

113TH CONGRESS
2D SESSION

H. R. 4573

To protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-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.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2014

Mr. SMITH of New Jersey (for himself, Mrs. ELLMERS, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “International Megan’s Law to Prevent Demand for Child
4 Sex Trafficking”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Angel Watch Center.
- Sec. 5. Authority to restrict passports.
- Sec. 6. Sense of Congress provisions.
- Sec. 7. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 8. Assistance to foreign countries to meet minimum standards for the
elimination of trafficking.
- Sec. 9. Rules of construction.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

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

1 (3) Law enforcement reports indicate that
2 known child-sex offenders are traveling internation-
3 ally, and that the criminal background of such indi-
4 viduals may not be known to local law enforcement
5 prior to their arrival.

6 (4) The commercial sexual exploitation of mi-
7 nors in child sex trafficking and pornography is a
8 global phenomenon. The International Labour Orga-
9 nization has estimated that 1.8 million children
10 worldwide are victims of child sex trafficking and
11 pornography each year.

12 (5) Child sex tourism, where an individual trav-
13 els to a foreign country and engages in sexual activ-
14 ity with a child in that country, is a form of child
15 exploitation and, where commercial, child sex traf-
16 ficking.

17 (6) According to research conducted by The
18 Protection Project of The Johns Hopkins University
19 Paul H. Nitze School of Advanced International
20 Studies, sex tourists from the United States who
21 target children form a significant percentage of child
22 sex tourists in some of the most significant destina-
23 tion countries for child sex tourism.

24 (7) In order to protect children, it is essential
25 that United States law enforcement be able to iden-

1 tify child-sex offenders in the United States who are
2 traveling abroad and child-sex offenders from other
3 countries entering the United States. Such identi-
4 fication requires cooperative efforts between the
5 United States and foreign governments. In exchange
6 for providing notice of child-sex offenders traveling
7 to the United States, foreign authorities will expect
8 United States authorities to provide reciprocal notice
9 of child-sex offenders traveling to their countries.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
13 **TEES.**—Except as otherwise provided, the term “ap-
14 propriate congressional committees” means—

15 (A) the Committee on Foreign Affairs, the
16 Committee on the Judiciary, and the Com-
17 mittee on Homeland Security of the House of
18 Representatives; and

19 (B) the Committee on Foreign Relations,
20 the Committee on the Judiciary, and the Com-
21 mittee on Homeland Security and Govern-
22 mental Affairs of the Senate.

23 (2) **CENTER.**—The term “Center” means the
24 Angel Watch Center established pursuant to section
25 4(a).

1 (3) CHILD-SEX OFFENDER.—

2 (A) IN GENERAL.—The term “child-sex of-
3 fender” means a sex offender described in para-
4 graph (2), (3), or (4) of section 111 of the
5 Adam Walsh Child Protection and Safety Act of
6 2006 (42 U.S.C. 16911) who is convicted of a
7 child-sex offense.

8 (B) DEFINITION OF CONVICTED.—In this
9 paragraph, the term “convicted” has the mean-
10 ing given the term in paragraph (8) of section
11 111 of such Act.

12 (4) CHILD-SEX OFFENSE.—

13 (A) IN GENERAL.—The term “child-sex of-
14 fense” means a specified offense against a
15 minor as defined in paragraph (7) of section
16 111 of the Adam Walsh Child Protection and
17 Safety Act of 2006 (42 U.S.C. 16911), includ-
18 ing—

19 (i) an offense (unless committed by a
20 parent or guardian) involving kidnapping;

21 (ii) an offense (unless committed by a
22 parent or guardian) involving false impris-
23 onment;

24 (iii) solicitation to engage in sexual
25 conduct;

- 1 (iv) use in a sexual performance;
- 2 (v) solicitation to practice prostitu-
- 3 tion;
- 4 (vi) video voyeurism as described in
- 5 section 1801 of title 18, United States
- 6 Code;
- 7 (vii) possession, production, or dis-
- 8 tribution of child pornography;
- 9 (viii) criminal sexual conduct involving
- 10 a minor, or the use of the Internet to fa-
- 11 cilitate or attempt such conduct; and
- 12 (ix) any conduct that by its nature is
- 13 a sex offense against a minor.

14 (B) FOREIGN CONVICTIONS.—A foreign

15 conviction is not a child-sex offense for pur-

16 poses of this Act to the same extent and in the

17 same manner as a foreign conviction is not a

18 sex offense for purposes of the Adam Walsh

19 Child Protection and Safety Act of 2006 (42

20 U.S.C. 16911) as described in section

21 111(5)(B) of such Act.

22 (5) JURISDICTION.—The term “jurisdiction”

23 means any of the following:

- 24 (A) A State.
- 25 (B) The District of Columbia.

1 (C) The Commonwealth of Puerto Rico.

2 (D) Guam.

3 (E) American Samoa.

4 (F) The Northern Mariana Islands.

5 (G) The United States Virgin Islands.

6 (H) To the extent provided in, and subject
7 to the requirements of, section 127 of the Adam
8 Walsh Child Protection and Safety Act of 2006
9 (42 U.S.C. 16927), a federally recognized In-
10 dian tribe.

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

13 (7) PASSPORT CARD.—The term “passport
14 card” means a document issued by the Department
15 of State pursuant to section 7209 of the Intelligence
16 Reform and Terrorism Prevention Act of 2004
17 (Public Law 108–458; 8 U.S.C. 1185 note).

18 **SEC. 4. ANGEL WATCH CENTER.**

19 (a) ESTABLISHMENT.—Not later than 90 days after
20 the date of the enactment of this Act, the Secretary of
21 Homeland Security shall establish within the Child Exploi-
22 tation Investigations Unit of United States Immigration
23 and Customs Enforcement (ICE) of the Department of
24 Homeland Security a Center, to be known as the “Angel

1 Watch Center”, to carry out the activities specified in sub-
2 section (d).

3 (b) LEADERSHIP.—The Center shall be headed by the
4 Director of ICE, in collaboration with the Commissioner
5 of United States Customs and Border Protection (CBP)
6 and in consultation with the Attorney General.

7 (c) MEMBERS.—The Center shall consist of the fol-
8 lowing:

9 (1) The Director of ICE.

10 (2) The Commissioner of CBP.

11 (3) Individuals who are designated as analysts
12 in ICE or CBP.

13 (4) Individuals who are designated as program
14 managers in ICE or CBP.

15 (d) ACTIVITIES.—

16 (1) IN GENERAL.—The Center shall carry out
17 the following activities:

18 (A) Receive information on travel by child-
19 sex offenders.

20 (B) Transmit notice of impending or cur-
21 rent international travel by child-sex offenders
22 to the Secretary of State, accompanied by an
23 advisory regarding whether or not the period of
24 validity of the passport of the child-sex offender
25 should be limited to one year or such period of

1 time as the Secretary of State shall determine
2 appropriate.

3 (C) Establish a system to maintain and ar-
4 chive all relevant information, including the re-
5 sponse of destination countries to notifications
6 under subsection (e) where available, and deci-
7 sions not to transmit notification abroad.

8 (D) Establish an annual review process to
9 ensure that the Center is consistent in proce-
10 dures to provide notification to destination
11 countries or not to provide notification to des-
12 tination countries, as appropriate.

13 (2) INFORMATION REQUIRED.—The United
14 States Marshals Service’s National Sex Offender
15 Targeting Office shall make available to the Center
16 information on travel by child-sex offenders in a
17 timely manner for purposes of carrying out the ac-
18 tivities described in paragraph (1) and subsection
19 (e).

20 (e) ADDITIONAL ACTIVITY RELATED TO TRANS-
21 MISSION OF NOTICE.—

22 (1) IN GENERAL.—The Center may transmit
23 notice of impending or current international travel of
24 child-sex offenders to the country or countries of
25 destination of such child-sex offenders, including to

1 the visa-issuing agent or agents in the United States
2 of such country or countries, as follows:

3 (A) The notice may be transmitted
4 through such means as determined appropriate
5 by the Center, including through an ICE
6 attaché.

7 (B) If the Center has reason to believe
8 that transmission of the notice poses a risk to
9 the life or well-being of the child-sex offender,
10 the Center shall make every reasonable effort to
11 issue a warning to the child-sex offender of
12 such risk.

13 (2) SUNSET.—The authority of paragraph (1)
14 shall terminate with respect to a child-sex offender
15 beginning as of the close of the last day of the reg-
16 istration period of such child-sex offender under sec-
17 tion 115 of the Adam Walsh Child Protection and
18 Safety Act of 2006 (42 U.S.C. 16915).

19 (f) COMPLAINT REVIEW.—The Center shall establish
20 a mechanism to receive complaints from child-sex offend-
21 ers affected by notifications of destination countries of
22 such child-sex offenders under subsection (e).

23 (g) CONSULTATIONS.—The Center shall seek to en-
24 gage in ongoing consultations with—

1 (1) nongovernmental organizations, including
2 faith-based organizations, that have experience and
3 expertise in identifying and preventing child sex
4 tourism and rescuing and rehabilitating minor vic-
5 tims of international sexual exploitation and traf-
6 ficking;

7 (2) the governments of countries interested in
8 cooperating in the creation of an international sex
9 offender travel notification system or that are pri-
10 mary destination or source countries for inter-
11 national sex tourism; and

12 (3) Internet service and software providers re-
13 garding available and potential technology to facili-
14 tate the implementation of an international sex of-
15 fender travel notification system, both in the United
16 States and in other countries.

17 (h) **TECHNICAL ASSISTANCE.**—The Secretary of
18 Homeland Security and the Secretary of State may pro-
19 vide technical assistance to foreign authorities in order to
20 enable such authorities to participate more effectively in
21 the notification program system established under this
22 section.

23 **SEC. 5. AUTHORITY TO RESTRICT PASSPORTS.**

24 (a) **IN GENERAL.**—The Secretary of State is author-
25 ized to—

1 (1) limit to 1 year or such period of time as the
2 Secretary of State shall determine appropriate the
3 period of validity of a passport issued to a child-sex
4 offender; and

5 (2) revoke the passport or passport card of an
6 individual who has been convicted by a court of com-
7 petent jurisdiction in a foreign country of a child-sex
8 offense.

9 (b) LIMITATION FOR RETURN TO UNITED STATES.—
10 Notwithstanding subsection (a), in no case shall a United
11 States citizen convicted by a court of competent jurisdic-
12 tion in a foreign country of a child-sex offense be pre-
13 cluded from entering the United States due to a passport
14 revocation under such subsection.

15 (c) REAPPLICATION.—An individual whose passport
16 or passport card was revoked pursuant to subsection
17 (a)(2) may reapply for a passport or a passport card at
18 any time after such individual has returned to the United
19 States.

20 (d) TIME LIMITATION.—The time limitation on valid-
21 ity or revocation of a passport or passport card under sub-
22 section (a) may not exceed the applicable registration pe-
23 riod for the child-sex offender to register pursuant to sec-
24 tion 115 of the Adam Walsh Child Protection and Safety
25 Act of 2006 (42 U.S.C. 16915).

1 **SEC. 6. SENSE OF CONGRESS PROVISIONS.**

2 (a) **BILATERAL AGREEMENTS.**—It is the sense of
3 Congress that the President should negotiate memoranda
4 of understanding or other bilateral agreements with for-
5 eign governments to further the purposes of this Act and
6 the amendments made by this Act, including by—

7 (1) establishing systems to receive and transmit
8 notices as required by title I of the Adam Walsh
9 Child Protection and Safety Act of 2006 (42 U.S.C.
10 16901 et seq.); and

11 (2) establishing mechanisms for private compa-
12 nies and nongovernmental organizations to report on
13 a voluntary basis suspected child pornography or ex-
14 ploitation to foreign governments, the nearest
15 United States embassy in cases in which a possible
16 United States citizen may be involved, or other ap-
17 propriate entities.

18 (b) **NOTIFICATION TO THE UNITED STATES OF**
19 **CHILD-SEX OFFENSES COMMITTED ABROAD.**—It is the
20 sense of Congress that the President should formally re-
21 quest foreign governments to notify the United States
22 when a United States citizen has been arrested, convicted,
23 sentenced, or completed a prison sentence for a child-sex
24 offense in the foreign country.

1 **SEC. 7. ENHANCING THE MINIMUM STANDARDS FOR THE**
2 **ELIMINATION OF TRAFFICKING.**

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

9 **SEC. 8. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
10 **MINIMUM STANDARDS FOR THE ELIMI-**
11 **NATION OF TRAFFICKING.**

12 The President is strongly encouraged to exercise the
13 authorities of section 134 of the Foreign Assistance Act
14 of 1961 (22 U.S.C. 2152d) to provide assistance to foreign
15 countries directly, or through nongovernmental and multi-
16 lateral organizations, for programs, projects, and activi-
17 ties, including training of law enforcement entities and of-
18 ficials, designed to establish systems to identify sex offend-
19 ers and provide and receive notification of child sex of-
20 fender international travel.

21 **SEC. 9. RULES OF CONSTRUCTION.**

22 (a) DEPARTMENT OF JUSTICE.—Nothing in this Act
23 shall be construed to preclude or alter the jurisdiction or
24 authority of the Department of Justice under the Adam
25 Walsh Child Protection and Safety Act of 2006 (42 U.S.C.
26 16901 et seq.) or any other provision law, or to affect the

1 work of the United States Marshals Service with
2 INTERPOL.

3 (b) ANGEL WATCH CENTER.—Nothing in this Act
4 shall be construed to preclude the Angel Watch Center
5 from transmitting notice on sex offenders as defined in
6 section 111 of the Adam Walsh Child Protection and Safe-
7 ty Act of 2006 (42 U.S.C. 16911).

○