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On Final Passage of International Megan's Law

*Remarks of Rep. Chris Smith (R-NJ)
During final debate and passage
in the House of Representatives
Feb. 1, 2016*

Mr. Speaker, child predators thrive on secrecy—a secrecy that allows them to commit heinous crimes against the weakest and most vulnerable.

Today the House has under consideration, H.R. 515, the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advance Notification of Traveling Sex Offenders—a law that will significantly thwart child sexual exploitation in the United States and abroad through a comprehensive and efficient system that warns law enforcement of traveling sex offenders.

International Megan's Law honors the memory of Megan Kanka—a precious little girl from my hometown of Hamilton who suffered and died at the hands of a sexual predator.

Megan was just seven-years-old when she was kidnapped, raped, and brutally murdered in 1994. Her assailant lived across the street and unbeknownst to her family and other residents in the neighborhood, he was a convicted, repeat sex offender.

Due to the extraordinary work by Megan's courageous parents—Maureen and Richard Kanka—the New Jersey State Legislature passed and the governor signed the original Megan's Law in 1994 (expanded in 2001) to require registration and public notification of convicted sex offenders living in the community. Today all 50 States and all U.S. territories have a Megan's Law.

Because of this law, parents, guardians, school officials, sport coaches, law enforcement and the public at large are now empowered with the critical information they need to mitigate harm to children.

We know from law enforcement and media documentation that Americans on U.S. sex offender registries are caught sexually abusing children in Asia, Central and South America, Europe—everywhere.

A deeply-disturbing 2010 report by the Government Accountability Office (GAO) 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 registered sex offenders in fiscal year 2008 alone. Typically, a passport is valid for ten years meaning some or many of the tens of thousands of registered sex offenders possessing passports may be on the prowl internationally looking to exploit and abuse.

Ernie Allen, who served for 30 years as the President and CEO of the Center for Missing and Exploited Children (NCMEC) and the International Center for Missing and Exploited Children, recently explained, “It is clear that there is a substantial category of offenders who do not offend as a lapse of judgment; they do it as a lifestyle. And these are the offenders who are most likely to travel to seek victims in places where the offender is most likely to be anonymous and most likely to avoid identification or apprehension.”

Studies demonstrate that even when caught, prosecuted and jailed, for a number of predators the propensity to recommit these crimes at a later date remains.

A 2008 study by Oliver, Wong, and Nicholaichuk (*Journal of Interpersonal Violence*) showed that untreated sex offenders were reconvicted for sexual crimes at the rate of 17.7 percent after 3 years of follow-up, 24.5 percent after 5 years of follow-up, and 32 percent after 10 years of follow-up.

A 2004 study by Hanson and Harris on 4,724 treated and untreated sex offenders combined found that 5-year recidivism rate for sexual crimes was 14 percent. The 10-year recidivism rate was 20 percent and the 15-year recidivism rate was 24 percent. The study also showed that some forms of child molestation had a 35 percent sexual recidivism rate at 15 years.

Keep in mind, Mr. Speaker, that these are just the rates for those who were caught again.

Pedophiles and other sexual predators often harm more than one victim. For every victim who reports, there are likely many other victims who could not come forward.

Mr. Speaker, some of these exploited children are prostituted by human traffickers to pedophiles. The International Labor Organization (ILO) has estimated that 1.8 million children are victims of commercial sexual exploitation around the world each year.

It is imperative that we take the lessons learned on how to protect our children from known child sex predators within our borders and expand those protections globally to prevent convicted U.S. sex offenders from harming children abroad.

It is imperative that we teach other countries how to establish their own Megan’s Law and push other countries to warn us when their sex offenders are traveling here.

Specifically, H.R. 515 will authorize and empower the Angel Watch Center, operating under the auspices of Immigration, and Customs, Enforcement (ICE), Department of Homeland Security, to check flight manifests against sex offender registries—and quickly warn destination countries when sex offenders are headed their way.

The Angel Watch Center is authorized to send actionable information about child-sex offender travel to destination countries in time for those countries to assess the potential dangers—and respond appropriately, whether that is to deny entry or visa, monitor travel, or limit travel.

To prevent offenders from thwarting International Megan’s Law notification procedures by country-hopping to an alternate destination not previously disclosed, H.R. 515 includes provisions for the

State Department to develop a passport identifier –or, “*any visual designation affixed to a conspicuous location on the passport indicating that the individual is a covered sex offender*”

A passport so identified provides law enforcement and customs an additional tool to protect children.

The passport identifier is only for those who have been found guilty of a sex crime involving a child, and have been deemed dangerous enough to be listed on a public sex offender registry. When this information is no longer public knowledge in the United States, the passport identifier will no longer be required.

It’s worth noting that some states already require sex offenders to have their status listed on their driver’s licenses (Alabama, Florida, Delaware, and Louisiana, to name a few. Ironically, it’s been reported that some registered sex offenders have used their passports as an ID in order to keep their status a secret.

Mr. Speaker, in order to protect potential victims, H.R. 515 also aims to establish a durable system of reciprocity among the nations of the world. International Megan’s Law directs the Secretary of State to seek agreements with other countries so that the United States is notified in advance of incoming foreign sex offenders.

I would like to offer my profound appreciation to Majority Leader Kevin McCarthy for his deep commitment to combatting human trafficking in all of its ugly manifestations, for scheduling the House vote twelve months ago on International Megan’s Law and again today, and for working closely with Senate leadership. His policy advisor Emily Murry was remarkable.

I would also like to thank Chairman Ed Royce and Ranking Member Elliot Engle for their strong support for the bill and the assistance of Jessica Kelch, Doug Anderson, Janice Kaguyutan.

Sen. Bob Corker, Chairman of the Senate Foreign Relations Committee, truly made this bill a priority and carried it over the finish line in the Senate. I appreciate Chairman Corker’s effectiveness and passion in combatting human trafficking, and his pivotal support of the International Megan’s Law.

His Senior Professional Staff, Caleb McCarry, and Counsel Sarah Ramig showed remarkable dedication and persistence through multiple interagency negotiations. His Chief of Staff Todd Womack and Legislative Director Rob Strayer skillfully guided the bill through the process. I cannot thank them enough.

I would also like to offer special thanks to my good friend Senator Ben Cardin—we’ve served for decades together on the Helsinki Commission—for his support and efforts.

I am grateful to Sen. Richard Shelby and Sen. Barbara Mikulski for their assistance and for driving better Angel Watch Center collaboration with the US Marshal’s Service (USMS) Sex Offender Targeting Center. The USMS will be required to vet names sent out by the Angel Watch Center and share previously vetted names with the Center in order to maximize expertise, avoid duplication of efforts, and ensure accuracy of international notifications.

Sen. Shelby also championed the passport provisions that will ensure sex offenders with crimes against children cannot end run the system. I look forward to the State Department’s effective implementation of these very important provisions.

I would also like to thank Sen. Shelby's Senior Professional Staff, Shannon Hines who was extraordinarily smart and creative. Special thanks to Professional Staff, Jen Deci; as well as Sen. Mikulski's Professional Staff, Jennifer Eskra, for their tireless work and expertise to integrate efforts of government agencies to protect children.

Sen. John Cornyn, Majority Leader, did not rest on his success earlier this year in navigating the Justice for Victims of Trafficking Act through the Senate, but persisted with us until International Megan's Law was complete. I thank him for his invaluable and substantial assistance and dedication.

Last, but not least, I would like to thank my Chief of Staff, Mary Noonan, who has been tenacious in guiding this bill past obstacle after obstacle; and Allison Hollabaugh, who worked energetically, effectively and expertly with the agencies and other interested parties to achieve this final bill. I would also like to thank my former top foreign affairs committee staff member, Sheri Rickert, who spent countless hours over several years negotiating with disparate parties trying to achieve passage—those efforts were not in vain.

I would also like to thank the National Center for Missing and Exploited Children, the International Center for Missing and Exploited Children, EC-PAT USA, and the Family Research Council for their input, counsel and strong support of this legislation.

I first introduced International Megan's Law in 2008 alongside Megan's parents, Maureen and Richard Kanka. Maureen and Richard, Mr. Speaker, are heroic people. They have fought for decades to spare children and their families from horrific crimes that can and must be prevented.

While they still carry deep emotional and psychological scars, Maureen and Richard's selflessness, love of others, and vision have protected countless children from harm. Enactment of International Megan's Law will expand meaningful child protection at home and around the world.