

conviction occurring in less than 5 percent of rapes.

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in *Santosky v. Kramer* (455 U.S. 745 (1982)).

(7) Currently only 10 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, and can make it more difficult for her to recover.

(9) These traumatic effects on the mother can severely negatively impact her ability to raise a healthy child.

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

(Pub. L. 114–22, title IV, §403, May 29, 2015, 129 Stat. 256.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21303. Increased funding for formula grants authorized

The Attorney General shall increase the amount provided to a State under the covered formula grants in accordance with this chapter if the State has in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape.

(Pub. L. 114–22, title IV, §404, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21304. Application

A State seeking an increase in the amount provided to the State under the covered formula grants shall include in the application of the State for each covered formula grant such information as the Attorney General may reasonably require, including information about the law described in section 21303 of this title.

(Pub. L. 114–22, title IV, §405, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21305. Grant increase

The amount of the increase provided to a State under the covered formula grants under this chapter shall be equal to not more than 10 percent of the average of the total amount of funding provided to the State under the covered formula grants under the 3 most recent awards to the State.

(Pub. L. 114–22, title IV, §406, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21306. Period of increase

(a) In general

The Attorney General shall provide an increase in the amount provided to a State under the covered formula grants under this chapter for a 2-year period.

(b) Limit

The Attorney General may not provide an increase in the amount provided to a State under the covered formula grants under this chapter more than 4 times.

(Pub. L. 114–22, title IV, §407, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21307. Allocation of increased formula grant funds

The Attorney General shall allocate an increase in the amount provided to a State under the covered formula grants under this chapter such that—

(1) 25 percent¹ the amount of the increase is provided under the program described in section 21301(1)(A) of this title; and

(2) 75 percent¹ the amount of the increase is provided under the program described in section 21301(1)(B) of this title.

(Pub. L. 114–22, title IV, §408, May 29, 2015, 129 Stat. 258.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

¹ So in original. Probably should be followed by “of”.

§ 21308. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter \$5,000,000 for each of fiscal years 2023 through 2027.

(Pub. L. 114–22, title IV, §409, May 29, 2015, 129 Stat. 258; Pub. L. 117–103, div. W, title I, §107, Mar. 15, 2022, 136 Stat. 851.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h–7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Pub. L. 117–103 substituted “2023 through 2027” for “2015 through 2019”.

CHAPTER 215—ADVANCED NOTIFICATION OF TRAVELING SEX OFFENDERS

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§ 21501. 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) In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) to protect children and the public at large by establishing a comprehensive national system for the registration and notification to the public and law enforcement officers of convicted sex offenders.

(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally.

(5) The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1,800,000¹ children worldwide are victims of child sex trafficking and pornography each year.

(6) Child sex tourism, where an individual travels to a foreign country and engages in sexual activity with a child in that country, is a form of child exploitation and, where commercial, child sex trafficking.

(Pub. L. 114–119, §2, Feb. 8, 2016, 130 Stat. 15.)

Editorial Notes

REFERENCES IN TEXT

Megan’s Law, referred to in par. (2), is Pub. L. 104–145, May 17, 1996, 110 Stat. 1345, which amended former section 14071 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title of 1996 Amendments note set out under section 13701 of Title 42 and Tables.

The Adam Walsh Child Protection and Safety Act of 2006, referred to in par. (3), is Pub. L. 109–248, July 27, 2006, 120 Stat. 587, which enacted chapter 209 (§20901 et seq.) of this title and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16935 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21502. Definitions

In this chapter:

(1) Center

The term “Center” means the Angel Watch Center established pursuant to section 21503(a) of this title.

(2) Convicted

The term “convicted” has the meaning given the term in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).¹

(3) Covered sex offender

Except as otherwise provided, the term “covered sex offender” means an individual who is a sex offender by reason of having been convicted of a sex offense against a minor.

(4) Destination country

The term “destination country” means a destination or transit country.

(5) INTERPOL

The term “INTERPOL” means the International Criminal Police Organization.

(6) Jurisdiction

The term “jurisdiction” means—

- (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; and
- (H) to the extent provided in, and subject to the requirements of, section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927),¹ a Federally recognized Indian tribe.

(7) **Minor**

The term “minor” means an individual who has not attained the age of 18 years.

(8) National Sex Offender Registry

The term “National Sex Offender Registry” means the National Sex Offender Registry es-

¹ So in original. Probably should be “18,000,000”.

¹ See References in Text note below.