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Congress of the United States
House of Representatives

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Int'l Megan's Law Amendment to Protect More Kids

Smith Provision part of en bloc amendment to H.R. 2848

*House Committee on Foreign Affairs
Mark-up Session of H.R. 2848 and H.R. 419
Excerpts of Remarks by Rep. Chris Smith
August 1, 2013*

I have put forward an amendment authorizing the State Department to restrict the passports of registered sex offenders – an important tool in protecting vulnerable women and children around the world from sexual exploitation.

The language of this amendment mirrors the language adopted previously by this Committee in the Trafficking Victims Prevention Act – a bill I authored – and reflects broad bipartisan consensus and commitment to protecting the most vulnerable. Indeed, this authorization appeared in the International Megan's Law, which I also drafted, passing the full House in 2010 when our Democratic colleagues were in control.

Megan's Law refers to a law adopted in 1996 by Congress to encourage states to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities. The inspiration comes from a little girl named Megan Kanka, who tragically was abducted, sexually assaulted and murdered in 1994 when she was 7 years old in my home state of New Jersey, in my district. Her killer was a violent sexual predator, who, unbeknownst to Megan or her family, had been convicted previously of a sex offense against a child and was living across the street from her home.

Each year an estimated 1.8 million children worldwide are exploited through prostitution and pornography, according to International Labour Organization estimates. Commercial sexual exploitation can result in serious, lifelong and even life-threatening consequences for the physical, psychological, spiritual, emotional and social development and well-being of a child.

A deeply disturbing GAO report entitled "Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders" found that at least 4,500 U.S. passports were issued

to known registered sex offenders in fiscal year 2008 alone. The GAO emphasized that this number is probably understated due to the limitations of the data that it was able to analyze and to access.

Let me also remind—we all know it—passports last for 10 years, so, again, this number would grow every year.

What is even more disturbing are the details about 30 of those sex offenders, passport recipients the GAO selected for further investigation. One registered sex offender solicited trips to Mexico to find and prey on young boys. The FBI found cameras in a medical bag with a Spanish language flyer advertising lice removal for children, a procedure that requires children to undress. This offender, who is currently serving a prison sentence for possession of child pornography, applied for a passport because he plans to live in Mexico after he serves his sentence to avoid registering as a sex offender.

Such sexually-exploited children are at great risk of contracting HIV or AIDS, and are unlikely to receive adequate medical care. They are also at great risk of further physical violence should they dare to resist or escape. Their wounds are not only physical, but also deeply emotional, psychological, spiritual.

Child sex tourism is a specific form of child prostitution, one which children living in countries in the developing world are especially vulnerable to. Child sex tourism is defined as the commercial sexual exploitation of children by people who travel from one place to another and there engage in sexual acts with minors.

According to the Protection Project of Johns Hopkins University, sex tourists from the United States who target children form a significant percentage of child sex tourists. The criminal backgrounds of these predators are not likely to be known by local law enforcement officials. A system that would aid in the prevention of such crimes is needed to safeguard vulnerable populations.

Predators who have been arrested in and deported from a foreign country for sexually exploiting children have used long-term passports to evade return to the United States and have moved to a third country where they continue to exploit and abuse children.

In order to better protect children, this amendment would allow the Secretary of State the discretion to revoke the passport of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense. It also allows the Secretary the ability to determine the appropriate period of validity of any passport that is issued to a sex offender.

By showing leadership on this issue, in seeking to protect children around the world regardless of nationality, it is my hope that other countries will follow the lead of the United States and enact similar legislation, leading to a virtuous cycle whereby children in this country and around the world are safer and their innocence preserved.

I ask my colleagues to join me, as they have before, in supporting this critical amendment.