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# H. R. 5138

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IN THE SENATE OF THE UNITED STATES

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## AN ACT

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5 “International Megan’s Law of 2010”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and declaration of purposes.
- Sec. 3. Definitions.
- Sec. 4. Sex offender travel reporting requirement.
- Sec. 5. Foreign registration requirement for sex offenders.
- Sec. 6. International Sex Offender Travel Center.
- Sec. 7. Center sex offender travel guidelines.
- Sec. 8. Authority to restrict passports.
- Sec. 9. Immunity for good faith conduct.
- Sec. 10. Sense of Congress provisions.
- Sec. 11. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 12. Special report on international mechanisms related to traveling child  
sex offenders.
- Sec. 13. Assistance to foreign countries to meet minimum standards for the  
elimination of trafficking.
- Sec. 14. Congressional reports.
- Sec. 15. Authorization of appropriations.
- Sec. 16. Budget compliance.

8 **SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.**

9        (a) FINDINGS.—Congress finds the following:

10            (1) Megan Nicole Kanka, who was 7 years old,  
 11 was abducted, sexually assaulted, and murdered in  
 12 1994, in the State of New Jersey by a violent pred-  
 13 ator living across the street from her home. Unbe-  
 14 knownst to Megan Kanka and her family, he had  
 15 been convicted previously of a sex offense against a  
 16 child.

1           (2) In 1996, Congress adopted Megan’s Law  
2           (Public Law 104–145) as a means to encourage  
3           States to protect children by identifying the where-  
4           abouts of sex offenders and providing the means to  
5           monitor their activities.

6           (3) The sexual exploitation of minors is a global  
7           phenomenon. The International Labour Organiza-  
8           tion estimates that 1.8 million children worldwide  
9           are exploited each year through prostitution and  
10          pornography.

11          (4) According to End Child Prostitution, Child  
12          Pornography and Trafficking in Children for Sexual  
13          Purposes (ECPAT International), all children are  
14          adversely affected by being commercially sexually ex-  
15          ploited. Commercial sexual exploitation can result in  
16          serious, lifelong, even life-threatening consequences  
17          for the physical, psychological, spiritual, emotional  
18          and social development and well-being of a child.

19          (5) ECPAT International reports that children  
20          who are commercially sexually exploited are at great  
21          risk of contracting HIV or AIDS and are unlikely to  
22          receive adequate medical care. These children are  
23          also at great risk of further physical violence—those  
24          who make an attempt to escape or counter their  
25          abuse may be severely injured or killed. The psycho-

1 logical effects of child sexual exploitation and threats  
2 usually plague the victims for the rest of their lives.

3 (6) ECPAT International further reports that  
4 children who have been exploited typically report  
5 feelings of shame, guilt, and low self-esteem. Some  
6 children do not believe they are worthy of rescue;  
7 some suffer from stigmatization or the knowledge  
8 that they were betrayed by someone whom they had  
9 trusted; others suffer from nightmares, sleepless-  
10 ness, hopelessness, and depression—reactions similar  
11 to those exhibited in victims of torture. To cope,  
12 some children attempt suicide or turn to substance  
13 abuse. Many find it difficult to reintegrate success-  
14 fully into society once they become adults.

15 (7) According to ECPAT International, child  
16 sex tourism is a specific form of child prostitution  
17 and is a developing phenomenon. Child sex tourism  
18 is defined as the commercial sexual exploitation of  
19 children by people who travel from one place to an-  
20 other and there engage in sexual acts with minors.  
21 This type of exploitation can occur anywhere in the  
22 world and no country or tourism destination is im-  
23 mune.

24 (8) According to research conducted by The  
25 Protection Project of The Johns Hopkins University

1 Paul H. Nitze School of Advanced International  
2 Studies, sex tourists from the United States who  
3 target children form a significant percentage of child  
4 sex tourists in some of the most significant destina-  
5 tion countries for child sex tourism.

6 (9) According to the National Center for Miss-  
7 ing and Exploited Children (NCMEC), most victims  
8 of sex offenders are minors.

9 (10) Media reports indicate that known sex of-  
10 fenders who have committed crimes against children  
11 are traveling internationally, and that the criminal  
12 background of such individuals may not be known to  
13 local law enforcement prior to their arrival. For ex-  
14 ample, in April 2008, a United States registered sex  
15 offender received a prison sentence for engaging in  
16 illicit sexual activity with a 15-year-old United  
17 States citizen girl in Ciudad Juarez, Chihuahua,  
18 Mexico in exchange for money and crack cocaine.

19 (11) United States Immigration and Customs  
20 Enforcement (ICE) has taken a leading role in the  
21 fight against the sexual exploitation of minors  
22 abroad, in cooperation with other United States  
23 agencies, law enforcement from other countries,  
24 INTERPOL, and nongovernmental organizations. In  
25 addition to discovering evidence of and investigating

1 child sex crimes, ICE has provided training to for-  
2 eign law enforcement and NGOs, as appropriate, for  
3 the prevention, detection, and investigation of cases  
4 of child sexual exploitation.

5 (12) Between 2003 and 2009, ICE obtained 73  
6 convictions of individuals from the United States  
7 charged with committing sexual crimes against mi-  
8 nors in other countries.

9 (13) While necessary to protect children and  
10 rescue victims, the detection and investigation of  
11 child sex predators overseas is costly. Such an un-  
12 dercover operation can cost approximately \$250,000.  
13 A system that would aid in the prevention of such  
14 crimes is needed to safeguard vulnerable populations  
15 and to reduce the cost burden of addressing crimes  
16 after they are committed.

17 (14) Sex offenders are also attempting to enter  
18 the United States. In April 2008, a lifetime reg-  
19 istered sex offender from the United Kingdom at-  
20 tempted to enter the United States with the inten-  
21 tion of living with a woman who he had met on the  
22 Internet and her young daughters. Interpol London  
23 notified Interpol United States National Central Bu-  
24 reau (USNCB) about the sex offender's status.  
25 Interpol USNCB notified the United States Customs

1 and Border Protection officers, who refused to allow  
2 the sex offender to enter the country.

3 (15) Foreign governments need to be encour-  
4 aged to notify the United States as well as other  
5 countries when a known sex offender is entering our  
6 borders. For example, Canada has a national sex of-  
7 fender registry, but Canadian officials do not notify  
8 United States law enforcement when a known sex of-  
9 fender is entering the United States unless the sex  
10 offender is under investigation.

11 (16) Child sex tourists may travel overseas to  
12 commit sexual offenses against minors for the fol-  
13 lowing reasons: perceived anonymity; law enforce-  
14 ment in certain countries is perceived as scarce, cor-  
15 rupt, or unsophisticated; perceived immunity from  
16 retaliation because the child sex tourist is a United  
17 States citizen; the child sex tourist has the financial  
18 ability to impress and influence the local population;  
19 the child sex tourist can “disappear” after a brief  
20 stay; the child sex tourist can target children meet-  
21 ing their desired preference; and, there is no need to  
22 expend time and effort “grooming” the victim.

23 (17) Individuals who have been arrested in and  
24 deported from a foreign country for sexually exploit-  
25 ing children have used long-term passports to evade

1 return to their country of citizenship where they  
2 faced possible charges and instead have moved to a  
3 third country where they have continued to exploit  
4 and abuse children.

5 (18) In order to protect children, it is essential  
6 that United States law enforcement be able to iden-  
7 tify high risk child sex offenders in the United  
8 States who are traveling abroad and child sex of-  
9 fenders from other countries entering the United  
10 States. Such identification requires cooperative ef-  
11 forts between the United States and foreign govern-  
12 ments. In exchange for providing notice of sex of-  
13 fenders traveling to the United States, foreign au-  
14 thorities will expect United States authorities to pro-  
15 vide reciprocal notice of sex offenders traveling to  
16 their countries.

17 (19) ICE and other Federal law enforcement  
18 agencies currently are sharing information about sex  
19 offenders traveling internationally with law enforce-  
20 ment entities in some other countries on an ad hoc  
21 basis through INTERPOL and other means. The  
22 technology to detect and notify foreign governments  
23 about travel by child sex offenders is available, but  
24 a legal structure and additional resources are needed

1 to systematize and coordinate these detection and  
2 notice efforts.

3 (20) Officials from the United Kingdom, Aus-  
4 tralia, Spain, and other countries have expressed in-  
5 terest in working with the United States Govern-  
6 ment for increased international cooperation to pro-  
7 tect children from sexual exploitation, and are call-  
8 ing for formal arrangements to ensure that the risk  
9 posed by traveling sex offenders is combated most  
10 effectively.

11 (21) The United States, with its international  
12 law enforcement relations, technological and commu-  
13 nications capability, and established sex offender  
14 registry system, should now take the opportunity to  
15 lead the global community in the effort to save thou-  
16 sands of potential child victims by notifying other  
17 countries of travel by sex offenders who pose a high  
18 risk of exploiting children, maintaining information  
19 about sex offenders from the United States who re-  
20 side overseas, and strongly encouraging other coun-  
21 tries to undertake the same measures to protect chil-  
22 dren around the world.

23 (b) DECLARATION OF PURPOSES.—The purpose of  
24 this Act and the amendments made by this Act is to pro-  
25 tect children from sexual exploitation by preventing or

1 monitoring the international travel of sex traffickers and  
2 other sex offenders who pose a risk of committing a sex  
3 offense against a minor while traveling by—

4           (1) establishing a system in the United States  
5 to notify the appropriate officials of other countries  
6 when a sex offender who is identified as a high in-  
7 terest registered sex offender intends to travel to  
8 their country;

9           (2) strongly encouraging and assisting foreign  
10 governments to establish a sex offender travel notifi-  
11 cation system and to inform United States authori-  
12 ties when a sex offender intends to travel or has de-  
13 parted on travel to the United States;

14           (3) establishing and maintaining non-public sex  
15 offender registries in United States diplomatic and  
16 consular missions in order to maintain critical data  
17 on United States citizen and lawful permanent resi-  
18 dent sex offenders who are residing abroad;

19           (4) providing the Secretary of State with the  
20 discretion to revoke the passport or passport card of  
21 an individual who has been convicted overseas for a  
22 sex offense against a minor, or limit the period of  
23 validity of a passport issued to an individual des-  
24 ignated as a high interest registered sex offender;

1           (5) including whether a country is investigating  
2           and prosecuting its nationals suspected of engaging  
3           in severe forms of trafficking in persons abroad in  
4           the minimum standards for the elimination of  
5           human trafficking under section 108 of the Traf-  
6           ficking Victims Protection Act of 2000 (22 U.S.C.  
7           7101 et seq.);

8           (6) mandating a report from the Secretary of  
9           State, in consultation with the Attorney General,  
10          about the status of international notifications be-  
11          tween governments about child sex offender travel;  
12          and

13          (7) providing assistance to foreign countries  
14          under section 134 of the Foreign Assistance Act of  
15          1961 (22 U.S.C. 2152d) to establish systems to  
16          identify sex offenders and provide and receive notifi-  
17          cation of child sex offender international travel.

18 **SEC. 3. DEFINITIONS.**

19          In this Act:

20               (1) APPROPRIATE CONGRESSIONAL COMMIT-  
21               TEES.—Except as otherwise provided, the term “ap-  
22               propriate congressional committees” means—

23                       (A) the Committee on Foreign Affairs and  
24                       the Committee on the Judiciary of the House of  
25                       Representatives; and

1 (B) the Committee on Foreign Relations  
2 and the Committee on the Judiciary of the Sen-  
3 ate.

4 (2) CENTER.—The term “Center” means the  
5 International Sex Offender Travel Center established  
6 pursuant to section 6(a).

7 (3) CONVICTED AS EXCLUDING CERTAIN JUVE-  
8 NILE ADJUDICATIONS.—The term “convicted” or a  
9 variant thereof, used with respect to a sex offense of  
10 a minor, does not include—

11 (A) adjudicated delinquent as a juvenile  
12 for that offense; or

13 (B) convicted as an adult for that offense,  
14 unless the offense took place after the offender  
15 had attained the age of 14 years and the con-  
16 duct upon which the conviction took place was  
17 comparable to or more severe than aggravated  
18 sexual abuse (as described in section 2241 of  
19 title 18, United States Code), or was an at-  
20 tempt or conspiracy to commit such an offense.

21 (4) HIGH INTEREST REGISTERED SEX OF-  
22 FENDER.—The term “high interest registered sex of-  
23 fender” means a sex offender as defined under para-  
24 graph (8) who the Center, pursuant to section 7 and  
25 based on the totality of the circumstances, has a

1 reasonable belief presents a high risk of committing  
2 a sex offense against a minor in a country to which  
3 the sex offender intends to travel.

4 (5) JURISDICTION.—The term “jurisdiction”  
5 means any of the following:

6 (A) A State.

7 (B) The District of Columbia.

8 (C) The Commonwealth of Puerto Rico.

9 (D) Guam.

10 (E) American Samoa.

11 (F) The Northern Mariana Islands.

12 (G) The United States Virgin Islands.

13 (H) A federally recognized Indian tribe  
14 that maintains a sex offender registry, or an-  
15 other jurisdiction to which an Indian tribe has  
16 delegated the function of maintaining a sex of-  
17 fender registry on its behalf.

18 (I) A United States diplomatic or consular  
19 mission that maintains a sex offender registry  
20 pursuant to section 5 of this Act.

21 (6) MINOR.—The term “minor” means an indi-  
22 vidual who has not attained the age of 18 years.

23 (7) PASSPORT CARD.—The term “passport  
24 card” means a document issued by the Department  
25 of State pursuant to section 7209 of the Intelligence

1 Reform and Terrorism Prevention Act of 2004  
2 (Public Law 108–458; 8 U.S.C. 1185 note).

3 (8) SEX OFFENDER.—Except as provided in  
4 sections 12 and 13, the term “sex offender” means  
5 a United States citizen or lawful permanent resident  
6 who is convicted of a sex offense as defined in this  
7 Act, including a conviction by a foreign court, and  
8 who, independently of this Act, is legally required to  
9 register in the United States with a jurisdiction, or  
10 who is legally required to register outside the United  
11 States with a jurisdiction in accordance with section  
12 5.

13 (9) SEX OFFENSE.—

14 (A) IN GENERAL.—The term “sex offense”  
15 means a criminal offense against a minor, in-  
16 cluding any Federal offense, that is punishable  
17 by statute by more than one year of imprison-  
18 ment and involves any of the following:

19 (i) Solicitation to engage in sexual  
20 conduct.

21 (ii) Use in a sexual performance.

22 (iii) Solicitation to practice prostitu-  
23 tion (whether for financial or other forms  
24 of remuneration).

1 (iv) Video voyeurism as described in  
2 section 1801 of title 18, United States  
3 Code.

4 (v) Possession, production, or dis-  
5 tribution of child pornography.

6 (vi) Criminal sexual conduct involving  
7 a minor, or the use of the Internet to fa-  
8 cilitate or attempt such conduct.

9 (vii) Conduct that would violate sec-  
10 tion 1591 (relating to sex trafficking of  
11 children or by force, fraud, or coercion) of  
12 title 18, United States Code, if the conduct  
13 had involved interstate or foreign com-  
14 merce and where the person recruited, en-  
15 ticed, harbored, transported, provided, or  
16 obtained had not attained the age of 18  
17 years at the time of the conduct.

18 (viii) Any other conduct that by its  
19 nature is a sex offense against a minor.

20 (B) EXCEPTIONS.—The term “sex of-  
21 fense” does not include—

22 (i) a foreign conviction, unless the  
23 conviction was obtained with sufficient  
24 safeguards for fundamental fairness and  
25 due process for the accused; or

1 (ii) an offense involving consensual  
2 sexual conduct if the victim was at least 13  
3 years old and the offender was not more  
4 than 4 years older than the victim.

5 (C) SPECIAL RULE FOR DETERMINING  
6 WHETHER SUFFICIENT SAFEGUARDS EXIST.—  
7 For the purposes of subparagraph (B)(i), com-  
8 pliance with the guidelines or regulations estab-  
9 lished under section 112 of the Sex Offender  
10 Registration and Notification Act (42 U.S.C.  
11 16911) creates a rebuttable presumption that  
12 the conviction was obtained with sufficient safe-  
13 guards for fundamental fairness and due proc-  
14 ess for the accused.

15 **SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIRE-**  
16 **MENT.**

17 (a) DUTY TO REPORT.—

18 (1) IN GENERAL.—A sex offender who is a  
19 United States citizen or alien lawfully admitted to  
20 the United States for permanent residence shall no-  
21 tify a jurisdiction where he or she is registered as  
22 a sex offender of his or her intention to travel either  
23 from the United States to another country or from  
24 another country to the United States, subject to sub-  
25 section (f) and in accordance with the rules issued

1 under subsection (b). The sex offender shall provide  
2 notice—

3 (A) not later than 30 days before depart-  
4 ture from or arrival in the United States; or

5 (B) in individual cases in which the Center  
6 determines that a personal or humanitarian  
7 emergency, business exigency, or other situation  
8 renders the deadline in subparagraph (A) to be  
9 impracticable or inappropriate, as early as pos-  
10 sible.

11 (2) TRANSMISSION OF NOTICE FROM THE JU-  
12 RISDICTION TO THE CENTER.—A jurisdiction so no-  
13 tified pursuant to paragraph (1) shall transmit such  
14 notice to the Center within 24 hours or the next  
15 business day, whichever is later, of receiving such  
16 notice.

17 (3) PERIOD OF REPORTING REQUIREMENT.—  
18 The duty of the sex offender to report required  
19 under paragraph (1) shall take effect on the date  
20 that is 425 days after the date of the enactment of  
21 this Act or after a sex offender has been duly noti-  
22 fied of the duty to report pursuant to subsection (d),  
23 whichever is later, and terminate at such time as the  
24 sex offender is no longer required to register in any  
25 jurisdiction for a sex offense.

1           (4) NOTICE TO JURISDICTIONS.—Not later than  
2           395 days after the date of the enactment of this Act,  
3           the Center shall provide notice to all jurisdictions of  
4           the requirement to receive notifications regarding  
5           travel from sex offenders and the means for inform-  
6           ing the Center about such travel notifications pursu-  
7           ant to paragraph (1).

8           (b) RULES FOR REPORTING.—Not later than one  
9           year after the date of the enactment of this Act, the Sec-  
10          retary of Homeland Security, in coordination with the At-  
11          torney General and the Secretary of State, shall issue  
12          rules to carry out subsection (a) in accordance with the  
13          purposes of this Act. Such rules—

14                 (1) shall establish procedures for reporting by  
15                 the sex offender under subsection (a), including the  
16                 method of payment and transmission of any fee to  
17                 United States Immigration and Customs Enforce-  
18                 ment (ICE) pursuant to subsection (c);

19                 (2) shall set forth the information required to  
20                 be reported by the sex offender, including—

21                         (A) complete name(s);

22                         (B) address of residence and home and cel-  
23                         lular numbers;

24                         (C) all e-mail addresses;

25                         (D) date of birth;

1 (E) social security number;

2 (F) citizenship;

3 (G) passport or passport card number,  
4 date and place of issuance, and date of expira-  
5 tion;

6 (H) alien registration number, where appli-  
7 cable;

8 (I) information as to the nature of the sex  
9 offense conviction;

10 (J) jurisdiction of conviction;

11 (K) travel itinerary, including the antici-  
12 pated length of stay at each destination, and  
13 purpose of the trip;

14 (L) if a plane ticket or other means of  
15 transportation has been purchased, prior to the  
16 submission of this information, the date of such  
17 purchase;

18 (M) whether the sex offender is traveling  
19 alone or as part of a group; and

20 (N) contact information prior to departure  
21 and during travel; and

22 (3) in consultation with the jurisdictions, shall  
23 provide appropriate transitional provisions in order  
24 to make the phase-in of the requirements of this Act  
25 practicable.

1 (c) FEE CHARGE.—ICE is authorized to charge a sex  
2 offender a fee for the processing of a notice of intent to  
3 travel submitted pursuant to subsection (a)(1). Such fee—

4 (1) shall initially not exceed the amount of \$25;

5 (2) may be increased thereafter not earlier than  
6 30 days after consultation with the appropriate con-  
7 gressional committees;

8 (3) shall be collected by the jurisdiction at the  
9 time that the sex offender provides the notice of in-  
10 tent to travel;

11 (4) shall be waived if the sex offender dem-  
12 onstrates to the satisfaction of ICE, pursuant to a  
13 fee waiver process established by ICE, that the pay-  
14 ment of such fee would impose an undue financial  
15 hardship on the sex offender;

16 (5) shall be used only for the activities specified  
17 in sections 4, 6, and 7; and

18 (6) shall be shared equitably with the jurisdic-  
19 tion that processes the notice of intent to travel.

20 (d) CRIMINAL PENALTY FOR FAILURE TO REGISTER  
21 OR REPORT.—

22 (1) NEW OFFENSE.—Section 2250 of title 18,  
23 United States Code, is amended by adding at the  
24 end the following:

1       “(d) Whoever knowingly fails to register with United  
2 States officials in a foreign country or to report his or  
3 her travel to or from a foreign country, as required by  
4 the International Megan’s Law of 2010, after being duly  
5 notified of the requirements shall be fined under this title  
6 or imprisoned not more than 10 years, or both.”.

7           (2) AMENDMENT TO HEADING OF SECTION.—  
8       The heading for section 2250 of title 18, United  
9 States Code, is amended by inserting “**or report**  
10 **international travel**” after “**register**”.

11           (3) CONFORMING AMENDMENT TO AFFIRMA-  
12 TIVE DEFENSE.—Section 2250(b) of title 18, United  
13 States Code, is amended by inserting “or (d)” after  
14 “(a)”.

15           (4) CONFORMING AMENDMENT TO FEDERAL  
16 PENALTIES FOR VIOLENT CRIMES.—Section 2250(c)  
17 of title 18, United States Code, is amended by in-  
18 serting “or (d)” after “(a)” each place it appears.

19           (5) CLERICAL AMENDMENT.—The item relating  
20 to section 2250 in the table of sections at the begin-  
21 ning of chapter 109B of title 18, United States  
22 Code, is amended by inserting “or report inter-  
23 national travel” after “register”.

1 (e) DUTY TO NOTIFY SEX OFFENDERS OF REPORT-  
2 ING AND INTERNATIONAL REGISTRATION REQUIRE-  
3 MENT.—

4 (1) IN GENERAL.—When an official is required  
5 under the law of a jurisdiction or under the rules es-  
6 tablished pursuant to subsection (b) to notify a sex  
7 offender (as defined in section 3(8)) of a duty to  
8 register as a sex offender under the law of such ju-  
9 risdiction, the official shall also, at the same time—

10 (A) notify the offender of such offender’s  
11 duties to report international travel under this  
12 section and to register as a sex offender under  
13 section 5, and the procedure for fulfilling such  
14 duties; and

15 (B) require such offender to read and sign  
16 a form stating that such duties to report and  
17 register, and the procedure for fulfilling such  
18 duties, have been explained and that such of-  
19 fender understands such duties and such proce-  
20 dure.

21 (2) SEX OFFENDERS CONVICTED IN FOREIGN  
22 COUNTRIES.—When a United States citizen or law-  
23 ful permanent resident is convicted in a foreign  
24 country of a sex offense and the United States diplo-  
25 matic or consular mission in such country is in-

1 formed of such conviction and is informed of, or is  
2 otherwise aware of, the location of the sex offender,  
3 such diplomatic or consular mission shall—

4 (A) notify such sex offender of such of-  
5 fender's duties to report travel to the United  
6 States and to register as a sex offender under  
7 this Act and the procedure for fulfilling such  
8 duties; and

9 (B) obtain from such offender a signed  
10 form stating that such duties to report and reg-  
11 ister, and the procedure for fulfilling such du-  
12 ties, have been explained and that such offender  
13 understands such duties and such procedure.

14 (3) REQUIREMENTS RELATING TO FORM.—The  
15 form required by paragraphs (1)(B) and (2)(B) shall  
16 be maintained by the entity that maintains the sex  
17 offender registry in the jurisdiction in which the sex  
18 offender was convicted.

19 (f) PROCEDURES WITH RESPECT TO SEX OFFEND-  
20 ERS WHO REGULARLY TRANSIT ACROSS THE UNITED  
21 STATES BORDERS.—

22 (1) IN GENERAL.—Not later than one year  
23 after the date of the enactment of this Act, the Sec-  
24 retary of Homeland Security shall establish a system  
25 for identifying and monitoring, as appropriate and

1 in accordance with the purposes of this Act, sex of-  
2 fenders who, for legitimate business, personal, or  
3 other reasons regularly transit across the border be-  
4 tween the United States and Mexico or the border  
5 between the United States and Canada.

6 (2) REPORT.—Not later than the date of the  
7 establishment of the border system pursuant to  
8 paragraph (1), the Secretary of Homeland Security  
9 shall transmit to the appropriate congressional com-  
10 mittees a report on the implementation of such sys-  
11 tem.

12 **SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX**  
13 **OFFENDERS.**

14 (a) FOREIGN REGISTRATION REQUIREMENT.—

15 (1) IN GENERAL.—Not later than 395 days  
16 after the date of the enactment of this Act, a des-  
17 ignated United States diplomatic or consular mission  
18 in each foreign country shall establish and maintain  
19 a countrywide nonpublic sex offender registry for sex  
20 offenders (as defined in section 3(8)) who are  
21 United States citizens or aliens lawfully admitted to  
22 the United States for permanent residence who re-  
23 main in such country for the time period specified  
24 in subsection (b). Such registry shall include the in-  
25 formation specified in subsection (d).

1           (2) REGIONAL REGISTRIES.—If there are fewer  
2 than ten sex offenders residing in a country, the  
3 Secretary of State, in the Secretary’s sole discretion,  
4 may designate a United States diplomatic or con-  
5 sular mission in the same region as such country to  
6 maintain the sex offender registry for sex offenders  
7 in such country.

8           (b) INTERNATIONAL REGISTRY REQUIREMENT FOR  
9 SEX OFFENDERS.—

10           (1) IN GENERAL.—A sex offender who is a  
11 United States citizen or alien lawfully admitted to  
12 the United States for permanent residence—

13                   (A) who remains in a foreign country for  
14 more than 30 consecutive days; or

15                   (B) who remains in a foreign country for  
16 more than 30 days within a six-month period,  
17 shall register, and keep such registration current, at  
18 the designated United States diplomatic or consular  
19 mission for such country.

20           (2) PERIOD OF REGISTRATION REQUIRE-  
21 MENT.—The registration requirement specified in  
22 paragraph (1) shall—

23                   (A) begin when the sex offender registry  
24 has been established at the designated diplo-  
25 matic or consular mission in the country in

1 which a sex offender is staying and such sex of-  
2 fender has received notice of the requirement to  
3 register pursuant to this section; and

4 (B) end on the sooner of—

5 (i) such time as the sex offender de-  
6 parts such country and has provided notice  
7 of all changes of information in the sex of-  
8 fender registry as required under para-  
9 graph (3);

10 (ii) in the case of a conviction in the  
11 United States, such time has elapsed as  
12 the sex offender would have otherwise been  
13 required to register in the jurisdiction of  
14 conviction for the applicable sex offense; or

15 (iii) in the case of a foreign convic-  
16 tion, such time as the sex offender would  
17 have otherwise been required to register  
18 under section 115 of the Sex Offender  
19 Registration and Notification Act (42  
20 U.S.C. 16915) for the applicable sex of-  
21 fense.

22 (3) KEEPING THE REGISTRATION CURRENT.—

23 Subject to the period of registration requirement  
24 under paragraph (2), not later than five business  
25 days after each change of name, residence, or em-

1       ployment or student status, or any change in any of  
2       the other information specified in subsection (d)(1),  
3       a sex offender residing in a foreign country shall no-  
4       tify a United States diplomatic or consular mission  
5       in such country for the purpose of providing infor-  
6       mation relating to such change for inclusion in the  
7       sex offender registry maintained by the designated  
8       diplomatic or consular mission in such country  
9       under subsection (a). If the diplomatic or consular  
10      mission is not the mission that maintains the reg-  
11      istry for that country, the mission shall forward the  
12      changed information to the appropriate diplomatic  
13      or consular mission.

14               (4) REGISTRATION AND NOTIFICATION PROCE-  
15      DURE.—Not later than one year after the date of  
16      the enactment of this Act, the Secretary of State, in  
17      consultation with the Attorney General and the Sec-  
18      retary of Homeland Security, shall issue regulations  
19      for the establishment and maintenance of the reg-  
20      istries described in subsection (a), including—

21                   (A) the manner in which sex offenders who  
22                   are convicted in a foreign country of a sex of-  
23                   fense, whose conviction and location in the for-  
24                   eign country are known by the United States  
25                   Government, and who are required to register

1           pursuant to United States law, including this  
2           Act, will be notified of such requirement;

3           (B) the manner for registering and chang-  
4           ing information as specified in paragraphs (1)  
5           and (3);

6           (C) the manner for disclosing information  
7           to eligible entities as specified in subsection  
8           (h)(2); and

9           (D) a mechanism by which individuals list-  
10          ed on the sex offender registry can notify the  
11          diplomatic or consular mission of any errors  
12          with respect to such listing and by which the  
13          Department of State shall correct such errors.

14          (c) CROSS REFERENCE FOR CRIMINAL PENALTIES  
15          FOR NONREGISTRATION.—Criminal penalties for nonreg-  
16          istration are provided in section 2250(d) of title 18,  
17          United States Code, which was added by section 4(d)(1)  
18          of this Act.

19          (d) INFORMATION REQUIRED IN REGISTRATION.—

20                  (1) PROVIDED BY THE SEX OFFENDER.—A sex  
21          offender described in subsection (b) shall provide the  
22          following information:

23                          (A) Complete name (including any alias),  
24                  date of birth, and current photograph.

1 (B) Passport or passport card number,  
2 date and place of issuance, date of expiration,  
3 and visa type and number, if applicable.

4 (C) Alien registration number, where appli-  
5 cable.

6 (D) Social Security number of the sex of-  
7 fender.

8 (E) Address of each residence at which the  
9 sex offender resides or will reside in that coun-  
10 try, the address of any residence maintained in  
11 the United States, and home and cellular phone  
12 numbers.

13 (F) Purpose for the sex offender's resi-  
14 dence in the country.

15 (G) Name and address of any place where  
16 the sex offender is an employee or will be or has  
17 applied to be an employee and will have regular  
18 contact with minors.

19 (H) Name and address of any place where  
20 the sex offender is a student or will be or has  
21 applied to be a student and will have regular  
22 contact with minors.

23 (I) All e-mail addresses.

24 (J) Most recent address in the United  
25 States and State of legal residence.

1           (K) The jurisdiction in which the sex of-  
2 fender was convicted and the jurisdiction or ju-  
3 risdictions in which the sex offender was most  
4 recently legally required to register.

5           (L) The license plate number and a de-  
6 scription of any vehicle owned or operated by  
7 the sex offender in the country in which the sex  
8 offender is staying.

9           (M) The date or approximate date when  
10 the sex offender plans to leave the country.

11           (N) Any other information required by the  
12 Secretary of State.

13           (2) PROVIDED BY THE ATTORNEY GENERAL  
14 AND THE JURISDICTION OF CONVICTION.—

15           (A) IN GENERAL.—The United States dip-  
16 lomatic or consular mission shall notify the At-  
17 torney General that a sex offender is registering  
18 with such mission pursuant to subsection (b).  
19 Upon receipt of such notice, the Attorney Gen-  
20 eral shall obtain the information specified in  
21 subparagraph (C) and transmit it to the mis-  
22 sion within 15 business days.

23           (B) INFORMATION PROVIDED BY THE JU-  
24 RISDICTION OF CONVICTION.—If the only avail-  
25 able source for any of the information specified

1 in subparagraph (C) is the jurisdiction in which  
2 the conviction of the sex offender occurred, the  
3 Attorney General shall request such information  
4 from the jurisdiction of conviction. The jurisdic-  
5 tion shall provide the information to the Attor-  
6 ney General within 15 business days of receipt  
7 of the request.

8 (C) INFORMATION.—The information spec-  
9 ified in this subparagraph is the following:

10 (i) The sex offense history of the sex  
11 offender, including—

12 (I) the text of the provision of  
13 law defining the sex offense;

14 (II) the dates of all arrests and  
15 convictions related to sex offenses;  
16 and

17 (III) the status of parole, proba-  
18 tion, or supervised release.

19 (ii) The most recent available photo-  
20 graph of the sex offender.

21 (iii) The time period for which the sex  
22 offender is required to register pursuant to  
23 the law of the jurisdiction of conviction.

24 (3) PROVIDED BY THE DIPLOMATIC OR CON-  
25 SULAR MISSION.—The United States diplomatic or

1 consular mission at which a sex offender registers  
2 shall collect and include the following information in  
3 the registry maintained by such mission:

4 (A) Information provided by the sex of-  
5 fender and Attorney General pursuant to para-  
6 graphs (1) and (2).

7 (B) A physical description of the sex of-  
8 fender.

9 (C) Any other information required by the  
10 Secretary of State.

11 (e) PERIODIC IN PERSON VERIFICATION.—Not less  
12 often than every six months, a sex offender who is reg-  
13 istered under subsection (b) shall appear in person at a  
14 United States diplomatic or consular mission in the coun-  
15 try where the sex offender is staying to verify the informa-  
16 tion in the sex offender registry maintained by the des-  
17 igned diplomatic or consular mission for such country  
18 under subsection (a) to allow such mission to take a cur-  
19 rent photograph of the sex offender if the photograph on  
20 file no longer accurately depicts the sex offender. If such  
21 diplomatic or consular mission is not the mission that  
22 maintains the registry for such country, such mission shall  
23 forward to the appropriate mission any new or changed  
24 information and any new photograph.

1           (f) TRANSMISSION OF REGISTRY INFORMATION TO  
2 THE ATTORNEY GENERAL.—For the purposes of updating  
3 the National Sex Offender Registry and keeping domestic  
4 law enforcement informed as to the status of a sex of-  
5 fender required to register under this section, when a  
6 United States diplomatic or consular mission receives new  
7 or changed information about a sex offender pursuant to  
8 paragraphs (1) and (3) of subsection (b) for the sex of-  
9 fender registry maintained by such mission under sub-  
10 section (a), such mission shall, not later than 24 hours  
11 or the next business day, whichever is later, after receipt  
12 of such new or changed information, transmit to the At-  
13 torney General such new or changed information. Not  
14 later than 24 hours or the next business day, whichever  
15 is later, after the receipt of such new or changed informa-  
16 tion, the Attorney General shall transmit such new or  
17 changed information to the State of legal residence or the  
18 State of last known address, as appropriate, of such sex  
19 offender.

20           (g) ACCESS TO REGISTRY INFORMATION BY UNITED  
21 STATES LAW ENFORCEMENT.—Federal, State, local, trib-  
22 al, and territorial law enforcement shall be afforded access  
23 for official purposes to all information on a sex offender  
24 registry maintained by a United States diplomatic or con-  
25 sular mission pursuant to subsection (a).

1 (h) OTHER ACCESS TO REGISTRY INFORMATION.—

2 (1) IN GENERAL.—Information on a registry es-  
3 tablished pursuant to subsection (a) shall not be  
4 made available to the general public except as pro-  
5 vided in paragraph (2).

6 (2) EXCEPTION FOR ELIGIBLE ENTITIES.—

7 (A) IN GENERAL.—An eligible entity de-  
8 scribed in subparagraph (B) may request cer-  
9 tain information on the sex offender registry  
10 maintained by the United States diplomatic or  
11 consular mission for the country where the eli-  
12 gible entity is located, in accordance with this  
13 paragraph.

14 (B) ELIGIBLE ENTITIES DESCRIBED.—An  
15 eligible entity referred to in subparagraph (A)  
16 is—

17 (i) an entity that provides direct serv-  
18 ices to minors;

19 (ii) an official law enforcement entity;

20 or

21 (iii) an investigative entity that is af-  
22 filiated with an official law enforcement  
23 entity for the purpose of investigating a  
24 possible sex offense.

1 (C) INFORMATION REQUEST PROCESS.—

2 An eligible entity may request information on  
3 the sex offender registry from the United States  
4 Government official designated for this purpose  
5 by the head of the diplomatic or consular mis-  
6 sion in which the sex offender registry is main-  
7 tained. The official, in consultation with the  
8 head of such diplomatic or consular mission,  
9 shall have the sole discretion whether and to  
10 what extent to provide information about a par-  
11 ticular registered sex offender on the sex of-  
12 fender registry as designated in subparagraph  
13 (D). Before providing an eligible entity with  
14 such information, the official shall first obtain  
15 from the eligible entity a written certification  
16 that—

17 (i) the eligible entity shall provide ac-  
18 cess to the information only to the persons  
19 as designated in the certificate who require  
20 access to such information for the purpose  
21 for which the information is provided;

22 (ii) the information shall be main-  
23 tained and used by the eligible entity in a  
24 confidential manner for employment or vol-

1           unteer screening or law enforcement pur-  
2           poses only, as applicable;

3           (iii) the information may not other-  
4           wise be disclosed to the public either by the  
5           eligible entity or by the employees of the  
6           eligible entity who are provided access; and

7           (iv) the eligible entity shall destroy  
8           the information or extract it from any doc-  
9           umentation in which it is contained as soon  
10          as the information is no longer needed for  
11          the use for which it was obtained.

12          (D) INFORMATION TO BE DISCLOSED.—

13          (i) TO SERVICE PROVIDERS.—An eli-  
14          gible entity described in paragraph (2)(B)  
15          may request necessary and appropriate in-  
16          formation on the registry with respect to  
17          an individual who is listed on the registry  
18          and is applying for or holds a position  
19          within the entity that involves contact with  
20          children.

21          (ii) TO LAW ENFORCEMENT AND IN-  
22          VESTIGATIVE ENTITIES.—An eligible entity  
23          described in paragraph (2)(B) may request  
24          necessary and appropriate information on  
25          the registry that may assist in the inves-

1           tigation of an alleged sex offense against a  
2           minor.

3           (E) FEE CHARGE.—The diplomatic or con-  
4           sular mission that maintains a sex offender reg-  
5           istry from which an eligible entity seeks infor-  
6           mation may charge such eligible entity a rea-  
7           sonable fee for providing information pursuant  
8           to this subsection.

9           (F) NOTIFICATION OF POSSIBLE ACCESS  
10          TO INFORMATION.—The diplomatic or consular  
11          mission that maintains a sex offender registry  
12          should make a reasonable effort to notify law  
13          enforcement entities and other entities that pro-  
14          vide services to children, particularly schools  
15          that hire foreign teachers, within the country in  
16          which the mission is located, or within the  
17          countries where sex offenders on the mission’s  
18          registry are staying, as applicable, of the possi-  
19          bility of limited access to registry information  
20          and the process for requesting such information  
21          as provided in this subsection.

22          (G) DENIAL OF ACCESS TO INFORMA-  
23          TION.—An eligible entity that fails to comply  
24          with the certificate provisions specified in sub-  
25          paragraph (C) may be denied all future access

1 to information on a sex offender registry at the  
2 discretion of the designated official.

3 (i) ACTIONS TO BE TAKEN IF A SEX OFFENDER  
4 FAILS TO COMPLY.—When a United States diplomatic or  
5 consular mission determines that a sex offender has failed  
6 to comply with the requirements of this section, such mis-  
7 sion shall notify the Attorney General and revise the sex  
8 offender registry maintained by such mission under sub-  
9 section (a) to reflect the nature of such failure.

10 (j) FEDERAL ASSISTANCE REGARDING VIOLATIONS  
11 OF REGISTRATION REQUIREMENTS.—The first sentence  
12 of subsection (a) of section 142 of the Sex Offender Reg-  
13 istration and Notification Act (Public Law 109–248; 42  
14 U.S.C. 16941) is amended by inserting before the period  
15 at the end the following: “, including under the Inter-  
16 national Megan’s Law of 2010”.

17 **SEC. 6. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.**

18 (a) ESTABLISHMENT.—Not later than 90 days after  
19 the date of the enactment of this Act, the President shall  
20 establish the International Sex Offender Travel Center to  
21 carry out the activities specified in subsection (d).

22 (b) PARTICIPANTS.—The Center shall include rep-  
23 resentatives from the following departments and agencies:

24 (1) The Department of Homeland Security, in-  
25 cluding United States Immigration and Customs

1 Enforcement, United States Customs and Border  
2 Protection, and the Coast Guard.

3 (2) The Department of State, including the Of-  
4 fice to Monitor and Combat Trafficking in Persons,  
5 the Bureau of Consular Affairs, the Bureau of Inter-  
6 national Narcotics and Law Enforcement Affairs,  
7 and the Bureau of Diplomatic Security.

8 (3) The Department of Justice, including the  
9 Interpol-United States National Central Bureau, the  
10 Federal Bureau of Investigation, the Office of Sex  
11 Offender Sentencing, Monitoring, Apprehending,  
12 Registering and Tracking, the Criminal Division  
13 Child Exploitation and Obscenity Section, and the  
14 United States Marshals Service's National Sex Of-  
15 fender Targeting Center.

16 (4) Such other officials as may be determined  
17 by the President.

18 (c) LEADERSHIP.—The Center shall be headed by the  
19 Assistant Secretary of Homeland Security for United  
20 States Immigration and Customs Enforcement.

21 (d) ACTIVITIES.—The Center shall carry out the fol-  
22 lowing activities:

23 (1) Prior to the implementation of the sex of-  
24 fender travel reporting requirement under section 4,  
25 cooperate with each jurisdiction to implement the

1 means for transmitting travel reports from that ju-  
2 risdiction to the Center.

3 (2) Prior to the implementation of the sex of-  
4 fender travel reporting system under section 4, offer  
5 to provide training to officials within each jurisdic-  
6 tion who will be responsible for implementing any  
7 aspect of such system.

8 (3) Establish a means to receive, assess, and re-  
9 spond to an inquiry from a sex offender as to wheth-  
10 er he or she is required to report international travel  
11 pursuant to this Act.

12 (4) Conduct assessments of sex offender travel  
13 pursuant to section 7.

14 (5) Establish a panel to review and respond  
15 within seven days to appeals from sex offenders who  
16 are determined to be high interest registered sex of-  
17 fenders. The panel shall consist of individuals who  
18 are not involved in the initial assessment of high in-  
19 terest registered sex offenders, and shall be from the  
20 following agencies:

21 (A) The Department of Justice.

22 (B) The Department of State.

23 (C) The Office for Civil Rights and Civil  
24 Liberties of the Department of Homeland Secu-  
25 rity.

1           (6) Transmit notice of impending or current  
2 international travel of high interest registered sex of-  
3 fenders to the Secretary of State, together with an  
4 advisory regarding whether or not the period of va-  
5 lidity of the passport of the high interest registered  
6 sex offender should be limited to one year or such  
7 period of time as the Secretary of State shall deter-  
8 mine appropriate.

9           (7) Establish a system to maintain and archive  
10 all relevant information related to the assessments  
11 conducted pursuant to paragraph (4) and the review  
12 of appeals conducted by the panel established pursu-  
13 ant to paragraph (5).

14           (8) Establish an annual review process to en-  
15 sure that the Center Sex Offender Travel Guidelines  
16 issued pursuant to section 7(a) are being consist-  
17 ently and appropriately implemented.

18           (9) Establish a means to identify sex offenders  
19 who have not reported travel as required under sec-  
20 tion 4 and who are initiating travel, currently trav-  
21 eling, or have traveled outside the United States.

22           (e) **ADDITIONAL ACTIVITY RELATED TO TRANS-**  
23 **MISSION OF NOTICE.**—The Center may, in its sole discre-  
24 tion, transmit notice of impending or current international  
25 travel of high interest registered sex offenders to the coun-

1 try or countries of destination of such sex offenders as  
2 follows:

3           (1) If a high interest registered sex offender  
4 submits an appeal to the panel established pursuant  
5 to subsection (d)(5), no notice may be transmitted  
6 to the destination country prior to the completion of  
7 the appeal review process, including transmission of  
8 the panel's decision to the sex offender.

9           (2) The notice may be transmitted through  
10 such means as determined appropriate by the Cen-  
11 ter, including through an ICE attaché, INTERPOL,  
12 or such other appropriate means as determined by  
13 the Center.

14           (3) If the Center has reason to believe that  
15 transmission of the notice poses a risk to the life or  
16 well-being of the high interest registered sex of-  
17 fender, the Center shall make every reasonable effort  
18 to issue a warning to the high interest registered sex  
19 offender of such risk in the travel report receipt con-  
20 firmation provided to the high interest registered sex  
21 offender pursuant to section 7(c)(2) prior to the  
22 transmission of such notice to the country or coun-  
23 tries.

24           (f) ATTORNEY GENERAL COMPLAINT REVIEW.—The  
25 Attorney General, in coordination with the Center, shall

1 establish a mechanism to receive complaints from sex of-  
2 fenders negatively affected by the high interest registered  
3 sex offender assessment process pursuant to subsection  
4 (d)(4), the high interest registered sex offender determina-  
5 tion review process pursuant to subsection (d)(5), or the  
6 travel report confirmation process pursuant to section  
7 7(c). A summary of these complaints shall be included in  
8 the annual report to Congress required under section  
9 14(c)(4).

10 (g) CONSULTATIONS.—The Center shall engage in  
11 ongoing consultations with—

12 (1) NCMEC, ECPAT–USA, Inc., World Vision,  
13 and other nongovernmental organizations that have  
14 experience and expertise in identifying and pre-  
15 venting child sex tourism and rescuing and rehabili-  
16 tating minor victims of international sexual exploi-  
17 tation;

18 (2) the governments of countries interested in  
19 cooperating in the creation of an international sex  
20 offender travel notification system or that are pri-  
21 mary destination or source countries for inter-  
22 national sex tourism; and

23 (3) Internet service and software providers re-  
24 garding available and potential technology to facili-  
25 tate the implementation of an international sex of-

1 fender travel notification system, both in the United  
2 States and in other countries.

3 (h) TECHNICAL ASSISTANCE.—The Secretary of  
4 Homeland Security and the Secretary of State may pro-  
5 vide technical assistance to foreign authorities in order to  
6 enable such authorities to participate more effectively in  
7 the notification program system established under this  
8 section.

9 **SEC. 7. CENTER SEX OFFENDER TRAVEL GUIDELINES.**

10 (a) ISSUANCE OF CENTER SEX OFFENDER TRAVEL  
11 GUIDELINES.—Not later than 180 days after the date of  
12 the enactment of this Act, the Center shall issue the Cen-  
13 ter Sex Offender Travel Guidelines for the assessment of  
14 sex offenders—

15 (1) who report international travel from the  
16 United States to another country pursuant to sec-  
17 tion 4(a), or

18 (2) whose travel is reported pursuant to sub-  
19 section (b),

20 for purposes of determining whether such sex offenders  
21 are considered high interest registered sex offenders by  
22 United States law enforcement.

23 (b) LAW ENFORCEMENT NOTIFICATION.—

24 (1) IN GENERAL.—Federal, State, local, tribal,  
25 or territorial law enforcement entities or officials

1 from within the United States who have reasonable  
2 grounds to believe that a sex offender is traveling  
3 outside the United States and may engage in a sex  
4 offense against a minor may notify the Center and  
5 provide as much information as practicable in ac-  
6 cordance with section 4(b)(2).

7 (2) NOTICE TO LAW ENFORCEMENT ENTI-  
8 TIES.—Not later than 425 days after the date of the  
9 enactment of this Act, the Center shall provide no-  
10 tice to all known, official law enforcement entities  
11 within the United States of the possibility of noti-  
12 fying the Center of anticipated international travel  
13 by a sex offender pursuant to paragraph (1).

14 (c) TRAVEL REPORT RECEIPT CONFIRMATION.—

15 (1) IN GENERAL.—Not later than seven days  
16 before the date of departure indicated in the sex of-  
17 fender travel report, the Center shall provide the sex  
18 offender with written confirmation of receipt of the  
19 travel report. The written communication shall in-  
20 clude the following information:

21 (A) The sex offender should have the writ-  
22 ten communication in his or her possession at  
23 the time of departure from or return to the  
24 United States.

1           (B) The written communication is suffi-  
2           cient proof of satisfactory compliance with the  
3           travel reporting requirement under this Act if  
4           travel is commenced and completed within seven  
5           days before or after the dates of travel indi-  
6           cated in the travel report.

7           (C) The procedure that the sex offender  
8           may follow to request a change, at the sole dis-  
9           cretion of the Center, of the time period covered  
10          by the written confirmation in the event of an  
11          emergency or other unforeseen circumstances  
12          that prevent the sex offender from traveling  
13          within seven days of the dates specified in the  
14          sex offender's travel report.

15          (D) The requirement to register with a  
16          United States diplomatic or consular mission if  
17          the sex offender remains in a foreign country  
18          for more than 30 consecutive days or for more  
19          than 30 days within a 6-month period pursuant  
20          to section 5.

21          (E) Any additional information that the  
22          Center, in its sole discretion, determines nec-  
23          essary or appropriate.

24          (2) DEPARTURE FROM THE UNITED STATES.—

1 (A) IN GENERAL.—If the sex offender is  
2 traveling from the United States, the written  
3 communication shall indicate, in addition to the  
4 information specified in paragraph (1), either—

5 (i) that the destination country or  
6 countries indicated in the travel report are  
7 not being notified of the sex offender’s  
8 travel; or

9 (ii)(I) that such country or countries  
10 are being notified that the sex offender is  
11 a high interest registered sex offender and  
12 intends to travel to such countries; and

13 (II) that a review of such notification  
14 is available by the panel established pursu-  
15 ant to section 6(d)(5), together with an ex-  
16 planation of the process for requesting  
17 such a review, including the means for sub-  
18 mitting additional information that may  
19 refute the Center’s determination that the  
20 sex offender is a high interest registered  
21 sex offender.

22 (B) CERTAIN RISK.—If the high interest  
23 registered sex offender is traveling from the  
24 United States and the Center has reason to be-  
25 lieve that the transmission of the notice poses

1 a risk to the life or well-being of the high inter-  
2 est registered sex offender, the Center shall  
3 warn, in the written communication provided to  
4 the high interest registered sex offender, of  
5 such risk if the high interest registered sex of-  
6 fender travels as intended.

7 (d) REPORT TO CONGRESS.—Upon the issuance of  
8 the Center Sex Offender Travel Guidelines under sub-  
9 section (a), the Center shall submit to the appropriate con-  
10 gressional committees a report containing the guidelines  
11 in a manner consistent with the protection of law enforce-  
12 ment-sensitive information.

13 **SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.**

14 (a) IN GENERAL.—The Secretary of State is author-  
15 ized to—

16 (1) revoke the passport or passport card of an  
17 individual who has been convicted by a court of com-  
18 petent jurisdiction in a foreign country of a sex of-  
19 fense; and

20 (2) limit to one year or such period of time as  
21 the Secretary of State shall determine appropriate  
22 the period of validity of a passport issued to an indi-  
23 vidual designated as a high interest registered sex  
24 offender.

1 (b) LIMITATION FOR RETURN TO UNITED STATES.—  
2 Notwithstanding subsection (a), in no case shall a United  
3 States citizen convicted by a court of competent jurisdic-  
4 tion in a foreign country of a sex offense be precluded  
5 from entering the United States due to a passport revoca-  
6 tion under such subsection.

7 (c) REAPPLICATION.—An individual whose passport  
8 or passport card was revoked pursuant to subsection  
9 (a)(1) may reapply for a passport or passport card at any  
10 time after such individual has returned to the United  
11 States.

12 **SEC. 9. IMMUNITY FOR GOOD FAITH CONDUCT.**

13 The Federal Government, jurisdictions, political sub-  
14 divisions of jurisdictions, and their agencies, officers, em-  
15 ployees, and agents shall be immune from liability for good  
16 faith conduct under this Act.

17 **SEC. 10. SENSE OF CONGRESS PROVISIONS.**

18 (a) BILATERAL AGREEMENTS.—It is the sense of  
19 Congress that the President should negotiate memoranda  
20 of understanding or other bilateral agreements with for-  
21 eign governments to further the purposes of this Act and  
22 the amendments made by this Act, including by—

23 (1) establishing systems to receive and transmit  
24 notices as required by section 4;

1           (2) requiring Internet service providers and  
2           other private companies located in foreign countries  
3           to report evidence of child exploitation; and

4           (3) establishing mechanisms for private compa-  
5           nies and nongovernmental organizations to report on  
6           a voluntary basis suspected child pornography or ex-  
7           ploitation to foreign governments, the nearest  
8           United States embassy in cases in which a possible  
9           United States citizen may be involved, or other ap-  
10          propriate entities.

11          (b) **MINIMUM AGE OF CONSENT.**—In order to better  
12          protect children and young adolescents from domestic and  
13          international sexual exploitation, it is the sense of Con-  
14          gress that the President should strongly encourage those  
15          foreign countries that have an age of consent to sexual  
16          activity below the age of 16 to raise the age of consent  
17          to sexual activity to at least the age of 16 and those coun-  
18          tries that do not criminalize the appearance of persons  
19          below the age of 18 in pornography or the engagement  
20          of persons below the age of 18 in commercial sex trans-  
21          actions to prohibit such activity.

22          (c) **NOTIFICATION TO THE UNITED STATES OF SEX**  
23          **OFFENSES COMMITTED ABROAD.**—It is the sense of Con-  
24          gress that the President should formally request foreign  
25          governments to notify the United States when a United

1 State citizen has been arrested, convicted, sentenced, or  
2 completed a prison sentence for a sex offense against a  
3 minor in the foreign country.

4 **SEC. 11. ENHANCING THE MINIMUM STANDARDS FOR THE**  
5 **ELIMINATION OF TRAFFICKING.**

6 Section 108(b)(4) of the Trafficking Victims Protec-  
7 tion Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by  
8 adding at the end before the period the following: “, in-  
9 cluding cases involving nationals of that country who are  
10 suspected of engaging in severe forms of trafficking of per-  
11 sons in another country”.

12 **SEC. 12. SPECIAL REPORT ON INTERNATIONAL MECHA-**  
13 **NISMS RELATED TO TRAVELING CHILD SEX**  
14 **OFFENDERS.**

15 (a) IN GENERAL.—Not later than one year after the  
16 date of the enactment of this Act, the Secretary of State,  
17 in consultation with the Attorney General, shall submit to  
18 the appropriate congressional committees a report con-  
19 taining the following information (to the extent such infor-  
20 mation is available from the government concerned or  
21 from other reliable sources):

22 (1) A list of those countries that have or could  
23 easily acquire the technological capacity to identify  
24 sex offenders who reside within the country.

1           (2) A list of those countries identified in para-  
2 graph (1) that utilize electronic means to identify  
3 and track the current status of sex offenders who re-  
4 side within the country, and a summary of any addi-  
5 tional information maintained by the government  
6 with respect to such sex offenders.

7           (3)(A) A list of those countries identified in  
8 paragraph (2) that currently provide, or may be will-  
9 ing to provide, information about a sex offender who  
10 is traveling internationally to the destination coun-  
11 try.

12           (B) With respect to those countries identified in  
13 subparagraph (A) that currently notify destination  
14 countries that a sex offender is traveling to that  
15 country:

16           (i) The manner in which such notice is  
17 transmitted.

18           (ii) How many notices are transmitted on  
19 average each year, and to which countries.

20           (iii) Whether the sex offenders whose trav-  
21 el was so noticed were denied entry to the des-  
22 tination country on the basis of such notice.

23           (iv) Details as to how frequently and on  
24 what basis notice is provided, such as routinely  
25 pursuant to a legal mandate, or by individual

1 law enforcement personnel on a case-by-case  
2 basis.

3 (v) How sex offenders are defined for pur-  
4 pose of providing notice of travel by such indi-  
5 viduals.

6 (vi) What international cooperation or  
7 mechanisms currently are unavailable and  
8 would make the transmission of such notifica-  
9 tions more efficacious in terms of protecting  
10 children.

11 (C) With respect to those countries identified in  
12 subparagraph (A) that are willing but currently do  
13 not provide such information, the reason why des-  
14 tination countries are not notified.

15 (4)(A) A list of those countries that have an es-  
16 tablished mechanism to receive reports of sex offend-  
17 ers intending to travel from other countries to that  
18 country.

19 (B) A description of the mechanism identified  
20 in subparagraph (A).

21 (C) The number of reports of arriving sex of-  
22 fenders received in each of the past 5 years.

23 (D) What international cooperation or mecha-  
24 nisms currently are unavailable and would make the

1 receipt of such notifications more efficacious in  
2 terms of protecting children.

3 (5) A list of those countries identified in para-  
4 graph (4) that do not provide information about a  
5 sex offender who is traveling internationally to the  
6 destination country, and the reason or reasons for  
7 such failure. If the failure is due to a legal prohibi-  
8 tion within the country, an explanation of the nature  
9 of the legal prohibition and the reason for such pro-  
10 hibition.

11 (b) DEFINITION.—In this section, the term “sex of-  
12 fender” means an individual who has been convicted of  
13 a criminal offense against a minor that involves any of  
14 the acts described in clauses (i) through (viii) of section  
15 3(9)(A).

16 **SEC. 13. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**  
17 **MINIMUM STANDARDS FOR THE ELIMI-**  
18 **NATION OF TRAFFICKING.**

19 (a) IN GENERAL.—The President is strongly encour-  
20 aged to exercise the authorities of section 134 of the For-  
21 eign Assistance Act of 1961 (22 U.S.C. 2152d) to provide  
22 assistance to foreign countries directly, or through non-  
23 governmental and multilateral organizations, for pro-  
24 grams, projects, and activities, including training of law  
25 enforcement entities and officials, designed to establish

1 systems to identify sex offenders and provide and receive  
2 notification of child sex offender international travel.

3 (b) DEFINITION.—In this section, the term “sex of-  
4 fender” means an individual who has been convicted of  
5 a criminal offense against a minor that involves any of  
6 the acts described in clauses (i) through (viii) of section  
7 3(9)(A).

8 **SEC. 14. CONGRESSIONAL REPORTS.**

9 (a) INITIAL CONSULTATIONS.—Not less than 30 days  
10 before the completion of the activities required pursuant  
11 to sections 4(b), 5(b)(4), 6(a), and 7(a), the entities re-  
12 sponsible for the implementation of such sections shall  
13 consult with the appropriate congressional committees  
14 concerning such implementation.

15 (b) INITIAL REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after  
17 the date of the enactment of this Act, the President  
18 shall transmit to the appropriate congressional com-  
19 mittees a report on the implementation of this Act,  
20 including—

21 (A) how the International Sex Offender  
22 Travel Center has been established under sec-  
23 tion 6(a), including the role and responsibilities  
24 of the respective departments and agencies that  
25 are participating in the Center, and how those

1 roles are being coordinated to accomplish the  
2 purposes of this Act and the amendments made  
3 by this Act;

4 (B) the procedures established for imple-  
5 menting section 7 regarding the Center Sex Of-  
6 fender Travel Guidelines;

7 (C) the rules regarding sex offender travel  
8 reports issued pursuant to section 4(b);

9 (D) the establishment of registries at  
10 United States diplomatic missions pursuant to  
11 section 5, including the number and location of  
12 such registries and any difficulties encountered  
13 in their establishment or operation;

14 (E) the consultations that are being con-  
15 ducted pursuant to section 6(g), and a sum-  
16 mary of the discussions that have taken place  
17 in the course of those consultations; and

18 (F) what, if any, assistance has been pro-  
19 vided pursuant to section 6(h) and section 13.

20 (2) FORM.—The report required under para-  
21 graph (1) may be transmitted in whole or in part in  
22 classified form if such classification would further  
23 the purposes of this Act or the amendments made  
24 by this Act.

1           (c) ANNUAL REPORT.—Not later than one year after  
2 the date of the enactment of this Act, and every year for  
3 4 years thereafter, the President shall transmit to the ap-  
4 propriate congressional committees a report on the imple-  
5 mentation of this Act and the amendments made by this  
6 Act, including—

7           (1)(A) the number of United States sex offend-  
8 ers who have reported travel to or from a foreign  
9 country pursuant to section 4(a);

10           (B) the number of sex offenders who were iden-  
11 tified as having failed to report international travel  
12 as required by section 4(a); and

13           (C) the number of those identified in each of  
14 subparagraphs (A) and (B) who reported travel or  
15 who traveled from the United States without pre-  
16 viously reporting and whose travel was noticed to a  
17 destination country;

18           (2) the number of United States sex offenders  
19 charged, prosecuted, and convicted for failing to re-  
20 port travel to or from a foreign country pursuant to  
21 section 4(a);

22           (3) the number of sex offenders who were deter-  
23 mined to be high interest registered sex offenders by  
24 the Center, the number of appeals of such deter-  
25 minations received by the panel established pursuant

1 to section 6(d)(5), the length of time between the re-  
2 ceipt of each such appeal and transmission of the re-  
3 sponse, the extent and nature of any information  
4 provided to the sex offender in response to the ap-  
5 peal, the reason for withholding any information re-  
6 quested by the sex offender, and the number of high  
7 interest registered sex offender determinations by  
8 the Center that were reversed by the review panel;

9 (4) with respect to the complaints received by  
10 the Attorney General pursuant to section 6(f)—

11 (A) the number of such complaints re-  
12 ceived; and

13 (B) a summary of the nature of such com-  
14 plaints;

15 (5) if ICE charges a fee pursuant to section  
16 4(c)—

17 (A) the amount of the fee;

18 (B) a description of the process to collect  
19 the fee and to transfer a percentage of the fee  
20 to the jurisdiction that processed the report;

21 (C) the percentage of the fee that is being  
22 shared with the jurisdictions, the basis for the  
23 percentage determination, and which jurisdic-  
24 tions received a percentage of the fees;

1 (D) how the revenues from the fee have  
2 been expended by ICE; and

3 (E) the fee waiver process established pur-  
4 suant to section 4(c)(4), how many fee waiver  
5 requests were received, and how many of those  
6 received were granted;

7 (6) the results of the annual review process of  
8 the use of the Center Sex Offender Guidelines con-  
9 ducted pursuant to section 6(d)(6);

10 (7) what immediate actions have been taken, if  
11 any, by foreign countries and territories of destina-  
12 tion following notification pursuant to section  
13 6(d)(3), to the extent such information is available;

14 (8)(A) the number of United States citizens or  
15 lawful permanent residents arrested overseas and  
16 convicted in the United States for sex offenses, and  
17 in each instance—

18 (i) the age of the suspect and the number  
19 and age of suspected victims;

20 (ii) the country of arrest;

21 (iii) any prior criminal conviction or re-  
22 ported criminal behavior in the United States;

23 (iv) whether the individual was required to  
24 and did report pursuant to section 4; and

1           (v) if the individual reported travel pursu-  
2           ant to section 4 prior to the commission of the  
3           crime, whether the individual was deemed not  
4           to be a high interest registered sex offender by  
5           the Center; and

6           (B) for purposes of this paragraph, the term  
7           “sex offense” means a criminal offense involving  
8           sexual conduct against a minor or an adult, includ-  
9           ing the activities listed in clauses (i) through (viii)  
10          in section 3(9)(A);

11          (9) which countries have been requested to no-  
12          tify the United States when a United States citizen  
13          has been arrested, convicted, sentenced, or com-  
14          pleted a prison sentence for a sex offense in that  
15          country, and of those countries so requested, which  
16          countries have agreed to do so, through either for-  
17          mal or informal agreement;

18          (10) any memoranda of understanding or other  
19          bilateral agreements that the United States has ne-  
20          gotiated with a foreign government to further the  
21          purposes of this Act pursuant to section 10(a); and

22          (11) recommendations as to how the United  
23          States can more fully participate in international law  
24          enforcement cooperative efforts to combat child sex  
25          exploitation.

1 (d) INSPECTOR GENERAL AUDIT AND REPORT.—

2 (1) IN GENERAL.—Not later than three years  
3 after the date of the enactment of this Act, the In-  
4 spectors General of the Department of Justice and  
5 the Department of State shall perform a comprehen-  
6 sive audit of and submit to the appropriate congres-  
7 sional committees a report on the implementation of  
8 sections 4, 5, 6, and 7.

9 (2) CONTENTS.—The report required under  
10 paragraph (1) shall include the following:

11 (A) An assessment of all the complaints re-  
12 ceived by the Department of Justice pursuant  
13 to section 6(f), and a description as to what, if  
14 any, action was taken to resolve each complaint.

15 (B) A description of any instances in which  
16 a United States citizen or lawful permanent  
17 resident was mistakenly identified as a sex of-  
18 fender who failed to comply with the require-  
19 ments of this Act and was confronted with such  
20 failure.

21 (C) A description of any instances in which  
22 a United States citizen or lawful permanent  
23 resident was prevented from travelling to or  
24 from the United States as a consequence of the  
25 implementation of this Act.

1           (D) A description of any instances in  
2           which a sex offender was charged with violating  
3           the travel reporting requirement under section  
4           4 or the registration requirement under section  
5           5 prior to such sex offender being duly noticed  
6           of the relevant requirement.

7           (E) A description of any physical or sub-  
8           stantial emotional harm suffered by a high in-  
9           terest registered sex offender in a destination  
10          country as a result of notice being given to such  
11          destination country pursuant to section 6(e).

12          (F) A description of any instances in which  
13          information about a sex offender on a registry  
14          at a United States diplomatic or consular mis-  
15          sion was disclosed in a manner not authorized  
16          by this Act.

17          (G) A description and assessment of high  
18          interest registered sex offender determination  
19          reviews conducted pursuant to section 6(d), in-  
20          cluding the number of such determinations that  
21          were overturned.

22          (H) A description and assessment of any  
23          other substantive or administrative challenges  
24          identified in implementing and administering  
25          sections 4, 5, 6, and 7.

1 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

2 To carry out this Act and the amendments made by  
3 this Act, there are authorized to be appropriated such  
4 sums as may be necessary for each of the fiscal years 2011  
5 through 2015.

6 **SEC. 16. BUDGET COMPLIANCE.**

7 The budgetary effects of this Act, for the purpose of  
8 complying with the Statutory Pay-As-You-Go Act of 2010,  
9 shall be determined by reference to the latest statement  
10 titled “Budgetary Effects of PAYGO Legislation” for this  
11 Act, submitted for printing in the Congressional Record  
12 by the Chairman of the Committee on the Budget of the  
13 House of Representatives, provided that such statement  
14 has been submitted prior to the vote on passage.

Passed the House of Representatives July 27, 2010.

Attest: LORRAINE C. MILLER,  
*Clerk.*