mr. REID. Will the leader yield?

Mr. FRIST. Yes.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I would ask the distinguished majority leader: We are going to finish the debate on energy tonight?

Mr. FRIST. Right.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Democratic time be allocated as follows: Senator SCHUMER, 10 minutes; Senator KERRY, 30 minutes; Senator WYDEN, 15 minutes; and whatever time is left over will be allocated to Senator BINGAMAN.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. CRAIG. Mr. President, will the leader yield for a question?

Mr. FRIST. Mr. President, I will be happy to yield.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my leader for yielding.

So the two votes required on the energy conference report will occur after the leader's time tomorrow morning in morning business. Approximately at what time would those votes occur?

Mr. FRIST. Mr. President, through the Chair, in response, let me work out with the Democratic leader what time those votes will be.

Mr. CRAIG. Mr. President, I am assuming, then, immediately following those votes, we would be back on the gun liability bill, to complete the work under the UC of that legislation?

Mr. FRIST. Mr. President, or we could even be before. We could actually

come on those amendments before as well.

Mr. CRAIG. So that is yet to be determined?

Mr. FRIST. That is correct. We will determine that before we close down tonight.

Mr. CRAIG. I thank the leader.

Ms. MIKULSKI. Mr. President, today I rise on behalf of my constituents to oppose the Protection of Lawful Commerce in Arms Act. It should be called the Special Interest Protection Act because it puts one industry's bottomline ahead of the families and victims of gun violence. It also slams closed the courthouse door to those seeking justice for victims of gun violence.

Remember when—not to long ago—the citizens of Maryland, Virginia and the District of Columbia were terrorized by a sniper. Remember when 10 innocent people were killed while they were going about their daily routines, mowing the lawn or getting gas, shopping, and getting ready to drive a bus. Their families have experienced tremendous loss and the Nation mourned with them.

Now, Congress is considering legislation that inflict further pain on families like those of the sniper victims. This legislation will literally slam the courthouse door on the families of gun violence victims and on all Americans who believe they were harmed by negligent actions related to guns. It gives gun dealers and manufacturers a free pass. And it will prevent families and survivors from holding irresponsible gun stores accountable, if they are negligent. It actually would prohibit families from going to court, from letting a jury of their peers decide if the gun store or manufacturer was negligent.

If this legislation passes you could still go to court over a toy gun but not a real gun. That is wrong.

Let me tell you about one of these families who have been victimized by gun violence. Conrad Johnson was the sniper's last victim. Do you remember hearing the news that he was shot at a bus stop in Montgomery County? Killed by the sniper getting ready for his route.

He was beloved by his family, friends and community. Two thousand people attended his funeral.

He worked hard as a bus driver. He drove 35 miles before dawn every day for work. He was known for his friendly smile and can-do attitude.

And he loved his family—his Jamaican immigrant parents, his wife Denise—his high school sweetheart, his two sons and his big extended family. Over 30 members gathered at the hospital after he was shot. He was full of life. He was always finding ways to take care of his family and help his community. He was a volunteer coach for the boys and girls clubs of Fort Washington. He loved being a DJ for functions thrown by family and friends, and he was always washing the family car on the weekends.

Conrad Johnson was the snipers last victim. Conrad's family is one of many