

114TH CONGRESS
1ST SESSION

S. 1867

To protect children from exploitation by providing advance notice of intended travel by registered 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 sex offender is seeking to enter the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2015

Mr. SHELBY (for himself, Ms. MIKULSKI, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To protect children from exploitation by providing advance notice of intended travel by registered 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 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 Child Exploitation

1 Through Advanced Notification of Traveling Sex Offend-
 2 ers”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.
- Sec. 3. Angel Watch Center.
- Sec. 4. Notification by the United States Marshals Service.
- Sec. 5. International travel.
- Sec. 6. Unique passport identifiers for covered sex offenders.
- Sec. 7. Access to National Crime Information Center files.
- Sec. 8. Rules of Construction.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) CENTER.—The term “Center” means the
 8 Angel Watch Center established pursuant to section
 9 3(a).

10 (2) CONVICTED.—The term “convicted” has the
 11 meaning given the term in section 111 of the Adam
 12 Walsh Child Protection and Safety Act of 2006 (42
 13 U.S.C. 16911).

14 (3) COVERED SEX OFFENDER.—The term “cov-
 15 ered sex offender” means an individual who is a sex
 16 offender by reason of being convicted of a sex of-
 17 fense against a minor.

18 (4) INTERPOL.—The term “INTERPOL”
 19 means the International Criminal Police Organiza-
 20 tion.

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

3 (A) A State.

4 (B) The District of Columbia.

5 (C) The Commonwealth of Puerto Rico.

6 (D) Guam.

7 (E) American Samoa.

8 (F) The Northern Mariana Islands.

9 (G) The United States Virgin Islands.

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

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

17 (7) OFFICIAL NOTIFICATION.—The term “offi-
18 cial notification” means a notification developed by
19 the Attorney General, in coordination with the Sec-
20 retary of Homeland Security and INTERPOL, to
21 provide notification of travel by convicted sex offend-
22 ers.

23 (8) SEX OFFENDER.—The term “sex offender”
24 has the meaning given the term in section 111 of the

1 Adam Walsh Child Protection and Safety Act of
2 2006 (42 U.S.C. 16911).

3 (9) SEX OFFENSE AGAINST A MINOR.—

4 (A) IN GENERAL.—The term “sex offense
5 against a minor” means a specified offense
6 against a minor, as defined in section 111 of
7 the Adam Walsh Child Protection and Safety
8 Act of 2006 (42 U.S.C. 16911).

9 (B) OTHER OFFENSES.—The term “sex of-
10 fense against a minor” includes a sex offense
11 described in section 111(5)(A) of the Adam
12 Walsh Child Protection and Safety Act of 2006
13 (42 U.S.C. 16911(5)(A)) that is a specified of-
14 fense against a minor, as defined in paragraph
15 (7) of such section.

16 (C) FOREIGN CONVICTIONS; OFFENSES IN-
17 VOLVING CONSENSUAL SEXUAL CONDUCT.—The
18 limitations contained in subparagraphs (B) and
19 (C) of section 111(5) of the Adam Walsh Child
20 Protection and Safety Act of 2006 (42 U.S.C.
21 16911(5)) shall apply with respect to a child-
22 sex offense for purposes of this Act to the same
23 extent and in the same manner as such limita-
24 tions apply with respect to a sex offense for

1 purposes of the Adam Walsh Child Protection
2 and Safety Act of 2006.

3 **SEC. 3. ANGEL WATCH CENTER.**

4 (a) ESTABLISHMENT.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary of
6 Homeland Security shall establish within the Child Exploi-
7 tation Investigations Unit of U.S. Immigrations and Cus-
8 toms Enforcement a Center, to be known as the “Angel
9 Watch Center”, to carry out the activities specified in sub-
10 section (e).

11 (b) DESIGNATION.—In accordance with section 128
12 of the Adam Walsh Child Protection and Safety Act of
13 2006 (42 U.S.C. 16928), the Attorney General shall des-
14 ignate the Center as the central repository for incoming
15 notifications.

16 (c) LEADERSHIP.—The Center shall be headed by the
17 Director of Immigration and Customs Enforcement, in
18 collaboration with the Commissioner of U.S. Customs and
19 Border Protection and in consultation with the Attorney
20 General.

21 (d) MEMBERS.—The Center shall consist of the fol-
22 lowing:

23 (1) The Director of Immigration and Customs
24 Enforcement.

1 (2) The Commissioner of Customs and Border
2 Protection.

3 (3) The Attorney General (or a designee of the
4 Attorney General).

5 (4) Individuals who are designated as analysts
6 in U.S. Immigration and Customs Enforcement or
7 U.S. Customs and Border Protection.

8 (5) Individuals who are designated as program
9 managers in U.S. Immigration and Customs En-
10 forcement or U.S. Customs and Border Protection.

11 (6) Individuals who are designated as analysts
12 or program managers in the United States Marshals
13 Service's National Sex Offender Targeting Office.

14 (e) ACTIVITIES.—

15 (1) IN GENERAL.—The Center shall, using all
16 relevant databases and systems, not later than 48
17 hours before scheduled departure—

18 (A) determine if individuals traveling
19 abroad are convicted sex offenders (as defined
20 in section 111 of the Adam Walsh Child Protec-
21 tion and Safety Act of 2006 (42 U.S.C.
22 16911));

23 (B) review United States Marshals Serv-
24 ice's National Sex Offender Targeting Center
25 case management system to determine if the in-

dividuals described in subparagraph (A) are in such system and create a list of those individuals not in such system; and

(C) provide the list described in subparagraph (B) to the United States Marshals Service's National Sex Offender Targeting Center for additional inquiry under section 2250 of title 18, United States Code.

(2) TRANSMISSION OF INFORMATION TO CENTER.—Not later than 18 hours before the intended travel, the United States Marshals Service's National Sex Offender Targeting Center shall transmit, to the Center, information pertaining to any covered sex offender described in subparagraph (B) or (C) of paragraph (1) in accordance with the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).

(3) ADVANCE NOTICE TO DESTINATION COUNTRIES.—

(A) IN GENERAL.—Upon receipt of information pertaining to a covered sex offender transmitted under paragraph (2), the Center may transmit relevant information to the destination countries after completing the activities described in paragraph (1).

1 (B) SHORT-NOTICE TRAVELERS.—If an in-
2 dividual traveling abroad, who is a covered sex
3 offender and is not in the United States Mar-
4 shals Service’s National Sex Offender Targeting
5 Center case management system, is departing
6 the United States within 24 hours of the travel
7 becoming known to the Center, the Center may
8 simultaneously transmit information on travel
9 to destination countries while completing activi-
10 ties described in paragraph (1).

11 (C) EXCEPTIONS.—The Center may imme-
12 diately transmit relevant information on the
13 covered sex offender to the destination countries
14 if—

15 (i) the Center becomes aware that a
16 covered sex offender is traveling outside of
17 the United States within 24 hours of in-
18 tended travel; or

19 (ii) the Center has not received a
20 transmission pursuant to paragraph (2),
21 provided it is not more than 18 hours be-
22 fore the intended travel.

23 (4) COLLECTION OF DATA.—The Center shall
24 collect all relevant data, including—

1 (A) the response of destination countries to
2 notifications under paragraph (3) and to the
3 transmittal of other relevant information on
4 covered sex offender travel described therein,
5 where available;

6 (B) any decision not to transmit a notifica-
7 tion abroad;

8 (C) the number of transmissions made
9 under subparagraphs (A), (B), and (C) of para-
10 graph (3) and the countries to which they are
11 transmitted, respectively;

12 (D) the countries to which notifications
13 under paragraph (3) are sent and the category
14 of notification based upon subparagraphs (A)
15 through (C) of paragraph (3); and

16 (E) any other information deemed nec-
17 essary and appropriate by the Attorney General
18 and the Secretary of Homeland Security.

19 (5) COMPLAINT REVIEW.—The Center shall es-
20 tablish a mechanism to receive complaints from cov-
21 ered sex offenders affected by notifications or the
22 sharing of relevant information with destination
23 countries of such covered sex offenders under para-
24 graph (3).

1 (6) ANNUAL REVIEW PROCESS.—The Center
2 shall establish, in coordination with the Attorney
3 General, the Secretary of State, and INTERPOL,
4 an annual review process in to ensure that there are
5 consistent procedures on whether to provide notifica-
6 tion to destination countries under this subsection.

7 (7) INFORMATION REQUIRED.—The Center
8 shall make available to the United States Marshals
9 Service’s National Sex Offender Targeting Center
10 information on travel by convicted sex offenders in
11 a timely manner.

12 **SEC. 4. NOTIFICATION BY THE UNITED STATES MARSHALS**
13 **SERVICE.**

14 (a) IN GENERAL.—The United States Marshals Serv-
15 ice’s National Sex Offender Targeting Center may trans-
16 mit an official notification of impending or current inter-
17 national travel of a convicted sex offender to the country
18 or countries of destination of the convicted sex offender,
19 including to the visa-issuing agent or agents in the United
20 States of the country or countries.

21 (b) INFORMATION REQUIRED.—The United States
22 Marshals Service’s National Sex Offender Targeting Cen-
23 ter shall make available to the Center and the Department
24 of State, information on travel by covered sex offenders
25 in a timely manner for purposes of carrying out this Act.

1 (c) FORM.—The official notification under this sub-
2 section may be transmitted through such means as deter-
3 mined appropriate by the United States Marshals Serv-
4 ice’s National Sex Offender Targeting Center, including
5 through the INTERPOL notification system and a U.S.
6 Immigration and Customs Enforcement attaché.

7 (d) COLLECTION OF DATA.—The United States Mar-
8 shals Service’s National Sex Offender Targeting Center
9 shall collect all relevant data, including—

10 (1) the response of destination countries to no-
11 tifications under subsection (a) and to the trans-
12 mittal of other relevant information on convicted sex
13 offender travel, where applicable;

14 (2) any decision not to transmit a notification
15 abroad, to the extent practicable;

16 (3) the number of transmissions made under
17 subsection (a) and the countries to which they are
18 transmitted, respectively; and

19 (4) any other information deemed necessary
20 and appropriate by the Attorney General and the
21 Secretary of Homeland Security.

22 (e) COMPLAINT REVIEW.—The United States Mar-
23 shals Service’s National Sex Offender Targeting Center
24 shall establish a mechanism to receive complaints from
25 convicted sex offenders affected by notifications of destina-

1 tion countries of such convicted sex offenders under this
2 section.

3 (f) TECHNICAL ASSISTANCE.—The Secretary of
4 State, in consultation with the Attorney General and the
5 Secretary of Homeland Security, may provide technical as-
6 sistance to foreign authorities in order to enable such au-
7 thorities to participate more effectively in the notification
8 program system established under this section.

9 **SEC. 5. INTERNATIONAL TRAVEL.**

10 (a) REQUIREMENT THAT SEX OFFENDERS PROVIDE
11 INTERNATIONAL TRAVEL RELATED INFORMATION TO
12 SEX OFFENDER REGISTRIES.—Section 114(a) of the
13 Adam Walsh Child Protection and Safety Act of 2006 (42
14 U.S.C. 16914(a)) is amended—

15 (1) by redesignating paragraph (7) as para-
16 graph (8); and

17 (2) by inserting after paragraph (6) the fol-
18 lowing:

19 “(7) Any information relating to intended travel
20 of the sex offender outside the United States.”.

21 (b) NOTIFICATION OF OTHER COUNTRIES.—

22 (1) IN GENERAL.—The Attorney General may
23 notify another country relating to travel outside of
24 the United States by a sex offender.

1 (2) DEFINITION OF “SEX OFFENDER”.—For
 2 purposes of this subsection, the Attorney General
 3 may determine which individuals shall be considered
 4 “sex offenders” and may include any individual re-
 5 quired to register under Federal law or under the
 6 law of any jurisdiction.

7 (c) CONFORMING AMENDMENTS TO SECTION 2250
 8 OF TITLE 18, UNITED STATES CODE.—Section 2250 of
 9 title 18, United States Code, is amended—

10 (1) by redesignating subsections (b) and (c) as
 11 subsections (c) and (d), respectively;

12 (2) by inserting after subsection (a) the fol-
 13 lowing:

14 “(b) INTERNATIONAL TRAVEL REPORTING VIOLA-
 15 TIONS.—Whoever—

16 “(1) is required to register under the Sex Of-
 17 fender Registration and Notification Act (42 U.S.C.
 18 16901 et seq.);

19 “(2) knowingly fails to provide information re-
 20 quired by the Sex Offender Registration and Notifi-
 21 cation Act relating to intended travel in foreign com-
 22 merce; and

23 “(3) engages or attempts to engage in the in-
 24 tended travel in foreign commerce,

1 shall be fined under this title, imprisoned not more than
2 10 years, or both.”; and

3 (3) in subsections (c) and (d), as redesignated,
4 by striking “subsection (a)” each place it appears
5 and inserting “subsection (a) or (b)”.

6 (d) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Secretary of State, in consultation with the
8 Attorney General and the Secretary of Homeland Secu-
9 rity, should seek international agreements or arrange-
10 ments to further the purposes of this Act and the Sex Of-
11 fender Registration and Notification Act (42 U.S.C.
12 16901 et seq.). Such agreements or arrangements may es-
13 tablish mechanisms and undertakings to receive and
14 transmit notices concerning international travel by sex of-
15 fenders, through the INTERPOL notification system and
16 such other means as may be appropriate, including notifi-
17 cation by the United States to other countries relating to
18 the travel of sex offenders from the United States and no-
19 tification by other countries to the United States relating
20 to the travel of sex offenders to the United States.

21 (e) IMPLEMENTATION.—In carrying out this Act and
22 the amendments made by this Act, the Attorney General
23 may use the resources and capacities of any appropriate
24 agencies of the Department of Justice, including the Of-
25 fice of Sex Offender Sentencing, Monitoring, Appre-

1 hending, Registering, and Tracking, the United States
 2 Marshals Service, INTERPOL United States Central Bu-
 3 reau, the Federal Bureau of Investigation, the Criminal
 4 Division, and the United States Attorneys' Offices.

5 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
 6 tion shall be construed to limit international information
 7 sharing or law enforcement agency cooperation relating to
 8 any person pursuant to any authority of the Department
 9 of Justice or any other department or agency by whatever
 10 means necessary.

11 **SEC. 6. UNIQUE PASSPORT IDENTIFIERS FOR COVERED**
 12 **SEX OFFENDERS.**

13 Title II of Public Law 110–457 is amended by adding
 14 at the end the following:

15 **“SEC. 240. UNIQUE PASSPORT IDENTIFIERS FOR COVERED**
 16 **SEX OFFENDERS.**

17 “(a) IN GENERAL.—Immediately after receiving con-
 18 firmation from the United States Marshals Service's Na-
 19 tional Sex Offender Targeting Center that a passport ap-
 20 plicant is a covered sex offender, the Attorney General
 21 shall notify the Secretary of State, who shall take appro-
 22 priate action in accordance with subsection (b).

23 “(b) AUTHORITY TO USE UNIQUE PASSPORT IDEN-
 24 TIFIERS.—

1 “(1) IN GENERAL.—Except as provided under
2 paragraph (2), the Secretary of State may not issue
3 a passport or a passport card to a covered sex of-
4 fender unless the passport or passport card contains
5 a unique identifier.

6 “(2) AUTHORITY TO REAPPLY.—Notwith-
7 standing paragraph (1), a covered sex offender may
8 reapply for a passport that does not include a
9 unique identifier if the United States Marshals Serv-
10 ice’s National Sex Offender Targeting Center con-
11 firms that the individual is no longer required to be
12 listed on the applicable sex offender registry.

13 “(c) DEFINED TERM.—In this section—

14 “(1) the term ‘covered sex offender’ has the
15 meaning given the term in section 2 of the Inter-
16 national Megan’s Law to Provide International Noti-
17 fication of Traveling Sex Offenders; and

18 “(2) the term ‘unique identifier’ means any vis-
19 ual designation affixed to a conspicuous location on
20 the passport or passport card indicating that the in-
21 dividual is a covered sex offender.

22 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to require the Department of State
24 to affix a unique identifier to a passport card.”.

1 **SEC. 7. ACCESS TO NATIONAL CRIME INFORMATION CEN-**
2 **TER FILES.**

3 (a) IN GENERAL.—The Attorney General and the Di-
4 rector of the Federal Bureau of Investigation shall provide
5 the Secretary of State with access to the criminal history
6 record information contained in the National Crime Infor-
7 mation Center's Interstate Identification Index (NCIC-
8 III), National Sex Offender Registry, and to any other
9 files maintained by the National Crime Information Cen-
10 ter that may be mutually agreed upon by the Attorney
11 General and the Secretary of State, for the purpose of de-
12 termining whether a passport applicant is a convicted sex
13 offender indexed in any such file.

14 (b) ACCESS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the access authorized under subsection
17 (a) shall be provided by means of extracts of the
18 records for placement in the automated Consular
19 and Lookout Support System (CLASS) or other ap-
20 propriate database.

21 (2) RECONSIDERATION OF MEANS OF AC-
22 CESS.—The provision of extracts under paragraph
23 (1) may be reconsidered by the Attorney General
24 and the Secretary of State upon the development
25 and deployment of a more cost-effective and efficient
26 means of sharing such information.

1 (c) UPDATES.—The Director of the Federal Bureau
2 of Investigation shall provide periodic updates of the ex-
3 tracts at intervals mutually agreed upon with the Sec-
4 retary of State. Upon receipt of such updated extracts,
5 the Secretary of State shall make corresponding updates
6 to its databases and destroy the previously provided ex-
7 tracts.

8 (d) LIMITATION.—Access to an extract under this
9 section does not entitle the Secretary of State to obtain
10 the full content of the corresponding automated criminal
11 history record.

12 (e) REGULATIONS.—For purposes of administering
13 this section, the Secretary of State, before receiving access
14 to National Crime Information Center data, and not later
15 than 4 months after the date of enactment of this Act,
16 shall promulgate final regulations to establish the condi-
17 tions for the use of the information received from the Fed-
18 eral Bureau of Investigation—

19 (1) to limit the redissemination of such infor-
20 mation;

21 (2) to ensure that such information is used
22 solely to determine whether an individual is listed as
23 a convicted sex offender;

24 (3) to ensure the security, confidentiality, and
25 destruction of such information; and

1 (4) to protect any privacy rights of individuals
2 who are subjects of such information.

3 (f) DETERMINATION IF PASSPORT APPLICANT IS
4 COVERED SEX OFFENDER.—If a check of the National
5 Crime Information Center, National Sex Offender Reg-
6 istry shows that a passport applicant is a registered sex
7 offender, the Secretary of State shall transmit all relevant
8 information about the applicant to the United States Mar-
9 shals Service’s National Sex Offender Targeting Center
10 pursuant to an agreement between the Attorney General
11 and the Secretary of State requesting a determination of
12 whether the applicant is a covered sex offender.

13 (g) REPORTING REQUIREMENT.—Not later than 1
14 year after the date of enactment of this Act, the Attorney
15 General and the Secretary of State shall jointly report to
16 Congress on the implementation of this section.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary of
19 State, the Attorney General , and the Secretary of Home-
20 land Security such sums as may be necessary to carry out
21 this section.

22 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion, or in any other law, may be construed to limit the
24 authority of the Attorney General or the Director of the
25 Federal Bureau of Investigation to provide access to the

1 criminal history record information contained in the Na-
2 tional Crime Information Center's Interstate Identifica-
3 tion Index (NCIC—III), or to any other information main-
4 tained by the National Crime Information Center, to any
5 Federal agency or officer authorized to enforce or admin-
6 ister the Act of July 3, 1926 (22 U.S.C. 211a), for the
7 purpose of such enforcement or administration, upon
8 terms that are consistent with National Crime Prevention
9 and Privacy Compact Act of 1998 (subtitle A of title II
10 of Public Law 105–251; 42 U.S.C. 14601 et seq.) and
11 section 552a of title 5, United States Code.

12 **SEC. 8. RULES OF CONSTRUCTION.**

13 (a) DEPARTMENT OF JUSTICE.—Nothing in this Act
14 shall be construed to preclude or alter the jurisdiction or
15 authority of the Department of Justice under the Adam
16 Walsh Child Protection and Safety Act of 2006 (42 U.S.C.
17 16901 et seq.), including section 113(d) of such Act, or
18 any other provision law, or to affect the work of the
19 United States Marshals Service with INTERPOL.

20 (b) ANGEL WATCH CENTER.—Nothing in this Act
21 shall be construed to preclude the Angel Watch Center
22 from transmitting notice with respect to any covered sex
23 offender.

