

prevent Bull's Eye from losing 200 guns. They went ahead and ignored it. I strongly urge that we allow my amendment. It is but really one sentence. It simply says: On page 8, line 21, before the semicolon insert the following, or an action against a seller that has an established history of qualified products—that is the guns—being lost or stolen, under such criteria as shall be established by the Attorney General of the United States by regulation for an injury or death caused by a qualified product that was in the possession of the seller but subsequently lost or stolen.

We have to have a stronger enforcement mechanism than is in the underlying bill. It has to be strengthened. I say to my good friend, I respectfully disagree, and I think the confirmation by this distinguished counsel, Lloyd Cutler, who concluded that had this statute that the Senator seeks been in effect at the time of the snipers, they could have gotten out from under it.

Some sellers of guns repeatedly are losing firearms or having guns stolen and that is irresponsible behavior on its face. It has to be regulated, and it has to be regulated by the chief law enforcement officer of the United States, the Attorney General.

So I thank the Senator for the opportunity to speak to this. I once again plead with the Senator to allow this amendment, which is germane. If it were not germane, I would say to myself I gave it a good try. I ask the distinguished Senator from Rhode Island, is this amendment of mine involved in any discussions, might I inquire?

Mr. REED. I say to the Senator from Virginia, we think his amendment is very commendable, and we would like to see it brought forward for debate and a vote. I have made that point privately, and I make it now publicly. We think it is, as the Senator says, germane and relevant. I think the Senator is owed a vote, and I would like to see it happen.

Unfortunately, we are having difficulties clearing any amendments, including the Senator's, for voting on the floor.

Mr. WARNER. Mr. President, it was my understanding that the distinguished Senator from Rhode Island and the distinguished Senator from Idaho were working on a possible package of amendments, and the Senator now advises me my amendment is in that package under consideration. Is that a fact?

Mr. REED. I have asked that that amendment be considered. We are waiting. We were not impatient, but there is a limit to patience. I would point out, too, that there will be an attempt this evening to move to other matters such as CAFTA and the Energy bill which will take away time to debate a vote on the pending gun liability bill. I just think we have wasted too much time, that we should establish some rules with respect to the amendments, vote on those amendments and move forward towards a cloture vote.

Mr. WARNER. If I may make a brief reply, I thank my colleague from Rhode Island. I think the managers are working on this situation. I am glad that my amendment is part of the consideration, and I just hope it is granted. As far as the business of the Senate, I entrust it to the majority leader and the Democratic leader as to what matters should be taken up at what time in relation to this bill. So I cannot make any comment on that and do not make one.

The PRESIDING OFFICER. The minority leader.

Mr. REID. If I would not offend my distinguished friend from Rhode Island or my dear friend from Virginia, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, for the last 30 minutes or so, we have been putting together an orderly way to address several issues: the underlying bill, the gun liability bill; CAFTA; and the energy report, which we received from the House. I know a lot of our colleagues are wondering about voting both tonight—we will have one more vote tonight, and I will go through the request—and then we will have a very busy day tomorrow. We will be here late tonight as well.

Mr. President, first of all, I will be addressing the issue on gun liability.

UNANIMOUS CONSENT AGREEMENT—S. 397

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate resumes the gun legislation tomorrow, immediately following morning business, the only remaining amendments other than pending amendments be the following: Reid amendment No. 1642, 30 minutes equally divided; Kennedy amendment No. 1615 and a first degree, relevant, to be offered by the majority leader or his designee, with 40 minutes equally divided to be used concurrently on both amendments; Corzine amendment No. 1619 and a first degree, relevant, to be offered by the majority leader or his designee, with the same time limitation as above; Lautenberg amendment No. 1620 and a first degree, relevant, to be offered by the majority leader or his designee, again with the same time limitation.

I further ask consent that the cloture vote be vitiated and that following the disposition of the above-listed amendments, the pending Craig and Frist amendments be agreed to and there then be 20 minutes for closing marks,

the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate.

Further, I ask consent that where there are two first degrees to be voted upon, the majority alternative is first.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMEN- TATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3045, the House-passed CAFTA legislation. I further ask consent that the statutory debate time be reduced to 20 minutes, equally divided, and that following the use or yielding back of time, the Senate proceed to a vote on the measure without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, first of all, let me say that I appreciate everyone's patience and courtesy this afternoon as we worked through this matter that led to our agreeing to this agreement just a minute ago. It has been very difficult. It is a very contentious issue. Feelings are high on both sides. Everyone acted like ladies and gentlemen. We worked it out, and I think it speaks well of the Senate.

I would ask the distinguished majority leader, having reserved the right to object on his latest request, it is my understanding that immediately upon this request being adopted, we will go to S. 792; is that right?

Mr. FRIST. Mr. President, that is correct. I have two unanimous consent requests. One is on S. 792, and one is on the energy report.

The PRESIDING OFFICER. Is there objection?

The Senator from Minnesota.

Mr. DAYTON. Mr. President, reserving the right to object, I ask the majority leader, will that vote on CAFTA be a rollcall vote?

Mr. FRIST. Mr. President, I will go through the whole schedule shortly, if I can get through the unanimous consent request. Very briefly, we will have a rollcall vote on CAFTA in about 30 minutes, 25 minutes. Whenever we finish that, it would be the last rollcall vote tonight. We will begin voting again tomorrow.

Mr. DAYTON. I thank the majority leader.

Mr. FRIST. I have two further unanimous consent requests, and then we can review everything.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

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.