

**Suspend the Rules and Pass the Bill, H. R. 4573, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

113TH CONGRESS
2^D 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,*

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 to Prevent Demand for Child
6 Sex Trafficking”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 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. Sense of Congress provisions.

Sec. 6. Enhancing the minimum standards for the elimination of trafficking.

Sec. 7. Assistance to foreign countries to meet minimum standards for the
elimination of trafficking.

Sec. 8. Rules of Construction.

9 **SEC. 2. FINDINGS.**

10 Congress finds the following:

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

18 (2) In 1996, Congress adopted Megan’s Law
19 (Public Law 104–145) as a means to encourage

1 States to protect children by identifying the where-
2 abouts of sex offenders and providing the means to
3 monitor their activities.

4 (3) In 2006, Congress passed the Adam Walsh
5 Child Protection and Safety Act of 2006 (Public
6 Law 109–248) to protect children and the public at
7 large by establishing a comprehensive national sys-
8 tem for the registration and notification to the pub-
9 lic and law enforcement officers of convicted sex of-
10 fenders.

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

16 (5) The commercial sexual exploitation of mi-
17 nors in child sex trafficking and pornography is a
18 global phenomenon. The International Labour Orga-
19 nization has estimated that 1.8 million children
20 worldwide are victims of child sex trafficking and
21 pornography each year.

22 (6) Child sex tourism, where an individual trav-
23 els to a foreign country and engages in sexual activ-
24 ity with a child in that country, is a form of child

1 exploitation and, where commercial, child sex traf-
2 ficking.

3 (7) According to research conducted by The
4 Protection Project of The Johns Hopkins University
5 Paul H. Nitze School of Advanced International
6 Studies, sex tourists from the United States who
7 target children form a significant percentage of child
8 sex tourists in some of the most significant destina-
9 tion countries for child sex tourism.

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

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

1 (2) CHILD-SEX OFFENDER.—

2 (A) IN GENERAL.—The term “child-sex of-
3 fender” means an individual who is a sex of-
4 fender described in paragraph (3) or (4) of sec-
5 tion 111 of the Adam Walsh Child Protection
6 and Safety Act of 2006 (42 U.S.C. 16911) by
7 reason of being convicted of a 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 (3) 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) OTHER OFFENSES.—The term “child-

15 sex offense” includes a sex offense described in

16 paragraph (5)(A) of section 111 of the Adam

17 Walsh Child Protection and Safety Act of 2006

18 that is a specified offense against a minor, as

19 defined in paragraph (7) of such section.

20 (C) FOREIGN CONVICTIONS; OFFENSES IN-

21 VOLVING CONSENSUAL SEXUAL CONDUCT.—The

22 limitations contained in subparagraphs (B) and

23 (C) of section 111(5) of the Adam Walsh Child

24 Protection and Safety Act of 2006 shall apply

25 with respect to a child-sex offense for purposes

1 of this Act to the same extent and in the same
2 manner as such limitations apply with respect
3 to a sex offense for purposes of the Adam
4 Walsh Child Protection and Safety Act of 2006.

5 (4) JURISDICTION.—The term “jurisdiction”
6 means any of the following:

7 (A) A State.

8 (B) The District of Columbia.

9 (C) The Commonwealth of Puerto Rico.

10 (D) Guam.

11 (E) American Samoa.

12 (F) The Northern Mariana Islands.

13 (G) The United States Virgin Islands.

14 (H) To the extent provided in, and subject
15 to the requirements of, section 127 of the Adam
16 Walsh Child Protection and Safety Act of 2006
17 (42 U.S.C. 16927), a federally recognized In-
18 dian tribe.

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

21 **SEC. 4. ANGEL WATCH CENTER.**

22 (a) ESTABLISHMENT.—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary of
24 Homeland Security shall establish within the Child Exploi-
25 tation Investigations Unit of United States Immigration

1 and Customs Enforcement (ICE) of the Department of
2 Homeland Security a Center, to be known as the “Angel
3 Watch Center”, to carry out the activities specified in sub-
4 section (d).

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

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

11 (1) The Director of ICE.

12 (2) The Commissioner of CBP.

13 (3) Individuals who are designated as analysts
14 in ICE or CBP.

15 (4) Individuals who are designated as program
16 managers in ICE or CBP.

17 (d) ACTIVITIES.—

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

20 (A) Receive information on travel by child-
21 sex offenders.

22 (B) Establish a system to maintain and ar-
23 chive all relevant information, including the re-
24 sponse of destination countries to notifications

1 under subsection (e) where available, and deci-
2 sions not to transmit notification abroad.

3 (C) Establish an annual review process to
4 ensure that the Center is consistent in proce-
5 dures to provide notification to destination
6 countries or not to provide notification to des-
7 tination countries, as appropriate.

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

14 (e) NOTIFICATION.—

15 (1) TO COUNTRIES OF DESTINATION.—

16 (A) IN GENERAL.—The Center may trans-
17 mit notice of impending or current international
18 travel of a child-sex offender to the country or
19 countries of destination of the child-sex of-
20 fender, including to the visa-issuing agent or
21 agents in the United States of the country or
22 countries.

23 (B) FORM.—The notice under this para-
24 graph may be transmitted through such means

1 as determined appropriate by the Center, in-
2 cluding through an ICE attaché.

3 (2) TO OFFENDERS.—

4 (A) GENERAL NOTIFICATION.—

5 (i) IN GENERAL.—If the Center trans-
6 mits notice under paragraph (1) of im-
7 pending international travel of a child-sex
8 offender to the country or countries of des-
9 tination of the child-sex offender, the Sec-
10 retary of Homeland Security, in conjunc-
11 tion with any appropriate agency, shall
12 make reasonable efforts to provide con-
13 structive notice through electronic or tele-
14 phonic communication to the child-sex of-
15 fender prior to the child-sex offender's ar-
16 rival in the country or countries.

17 (ii) EXCEPTION.—The requirement to
18 provide constructive notice under clause (i)
19 shall not apply in the case of impending
20 international travel of a child-sex offender
21 to the country or countries of destination
22 of the child-sex offender if such construc-
23 tive notice would conflict with an existing
24 investigation involving the child-sex of-
25 fender.

1 (B) SPECIFIC NOTIFICATION REGARDING
2 RISK TO LIFE OR WELL-BEING OF OF-
3 FENDER.—If the Center has reason to believe
4 that to transmit notice under paragraph (1)
5 poses a risk to the life or well-being of the
6 child-sex offender, the Center shall make rea-
7 sonable efforts to provide constructive notice
8 through electronic or telephonic communication
9 to the child-sex offender of such risk.

10 (C) SPECIFIC NOTIFICATION REGARDING
11 PROBABLE DENIAL OF ENTRY TO OFFENDER.—
12 If the Center has reason to believe that a coun-
13 try of destination of the child-sex offender is
14 highly likely to deny entry to the child-sex of-
15 fender due to transmission of notice under
16 paragraph (1), the Center shall make reason-
17 able efforts to provide constructive notice
18 through electronic or telephonic communication
19 to the child-sex offender of such probable de-
20 nial.

21 (3) SUNSET.—The authority of paragraph (1)
22 shall terminate with respect to a child-sex offender
23 beginning as of the close of the last day of the reg-
24 istration period of such child-sex offender under sec-

1 tion 115 of the Adam Walsh Child Protection and
2 Safety Act of 2006 (42 U.S.C. 16915).

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

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

9 (1) nongovernmental organizations, including
10 faith-based organizations, that have experience and
11 expertise in identifying and preventing child sex
12 tourism and rescuing and rehabilitating minor vic-
13 tims of international sexual exploitation and traf-
14 ficking;

15 (2) the governments of countries interested in
16 cooperating in the creation of an international sex
17 offender travel notification system or that are pri-
18 mary destination or source countries for inter-
19 national sex tourism; and

20 (3) Internet service and software providers re-
21 garding available and potential technology to facili-
22 tate the implementation of an international sex of-
23 fender travel notification system, both in the United
24 States and in other countries.

1 (h) TECHNICAL ASSISTANCE.—The Secretary of
2 Homeland Security and the Secretary of State may pro-
3 vide technical assistance to foreign authorities in order to
4 enable such authorities to participate more effectively in
5 the notification program system established under this
6 section.

7 **SEC. 5. SENSE OF CONGRESS PROVISIONS.**

8 (a) BILATERAL AGREEMENTS.—It is the sense of
9 Congress that the President should negotiate memoranda
10 of understanding or other bilateral agreements with for-
11 eign governments to further the purposes of this Act and
12 the amendments made by this Act, including by—

13 (1) establishing systems to receive and transmit
14 notices as required by title I of the Adam Walsh
15 Child Protection and Safety Act of 2006 (42 U.S.C.
16 16901 et seq.); and

17 (2) establishing mechanisms for private compa-
18 nies and nongovernmental organizations to report on
19 a voluntary basis suspected child pornography or ex-
20 ploitation to foreign governments, the nearest
21 United States embassy in cases in which a possible
22 United States citizen may be involved, or other ap-
23 propriate entities.

24 (b) NOTIFICATION TO THE UNITED STATES OF
25 CHILD-SEX OFFENSES COMMITTED ABROAD.—It is the

1 sense of Congress that the President should formally re-
2 quest foreign governments to notify the United States
3 when a United States citizen has been arrested, convicted,
4 sentenced, or completed a prison sentence for a child-sex
5 offense in the foreign country.

6 **SEC. 6. ENHANCING THE MINIMUM STANDARDS FOR THE**
7 **ELIMINATION OF TRAFFICKING.**

8 Section 108(b)(4) of the Trafficking Victims Protec-
9 tion Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by
10 adding at the end before the period the following: “, in-
11 cluding severe forms of trafficking in persons related to
12 sex tourism”.

13 **SEC. 7. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
14 **MINIMUM STANDARDS FOR THE ELIMI-**
15 **NATION OF TRAFFICKING.**

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

1 **SEC. 8. RULES OF CONSTRUCTION.**

2 (a) DEPARTMENT OF JUSTICE.—Nothing in this Act
3 shall be construed to preclude or alter the jurisdiction or
4 authority of the Department of Justice under the Adam
5 Walsh Child Protection and Safety Act of 2006 (42 U.S.C.
6 16901 et seq.), including section 113(d) of such Act, or
7 any other provision law, or to affect the work of the
8 United States Marshals Service with INTERPOL.

9 (b) ANGEL WATCH CENTER.—Nothing in this Act
10 shall be construed to preclude the Angel Watch Center
11 from transmitting notice with respect to any sex offender
12 described in paragraph (3) or (4) of section 111 of the
13 Adam Walsh Child Protection and Safety Act of 2006 (42
14 U.S.C. 16911) or with respect to any sex offense described
15 in paragraph (5) of such section.