

which could be at risk, including potentially the oldest discovered human remains in North America, 13,000 years old, and remains of the rare pygmy mammoth.

In summary, we believe that the National Park Service should manage Santa Rosa Island to ensure that the Island's natural, scenic, and cultural resources are properly protected, restored, and interpreted for the public, and that park visitors are provided with a safe and enjoyable park experience.

I urge my colleagues to support this Senate resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3860. Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3860.** Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

*Provided further,* That unexpended balances for Health Resources and Services Administration grant number 7C6HF03601-01-00, appropriated in P.L. 106-554, shall remain available until expended.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 11, 2006 at 10 a.m. in room SD-366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the status of the Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Clint Williamson at (202) 224-7556 or Steve Waskiewicz at (202) 228-6195.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 4, 2006 at 9:30 a.m. in closed session to mark up the National Defense Authorization Act for fiscal year 2007.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. 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, May 4, 2006, at 10:30 a.m. to markup an original bill entitled "Financial Services Regulatory Relief Act of 2006."

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 4, at 10 a.m. The purpose of this meeting is to consider the nomination of Dirk Kempthorne of Idaho to be Secretary of the Interior.

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

##### COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 4, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226. The agenda is attached.

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Brett Kavanaugh, to be U.S. Circuit Judge for the DC Circuit; Milan D. Smith, Jr., to be U.S. Circuit Judge for the Ninth Circuit; Renee Marie Bumb, to be U.S. District Judge for the District of New Jersey; Noel Lawrence Hillman, to be U.S. District Judge for the District of New Jersey; Peter G. Sheridan, to be U.S. District Judge for the District of New Jersey; Susan Davis Wigenton, to be U.S. District Judge for the District of New Jersey.

II. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 2039, Prosecutors and Defenders Incentive Act of 2005, Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback, DeWine.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 4, 2006 at 2:30 p.m., to hold a closed hearing.

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

##### SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs be authorized to meet during the session of the Senate on Thursday, May 4, 2006, at 2:30 p.m. to hold a hearing on Housing and Urbanization Issues in Africa.

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

##### SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup S.J. Res. 12, the Flag Desecration Resolution, on Thursday, May 4, 2006 at 1 p.m., in Dirksen 226.

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

##### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, May 4, 2006, at 10 a.m., on Protecting Consumers from Fraudulent Practices in the Moving Industry.

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

##### SUBCOMMITTEE ON TRADE, TOURISM AND ECONOMIC DEVELOPMENT

Mr. ALEXANDER. Mr. President, I ask unanimous consent Subcommittee on Trade, Tourism and Economic Development be authorized to meet on Thursday, May 4, 2006, at 2:30 p.m., on Promoting Economic Development Opportunities Through Nano Commercialization.

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

#### MEASURES PLACED ON THE CALENDAR—S. 22 AND S. 23

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 22) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (S. 23) to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Mr. FRIST. In order to place the bills on the calendar under the provisions of

rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

#### SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1086) to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1086

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as—

[(1) the “Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Act”; or

[(2) the “Sex Offender Registration and Notification Act”].

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.]

#### TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

[Sec. 101. Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.

[Sec. 102. Definitions.

[Sec. 103. Duty of covered individuals to provide information.

[Sec. 104. Duty of covered individuals on parole or supervised release to comply with device requirements.

[Sec. 105. Duties of Attorney General and State or tribal actors.

[Sec. 106. State and tribal sex offender registries.

[Sec. 107. National Sex Offender Registry.

[Sec. 108. Development and availability of registry management software.

[Sec. 109. DNA database for covered individuals.

[Sec. 110. Duty of courts to determine whether an individual is a sexually violent predator.

[Sec. 111. Duty of Attorney General to determine whether State or tribal actors are qualified.

[Sec. 112. Use of other Federal information to track sex offenders.

[Sec. 113. Implementation by State and tribal actors and assistance grants to those actors.

[Sec. 114. Immunity for good faith conduct.

[Sec. 115. Regulations.

[Sec. 116. Authorization of appropriations.

#### TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS, AND EFFECTIVE DATE

[Sec. 201. Failure to provide information a deportable offense.

[Sec. 202. Repeal.

[Sec. 203. Conforming amendments to title 18, United States Code.

[Sec. 204. Effective date.

#### TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

##### SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM.

[(a) IN GENERAL.—The Attorney General shall carry out this title through a program to be known as the Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.

[(b) REFERENCES TO FORMER PROGRAM OR FORMER LAW.—Any reference (other than a reference in this Act) in a law, regulation, document, paper, or other record of the United States to the program carried out under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), or to any provision of that subtitle, shall be deemed to be a reference to the program referred to in subsection (a), or to the appropriate provision of this title, as the case may be.

##### SEC. 102. DEFINITIONS.

[In this Act:

[(1) COVERED INDIVIDUAL.—The term “covered individual” means any of the following:

[(A) An individual who has been convicted of a covered offense against a minor.

[(B) An individual who has been convicted of a sexually violent offense.

[(C) An individual described in section 4042(c)(4) of title 18, United States Code.

[(D) An individual sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

[(E) An individual who is a sexually violent predator.

[(2) COVERED OFFENSE AGAINST A MINOR.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term “covered offense against a minor” means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(i) Kidnapping of a minor, except by a parent of the minor.

[(ii) False imprisonment of a minor, except by a parent of the minor.

[(iii) Criminal sexual conduct toward a minor.

[(iv) Solicitation of a minor to engage in sexual conduct.

[(v) Use of a minor in a sexual performance.

[(vi) Solicitation of a minor to practice prostitution.

[(vii) Any conduct that by its nature is a sexual offense against a minor.

[(viii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.

[(ix) Use of the Internet to facilitate or commit a covered offense against a minor.

[(x) An attempt to commit a covered offense against a minor.

[(B) EXCEPTION.—The term does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim and the individual who committed the offense had not attained the

age of 18 years when the offense was committed.

[(C) INCLUSION.—The term includes a violation of section 103 of this Act.

[(3) DOMICILE.—The term “domicile” means, with respect to an individual, any place that serves as the primary place at which the individual lives.

[(4) DOMICILE STATE.—The term “domicile State” means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which is the individual’s domicile.

[(5) EDUCATIONAL INSTITUTION.—The term “educational institution” includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

[(6) EMPLOYMENT.—The term “employment” includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer or for compensation or for government or educational benefit) on a full-time or part-time basis.

[(7) JURISDICTION.—The term “jurisdiction”, with respect to a tribal actor, means the Indian country (as defined in section 1151 of title 18, United States Code) of that tribal actor.

[(8) SCHOOL STATE.—The term “school State” means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the educational institution at which the individual is a student is located.

[(9) SEXUALLY VIOLENT OFFENSE.—The term “sexually violent offense” means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

[(B) An offense an element of which is engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse.

[(10) SEXUALLY VIOLENT PREDATOR.—The term “sexually violent predator” means an individual who—

[(A) has a conviction for a sexually violent offense; or

[(B) suffers from a mental abnormality (as defined in section 110 of this Act) or personality disorder that makes the person likely to engage in a predatory (as defined in section 110 of this Act) sexually violent offense.

[(11) STATE ACTOR.—The term “State actor” means any of the following:

[(A) A State.

[(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or any other territory or possession of the United States.

[(12) STUDENT.—The term “student” means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

[(13) TRIBAL ACTOR.—The term “tribal actor” means a federally recognized Indian tribe.

[(14) WORK STATE.—The term “work State” means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the individual’s place of employment is located.

##### SEC. 103. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.

[(a) INFORMATION REQUIRED PERIODICALLY.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

[(1) REGISTRATION INFORMATION.—Immediately after being sentenced for an offense