

means “the strong one,” by his Ugandan friends, a name he proudly tattooed on his right arm.

Responsibility for the attack that killed Nate and the dozens of other innocent men and women in Uganda has been claimed by the Somalia-based al-Shabaab terrorist organization. Al-Shabaab has justified the deadly violence on Uganda’s 3,400-troop contribution to the African Union Mission in Somalia. But al-Shabaab, which means “the youth,” also chose its targets to send a message to Somalis around the world, a message designed to help tighten its control in Somalia and recruit young men into its ranks, including young men from many of the districts we represent.

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Nate Henn’s life, on quite the other hand, and the work of groups like Invisible Children send a far different message to the youth of Africa, a message that is one of promise and hope rather than of war.

Today, Congress can help reinforce that message by showing that the American people stand side by side with those who strive to make the future brighter for Africa’s youth while at the same time telling groups like al-Shabaab that we will not ignore atrocities committed against civilians or our allies.

I hope, Mr. Speaker, that all of my colleagues will support this important resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BERKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the resolution, H. Res. 1538, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 304. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

#### INTERNATIONAL MEGAN’S LAW OF 2010

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5138) to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest 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 child sex offender is seeking to enter the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5138

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “International Megan’s Law of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for 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. International Sex Offender Travel Center.
- Sec. 7. Center sex offender travel guidelines.
- Sec. 8. Authority to restrict passports.
- Sec. 9. Immunity for good faith conduct.
- Sec. 10. Sense of Congress provisions.
- Sec. 11. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 12. Special report on international mechanisms related to traveling child sex offenders.
- Sec. 13. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
- Sec. 14. Congressional reports.
- Sec. 15. Authorization of appropriations.
- Sec. 16. Budget compliance.

#### SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

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

(3) The sexual exploitation of minors is a global phenomenon. The International Labour Organization estimates that 1.8 million children worldwide are exploited each year through prostitution and pornography.

(4) According to End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT International), all children are adversely affected by being commercially sexually exploited. Commercial sexual exploitation can result in serious, lifelong, even life-threatening con-

sequences for the physical, psychological, spiritual, emotional and social development and well-being of a child.

(5) ECPAT International reports that children who are commercially sexually exploited are at great risk of contracting HIV or AIDS and are unlikely to receive adequate medical care. These children are also at great risk of further physical violence—those who make an attempt to escape or counter their abuse may be severely injured or killed. The psychological effects of child sexual exploitation and threats usually plague the victims for the rest of their lives.

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

(7) According to ECPAT International, child sex tourism is a specific form of child prostitution and is a developing phenomenon. Child sex tourism is defined as the commercial sexual exploitation of children by people who travel from one place to another and there engage in sexual acts with minors. This type of exploitation can occur anywhere in the world and no country or tourism destination is immune.

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

(9) According to the National Center for Missing and Exploited Children (NCMEC), most victims of sex offenders are minors.

(10) Media reports indicate that known sex offenders who have committed crimes against children are traveling internationally, and that the criminal background of such individuals may not be known to local law enforcement prior to their arrival. For example, in April 2008, a United States registered sex offender received a prison sentence for engaging in illicit sexual activity with a 15-year-old United States citizen girl in Ciudad Juarez, Chihuahua, Mexico in exchange for money and crack cocaine.

(11) United States Immigration and Customs Enforcement (ICE) has taken a leading role in the fight against the sexual exploitation of minors abroad, in cooperation with other United States agencies, law enforcement from other countries, INTERPOL, and nongovernmental organizations. In addition to discovering evidence of and investigating child sex crimes, ICE has provided training to foreign law enforcement and NGOs, as appropriate, for the prevention, detection, and investigation of cases of child sexual exploitation.

(12) Between 2003 and 2009, ICE obtained 73 convictions of individuals from the United States charged with committing sexual crimes against minors in other countries.

(13) While necessary to protect children and rescue victims, the detection and investigation of child sex predators overseas is costly. Such an undercover operation can cost approximately \$250,000. A system that would aid in the prevention of such crimes is needed to safeguard vulnerable populations and to reduce the cost burden of addressing crimes after they are committed.

(14) Sex offenders are also attempting to enter the United States. In April 2008, a lifetime registered sex offender from the United Kingdom attempted to enter the United States with the intention of living with a woman who he had met on the Internet and her young daughters. Interpol London notified Interpol United States National Central Bureau (USNCB) about the sex offender's status. Interpol USNCB notified the United States Customs and Border Protection officers, who refused to allow the sex offender to enter the country.

(15) Foreign governments need to be encouraged to notify the United States as well as other countries when a known sex offender is entering our borders. For example, Canada has a national sex offender registry, but Canadian officials do not notify United States law enforcement when a known sex offender is entering the United States unless the sex offender is under investigation.

(16) Child sex tourists may travel overseas to commit sexual offenses against minors for the following reasons: perceived anonymity; law enforcement in certain countries is perceived as scarce, corrupt, or unsophisticated; perceived immunity from retaliation because the child sex tourist is a United States citizen; the child sex tourist has the financial ability to impress and influence the local population; the child sex tourist can "disappear" after a brief stay; the child sex tourist can target children meeting their desired preference; and, there is no need to expend time and effort "grooming" the victim.

(17) Individuals who have been arrested in and deported from a foreign country for sexually exploiting children have used long-term passports to evade return to their country of citizenship where they faced possible charges and instead have moved to a third country where they have continued to exploit and abuse children.

(18) In order to protect children, it is essential that United States law enforcement be able to identify high risk child sex offenders in the United States who are traveling abroad and child sex offenders from other countries entering the United States. Such identification requires cooperative efforts between the United States and foreign governments. In exchange for providing notice of sex offenders traveling to the United States, foreign authorities will expect United States authorities to provide reciprocal notice of sex offenders traveling to their countries.

(19) ICE and other Federal law enforcement agencies currently are sharing information about sex offenders traveling internationally with law enforcement entities in some other countries on an ad hoc basis through INTERPOL and other means. The technology to detect and notify foreign governments about travel by child sex offenders is available, but a legal structure and additional resources are needed to systematize and coordinate these detection and notice efforts.

(20) Officials from the United Kingdom, Australia, Spain, and other countries have expressed interest in working with the United States Government for increased international cooperation to protect children from sexual exploitation, and are calling for formal arrangements to ensure that the risk posed by traveling sex offenders is combated most effectively.

(21) The United States, with its international law enforcement relations, technological and communications capability, and established sex offender registry system, should now take the opportunity to lead the global community in the effort to save thousands of potential child victims by notifying other countries of travel by sex offenders who pose a high risk of exploiting children, maintaining information about sex offenders

from the United States who reside overseas, and strongly encouraging other countries to undertake the same measures to protect children around the world.

(b) **DECLARATION OF PURPOSES.**—The purpose of this Act and the amendments made by this Act is to protect children from sexual exploitation by preventing or monitoring the international travel of sex traffickers and other sex offenders who pose a risk of committing a sex offense against a minor while traveling by—

(1) establishing a system in the United States to notify the appropriate officials of other countries when a sex offender who is identified as a high interest registered sex offender intends to travel to their country;

(2) strongly encouraging and assisting foreign governments to establish a sex offender travel notification system and to inform United States authorities when a sex offender intends to travel or has departed on travel to the United States;

(3) establishing and maintaining non-public sex offender registries in United States diplomatic and consular missions in order to maintain critical data on United States citizen and lawful permanent resident sex offenders who are residing abroad;

(4) providing the Secretary of State with the discretion to revoke the passport or passport card of an individual who has been convicted overseas for a sex offense against a minor, or limit the period of validity of a passport issued to an individual designated as a high interest registered sex offender;

(5) including whether a country is investigating and prosecuting its nationals suspected of engaging in severe forms of trafficking in persons abroad in the minimum standards for the elimination of human trafficking under section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(6) mandating a report from the Secretary of State, in consultation with the Attorney General, about the status of international notifications between governments about child sex offender travel; and

(7) providing assistance to foreign countries under section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—Except as otherwise provided, the term "appropriate congressional committees" means—

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

(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(2) **CENTER.**—The term "Center" means the International Sex Offender Travel Center established pursuant to section 6(a).

(3) **CONVICTED AS EXCLUDING CERTAIN JUVENILE ADJUDICATIONS.**—The term "convicted" or a variant thereof, used with respect to a sex offense of a minor, does not include—

(A) adjudicated delinquent as a juvenile for that offense; or

(B) convicted as an adult for that offense, unless the offense took place after the offender had attained the age of 14 years and the conduct upon which the conviction took place was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(4) **HIGH INTEREST REGISTERED SEX OFFENDER.**—The term "high interest registered

sex offender" means a sex offender as defined under paragraph (8) who the Center, pursuant to section 7 and based on the totality of the circumstances, has a reasonable belief presents a high risk of committing a sex offense against a minor in a country to which the sex offender intends to travel.

(5) **JURISDICTION.**—The term "jurisdiction" means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) A federally recognized Indian tribe that maintains a sex offender registry, or another jurisdiction to which an Indian tribe has delegated the function of maintaining a sex offender registry on its behalf.

(I) A United States diplomatic or consular mission that maintains a sex offender registry pursuant to section 5 of this Act.

(6) **MINOR.**—The term "minor" means an individual who has not attained the age of 18 years.

(7) **PASSPORT CARD.**—The term "passport card" means a document issued by the Department of State pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note).

(8) **SEX OFFENDER.**—Except as provided in sections 12 and 13, the term "sex offender" means a United States citizen or lawful permanent resident who is convicted of a sex offense as defined in this Act, including a conviction by a foreign court, and who, independently of this Act, is legally required to register in the United States with a jurisdiction, or who is legally required to register outside the United States with a jurisdiction in accordance with section 5.

(9) **SEX OFFENSE.**—

(A) **IN GENERAL.**—The term "sex offense" means a criminal offense against a minor, including any Federal offense, that is punishable by statute by more than one year of imprisonment and involves any of the following:

(i) Solicitation to engage in sexual conduct.

(ii) Use in a sexual performance.

(iii) Solicitation to practice prostitution (whether for financial or other forms of remuneration).

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

(v) Possession, production, or distribution of child pornography.

(vi) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(vii) Conduct that would violate section 1591 (relating to sex trafficking of children or by force, fraud, or coercion) of title 18, United States Code, if the conduct had involved interstate or foreign commerce and where the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 18 years at the time of the conduct.

(viii) Any other conduct that by its nature is a sex offense against a minor.

(B) **EXCEPTIONS.**—The term "sex offense" does not include—

(i) a foreign conviction, unless the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused; or

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

(C) **SPECIAL RULE FOR DETERMINING WHETHER SUFFICIENT SAFEGUARDS EXIST.**—For the purposes of subparagraph (B)(i), compliance

with the guidelines or regulations established under section 112 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) creates a rebuttable presumption that the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused.

#### SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIREMENT.

##### (a) DUTY TO REPORT.—

(1) IN GENERAL.—A sex offender who is a United States citizen or alien lawfully admitted to the United States for permanent residence shall notify a jurisdiction where he or she is registered as a sex offender of his or her intention to travel either from the United States to another country or from another country to the United States, subject to subsection (f) and in accordance with the rules issued under subsection (b). The sex offender shall provide notice—

(A) not later than 30 days before departure from or arrival in the United States; or

(B) in individual cases in which the Center determines that a personal or humanitarian emergency, business exigency, or other situation renders the deadline in subparagraph (A) to be impracticable or inappropriate, as early as possible.

(2) TRANSMISSION OF NOTICE FROM THE JURISDICTION TO THE CENTER.—A jurisdiction so notified pursuant to paragraph (1) shall transmit such notice to the Center within 24 hours or the next business day, whichever is later, of receiving such notice.

(3) PERIOD OF REPORTING REQUIREMENT.—The duty of the sex offender to report required under paragraph (1) shall take effect on the date that is 425 days after the date of the enactment of this Act or after a sex offender has been duly notified of the duty to report pursuant to subsection (d), whichever is later, and terminate at such time as the sex offender is no longer required to register in any jurisdiction for a sex offense.

(4) NOTICE TO JURISDICTIONS.—Not later than 395 days after the date of the enactment of this Act, the Center shall provide notice to all jurisdictions of the requirement to receive notifications regarding travel from sex offenders and the means for informing the Center about such travel notifications pursuant to paragraph (1).

(b) RULES FOR REPORTING.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General and the Secretary of State, shall issue rules to carry out subsection (a) in accordance with the purposes of this Act. Such rules—

(1) shall establish procedures for reporting by the sex offender under subsection (a), including the method of payment and transmission of any fee to United States Immigration and Customs Enforcement (ICE) pursuant to subsection (c);

(2) shall set forth the information required to be reported by the sex offender, including—

(A) complete name(s);

(B) address of residence and home and cellular numbers;

(C) all e-mail addresses;

(D) date of birth;

(E) social security number;

(F) citizenship;

(G) passport or passport card number, date and place of issuance, and date of expiration;

(H) alien registration number, where applicable;

(I) information as to the nature of the sex offense conviction;

(J) jurisdiction of conviction;

(K) travel itinerary, including the anticipated length of stay at each destination, and purpose of the trip;

(L) if a plane ticket or other means of transportation has been purchased, prior to the submission of this information, the date of such purchase;

(M) whether the sex offender is traveling alone or as part of a group; and

(N) contact information prior to departure and during travel; and

(3) in consultation with the jurisdictions, shall provide appropriate transitional provisions in order to make the phase-in of the requirements of this Act practicable.

(c) FEE CHARGE.—ICE is authorized to charge a sex offender a fee for the processing of a notice of intent to travel submitted pursuant to subsection (a)(1). Such fee—

(1) shall initially not exceed the amount of \$25;

(2) may be increased thereafter not earlier than 30 days after consultation with the appropriate congressional committees;

(3) shall be collected by the jurisdiction at the time that the sex offender provides the notice of intent to travel;

(4) shall be waived if the sex offender demonstrates to the satisfaction of ICE, pursuant to a fee waiver process established by ICE, that the payment of such fee would impose an undue financial hardship on the sex offender;

(5) shall be used only for the activities specified in sections 4, 6, and 7; and

(6) shall be shared equitably with the jurisdiction that processes the notice of intent to travel.

(d) CRIMINAL PENALTY FOR FAILURE TO REGISTER OR REPORT.—

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

“(d) Whoever knowingly fails to register with United States officials in a foreign country or to report his or her travel to or from a foreign country, as required by the International Megan’s Law of 2010, after being duly notified of the requirements shall be fined under this title or imprisoned not more than 10 years, or both.”.

(2) AMENDMENT TO HEADING OF SECTION.—The heading for section 2250 of title 18, United States Code, is amended by inserting “or report international travel” after “register”.

(3) CONFORMING AMENDMENT TO AFFIRMATIVE DEFENSE.—Section 2250(b) of title 18, United States Code, is amended by inserting “or (d)” after “(a)”.

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

(5) CLERICAL AMENDMENT.—The item relating to section 2250 in the table of sections at the beginning of chapter 109B of title 18, United States Code, is amended by inserting “or report international travel” after “register”.

(e) DUTY TO NOTIFY SEX OFFENDERS OF REPORTING AND INTERNATIONAL REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—When an official is required under the law of a jurisdiction or under the rules established pursuant to subsection (b) to notify a sex offender (as defined in section 3(8)) of a duty to register as a sex offender under the law of such jurisdiction, the official shall also, at the same time—

(A) notify the offender of such offender’s duties to report international travel under this section and to register as a sex offender under section 5, and the procedure for fulfilling such duties; and

(B) require such offender to read and sign a form stating that such duties to report and register, and the procedure for fulfilling such duties, have been explained and that such of-

fender understands such duties and such procedure.

(2) SEX OFFENDERS CONVICTED IN FOREIGN COUNTRIES.—When a United States citizen or lawful permanent resident is convicted in a foreign country of a sex offense and the United States diplomatic or consular mission in such country is informed of such conviction and is informed of, or is otherwise aware of, the location of the sex offender, such diplomatic or consular mission shall—

(A) notify such sex offender of such offender’s duties to report travel to the United States and to register as a sex offender under this Act and the procedure for fulfilling such duties; and

(B) obtain from such offender a signed form stating that such duties to report and register, and the procedure for fulfilling such duties, have been explained and that such offender understands such duties and such procedure.

(3) REQUIREMENTS RELATING TO FORM.—The form required by paragraphs (1)(B) and (2)(B) shall be maintained by the entity that maintains the sex offender registry in the jurisdiction in which the sex offender was convicted.

(f) PROCEDURES WITH RESPECT TO SEX OFFENDERS WHO REGULARLY TRANSIT ACROSS THE UNITED STATES BORDERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a system for identifying and monitoring, as appropriate and in accordance with the purposes of this Act, sex offenders who, for legitimate business, personal, or other reasons regularly transit across the border between the United States and Mexico or the border between the United States and Canada.

(2) REPORT.—Not later than the date of the establishment of the border system pursuant to paragraph (1), the Secretary of Homeland Security shall transmit to the appropriate congressional committees a report on the implementation of such system.

#### SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX OFFENDERS.

##### (a) FOREIGN REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Not later than 395 days after the date of the enactment of this Act, a designated United States diplomatic or consular mission in each foreign country shall establish and maintain a countrywide nonpublic sex offender registry for sex offenders (as defined in section 3(8)) who are United States citizens or aliens lawfully admitted to the United States for permanent residence who remain in such country for the time period specified in subsection (b). Such registry shall include the information specified in subsection (d).

(2) REGIONAL REGISTRIES.—If there are fewer than ten sex offenders residing in a country, the Secretary of State, in the Secretary’s sole discretion, may designate a United States diplomatic or consular mission in the same region as such country to maintain the sex offender registry for sex offenders in such country.

(b) INTERNATIONAL REGISTRY REQUIREMENT FOR SEX OFFENDERS.—

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

(A) who remains in a foreign country for more than 30 consecutive days; or

(B) who remains in a foreign country for more than 30 days within a six-month period, shall register, and keep such registration current, at the designated United States diplomatic or consular mission for such country.

(2) PERIOD OF REGISTRATION REQUIREMENT.—The registration requirement specified in paragraph (1) shall—

(A) begin when the sex offender registry has been established at the designated diplomatic or consular mission in the country in which a sex offender is staying and such sex offender has received notice of the requirement to register pursuant to this section; and

(B) end on the sooner of—

(i) such time as the sex offender departs such country and has provided notice of all changes of information in the sex offender registry as required under paragraph (3);

(ii) in the case of a conviction in the United States, such time has elapsed as the sex offender would have otherwise been required to register in the jurisdiction of conviction for the applicable sex offense; or

(iii) in the case of a foreign conviction, such time as the sex offender would have otherwise been required to register under section 115 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915) for the applicable sex offense.

(3) KEEPING THE REGISTRATION CURRENT.—Subject to the period of registration requirement under paragraph (2), not later than five business days after each change of name, residence, or employment or student status, or any change in any of the other information specified in subsection (d)(1), a sex offender residing in a foreign country shall notify a United States diplomatic or consular mission in such country for the purpose of providing information relating to such change for inclusion in the sex offender registry maintained by the designated diplomatic or consular mission in such country under subsection (a). If the diplomatic or consular mission is not the mission that maintains the registry for that country, the mission shall forward the changed information to the appropriate diplomatic or consular mission.

(4) REGISTRATION AND NOTIFICATION PROCEDURE.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall issue regulations for the establishment and maintenance of the registries described in subsection (a), including—

(A) the manner in which sex offenders who are convicted in a foreign country of a sex offense, whose conviction and location in the foreign country are known by the United States Government, and who are required to register pursuant to United States law, including this Act, will be notified of such requirement;

(B) the manner for registering and changing information as specified in paragraphs (1) and (3);

(C) the manner for disclosing information to eligible entities as specified in subsection (h)(2); and

(D) a mechanism by which individuals listed on the sex offender registry can notify the diplomatic or consular mission of any errors with respect to such listing and by which the Department of State shall correct such errors.

(C) CROSS REFERENCE FOR CRIMINAL PENALTIES FOR NONREGISTRATION.—Criminal penalties for nonregistration are provided in section 2250(d) of title 18, United States Code, which was added by section 4(d)(1) of this Act.

(d) INFORMATION REQUIRED IN REGISTRATION.—

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

(A) Complete name (including any alias), date of birth, and current photograph.

(B) Passport or passport card number, date and place of issuance, date of expiration, and visa type and number, if applicable.

(C) Alien registration number, where applicable.

(D) Social Security number of the sex offender.

(E) Address of each residence at which the sex offender resides or will reside in that country, the address of any residence maintained in the United States, and home and cellular phone numbers.

(F) Purpose for the sex offender's residence in the country.

(G) Name and address of any place where the sex offender is an employee or will be or has applied to be an employee and will have regular contact with minors.

(H) Name and address of any place where the sex offender is a student or will be or has applied to be a student and will have regular contact with minors.

(I) All e-mail addresses.

(J) Most recent address in the United States and State of legal residence.

(K) The jurisdiction in which the sex offender was convicted and the jurisdiction or jurisdictions in which the sex offender was most recently legally required to register.

(L) The license plate number and a description of any vehicle owned or operated by the sex offender in the country in which the sex offender is staying.

(M) The date or approximate date when the sex offender plans to leave the country.

(N) Any other information required by the Secretary of State.

(2) PROVIDED BY THE ATTORNEY GENERAL AND THE JURISDICTION OF CONVICTION.—

(A) IN GENERAL.—The United States diplomatic or consular mission shall notify the Attorney General that a sex offender is registering with such mission pursuant to subsection (b). Upon receipt of such notice, the Attorney General shall obtain the information specified in subparagraph (C) and transmit it to the mission within 15 business days.

(B) INFORMATION PROVIDED BY THE JURISDICTION OF CONVICTION.—If the only available source for any of the information specified in subparagraph (C) is the jurisdiction in which the conviction of the sex offender occurred, the Attorney General shall request such information from the jurisdiction of conviction. The jurisdiction shall provide the information to the Attorney General within 15 business days of receipt of the request.

(C) INFORMATION.—The information specified in this subparagraph is the following:

(i) The sex offense history of the sex offender, including—

(I) the text of the provision of law defining the sex offense;

(II) the dates of all arrests and convictions related to sex offenses; and

(III) the status of parole, probation, or supervised release.

(ii) The most recent available photograph of the sex offender.

(iii) The time period for which the sex offender is required to register pursuant to the law of the jurisdiction of conviction.

(3) PROVIDED BY THE DIPLOMATIC OR CONSULAR MISSION.—The United States diplomatic or consular mission at which a sex offender registers shall collect and include the following information in the registry maintained by such mission:

(A) Information provided by the sex offender and Attorney General pursuant to paragraphs (1) and (2).

(B) A physical description of the sex offender.

(C) Any other information required by the Secretary of State.

(e) PERIODIC IN PERSON VERIFICATION.—Not less often than every six months, a sex offender who is registered under subsection (b)

shall appear in person at a United States diplomatic or consular mission in the country where the sex offender is staying to verify the information in the sex offender registry maintained by the designated diplomatic or consular mission for such country under subsection (a) to allow such mission to take a current photograph of the sex offender if the photograph on file no longer accurately depicts the sex offender. If such diplomatic or consular mission is not the mission that maintains the registry for such country, such mission shall forward to the appropriate mission any new or changed information and any new photograph.

(f) TRANSMISSION OF REGISTRY INFORMATION TO THE ATTORNEY GENERAL.—For the purposes of updating the National Sex Offender Registry and keeping domestic law enforcement informed as to the status of a sex offender required to register under this section, when a United States diplomatic or consular mission receives new or changed information about a sex offender pursuant to paragraphs (1) and (3) of subsection (b) for the sex offender registry maintained by such mission under subsection (a), such mission shall, not later than 24 hours or the next business day, whichever is later, after receipt of such new or changed information, transmit to the Attorney General such new or changed information. Not later than 24 hours or the next business day, whichever is later, after the receipt of such new or changed information, the Attorney General shall transmit such new or changed information to the State of legal residence or the State of last known address, as appropriate, of such sex offender.

(g) ACCESS TO REGISTRY INFORMATION BY UNITED STATES LAW ENFORCEMENT.—Federal, State, local, tribal, and territorial law enforcement shall be afforded access for official purposes to all information on a sex offender registry maintained by a United States diplomatic or consular mission pursuant to subsection (a).

(h) OTHER ACCESS TO REGISTRY INFORMATION.—

(1) IN GENERAL.—Information on a registry established pursuant to subsection (a) shall not be made available to the general public except as provided in paragraph (2).

(2) EXCEPTION FOR ELIGIBLE ENTITIES.—

(A) IN GENERAL.—An eligible entity described in subparagraph (B) may request certain information on the sex offender registry maintained by the United States diplomatic or consular mission for the country where the eligible entity is located, in accordance with this paragraph.

(B) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subparagraph (A) is—

(i) an entity that provides direct services to minors;

(ii) an official law enforcement entity; or

(iii) an investigative entity that is affiliated with an official law enforcement entity for the purpose of investigating a possible sex offense.

(C) INFORMATION REQUEST PROCESS.—An eligible entity may request information on the sex offender registry from the United States Government official designated for this purpose by the head of the diplomatic or consular mission in which the sex offender registry is maintained. The official, in consultation with the head of such diplomatic or consular mission, shall have the sole discretion whether and to what extent to provide information about a particular registered sex offender on the sex offender registry as designated in subparagraph (D). Before providing an eligible entity with such information, the official shall first obtain from the eligible entity a written certification that—

(i) the eligible entity shall provide access to the information only to the persons as designated in the certificate who require access to such information for the purpose for which the information is provided;

(ii) the information shall be maintained and used by the eligible entity in a confidential manner for employment or volunteer screening or law enforcement purposes only, as applicable;

(iii) the information may not otherwise be disclosed to the public either by the eligible entity or by the employees of the eligible entity who are provided access; and

(iv) the eligible entity shall destroy the information or extract it from any documentation in which it is contained as soon as the information is no longer needed for the use for which it was obtained.

**(D) INFORMATION TO BE DISCLOSED.—**

(1) **TO SERVICE PROVIDERS.**—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry with respect to an individual who is listed on the registry and is applying for or holds a position within the entity that involves contact with children.

(2) **TO LAW ENFORCEMENT AND INVESTIGATIVE ENTITIES.**—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry that may assist in the investigation of an alleged sex offense against a minor.

(E) **FEE CHARGE.**—The diplomatic or consular mission that maintains a sex offender registry from which an eligible entity seeks information may charge such eligible entity a reasonable fee for providing information pursuant to this subsection.

(F) **NOTIFICATION OF POSSIBLE ACCESS TO INFORMATION.**—The diplomatic or consular mission that maintains a sex offender registry should make a reasonable effort to notify law enforcement entities and other entities that provide services to children, particularly schools that hire foreign teachers, within the country in which the mission is located, or within the countries where sex offenders on the mission's registry are staying, as applicable, of the possibility of limited access to registry information and the process for requesting such information as provided in this subsection.

(G) **DENIAL OF ACCESS TO INFORMATION.**—An eligible entity that fails to comply with the certificate provisions specified in subparagraph (C) may be denied all future access to information on a sex offender registry at the discretion of the designated official.

(I) **ACTIONS TO BE TAKEN IF A SEX OFFENDER FAILS TO COMPLY.**—When a United States diplomatic or consular mission determines that a sex offender has failed to comply with the requirements of this section, such mission shall notify the Attorney General and revise the sex offender registry maintained by such mission under subsection (a) to reflect the nature of such failure.

(J) **FEDERAL ASSISTANCE REGARDING VIOLATIONS OF REGISTRATION REQUIREMENTS.**—The first sentence of subsection (a) of section 142 of the Sex Offender Registration and Notification Act (Public Law 109-248; 42 U.S.C. 16941) is amended by inserting before the period at the end the following: “, including under the International Megan's Law of 2010”.

**SEC. 6. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.**

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of the enactment of this Act, the President shall establish the International Sex Offender Travel Center to carry out the activities specified in subsection (d).

(b) **PARTICIPANTS.**—The Center shall include representatives from the following departments and agencies:

(1) The Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and the Coast Guard.

(2) The Department of State, including the Office to Monitor and Combat Trafficking in Persons, the Bureau of Consular Affairs, the Bureau of International Narcotics and Law Enforcement Affairs, and the Bureau of Diplomatic Security.

(3) The Department of Justice, including the Interpol-United States National Central Bureau, the Federal Bureau of Investigation, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, the Criminal Division Child Exploitation and Obscenity Section, and the United States Marshals Service's National Sex Offender Targeting Center.

(4) Such other officials as may be determined by the President.

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

(d) **ACTIVITIES.**—The Center shall carry out the following activities:

(1) Prior to the implementation of the sex offender travel reporting requirement under section 4, cooperate with each jurisdiction to implement the means for transmitting travel reports from that jurisdiction to the Center.

(2) Prior to the implementation of the sex offender travel reporting system under section 4, offer to provide training to officials within each jurisdiction who will be responsible for implementing any aspect of such system.

(3) Establish a means to receive, assess, and respond to an inquiry from a sex offender as to whether he or she is required to report international travel pursuant to this Act.

(4) Conduct assessments of sex offender travel pursuant to section 7.

(5) Establish a panel to review and respond within seven days to appeals from sex offenders who are determined to be high interest registered sex offenders. The panel shall consist of individuals who are not involved in the initial assessment of high interest registered sex offenders, and shall be from the following agencies:

(A) The Department of Justice.

(B) The Department of State.

(C) The Office for Civil Rights and Civil Liberties of the Department of Homeland Security.

(6) Transmit notice of impending or current international travel of high interest registered sex offenders to the Secretary of State, together with an advisory regarding whether or not the period of validity of the passport of the high interest registered sex offender should be limited to one year or such period of time as the Secretary of State shall determine appropriate.

(7) Establish a system to maintain and archive all relevant information related to the assessments conducted pursuant to paragraph (4) and the review of appeals conducted by the panel established pursuant to paragraph (5).

(8) Establish an annual review process to ensure that the Center Sex Offender Travel Guidelines issued pursuant to section 7(a) are being consistently and appropriately implemented.

(9) Establish a means to identify sex offenders who have not reported travel as required under section 4 and who are initiating travel, currently traveling, or have traveled outside the United States.

(e) **ADDITIONAL ACTIVITY RELATED TO TRANSMISSION OF NOTICE.**—The Center may, in its sole discretion, transmit notice of im-

pending or current international travel of high interest registered sex offenders to the country or countries of destination of such sex offenders as follows:

(1) If a high interest registered sex offender submits an appeal to the panel established pursuant to subsection (d)(5), no notice may be transmitted to the destination country prior to the completion of the appeal review process, including transmission of the panel's decision to the sex offender.

(2) The notice may be transmitted through such means as determined appropriate by the Center, including through an ICE attaché, INTERPOL, or such other appropriate means as determined by the Center.

(3) If the Center has reason to believe that transmission of the notice poses a risk to the life or well-being of the high interest registered sex offender, the Center shall make every reasonable effort to issue a warning to the high interest registered sex offender of such risk in the travel report receipt confirmation provided to the high interest registered sex offender pursuant to section 7(c)(2) prior to the transmission of such notice to the country or countries.

(f) **ATTORNEY GENERAL COMPLAINT REVIEW.**—The Attorney General, in coordination with the Center, shall establish a mechanism to receive complaints from sex offenders negatively affected by the high interest registered sex offender assessment process pursuant to subsection (d)(4), the high interest registered sex offender determination review process pursuant to subsection (d)(5), or the travel report confirmation process pursuant to section 7(c). A summary of these complaints shall be included in the annual report to Congress required under section 14(c)(4).

(g) **CONSULTATIONS.**—The Center shall engage in ongoing consultations with—

(1) NCMEC, ECPAT-USA, Inc., World Vision, and other nongovernmental organizations that have experience and expertise in identifying and preventing child sex tourism and rescuing and rehabilitating minor victims of international sexual exploitation;

(2) the governments of countries interested in cooperating in the creation of an international sex offender travel notification system or that are primary destination or source countries for international sex tourism; and

(3) Internet service and software providers regarding available and potential technology to facilitate the implementation of an international sex offender travel notification system, both in the United States and in other countries.

(h) **TECHNICAL ASSISTANCE.**—The Secretary of Homeland Security and the Secretary of State may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this section.

**SEC. 7. CENTER SEX OFFENDER TRAVEL GUIDELINES.**

(a) **ISSUANCE OF CENTER SEX OFFENDER TRAVEL GUIDELINES.**—Not later than 180 days after the date of the enactment of this Act, the Center shall issue the Center Sex Offender Travel Guidelines for the assessment of sex offenders—

(1) who report international travel from the United States to another country pursuant to section 4(a), or

(2) whose travel is reported pursuant to subsection (b), for purposes of determining whether such sex offenders are considered high interest registered sex offenders by United States law enforcement.

(b) **LAW ENFORCEMENT NOTIFICATION.**—

(1) **IN GENERAL.**—Federal, State, local, tribal, or territorial law enforcement entities or officials from within the United States who

have reasonable grounds to believe that a sex offender is traveling outside the United States and may engage in a sex offense against a minor may notify the Center and provide as much information as practicable in accordance with section 4(b)(2).

(2) NOTICE TO LAW ENFORCEMENT ENTITIES.—Not later than 425 days after the date of the enactment of this Act, the Center shall provide notice to all known, official law enforcement entities within the United States of their possibility of notifying the Center of anticipated international travel by a sex offender pursuant to paragraph (1).

(c) TRAVEL REPORT RECEIPT CONFIRMATION.—

(1) IN GENERAL.—Not later than seven days before the date of departure indicated in the sex offender travel report, the Center shall provide the sex offender with written confirmation of receipt of the travel report. The written communication shall include the following information:

(A) The sex offender should have the written communication in his or her possession at the time of departure from or return to the United States.

(B) The written communication is sufficient proof of satisfactory compliance with the travel reporting requirement under this Act if travel is commenced and completed within seven days before or after the dates of travel indicated in the travel report.

(C) The procedure that the sex offender may follow to request a change, at the sole discretion of the Center, of the time period covered by the written confirmation in the event of an emergency or other unforeseen circumstances that prevent the sex offender from traveling within seven days of the dates specified in the sex offender's travel report.

(D) The requirement to register with a United States diplomatic or consular mission if the sex offender remains in a foreign country for more than 30 consecutive days or for more than 30 days within a 6-month period pursuant to section 5.

(E) Any additional information that the Center, in its sole discretion, determines necessary or appropriate.

(2) DEPARTURE FROM THE UNITED STATES.—

(A) IN GENERAL.—If the sex offender is traveling from the United States, the written communication shall indicate, in addition to the information specified in paragraph (1), either—

(i) that the destination country or countries indicated in the travel report are not being notified of the sex offender's travel; or

(ii) (I) that such country or countries are being notified that the sex offender is a high interest registered sex offender and intends to travel to such countries; and

(II) that a review of such notification is available by the panel established pursuant to section 6(d)(5), together with an explanation of the process for requesting such a review, including the means for submitting additional information that may refute the Center's determination that the sex offender is a high interest registered sex offender.

(B) CERTAIN RISK.—If the high interest registered sex offender is traveling from the United States and the Center has reason to believe that the transmission of the notice poses a risk to the life or well-being of the high interest registered sex offender, the Center shall warn, in the written communication provided to the high interest registered sex offender, of such risk if the high interest registered sex offender travels as intended.

(d) REPORT TO CONGRESS.—Upon the issuance of the Center Sex Offender Travel Guidelines under subsection (a), the Center shall submit to the appropriate congressional committees a report containing the guidelines in a manner consistent with the protection of law enforcement-sensitive information.

## SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense; and

(2) limit to one year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to an individual designated as a high interest registered sex offender.

(b) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdiction in a foreign country of a sex offense be precluded from entering the United States due to a passport revocation under such subsection.

(c) REAPPLICATION.—An individual whose passport or passport card was revoked pursuant to subsection (a)(1) may reapply for a passport or passport card at any time after such individual has returned to the United States.

## SEC. 9. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.

## SEC. 10. SENSE OF CONGRESS PROVISIONS.

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

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

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

(3) establishing mechanisms for private companies and nongovernmental organizations to report on a voluntary basis suspected child pornography or exploitation to foreign governments, the nearest United States embassy in cases in which a possible United States citizen may be involved, or other appropriate entities.

(b) MINIMUM AGE OF CONSENT.—In order to better protect children and young adolescents from domestic and international sexual exploitation, it is the sense of Congress that the President should strongly encourage those foreign countries that have an age of consent to sexual activity below the age of 16 to raise the age of consent to sexual activity to at least the age of 16 and those countries that do not criminalize the appearance of persons below the age of 18 in pornography or the engagement of persons below the age of 18 in commercial sex transactions to prohibit such activity.

(c) NOTIFICATION TO THE UNITED STATES OF SEX OFFENSES COMMITTED ABROAD.—It is the sense of Congress that the President should formally request foreign governments to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sex offense against a minor in the foreign country.

## SEC. 11. ENHANCING THE MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by adding at the end before the period the following: “, including cases involving nationals of that country who are suspected of engaging in severe forms of trafficking of persons in another country”.

## SEC. 12. SPECIAL REPORT ON INTERNATIONAL MECHANISMS RELATED TO TRAVELING CHILD SEX OFFENDERS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit to the appropriate congressional committees a report containing the following information (to the extent such information is available from the government concerned or from other reliable sources):

(1) A list of those countries that have or could easily acquire the technological capacity to identify sex offenders who reside within the country.

(2) A list of those countries identified in paragraph (1) that utilize electronic means to identify and track the current status of sex offenders who reside within the country, and a summary of any additional information maintained by the government with respect to such sex offenders.

(3)(A) A list of those countries identified in paragraph (2) that currently provide, or may be willing to provide, information about a sex offender who is traveling internationally to the destination country.

(B) With respect to those countries identified in subparagraph (A) that currently notify destination countries that a sex offender is traveling to that country:

(i) The manner in which such notice is transmitted.

(ii) How many notices are transmitted on average each year, and to which countries.

(iii) Whether the sex offenders whose travel was so noticed were denied entry to the destination country on the basis of such notice.

(iv) Details as to how frequently and on what basis notice is provided, such as routinely pursuant to a legal mandate, or by individual law enforcement personnel on a case-by-case basis.

(v) How sex offenders are defined for purpose of providing notice of travel by such individuals.

(vi) What international cooperation or mechanisms currently are unavailable and would make the transmission of such notifications more efficacious in terms of protecting children.

(C) With respect to those countries identified in subparagraph (A) that are willing but currently do not provide such information, the reason why destination countries are not notified.

(4)(A) A list of those countries that have an established mechanism to receive reports of sex offenders intending to travel from other countries to that country.

(B) A description of the mechanism identified in subparagraph (A).

(C) The number of reports of arriving sex offenders received in each of the past 5 years.

(D) What international cooperation or mechanisms currently are unavailable and would make the receipt of such notifications more efficacious in terms of protecting children.

(5) A list of those countries identified in paragraph (4) that do not provide information about a sex offender who is traveling internationally to the destination country, and the reason or reasons for such failure. If the failure is due to a legal prohibition within the country, an explanation of the nature of the legal prohibition and the reason for such prohibition.

(b) DEFINITION.—In this section, the term “sex offender” means an individual who has been convicted of a criminal offense against a minor that involves any of the acts described in clauses (i) through (viii) of section 3(9)(A).



### SEC. 13. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) IN GENERAL.—The President is strongly encouraged to exercise the authorities of section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to provide assistance to foreign countries directly, or through non-governmental and multilateral organizations, for programs, projects, and activities, including training of law enforcement entities and officials, designed to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

(b) DEFINITION.—In this section, the term “sex offender” means an individual who has been convicted of a criminal offense against a minor that involves any of the acts described in clauses (i) through (viii) of section 3(9)(A).

### SEC. 14. CONGRESSIONAL REPORTS.

(a) INITIAL CONSULTATIONS.—Not less than 30 days before the completion of the activities required pursuant to sections 4(b), 5(b)(4), 6(a), and 7(a), the entities responsible for the implementation of such sections shall consult with the appropriate congressional committees concerning such implementation.

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act, including—

(A) how the International Sex Offender Travel Center has been established under section 6(a), including the role and responsibilities of the respective departments and agencies that are participating in the Center, and how those roles are being coordinated to accomplish the purposes of this Act and the amendments made by this Act;

(B) the procedures established for implementing section 7 regarding the Center Sex Offender Travel Guidelines;

(C) the rules regarding sex offender travel reports issued pursuant to section 4(b);

(D) the establishment of registries at United States diplomatic missions pursuant to section 5, including the number and location of such registries and any difficulties encountered in their establishment or operation;

(E) the consultations that are being conducted pursuant to section 6(g), and a summary of the discussions that have taken place in the course of those consultations; and

(F) what, if any, assistance has been provided pursuant to section 6(h) and section 13.

(2) FORM.—The report required under paragraph (1) may be transmitted in whole or in part in classified form if such classification would further the purposes of this Act or the amendments made by this Act.

(c) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and every year for 4 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act and the amendments made by this Act, including—

(1)(A) the number of United States sex offenders who have reported travel to or from a foreign country pursuant to section 4(a);

(B) the number of sex offenders who were identified as having failed to report international travel as required by section 4(a); and

(C) the number of those identified in each of subparagraphs (A) and (B) who reported travel or who traveled from the United States without previously reporting and whose travel was noticed to a destination country;

(2) the number of United States sex offenders charged, prosecuted, and convicted for failing to report travel to or from a foreign country pursuant to section 4(a);

(3) the number of sex offenders who were determined to be high interest registered sex offenders by the Center, the number of appeals of such determinations received by the panel established pursuant to section 6(d)(5), the length of time between the receipt of each such appeal and transmission of the response, the extent and nature of any information provided to the sex offender in response to the appeal, the reason for withholding any information requested by the sex offender, and the number of high interest registered sex offender determinations by the Center that were reversed by the review panel;

(4) with respect to the complaints received by the Attorney General pursuant to section 6(f)—

(A) the number of such complaints received; and

(B) a summary of the nature of such complaints;

(5) if ICE charges a fee pursuant to section 4(c)—

(A) the amount of the fee;

(B) a description of the process to collect the fee and to transfer a percentage of the fee to the jurisdiction that processed the report;

(C) the percentage of the fee that is being shared with the jurisdictions, the basis for the percentage determination, and which jurisdictions received a percentage of the fees;

(D) how the revenues from the fee have been expended by ICE; and

(E) the fee waiver process established pursuant to section 4(c)(4), how many fee waiver requests were received, and how many of those received were granted;

(6) the results of the annual review process of the use of the Center Sex Offender Guidelines conducted pursuant to section 6(d)(6);

(7) what immediate actions have been taken, if any, by foreign countries and territories of destination following notification pursuant to section 6(d)(3), to the extent such information is available;

(8)(A) the number of United States citizens or lawful permanent residents arrested overseas and convicted in the United States for sex offenses, and in each instance—

(i) the age of the suspect and the number and age of suspected victims;

(ii) the country of arrest;

(iii) any prior criminal conviction or reported criminal behavior in the United States;

(iv) whether the individual was required to and did report pursuant to section 4; and

(v) if the individual reported travel pursuant to section 4 prior to the commission of the crime, whether the individual was deemed not to be a high interest registered sex offender by the Center; and

(B) for purposes of this paragraph, the term “sex offense” means a criminal offense involving sexual conduct against a minor or an adult, including the activities listed in clauses (i) through (viii) in section 3(9)(A);

(9) which countries have been requested to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sex offense in that country, and of those countries so requested, which countries have agreed to do so, through either formal or informal agreement;

(10) any memoranda of understanding or other bilateral agreements that the United States has negotiated with a foreign government to further the purposes of this Act pursuant to section 10(a); and

(11) recommendations as to how the United States can more fully participate in inter-

national law enforcement cooperative efforts to combat child sex exploitation.

(d) INSPECTOR GENERAL AUDIT AND REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Inspectors General of the Department of Justice and the Department of State shall perform a comprehensive audit of and submit to the appropriate congressional committees a report on the implementation of sections 4, 5, 6, and 7.

(2) CONTENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of all the complaints received by the Department of Justice pursuant to section 6(f), and a description as to what, if any, action was taken to resolve each complaint.

(B) A description of any instances in which a United States citizen or lawful permanent resident was mistakenly identified as a sex offender who failed to comply with the requirements of this Act and was confronted with such failure.

(C) A description of any instances in which a United States citizen or lawful permanent resident was prevented from travelling to or from the United States as a consequence of the implementation of this Act.

(D) A description of any instances in which a sex offender was charged with violating the travel reporting requirement under section 4 or the registration requirement under section 5 prior to such sex offender being duly notified of the relevant requirement.

(E) A description of any physical or substantial emotional harm suffered by a high interest registered sex offender in a destination country as a result of notice being given to such destination country pursuant to section 6(e).

(F) A description of any instances in which information about a sex offender on a registry at a United States diplomatic or consular mission was disclosed in a manner not authorized by this Act.

(G) A description and assessment of high interest registered sex offender determination reviews conducted pursuant to section 6(d), including the number of such determinations that were overturned.

(H) A description and assessment of any other substantive or administrative challenges identified in implementing and administering sections 4, 5, 6, and 7.

### SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2011 through 2015.

### SEC. 16. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Ms. BERKLEY. I yield myself such time as I may consume.

I rise in very strong support of this bill.

I would like to first commend the gentleman from New Jersey (Mr. SMITH) and the ranking member from Florida (Ms. ROS-LEHTINEN) for their hard work and dedication to this bill, International Megan's Law of 2010.

Mr. Speaker, this is a product of a 2-year investigation into international child sex tourism and exploitation. Staffs on both sides of the aisle, including staff from the Judiciary Committee, have worked very hard to craft a bill that would serve as an important tool in protecting children abroad from child sex predators.

Some child sex offenders, who are really perverts, travel from the United States to other countries solely for the purpose of committing sexual acts with children. Others decide to stay abroad, taking advantage of their anonymity where laws against these sex acts are weak or are rarely enforced.

International Megan's Law would establish a system for providing advance notice to foreign countries when a convicted child sex offender travels to that country. It also mandates a registration requirement for child sex offenders from the United States who reside or stay abroad.

Worldwide, over 2 million children are sexually exploited each year through trafficking, prostitution, and child sex tourism. The damage inflicted on these children by sexual crimes can be incredibly severe and beyond comprehension to most of us. Not only are exploited children at risk of physical trauma and diseases, such as HIV/AIDS, but they suffer very serious psychological, emotional, and spiritual damage that can last for the remainder of their lives.

Between 2003 and 2009, U.S. Immigration and Customs Enforcement cooperated with INTERPOL and foreign law enforcement agencies to investigate cases of the sexual exploitation of children abroad, obtaining 73 convictions for such crimes committed in other countries.

This bill will strengthen that enforcement capability and will discourage child sex tourism by requiring these offenders to notify relevant authorities of their intentions to travel abroad. It will also establish a non-public registry at U.S. consular and diplomatic missions where U.S. citizens and residents who live abroad and who have been convicted of sex offenses against minors will be required to register.

To know that an individual poses a danger to children and to do nothing simply because that person leaves our

territory is unconscionable. We have the capability to help other governments protect their citizens, and we need to do all we can to prevent these predators from circumventing our laws to prey on children of foreign countries.

Mr. Speaker, I urge all of my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise as a strong and proud original cosponsor of H.R. 5138, the International Megan's Law of 2010.

The innocence of childhood is a sacred trust that deserves to be protected always and everywhere. Sexual crimes against children are especially deplorable because they violate that trust, rob children of their childhoods and, in some cases, begin a cycle of abuse that ruins multiple lives by turning victims into future abusers.

In recent decades, Mr. Speaker, we have grown in our understanding of these crimes and of the compulsions of their perpetrators, so our laws have also evolved to better protect the young. In most cases, convicted offenders who pose risks to children are required to register in the localities in which they reside.

Just 2 months ago, my home State of Florida enacted additional safeguards, barring predators from loitering near schools and other places where children congregate. But right now, such protections do not effectively extend beyond national borders, and so an alarming number of child predators use the anonymity that comes with international travel to help them find new victims.

Far away from the jurisdictions in which their crimes are known, these offenders enter unsuspecting communities to groom and exploit young boys and girls. This heartbreaking pattern occurs all around the world. It can involve something as simple as illicit travel to a known sex tourism destination, such as Cuba, where that brutal regime remains classified by our State Department as a tier 3 entity that fails to meet even the minimum standards for combating human trafficking. Or it can entail a ruse as sophisticated as establishing a front charity or an orphanage in economically depressed areas, such as southeast Asia, to secure ready access to vulnerable children.

These criminals are ruthless in their hunt for new victims, but as things stand today, no country, including the United States, receives adequate warning when dangerous child predators are coming to visit. Thus, many crimes remain undeterred and undetected, and many young lives are permanently scarred as a result. The International Megan's Law will help protect the children of the world from these dangers in two major ways:

First, it will establish a system for providing advance notice to officials when a sex offender who poses a high risk to children is traveling to their country.

Second, it will require U.S. child sex offenders who live overseas to register and periodically reverify their presence with local U.S. diplomatic or consular missions.

This bill also grants the State Department clear authority to restrict the passports of convicted child sex offenders so that they cannot jump from country to country indefinitely to avoid returning to the U.S.

While the bill is simple in its basic concept, it provides a carefully constructed mechanism to ensure that the full range of operational, legal, and constitutional interests are protected.

□ 1320

I want to thank my colleague from New Jersey (Mr. SMITH) for his leadership on this bill, which is the culmination of years of research, field visits and consultations with U.S. and foreign law enforcement officials.

Child predators do not become less dangerous when they cross international borders. They must not be allowed to use their passports as a disguise.

I urge my colleagues to support this basic protection of our children.

Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), the author of this bill, and I ask unanimous consent that he control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SMITH of New Jersey. I yield myself such time as I may consume.

Mr. Speaker, the International Megan's Law is the culmination of over 3 years of extensive negotiations and research by multiple parties. Mr. PAYNE and I are deeply grateful to all who have helped craft this legislation.

I want to thank the majority leader, STENY HOYER, for scheduling this legislation today and for his commitment to mitigating the crime, the heinous crime, of human trafficking. He and I have worked on that for years. And the International Megan's Law, which is a corollary to the trafficking work, has as its singular goal the protection of children from sex predators.

Special thanks to Chairman BERMAN and ILEANA ROS-LEHTINEN for their strong support for International Megan's Law, for helping to shepherd it through the committee, and for their staffs for being so helpful in terms of words and phrases, as well as important concepts in the bill.

I would also like to thank Chairman PAYNE and Ranking Member LAMAR SMITH and BOBBY SCOTT for their support and their recommendations that are included in the bill as well.

I would especially like to thank the gentleman from California (Mr. DANIEL E. LUNGREN), former Attorney General, now Congressman, an expert on Megan's Law, for his enormous contribution because he was at the forefront in his State in implementing the



Megan's Law; and TED POE, who is the co-chairman of the Victims' Rights Caucus, for his work and for his compassion for those who are victimized by any number of crimes, including the crimes that we are talking about today.

I also would like to thank Sheri Rickert, Kristin Wells, and Janice Kaguyutan, staffers who have really done yeoman's work on this legislation. I am very, very grateful for that. And the NGOs that have also collaborated with us, the National Center for Missing and Exploited Children, who have endorsed the bill, the Covenant House, which has done a petition drive, and World Vision, and my distinguished friend from Nevada (Ms. BERKLEY), I thank her for her leadership as well.

This is a bipartisan bill and, hopefully, it will become law for one reason: to protect children.

Mr. Speaker, our national and various State versions of Megan's Law have revolutionized how we deal with child predators. Maureen and Richard Kanka of my hometown wrote the book on neighborhood notification and protection of children and families through information. We all owe an enormous debt to Maureen and Richard for taking a horrific tragedy, the sexual abuse and murder of their 7-year-old daughter, Megan, back in 1994, and turning it into the noble cause of protecting children throughout the United States.

But now it's 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.

Child predators, Mr. Speaker, thrive on secrecy and lack of any meaningful accountability. The secrecy they thrive on allows them to commit heinous crimes, crimes against children, and to do so with impunity. Megan's Law, with its emphasis on notification and knowing who is doing what and where, not only protects American children, but it also will protect children worldwide.

Just last month, Mr. Speaker, the GAO issued a deeply disturbing report entitled "Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders." The GAO found that at least 4,500 U.S. passports were issued to known registered sex offenders in fiscal year 2008 alone. The GAO emphasized that this number is probably understated due to the limitations of the data that it was able to analyze and to access.

Let me also remind—we all know it—passports last for 10 years, so, again, this number would grow every year.

What is even more disturbing are the details about 30 of those sex offenders, passport recipients the GAO selected for further investigation. One registered sex offender solicited trips to Mexico to find and prey on young boys. The FBI found cameras in a medical bag with a Spanish language flyer ad-

vertising lice removal for children, a procedure that requires children to undress. This offender, who is currently serving a prison sentence for possession of child pornography, applied for a passport because he plans to live in Mexico after he serves his sentence to avoid registering as a sex offender.

Another sex offender in the GAO report has multiple convictions for sexual contact with 11-year-olds. The offender had traveled to the Philippines, a known child sex tourism destination, as well as to Germany and France, since receiving his passport. He was recently indicted for possession of child pornography and for attempting to have sex with a two-year-old little girl.

Several of the registered sex offenders used their passports to travel to known child sex tourism destinations, including Mexico, the Philippines and the Caribbean islands. The victims of several of these offenders range from the ages of 7 to 11 years old.

Mr. Speaker, the ILO estimates that there are about 1.8 million children who are victims of commercial sexual exploitation around the world each year. The GAO's report confirms that American sex offenders are a significant part of this outrage.

According to the Immigration and Customs Enforcement, ICE, each year about 10,000 sex offenders covered by the bill before us travel internationally. We have information and the technology at our disposal to determine what constitutes a high-risk registered sex offender and to ensure that appropriate government officials are noticed in a timely fashion. And, frankly, if the country wants to say, "you don't get a visa, you don't come," or "if you do come, our law enforcement will keep an eye on you," that's what we hope will happen if this becomes law.

Mr. Speaker, H.R. 5138 would establish the legal framework that is required to accomplish this very achievable goal of noticing. Pursuant to the bill, registered sex offenders would notify our law enforcement 30 days before they travel, allowing experts in the newly created international sex offender travel center, led by ICE, to ascertain whether the individual poses a high risk of sexually exploiting children in the destination country. If the answer is in the affirmative, our law enforcement would be able to notify officials in that country who could either monitor the activities when he enters or prevent him from entering all together.

The legislation would also establish sex offender registries at U.S. diplomatic missions for U.S. child sex offenders who reside in other countries. This foreign registration system would allow U.S. law enforcement to track the location of sex offenders and to better ascertain if and when they re-enter the United States.

Clearly, the goals of this legislation do not stop at protecting children overseas from U.S. predators. Sex offenders

from around the world are now able to cross borders and oceans to carry out their nefarious activity under the cloak of anonymity and disappear before a child is willing or able to reveal the terrible crime.

The International Megan's Law would establish the model needed for the Administration to pressure other countries to take action to stop child sex tourism originating within their borders and threatening children in the United States and everywhere else.

I have finally, Mr. Speaker, had so many conversations with people from other countries, foreign dignitaries who have asked me when the United States Congress is going to do something about American sex offenders traveling to their countries to rape their children. The International Megan's Law is the answer to that question, and I hope my colleagues will support it.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), an esteemed member of both the Foreign Affairs Committee and the Judiciary Committee, and founder and co-chair of the Congressional Victims Rights Caucus.

Mr. POE of Texas. Mr. Speaker, I appreciate the work the gentleman, Mr. SMITH, has done on human trafficking throughout his career here in Congress to make the Congress and the American people aware of this horrible tragedy that's taking place throughout the world. And I especially appreciate his work on this legislation, International Megan's Law.

Mr. Speaker, slavery is alive and, unfortunately, doing very well in this world today. We see it in the form of human trafficking, sex trafficking, slavery of children who are taken from different parts of the world by these slave traders and, for money, they exploit these children, and they make money because there are consumers that want to abuse children.

□ 1330

Unfortunately, 25 percent of the consumers who use sex trade victims are from the United States. They leave this country. They go to foreign countries. They find some child, and they abuse that child, and they pay some slave trader for that service. A million people a year are involved as victims of human trafficking. Fifty percent of them are children. Most of them are under the age of 18. It is the scourge that is taking place in our world today. And it's about time we let the world know about it. And it's about time we do something about it.

I am founder and cochair, along with my friend Mr. COSTA from California, of the Victims Rights Caucus. Children that are exploited, that are taken and they are used for sex trafficking, first of all are not criminals. They are victims of criminal conduct. The criminals are the slave traders and the criminals are those who pay to exploit those children.

It's important that we first take care and find out who those victims are. We should treat them as victims, those children that have been exploited. The second thing we do, we find out who those slave traders are and we put them in jails throughout the world. Lock them up. That's where they belong, no matter where they do their dirty deeds. And the third thing is those consumers, those who pay to exploit children, some of those 25 percent from the United States, we not only lock them up, we let people know who they are. We publish their names, we put their photographs on the Internet, we let people know who these individuals are.

This legislation goes a long way in helping the children. So when some predator gets out of our penitentiary for molesting a kid and wants to leave the country to continue their evil ways, they've got to tell us about it so we can tell that other country, Watch out, this this guy's coming to your country. And so that country can be on notice, so we can be on notice, so we can keep up with these people.

Based on my experience as a judge in Texas for over 20 years, unfortunately most of these child molesters, when they leave the penitentiary, they do it again, and they continue those devilish ways. And it's important we know who they are. This legislation is excellent. I support it.

Ms. BERKLEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SMITH of New Jersey. I thank Judge POE for his extraordinary statement and his observation that they recommit. That is what this is all about.

I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), ranking member on the House Committee on Administration, an original cosponsor of this bill, and former Attorney General of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the time.

Mr. Speaker, in the mid-1990s, when I was privileged to serve the State of California as its Attorney General, we looked to New Jersey for inspiration to change our laws. At that time, if you were a sex offender convicted of a sex offense and you had served your time, even though that was public information, it was almost impossible for the public at large to know who you were and where you were living. So we decided to follow the New Jersey law in California and adopt Megan's Law, which gave information more readily accessible to the public about where these predators live. It has worked enormously well.

The claims of those who thought we would somehow deprive those who had served their time of their privacy rights, or that we would somehow instill the seeds of vigilantism, have been proven wrong. It has worked very, very effectively.

Since that time we have adopted laws such as Jessica's Laws, which says that

those who are registered sex offenders cannot live near children, they cannot live near schools where children go, they cannot live close to the parks where they may play. And that has worked well.

So some of these sex offenders have decided that they will ply their vicious trade, so to speak, beyond our shores. And those are the ones that this International Megan's Law directs its attention to. No longer will they have the mask of anonymity when they go looking for children to exploit in foreign countries.

This is a simple law. It is a law based on information. It is a law based on the knowledge of those who have already committed and are likely to recommit. It makes eminent sense. We hope there will be a unanimous vote in favor of International Megan's Law.

Ms. BERKLEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Foreign Affairs Subcommittee on the Middle East and South Asia and one of the original sponsors of this legislation.

Mr. BURTON of Indiana. I want to thank everybody that's been involved in this legislation, Mr. POE; my colleague from California (Mr. LUNGREN); and I especially want to say something about CHRIS SMITH.

CHRIS SMITH, who is the sponsor of this bill, has been one of the hardest working Congressmen that I have ever seen in my life. He has worked very hard on the rights of the unborn since he came to Congress what, 25 or so years ago. He has worked very hard on things like Megan's Law. We have had a lot of great legislators in this body throughout history, but I don't know of anybody who has been more dedicated, more committed to doing the right things for children, both born and unborn, than CHRIS SMITH.

And I think in the Bible, and I may misquote this, but Paul the Apostle said, "I have fought the fight, I have kept the faith, henceforth the crown of righteousness is laid up for me in Heaven." And that fits you too, CHRIS. I really mean that.

Let me just say this about Megan's Law. There should be no place in the world for these people to hide. There should be no place where they're not prosecuted or persecuted for what they do to these children. And so I think this law is so important because there have been literally paneloads of perverts, pedophiles that travel around the world to ply their evil when they can't do it here in the United States because we've started passing laws that deal with them so severely.

No matter what we do in this legislation or with this legislation, in my opinion it's not enough. It's just not enough. And I don't think I want to be redundant and say anything more than that except for all of you who have

worked so hard on this legislation, you have my undying gratitude.

Ms. BERKLEY. I continue to reserve my time.

Mr. SMITH of New Jersey. In closing, Mr. Speaker, I again thank my friends on the majority side for their courtesy and for working so closely with us on this legislation. It truly is a bipartisan bill.

You know, in 2000 I was the prime sponsor of the Trafficking Victims Protection Act, and added the three Ps, prevention, prosecution, and protection. And a very comprehensive effort was made. We are now 10 years into implementation of that law. The TIP report that comes out every year comes out pursuant to that law.

One of the things we did in that law was to try to get every other country to pass laws that look a lot like ours, and maybe better and then we will borrow from their ideas. In this legislation as well there is a real admonition to the President and the State Department to try to get other countries to enact Megan's Laws in their own countries—a few have them, most don't—so we can protect our kids from these pedophiles when they come to our shores.

I urge a "yes" vote.

NATIONAL CENTER FOR MISSING &  
EXPLOITED CHILDREN,  
July 21, 2010.

Hon. CHRIS SMITH,  
Washington, DC.

DEAR REPRESENTATIVE SMITH: On behalf of the National Center for Missing & Exploited Children (NCMEC), I commend you for introducing H.R. 5138, the International Megan's Law of 2010. This important piece of legislation will help protect children around the world from registered sex offenders who seek to victimize them.

Sex tourism is an insidious practice whereby offenders travel to other countries for the purpose of sexually victimizing a child. According to an estimate from the U.S. Department of State, 1 million children are exploited by the global commercial sex trade each year. Currently, there are very few limitations regulating the international travel of registered sex offenders. Simply requiring registration within an offender's country of residence does nothing to protect children in other countries from victimization. It is imperative that we do everything we can to provide U.S. and international law enforcement with information that might prevent a child from being victimized.

We are grateful for your leadership and your steadfast commitment to the most vulnerable members of our society.

Sincerely,

ERNIE ALLEN,  
President & CEO.

I have no further requests for time, and I yield back the balance of my time.

Ms. BERKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and pass the bill, H.R. 5138, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5849) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5849

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-162 (124 Stat. 1129), is amended by striking “July 31, 2010” each place it appears and inserting “September 30, 2010”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

In every previous recession, small businesses have been central to our economic recovery. The Small Business Administration has an important role to play in giving businesses tools they need to succeed. Technical assistance programs operated by the SBA provide critical expertise in everything from writing a business plan, to finding new customers, to marketing a product.

□ 1340

While our Nation's financial landscape has improved, many small firms cannot find the financing they need. To bridge this gap, the agency's lending programs put over \$15 billion into the economy, making them the single largest source of long-term capital. So that entrepreneurs can better tap into the

Federal marketplace, there is also assistance to help businesses navigate our government's procurement process. Taken together, this portfolio of services can empower small businesses to create new jobs and accelerate our recovery.

Since the start of this Congress, the House has passed 16 bills to strengthen and modernize the SBA initiatives. However, before these programs are fully updated, they must be extended. This legislation ensures these programs keep operating.

I urge my colleagues to vote “yes.”

I reserve the balance of my time.

Mr. WESTMORELAND. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the gentlelady from New York, the chairlady's request to suspend the rules and pass H.R. 5849, a bill to provide a 2-month extension of the Small Business Administration's core programs through September 30, 2010. The previous extension that passed last April will expire at the end of this week.

In this tough economy, small businesses need all the help they can get. However, as the economic downturn has continued, entrepreneurs have lost the support they need from Congress and the administration to help them do what they do best—create jobs and opportunities. Instead of listening to the needs of the small business community, Congress has continued along with the destructive course of tax increases, government expansion, massive deficits, and job-killing regulations.

Mr. Speaker, as we move toward extending these SBA programs, yet again a temporary effort to shore up our economy and small businesses, we must remember that uncertainty is the enemy of growth. Certain legislative and regulatory proposals that have been considered in Congress lately have injected a tremendous amount of certainty into our markets, uncertainty into our markets. This ambiguity creates unique difficulties for entrepreneurs. It makes them less willing to take risk, to expand operations, or hire new workers.

Entrepreneurs have created nearly 70 percent of all new jobs in the U.S. in recent years. We can all agree that their contributions to our economy and job force will be what will lead us to our recovery. It's time to show our small business owners that we recognize and support this central role they play in our economy. We can do so by approving this temporary extension of SBA programs, and then we must continue our work by crafting and implementing a more thoughtful and complete reauthorization of these critical programs.

I would also like to take this opportunity to commend the gentlelady from New York for her leadership in the small business committee. Her determination to work for the betterment of America's small businesses has

allowed us to produce numerous pieces of bipartisan legislation that have reauthorized and modernized the SBA in these programs. Although we have not yet been able to successfully negotiate a compromise between our bills in what have previously passed the House and those that the Senate has passed, I remain confident that we will reach an agreement soon and look forward to working with the chairwoman to that end.

Again, I thank the chairwoman for her leadership and support her request to pass H.R. 5849, and I urge all Members to vote for the measure.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 5849.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### IMPROVING CERTAIN LIBRARY OF CONGRESS ADMINISTRATIVE OPERATIONS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5681) to improve certain administrative operations of the Library of Congress, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5681

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PERMITTING USE OF PROCEEDS FROM DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

(a) DISPOSITION OF PROPERTY.—Within the limits of available appropriations, the Librarian of Congress may dispose of surplus or obsolete personal property of the Library of Congress by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) USE OF PROCEEDS.—Any amounts received by the Librarian of Congress from the disposition of property under subsection (a) shall be credited to the funds available for the operations of the Library of Congress, and shall be available to acquire the same or similar property during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

#### SEC. 2. AVAILABILITY OF FUNDS FOR STUDENT LOAN REPAYMENT PROGRAM FOR EMPLOYEES.

(a) AVAILABILITY OF FUNDS WITHOUT REGARD TO SOURCE OF EMPLOYEE SALARY.—Amounts appropriated or otherwise made available to the Librarian of Congress for a fiscal year for salaries and expenses of employees of the Library of Congress may be used by the Librarian to make payments under the student loan repayment program under section 5379 of title 5, United States