

Mr. McCONNELL. Reserving the right to object, I say to my friend, I believe it is a freestanding bill, not an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas is recognized.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

Mr. GRAMM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1675, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1675) to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 5038

(Purpose: To protect the public safety by establishing a nationwide system to track convicted sexual predators)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. BIDEN, Mr. HATCH, and Mrs. HUTCHISON, proposes an amendment numbered 5038.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pam Lychner Sexual Offender Tracking and Identification Act of 1996".

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

"SEC. 170102. FBI DATABASE.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'FBI' means the Federal Bureau of Investigation;

"(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

"(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

"(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) or section 170101(a)(1);

"(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

"(C) meets the requirements for verification under section 170101(b)(3); and

"(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

"(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

"(1) each person who has been convicted of a criminal offense against a victim who is a minor;

"(2) each person who has been convicted of a sexually violent offense; and

"(3) each person who is a sexually violent predator.

"(c) REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

"(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

"(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

"(2) for the life of the person, if that person—

"(A) has 2 or more convictions for an offense described in subsection (b);

"(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

"(C) has been determined to be a sexually violent predator.

"(e) VERIFICATION.—

"(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

"(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

"(f) COMMUNITY NOTIFICATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

"(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

"(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

"(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

"(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

"(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and a photograph of that person, for inclusion in the appropriate database, with—

"(A) the FBI; and

"(B) the State in which the new residence is established.

"(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—

"(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

"(B) the FBI.

"(5) VERIFICATION.—

"(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction to which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

"(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

"(C) VERIFICATION.—

"(1) STATE AGENCIES.—If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

"(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (1), the FBI shall ensure that, either the State or the FBI shall—

"(I) classify the person as being in violation of the registration requirements of the national database; and

"(II) add the name of the person to the National Crime Information Center Wanted Person File and create a wanted persons record, provided that an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

"(h) FINGERPRINTS.—

"(1) IN GENERAL.—

"(A) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.

“(B) STATE REGISTRATION SYSTEMS.—In a State that has a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

“(I) PENALTY.—A person required to register under paragraph (1), (2), or (3) of subsection (g) who knowingly fails to comply with this section shall—

“(1) in the case of a first offense—

“(A) if the person has been convicted of 1 offense described in subsection (b), be fined not more than \$100,000; or

“(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 1 year and fined not more than \$100,000; or

“(2) in the case of a second or subsequent offense, be imprisoned for up to 10 years and fined not more than \$100,000.

“(j) RELEASE OF INFORMATION.—The information collected by the FBI under this section shall be disclosed by the FBI—

“(1) to Federal, State, and local criminal justice agencies for—

“(A) law enforcement purposes; and

“(B) community notification in accordance with section 170101(d)(3); and

“(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).”

“(k) NOTIFICATION UPON RELEASE.—Any state not having established a program described in 170102(a)(3) must—

“(1) Upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

“(2) Notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1).”

SEC. 3. DURATION OF STATE REGISTRATION REQUIREMENT.

Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

“(6) LENGTH OF REGISTRATION.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

“(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

“(B) for the life of that person if that person—

“(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A); or

“(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A); or

“(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2).”

SEC. 4. STATE BOARDS.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by inserting before the period at the end the following: “, victim rights advocates, and representatives from law enforcement agencies”.

SEC. 5. FINGERPRINTS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new subsection:

“(g) FINGERPRINTS.—Each requirement to register under this section shall be deemed to also require the submission of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h).”

SEC. 6. VERIFICATION.

Section 170101(b)(3)(A)(iii) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(3)(A)(iii)) is amended by adding at the end the following: “The person shall include with the verification form, fingerprints and a photograph of that person.”

SEC. 7. REGISTRATION INFORMATION.

Section 170101(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(2)) is amended to read as follows:

“(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102.

SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.

State and federal law enforcement agencies, employees of state and federal law enforcement agencies, and state and federal officials shall be immune from liability for good faith conduct under section 170102.

SEC. 9. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

(b) COMPLIANCE BY STATES.—Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) INELIGIBILITY FOR FUNDS.—

(1) A State that fails to implement the program as describe in sections 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(2) any funds that are not allocated for failure to comply with sections 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. GRAMM. Mr. President, we have before us a bill that relates to tracking and identifying sex-offenders. Senator BIDEN, myself, and a number of other

Senators have worked very hard on this bill. Forty-nine States in the Union have set up systems which track known sexual predators because, of all the types of criminal activity, the probability that someone who commits a sexual predatory act will commit that type of crime again—especially against a child—is 10 times higher than the probability that any other type of crime will be repeated.

The problem with only having State laws is that people are moving across State lines to try to avoid detection. What our bill does is it sets up an FBI-based Federal tracking system which will track all movements of sexual predators, whether they move across town or across State lines. This system will give us an interactive database, and it will greatly enhance the ability of our communities, our law enforcement officials, and our families to protect our children against sexual predators.

Mr. President, again, I have named this bill, in working with Senator BIDEN, for Pam Lychner, one of the victims of the tragic TWA crash.

We have named this bill for her not because of how she tragically died, but because of how she lived. Pam Lychner was one of our Nation's greatest victim's rights advocates. She cared enough for that cause, in the words of the old Hallmark Card commercial, “to give her very best.” And in doing so, she reminded people all over my State and people all over America that we are never going to be able to deal with the violent crime problem in this country until those of us who are not victims of crime are as outraged by these atrocities as are the victims themselves.

I thank my colleagues for letting this bill pass the Senate. I think it is vitally important that we identify and try to monitor sexual predators and I think we owe it to our society and to law-abiding citizens to do this.

I believe that this bill will provide society with a very strong tool which will strengthen local law enforcement, give our families the ability to protect our children, and which will establish a data base that the Boy Scouts, the Girl Scouts, and other youth organizations can use to check out those who want to be trusted with our children.

I think this bill will save lives and I think it will provide greater comfort and greater security to our families. I am very proud of this effort and I thank Senator BIDEN for his leadership on this issue.

I yield the remainder of my time.

Mr. BIDEN. Mr. President, Senator GRAMM and I are now offering a substitute amendment to S. 1675, a bill originally offered in April by myself and Senator GRAMM along with Senators HUTCHISON, FAIRCLOTH, DORGAN, KYL, SHELBY, CAMPBELL, MCCONNELL, STEVENS, MCCAIN, and THURMOND. This legislation strengthens and improves the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

The Jacob Wetterling Act, enacted as part of the 1994 crime law, requires States to enact laws to register and track the most violent, the most horrible—and least likely to be rehabilitated—criminals our Nation faces today. I refer to those criminals who attack our children and criminals who are sexually violent predators.

These criminals must be tracked. And local law enforcement must know when these criminals are in their communities. This was the reason I worked to include this important measure in the 1994 crime law. And I will also point out that almost all States have taken great strides to build an effective tracking system.

Now we seek to build upon this progress to meet three specific goals.

First, we must have a nationwide system that will help State and local law enforcement track these offenders as they move from State to State and will help by providing a back-up system of tracking.

Second, while most States have established or are about to establish these systems, if any States fail to act, we cannot allow there to be a "black-hole" where sexual predators can hide and are then lost to all States. A nationwide system will track offenders if States do not maintain registration systems.

Third, we must ensure that the most serious sexual predators are required to remain registered with law enforcement officials for the rest of their lives.

All of these key goals will be met by this legislation. In addition, our amendment will offer some improvements which are made possible by the nationwide system this amendment will provide. For example, our bill will—

Require all offenders to verify their address on a regular basis by returning verification cards with their fingerprints and recent photograph.

Require that a nationwide warning is issued whenever an offender fails to verify their address or when an offender cannot be located.

Institute tough penalties for offenders who willfully fail to meet their obligations to register with the nationwide system in States where there is no registration and in cases of offenders who move from one State to another.

Notify law enforcement officials not only when an offender moves to their area, but also when an offender moves out of their neighborhood.

To offer just one of the practical problems a national database will help local law enforcement address—Delaware law enforcement, because Delaware is so close to other States, will certainly need to know if a sexual predator lives just over the line in Pennsylvania. And only a national database can provide this information.

To offer a real life example of why a nationwide system is needed—in Delaware, a sex offender was released last

year. Fortunately, Delaware's offender registration law requires this offender—Freddy Marine—to be tracked by Delaware law enforcement. Since his release, Marine has moved to another State. The nationwide system established by this bill will help make sure that if Freddy Marine moves back to Delaware—our State law enforcement will know, and knowledge is the key to effective enforcement.

In summary, the sex offender tracking and identification bill is possible because States such as Delaware and Texas have done the hard work to build statewide registration systems. We now seek to build a system where all movement of sexually violent and child offenders can be tracked and we will go a long way toward the day when none of these predators will fall between the cracks.

I am glad that we can now offer and pass with the unanimous consent of the Senate this important legislation to protect our children from sexual offenders. I hope that our colleagues in the House of Representatives will take up and pass the companion bill to this legislation and enact these vital protections for our children.

Mr. President, this is the next step in the approach to start action which Senator DORGAN, I, Senator GRAMM of Texas, and others were doing with the crime bill. We decided that we were going to nationalize it—it became known as Megan's Law, and it was also called the Jacob Wetterling Act, again named after a victim in this case—to make sure every State had the ability and the requirement, in order to get Federal funds, that they had a State registry so that we know the States and communities can know. It became known as Megan's Law because of the celebrated tragic case in New Jersey. It was included in the original crime bill.

What we did not do that Senator DORGAN and Senator KERRY—first Senator GRAMM came to me and asked me about participating in this, and Senator KERRY of Massachusetts and others, because all of a sudden it became pretty clear that there was a gaping hole. If, in fact, we have registration, for example, in Delaware, and our State is registering sex offenders so people know whether a pedophile has moved into the neighborhood after having been released from the jail, that gives the community some protection. But there was no vehicle or mechanism until we passed the Gramm-Biden law.

We are going to rename the law. For the person in Delaware who is in a position where a pedophile who lived in Chester County, PA—literally 4 miles or 5 miles from Wilmington, DE—moves across the line, there is no vehicle. There is no mechanism for the Pennsylvania authorities to notify the authorities in the State of Delaware.

The Senator from Massachusetts and I were talking about this. He points out that in his State, he has the same circumstance, if, in fact, you move from one State to another. As a matter

of fact, his State does not even have a registry yet, which is one of his concerns he mentioned to me because it is sort of behind the rest of us. They are not moving.

The bottom line of this is real simple. We want people to know. We want a system to be available where it is a nationwide system that will help State and local enforcement people track offenders as they move from State to State, providing a backup system for tracking.

Second, while most States have established or are about to establish these systems, if any State fails to act, we cannot allow there to be a Pennsylvania black hole out there, a black hole that Massachusetts now, for example, is part of, because if folks who are pedophiles in Massachusetts are moving into Rhode Island, or any other place, or even into Massachusetts, there is nobody who knows. So we need a nationwide system.

Third, we have to assure that the most serious sexual predators are required to remain registered with law enforcement officials for the rest of their lives. This is not just being unnecessarily punitive. The recidivism rates are high, and the notification saves lives.

We require all offenders to verify their address on a regular basis by returning verification cards with their fingerprints and a recent photograph. We require that a nationwide warning is issued whenever an offender fails to verify their address or an offender cannot be located. We institute tough penalties for offenders who willfully fail to meet this requirement. We notify law enforcement officials not only when an offender moves to an area, but when they move from an area.

Let me offer one practical example of the need for this nationwide database. A sexual offender in Delaware named Freddie Marine is notorious. While in Delaware, every community was notified. But he moved out of Delaware. He may be over in Maryland or New Jersey. He is as much of a threat to a child in New Jersey or Maryland as he was in Delaware. But no one knows. There is no way they can know.

So this nationwide database will provide that. It has been a pleasure. People kid—when they said, "This is the Gramm-Biden amendment, well, we will let this go through. It must be OK." But the truth is the Senator from Texas and I work an awful lot on these criminal justice issues, and we are more in agreement than not. I thank him for, quite frankly, pointing out this black hole that I referred to early on. It is a pleasure to work with him. And I thank my friend, Senator DORGAN, for not only letting this go through but being on the ground floor when we put the Jacob Wetterling legislation together; and my friend from Massachusetts, who has been very, very concerned about the failure of his State to move, as it should have, in making sure to help fill this black hole. I thank him very much.

I yield the remainder of my time, which is a rarity for me to do on the floor.

Mr. GRAMM. Mr. President, again, I ask unanimous consent that the amendment be considered as read and agreed to, the bill be deemed to have been read the third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements related to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 5038) was agreed to.

The bill (S. 1675), as amended, was deemed read the third time, and passed, as follows:

S. 1675

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pam Lychner Sexual Offender Tracking and Identification Act of 1996".

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

"SEC. 170102. FBI DATABASE.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'FBI' means the Federal Bureau of Investigation;

"(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

"(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

"(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1);

"(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

"(C) meets the requirements for verification under section 170101(b)(3); and

"(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

"(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

"(1) each person who has been convicted of a criminal offense against a victim who is a minor;

"(2) each person who has been convicted of a sexually violent offense; and

"(3) each person who is a sexually violent predator.

"(c) REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

"(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

"(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

"(2) for the life of the person, if that person—

"(A) has 2 or more convictions for an offense described in subsection (b);

"(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

"(C) has been determined to be a sexually violent predator.

"(e) VERIFICATION.—

"(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

"(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

"(f) COMMUNITY NOTIFICATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

"(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

"(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

"(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

"(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

"(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and photograph of that person, for inclusion in the appropriate database, with—

"(A) the FBI; and

"(B) the State in which the new residence is established.

"(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to

register under such program within or outside of such State, the State shall notify—

"(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

"(B) the FBI.

"(5) VERIFICATION.—

"(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction from which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

"(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

"(C) VERIFICATION.—

"(i) STATE AGENCIES.—If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

"(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (i), the FBI shall—

"(I) classify the person as being in violation of the registration requirements of the national database; and

"(II) add the name of the person to the National Crime Information Center Wanted person file and create a wanted persons record: *Provided*, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

"(h) FINGERPRINTS.—

"(1) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.

"(2) STATE REGISTRATION SYSTEMS.—In a State that has a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

"(i) PENALTY.—A person required to register under paragraph (1), (2), or (3) of subsection (g) who knowingly fails to comply with this section shall—

"(1) in the case of a first offense—

"(A) if the person has been convicted of 1 offense described in subsection (b), be fined not more than \$100,000; or

"(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 1 year and fined not more than \$100,000; or

"(2) in the case of a second or subsequent offense, be imprisoned for up to 10 years and fined not more than \$100,000.

"(j) RELEASE OF INFORMATION.—The information collected by the FBI under this section shall be disclosed by the FBI—

"(1) to Federal, State, and local criminal justice agencies for—

"(A) law enforcement purposes; and

"(B) community notification in accordance with section 170101(d)(3); and

"(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a)."

“(k) NOTIFICATION UPON RELEASE.—Any State not having established a program described in section 170102(a)(3) must—

“(1) upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

“(2) notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1).”.

SEC. 3. DURATION OF STATE REGISTRATION REQUIREMENT.

Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

“(6) LENGTH OF REGISTRATION.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

“(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

“(B) for the life of that person if that person—

“(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A); or

“(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A); or

“(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2).”.

SEC. 4. STATE BOARDS.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by inserting before the period at the end the following: “, victim rights advocates, and representatives from law enforcement agencies”.

SEC. 5. FINGERPRINTS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new subsection:

“(g) FINGERPRINTS.—Each requirement to register under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h).”.

SEC. 6. VERIFICATION.

Section 170101(b)(3)(A)(iii) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(3)(A)(iii)) is amended by adding at the end the following: “The person shall include with the verification form, fingerprints and a photograph of that person.”.

SEC. 7. REGISTRATION INFORMATION.

Section 170101(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(2)) is amended to read as follows:

“(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State Law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102.”.

SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.

State and Federal law enforcement agencies, employees of State and Federal law en-

forcement agencies, and State and Federal officials shall be immune from liability for good faith conduct under section 170102.

SEC. 9. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

(b) COMPLIANCE BY STATES.—Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) INELIGIBILITY FOR FUNDS.—

(1) A State that fails to implement the program as described in section 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAM APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous agreement, the Senator from North Dakota is recognized to offer his amendment. The only second-degree amendment that would be in order is an amendment offered by the Senator from Massachusetts. There is to be 1 hour of debate, with 40 minutes under the control of the proponents and 20 minutes under the control of the opponents.

Mr. DORGAN. Would the Chair please inform me when I have used 20 minutes? I yield myself such time as I may consume.

AMENDMENT NO. 5045

(Purpose: To provide congressional review of and clear standards for the eligibility of foreign governments to be considered for United States military assistance and arms transfers)

Mr. DORGAN. I am offering an amendment on behalf of myself and Senator HATFIELD with cosponsors, including Senators BUMPERS, JEFFORDS, LEAHY, HARKIN, PRYOR, MOSELEY-BRAUN, FEINGOLD, PELL, INOUE, WYDEN, KENNEDY, SIMON, LAUTENBERG and FEINSTEIN.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. HATFIELD, Mr. BUMPERS, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, Mr. PELL, Mr. INOUE, Mr. WYDEN, Mr. KENNEDY, Mr. SIMON, Mr. LAUTENBERG, and Mrs. FEINSTEIN, proposes an amendment numbered 5045.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new title:

TITLE —CONGRESSIONAL REVIEW OF ARMS TRANSFERS ELIGIBILITY ACT OF 1996

SEC. 01. SHORT TITLE.

This title may be cited as the “Congressional Review of Arms Transfers Eligibility Act of 1996”.

SEC. 02. PURPOSE.

The purpose of this title is to provide congressional review of the eligibility of foreign governments to be considered for United States military assistance and arms transfers, and to establish clear standards for such eligibility including adherence to democratic principles, protection of human rights, nonaggression, and participation in the United Nations Register of Conventional Arms.

SEC. 03. ELIGIBILITY FOR UNITED STATES MILITARY ASSISTANCE OR ARMS TRANSFERS.

(a) PROHIBITION; WAIVER.—United States military assistance or arms transfers may not be provided to a foreign government during a fiscal year unless the President determines and certifies to the Congress for that fiscal year that—

(1) such government meets the criteria contained in section ___04;

(2) it is in the national security interest of the United States to provide military assistance and arms transfers to such government, and the Congress enacts a law approving such determination; or

(3) an emergency exists under which it is vital to the interest of the United States to provide military assistance or arms transfers to such government.

(b) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (a)(3). Each such report shall contain a description of—

(1) the nature of the emergency;

(2) the type of military assistance and arms transfers provided to the foreign government; and

(3) the cost to the United States of such assistance and arms transfers.

SEC. 04. CRITERIA FOR CERTIFICATION.

The criteria referred to in section ___03(a)(1) are as follows:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions