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Congress of the United States
House of Representatives

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Excerpts of the Statement by Rep. Chris Smith (R-NJ)
House Committee on Foreign Affairs
Markup of H.R. 5138, International Megan's Law of 2010
April 28, 2010

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank you for bringing before this Committee the International Megan's Law, H.R. 5138, which establishes a model framework for inter-governmental notifications when a dangerous child sex offender travels internationally. This version marks the culmination of two years of extensive negotiations by multiple parties of a predecessor bill that I introduced in April 2008.

I announced that bill alongside Richard and Maureen Kanka at the Megan Nicole Kanka Memorial Park in my home district in Hamilton, New Jersey. Our national and various state versions of Megan's Law have revolutionized how we deal with child predators. The Kankas wrote the book on neighborhood notification and protection of children and families through information. We all owe an enormous debt to Maureen and Richard for taking a horrific tragedy that is unbearable and turning it into a cause to protect children in the US and now internationally.

Despite the fact that 137 countries are parties to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including the United States, little is being done internationally to comply with the obligation to *prevent* these acts in the context of the horrific phenomenon of child sex tourism. As evidenced by the troubling information in the State Department's annual Trafficking in Persons report, child sex tourism is a serious and widespread problem. Congress has passed legislation to bring to justice those Americans who are caught sexually exploiting children abroad, but we have yet to institute measures that will protect children from suffering exploitation and its lifelong consequences in the first place.

H.R. 5138 would implement one measure that is readily apparent – to identify and notify foreign governments of international travel by known, dangerous child sex

offenders. The need for such a formalized arrangement is exemplified by a case in April 2008. A life-time registered sex offender from the United Kingdom travelled to the United States with the intention of living with a woman he had communicated with on the Internet and her young daughters. It was only due to an alert from Interpol London that U.S. officials learned about the criminal history of this man and refused to allow him to enter our country.

U.S. Immigration and Customs Enforcement together with other U.S. and foreign law enforcement agencies are making a sincere effort to share information on an ad hoc basis through Interpol and other available means about travelling child sex offenders. But a legal structure is needed to systematize and coordinate these detection and notification efforts.

The International Megan's Law would provide this legal structure. It establishes a mechanism for U.S. law enforcement agencies to identify child sex offenders who pose a danger to children in a destination country, and to notify that country about the sex offender's travel intentions. It also includes a sense of Congress that the President should negotiate agreements with other governments to establish bilateral systems to receive and transmit notices about dangerous child sex offenders so that children in our own country will be better protected from known predators.

This bill also establishes a registration requirement for U.S. child sex offenders when they are residing abroad. Currently, there is no legal mechanism to identify and track Americans convicted of child sex offenses overseas, or to continue tracking the location and activities of a child sex offender if they leave the United States for more than 30 days. H.R. 5138 will enable the U.S. diplomatic mission to notify U.S. law enforcement when a sex offender who is required to register enters or re-enters the United States.

Mr. Chairman, the United States, with its international law enforcement relations, technological and communications capability, and established sex offender registry system, must lead the global community in the effort to save thousands of potential child victims by notifying other countries of travel by sex offenders who pose a high risk of exploiting children overseas. In turn, we must impress upon other countries that they are expected to do the same. Children everywhere deserve no less.