

114TH CONGRESS  
1ST SESSION

# H. R. 515

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2015

Mr. SMITH of New Jersey (for himself, Mr. SIRES, Mrs. HARTZLER, Mrs. CAROLYN B. MALONEY of New York, Mrs. WAGNER, Mr. PITTENGER, Mr. POE of Texas, Ms. MCCOLLUM, and Mr. YOHO) 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

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## 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  
 20        States to protect children by identifying the where-

1       abouts of sex offenders and providing the means to  
2       monitor their activities.

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

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

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

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

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

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

24           (2) CHILD-SEX OFFENDER.—

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

7 (B) DEFINITION OF CONVICTED.—In this  
8 paragraph, the term “convicted” has the mean-  
9 ing given the term in paragraph (8) of section  
10 111 of such Act.

11 (3) CHILD-SEX OFFENSE.—

12 (A) IN GENERAL.—The term “child-sex of-  
13 fense” means a specified offense against a  
14 minor, as defined in paragraph (7) of section  
15 111 of the Adam Walsh Child Protection and  
16 Safety Act of 2006 (42 U.S.C. 16911), includ-  
17 ing—

18 (i) an offense (unless committed by a  
19 parent or guardian) involving kidnapping;

20 (ii) an offense (unless committed by a  
21 parent or guardian) involving false impris-  
22 onment;

23 (iii) solicitation to engage in sexual  
24 conduct;

25 (iv) use in a sexual performance;

1 (v) solicitation to practice prostitu-  
2 tion;

3 (vi) video voyeurism as described in  
4 section 1801 of title 18, United States  
5 Code;

6 (vii) possession, production, or dis-  
7 tribution of child pornography;

8 (viii) criminal sexual conduct involving  
9 a minor, or the use of the Internet to fa-  
10 cilitate or attempt such conduct; and

11 (ix) any conduct that by its nature is  
12 a sex offense against a minor.

13 (B) OTHER OFFENSES.—The term “child-  
14 sex offense” includes a sex offense described in  
15 paragraph (5)(A) of section 111 of the Adam  
16 Walsh Child Protection and Safety Act of 2006  
17 that is a specified offense against a minor, as  
18 defined in paragraph (7) of such section.

19 (C) FOREIGN CONVICTIONS; OFFENSES IN-  
20 VOLVING CONSENSUAL SEXUAL CONDUCT.—The  
21 limitations contained in subparagraphs (B) and  
22 (C) of section 111(5) of the Adam Walsh Child  
23 Protection and Safety Act of 2006 shall apply  
24 with respect to a child-sex offense for purposes  
25 of this Act to the same extent and in the same

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

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

6 (A) A State.

7 (B) The District of Columbia.

8 (C) The Commonwealth of Puerto Rico.

9 (D) Guam.

10 (E) American Samoa.

11 (F) The Northern Mariana Islands.

12 (G) The United States Virgin Islands.

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

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

20 **SEC. 4. ANGEL WATCH CENTER.**

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

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

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

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

10 (1) The Director of ICE.

11 (2) The Commissioner of CBP.

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

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

16 (d) ACTIVITIES.—

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

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

21 (B) Establish a system to maintain and ar-  
22 chive all relevant information, including the re-  
23 sponse of destination countries to notifications  
24 under subsection (e) where available, and deci-  
25 sions not to transmit notification abroad.



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

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

13          (e) NOTIFICATION.—

14           (1) TO COUNTRIES OF DESTINATION.—

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

22           (B) FORM.—The notice under this para-  
23           graph may be transmitted through such means  
24           as determined appropriate by the Center, in-  
25           cluding through an ICE attaché.

1 (A) GENERAL NOTIFICATION.—

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

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

23 (B) SPECIFIC NOTIFICATION REGARDING  
24 RISK TO LIFE OR WELL-BEING OF OF-  
25 FENDER.—If the Center has reason to believe

1 that to transmit notice under paragraph (1)  
2 poses a risk to the life or well-being of the  
3 child-sex offender, the Center shall make rea-  
4 sonable efforts to provide constructive notice  
5 through electronic or telephonic communication  
6 to the child-sex offender of such risk.

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

18 (3) SUNSET.—The authority of paragraph (1)  
19 shall terminate with respect to a child-sex offender  
20 beginning as of the close of the last day of the reg-  
21 istration period of such child-sex offender under sec-  
22 tion 115 of the Adam Walsh Child Protection and  
23 Safety Act of 2006 (42 U.S.C. 16915).

24 (f) COMPLAINT REVIEW.—The Center shall establish  
25 a mechanism to receive complaints from child-sex offend-

1 ers affected by notifications of destination countries of  
2 such child-sex offenders under subsection (e).

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

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

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

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

21 (h) TECHNICAL ASSISTANCE.—The Secretary of  
22 Homeland Security and the Secretary of State may pro-  
23 vide technical assistance to foreign authorities in order to  
24 enable such authorities to participate more effectively in

1 the notification program system established under this  
2 section.

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

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

9 (1) establishing systems to receive and transmit  
10 notices as required by title I of the Adam Walsh  
11 Child Protection and Safety Act of 2006 (42 U.S.C.  
12 16901 et seq.); and

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

20 (b) NOTIFICATION TO THE UNITED STATES OF  
21 CHILD-SEX OFFENSES COMMITTED ABROAD.—It is the  
22 sense of Congress that the President should formally re-  
23 quest foreign governments to notify the United States  
24 when a United States citizen has been arrested, convicted,

1 sentenced, or completed a prison sentence for a child-sex  
2 offense in the foreign country.

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

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

10 **SEC. 7. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**  
11 **MINIMUM STANDARDS FOR THE ELIMI-**  
12 **NATION OF TRAFFICKING.**

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

22 **SEC. 8. RULES OF CONSTRUCTION.**

23 (a) DEPARTMENT OF JUSTICE.—Nothing in this Act  
24 shall be construed to preclude or alter the jurisdiction or  
25 authority of the Department of Justice under the Adam

1 Walsh Child Protection and Safety Act of 2006 (42 U.S.C.  
2 16901 et seq.), including section 113(d) of such Act, or  
3 any other provision of law, or to affect the work of the  
4 United States Marshals Service with INTERPOL.

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

12 (c) DEPARTMENT OF HOMELAND SECURITY INVES-  
13 TIGATIONS.—Activities carried out under this Act shall  
14 not impede, hinder, or otherwise impact negatively any in-  
15 vestigations of the Department of Homeland Security.

○