

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4573
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “International Megan’s Law to Prevent Demand for Child
4 Sex Trafficking”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Angel Watch Center.
- Sec. 5. Sense of Congress provisions.
- Sec. 6. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 7. Assistance to foreign countries to meet minimum standards for the
elimination of trafficking.
- Sec. 8. Rules of Construction.

7 SEC. 2. FINDINGS.

8 Congress finds the following:

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

1 been convicted previously of a sex offense against a
2 child.

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

8 (3) In 2006, Congress passed the Adam Walsh
9 Child Protection and Safety Act of 2006 (Public
10 Law 109–248) to protect children and the public at
11 large by establishing a comprehensive national sys-
12 tem for the registration and notification to the pub-
13 lic and law enforcement officers of convicted sex of-
14 fenders.

15 (4) Law enforcement reports indicate that
16 known child-sex offenders are traveling internation-
17 ally, and that the criminal background of such indi-
18 viduals may not be known to local law enforcement
19 prior to their arrival.

20 (5) The commercial sexual exploitation of mi-
21 nors in child sex trafficking and pornography is a
22 global phenomenon. The International Labour Orga-
23 nization has estimated that 1.8 million children
24 worldwide are victims of child sex trafficking and
25 pornography each year.

1 (6) Child sex tourism, where an individual trav-
2 els to a foreign country and engages in sexual activ-
3 ity with a child in that country, is a form of child
4 exploitation and, where commercial, child sex traf-
5 ficking.

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

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

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

4 (A) the Committee on Foreign Affairs, the
5 Committee on the Judiciary, and the Com-
6 mittee on Homeland Security of the House of
7 Representatives; and

8 (B) the Committee on Foreign Relations,
9 the Committee on the Judiciary, and the Com-
10 mittee on Homeland Security and Govern-
11 mental Affairs of the Senate.

12 (2) CENTER.—The term “Center” means the
13 Angel Watch Center established pursuant to section
14 4(a).

15 (3) CHILD-SEX OFFENDER.—

16 (A) IN GENERAL.—The term “child-sex of-
17 fender” means an individual who is a sex of-
18 fender described in paragraph (3) or (4) of sec-
19 tion 111 of the Adam Walsh Child Protection
20 and Safety Act of 2006 (42 U.S.C. 16911) by
21 reason of being convicted of a child-sex offense.

22 (B) DEFINITION OF CONVICTED.—In this
23 paragraph, the term “convicted” has the mean-
24 ing given the term in paragraph (8) of section
25 111 of such Act.

1 (4) CHILD-SEX OFFENSE.—

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

8 (i) an offense (unless committed by a
9 parent or guardian) involving kidnapping;

10 (ii) an offense (unless committed by a
11 parent or guardian) involving false impris-
12 onment;

13 (iii) solicitation to engage in sexual
14 conduct;

15 (iv) use in a sexual performance;

16 (v) solicitation to practice prostitu-
17 tion;

18 (vi) video voyeurism as described in
19 section 1801 of title 18, United States
20 Code;

21 (vii) possession, production, or dis-
22 tribution of child pornography;

23 (viii) criminal sexual conduct involving
24 a minor, or the use of the Internet to fa-
25 cilitate or attempt such conduct; and

1 (ix) any conduct that by its nature is
2 a sex offense against a minor.

3 (B) OTHER OFFENSES.—The term “child-
4 sex offense” includes a sex offense described in
5 paragraph (5)(A) of section 111 of the Adam
6 Walsh Child Protection and Safety Act of 2006
7 that is a specified offense against a minor, as
8 defined in paragraph (7) of such section.

9 (C) FOREIGN CONVICTIONS; OFFENSES IN-
10 VOLVING CONSENSUAL SEXUAL CONDUCT.—The
11 limitations contained in subparagraphs (B) and
12 (C) of section 111(5) of the Adam Walsh Child
13 Protection and Safety Act of 2006 shall apply
14 with respect to a child-sex offense for purposes
15 of this Act to the same extent and in the same
16 manner as such limitations apply with respect
17 to a sex offense for purposes of the Adam
18 Walsh Child Protection and Safety Act of 2006.

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

21 (A) A State.

22 (B) The District of Columbia.

23 (C) The Commonwealth of Puerto Rico.

24 (D) Guam.

25 (E) American Samoa.

1 (F) The Northern Mariana Islands.

2 (G) The United States Virgin Islands.

3 (H) To the extent provided in, and subject
4 to the requirements of, section 127 of the Adam
5 Walsh Child Protection and Safety Act of 2006
6 (42 U.S.C. 16927), a federally recognized In-
7 dian tribe.

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

10 **SEC. 4. ANGEL WATCH CENTER.**

11 (a) ESTABLISHMENT.—Not later than 90 days after
12 the date of the enactment of this Act, the Secretary of
13 Homeland Security shall establish within the Child Exploi-
14 tation Investigations Unit of United States Immigration
15 and Customs Enforcement (ICE) of the Department of
16 Homeland Security a Center, to be known as the “Angel
17 Watch Center”, to carry out the activities specified in sub-
18 section (d).

19 (b) LEADERSHIP.—The Center shall be headed by the
20 Director of ICE, in collaboration with the Commissioner
21 of United States Customs and Border Protection (CBP)
22 and in consultation with the Attorney General.

23 (c) MEMBERS.—The Center shall consist of the fol-
24 lowing:

25 (1) The Director of ICE.

1 (2) The Commissioner of CBP.

2 (3) Individuals who are designated as analysts
3 in ICE or CBP.

4 (4) Individuals who are designated as program
5 managers in ICE or CBP.

6 (d) ACTIVITIES.—

7 (1) IN GENERAL.—The Center shall carry out
8 the following activities:

9 (A) Receive information on travel by child-
10 sex offenders.

11 (B) Establish a system to maintain and ar-
12 chive all relevant information, including the re-
13 sponse of destination countries to notifications
14 under subsection (e) where available, and deci-
15 sions not to transmit notification abroad.

16 (C) Establish an annual review process to
17 ensure that the Center is consistent in proce-
18 dures to provide notification to destination
19 countries or not to provide notification to des-
20 tination countries, as appropriate.

21 (2) INFORMATION REQUIRED.—The United
22 States Marshals Service's National Sex Offender
23 Targeting Office shall make available to the Center
24 information on travel by child-sex offenders in a

1 timely manner for purposes of carrying out the ac-
2 tivities described in paragraph (1) and (e).

3 (e) ADDITIONAL ACTIVITY RELATED TO TRANS-
4 MISSION OF NOTICE.—

5 (1) IN GENERAL.—The Center may transmit
6 notice of impending or current international travel of
7 child-sex offenders to the country or countries of
8 destination of such child-sex offenders, including to
9 the visa-issuing agent or agents in the United States
10 of such country or countries, as follows:

11 (A) The notice may be transmitted
12 through such means as determined appropriate
13 by the Center, including through an ICE
14 attaché.

15 (B) If the Center has reason to believe
16 that transmission of the notice poses a risk to
17 the life or well-being of the child-sex offender,
18 the Center shall make every reasonable effort
19 through electronic or telephonic communication
20 to issue a warning to the child-sex offender of
21 such risk.

22 (C) If the Center has reason to believe that
23 a destination country is highly likely to deny
24 entry to the child-sex offender, the Center shall
25 make a reasonable effort through electronic or

1 telephonic communication to notify a child-sex
2 offender of such probable denial.

3 (2) SUNSET.—The authority of paragraph (1)
4 shall terminate with respect to a child-sex offender
5 beginning as of the close of the last day of the reg-
6 istration period of such child-sex offender under sec-
7 tion 115 of the Adam Walsh Child Protection and
8 Safety Act of 2006 (42 U.S.C. 16915).

9 (f) COMPLAINT REVIEW.—The Center shall establish
10 a mechanism to receive complaints from child-sex offend-
11 ers affected by notifications of destination countries of
12 such child-sex offenders under subsection (e).

13 (g) CONSULTATIONS.—The Center shall seek to en-
14 gage in ongoing consultations with—

15 (1) nongovernmental organizations, including
16 faith-based organizations, that have experience and
17 expertise in identifying and preventing child sex
18 tourism and rescuing and rehabilitating minor vic-
19 tims of international sexual exploitation and traf-
20 ficking;

21 (2) the governments of countries interested in
22 cooperating in the creation of an international sex
23 offender travel notification system or that are pri-
24 mary destination or source countries for inter-
25 national sex tourism; and

1 (3) Internet service and software providers re-
2 garding available and potential technology to facili-
3 tate the implementation of an international sex of-
4 fender travel notification system, both in the United
5 States and in other countries.

6 (h) **TECHNICAL ASSISTANCE.**—The Secretary of
7 Homeland Security and the Secretary of State may pro-
8 vide technical assistance to foreign authorities in order to
9 enable such authorities to participate more effectively in
10 the notification program system established under this
11 section.

12 **SEC. 5. SENSE OF CONGRESS PROVISIONS.**

13 (a) **BILATERAL AGREEMENTS.**—It is the sense of
14 Congress that the President should negotiate memoranda
15 of understanding or other bilateral agreements with for-
16 eign governments to further the purposes of this Act and
17 the amendments made by this Act, including by—

18 (1) establishing systems to receive and transmit
19 notices as required by title I of the Adam Walsh
20 Child Protection and Safety Act of 2006 (42 U.S.C.
21 16901 et seq.); and

22 (2) establishing mechanisms for private compa-
23 nies and nongovernmental organizations to report on
24 a voluntary basis suspected child pornography or ex-
25 ploitation to foreign governments, the nearest

1 United States embassy in cases in which a possible
2 United States citizen may be involved, or other ap-
3 propriate entities.

4 (b) NOTIFICATION TO THE UNITED STATES OF
5 CHILD-SEX OFFENSES COMMITTED ABROAD.—It is the
6 sense of Congress that the President should formally re-
7 quest foreign governments to notify the United States
8 when a United States citizen has been arrested, convicted,
9 sentenced, or completed a prison sentence for a child-sex
10 offense in the foreign country.

11 **SEC. 6. ENHANCING THE MINIMUM STANDARDS FOR THE**
12 **ELIMINATION OF TRAFFICKING.**

13 Section 108(b)(4) of the Trafficking Victims Protec-
14 tion Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by
15 adding at the end before the period the following: “, in-
16 cluding severe forms of trafficking in persons related to
17 sex tourism”.

18 **SEC. 7. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
19 **MINIMUM STANDARDS FOR THE ELIMI-**
20 **NATION OF TRAFFICKING.**

21 The President is strongly encouraged to exercise the
22 authorities of section 134 of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2152d) to provide assistance to foreign
24 countries directly, or through nongovernmental and multi-
25 lateral organizations, for programs, projects, and activi-

1 ties, including training of law enforcement entities and of-
2 ficials, designed to establish systems to identify sex offend-
3 ers and provide and receive notification of child sex of-
4 fender international travel.

5 **SEC. 8. RULES OF CONSTRUCTION.**

6 (a) DEPARTMENT OF JUSTICE.—Nothing in this Act
7 shall be construed to preclude or alter the jurisdiction or
8 authority of the Department of Justice under Adam Walsh
9 Child Protection and Safety Act of 2006 (42 U.S.C.
10 16901 et seq.), including section 113(d) of such Act, or
11 any other provision law, or to affect the work of the
12 United States Marshals Service with INTERPOL.

13 (b) ANGEL WATCH CENTER.—Nothing in this Act
14 shall be construed to preclude the Angel Watch Center
15 from transmitting notice with respect to any sex offender
16 described in paragraph (3) or (4) of section 111 of the
17 Adam Walsh Child Protection and Safety Act of 2006 (42
18 U.S.C. 16911) or with respect to any sex offense described
19 in paragraph (5) of such section.

