

## HR 5138

### International Megan's Law of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** International Affairs

**Introduced:** Apr 26, 2010

**Current Status:** Read twice and referred to the Committee on Foreign Relations.

**Latest Action:** Read twice and referred to the Committee on Foreign Relations. (Aug 5, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/5138>

## Sponsor

**Name:** Rep. Smith, Christopher H. [R-NJ-4]

**Party:** Republican • **State:** NJ • **Chamber:** House

## Cosponsors (24 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Apr 26, 2010
Rep. Burton, Dan [R-IN-5]	R · IN		Apr 26, 2010
Rep. Crenshaw, Ander [R-FL-4]	R · FL		Apr 26, 2010
Rep. Davis, Lincoln [D-TN-4]	D · TN		Apr 26, 2010
Rep. Fortenberry, Jeff [R-NE-1]	R · NE		Apr 26, 2010
Rep. King, Peter T. [R-NY-3]	R · NY		Apr 26, 2010
Rep. Lance, Leonard [R-NJ-7]	R · NJ		Apr 26, 2010
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Apr 26, 2010
Rep. Pascrell, Bill, Jr. [D-NJ-8]	D · NJ		Apr 26, 2010
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Apr 26, 2010
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Apr 26, 2010
Rep. Poe, Ted [R-TX-2]	R · TX		Apr 26, 2010
Rep. Ros-Lehtinen, Ileana [R-FL-18]	R · FL		Apr 26, 2010
Rep. Schmidt, Jean [R-OH-2]	R · OH		Apr 26, 2010
Rep. Upton, Fred [R-MI-6]	R · MI		Apr 26, 2010
Rep. Wilson, Joe [R-SC-2]	R · SC		Apr 26, 2010
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Apr 26, 2010
Rep. Bilbray, Brian P. [R-CA-50]	R · CA		Apr 27, 2010
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Apr 27, 2010
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Apr 28, 2010
Rep. Inglis, Bob [R-SC-4]	R · SC		May 4, 2010
Rep. Granger, Kay [R-TX-12]	R · TX		Jul 20, 2010
Rep. Rush, Bobby L. [D-IL-1]	D · IL		Jul 26, 2010
Rep. Pomeroy, Earl [D-ND-At Large]	D · ND		Jul 27, 2010

## Committee Activity

Committee	Chamber	Activity	Date
Foreign Affairs Committee	House	Reported By	Jul 27, 2010
Foreign Relations Committee	Senate	Referred To	Aug 5, 2010
Judiciary Committee	House	Referred to	Jun 15, 2010

## Subjects & Policy Tags

### Policy Area:

International Affairs

## Related Bills

Bill	Relationship	Last Action
111 HR 1623	Related bill	Apr 27, 2009: Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.

International Megan's Law of 2010 - (Sec. 2) States as the purpose of this Act the protection of 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.

(Sec. 4) Requires sex offenders who are U.S. citizens or permanent residents to notify a jurisdiction (i.e., states, the District of Columbia, U.S. territories and possessions, a federally recognized Indian tribe, and a U.S. diplomatic or consular mission) where such offenders are registered as sex offenders of their intent to travel not later than 30 days before their departure from or arrival in the United States. Requires a jurisdiction receiving such notice to transmit it to the International Sex Offender Travel Center (Center) (established under this Act) within 24 hours or the next business day, whichever is later.

Makes the duty of a sex offender to report travel effective 425 days after the enactment of this Act or after a sex offender has been notified of the duty to report travel, whichever is later. Terminates such duty when the sex offender is no longer required to register in any jurisdiction.

Requires the Center, not later than 395 days after the enactment of this Act, to notify jurisdictions of the requirement to receive notifications of travel from sex offenders and of the means for informing the Center about such travel notifications.

Directs the Secretary of Homeland Security (DHS), in coordination with the Attorney General and the Secretary of State, to issue rules to: (1) establish procedures for reporting by sex offenders; and (2) set forth the information required to be reported by a sex offender, including the offender's complete name, address, including email addresses, date of birth, social security number, passport or passport number, alien registration number, and travel itinerary. Authorizes United States Immigration and Customs Enforcement (ICE) of DHS to charge a sex offender a fee up to \$25 for the processing of a notice of intent to travel.

Imposes a fine and/or prison term of up to 10 years for failure to report such travel. Requires U.S. officials and diplomatic or consular missions in foreign countries to notify sex offenders of their duty to register and report international travel.

Requires the Secretary, within one year after the enactment of this Act, to establish a system for identifying and monitoring sex offenders who, for legitimate business, personal, or other reasons, regularly cross the U.S., Mexican, and Canadian borders and to report to Congress on the implementation of such system.

(Sec. 5) Requires the U.S. diplomatic or consular mission in each foreign country, not later than 395 days after the enactment of this Act, to establish and maintain a countrywide nonpublic sex offender registry for sex offenders who are U.S. citizens or permanent residents who remain in such foreign country for more than 30 consecutive days or more than 30 days in a 6-month period. Requires sex offenders residing in a foreign country during an applicable 30-day period to register with the diplomatic or consular mission of such country. Sets forth requirements relating to the period of registration, keeping such registration current, and the information required in a registration.

Requires a sex offender to appear in person at a diplomatic or consular mission once every six months to verify information in the sex offender registry. Requires a diplomatic or consular mission to forward new or changed information about a sex offender to the Attorney General for purposes of updating the National Sex Offender Registry and keeping domestic law enforcement informed as to the status of a sex offender in a foreign country. Requires the Attorney General to transmit such new or changed information to the state of the legal or last known residence of such sex offender.

Grants federal, state, local, tribal, and territorial law enforcement agencies access to all information in a sex offender registry maintained by a diplomatic or consular mission.

Denies access by the general public to information in sex offender registries maintained by diplomatic and consular missions, but permits access for certain entities that provide direct services to minor, official law enforcement entities, or entities affiliated with an official law enforcement agency for the purpose of investigating a possible sex offense.

Requires a diplomatic or consular mission that determines that a sex offender has failed to comply with registration and reporting requirements to notify the Attorney General and revise its registry to reflect the nature of such failure.

Amends the Sex Offender Registration and Notification Act to provide for the assistance of federal law enforcement agencies in locating and apprehending sex offenders who violate the registration requirements of this Act.

(Sec. 6) Directs the President, within 90 days after the enactment of this Act, to establish the International Sex Offender Travel Center (Center) to monitor the travel of high interest registered sex offenders and to notify countries to which such sex offenders are traveling.

Requires the Attorney General to establish a mechanism to receive complaints from sex offenders who are negatively affected by a high interest registered sex offender assessment conducted by the Center.

Requires the Center to engage in ongoing consultations with the National Center for Missing and Exploited Children, ECPAT-USA, Inc., World Vision, and other nongovernmental organizations regarding the international travel of registered sex offenders.

(Sec. 7) Requires the Center, not later than 180 days after the enactment of this Act, to issue the Center Sex Offender Travel Guidelines for the assessment of sex offenders who report international travel to determine whether such sex offenders are considered high interest registered sex offenders by U.S. law enforcement. Requires the Center to provide written confirmation to a sex offender of the receipt of a travel report within 7 days before the date of departure indicated in the report. Sets forth the information required to be included in the confirmation.

(Sec. 8) Authorizes the Secretary of State to revoke the passport or passport card of a convicted sex offender and limit to one year the validity of a passport issued to an individual designated as a high interest sex offender.

(Sec. 9) Grants immunity to the federal government, jurisdictions and subdivisions, and their agencies, officers, employees, and agents for good faith conduct under this Act.

(Sec. 10) Expresses the sense of Congress that the President should: (1) negotiate memoranda of understanding or other bilateral agreements with foreign governments to further the purposes of this Act; (2) strongly encourage foreign countries that have an age of consent to sexual activity below the age of 16 to raise that age to at least 16 and foreign countries that do not criminalize the appearance of persons below the age of 18 in pornography to prohibit such activity; and (3) formally request foreign governments to notify the United States when a U.S. citizen has been arrested, convicted, or sentenced, or has completed a prison sentence, for a sex offense against a minor in the foreign country.

(Sec. 11) Amends the Trafficking Victims Protection Act of 2000 to expand criteria for the elimination of severe forms of trafficking in persons by providing for international cooperation in the reporting of foreign nationals who are suspected of engaging in severe forms of trafficking of persons in another country.

(Sec. 12) Requires the Secretary of State to submit a report, not later than one year after the enactment of this Act, to the

House Committees on Foreign Affairs and the Judiciary and the Senate Committees on Foreign Relations and the Judiciary (appropriate congressional committees) on countries with respect to the reporting of sex offenders, including: (1) a list of such countries that have or could easily acquire the technological capacity to identify sex offenders who reside within such countries and that currently provide, or may be willing to provide, information about a sex offender who is traveling internationally.

(Sec. 13) Encourages the President to use authorities under the Foreign Assistance Act of 1961 to assist foreign countries in identifying sex offenders and providing and receiving notification of child sex offender international travel.

(Sec. 14) Requires the President to transmit to the appropriate congressional committees an initial report not later than one year after the enactment of this Act and then annual reports for four years on the implementation of this Act.

Requires the Inspectors General of the Departments of Justice and State to audit and report to the appropriate congressional committees on the implementation of requirements for sex offender travel and foreign registration, the International Sex Offender Travel Center, and travel guidelines issued by the Center for sex offenders.

(Sec. 15) Authorizes appropriations for FY2011-FY2015.

(Sec. 16) Provides for compliance of the budgetary effects of this Act with the Statutory Pay-As-You-Go Act of 2010.

## **Actions Timeline**

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- **Aug 5, 2010:** Read twice and referred to the Committee on Foreign Relations.
- **Jul 28, 2010:** Received in the Senate.
- **Jul 27, 2010:** Reported by the Committee on Foreign Affairs. H. Rept. 111-568, Part I.
- **Jul 27, 2010:** Committee on Judiciary discharged.
- **Jul 27, 2010:** Placed on the Union Calendar, Calendar No. 327.
- **Jul 27, 2010:** Ms. Berkley moved to suspend the rules and pass the bill, as amended.
- **Jul 27, 2010:** Considered under suspension of the rules. (consideration: CR H6087-6097)
- **Jul 27, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5138.
- **Jul 27, 2010:** DEBATE - The House continued with further debate on H.R. 5138.
- **Jul 27, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H6087-6093)
- **Jul 27, 2010:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H6087-6093)
- **Jul 27, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 15, 2010:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **Apr 26, 2010:** Introduced in House
- **Apr 26, 2010:** Referred to House Foreign Affairs
- **Apr 26, 2010:** 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.
- **Apr 26, 2010:** Referred to House Judiciary