

Whereas Security On Campus, Inc., a national group dedicated to promoting safety and security on college and university campuses, and the University of Wisconsin-Green Bay Student Government Association have designated September 2005 as National Campus Safety Awareness Month; and

Whereas the designation of National Campus Safety Awareness Month provides an opportunity for colleges and universities to inform students about existing campus crime trends, campus security policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention, and treatment programs: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "National Campus Safety Awareness Month".

SENATE RESOLUTION 222—HONORING THE VICTORIES OF TEAM DISCOVERY AND AMERICAN CYCLISTS LANCE ARMSTRONG AND GEORGE HINCAPIE IN THE 2005 TOUR DE FRANCE

Mrs. HUTCHISON (for herself, Mr. DEMINT, Mr. CORNYN, Mr. MARTINEZ, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas Team Discovery included Lance Armstrong of Texas and George Hincapie of South Carolina from the United States, José Luis Rubiera, Manuel Beltran, and Benjamin Noval from Spain, Pavel Padrnos from the Czech Republic, José Azevedo from Portugal, Paolo Savoldelli from Italy, and Yaroslav Popovych from Ukraine;

Whereas Team Discovery won the 2005 Tour de France under the leadership of Lance Armstrong, who rode to victory by completing the 2,232-mile, 21-stage course in 86 hours, 15 minutes, and 2 seconds, finishing 4 minutes and 40 seconds ahead of his nearest competitor;

Whereas, by winning the Tour de France on July 24, 2005, Lance Armstrong became the only competitor in the history of the Tour de France to win cycling's most prestigious race in 7 consecutive years;

Whereas George Hincapie rode stage 15, which was 127.4 miles long and included 1 above category climb, 4 category 1 climbs, and 1 category 2 climb, for a total of 33.5 miles of climbing at an average gradient of 7.96 percent;

Whereas stage 15 was considered the hardest stage of the 2005 Tour de France and the victory of George Hincapie atop Pla d'Adet marks his first Tour de France stage victory;

Whereas George Hincapie is only the 8th competitor from the United States to win a stage in the Tour de France;

Whereas George Hincapie has participated in the Tour de France 10 times and is the only teammate to assist Lance Armstrong in each of his Tour de France victories;

Whereas Lance Armstrong and George Hincapie displayed incredible perseverance, determination, and leadership over 7 years with their teammates in prevailing over the mountainous terrain of the Alps and Pyrenees and in overcoming crashes, illness, hard-charging rivals, and driving rain on the way to winning the premier cycling event in the world;

Whereas, in 1996, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and has remained cancer-free since treatment for the disease;

Whereas Lance Armstrong is the 1st cancer survivor to win the Tour de France;

Whereas the accomplishments of Team Discovery have made the team an inspiration to millions of people around the world: Now, therefore, be it

Resolved, That the Senate—

(1) honors—

(A) the victory of Team Discovery in the 2005 Tour de France;

(B) professional cyclist Lance Armstrong for his record 7th consecutive Tour de France victory; and

(C) professional cyclist George Hincapie for his 1st Tour de France stage victory; and

(2) commends Lance Armstrong and George Hincapie for being pioneers of the sport of cycling in the United States.

SENATE RESOLUTION 223—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL LIFE INSURANCE AWARENESS MONTH"

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. VITTER, Mr. MARTINEZ, Mr. THUNE, Mr. JOHNSON, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 223

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in $\frac{3}{4}$ of surviving family members having to take measures such as working additional jobs or longer hours, borrowing money, withdrawing money from savings and investment accounts, and, in too many cases, moving to smaller, less expensive housing;

Whereas individuals, families, and businesses can benefit greatly from professional insurance and financial planning advice, including the assessment of their life insurance needs; and

Whereas the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2005 as "National Life Insurance Awareness Month", the goal of which is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1633. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, to prohibit civil liability actions

from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table.

SA 1634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, supra; which was ordered to lie on the table.

SA 1635. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1636. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1637. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1638. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1639. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1640. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1641. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1642. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1643. Mr. FRIST (for Mr. DORGAN (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 792, to establish a National sex offender registration database, and for other purposes.

TEXT OF AMENDMENTS

SA 1633. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, between lines 2 and 3, insert the following:

"(iv) an action brought in any case in which the product, whether imported or manufactured domestically, failed to meet the most effective safety standards established for imported handguns, as determined by the Bureau of Alcohol, Tobacco, Firearms and Explosives;"

SA 1634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, insert the following:

SEC. 5. DOMESTIC HANDGUN STANDARDS.

Not later than 180 days after the date of enactment of this Act, and after thorough public hearings and review, the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall promulgate regulations applying the most effective safety standards to domestically manufactured handguns that now apply to imported handguns, as described in section 925(d)(3) of title 18, United States Code, and regulations issued under such section.

SA 1635. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, strike line 3 and all that follows through page 11, line 2, and insert the following:

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) any case against a manufacturer or seller based on an incident involving terrorism, as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15)).

(B) NEGLIGENT ENTRUSTMENT.—As used in subparagraph (A)(ii), the term “negligent entrustment” means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(C) RULE OF CONSTRUCTION.—The exceptions enumerated under clauses (i) through (vi)

SA 1636. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, insert the following:

SEC. 5. IDENTIFICATION OF TERRORISTS.

(a) IN GENERAL.—Section 922(t) of title 18, United States Code, is amended by adding after paragraph (6) the following:

“(7) If the national criminal background check system indicates that a person attempting to purchase a firearm or applying for a State permit to possess, acquire, or carry a firearm is identified as a known or suspected member of a terrorist organization in records maintained by the Department of

Justice or the Department of Homeland Security, including the Violent Gang and Terrorist Organization File, or records maintained by the Intelligence Community, including records maintained under section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2)—

“(A) all information related to the prospective transaction shall automatically and immediately be transmitted to the appropriate Federal and State counterterrorism officials, including the Federal Bureau of Investigation;

“(B) the Federal Bureau of Investigation shall coordinate the response to such an event; and

“(C) all records generated in the course of the check of the national criminal background check system, including the ATF Form 4473, that are obtained by Federal and State officials shall be retained for a minimum of 10 years.”.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 18.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting after “transfer” the following: “, except as provided in paragraph (7)”.

SA 1637. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 6, strike lines 10 through 19 and insert the following:

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL LIABILITY ACTIONS IN FEDERAL COURT.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending in a Federal court on the date of enactment of this Act shall be immediately dismissed by the court in which the action was brought or is currently pending.

SA 1638. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, add the following:

TITLE II—GUN SHOW LOOPHOLE CLOSING ACT OF 2005

SEC. 201. SHORT TITLE.

This title may be cited as the “Gun Show Loophole Closing Act of 2005”.

SEC. 202. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘special firearms event’—

“(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;

“(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an

individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932; and

“(C) does not include an offer or exhibit of firearms for sale, exchange, or transfer at events conducted and attended by permanent or annual dues paying members, and their immediate family, of private, not-for-profit organizations whose primary purpose is owning and maintaining real property for the purpose of hunting activities.

“(37) The term ‘special firearms event licensee’ means any person who has obtained and holds a valid license in compliance with section 932(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual, who is not licensed under this chapter, for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 932(c).

“(38) The term ‘special firearms event vendor’ means any person who is not required to be licensed under section 923 and who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”.

SEC. 203. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§932. Regulation of firearms transfers at special firearms events

“(a) SPECIAL FIREARMS EVENTS OPERATORS.—It shall be unlawful for a special firearms events operator to organize, plan, promote, or operate a special firearms event unless that operator—

“(1) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

“(2) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter;

“(3) notifies each person who attends the special firearms event of the requirements of this chapter; and

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the operator.

“(b) FEES.—The Attorney General shall not impose or collect any fee from special firearms event operators in connection with the requirements under this section.

“(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a

special firearms event licensee in accordance with subsection (d).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement under paragraph (1) shall not—

“(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (d)(2)(A); or

“(B) transfer the firearm to the transferee if the person has been notified under subsection (d)(2)(B) that the transfer would violate section 922 or State law.

“(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

“(d) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) with respect to the transfer of a firearm shall—

“(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

“(2) not later than 3 business days (meaning days on which State offices are open) after the date of the agreement to purchase, or if the event is held in a State that has been certified by the Attorney General under section 204 of the Gun Show Loophole Closing Act of 2005, not later than 24 hours after such date (or 3 business days after such date if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General), notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the applicable time period under this paragraph, notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

“(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

“(3) in the case of a transfer at 1 time or during any 5 consecutive business days, of 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the recordkeeping requirements described in paragraph (4), prepare a report of the multiple transfers, which report shall be—

“(A) on a form specified by the Attorney General; and

“(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(4) comply with all recordkeeping requirements under this chapter.

“(e) SPECIAL FIREARMS EVENT LICENSE.—

“(1) IN GENERAL.—The Attorney General shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

“(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

“(A) the applicant is 21 years of age or older;

“(B) the application includes a photograph and the fingerprints of the applicant;

“(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

“(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

“(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with the application; and

“(F) the applicant certifies that—

“(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

“(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

“(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

“(3) APPLICATION AND APPROVAL.—

“(A) IN GENERAL.—Upon the approval of an application under this subsection and payment by the applicant of a fee of \$200 for 3 years, and upon renewal of a valid registration and payment of a fee of \$90 for 3 years, the Attorney General shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

“(B) NICS.—A special firearms event licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a special firearms event from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins on the date on which the registration is issued.

“(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the recordkeeping requirements shall be the same.

“(5) RESTRICTIONS.—

“(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

“(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

“(f) DEFINED TERM.—In this section, the term ‘firearm transaction’—

“(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

“(2) does not include—

“(A) the mere exhibition of a firearm; or

“(B) the sale, transfer, or exchange of firearms between immediate family members,

including parents, children, siblings, grandparents, and grandchildren.”

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(8)(A) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(1) have not been met—

“(i) shall be fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, shall be fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under subsection (a)(2) or (c) of section 932 have not been met, shall be fined under this title, imprisoned not more than 5 years, or both.

“(C) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(3) have not been met, shall be fined under this title, imprisoned not more than 2 years, or both.

“(D) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who violates any provision of section 932—

“(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

“(ii) impose a civil fine in an amount equal to not more than \$10,000.”

(c) UNLAWFUL ACTS.—Section 922(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking “or licensed collector” and inserting “licensed collector, or special firearms event licensee”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

“932. Regulation of firearms transfers at special firearms events.”

SEC. 204. STATE OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS.

(a) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(b) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State, and certification by the Bureau of Justice Statistics, that—

(1) not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(2) not less than 95 percent of all records containing information that would disqualify an individual under paragraphs (8) and (9) of subsection 922(g) of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note); and

(3) the chief judicial officer of the State requires the courts of the State to use the toll-free telephone number described in subsection (d)(1) to immediately notify the National Instant Criminal Background Check

System each time a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court.

(c) CLARIFICATIONS.—

(1) DISQUALIFYING INFORMATION.—Disqualifying information for each State under subsection (b) shall include the disqualifying records for that State generated during the 30 years preceding the date of application to the Attorney General for certification.

(2) TOLL-FREE TELEPHONE NUMBER.—Upon a showing by the State that a court of the State has developed computer systems which permit the court to immediately electronically notify the National Instant Criminal Background Check System with respect to the issuance or lifting of restraining orders, the use of the toll-free telephone number described in subsection (d)(1) shall no longer be required under subsection (b)(3).

(d) NOTIFICATION INFRASTRUCTURE.—Before certifying any State under subsection (b), the Attorney General shall—

(1) create a toll-free telephone number through which State and local courts may immediately notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court; and

(2) encourage States to develop computer systems that permit courts to immediately electronically notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) has been issued, lifted, or otherwise removed by order of the court.

(e) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 932(c)(2) of title 18, United States Code, shall apply to the verification process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(f) ANNUAL REVIEW.—The Director of the Bureau of Justice Statistics shall annually review the certifications under this section.

(g) REVOCATION.—The Attorney General shall revoke the certification required under this section for any State that is not in compliance with subsection (b).

SEC. 205. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking “or licensed dealer” and inserting “licensed dealer, or special firearms event operator”.

SEC. 206. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) If the violation described in subparagraph (A) is in relation to an offense—

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this

title, imprisoned not more than 10 years, or both.”.

SEC. 207. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, as amended by section 203(b), is further amended—

(1) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”;

(2) by adding at the end the following:

“(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.”.

SEC. 208. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

SA 1639. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, insert the following:

SEC. 5. CHILDREN AND FIREARMS SAFETY.

(a) SHORT TITLE.—This section may be cited as the “Children’s Firearm Access Prevention Act”.

(b) DEFINITION.—Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting “or removing” after “deactivating”.

(c) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO CERTAIN FIREARMS.—

“(1) DEFINITIONS.—In this subsection:

“(A) JUVENILE.—The term ‘juvenile’ means an individual who has not attained the age of 18 years.

“(B) CRIMINAL NEGLIGENCE.—The term ‘criminal negligence’ means conduct that involves a gross deviation from the standard of care that a reasonable person would exercise under the circumstances, but which is not reckless.

“(2) PROHIBITION.—Except as provided in paragraph (3), it shall be unlawful for any person to keep a loaded firearm, or an unloaded firearm and ammunition for a firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premises that is under the custody or control of that person if that person knows or, acting with criminal negligence, should know that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile, and fails to take steps to prevent such access.

“(3) EXCEPTIONS.—Paragraph (2) does not apply if—

“(A) the person uses a secure gun storage or safety device for the firearm;

“(B) the person is a peace officer, a member of the Armed Forces, or a member of the

National Guard, and the juvenile obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

“(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of 1 or more other persons;

“(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept;

“(E) the juvenile obtains the firearm as a result of an unlawful entry by any person;

“(F) the juvenile was supervised by a person older than 18 years of age and was engaging in hunting, sporting, or another lawful purpose; or

“(G) the juvenile gained the gun during a time that the juvenile was engaged in an agricultural enterprise.”.

(d) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(8)(A) Whoever violates section 922(z) and as a result of such violation a juvenile (as defined in section 922(z)) obtains access to the firearm that is the subject of the violation and thereby causes death or serious bodily injury to the juvenile or to any other person, shall be fined not more than \$4,000, imprisoned not more than 1 year, or both.

“(B) Whoever violates section 922(z) and as a result of such violation a juvenile (as defined in section 922(z)) obtains access to the firearm that is the subject of the violation shall be fined not more than \$500.”.

(e) ROLE OF LICENSED FIREARMS DEALERS.—Section 926 of title 18, United States Code, is amended by adding at the end the following:

“(d) CONTENTS OF FORM.—The Secretary shall ensure that a copy of section 922(z) appears on the form required to be obtained by a licensed dealer from a prospective transferee of a firearm.

“(e) NOTICE OF CHILDREN’S FIREARM ACCESS PREVENTION ACT.—A licensed dealer shall post a prominent notice in the place of business of the licensed dealer as follows:

“IT IS UNLAWFUL AND A VIOLATION OF THE CHILDREN’S FIREARM ACCESS PREVENTION ACT TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM.”.

(f) NO EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purpose of which is to prevent juveniles from injuring themselves or others with firearms.

SA 1640. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, strike line 3 and all that follows through page 11, line 6, and insert the following:

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where

the discharge of the product was caused by a volitional act that constituted a criminal offense then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) any case in which a manufacturer or seller caused injury through willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights and safety of the individual harmed.

(B) **NEGLIGENT ENTRUSTMENT.**—As used in subparagraph (A)(ii), the term “negligent entrustment” means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(C) **RULE OF CONSTRUCTION.**—The exceptions enumerated under clauses (i) through (vi) of subparagraph (A) shall be construed so as not to be in conflict, and no provision of this Act shall be construed to create a public or private cause of action or remedy.

SA 1641. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, line 16, at the end, add the following:

“; or (vi) an action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of Title 18”

SA 1642. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LIMITATION ON SUITS AGAINST A FIREARMS OR AMMUNITION MANUFACTURER, TRADE ASSOCIATION OR SELLER.

(a) **DEFINITIONS.**—As used in this Act, the following definitions apply:

(1) **AMMUNITION.**—The term “ammunition” has the meaning given that term by section 921(a)(17)(A) of title 18, United States Code.

(2) **FIREARM.**—The term “firearm” has the meaning given that term by subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code, including any antique firearm (as defined in section 921(a)(16) of such title).

(3) **GOVERNMENTAL UNIT.**—The term “governmental unit” means—

(A) a political subdivision of a State, including a municipality or county; and

(B) any other agency of government whose authority is derived from the laws or constitution of a State.

(4) **MANUFACTURER.**—The term “manufacturer” means a person who is engaged in the business of manufacturing a firearm or ammunition in interstate or foreign commerce and who is licensed to engage in business as

such a manufacturer under chapter 44 of title 18, United States Code.

(5) **SELLER.**—The term “seller” means, with respect to a firearm or ammunition—

(A) an importer (as defined in section 921(a)(9) of title 18, United States Code) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18, United States Code;

(B) a dealer (as defined in section 921(a)(11) of title 18, United States Code) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18, United States Code; or

(C) a person engaged in the business of selling ammunition in interstate or foreign commerce at the wholesale or retail level.

(6) **STATE.**—The term “State” means each of the several States of the United States.

(7) **TRADE ASSOCIATION.**—The term “trade association” means any corporation, unincorporated association, federation, business league, professional or business organization—

(A) not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(B) that is an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(C) 2 or more members of which are manufacturers or sellers of a firearm or ammunition.

(b) **PROHIBITION.**—Except as provided by subsection (c), a governmental unit may not bring suit against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.

(c) **EXCEPTIONS.**—

(1) **STATE APPROVAL.**—A governmental unit, on behalf of a State or any other governmental unit, may bring a suit described by subsection (b) if the suit is approved in advance by the legislature of the State in which the governmental unit is located by adoption of a concurrent resolution or by enactment of a statute. This subsection shall not be construed to create a cause of action.

(2) **EXCLUDED TYPES OF ACTIONS.**—Nothing in this Act shall prohibit a governmental unit from bringing an action against a firearms manufacturer, trade association, or seller for recovery of damages for—

(A) breach of contract or warranty as to firearms or ammunition purchased by a governmental unit;

(B) damage or harm to property owned or leased by the governmental unit caused by a defective firearm or ammunition; or

(C) injunctive relief to enforce a valid ordinance, statute, or rule.

(d) **ACTIONS BY STATES.**—Nothing in this Act shall prohibit the attorney general or other chief law enforcement officer of a State from bringing a suit described by subsection (b) on behalf of a State or a governmental unit. This subsection shall not be construed to create a cause of action.

SA 1643. Mr. FRIST (for Mr. DORGAN (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 792, to establish a National sex offender registration database, and for other purposes; as follows:

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.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 28, 2005, at 9:30 a.m., in open session to consider the following nominations: Lieutenant General Norton A. Schwartz, USAF, for appointment to the grade of general and to be Commander, U.S. Transportation Command; Dr. Ronald M. Sega to be Under Secretary of the Air Force; Mr. Philip Jackson Bell to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness; Mr. John G. Grimes to be Assistant Secretary of Defense for Networks and Information Integration; Mr. Keith E. Eastin to be Assistant Secretary of the Army for Installations and Environment; Mr. William C. Anderson to be Assistant Secretary of the Air Force for Installations, Environment and Logistics.

The presiding officer. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 28, 2005, at 10 a.m. to mark up S. 190 “The Federal Housing Enterprise Regulatory Reform Act of 2005”, as amended by the Committee

Print; S. 705 “Meeting the Housing and Service Needs of Seniors Act of 2005;” H.R. 804 “To Exclude From Consideration as Income Certain Payments Under the National Flood Insurance Program;” S. 1047 “The Presidential \$1.00 Coin Act of 2005,” and pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 28, 2005, at 10 a.m., on pending committee business.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 28, 2005, at 2:30 p.m., on issues related to MGM v. Grokster and the appropriate balance between copyright protection and communications technology innovation, in SR-253.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 28, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 28, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Bills: S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch; S. 103, Combat Meth Act of 2005, Talent, Feinstein, Kohl, Schumer, Feingold; S. _____, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feingold; S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1326, Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1326, Notification of Risk to Personal Data Act, Sessions; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer; S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children

Act of 2005, Grassley, Kyl, Cornyn; S. 1197, Violence Against Women Act of 2005, Biden, Hatch, Specter, Leahy, DeWine, Kohl, Grassley, Kennedy, Schumer, Durbin, Feinstein

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veteran's Affairs be authorized to meet during the session of the Senate on Thursday, July 28, 2005, for a markup to consider the following:

Nomination of James Philip Terry to be Chairman of the Board of Veterans' Appeals, Department of Veterans' Affairs and Charles S. Ciccolella to be Assistant Secretary for Veterans' Employment and Training, Department of Labor.

Pending Legislation as follows:

A. Committee Print of S. 1182, the “Veterans' Health Care Improvements Act of 2005”, incorporating provisions derived from S. 1182, as introduced; S. 1177; S. 1189; and S. 1190.

B. S. 716, the “Vet Center Enhancement Act of 2005”.

C. S. 1234, the “Veterans' Compensation Cost-of-Living Adjustment Act of 2005”.

D. Committee Print of S. 1235, the “Veterans' Benefits Improvement Act of 2005”, incorporating provisions derived from S. 1235, as introduced; S. 552; S. 917; S. 151; S. 1259; S. 1271; and S. 423.

The markup will take place in Room 418 of the Russell Senate Office Building at 9:30 a.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, July 28 at 10 a.m.

The purpose of the hearings is to receive testimony on the following bills: S. 584 and H.R. 432, bills to require the secretary of the interior to allow the continued occupancy and use of certain land and improvements within rocky mountain National Parks; S. 652, a bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, PA, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; S. 958, a bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the states of Maryland and Virginia and the District of Columbia as a national historic trail; S. 1154, a bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; S. 1166, a bill to extend the authorization of the Kalaupapa National Historical Park Advisory Commission; and S. 1436, a bill to direct the Secretary of the Interior to conduct a study of maritime sites in the states of Michigan.