

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.

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.)

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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 of this title and enacted, amended, and repealed numerous other sections and notes in the Code.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 established 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

¹ So in original. Probably should be "18,000,000".

¹ See References in Text note below.

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.)

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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

¹ See References in Text note below.