

the 1980s, that he was involved in an armed skirmish at the Turkish border in 1988, and that he had been imprisoned in Turkey as a result of these facts. In 1992, Mr. Parlak was granted asylum due to the persecution and torture that he suffered at the hands of the Turkish government. The Immigration and Naturalization Service believed that Mr. Parlak had a credible fear of returning to Turkey.

In 1993, Mr. Parlak wanted to take the next step and become a United States citizen. However, when he filled out his application to become a lawful permanent resident, he did not check a box stating that he had been "arrested, cited, charged, indicted, fined or imprisoned for violating any law or ordinance, excluding traffic violations," in or outside of the United States. Mr. Parlak has stated that due to his limited English skills, he misunderstood the form, and believed that the question related only to his activities since he entered the United States. Again, Mr. Parlak had already given the Government the information surrounding his 1988 arrest and conviction in his earlier asylum application. He had also provided documents at the time of his asylum, in Turkish, that described the Turkish government's view of his association with the PKK.

Last July, the Department of Homeland Security (DHS) detained Mr. Parlak and DHS is now moving to deport Mr. Parlak, claiming a deliberate misrepresentation of facts. Further, the Department of Homeland Security states that Mr. Parlak has been convicted of an aggravated felony after admission to the United States because, in 2004, the now-disbanded Turkish Security Court reopened his case from 1990 and re-sentenced him for the crime of Kurdish separatism. The "new" sentence imposed by the Security Court required less jail time than Mr. Parlak had already served, and the Security Court closed its file on Mr. Parlak. Turkey does not seek his extradition and has, in fact, no interest in his return and will not issue a special passport for that purpose.

Despite his strong ties to his community and the lack of evidence that he is a flight risk, Mr. Parlak continues to be held in prison without bond. The Department of Homeland Security says that Mr. Parlak is a "terrorist," and therefore cannot be released. This "terrorist" designation is based solely on Mr. Parlak's association with the PKK in the 1980s. However, not only did Mr. Parlak outline his involvement with the PKK in his asylum application, at the time Mr. Parlak was associated with the PKK, it was not designated as a terrorist organization. The State Department did not add the PKK to its list of terrorist organizations until 1996.

I am concerned with the fact that the government continues to detain and is attempting to deport this model immigrant over activities he disclosed in his application for asylum, an application

which, again, was granted. While it may be disputed why the box was not checked accurately, it is incongruous to conclude that he was intentionally hiding those facts from the Department of Justice in 1993, when he detailed them explicitly to the Department of Justice in 1991.

Mr. President, Mr. Parlak is a good man and should be given the chance to remain in the United States and continue the life that he has built for his community, his daughter and himself all these years. Our history is built upon the courage and hard work of immigrants who opposed brutal oppression and fled to our country seeking a new life. Ibrahim Parlak is one of them.

#### DRU'S LAW

Mr. DORGAN. I rise today to describe S. 792, a bipartisan piece of legislation called "Dru's Law," which I introduced in the Senate yesterday.

This bill seeks to fill some gaping holes in our criminal justice system, made tragically evident by a recent tragedy in North Dakota.

In November 2003, Dru Sjodin, a student at the University of North Dakota, was abducted in the parking lot of a Grand Forks shopping mall. She was found in a ditch in Minnesota some 6 months later.

A suspect was eventually arrested and is awaiting trial. There is abundant evidence that he was responsible for Dru's abduction. The alleged assailant, Alfonso Rodriguez, Jr., had been released from prison only 6 months earlier, having served a 23-year sentence for rape in Minnesota. And what's more, Minnesota authorities had known that he was at high risk of committing another sexual assault if released.

The Minnesota Department of Corrections had rated Rodriguez as a "type 3" offender—meaning that he was at the highest risk for reoffending. In an evaluation conducted in January 2003, a prison psychiatrist wrote that Rodriguez had demonstrated "a willingness to use substantial force, including the use of a weapon, in order to gain compliance from his victims."

Despite this determination, the Minnesota Department of Corrections released Rodriguez in May 2003, and essentially washed its hands of the case. Since Rodriguez had served the full term of his sentence, the Department of Corrections imposed no further supervision on him at all.

The Minnesota Department of Corrections could have recommended that the State Attorney General seek what is known as a "civil commitment." Under this procedure, a State court would have required Rodriguez to be confined as long as he posed a sufficient threat to the public, even if he had served his original sentence. But the State Attorney General was never notified that Rodriguez was getting out, and there was no chance for the Minnesota courts to consider the case.

So upon his release, Mr. Rodriguez went to live in Crookston, MN, completely unsupervised, a short distance from the Grand Forks shopping mall where Dru Sjodin was abducted.

To make matters worse, while Mr. Rodriguez registered as a sex offender in Minnesota, there was no indication of his release for nearby North Dakota communities. I suspect that most Americans would be surprised to learn that there is currently no national sex offender registry available to the public. So sex offender registries currently stop at State lines. Each State has its own sex offender registry, which tracks only its own residents.

For all intents and purposes, Rodriguez was free to prey on nearby communities in North Dakota, without fear of recognition.

This situation is simply unacceptable. We must do better. A recent study found that 72 percent of "highest risk" sexual offenders reoffend within 6 years of being released. And the Bureau of Justice Statistics has determined that sex offenders released from prison are over ten times more likely to be arrested for a sexual crime than individuals who have no record of sexual assault. We cannot just release such individuals with no supervision whatsoever, and let them prey upon an unsuspecting public.

Today, I am reintroducing legislation that will hopefully help to prevent such breakdowns in our criminal justice system, and that will give our citizens the tools to better protect themselves from sexual offenders.

This bill is cosponsored by Senator SPECTER, the new chairman of the Senate Judiciary Committee. It also has a growing list of bipartisan cosponsors, which currently includes Senators CONRAD, DAYTON, COLEMAN, LUGAR, JOHNSON, and DURBIN.

The bill does the following three things:

First, it requires the Justice Department to create a national sex offender database accessible to the public through the Internet—with data drawn from the FBI's existing National Sex Offender Registry. This public website would allow users to specify a search radius across State lines, providing much more complete information on nearby sex offenders.

Second, it requires State prisons to notify States attorneys whenever "high risk" offenders are about to be released, so that States attorneys can consider petitioning the courts for continued confinement of the offender. The "civil commitment" option is available under the law in many States, if an individual is deemed a continuing threat to the public safety. In the Dru Sjodin case, prison officials did not alert the States attorney of Rodriguez' impending release. If they had done so, this tragedy might have been avoided.

Third, it requires states to monitor "high-risk" offenders who are released after serving their full sentence—and

are otherwise not subject to probation or other supervision—for a period of no less than 1 year.

The cost of these steps would be shared by the Federal Government and the States. The Federal Government would bear the cost of maintaining the national sex offender registry, and the States would bear the cost of supervising high risk offenders upon their release from prison.

To ensure compliance with these measures, the legislation would reduce Federal funding for prison construction by 25 percent for those States that did not comply, and would reallocate such funds to States that do comply with those provisions. This will be the “stick” that some States may need to ensure that they comply with these important protections.

I should note that this identical legislation was passed in the Senate toward the conclusion of the 108th Congress. It passed by unanimous consent, with the support of Senator HATCH, who was then the Chairman of the Judiciary Committee, and also with the support of Senator LEAHY, who was—and remains—the ranking member of the committee.

Regrettably, the House of Representatives did not act on Dru’s Law before adjourning in the last Congress, and so we must start the legislative process on this bill again in the 109th Congress. But I am committed to getting this done, and I expect that the House will pass Dru’s Law in this Congress.

Our thoughts and prayers go to Dru Sjodin’s family. I cannot guarantee that that passage of the legislation we are introducing today will prevent such tragedies from ever occurring again. But I believe that it will be a significant step toward making our neighborhoods safer for our loved ones.

In recent weeks, we have had some very sad reminders of the need for such legislation. In February, 9-year-old Jessica Lunsford was abducted and murdered in Florida by a previously convicted sexual offender. The offender fled across State lines to Georgia, where he was apprehended. He has now confessed to this brutal crime. Had he not been arrested, he might well have offended again. This was, again, a reminder that while sex offender registries currently stop at State lines, sex offenders do not.

Mark Lunsford, Jessica’s father, has written in strong support of this bill.

I look forward to working with my colleagues, on a bipartisan basis, to secure passage of this bill.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 792

*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 “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, 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.

#### HONORING OUR ARMED FORCES

SERGEANT JAMES SHAWN LEE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Mount Vernon. Sergeant Lee, 26 years old, died on April 6 in a military helicopter crash near Ghazni city, 80 miles southwest of Kabul. With his entire life before him, Jimmy Shawn risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 1997 graduate of Mount Vernon High School, Jimmy Shawn had served in the Marines for 8 years. Friends and family describe him as a man who grew up longing to serve God and country. Jimmy was a devout Christian who aspired to travel the world as a missionary. His half-sister, Destiny Dowden, recounted that Jimmy Shawn was “the most honest, loving, giving and fun-loving person I ever met.” His mother shared her pride in Jimmy Shawn’s accomplishments, calling him “our family’s hero.”

Jimmy Shawn was killed while serving his country in Operation Enduring Freedom. This brave young soldier leaves behind his mother, Becky Blanchard and his half-sister, Destiny Dowden.

Today, I join Jimmy Shawn’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jimmy Shawn, a memory that will burn brightly during these continuing days of conflict and grief.