

published by section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).¹

(9) Sex offender under SORNA

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

(10) Sex offense against a minor

(A) In general

The term “sex offense against a minor” means a specified offense against a minor, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).¹

(B) Other offenses

The term “sex offense against a minor” includes a sex offense described in section 111(5)(A) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)(A))¹ that is a specified offense against a minor, as defined in paragraph (7) of such section, or an attempt or conspiracy to commit such an offense.

(C) Foreign convictions; offenses involving consensual sexual conduct

The limitations contained in subparagraphs (B) and (C) of section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5))¹ shall apply with respect to a sex offense against a minor for purposes of this chapter to the same extent and in the same manner as such limitations apply with respect to a sex offense for purposes of the Adam Walsh Child Protection and Safety Act of 2006 [34 U.S.C. 20901 et seq.].

(Pub. L. 114–119, §3, Feb. 8, 2016, 130 Stat. 16.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

The Adam Walsh Child Protection and Safety Act of 2006, referred to in par. (10)(C), 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 of this title and enacted, amended, and repealed numerous other sections and notes in the Code. Sections 111, 119, and 127 of the Act were classified to sections 16911, 16919, and 16927, respectively, of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as sections 20911, 20921, and 20929, respectively, of this title. 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 16935a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21503. Angel Watch Center

(a) Establishment

Not later than 90 days after February 8, 2016, the Secretary of Homeland Security shall establish within the Child Exploitation Investigations Unit of U.S. Immigrations and Customs Enforcement a Center, to be known as the “Angel Watch Center”, to carry out the activities specified in subsection (e).

(b) Incoming notification

(1) In general

The Center may receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature.

(2) Notification

Upon receiving an incoming notification under paragraph (1), the Center shall—

(A) immediately share all information received relating to the individual with the Department of Justice; and

(B) share all relevant information relating to the individual with other Federal, State, and local agencies and entities, as appropriate.

(3) Collaboration

The Secretary of Homeland Security shall collaborate with the Attorney General to establish a process for the receipt, dissemination, and categorization of information relating to individuals and specific offenses provided herein.

(c) Leadership

The Center shall be headed by the Assistant Secretary of U.S. Immigration and Customs Enforcement, in collaboration with the Commissioner of U.S. Customs and Border Protection and in consultation with the Attorney General and the Secretary of State.

(d) Members

The Center shall consist of the following:

(1) The Assistant Secretary of U.S. Immigration and Customs Enforcement.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) Individuals who are designated as analysts in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(4) Individuals who are designated as program managers in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(e) Activities

(1) In general

In carrying out this section, the Center shall, using all relevant databases, systems and sources of information, not later than 48 hours before scheduled departure, or as soon as practicable before scheduled departure—

(A) determine if individuals traveling abroad are listed on the National Sex Offender Registry;

(B) review the United States Marshals Service’s National Sex Offender Targeting

Center case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel to identify any individual who meets the criteria described in subparagraph (A) and is not in a system reviewed pursuant to this subparagraph; and

(C) provide a list of individuals identified under subparagraph (B) to the United States Marshals Service's National Sex Offender Targeting Center to determine compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).¹

(2) Provision of information to Center

Twenty-four hours before the intended travel, or thereafter, not later than 72 hours after the intended travel, the United States Marshals Service's National Sex Offender Targeting Center shall provide, to the Angel Watch Center, information pertaining to any sex offender described in subparagraph (C) of paragraph (1).

(3) Advance notice to destination country

(A) In general

The Center may transmit relevant information to the destination country about a sex offender if—

(i) the individual is identified by a review conducted under paragraph (1)(B) as having provided advanced notice of international travel; or

(ii) after completing the activities described in paragraph (1), the Center receives information pertaining to a sex offender under paragraph (2).

(B) Exceptions

The Center may immediately transmit relevant information on a sex offender to the destination country if—

(i) the Center becomes aware that a sex offender is traveling outside of the United States within 24 hours of intended travel, and simultaneously completes the activities described in paragraph (1); or

(ii) the Center has not received a transmission pursuant to paragraph (2), provided it is not more than 24 hours before the intended travel.

(C) Corrections

Upon receiving information that a notification sent by the Center regarding an individual was inaccurate, the Center shall immediately—

(i) send a notification of correction to the destination country notified;

(ii) correct all data collected pursuant to paragraph (6); and

(iii) if applicable, notify the Secretary of State for purposes of the passport review and marking processes described in section 212b of title 22.

(D) Form

The notification under this paragraph may be transmitted through such means as are

determined appropriate by the Center, including through U.S. Immigration and Customs Enforcement attaches.

(4) Memorandum of Agreement

Not later than 6 months after February 8, 2016, the Secretary of Homeland Security shall enter into a Memorandum of Agreement with the Attorney General to facilitate the activities of the Angel Watch Center in collaboration with the United States Marshals Service's National Sex Offender Targeting Center, including the exchange of information, the sharing of personnel, access to information and databases in accordance with paragraph (1)(B), and the establishment of a process to share notifications from the international community in accordance with subsection (b)(1).

(5) Passport application review

(A) In general

The Center shall provide a written determination to the Department of State regarding the status of an individual as a covered sex offender (as defined in section 212b of title 22) when appropriate.

(B) Effective date

Subparagraph (A) shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General that the process developed and reported to the appropriate congressional committees under section 21507 of this title has been successfully implemented.

(6) Collection of data

The Center shall collect all relevant data, including—

(A) a record of each notification sent under paragraph (3);

(B) the response of the destination country to notifications under paragraph (3), where available;

(C) any decision not to transmit a notification abroad, to the extent practicable;

(D) the number of transmissions made under subparagraphs (A),(B), and (C) of paragraph (3) and the countries to which they are transmitted, respectively;

(E) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(F) any other information deemed necessary and appropriate by the Secretary of Homeland Security.

(7) Complaint review

(A) In general

The Center shall—

(i) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(ii) ensure that any complaint is promptly reviewed; and

(iii) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt

¹ See References in Text note below.

review and response pursuant to this section.

(B) Response to complaints

The Center shall, as applicable—

(i) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(ii) take action to ensure that a notification or information regarding the individual is not erroneously transmitted to a destination country in the future; and

(iii) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the Center has taken or is taking under clause (ii).

(C) Public awareness

The Center shall make publicly available information on how an individual may submit a complaint under this section.

(D) Reporting requirement

The Secretary of Homeland Security shall submit an annual report to the appropriate congressional committees (as defined in section 21507 of this title) that includes—

(i) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under paragraph (3); and

(ii) the actions taken to prevent similar errors from occurring in the future.

(8) Annual review process

The Center shall establish, in coordination with the Attorney General, the Secretary of State, and INTERPOL, an annual review process to ensure that there is appropriate coordination and collaboration, including consistent procedures governing the activities authorized under this chapter, in carrying out this chapter.

(9) Information required

The Center shall make available to the United States Marshals Service's National Sex Offender Targeting Center information on travel by sex offenders in a timely manner.

(f) Definition

In this section, the term “sex offender” means—

(1) a covered sex offender; or

(2) an individual required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry, on the basis of an offense against a minor.

(Pub. L. 114–119, § 4, Feb. 8, 2016, 130 Stat. 17.)

Editorial Notes

REFERENCES IN TEXT

The Adam Walsh Child Protection and Safety Act of 2006, referred to in subsec. (e)(1)(C), is Pub. L. 109–248, July 27, 2006, 120 Stat. 587. Title I of the Act, known as the Sex Offender Registration and Notification Act,

was classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter I (§20901 et seq.) of chapter 209 of this title. 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.

This chapter, referred to in subsec. (e)(8), was in the original “this Act”, meaning Pub. L. 114–119, Feb. 8, 2016, 130 Stat. 15, known as the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title of 2016 Act note set out under section 10101 of this title and Tables.

CODIFICATION

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

§ 21504. Notification by the United States Marshals Service

(a) In general

The United States Marshals Service’s National Sex Offender Targeting Center may—

(1) transmit notification of international travel of a sex offender to the destination country of the sex offender, including to the visa-issuing agent or agents in the United States of the country;

(2) share information relating to traveling sex offenders with other Federal, State, local, and foreign agencies and entities, as appropriate;

(3) receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature and shall share the information received immediately with the Department of Homeland Security; and

(4) perform such other functions as the Attorney General or the Director of the United States Marshals Service may direct.

(b) Consistent notification

In making notifications under subsection (a)(1), the United States Marshals Service’s National Sex Offender Targeting Center shall, to the extent feasible and appropriate, ensure that the destination country is consistently notified in advance about sex offenders under SORNA identified through their inclusion in sex offender registries of jurisdictions or the National Sex Offender Registry.

(c) Information required

For purposes of carrying out this chapter, the United States Marshals Service’s National Sex Offender Targeting Center shall—

(1) make the case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel available to the Angel Watch Center;

(2) provide the Angel Watch Center a determination of compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.)¹ for the list of

¹ See References in Text note below.