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H. R. 5722

To mandate reporting requirements for convicted sex traffickers and other sex offenders intending to engage in international travel, to provide advance notice of convicted sex offenders who intend to travel outside the United States to the government of the country of destination, to prevent entry into the United States by any foreign sex offender, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2008

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. FORTENBERRY, Mr. PITTS, Mr. WOLF, Mrs. DRAKE, Ms. ROS-LEHTINEN, Mr. CHABOT, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To mandate reporting requirements for convicted sex traffickers and other sex offenders intending to engage in international travel, to provide advance notice of convicted sex offenders who intend to travel outside the United States to the government of the country of destination, to prevent entry into the United States by any foreign sex offender, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “International Megan’s
3 Law of 2008”.

4 **SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Megan Nicole Kanka, who was 7 years old,
7 was abducted, sexually assaulted, and murdered in
8 1994, in the State of New Jersey by a violent pred-
9 ator who had been convicted previously of a sex of-
10 fense.

11 (2) In 1996, Congress adopted Megan’s Law
12 (Public Law 104–145) as a means to encourage
13 States to inform the public of sex offenders who had
14 been convicted and are present in their communities.

15 (3) In 2006, Congress adopted the Sex Of-
16 fender Registration and Notification Act (title I of
17 Public Law 109–248), which further strengthens the
18 national standards for sex offender registration and
19 public notification.

20 (4) Since 2003, U.S. Immigration and Customs
21 Enforcement has made nearly 11,000 arrests, in-
22 cluding over 9,100 arrests of non-United States citi-
23 zens, of persons suspected of illegally exploiting chil-
24 dren. Violations include child pornography, child sex
25 tourism and facilitators, and trafficking of minors.

1 (5) It is estimated that more than 2 million
2 children are exploited each year in the global com-
3 mercial sex trade.

4 (b) DECLARATION OF PURPOSES.—The purposes of
5 this Act and the amendments made by this Act are to pre-
6 vent the international travel of sex traffickers and other
7 sex offenders who intend to commit a sexual offense by—

8 (1) expanding access to information about
9 known sex offenders in the United States who intend
10 to travel outside the United States;

11 (2) ensuring that foreign nationals who have
12 committed a sex offense are denied entry into the
13 United States;

14 (3) including information in the annual report
15 to Congress required by section 110(b)(1) of the
16 Trafficking Victims Protection Act of 2000 (22
17 U.S.C. 7107(b)(1)) regarding the establishment of
18 systems to identify and provide notice of inter-
19 national travel by sex offenders to destination coun-
20 tries; and

21 (4) providing assistance to foreign countries
22 under the Foreign Assistance Act of 1961 to meet
23 the requirements described in paragraph (3).

1 **SEC. 3. SEX OFFENDER TRAVEL REPORTING REQUIRE-**
2 **MENT.**

3 (a) DUTY TO REPORT.—An individual who is re-
4 quired to register pursuant to section 113 of the Sex Of-
5 fender Registration and Notification Act shall notify an
6 appropriate jurisdiction or jurisdictions in conformity with
7 the rules issued under subsection (b) not later than 21
8 days before departure to or arrival from a foreign place.
9 A jurisdiction so notified shall promptly inform the Sec-
10 retary of Homeland Security and the Attorney General.

11 (b) RULES FOR REPORTING.—Not later than 90 days
12 after the enactment of this Act, the Secretary of Home-
13 land Security and the Attorney General shall make rules
14 to carry out subsection (a) in the light of the purposes
15 of this Act. Such rules—

16 (1) shall establish procedures for reporting
17 under subsection (a);

18 (2) shall set forth the information required to
19 be reported; and

20 (3) may provide for appropriate alternative re-
21 porting in situations, such as emergencies, where the
22 requirement of subsection (a) is impracticable or in-
23 appropriate.

24 (c) CRIMINAL PENALTY FOR FAILURE TO RE-
25 PORT.—

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

4 “(d) Whoever knowingly fails to report his or her
5 travel to or from a foreign place as required by the Inter-
6 national Megan’s Law of 2007 shall be fined under this
7 title or imprisoned not more than 10 years, or both.”.

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

12 (3) CONFORMING AMENDMENT TO AFFIRMA-
13 TIVE DEFENSE.—Section 2250(b) of title 18, United
14 States Code, is amended by inserting “or (d)” after
15 “(a)”.

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

20 (5) CLERICAL AMENDMENT.—The item relating
21 to section 2250 in the table of sections at the begin-
22 ning of chapter 109B of title 18, United States
23 Code, is amended by inserting “or report inter-
24 national travel” after “register”.

1 (d) DUTY TO NOTIFY SEX OFFENDERS OF REPORT-
2 ING REQUIREMENT.—When an official is required under
3 the Sex Offender Registration and Notification Act to no-
4 tify an offender of a duty to register under that Act, the
5 official shall also, at the same time—

6 (1) notify that offender of that offender’s duty
7 to report under this section and the procedure for
8 fulfilling that duty; and

9 (2) require the offender to read and sign a form
10 stating that the duty to report and the procedure for
11 reporting has been explained and that the offender
12 understands the reporting requirement.

13 **SEC. 4. NOTIFICATION TO FOREIGN AUTHORITIES OF**
14 **INTERNATIONAL TRAVEL BY SEX OFFEND-**
15 **ERS.**

16 (a) IN GENERAL.—In order to protect children and
17 others and prevent sex trafficking, the Secretary of Home-
18 land Security shall establish a system in consultation with
19 the Attorney General and the Secretary of State whereby
20 the appropriate authorities in relevant foreign countries
21 or territories are notified in a timely manner about travel
22 outside the United States by persons required to register
23 under the Sex Offender Registration and Notification Act
24 and to report pursuant to section 3 of this Act.

1 (b) FOREIGN AUTHORITIES TO BE GIVEN SUFFI-
2 CIENT INFORMATION.—Each foreign authority notified
3 under subsection (a) shall be given sufficient identifying
4 information so as to be able to properly identify and track
5 the registered individual.

6 (c) TECHNICAL ASSISTANCE.—The Secretary of
7 State may provide technical assistance to foreign authori-
8 ties in order to enable such authorities to participate more
9 effectively in the notification program established under
10 this section.

11 **SEC. 5. IMMIGRATION LAW REFORM TO PREVENT ADMIS-**
12 **SION OF SEX OFFENDERS TO THE UNITED**
13 **STATES.**

14 Section 212(a)(2) of the Immigration and Nationality
15 Act (8 U.S.C.1182(a)(2)) is amended by adding at the end
16 the following:

17 “(J) SEX OFFENDERS.—Any alien con-
18 victed of, or who admits having committed, or
19 who admits committing acts which constitute
20 the essential elements of, a sex offense (as de-
21 fined in section 111 of the Sex Offender Reg-
22 istration and Notification Act (title I of Public
23 Law 109–248)) is inadmissible.”.

1 **SEC. 6. ANNUAL REPORT ON STATUS OF SEVERE FORMS OF**
2 **TRAFFICKING IN PERSONS AND IMPLEMEN-**
3 **TATION ASSESSMENT.**

4 (a) IN GENERAL.—Section 110(b)(1) of the Traf-
5 ficking Victims Protection Act of 2000 (22 U.S.C.
6 7107(b)(1)) is amended—

7 (1) in subparagraph (C), by striking “and” at
8 the end;

9 (2) by redesignating subparagraph (D) as sub-
10 paragraph (E); and

11 (3) by inserting after subparagraph (C) the fol-
12 lowing:

13 “(D)(i) a list of those countries that have
14 established a system—

15 “(I) to identify sex offenders (as de-
16 fined for purposes of the Sex Offender
17 Registration and Notification Act (title I of
18 Public Law 109–248; 42 U.S.C. 16911))
19 traveling to the United States or any other
20 country; and

21 “(II) to notify the United States or
22 the other country of—

23 “(aa) the identity of the indi-
24 vidual,

1 “(bb) the nature of the sex of-
2 fense for which the individual was
3 convicted, and

4 “(cc) the anticipated manner,
5 date, and time of the individual’s ar-
6 rival in the United States or the other
7 country,

8 prior to the individual’s travel;

9 “(ii) a list of those countries that are mak-
10 ing substantial progress in establishing a sys-
11 tem pursuant to clause (i), and the estimated
12 time of completion;

13 “(iii) a list of those countries that do not
14 have and are not making substantial progress
15 in establishing a system pursuant to clause (i);
16 and

17 “(iv) an assessment as to the progress
18 made and difficulties that exist in establishing
19 a system pursuant to clause (i) on a global
20 scale, and the extent of inter-country coopera-
21 tion with respect to sex offender travel notifica-
22 tions; and”.

23 (b) ASSESSMENT REQUIRED.—Not later than two
24 years after the date of the enactment of this Act, the
25 President shall transmit to the appropriate congressional

1 committees an assessment based on the information pro-
2 vided pursuant to subparagraph (D) of section 110(b)(1)
3 of the Trafficking Victims Protection Act of 2000 (22
4 U.S.C. 7107(b)(1) (as added by subsection (a) of this sec-
5 tion), as to how an amendment to section 108(a) of such
6 Act (22 U.S.C. 7106(a)) to include the establishment of
7 a system described in subparagraph (D) of section
8 110(b)(1) of such Act (as added by subsection (a) of this
9 section) would facilitate and contribute to advancing the
10 establishment of such a system on a global scale.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—For purposes of subsection (b), the term “appro-
13 priate congressional committees” means the Committee on
14 Foreign Affairs of the House of Representatives and the
15 Committee on Foreign Relations of the Senate.

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

19 (a) IN GENERAL.—The President is strongly encour-
20 aged to exercise the authorities of section 134 of the For-
21 eign Assistance Act of 1961 (22 U.S.C. 2152d) to provide
22 assistance to foreign countries directly, or through non-
23 governmental and multilateral organizations, for pro-
24 grams, projects, and activities designed to establish sys-

1 tems to identify and provide notification of sex offenders
2 traveling to the United States or any other country.

3 (b) DEFINITION.—In this section, the term “sex of-
4 fender” has the meaning given the term for purposes of
5 the Sex Offender Registration and Notification Act (title
6 I of Public Law 109–248; 42 U.S.C. 16911)).

7 **SEC. 8. CONGRESSIONAL REPORT.**

8 (a) REPORT REQUIRED.—Not later than one year
9 after the enactment of this Act and every year for 4 years
10 thereafter, the President shall submit to the appropriate
11 congressional committees a report on the implementation
12 of this Act and the amendments made by this Act, includ-
13 ing—

14 (1) the number of sex offenders who report
15 travel to or from a foreign place pursuant to section
16 3(a) of this Act;

17 (2) the number of sex offenders prosecuted and
18 convicted for failing to report travel to or from a
19 foreign place pursuant to section 3(a) of this Act;
20 and

21 (3) what actions have been taken, if any, by
22 foreign countries and territories of destination fol-
23 lowing notification pursuant to section 4 of this Act.

24 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
25 DEFINED.—For purposes of subsection (a), the term “ap-

1 appropriate congressional committees” means the Com-
2 mittee on Foreign Affairs of the House of Representatives
3 and the Committee on Foreign Relations of the Senate.

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 To carry out this Act and the amendments made by
6 this Act, there are authorized to be appropriated such
7 sums as may be necessary for each of the fiscal years 2009
8 through 2013.

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