

111TH CONGRESS
1ST SESSION

H. R. 1623

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high risk sex offenders outside the United States to the government of the country of destination, preventing entry into the United States by any foreign sex offender against a minor, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. FORTENBERRY, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Ms. GRANGER, Ms. ROS-LEHTINEN, Mr. MANZULLO, Mr. BILIRAKIS, and Mr. POE of Texas) 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 sexual exploitation by mandating reporting requirements for convicted sex traffickers and other sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high risk sex offenders outside the United States to the government of the country of destination, preventing entry into the United States by any foreign sex offender against a minor, 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 2009”.

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. High risk sex offender assessment.
- Sec. 7. International Sex Offender Travel Center.
- Sec. 8. Authority to restrict passports.
- Sec. 9. Reporting violation procedure.
- Sec. 10. Immunity for good faith conduct.
- Sec. 11. Immigration law reform to prevent admission of sex offenders against
minors to the United States.
- Sec. 12. Sense of Congress provisions.
- Sec. 13. Annual report on status of severe forms of trafficking in persons and
implementation assessment.
- Sec. 14. Assistance to foreign countries to meet minimum standards for the
elimination of trafficking.
- Sec. 15. International sex offender travel study.
- Sec. 16. Congressional reports.
- Sec. 17. Authorization of appropriations.

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 ECPAT International, all chil-
12 dren are adversely affected by being commercially
13 sexually exploited. Commercial sexual exploitation
14 can result in serious, lifelong, even life-threatening
15 consequences for the physical, psychological, spir-
16 itual, emotional and social development and well-
17 being of a child.

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

1 child sexual exploitation and threats usually plague
2 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 countries
5 of destination for child sex tourism.

6 (9) According to the National Center for Miss-
7 ing and Exploited Children, most victims of sex of-
8 fenders are children and youth, and sex offenders
9 have a high risk of reoffending.

10 (10) Media reports indicate that known sex of-
11 fenders who have committed crimes against children
12 are traveling internationally, and that the criminal
13 background of such individuals may not be known to
14 local law enforcement prior to their arrival. A report
15 in January 2006 cited Interpol Vietnam as stating
16 that German police had sent a list of 21 German
17 child molesters who may have entered or may have
18 been planning to enter Vietnam. In January 2008,
19 a defense contractor listed on the United States Na-
20 tional Sex Offender Registry was arrested in Iraq,
21 who had in his possession a camera containing mul-
22 tiple images of indecent photos of Iraqi children. In
23 April 2008, a United States registered sex offender
24 received a prison sentence for engaging in illicit sex-
25 ual activity with a 15-year old United States citizen

1 girl in Ciudad Juarez, Chihuahua, Mexico in ex-
2 change for money and crack cocaine. In May 2008,
3 a South Korean newspaper reported that the United
4 States Immigration and Customs Enforcement
5 Attaché in Seoul provided South Korean authorities
6 with a list of five United States sex offenders who
7 had previously visited Korea.

8 (11) Sex offenders are also attempting to enter
9 the United States. In April 2008, a lifetime reg-
10 istered sex offender from the United Kingdom at-
11 tempted to enter the United States with the inten-
12 tion of living with a woman who he had met on the
13 Internet and her young daughters. He was refused
14 entry based on information about his sex offender
15 status that had been provided to United States im-
16 migration officials from Interpol London.

17 (12) Child sex tourists may travel overseas to
18 commit sexual offenses against minors for the fol-
19 lowing reasons: perceived anonymity; law enforce-
20 ment in certain countries is perceived as scarce, cor-
21 rupt, or unsophisticated; perceived immunity from
22 retaliation because the child sex tourist is a United
23 States citizen; the child sex tourist has the financial
24 ability to impress and influence the local population;
25 the child sex tourist can “disappear” after a brief

1 stay; the child sex tourist can target children meet-
2 ing their desired preference; and, there is no need to
3 expend time and effort “grooming” the victim.

4 (13) Individuals who have sexually exploited
5 children and who have been arrested in and deported
6 from a foreign country have used long-term pass-
7 ports to evade return to their country of citizenship
8 where they faced possible charges and instead have
9 moved to a third country where they have continued
10 to exploit and abuse children.

11 (14) The United States is obligated under Arti-
12 cle 10 of the Optional Protocol to the Convention on
13 the Rights of the Child on the Sale of Children,
14 Child Prostitution and Child Pornography to, among
15 other things, take all necessary steps to strengthen
16 international cooperation by multilateral, regional,
17 and bilateral arrangements for the prevention and
18 detection of those responsible for acts involving the
19 sale of children, child prostitution, child pornog-
20 raphy, and child sex tourism. The United States also
21 is required to promote international cooperation and
22 coordination between authorities of other States
23 Parties to the Convention, national and international
24 nongovernmental organizations and international or-
25 ganizations to achieve these objectives.

1 (15) Article 10 of the Optional Protocol to the
2 Convention on the Rights of the Child on the Sale
3 of Children, Child Prostitution and Child Pornog-
4 raphy further mandates that the United States and
5 other States Parties in a position to do so provide
6 financial, technical, or other assistance through ex-
7 isting multilateral, regional, bilateral, or other pro-
8 grams.

9 (16) In order to protect children, it is essential
10 that United States law enforcement be able to iden-
11 tify child sex offenders in the United States who are
12 traveling abroad and child sex offenders from other
13 countries entering the United States. Such identi-
14 fication requires cooperative efforts between the
15 United States and foreign governments. In exchange
16 for providing notice of sex offenders traveling to the
17 United States, foreign authorities will expect United
18 States authorities to provide reciprocal notice of sex
19 offenders traveling to their countries.

20 (17) International law enforcement entities, in-
21 cluding Interpol and the United States Immigration
22 and Customs Enforcement agency, currently are
23 sharing information about sex offenders traveling
24 internationally on an ad hoc basis, and the tech-
25 nology to detect and notify foreign governments

1 about travel by sex offenders against minors is avail-
2 able, but a legal structure and additional resources
3 are needed to systematize and coordinate these de-
4 tection and notice efforts.

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

13 (b) DECLARATION OF PURPOSES.—The purpose of
14 this Act and the amendments made by this Act is to pro-
15 tect children from sexual exploitation by preventing or
16 monitoring the international travel of sex traffickers and
17 other sex offenders who pose a risk of committing a sexual
18 offense against a minor while traveling by—

19 (1) establishing a system in the United States
20 to identify sex offenders who pose a high risk of re-
21 offending against children and who intend to travel
22 outside the United States for the purpose of noti-
23 fying the appropriate officials in destination coun-
24 tries of the criminal background and intent to travel
25 by such individuals;

1 (2) strongly encouraging and assisting foreign
2 governments to establish a sex offender travel notifi-
3 cation system and to inform United States authori-
4 ties when a sex offender intends to travel or has de-
5 parted on travel to the United States;

6 (3) providing the Secretary of State with the
7 discretion to temporarily rescind the passport or
8 passport card of an individual who has been arrested
9 for, is under investigation for, or has been charged
10 with a sex offense against a minor, revoke the pass-
11 port or passport card of an individual who has been
12 sentenced overseas for a sex offense against a minor,
13 or limit the period of validity of a passport or pass-
14 port card issued to a high risk sex offender against
15 a minor;

16 (4) preventing admission of foreign sex offend-
17 ers against minors to the United States;

18 (5) including information in the annual report
19 to Congress required by section 110(b)(1) of the
20 Trafficking Victims Protection Act of 2000 (22
21 U.S.C. 7107(b)(1)) regarding efforts of foreign gov-
22 ernments to establish systems to identify and pro-
23 vide notice of international travel by sex offenders
24 against minors to destination countries and to re-

1 spond in a timely manner to the receipt of such no-
2 tices; and

3 (6) providing assistance to foreign countries
4 under the Foreign Assistance Act of 1961 to meet
5 the requirements described in paragraph (5).

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

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

11 (A) the Committee on Foreign Affairs and
12 the Committee on the Judiciary of the House of
13 Representatives; and

14 (B) the Committee on Foreign Relations
15 and the Committee on the Judiciary of the Sen-
16 ate.

17 (2) HIGH RISK SEX OFFENDER.—The term
18 “high risk sex offender” means a sex offender as de-
19 fined under paragraph (5) who is determined pursu-
20 ant to section 6 to pose a high risk of harm to chil-
21 dren in a country to which he or she intends to trav-
22 el.

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

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

6 (5) SEX OFFENDER.—The term “sex offender”
7 means an individual who is required by State law to
8 register on a sex offender registry for having been
9 convicted of a sex offense as defined in this Act.

10 (6) SEX OFFENSE.—

11 (A) IN GENERAL.—The term “sex offense”
12 means a criminal offense, including a Federal
13 offense, against a minor that involves any of
14 the following:

15 (i) Solicitation to engage in sexual
16 conduct.

17 (ii) Use in a sexual performance.

18 (iii) Solicitation to practice prostitu-
19 tion (whether for financial or other forms
20 of remuneration).

21 (iv) Video voyeurism as described in
22 section 1801 of title 18, United States
23 Code.

24 (v) Possession, production, or dis-
25 tribution of child pornography.

1 (vi) Criminal sexual conduct involving
2 a minor, or the use of the Internet to fa-
3 cilitate or attempt such conduct.

4 (vii) Sex trafficking of children as de-
5 scribed in section 1591 of title 18, United
6 States Code.

7 (viii) Transporting a minor in inter-
8 state or foreign commerce, or in any com-
9 monwealth, territory, or possession of the
10 United States, with intent that the indi-
11 vidual engage in prostitution, or in any
12 sexual activity for which any person can be
13 charged with a criminal offense.

14 (ix) Any other conduct that by its na-
15 ture is a sex offense against a minor.

16 (B) EXCEPTIONS.—The term “sex of-
17 fense” shall not include:

18 (i) A foreign conviction if it was not
19 obtained with sufficient safeguards for fun-
20 damental fairness and due process for the
21 accused under guidelines or regulations es-
22 tablished under section 112 of the Sex Of-
23 fender Registration and Notification Act
24 (title I of Public Law 109–248; 42 U.S.C.
25 16911).

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 (7) RESIDES.—The term “resides” means, with
6 respect to an individual, the location of the individ-
7 ual’s home or other place where the individual habit-
8 ually lives.

9 (8) STATE.—The term “State” includes any en-
10 tity within the United States that by its law requires
11 sex offenders to register in a sex offender registry.

12 **SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIRE-**
13 **MENT.**

14 (a) DUTY TO REPORT.—

15 (1) IN GENERAL.—A sex offender shall notify
16 an appropriate jurisdiction or jurisdictions of his or
17 her intention to travel, in conformity with the rules
18 issued under subsection (b), not later than 21 days
19 before departure from or arrival in the United
20 States. A jurisdiction so notified shall promptly in-
21 form the United States Immigration and Customs
22 Enforcement Special Agent in Charge (hereinafter in
23 this Act referred to as the “ICE SAC”), any suc-
24 cessor to the functions of that official.

1 (2) EFFECTIVE DATE.—The duty to report re-
2 quired under paragraph (1) shall take effect on the
3 date that is 90 days after the date of the enactment
4 of this Act.

5 (b) RULES FOR REPORTING.—Not later than 90 days
6 after the date of the enactment of this Act, the Secretary
7 of Homeland Security and the Attorney General shall
8 make rules to carry out subsection (a) in light of the pur-
9 poses of this Act. Such rules—

10 (1) shall establish procedures for reporting
11 under subsection (a);

12 (2) shall set forth the information required to
13 be reported, including—

14 (A) name(s);

15 (B) date of birth;

16 (C) social security number;

17 (D) passport or passport card number and
18 date and place of issuance;

19 (E) basis of criminal conviction;

20 (F) travel itinerary and purpose of the
21 trip;

22 (G) travel companions; and

23 (H) contact information prior to departure
24 and during travel;

1 (3) may provide for appropriate alternative re-
2 porting in situations, such as personal or humani-
3 tarian emergencies or legitimate business exigencies,
4 where the requirement of subsection (a) is impracti-
5 cable or inappropriate; and

6 (4) shall provide appropriate transitional provi-
7 sions in order to make the phase-in of the require-
8 ments of this Act practicable.

9 (c) CRIMINAL PENALTY FOR FAILURE TO REGISTER
10 OR REPORT.—

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

14 “(d) Whoever knowingly fails to register with United
15 States officials in a foreign country or to report his or
16 her travel to or from a foreign country as required by the
17 International Megan’s Law of 2009 shall be fined under
18 this title or imprisoned not more than 10 years, or both.”.

19 (2) AMENDMENT TO HEADING OF SECTION.—

20 The heading for section 2250 of title 18, United
21 States Code, is amended by inserting “**or report**
22 **international travel**” after “**register**”.

23 (3) CONFORMING AMENDMENT TO AFFIRMA-
24 TIVE DEFENSE.—Section 2250(b) of title 18, United

1 States Code, is amended by inserting “or (d)” after
2 “(a)”.

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

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

12 (d) DUTY TO NOTIFY SEX OFFENDERS OF REPORT-
13 ING AND INTERNATIONAL REGISTRATION REQUIRE-
14 MENT.—When an official is required under State law to
15 notify a sex offender (as defined in section (3)(5)) of a
16 duty to register as a sex offender under the law of that
17 State, the official shall also, at the same time—

18 (1) notify that offender of that offender’s duties
19 to report international travel under this section and
20 to register under section 5, and the procedure for
21 fulfilling those duties; and

22 (2) require the offender to read and sign a form
23 stating that those duties to report and register, and
24 the procedure for fulfilling them, have been ex-

1 plained and that the offender understands those du-
2 ties and that procedure.

3 **SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX**
4 **OFFENDERS.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of the enactment of this Act, a United States diplo-
7 matic or consular mission in each foreign country shall
8 establish and maintain a countrywide sex offender registry
9 for sex offenders (as defined in section (3)(5)) from the
10 United States who temporarily or permanently reside in
11 such country. Such registry shall include the information
12 specified in subsection (d).

13 (b) INTERNATIONAL REGISTRY REQUIREMENT FOR
14 SEX OFFENDERS.—

15 (1) IN GENERAL.—A sex offender who is a
16 United States citizen or an alien lawfully admitted
17 for permanent residence in the United States—

18 (A) who resides in a foreign country for
19 more than 21 consecutive days, or

20 (B) who resides in a foreign country for
21 more than 30 days within a 6-month period,

22 shall register, and keep such registration current, at
23 the United States diplomatic or consular mission in
24 such country until such time as the sex offender de-
25 parts such country or until such time has elapsed as

1 the sex offender would have otherwise been required
2 to register in the State of conviction for such sex of-
3 fense, whichever is sooner.

4 (2) KEEPING THE REGISTRATION CURRENT.—

5 Subject to the duration requirement under para-
6 graph (1), not later than five business days after
7 each change of name, residence, or employment or
8 student status, or any change in any of the other in-
9 formation specified in subsection (d)(1), a sex of-
10 fender residing in a foreign country shall notify a
11 United States diplomatic or consular mission in such
12 country for the purpose of providing information re-
13 lating to such change for inclusion in the sex of-
14 fender registry maintained by such mission under
15 subsection (a).

16 (3) REGISTRATION AND NOTIFICATION PROCE-

17 DURE.—Not later than 270 days after the date of
18 the enactment of this Act, the Secretary of State, in
19 consultation with the Attorney General, shall issue
20 regulations for the establishment and maintenance
21 of the registries described in subsection (a), includ-
22 ing the manner for registering and changing infor-
23 mation as specified in paragraphs (1) and (2).

24 (c) CRIMINAL PENALTIES FOR NONREGISTRATION.—

25 A sex offender who fails to register under subsection (b)

1 shall be punished in accordance with subsection (d) of sec-
2 tion 2250 of title 18, United States Code, as added by
3 paragraph (1) of section 4(c) of this Act.

4 (d) INFORMATION REQUIRED IN REGISTRATION.—

5 (1) PROVIDED BY THE SEX OFFENDER.—A sex
6 offender described in subsection (b) shall provide the
7 following information:

8 (A) Name (including any alias used by the
9 sex offender).

10 (B) Passport or passport card, and visa
11 type and number, if applicable.

12 (C) Social Security number of the sex of-
13 fender.

14 (D) Address of each residence at which the
15 sex offender resides or will reside in that coun-
16 try and the address of any residence maintained
17 in the United States.

18 (E) Purpose for the sex offender's resi-
19 dence in the country.

20 (F) Name and address of any place where
21 the sex offender is an employee or will be an
22 employee.

23 (G) Name and address of any place where
24 the sex offender is a student or will be a stu-
25 dent.

1 (H) State in which the sex offender was
2 convicted and the State or States in which the
3 sex offender was most recently legally required
4 to register.

5 (I) The license plate number and a de-
6 scription of any vehicle owned or operated by
7 the sex offender.

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

10 (K) Any other information required by the
11 Secretary of State.

12 (2) PROVIDED BY THE DIPLOMATIC OR CON-
13 SULAR MISSION.—The United States diplomatic or
14 consular mission at which a sex offender registers
15 shall collect and ensure that the following informa-
16 tion is included in the registry maintained by such
17 mission:

18 (A) A physical description of the sex of-
19 fender.

20 (B) The criminal history of the sex of-
21 fender, including—

22 (i) the text of the provision of law de-
23 fining the criminal offense for which the
24 sex offender is registered, as obtained from

1 the International Sex Offender Travel Cen-
2 ter (established pursuant to section 7);

3 (ii) the date of all arrests and convic-
4 tions;

5 (iii) the status of parole, probation, or
6 supervised release;

7 (iv) registration status; and

8 (v) the existence of any outstanding
9 arrest warrants for the sex offender.

10 (C) The time period for which the sex of-
11 fender is required to register pursuant to the
12 law of the State of conviction.

13 (D) A current photograph of the sex of-
14 fender obtained from the most current State
15 sex offender registration with respect to that in-
16 dividual.

17 (E) Any other information required by the
18 Secretary of State.

19 (e) PERIODIC IN PERSON VERIFICATION.—Not less
20 often than every six months, a sex offender who is reg-
21 istered under subsection (b) shall appear in person at the
22 United States diplomatic or consular mission where the
23 sex offender is registered to allow such mission to take
24 a current photograph of the sex offender and to verify the

1 information in the registry maintained by such mission
2 under subsection (a).

3 (f) TRANSMISSION OF REGISTRY INFORMATION TO
4 THE NATIONAL SEX OFFENDER REGISTRY.—For the pur-
5 pose of keeping domestic law enforcement informed as to
6 the status of a sex offender required to register under this
7 section, when a United States diplomatic or consular mis-
8 sion receives information about a sex offender for the sex
9 offender registry maintained by such mission under sec-
10 tion (a), such mission shall immediately transmit such in-
11 formation to the Attorney General who shall include that
12 information in the National Sex Offender Registry, estab-
13 lished under section 119 of the Sex Offender Registration
14 and Notification Act (Public Law 109–248), or other ap-
15 propriate databases.

16 (g) ACTIONS TO BE TAKEN IF A SEX OFFENDER
17 FAILS TO COMPLY.—When a United States diplomatic or
18 consular mission has reason to believe that a sex offender
19 has failed to comply with the requirements of this section,
20 such mission shall notify the International Sex Offender
21 Travel Center and revise the sex offender registry main-
22 tained by such mission under subsection (a) to reflect the
23 nature of such failure.

24 (h) FEDERAL ASSISTANCE REGARDING VIOLATIONS
25 OF REGISTRATION REQUIREMENTS.—The first sentence

1 of subsection (a) of section 142 of the Sex Offender Reg-
2 istration and Notification Act (Public Law 109–248; 42
3 U.S.C. 16941) is amended by inserting before the period
4 at the end the following: “, including under the Inter-
5 national Megan’s Law of 2009”.

6 **SEC. 6. HIGH RISK SEX OFFENDER ASSESSMENT.**

7 (a) **SEX OFFENDER RISK ASSESSMENT GUIDE-**
8 **LINES.**—Not later than 90 days after the date of the en-
9 actment of this Act, the Commissioner of United States
10 Immigration and Customs Enforcement shall issue direc-
11 tives to the ICE SAC for the assessment of sex offend-
12 ers—

13 (1) who report international travel pursuant to
14 section 4(a), or

15 (2) whose travel is reported pursuant to sub-
16 section (b),

17 for purposes of determining whether such sex offenders
18 are high risk sex offenders.

19 (b) **LAW ENFORCEMENT NOTIFICATION.**—Federal,
20 State, or local law enforcement entities or officials who
21 have reasonable grounds to believe that a sex offender is
22 traveling outside the United States and poses a danger
23 to minor children may notify the ICE SAC and provide
24 as much information as practicable in accordance with sec-
25 tion 4(b)(2).

1 (c) INFORMATION SHARING AND ACTION.—Upon re-
2 ceipt of the information pursuant to section 4(a) or sub-
3 section (b) of this section about a sex offender who intends
4 to travel outside the United States, the ICE SAC shall
5 assess the information in accordance with the risk assess-
6 ment guidelines issued under subsection (a) of this section.
7 If the ICE SAC determines that the sex offender is a high
8 risk sex offender, the ICE SAC shall—

9 (1) forward to the International Sex Offender
10 Travel Center information and analysis concerning
11 such determination; and

12 (2) forward to the Secretary of State the infor-
13 mation referred to in paragraph (1), together with
14 an advisory regarding whether or not the period of
15 validity of the passport or passport card of the high
16 risk sex offender should be limited to one year or
17 such period of time as the Secretary of State shall
18 determine appropriate.

19 (d) REPORT.—Upon the issuance of the risk assess-
20 ment guidelines under subsection (a), the Commissioner
21 shall submit to the appropriate congressional committees
22 a report on such guidelines. The Commissioner may sub-
23 mit such report in “sensitive” form if the Commissioner
24 determines that such would further the purposes of this
25 Act.

1 **SEC. 7. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.**

2 (a) ESTABLISHMENT.—Not later than 30 days after
3 the date of the enactment of this Act, the President shall
4 establish the International Sex Offender Travel Center
5 (hereinafter in this section referred to as the “Center”)
6 to carry out the activities specified in subsection (d).

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

9 (1) The Department of State, including the Of-
10 fice to Monitor and Combat Trafficking in Persons,
11 the Bureau of Consular Affairs, the Bureau of Inter-
12 national Narcotics and Law Enforcement Affairs,
13 and the Bureau of Diplomatic Security.

14 (2) The Department of Homeland Security, in-
15 cluding United States Immigration and Customs
16 Enforcement and United States Customs and Bor-
17 der Protection.

18 (3) The Department of Justice, including the
19 Federal Bureau of Investigation, the Office of Sex
20 Offender Sentencing, Monitoring, Apprehending,
21 Registering and Tracking, the Criminal Division
22 Child Exploitation and Obscenity Section, and the
23 United States Marshals Service.

24 (4) INTERPOL—United States National Cen-
25 tral Bureau.

26 (5) The Coast Guard.

1 (6) Such other officials as may be determined
2 by the President.

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

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

8 (1) Receive high risk sex offender determina-
9 tions made by the ICE SAC pursuant to section 6.

10 (2) Transmit notice of impending or current
11 international travel of high risk sex offenders to the
12 country or countries of destination of such sex of-
13 fenders as follows:

14 (A) The notice may be transmitted
15 through such means as determined appropriate
16 by the Center, including through an attaché of
17 United States Immigration and Customs En-
18 forcement, Interpol, or such other appropriate
19 means as determined by the Center.

20 (B) If the Center determines that trans-
21 mission of the notice could potentially pose a
22 risk to the life or well-being of the high risk sex
23 offender, the Center shall make every reason-
24 able effort to issue a warning to the high risk
25 sex offender of such risk prior to the trans-

1 mission of such notice to the country or coun-
2 tries and may use its discretion not to transmit
3 such notice.

4 (3) Provide a means of alerting Center per-
5 sonnel regarding those sex offenders who have not
6 reported travel as required by section 4 by inte-
7 grating available, relevant data on an ongoing basis
8 into an existing centralized database that will iden-
9 tify sex offenders who are initiating travel, currently
10 traveling, or have traveled outside the United States.

11 (4) Respond to requests for information by a
12 United States diplomatic or consular mission at
13 which a sex offender is registering in accordance
14 with section 5, and obtain and transmit the informa-
15 tion required by such mission pursuant to subsection
16 (d)(2) of such section.

17 (e) CONSULTATIONS.—The Center shall engage in
18 ongoing consultations with—

19 (1) the National Center for Missing and Ex-
20 ploited Children (NCMEC), End Child Prostitution,
21 Child Pornography, and Trafficking of Children for
22 Sexual Purposes (ECPAT–USA, Inc.), World Vision,
23 and other nongovernmental organizations that have
24 experience and expertise in identifying and pre-
25 venting child sex tourism and rescuing and rehabili-

1 tating minor victims of international sexual exploi-
2 tation;

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

8 (3) Internet service providers regarding avail-
9 able and potential technology to facilitate the imple-
10 mentation of an international sex offender travel no-
11 tification system, both in the United States and in
12 other countries.

13 (f) TECHNICAL ASSISTANCE.—The Secretary of
14 State may provide technical assistance to foreign authori-
15 ties in order to enable such authorities to participate more
16 effectively in the notification program system established
17 under this section.

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

19 The Secretary of State is authorized to—

20 (1) rescind the passport or passport card of an
21 individual awaiting trial for an offense against a
22 minor which, if the individual is convicted, would
23 render the individual a sex offender, until such time
24 as the individual is either so convicted or acquitted;

1 (2) rescind the passport or passport card of an
2 individual or the travel permit of an individual who
3 is a lawful permanent resident who has been con-
4 victed by a court of competent jurisdiction in a for-
5 eign country of a sex offense (as defined in para-
6 graph 5 of section 3 of the Sex Offender Registra-
7 tion and Notification Act (title I of Public Law 109-
8 248; 42 U.S.C. 16911)) until such time as the indi-
9 vidual returns to the United States and is deter-
10 mined eligible for the reissuance of such passport,
11 passport card, or travel permit, as the case may be;
12 and

13 (3) limit to one year or such period of time as
14 the Secretary of State shall determine appropriate
15 the period of validity of a passport or passport card
16 issued to a high risk sex offender.

17 **SEC. 9. REPORTING VIOLATION PROCEDURE.**

18 Not later than the date of the initial integration of
19 available, relevant data into the existing centralized data-
20 base required under section 7(d)(3), the Secretary of
21 State, the Secretary of Homeland Security, and the Attor-
22 ney General shall promulgate rules to establish the proce-
23 dure to be followed when such database identifies an indi-
24 vidual seeking to travel or returning from travel outside

1 the United States as a sex offender who failed to report
2 prior to such travel as required under section 4.

3 **SEC. 10. IMMUNITY FOR GOOD FAITH CONDUCT.**

4 The Federal Government, jurisdictions, political sub-
5 divisions of jurisdictions, and their agencies, officers, em-
6 ployees, and agents shall be immune from liability for good
7 faith conduct under this Act.

8 **SEC. 11. IMMIGRATION LAW REFORM TO PREVENT ADMIS-
9 SION OF SEX OFFENDERS AGAINST MINORS
10 TO THE UNITED STATES.**

11 Section 212(a)(2) of the Immigration and Nationality
12 Act (8 U.S.C.1182(a)(2)) is amended by adding at the end
13 the following:

14 “(J) SEX OFFENDERS.—Any alien con-
15 victed of, or who admits having committed, or
16 who admits committing acts which constitute
17 the essential elements of, a sex offense (as de-
18 fined in section 3 of the International Megan’s
19 Law of 2009) is inadmissible.”.

20 **SEC. 12. SENSE OF CONGRESS PROVISIONS.**

21 (a) BILATERAL AGREEMENTS.—It is the sense of
22 Congress that the President should enter into memoran-
23 dums of understanding or other bilateral agreements with
24 foreign governments to further the purposes of this Act,
25 including by—

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

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

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

13 (b) MINIMUM AGE OF CONSENT.—It is the sense of
14 Congress that the President should strongly encourage
15 those foreign countries that have an age of consent to sex-
16 ual activity below the age of 18 to raise the age of consent
17 to the age of 18 in order to better protect children and
18 young adolescents from domestic and international sexual
19 exploitation.

20 (c) NOTIFICATION TO THE UNITED STATES OF SEX
21 OFFENSES COMMITTED ABROAD.—It is the sense of Con-
22 gress that the President should formally request foreign
23 governments to notify the United States when a United
24 State citizen has been arrested, convicted, sentenced, or

1 completed a prison sentence for a sex offense against a
2 minor in the foreign country.

3 **SEC. 13. ANNUAL REPORT ON STATUS OF SEVERE FORMS**
4 **OF TRAFFICKING IN PERSONS AND IMPLE-**
5 **MENTATION ASSESSMENT.**

6 (a) IN GENERAL.—Section 110(b)(1) of the Traf-
7 ficking Victims Protection Act of 2000 (22 U.S.C.
8 7107(b)(1)) is amended—

9 (1) in subparagraph (E), by striking “and” at
10 the end;

11 (2) by redesignating subparagraph (F) as sub-
12 paragraph (G); and

13 (3) by inserting after subparagraph (E) the fol-
14 lowing:

15 “(F)(i) within each country narrative, a
16 statement as to whether the country has estab-
17 lished or is making substantial progress in es-
18 tablishing a system—

19 “(I) to identify sex offenders
20 (who have committed a sex offense as
21 defined in section 3 of the Inter-
22 national Megan’s Law of 2009) trav-
23 eling to the United States or any
24 other country;

1 “(II) to notify the United States
2 or the other country, to the extent
3 practicable, of—

4 “(aa) the identity of the in-
5 dividual,

6 “(bb) the nature of the sex
7 offense for which the individual
8 was convicted, and

9 “(cc) the anticipated man-
10 ner, date, and time of the indi-
11 vidual’s arrival in the United
12 States or the other country,
13 prior to the individual’s travel; and

14 “(III) to respond in an appro-
15 priate and timely manner to notices
16 received from other countries of sex
17 offenders traveling from those coun-
18 tries to the country concerned; and

19 “(ii) an overall assessment as to the
20 progress made and difficulties that exist in
21 establishing a system pursuant to clause
22 (i) on a global scale, and the extent of
23 inter-country cooperation with respect to
24 sex offender travel notifications; and”.

1 (b) ASSESSMENT REQUIRED.—Not later than two
2 years after the date of the enactment of this Act, the
3 President shall transmit to the appropriate congressional
4 committees an assessment based on the information pro-
5 vided pursuant to subparagraph (F) of section 110(b)(1)
6 of the Trafficking Victims Protection Act of 2000 (22
7 U.S.C. 7107(b)(1)) (as added by subsection (a) of this sec-
8 tion), as to how an amendment to section 108(a) of such
9 Act (22 U.S.C. 7106(a)) to include the establishment of
10 a system described in subparagraph (F) of section
11 110(b)(1) of such Act (as added by subsection (a) of this
12 section) would facilitate and contribute to advancing the
13 establishment of such a system on a global scale.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—For purposes of subsection (b), the term “appro-
16 priate congressional committees” means the Committee on
17 Foreign Affairs of the House of Representatives and the
18 Committee on Foreign Relations of the Senate.

19 **SEC. 14. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
20 **MINIMUM STANDARDS FOR THE ELIMI-**
21 **NATION OF TRAFFICKING.**

22 (a) IN GENERAL.—The President is strongly encour-
23 aged to exercise the authorities of section 134 of the For-
24 eign Assistance Act of 1961 (22 U.S.C. 2152d) to provide
25 assistance to foreign countries directly, or through non-

1 governmental and multilateral organizations, for pro-
2 grams, projects, and activities, including training of law
3 enforcement entities and officials, designed to establish
4 systems to identify sex offenders and provide and receive
5 notification of child sex offender international travel.

6 (b) DEFINITION.—In this section, the term “sex of-
7 fender” means an individual who has been convicted of
8 a sex offense as defined in section 3.

9 **SEC. 15. INTERNATIONAL SEX OFFENDER TRAVEL STUDY.**

10 (a) STUDY REQUIRED.—The Secretary of State, the
11 Attorney General, and the Comptroller General of the
12 United States shall jointly undertake a study of—

13 (1) whether, and if so how many, United States
14 citizens who are arrested overseas for a sexual of-
15 fense against an adult have been previously arrested
16 for or convicted of a sex offense in the United
17 States;

18 (2) the number of minors who are exploited by
19 sex tourists globally on an annual basis, and the
20 country of origin of such tourists;

21 (3) the number of United States citizens and
22 permanent residents who sexually exploit minors
23 outside the United States; and

1 (4) the number of victims per United States cit-
2 izen and permanent resident who sexually exploit mi-
3 nors outside the United States.

4 (b) REPORT.—Not later than 18 months after the
5 date of the enactment of this Act, the Secretary of State,
6 the Attorney General, and the Comptroller General of the
7 United States shall jointly submit to the appropriate con-
8 gressional committees a report that contains the results
9 of the study required under subsection (a).

10 **SEC. 16. CONGRESSIONAL REPORTS.**

11 (a) INITIAL REPORT.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the
14 President shall transmit to the appropriate congress-
15 sional committees a report on the implementation of
16 this Act, including—

17 (A) the procedures established for imple-
18 menting section 6;

19 (B) how the International Sex Offender
20 Travel Center has been established under sec-
21 tion 7, including the role and responsibilities of
22 the respective departments and agencies that
23 are participating in the Center, and how those
24 roles are being coordinated to accomplish the

1 purposes of this Act and the amendments made
2 by this Act;

3 (C) the implementation of the integrated
4 database as required under section 7(d)(3), in-
5 cluding which Federal department or agency is
6 responsible for each task of submitting, updat-
7 ing, deconflicting, and removing the respective
8 data;

9 (D) the consultations that are being con-
10 ducted pursuant to section 7(e), and a sum-
11 mary of the discussions that have taken place
12 in the course of those consultations;

13 (E) what, if any, assistance has been pro-
14 vided pursuant to section 7(f) and section 12;
15 and

16 (F) the reporting violation procedure es-
17 tablished pursuant to section 9.

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

22 (b) ANNUAL REPORT.—Not later than one year after
23 the date of the enactment of this Act, and every year for
24 4 years thereafter, the President shall transmit to the ap-
25 propriate congressional committees a report on the imple-

1 mentation of this Act and the amendments made by this
2 Act, including—

3 (1) the number of United States sex offenders
4 who report travel to or from a foreign country pur-
5 suant to section 4(a);

6 (2) the number of United States sex offenders
7 charged, prosecuted, and convicted for failing to re-
8 port travel to or from a foreign country pursuant to
9 section 4(a);

10 (3) the number of positive identifications of in-
11 dividuals falsely identified as sex offenders through
12 the database implemented pursuant to section
13 7(d)(3), and how each case was handled or cor-
14 rected;

15 (4) what actions have been taken, if any, by
16 foreign countries and territories of destination fol-
17 lowing notification pursuant to section 7(d)(2);

18 (5) the number of United States citizens or per-
19 manent residents arrested overseas for sex offenses,
20 and in each instance—

21 (A) the country of arrest;

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

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

1 (D) if the individual reported travel pursu-
2 ant to section 4, whether the individual was
3 deemed not to be a high risk sex offender by
4 the ICE SAC; and

5 (6) recommendations as to how the United
6 States can more fully participate in international law
7 enforcement cooperative efforts to combat child sex
8 exploitation.

9 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

10 To carry out this Act and the amendments made by
11 this Act, there are authorized to be appropriated such
12 sums as may be necessary for each of the fiscal years 2009
13 through 2013.

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