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H. R. 5138

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 JUE-
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 depar-
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 ignated 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.

(C) INFORMATION REQUEST PROCESS.—

An eligible entity may request information on the sex offender registry from the United States Government official designated for this purpose by the head of the diplomatic or consular mission in which the sex offender registry is maintained. The official, in consultation with the head of such diplomatic or consular mission, shall have the sole discretion whether and to what extent to provide information about a particular registered sex offender on the sex offender registry as designated in subparagraph (D). Before providing an eligible entity with such information, the official shall first obtain from the eligible entity a written certification that—

(i) the eligible entity shall provide access to the information only to the persons as designated in the certificate who require access to such information for the purpose for which the information is provided;

(ii) the information shall be maintained and used by the eligible entity in a 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.