

111TH CONGRESS  
1ST SESSION

# H. R. 1623

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high risk sex offenders outside the United States to the government of the country of destination, preventing entry into the United States by any foreign sex offender against a minor, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. FORTENBERRY, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Ms. GRANGER, Ms. ROS-LEHTINEN, Mr. MANZULLO, Mr. BILIRAKIS, and Mr. POE of Texas) 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 sexual exploitation by mandating reporting requirements for convicted sex traffickers and other sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high risk sex offenders outside the United States to the government of the country of destination, preventing entry into the United States by any foreign sex offender against a minor, 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 of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and declaration of purposes.
- Sec. 3. Definitions.
- Sec. 4. Sex offender travel reporting requirement.
- Sec. 5. Foreign registration requirement for sex offenders.
- Sec. 6. High risk sex offender assessment.
- Sec. 7. International Sex Offender Travel Center.
- Sec. 8. Authority to restrict passports.
- Sec. 9. Reporting violation procedure.
- Sec. 10. Immunity for good faith conduct.
- Sec. 11. Immigration law reform to prevent admission of sex offenders against  
minors to the United States.
- Sec. 12. Sense of Congress provisions.
- Sec. 13. Annual report on status of severe forms of trafficking in persons and  
implementation assessment.
- Sec. 14. Assistance to foreign countries to meet minimum standards for the  
elimination of trafficking.
- Sec. 15. International sex offender travel study.
- Sec. 16. Congressional reports.
- Sec. 17. Authorization of appropriations.

8 **SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.**

9 (a) FINDINGS.—Congress finds the following:

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

1           (2) In 1996, Congress adopted Megan’s Law  
2           (Public Law 104–145) as a means to encourage  
3           States to protect children by identifying the where-  
4           abouts of sex offenders and providing the means to  
5           monitor their activities.

6           (3) The sexual exploitation of minors is a global  
7           phenomenon. The International Labour Organiza-  
8           tion estimates that 1.8 million children worldwide  
9           are exploited each year through prostitution and  
10          pornography.

11          (4) According to ECPAT International, all chil-  
12          dren are adversely affected by being commercially  
13          sexually exploited. Commercial sexual exploitation  
14          can result in serious, lifelong, even life-threatening  
15          consequences for the physical, psychological, spir-  
16          itual, emotional and social development and well-  
17          being of a child.

18          (5) ECPAT International reports that children  
19          who are commercially sexually exploited are at great  
20          risk of contracting HIV or AIDS and are unlikely to  
21          receive adequate medical care. Children are also at  
22          great risk of physical violence—those who make an  
23          attempt to escape or counter their abuse may be se-  
24          verely injured or killed. The psychological effects of

1 child sexual exploitation and threats usually plague  
2 the victims for the rest of their lives.

3 (6) ECPAT International further reports that  
4 children who have been exploited typically report  
5 feelings of shame, guilt, and low self-esteem. Some  
6 children do not believe they are worthy of rescue;  
7 some suffer from stigmatization or the knowledge  
8 that they were betrayed by someone whom they had  
9 trusted; others suffer from nightmares, sleepless-  
10 ness, hopelessness, and depression—reactions similar  
11 to those exhibited in victims of torture. To cope,  
12 some children attempt suicide or turn to substance  
13 abuse. Many find it difficult to reintegrate success-  
14 fully into society once they become adults.

15 (7) According to ECPAT International, child  
16 sex tourism is a specific form of child prostitution  
17 and is a developing phenomenon. Child sex tourism  
18 is defined as the commercial sexual exploitation of  
19 children by people who travel from one place to an-  
20 other and there engage in sexual acts with minors.  
21 This type of exploitation can occur anywhere in the  
22 world and no country or tourism destination is im-  
23 mune.

24 (8) According to research conducted by The  
25 Protection Project of The Johns Hopkins University

1 Paul H. Nitze School of Advanced International  
2 Studies, sex tourists from the United States who  
3 target children form a significant percentage of child  
4 sex tourists in some of the most significant countries  
5 of destination for child sex tourism.

6 (9) According to the National Center for Miss-  
7 ing and Exploited Children, most victims of sex of-  
8 fenders are children and youth, and sex offenders  
9 have a high risk of reoffending.

10 (10) Media reports indicate that known sex of-  
11 fenders who have committed crimes against children  
12 are traveling internationally, and that the criminal  
13 background of such individuals may not be known to  
14 local law enforcement prior to their arrival. A report  
15 in January 2006 cited Interpol Vietnam as stating  
16 that German police had sent a list of 21 German  
17 child molesters who may have entered or may have  
18 been planning to enter Vietnam. In January 2008,  
19 a defense contractor listed on the United States Na-  
20 tional Sex Offender Registry was arrested in Iraq,  
21 who had in his possession a camera containing mul-  
22 tiple images of indecent photos of Iraqi children. In  
23 April 2008, a United States registered sex offender  
24 received a prison sentence for engaging in illicit sex-  
25 ual activity with a 15-year old United States citizen

1 girl in Ciudad Juarez, Chihuahua, Mexico in ex-  
2 change for money and crack cocaine. In May 2008,  
3 a South Korean newspaper reported that the United  
4 States Immigration and Customs Enforcement  
5 Attaché in Seoul provided South Korean authorities  
6 with a list of five United States sex offenders who  
7 had previously visited Korea.

8 (11) Sex offenders are also attempting to enter  
9 the United States. In April 2008, a lifetime reg-  
10 istered sex offender from the United Kingdom at-  
11 tempted to enter the United States with the inten-  
12 tion of living with a woman who he had met on the  
13 Internet and her young daughters. He was refused  
14 entry based on information about his sex offender  
15 status that had been provided to United States im-  
16 migration officials from Interpol London.

17 (12) Child sex tourists may travel overseas to  
18 commit sexual offenses against minors for the fol-  
19 lowing reasons: perceived anonymity; law enforce-  
20 ment in certain countries is perceived as scarce, cor-  
21 rupt, or unsophisticated; perceived immunity from  
22 retaliation because the child sex tourist is a United  
23 States citizen; the child sex tourist has the financial  
24 ability to impress and influence the local population;  
25 the child sex tourist can “disappear” after a brief

1 stay; the child sex tourist can target children meet-  
2 ing their desired preference; and, there is no need to  
3 expend time and effort “grooming” the victim.

4 (13) Individuals who have sexually exploited  
5 children and who have been arrested in and deported  
6 from a foreign country have used long-term pass-  
7 ports to evade return to their country of citizenship  
8 where they faced possible charges and instead have  
9 moved to a third country where they have continued  
10 to exploit and abuse children.

11 (14) The United States is obligated under Arti-  
12 cle 10 of the Optional Protocol to the Convention on  
13 the Rights of the Child on the Sale of Children,  
14 Child Prostitution and Child Pornography to, among  
15 other things, take all necessary steps to strengthen  
16 international cooperation by multilateral, regional,  
17 and bilateral arrangements for the prevention and  
18 detection of those responsible for acts involving the  
19 sale of children, child prostitution, child pornog-  
20 raphy, and child sex tourism. The United States also  
21 is required to promote international cooperation and  
22 coordination between authorities of other States  
23 Parties to the Convention, national and international  
24 nongovernmental organizations and international or-  
25 ganizations to achieve these objectives.

1           (15) Article 10 of the Optional Protocol to the  
2       Convention on the Rights of the Child on the Sale  
3       of Children, Child Prostitution and Child Pornog-  
4       raphy further mandates that the United States and  
5       other States Parties in a position to do so provide  
6       financial, technical, or other assistance through ex-  
7       isting multilateral, regional, bilateral, or other pro-  
8       grams.

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

20          (17) International law enforcement entities, in-  
21      cluding Interpol and the United States Immigration  
22      and Customs Enforcement agency, currently are  
23      sharing information about sex offenders traveling  
24      internationally on an ad hoc basis, and the tech-  
25      nology to detect and notify foreign governments

1 about travel by sex offenders against minors is avail-  
2 able, but a legal structure and additional resources  
3 are needed to systematize and coordinate these de-  
4 tection and notice efforts.

5 (18) Officials from the United Kingdom, Aus-  
6 tralia, Spain, and other countries have expressed in-  
7 terest in working with the United States Govern-  
8 ment for increased international cooperation to pro-  
9 tect children from sexual exploitation, and are call-  
10 ing for formal arrangements to ensure that the risk  
11 posed by traveling sex offenders is combated most  
12 effectively.

13 (b) DECLARATION OF PURPOSES.—The purpose of  
14 this Act and the amendments made by this Act is to pro-  
15 tect children from sexual exploitation by preventing or  
16 monitoring the international travel of sex traffickers and  
17 other sex offenders who pose a risk of committing a sexual  
18 offense against a minor while traveling by—

19 (1) establishing a system in the United States  
20 to identify sex offenders who pose a high risk of re-  
21 offending against children and who intend to travel  
22 outside the United States for the purpose of noti-  
23 fying the appropriate officials in destination coun-  
24 tries of the criminal background and intent to travel  
25 by such individuals;

1           (2) strongly encouraging and assisting foreign  
2 governments to establish a sex offender travel notifi-  
3 cation system and to inform United States authori-  
4 ties when a sex offender intends to travel or has de-  
5 parted on travel to the United States;

6           (3) providing the Secretary of State with the  
7 discretion to temporarily rescind the passport or  
8 passport card of an individual who has been arrested  
9 for, is under investigation for, or has been charged  
10 with a sex offense against a minor, revoke the pass-  
11 port or passport card of an individual who has been  
12 sentenced overseas for a sex offense against a minor,  
13 or limit the period of validity of a passport or pass-  
14 port card issued to a high risk sex offender against  
15 a minor;

16           (4) preventing admission of foreign sex offend-  
17 ers against minors to the United States;

18           (5) including information in the annual report  
19 to Congress required by section 110(b)(1) of the  
20 Trafficking Victims Protection Act of 2000 (22  
21 U.S.C. 7107(b)(1)) regarding efforts of foreign gov-  
22 ernments to establish systems to identify and pro-  
23 vide notice of international travel by sex offenders  
24 against minors to destination countries and to re-

1       spond in a timely manner to the receipt of such no-  
2       tices; and

3               (6) providing assistance to foreign countries  
4       under the Foreign Assistance Act of 1961 to meet  
5       the requirements described in paragraph (5).

6   **SEC. 3. DEFINITIONS.**

7       In this Act:

8               (1) APPROPRIATE CONGRESSIONAL COMMIT-  
9       TEES.—Except as otherwise provided, the term “ap-  
10      propriate congressional committees” means—

11               (A) the Committee on Foreign Affairs and  
12              the Committee on the Judiciary of the House of  
13              Representatives; and

14               (B) the Committee on Foreign Relations  
15              and the Committee on the Judiciary of the Sen-  
16              ate.

17               (2) HIGH RISK SEX OFFENDER.—The term  
18       “high risk sex offender” means a sex offender as de-  
19       fined under paragraph (5) who is determined pursu-  
20       ant to section 6 to pose a high risk of harm to chil-  
21       dren in a country to which he or she intends to trav-  
22       el.

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

1           (4) PASSPORT CARD.—The term “passport  
2       card” means a document issued by the Department  
3       of State pursuant to section 7209 of the Intelligence  
4       Reform and Terrorism Prevention Act of 2004  
5       (Public Law 108–458; 8 U.S.C. 1185 note).

6           (5) SEX OFFENDER.—The term “sex offender”  
7       means an individual who is required by State law to  
8       register on a sex offender registry for having been  
9       convicted of a sex offense as defined in this Act.

10          (6) SEX OFFENSE.—

11               (A) IN GENERAL.—The term “sex offense”  
12       means a criminal offense, including a Federal  
13       offense, against a minor that involves any of  
14       the following:

15                   (i) Solicitation to engage in sexual  
16       conduct.

17                   (ii) Use in a sexual performance.

18                   (iii) Solicitation to practice prostitu-  
19       tion (whether for financial or other forms  
20       of remuneration).

21                   (iv) Video voyeurism as described in  
22       section 1801 of title 18, United States  
23       Code.

24                   (v) Possession, production, or dis-  
25       tribution of child pornography.

1 (vi) Criminal sexual conduct involving  
2 a minor, or the use of the Internet to fa-  
3 cilitate or attempt such conduct.

4 (vii) Sex trafficking of children as de-  
5 scribed in section 1591 of title 18, United  
6 States Code.

7 (viii) Transporting a minor in inter-  
8 state or foreign commerce, or in any com-  
9 monwealth, territory, or possession of the  
10 United States, with intent that the indi-  
11 vidual engage in prostitution, or in any  
12 sexual activity for which any person can be  
13 charged with a criminal offense.

14 (ix) Any other conduct that by its na-  
15 ture is a sex offense against a minor.

16 (B) EXCEPTIONS.—The term “sex of-  
17 fense” shall not include:

18 (i) A foreign conviction if it was not  
19 obtained with sufficient safeguards for fun-  
20 damental fairness and due process for the  
21 accused under guidelines or regulations es-  
22 tablished under section 112 of the Sex Of-  
23 fender Registration and Notification Act  
24 (title I of Public Law 109–248; 42 U.S.C.  
25 16911).

1 (ii) An offense involving consensual  
2 sexual conduct if the victim was at least 13  
3 years old and the offender was not more  
4 than 4 years older than the victim.

5 (7) RESIDES.—The term “resides” means, with  
6 respect to an individual, the location of the individ-  
7 ual’s home or other place where the individual habit-  
8 ually lives.

9 (8) STATE.—The term “State” includes any en-  
10 tity within the United States that by its law requires  
11 sex offenders to register in a sex offender registry.

12 **SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIRE-**  
13 **MENT.**

14 (a) DUTY TO REPORT.—

15 (1) IN GENERAL.—A sex offender shall notify  
16 an appropriate jurisdiction or jurisdictions of his or  
17 her intention to travel, in conformity with the rules  
18 issued under subsection (b), not later than 21 days  
19 before departure from or arrival in the United  
20 States. A jurisdiction so notified shall promptly in-  
21 form the United States Immigration and Customs  
22 Enforcement Special Agent in Charge (hereinafter in  
23 this Act referred to as the “ICE SAC”), any suc-  
24 cessor to the functions of that official.

1           (2) EFFECTIVE DATE.—The duty to report re-  
2       quired under paragraph (1) shall take effect on the  
3       date that is 90 days after the date of the enactment  
4       of this Act.

5       (b) RULES FOR REPORTING.—Not later than 90 days  
6       after the date of the enactment of this Act, the Secretary  
7       of Homeland Security and the Attorney General shall  
8       make rules to carry out subsection (a) in light of the pur-  
9       poses of this Act. Such rules—

10           (1) shall establish procedures for reporting  
11       under subsection (a);

12           (2) shall set forth the information required to  
13       be reported, including—

14                   (A) name(s);

15                   (B) date of birth;

16                   (C) social security number;

17                   (D) passport or passport card number and  
18       date and place of issuance;

19                   (E) basis of criminal conviction;

20                   (F) travel itinerary and purpose of the  
21       trip;

22                   (G) travel companions; and

23                   (H) contact information prior to departure  
24       and during travel;

1           (3) may provide for appropriate alternative re-  
2       reporting in situations, such as personal or humani-  
3       tarian emergencies or legitimate business exigencies,  
4       where the requirement of subsection (a) is impracti-  
5       cable or inappropriate; and

6           (4) shall provide appropriate transitional provi-  
7       sions in order to make the phase-in of the require-  
8       ments of this Act practicable.

9       (c) CRIMINAL PENALTY FOR FAILURE TO REGISTER  
10   OR REPORT.—

11           (1) NEW OFFENSE.—Section 2250 of title 18,  
12       United States Code, is amended by adding at the  
13       end the following:

14       “(d) Whoever knowingly fails to register with United  
15       States officials in a foreign country or to report his or  
16       her travel to or from a foreign country as required by the  
17       International Megan’s Law of 2009 shall be fined under  
18       this title or imprisoned not more than 10 years, or both.”.

19           (2) AMENDMENT TO HEADING OF SECTION.—

20       The heading for section 2250 of title 18, United  
21       States Code, is amended by inserting “**or report**  
22       **international travel**” after “**register**”.

23           (3) CONFORMING AMENDMENT TO AFFIRMA-  
24       TIVE DEFENSE.—Section 2250(b) of title 18, United

1 States Code, is amended by inserting “or (d)” after  
2 “(a)”.

3 (4) CONFORMING AMENDMENT TO FEDERAL  
4 PENALTIES FOR VIOLENT CRIMES.—Section 2250(c)  
5 of title 18, United States Code, is amended by in-  
6 serting “or (d)” after “(a)” each place it appears.

7 (5) CLERICAL AMENDMENT.—The item relating  
8 to section 2250 in the table of sections at the begin-  
9 ning of chapter 109B of title 18, United States  
10 Code, is amended by inserting “or report inter-  
11 national travel” after “register”.

12 (d) DUTY TO NOTIFY SEX OFFENDERS OF REPORT-  
13 ING AND INTERNATIONAL REGISTRATION REQUIRE-  
14 MENT.—When an official is required under State law to  
15 notify a sex offender (as defined in section (3)(5)) of a  
16 duty to register as a sex offender under the law of that  
17 State, the official shall also, at the same time—

18 (1) notify that offender of that offender’s duties  
19 to report international travel under this section and  
20 to register under section 5, and the procedure for  
21 fulfilling those duties; and

22 (2) require the offender to read and sign a form  
23 stating that those duties to report and register, and  
24 the procedure for fulfilling them, have been ex-

1 plained and that the offender understands those du-  
2 ties and that procedure.

3 **SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX**  
4 **OFFENDERS.**

5 (a) IN GENERAL.—Not later than one year after the  
6 date of the enactment of this Act, a United States diplo-  
7 matic or consular mission in each foreign country shall  
8 establish and maintain a countrywide sex offender registry  
9 for sex offenders (as defined in section (3)(5)) from the  
10 United States who temporarily or permanently reside in  
11 such country. Such registry shall include the information  
12 specified in subsection (d).

13 (b) INTERNATIONAL REGISTRY REQUIREMENT FOR  
14 SEX OFFENDERS.—

15 (1) IN GENERAL.—A sex offender who is a  
16 United States citizen or an alien lawfully admitted  
17 for permanent residence in the United States—

18 (A) who resides in a foreign country for  
19 more than 21 consecutive days, or

20 (B) who resides in a foreign country for  
21 more than 30 days within a 6-month period,

22 shall register, and keep such registration current, at  
23 the United States diplomatic or consular mission in  
24 such country until such time as the sex offender de-  
25 parts such country or until such time has elapsed as

1 the sex offender would have otherwise been required  
2 to register in the State of conviction for such sex of-  
3 fense, whichever is sooner.

4 (2) KEEPING THE REGISTRATION CURRENT.—

5 Subject to the duration requirement under para-  
6 graph (1), not later than five business days after  
7 each change of name, residence, or employment or  
8 student status, or any change in any of the other in-  
9 formation specified in subsection (d)(1), a sex of-  
10 fender residing in a foreign country shall notify a  
11 United States diplomatic or consular mission in such  
12 country for the purpose of providing information re-  
13 lating to such change for inclusion in the sex of-  
14 fender registry maintained by such mission under  
15 subsection (a).

16 (3) REGISTRATION AND NOTIFICATION PROCE-  
17 DURE.—Not later than 270 days after the date of  
18 the enactment of this Act, the Secretary of State, in  
19 consultation with the Attorney General, shall issue  
20 regulations for the establishment and maintenance  
21 of the registries described in subsection (a), includ-  
22 ing the manner for registering and changing infor-  
23 mation as specified in paragraphs (1) and (2).

24 (c) CRIMINAL PENALTIES FOR NONREGISTRATION.—

25 A sex offender who fails to register under subsection (b)

1 shall be punished in accordance with subsection (d) of sec-  
2 tion 2250 of title 18, United States Code, as added by  
3 paragraph (1) of section 4(c) of this Act.

4 (d) INFORMATION REQUIRED IN REGISTRATION.—

5 (1) PROVIDED BY THE SEX OFFENDER.—A sex  
6 offender described in subsection (b) shall provide the  
7 following information:

8 (A) Name (including any alias used by the  
9 sex offender).

10 (B) Passport or passport card, and visa  
11 type and number, if applicable.

12 (C) Social Security number of the sex of-  
13 fender.

14 (D) Address of each residence at which the  
15 sex offender resides or will reside in that coun-  
16 try and the address of any residence maintained  
17 in the United States.

18 (E) Purpose for the sex offender's resi-  
19 dence in the country.

20 (F) Name and address of any place where  
21 the sex offender is an employee or will be an  
22 employee.

23 (G) Name and address of any place where  
24 the sex offender is a student or will be a stu-  
25 dent.

1 (H) State in which the sex offender was  
2 convicted and the State or States in which the  
3 sex offender was most recently legally required  
4 to register.

5 (I) The license plate number and a de-  
6 scription of any vehicle owned or operated by  
7 the sex offender.

8 (J) The date or approximate date when the  
9 sex offender plans to leave the country.

10 (K) Any other information required by the  
11 Secretary of State.

12 (2) PROVIDED BY THE DIPLOMATIC OR CON-  
13 SULAR MISSION.—The United States diplomatic or  
14 consular mission at which a sex offender registers  
15 shall collect and ensure that the following informa-  
16 tion is included in the registry maintained by such  
17 mission:

18 (A) A physical description of the sex of-  
19 fender.

20 (B) The criminal history of the sex of-  
21 fender, including—

22 (i) the text of the provision of law de-  
23 fining the criminal offense for which the  
24 sex offender is registered, as obtained from

1 the International Sex Offender Travel Cen-  
2 ter (established pursuant to section 7);

3 (ii) the date of all arrests and convic-  
4 tions;

5 (iii) the status of parole, probation, or  
6 supervised release;

7 (iv) registration status; and

8 (v) the existence of any outstanding  
9 arrest warrants for the sex offender.

10 (C) The time period for which the sex of-  
11 fender is required to register pursuant to the  
12 law of the State of conviction.

13 (D) A current photograph of the sex of-  
14 fender obtained from the most current State  
15 sex offender registration with respect to that in-  
16 dividual.

17 (E) Any other information required by the  
18 Secretary of State.

19 (e) PERIODIC IN PERSON VERIFICATION.—Not less  
20 often than every six months, a sex offender who is reg-  
21 istered under subsection (b) shall appear in person at the  
22 United States diplomatic or consular mission where the  
23 sex offender is registered to allow such mission to take  
24 a current photograph of the sex offender and to verify the

1 information in the registry maintained by such mission  
2 under subsection (a).

3 (f) TRANSMISSION OF REGISTRY INFORMATION TO  
4 THE NATIONAL SEX OFFENDER REGISTRY.—For the pur-  
5 pose of keeping domestic law enforcement informed as to  
6 the status of a sex offender required to register under this  
7 section, when a United States diplomatic or consular mis-  
8 sion receives information about a sex offender for the sex  
9 offender registry maintained by such mission under sec-  
10 tion (a), such mission shall immediately transmit such in-  
11 formation to the Attorney General who shall include that  
12 information in the National Sex Offender Registry, estab-  
13 lished under section 119 of the Sex Offender Registration  
14 and Notification Act (Public Law 109–248), or other ap-  
15 propriate databases.

16 (g) ACTIONS TO BE TAKEN IF A SEX OFFENDER  
17 FAILS TO COMPLY.—When a United States diplomatic or  
18 consular mission has reason to believe that a sex offender  
19 has failed to comply with the requirements of this section,  
20 such mission shall notify the International Sex Offender  
21 Travel Center and revise the sex offender registry main-  
22 tained by such mission under subsection (a) to reflect the  
23 nature of such failure.

24 (h) FEDERAL ASSISTANCE REGARDING VIOLATIONS  
25 OF REGISTRATION REQUIREMENTS.—The first sentence

1 of subsection (a) of section 142 of the Sex Offender Reg-  
2 istration and Notification Act (Public Law 109–248; 42  
3 U.S.C. 16941) is amended by inserting before the period  
4 at the end the following: “, including under the Inter-  
5 national Megan’s Law of 2009”.

6 **SEC. 6. HIGH RISK SEX OFFENDER ASSESSMENT.**

7 (a) SEX OFFENDER RISK ASSESSMENT GUIDE-  
8 LINES.—Not later than 90 days after the date of the en-  
9 actment of this Act, the Commissioner of United States  
10 Immigration and Customs Enforcement shall issue direc-  
11 tives to the ICE SAC for the assessment of sex offend-  
12 ers—

13 (1) who report international travel pursuant to  
14 section 4(a), or

15 (2) whose travel is reported pursuant to sub-  
16 section (b),

17 for purposes of determining whether such sex offenders  
18 are high risk sex offenders.

19 (b) LAW ENFORCEMENT NOTIFICATION.—Federal,  
20 State, or local law enforcement entities or officials who  
21 have reasonable grounds to believe that a sex offender is  
22 traveling outside the United States and poses a danger  
23 to minor children may notify the ICE SAC and provide  
24 as much information as practicable in accordance with sec-  
25 tion 4(b)(2).

1       (c) INFORMATION SHARING AND ACTION.—Upon re-  
2 ceipt of the information pursuant to section 4(a) or sub-  
3 section (b) of this section about a sex offender who intends  
4 to travel outside the United States, the ICE SAC shall  
5 assess the information in accordance with the risk assess-  
6 ment guidelines issued under subsection (a) of this section.  
7 If the ICE SAC determines that the sex offender is a high  
8 risk sex offender, the ICE SAC shall—

9           (1) forward to the International Sex Offender  
10 Travel Center information and analysis concerning  
11 such determination; and

12           (2) forward to the Secretary of State the infor-  
13 mation referred to in paragraph (1), together with  
14 an advisory regarding whether or not the period of  
15 validity of the passport or passport card of the high  
16 risk sex offender should be limited to one year or  
17 such period of time as the Secretary of State shall  
18 determine appropriate.

19       (d) REPORT.—Upon the issuance of the risk assess-  
20 ment guidelines under subsection (a), the Commissioner  
21 shall submit to the appropriate congressional committees  
22 a report on such guidelines. The Commissioner may sub-  
23 mit such report in “sensitive” form if the Commissioner  
24 determines that such would further the purposes of this  
25 Act.

1 **SEC. 7. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.**

2 (a) ESTABLISHMENT.—Not later than 30 days after  
3 the date of the enactment of this Act, the President shall  
4 establish the International Sex Offender Travel Center  
5 (hereinafter in this section referred to as the “Center”)  
6 to carry out the activities specified in subsection (d).

7 (b) PARTICIPANTS.—The Center shall include rep-  
8 resentatives from the following departments and agencies:

9 (1) The Department of State, including the Of-  
10 fice to Monitor and Combat Trafficking in Persons,  
11 the Bureau of Consular Affairs, the Bureau of Inter-  
12 national Narcotics and Law Enforcement Affairs,  
13 and the Bureau of Diplomatic Security.

14 (2) The Department of Homeland Security, in-  
15 cluding United States Immigration and Customs  
16 Enforcement and United States Customs and Bor-  
17 der Protection.

18 (3) The Department of Justice, including the  
19 Federal Bureau of Investigation, the Office of Sex  
20 Offender Sentencing, Monitoring, Apprehending,  
21 Registering and Tracking, the Criminal Division  
22 Child Exploitation and Obscenity Section, and the  
23 United States Marshals Service.

24 (4) INTERPOL—United States National Cen-  
25 tral Bureau.

26 (5) The Coast Guard.

1           (6) Such other officials as may be determined  
2       by the President.

3       (c) LEADERSHIP.—The Center shall be headed by the  
4 Assistant Secretary of Homeland Security for United  
5 States Immigration and Customs Enforcement.

6       (d) ACTIVITIES.—The Center shall carry out the fol-  
7 lowing activities:

8           (1) Receive high risk sex offender determina-  
9 tions made by the ICE SAC pursuant to section 6.

10          (2) Transmit notice of impending or current  
11 international travel of high risk sex offenders to the  
12 country or countries of destination of such sex of-  
13 fenders as follows:

14           (A) The notice may be transmitted  
15 through such means as determined appropriate  
16 by the Center, including through an attaché of  
17 United States Immigration and Customs En-  
18 forcement, Interpol, or such other appropriate  
19 means as determined by the Center.

20           (B) If the Center determines that trans-  
21 mission of the notice could potentially pose a  
22 risk to the life or well-being of the high risk sex  
23 offender, the Center shall make every reason-  
24 able effort to issue a warning to the high risk  
25 sex offender of such risk prior to the trans-

1 mission of such notice to the country or coun-  
2 tries and may use its discretion not to transmit  
3 such notice.

4 (3) Provide a means of alerting Center per-  
5 sonnel regarding those sex offenders who have not  
6 reported travel as required by section 4 by inte-  
7 grating available, relevant data on an ongoing basis  
8 into an existing centralized database that will iden-  
9 tify sex offenders who are initiating travel, currently  
10 traveling, or have traveled outside the United States.

11 (4) Respond to requests for information by a  
12 United States diplomatic or consular mission at  
13 which a sex offender is registering in accordance  
14 with section 5, and obtain and transmit the informa-  
15 tion required by such mission pursuant to subsection  
16 (d)(2) of such section.

17 (e) CONSULTATIONS.—The Center shall engage in  
18 ongoing consultations with—

19 (1) the National Center for Missing and Ex-  
20 ploited Children (NCMEC), End Child Prostitution,  
21 Child Pornography, and Trafficking of Children for  
22 Sexual Purposes (ECPAT–USA, Inc.), World Vision,  
23 and other nongovernmental organizations that have  
24 experience and expertise in identifying and pre-  
25 venting child sex tourism and rescuing and rehabili-

1 tating minor victims of international sexual exploi-  
2 tation;

3 (2) the governments of countries interested in  
4 cooperating in the creation of an international sex  
5 offender travel notification system or that are pri-  
6 mary destination or source countries for inter-  
7 national sex tourism; and

8 (3) Internet service providers regarding avail-  
9 able and potential technology to facilitate the imple-  
10 mentation of an international sex offender travel no-  
11 tification system, both in the United States and in  
12 other countries.

13 (f) TECHNICAL ASSISTANCE.—The Secretary of  
14 State may provide technical assistance to foreign authori-  
15 ties in order to enable such authorities to participate more  
16 effectively in the notification program system established  
17 under this section.

18 **SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.**

19 The Secretary of State is authorized to—

20 (1) rescind the passport or passport card of an  
21 individual awaiting trial for an offense against a  
22 minor which, if the individual is convicted, would  
23 render the individual a sex offender, until such time  
24 as the individual is either so convicted or acquitted;

1           (2) rescind the passport or passport card of an  
2           individual or the travel permit of an individual who  
3           is a lawful permanent resident who has been con-  
4           victed by a court of competent jurisdiction in a for-  
5           eign country of a sex offense (as defined in para-  
6           graph 5 of section 3 of the Sex Offender Registra-  
7           tion and Notification Act (title I of Public Law 109–  
8           248; 42 U.S.C. 16911)) until such time as the indi-  
9           vidual returns to the United States and is deter-  
10          mined eligible for the reissuance of such passport,  
11          passport card, or travel permit, as the case may be;  
12          and

13          (3) limit to one year or such period of time as  
14          the Secretary of State shall determine appropriate  
15          the period of validity of a passport or passport card  
16          issued to a high risk sex offender.

17 **SEC. 9. REPORTING VIOLATION PROCEDURE.**

18          Not later than the date of the initial integration of  
19          available, relevant data into the existing centralized data-  
20          base required under section 7(d)(3), the Secretary of  
21          State, the Secretary of Homeland Security, and the Attor-  
22          ney General shall promulgate rules to establish the proce-  
23          dure to be followed when such database identifies an indi-  
24          vidual seeking to travel or returning from travel outside

1 the United States as a sex offender who failed to report  
 2 prior to such travel as required under section 4.

3 **SEC. 10. IMMUNITY FOR GOOD FAITH CONDUCT.**

4 The Federal Government, jurisdictions, political sub-  
 5 divisions of jurisdictions, and their agencies, officers, em-  
 6 ployees, and agents shall be immune from liability for good  
 7 faith conduct under this Act.

8 **SEC. 11. IMMIGRATION LAW REFORM TO PREVENT ADMIS-**  
 9 **SION OF SEX OFFENDERS AGAINST MINORS**  
 10 **TO THE UNITED STATES.**

11 Section 212(a)(2) of the Immigration and Nationality  
 12 Act (8 U.S.C.1182(a)(2)) is amended by adding at the end  
 13 the following:

14 “(J) SEX OFFENDERS.—Any alien con-  
 15 victed of, or who admits having committed, or  
 16 who admits committing acts which constitute  
 17 the essential elements of, a sex offense (as de-  
 18 fined in section 3 of the International Megan’s  
 19 Law of 2009) is inadmissible.”.

20 **SEC. 12. SENSE OF CONGRESS PROVISIONS.**

21 (a) BILATERAL AGREEMENTS.—It is the sense of  
 22 Congress that the President should enter into memoran-  
 23 dums of understanding or other bilateral agreements with  
 24 foreign governments to further the purposes of this Act,  
 25 including by—

1           (1) establishing systems to receive and transmit  
2        notices as required by section 4;

3           (2) requiring Internet service providers and  
4        other private companies located in foreign countries  
5        to report evidence of child exploitation; and

6           (3) establishing mechanisms for private compa-  
7        nies and nongovernmental organizations to report on  
8        a voluntary basis suspected child pornography or ex-  
9        ploitation to foreign governments, the nearest  
10       United States embassy in cases in which a possible  
11       United States citizen may be involved, or other ap-  
12       propriate entities.

13       (b) MINIMUM AGE OF CONSENT.—It is the sense of  
14       Congress that the President should strongly encourage  
15       those foreign countries that have an age of consent to sex-  
16       ual activity below the age of 18 to raise the age of consent  
17       to the age of 18 in order to better protect children and  
18       young adolescents from domestic and international sexual  
19       exploitation.

20       (c) NOTIFICATION TO THE UNITED STATES OF SEX  
21       OFFENSES COMMITTED ABROAD.—It is the sense of Con-  
22       gress that the President should formally request foreign  
23       governments to notify the United States when a United  
24       State citizen has been arrested, convicted, sentenced, or

1 completed a prison sentence for a sex offense against a  
 2 minor in the foreign country.

3 **SEC. 13. ANNUAL REPORT ON STATUS OF SEVERE FORMS**  
 4 **OF TRAFFICKING IN PERSONS AND IMPE-**  
 5 **MENTATION ASSESSMENT.**

6 (a) IN GENERAL.—Section 110(b)(1) of the Traf-  
 7 ficking Victims Protection Act of 2000 (22 U.S.C.  
 8 7107(b)(1)) is amended—

9 (1) in subparagraph (E), by striking “and” at  
 10 the end;

11 (2) by redesignating subparagraph (F) as sub-  
 12 paragraph (G); and

13 (3) by inserting after subparagraph (E) the fol-  
 14 lowing:

15 “(F)(i) within each country narrative, a  
 16 statement as to whether the country has estab-  
 17 lished or is making substantial progress in es-  
 18 tablishing a system—

19 “(I) to identify sex offenders  
 20 (who have committed a sex offense as  
 21 defined in section 3 of the Inter-  
 22 national Megan’s Law of 2009) trav-  
 23 eling to the United States or any  
 24 other country;

1 “(II) to notify the United States  
2 or the other country, to the extent  
3 practicable, of—

4 “(aa) the identity of the in-  
5 dividual,

6 “(bb) the nature of the sex  
7 offense for which the individual  
8 was convicted, and

9 “(cc) the anticipated man-  
10 ner, date, and time of the indi-  
11 vidual’s arrival in the United  
12 States or the other country,  
13 prior to the individual’s travel; and

14 “(III) to respond in an appro-  
15 priate and timely manner to notices  
16 received from other countries of sex  
17 offenders traveling from those coun-  
18 tries to the country concerned; and

19 “(ii) an overall assessment as to the  
20 progress made and difficulties that exist in  
21 establishing a system pursuant to clause  
22 (i) on a global scale, and the extent of  
23 inter-country cooperation with respect to  
24 sex offender travel notifications; and”.

1 (b) ASSESSMENT REQUIRED.—Not later than two  
 2 years after the date of the enactment of this Act, the  
 3 President shall transmit to the appropriate congressional  
 4 committees an assessment based on the information pro-  
 5 vided pursuant to subparagraph (F) of section 110(b)(1)  
 6 of the Trafficking Victims Protection Act of 2000 (22  
 7 U.S.C. 7107(b)(1)) (as added by subsection (a) of this sec-  
 8 tion), as to how an amendment to section 108(a) of such  
 9 Act (22 U.S.C. 7106(a)) to include the establishment of  
 10 a system described in subparagraph (F) of section  
 11 110(b)(1) of such Act (as added by subsection (a) of this  
 12 section) would facilitate and contribute to advancing the  
 13 establishment of such a system on a global scale.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
 15 FINED.—For purposes of subsection (b), the term “appro-  
 16 priate congressional committees” means the Committee on  
 17 Foreign Affairs of the House of Representatives and the  
 18 Committee on Foreign Relations of the Senate.

19 **SEC. 14. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**  
 20 **MINIMUM STANDARDS FOR THE ELIMI-**  
 21 **NATION OF TRAFFICKING.**

22 (a) IN GENERAL.—The President is strongly encour-  
 23 aged to exercise the authorities of section 134 of the For-  
 24 eign Assistance Act of 1961 (22 U.S.C. 2152d) to provide  
 25 assistance to foreign countries directly, or through non-

1 governmental and multilateral organizations, for pro-  
2 grams, projects, and activities, including training of law  
3 enforcement entities and officials, designed to establish  
4 systems to identify sex offenders and provide and receive  
5 notification of child sex offender international travel.

6 (b) DEFINITION.—In this section, the term “sex of-  
7 fender” means an individual who has been convicted of  
8 a sex offense as defined in section 3.

9 **SEC. 15. INTERNATIONAL SEX OFFENDER TRAVEL STUDY.**

10 (a) STUDY REQUIRED.—The Secretary of State, the  
11 Attorney General, and the Comptroller General of the  
12 United States shall jointly undertake a study of—

13 (1) whether, and if so how many, United States  
14 citizens who are arrested overseas for a sexual of-  
15 fense against an adult have been previously arrested  
16 for or convicted of a sex offense in the United  
17 States;

18 (2) the number of minors who are exploited by  
19 sex tourists globally on an annual basis, and the  
20 country of origin of such tourists;

21 (3) the number of United States citizens and  
22 permanent residents who sexually exploit minors  
23 outside the United States; and

1           (4) the number of victims per United States cit-  
2       izen and permanent resident who sexually exploit mi-  
3       nors outside the United States.

4       (b) REPORT.—Not later than 18 months after the  
5       date of the enactment of this Act, the Secretary of State,  
6       the Attorney General, and the Comptroller General of the  
7       United States shall jointly submit to the appropriate con-  
8       gressional committees a report that contains the results  
9       of the study required under subsection (a).

10   **SEC. 16. CONGRESSIONAL REPORTS.**

11       (a) INITIAL REPORT.—

12           (1) IN GENERAL.—Not later than 180 days  
13       after the date of the enactment of this Act, the  
14       President shall transmit to the appropriate congres-  
15       sional committees a report on the implementation of  
16       this Act, including—

17           (A) the procedures established for imple-  
18       menting section 6;

19           (B) how the International Sex Offender  
20       Travel Center has been established under sec-  
21       tion 7, including the role and responsibilities of  
22       the respective departments and agencies that  
23       are participating in the Center, and how those  
24       roles are being coordinated to accomplish the

1 purposes of this Act and the amendments made  
2 by this Act;

3 (C) the implementation of the integrated  
4 database as required under section 7(d)(3), in-  
5 cluding which Federal department or agency is  
6 responsible for each task of submitting, updat-  
7 ing, deconflicting, and removing the respective  
8 data;

9 (D) the consultations that are being con-  
10 ducted pursuant to section 7(e), and a sum-  
11 mary of the discussions that have taken place  
12 in the course of those consultations;

13 (E) what, if any, assistance has been pro-  
14 vided pursuant to section 7(f) and section 12;  
15 and

16 (F) the reporting violation procedure es-  
17 tablished pursuant to section 9.

18 (2) FORM.—The report required under para-  
19 graph (1) may be transmitted in classified form if  
20 such classification would further the purposes of this  
21 Act or the amendments made by this Act.

22 (b) ANNUAL REPORT.—Not later than one year after  
23 the date of the enactment of this Act, and every year for  
24 4 years thereafter, the President shall transmit to the ap-  
25 propriate congressional committees a report on the imple-

1 mentation of this Act and the amendments made by this  
2 Act, including—

3 (1) the number of United States sex offenders  
4 who report travel to or from a foreign country pur-  
5 suant to section 4(a);

6 (2) the number of United States sex offenders  
7 charged, prosecuted, and convicted for failing to re-  
8 port travel to or from a foreign country pursuant to  
9 section 4(a);

10 (3) the number of positive identifications of in-  
11 dividuals falsely identified as sex offenders through  
12 the database implemented pursuant to section  
13 7(d)(3), and how each case was handled or cor-  
14 rected;

15 (4) what actions have been taken, if any, by  
16 foreign countries and territories of destination fol-  
17 lowing notification pursuant to section 7(d)(2);

18 (5) the number of United States citizens or per-  
19 manent residents arrested overseas for sex offenses,  
20 and in each instance—

21 (A) the country of arrest;

22 (B) any prior criminal conviction or re-  
23 ported criminal behavior in the United States;

24 (C) whether the individual was required to  
25 and did report pursuant to section 4; and

1 (D) if the individual reported travel pursu-  
2 ant to section 4, whether the individual was  
3 deemed not to be a high risk sex offender by  
4 the ICE SAC; and

5 (6) recommendations as to how the United  
6 States can more fully participate in international law  
7 enforcement cooperative efforts to combat child sex  
8 exploitation.

9 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

10 To carry out this Act and the amendments made by  
11 this Act, there are authorized to be appropriated such  
12 sums as may be necessary for each of the fiscal years 2009  
13 through 2013.

○