



# Implementation of International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes through Advanced Notification of Traveling Sex Offenders

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Report to Congress



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# I. Reporting Requirement

International Megan's Law (IML) to Prevent Child Exploitation and Other Sexual Crimes through Advanced Notification of Traveling Sex Offenders, Pub. L. No. 114-119, Section 9 states:

## SECTION 9. IMPLEMENTATION PLAN:

- (a) In General – Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall develop a process by which to implement Section 4(e)(5) and the provisions of Section 240 of P.L. 110-457, as added by Section 8 of this Act.
- (b) Reporting Requirement – Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall jointly submit a report to, and shall consult with, the appropriate congressional committees on the process developed under subsection (a), which shall include a description of the proposed process and a timeline and plan for implementation of that process, and shall identify the resources required to effectively implement that process.

IML Section 8 directs the State Department to include, on passports issued to certain registered sex offenders against minors (“covered sex offenders”), a visual designation identifying them as such. This report is submitted by the U.S. Department of Homeland Security (DHS), the State Department, and the Department of Justice (DOJ) pursuant to IML Section 9(a)-(b), quoted above, which requires a description of a proposed process and related information concerning implementation of the IML passport identifier provisions.

The Appendices to this report describe the general IML implementation plans and associated resource requirements of DHS and DOJ. The IML activities addressed in the Appendices contain the information that will be used in carrying out the IML’s passport identifier provisions, and are therefore essential to the passport identifier process. The Appendices also serve to inform Congress more broadly about the planned overall implementation of the IML by these agencies.

# II. Implementation Plan for IML Section 8

DHS, through its component U.S. Immigration and Customs Enforcement (ICE), the State Department, and DOJ have worked together regarding the passport identifier plan required by IML Sections 8-9. Section 4 of the IML establishes within ICE the Angel Watch Center (AWC). As further explained in Appendix A, the AWC collects international travel information concerning convicted sex offenders against children and notifies the sex offenders’ destination countries when appropriate. Pursuant to the IML, the AWC will provide to the State Department a written determination that an individual identified through the Angel Watch international notification program is a covered sex offender, which the State Department will use as the basis

for the required passport identifier. The agencies will continue to explore whether there are more efficient and effective procedures for the AWC to transmit the relevant data to the State Department.

ICE has begun the process of drafting a Memorandum of Understanding (MOU) with the State Department to fulfill the passport identifier requirement of the IML. ICE and the U.S. Marshals Service (USMS) are also developing an MOU to implement enhanced information and personnel sharing between USMS and the AWC, as required by IML Section 4(e)(4). By strengthening the ability of ICE and USMS personnel to expeditiously verify and share information contained in multiple databases, the resulting arrangements will increase the timeliness and completeness of the information on traveling sex offenders available for all purposes under the IML, including the passport identifier requirement under Section 8. We anticipate these MOUs will be in place within 6 months of the enactment of the Act.

The State Department is responsible for portions of implementation of the passport identifier provisions set forth in IML Section 8. In order for the State Department to take action on a passport, the State Department must receive a written determination from the AWC that an individual is a covered sex offender. As noted, the State Department and the AWC are working to identify the processes and procedures for the AWC to transmit such data to the State Department. The State Department has in place a name check system, the Consular Lookout and Support System (CLASS). The data received from the AWC will be placed into CLASS for purposes of identifying covered offenders who seek consular services so the State Department can then take appropriate action.

In addition, the State Department is making technological modifications to the passport issuance system so that passports may be issued with the unique identifier, which will take the form of a passport endorsement. The State Department projects that this process will be completed in 4 months. The passport endorsement will indicate that the bearer is a covered sex offender under this law and will be printed in the passport book.

The State Department is working on drafting regulations regarding the passport identifier requirement. The State Department plans to complete this process by the end of the fourth quarter of calendar year 2016. Finally, the State Department will prepare guidance to its overseas consular posts and domestic passport agencies regarding the new passport identifier.

The State Department intends to use existing systems and procedures, and has resources in place to accomplish the above-mentioned tasks. Therefore, at this time, the State Department does not anticipate any budgetary needs to implement the passport identifier provision of the IML.

The resources required to effectively implement the passport identifier provisions also include the resources that DHS and DOJ require to collect and share the sex-offender information on which the passport identifier program will rely. IML Section 6 requires sex offenders to report intended international travel to the jurisdictions in which they are registered, which in turn forward that information to USMS. DHS identifies sex offenders who intend to travel abroad through comparison of passenger manifest information to information in the National Sex Offender Registry maintained by the Federal Bureau of Investigation (FBI). Both sources of

information are shared between DHS and DOJ and feed into the information available to the AWC to provide to the State Department for passport identifier purposes. The ensuing Appendices detail the plans and resource requirements for these broader IML programs and activities.

## Appendix A: Department of Homeland Security

The IML directs the Secretary of Homeland Security to establish the AWC, which has already been established within the Child Exploitation Investigations Unit (CEIU) of ICE Homeland Security Investigations (HSI), to:

- receive international travel information concerning convicted child sex offenders;
- establish a system to maintain and archive all relevant information, including decisions not to transmit notifications abroad and responses from destination countries to notifications;
- establish an annual review process to ensure that the Center is operating consistently with its notification procedures;
- establish a mechanism to receive complaints from convicted child sex offenders affected by notifications to destination countries; and
- establish procedures to provide the State Department, when appropriate, a written determination that an individual is a covered sex offender, to ensure that the State Department can effectively carry out its requirements under the IML regarding unique passport identifiers.

The purpose of Operation Angel Watch, which has operated under pre-existing statutory and regulatory law enforcement authorities and bilateral agreements with foreign governments, is to identify those who have current sex offender registration requirements relating to a conviction of a sexual crime against children and those who have upcoming international travel plans, and, when appropriate, to notify law enforcement and border security officials in the destination country.

Operation Angel Watch began in 2007 as an operation within ICE's Los Angeles Field Office to target known child sex offenders traveling from the Los Angeles International Airport to Southeast Asian countries known for high rates of child sex tourism. Due to the success of the operation, it was moved to ICE headquarters in 2010 and converted to a national initiative. Operation Angel Watch is focused on reducing the risk of child sex tourism posed by U.S. citizens and lawful permanent residents who are registered sex offenders convicted of a sex offense against a child.

Operation Angel Watch is an international initiative to protect children from sexual predators who have been convicted of a sex crime against a child. This includes those convicted of child sexual abuse or child pornography offenses who may travel overseas and sexually abuse or exploit minors – i.e., engage in child sex tourism. Through Operation Angel Watch, ICE uses publicly available sex offender registry information and passenger travel data to strategically

alert foreign law enforcement partners through ICE attaché offices of a convicted child predator's intent to travel to their country. In Fiscal Year (FY) 2015, ICE made over 2,100 notifications to more than 95 countries, with a particular emphasis on those countries known to be primary destinations for child sex tourism.

The IML builds on the existing program operated by ICE's Operation Angel Watch and establishes the AWC within ICE. This will enhance ICE's ability to target sexual predators who may seek to engage in child sex tourism by decreasing the anonymity of traveling child sex offenders (TCSOs) who travel outside of the United States. Establishment of a formalized AWC will solidify ICE's Operation Angel Watch as being part of the nucleus of the U.S. Government's response to protecting children from the threat of TCSOs. To date, Operation Angel Watch has been administered with existing resources from CEIU, with assistance from U.S. Customs and Border Protection (CBP). Currently, ICE has 1 dedicated intelligence research specialist working closely with 2 CBP officers and 1 CPB intelligence research specialist that support Operation Angel Watch 7 days a week. The establishment of an AWC will formalize and permanently fortify this mission for years to come, and will also solidify ICE's relationship with foreign countries and our domestic and international law enforcement partners.

In order to implement its requirements under the Act, ICE needs approximately \$4.95 million in new funding (reoccurring costs) in three separate areas: (1) Angel Watch Center; (2) operational costs; and (3) international operations. Further, ICE would require an additional \$1.05 million annually to be directed towards the AWC's space allocation, work space buildout, and any unforeseen costs.

**Angel Watch Center Expenses:** The additional responsibilities from the IML would require a minimum of 10 personnel assigned permanently to the center. As outlined in Table 1, it is projected that a total expense of \$2,035,817 will be directly associated with expenses for personnel who will be assigned to the Angel Watch Center. The 10 personnel required for the AWC would include 3 criminal investigators and 7 intelligence research specialists. General expenses (GE) associated with personnel (such as electricity, gas, Internet, equipment, phone, water, vehicles, etc.) are also included in these figures.

Table 1. Angel Watch Center (Washington, DC only – Personnel Expenses)

Actual Position Description, Title, Series & Grade		# of Positions	First Year – (New Positions) Personnel Cost with Mandatory GE
GS-1811-14	Agent – Supervisory GS-14	3	\$1,013,405
GS-0132-14	Intel Research Specialist	7	\$1,022,412
			<b>\$2,035,817</b>

Cost Summary for New Positions (50% Lapse Pay in First Year)	5-Year Cost Totals	FY17	FY18	FY19	FY20	FY21
	Total Personnel and GE	\$2,035,817	\$2,258,244	\$2,288,395	\$2,319,015	\$2,350,111

**Operational Expenses:** The operational expenses associated with the AWC include equipment (including initial infrastructure), training, systems development, and travel, and are estimated to total \$660,000 for the first year. Refer to Table 2 for details.

Table 2. Operational Expenses (Global Angel Watch Program)

Mission Specific Operational Expenses (Non-GE)	5-Year Cost Totals	FY16	FY17	FY18	FY19	FY20
	Equipment	\$60,000	\$55,000	\$50,000	\$50,000	\$50,000
	Training	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
	Systems Development	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
	Travel	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
	Total Operational Expenses	\$660,000	\$655,000	\$650,000	\$650,000	\$650,000

**International Operations Expenses:** In addition to the employees who will be assigned to the AWC, it is critically important to establish an Angel Watch international liaison in the four top destination regions where TCSOs travel (based on Angel Watch referrals). The four liaison positions will fall under the ICE HSI Office of International Operations and will be located in the following ICE attaché offices: Mexico, the Caribbean, Manila, and Bogotá (to cover South America). As outlined in Table 3, the expenses associated with the international operations employees are \$2,254,542.

Table 3. International Operations (International Personnel Expenses)

Actual Position Description, Title, Series & Grade		# of Positions	First Year -- (New Positions) Personnel Cost	First Year -- (New Positions) GE Costs -- Unique HSI Expenses
GS-1811-14	Overseas Agent (Caribbean)	1	\$229,186	\$405,734
GS-1811-14	Overseas Agent (Mexico)	1	\$229,186	\$266,742
GS-1811-14	Overseas Agent (Asia/Pacific)	1	\$229,186	\$337,260
GS-1811-14	Overseas Agent (South America)	1	\$229,186	\$328,062
			\$916,744	\$1,337,798

<b>Cost Summary for New Positions (50% Lapse Pay in First Year)</b>	<b>5-Year Cost Totals</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>
	<b>Personnel</b>	\$916,744	\$1,055,431	\$1,200,609	\$1,224,621	\$1,249,113
	<b>GE</b>	\$1,337,798	\$1,364,554	\$1,391,845	\$1,419,682	\$1,448,076
	<b>Total</b>	<b>\$2,254,542</b>	<b>\$2,419,985</b>	<b>\$2,592,454</b>	<b>\$2,644,303</b>	<b>\$2,697,189</b>



## Appendix B: Department of Justice

The DOJ components with substantial roles in implementation of the IML include USMS, the International Criminal Police Organization (INTERPOL)-U.S. National Central Bureau (USNCB), the Office of Sex Offender Monitoring, Apprehending, Registering, and Tracking (SMART Office), and the FBI.

### I. UNITED STATES MARSHALS SERVICE

Section 5(a) of the IML authorizes USMS's National Sex Offender Targeting Center (NSOTC) to (1) transmit notification of international travel of a sex offender to the destination country; (2) share information relating to traveling sex offenders with other federal, state, local, and foreign agencies and entities, as appropriate; and (3) receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature, information that must be shared immediately with DHS.

Section 4(e) of the IML defines a collaborative role for USMS NSOTC with DHS's AWC. Under the law, the AWC will refer to USMS NSOTC certain sex offenders at least 48 hours before their scheduled departure, or as soon as practicable. USMS NSOTC is directed to return information about the referred sex offenders to the AWC 24 hours before the intended travel, or thereafter, but no more than 72 hours after the intended travel.

Section 6(a) of the IML adds to the Sex Offender Registration and Notification Act (SORNA) an express requirement that sex offenders report intended travel to their registration jurisdictions. Section 6(b) amends SORNA's criminal provision, 18 U.S.C. Section 2250, to provide criminal liability for sex offenders who fail to report intended international travel as required by SORNA. USMS investigates violations of 18 U.S.C. Section 2250 and assists all jurisdictions in the enforcement of their sex offender registration laws.

USMS NSOTC currently works in partnership with INTERPOL-USNCB; state, D.C., territorial, and tribal sex offender registries; DHS; and the State Department to transmit international notifications via INTERPOL on outbound sex offenders. The current program reaches law enforcement in INTERPOL's 190 member countries. USMS will enhance this collaborative system to ensure notifications in conformity with IML's standards, procedures, and objectives.

The resources outlined in this Appendix are required to manage the proposed International Notification Program (INP) at the NSOTC based on the assumptions of the following duties:

- the NSOTC will process all notifications of international travel received from states, D.C., territories, and tribal sex offender registries and share completed notifications with INTERPOL-USNCB;<sup>1</sup>

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<sup>1</sup> IML §§ 5(a)(1)-(2), (e).

- the NSOTC will generate and process notifications of international travel derived from leads forwarded by DHS/AWC based on flight manifest hits against the National Sex Offender Registry;<sup>2</sup>
- the NSOTC will vet the registration status of subjects forwarded by the AWC within the directed time constraints;<sup>3</sup>
- the NSOTC will assess and take action on potential Adam Walsh Act (SORNA) or state/territorial/tribal registration violations based on international travel;<sup>4</sup>
- the NSOTC will be responsible for investigating and addressing complaints and establishing a system to manage complaints arising from claims of erroneous notifications to foreign countries;<sup>5</sup>
- the NSOTC will collaborate with INTERPOL-USNCB on the receipt and appropriate circulation of information received from foreign countries on the travel of sex offenders to the United States;<sup>6</sup> and
- the NSOTC will assist U.S. and foreign law enforcement with sex offender investigations involving international travel/relocation<sup>7</sup>; identify offenders who have undetected violations of their registration requirements based on international travel;<sup>8</sup> and develop initiatives with law enforcement partners to share information and mitigate the risk of U.S. citizen sex offenders who are living abroad undetected.<sup>9</sup>

#### **A. Resource Requirements**

USMS estimates that 42 positions, which include 21 Deputy U.S. Marshals (DUSM) and 1 Attorney, and \$7,283,385 (\$3,265,724 for pay; \$4,017,661 for non-pay), will be needed to cover the base year costs of personnel required to enforce and administer USMS responsibilities under IML. The recurring cost is \$9,369,419. These estimates are based on the following analysis.

##### ***1. Process Notifications of International Travel***

USMS currently receives, vets, and efficiently processes close to 3,000 notifications of international travel of registered sex offenders per year. These notifications come from state registries as well as through DHS from flight manifest matches against the National Crime Information Center's National Sex Offender Registry (NSOR).

According to data collected for the last 2 fiscal years, FY 2014-2015, state and other jurisdictional sex offender registries transmit to USMS an average of 26 notifications per week of traveling sex offenders. At this rate, the NSOTC expects to receive approximately 1,350 travel notifications from states and other jurisdictions in FY 2016.

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<sup>2</sup> IML §5(a)(1)-(2).

<sup>3</sup> IML §§ 4(e)(2), 5(c).

<sup>4</sup> 18 U.S.C. §2250(a)-(b); IML §6(c); 42 U.S.C. §16941.

<sup>5</sup> IML §5(g).

<sup>6</sup> IML §5(a)(3); 42 U.S.C. §16928.

<sup>7</sup> 18 U.S.C. §2250(a)-(b); IML §§ 5(a)(2), 6, 7, 10; 42 U.S.C. §16941.

<sup>8</sup> 18 U.S.C. §2250(a)-(b); IML §6; 42 U.S.C. §16941.

<sup>9</sup> IML §§ 5(a)(2), 10.

In addition to the notifications received from the states, USMS will generate notifications of international travel based on DHS' process for matching flight manifest hits against the NSOR. According to data collected for FY 2014-2015, USMS receives an average of 31 flight manifest hits per week, each of which requires the information to be appropriately vetted and may result in a notification of international travel to be processed and directed to the INTERPOL Operations and Command Center (IOCC). At this rate, the NSOTC can expect to generate and process approximately 1,600 additional travel notifications per year.

With the new law, however, and as more states implement the SORNA requirements for international travel notification, USMS expects the number of notifications it processes to increase significantly. The IML includes a number of measures that USMS anticipates will increase state travel notifications, including the amendment of SORNA to explicitly require sex offenders to report intended international travel,<sup>10</sup> and the creation of a federal criminal provision that specifically reaches violations of this reporting requirement.<sup>11</sup> In addition, as related below, the SMART Office is stepping up its assistance, encouragement, and monitoring of compliance by the registration jurisdictions with the international travel reporting requirement, and USMS also intends to undertake efforts to encourage the registration jurisdictions to obtain and share with USMS information about international travel by their sex offenders.

In the current international notification process, 4 states<sup>12</sup> account for approximately 56 percent of international travel notifications submitted to the NSOTC for processing, or roughly 760 notifications per year (1,350 notifications x 56 percent, rounded up), or an average of 190 notifications for each of those 4 states. As other states and jurisdictions implement the SORNA requirements, USMS expects a significant increase in the total number of travel notifications received. Of course, it is impossible to predict how many notifications each state will submit, but if each state adopting the requirements submitted an average of just 100 notifications per year, the predicted number of notifications received would be 5,000 (100 x 50 states, not including jurisdictions that are territories, D.C., or Indian tribes).

Each notification requires review, research for accuracy, and processing within strict time constraints. Processing occurs within the USMS National Sex Offender Targeting Center, discussed immediately below.

#### USMS – National Sex Offender Targeting Center – 8 positions and \$860,777

The USMS NSOTC personnel review each notification for accuracy and completeness, communicate with the state registries when additional information is required,<sup>13</sup> and process the notification. This includes entry into the USMS Justice Detainee Information System,

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<sup>10</sup> IML §6(a).

<sup>11</sup> IML §6(b).

<sup>12</sup> Colorado, Florida, Texas, and Washington.

<sup>13</sup> IML §4(e)(1)(B) requires that USMS provide access to information about individuals who self-report intended international travel, which needs to be complete and accurate.

transmittal to the ICE AWC,<sup>14</sup> and transmittal to the INTERPOL IOCC,<sup>15</sup> which transmits the notification to the destination country. Average labor required for each notification is 2 hours.

Under the new IML mandates, USMS expects up to 5,000 travel notifications from the states annually, increased from approximately 1,350 at present. Five thousand notifications at 2 hours labor per notification would require 10,000 work hours. In addition, the 1,600 notifications based on DHS flight manifest hits would require 3,200 hours. Together, the total number of anticipated notifications would require 13,200 hours to process. Thirteen-thousand-two-hundred hours divided by 1,776 work hours per employee<sup>16</sup> would require about **8 intelligence research specialists**.

## *2. Vetting Registration Status of Subjects Forwarded by the Angel Watch Center*

### USMS – National Sex Offender Targeting Center – 2 positions and \$215,194

With the requested resources, USMS expects to receive, process, and, within strict time constraints, vet the current registration and compliance status of each subject forwarded to the NSOTC from the AWC.<sup>17</sup> Based on data collected from FY 2014 to 2015, USMS expects to receive 31 leads per week of travelling sex offenders forwarded by the AWC. Vetting each lead requires intake, processing, research, persistent contact with the registries, and documentation. Vetting each lead forwarded by the AWC requires an average of 2 hours. Vetting approximately 1,600 leads per year from the AWC would require 3,200 hours. At 1,776 hours per year per employee, USMS requires **2 intelligence research specialists**.

## *3. Assessment of travel notifications for Adam Walsh Act (SORNA) or State Registration Violations*

### USMS – National Sex Offender Targeting Center – 5 positions (including 2 DUSMs) and \$795,118

As related above, the IML amended SORNA to explicitly require sex offenders to report intended international travel to their registration jurisdictions, and state registration laws parallel this requirement insofar as they have implemented this aspect of SORNA. In addition to vetting the registration status of subjects forwarded by the AWC, USMS will assess whether the subjects have complied with SORNA's requirement to report international travel and with similar state law requirements. Section 5(c) of the IML specifically requires USMS NSOTC to provide to the AWC a determination of traveling sex offenders' compliance with SORNA, and identification of individuals violating SORNA's international travel reporting requirement may subject them to the criminal penalties that the IML creates for such violations. Potential prosecution may deter SORNA violations and increase the number of sex offenders who report their intended travel,

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<sup>14</sup> IML §§ 4(e), 5(c).

<sup>15</sup> IML §§ 5(a)(1), (e).

<sup>16</sup> OMB. Circular A-76 rev., Performance of Commercial Activities, Attachment C. (May 29, 2003).

<sup>17</sup> IML §§ 4(e)(1)-(2), 5(c).

thereby expanding the base of information for carrying out all aspects of the IML, including both the direct international notification program and the passport identifier program.

With the requested resources, USMS expects to (1) effectively assess incidence of international travel of registered sex offenders for federal and/or state registry violations,<sup>18</sup> and (2) provide timely information to law enforcement for investigations related to international travel.<sup>19</sup>

From FY 2014 to 2015, an average of 31 leads per week of traveling sex offenders are received from DHS, which require review for compliance of proper notification of international travel. At this rate, the NSOTC projects that approximately 1,600 leads will require research and assessment for Adam Walsh Act (SORNA) and/or state and local registry violations.

Unlike vetting a subject for current registration status, assessment for registration violations requires contact with local officials to determine whether or not the jurisdiction has a requirement or mechanism in place to accept travel notifications and if the offender provided proper notification. The average labor to assess each case requires 5 hours, which includes assessment, research, contact with appropriate registry and law enforcement officials, processing, and generation of a collateral lead to a USMS field Deputy/Inspector. The number of hours required to complete the projected number of notifications would be 8,000 hours of work time per year (1,600 leads x 5 hours per lead).

Factoring in leave and federal holidays, 8,000 hours of projected work time divided by 1,776 work hours per employee requires 5 full-time staff members, which would include **2 senior inspectors** and **3 intelligence research specialists**.

#### ***4. Outreach, Targeting, and Initiatives related to International Travel and Relocation of Registered Sex Offenders***

USMS - Regional Sex Offender Program Coordinators/SOR Liaisons – 16 positions (all DUSMs) and \$3,778,617

To (1) effectively expedite sharing of time-sensitive information between the state registries and the NSOTC regarding international travel;<sup>20</sup> (2) aid state registries in adopting and enforcing SORNA requirements related to notification of international travel;<sup>21</sup> and (3) assist USMS and state/local law enforcement in the investigation of registry violations based on international travel,<sup>22</sup> USMS requires placement of resources in the field to establish and maintain relationships with registry and law enforcement personnel.

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<sup>18</sup> 18 U.S.C. §2250; IML §6; 42 U.S.C. §16941.

<sup>19</sup> IML §§ 4(e)(2), 5(a)(1)-(2), (c)(2).

<sup>20</sup> IML §§ 5(c), 6; 76 Fed. Reg. 1637.

<sup>21</sup> IML §5(a)(2), §6.

<sup>22</sup> 18 U.S.C. §2250; IML §6; 42 U.S.C. §16941.

As part of the IML, USMS has time constraints to report findings back to Angel Watch regarding registration status and violations of subjects identified by Angel Watch.<sup>23</sup> With additional criminal investigators in the field, USMS could establish a liaison with individual state registries that would enable USMS to obtain access to informational systems that would greatly enhance the timeliness of registration vetting needed to meet time constraints mandated by the IML.

Investigators in the field would also develop expertise on local-level implementation of SORNA's international travel requirements, as well as foster relationships with local enforcement to identify subjects who have failed to provide notification prior to travel. Also, these investigators would assist states and other jurisdictions in enforcement and prosecution of those in violation.<sup>24</sup> In addition, field investigators would conduct outreach, provide training, and maintain relationships with all registration officials within their region.

USMS currently has eight regions to oversee sex offender investigations throughout the country. The regions encompass 50 states, 5 territories, Washington D.C., and all SORNA-eligible tribal nations.<sup>25</sup> In maintaining the regional concept, USMS would assign 2 senior inspectors to each of the 8 regions to undertake the aforementioned responsibilities and inherent tasks; a total of 16 **senior inspectors** assigned to the field.

USMS – National Sex Offender Targeting Center – 4 positions (including 2 DUSMs) and \$687,521

To develop and implement initiatives to (1) share information and mitigate risk of U.S. sex offenders living abroad undetected<sup>26</sup> and (2) identify subjects who avoid registration upon return to the United States following international travel (or falsely claimed international travel or relocation),<sup>27</sup> USMS would require personnel assigned to the NSOTC.

The NSOTC continuously runs operations in an effort to identify offenders who are not in compliance with their respective sex offender registries. In December 2015, the NSOTC initiated Operation Boomerang, where USMS worked in concert with the New York State Sex Offender Registry and identified 168 offenders who were registered as Compliant – but living out of country. Utilizing information shared by CBP systems, USMS successfully identified eight offenders who left the United States and returned unregistered, or never left the United States at all. Operation Boomerang was implemented as a result of an offender in Ohio being registered as “Out of Country” for 7 years undetected, even after having 11 contacts with law enforcement.<sup>28</sup>

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<sup>23</sup> IML §4(e)(2).

<sup>24</sup> IML §6; 18 U.S.C. §2250; 42 U.S.C. §16941.

<sup>25</sup> About 100 tribes have substantially implemented SORNA, a number expected to increase. ([http://smart.gov/newsroom\\_jurisdictions\\_sorna.htm#tribaljurisdictions](http://smart.gov/newsroom_jurisdictions_sorna.htm#tribaljurisdictions)).

<sup>26</sup> IML §§ 5, 7, 10.

<sup>27</sup> IML §5(a)(3); 42 U.S.C. §16928; 73 Fed. Reg. 38066; 76 Fed.Reg.1637.

<sup>28</sup> Id.

States within the Northeast Region provided to the NSOTC names of approximately 400 subjects who had reportedly moved outside of the United States. Operations such as Boomerang are vital to targeting non-compliant offenders who travel or claim to travel internationally and are the “check and balance” of the program. These operations would be impossible to conduct without dedicated USMS investigators who maintain on-going contact with state registries regarding international travel of sex offenders.

With the intent of protecting domestic and foreign communities from sex offenders, the NSOTC will leverage its existing partnerships and relationships with ICE, the Department of Defense (DoD), and the State Department for initiatives such as: identifying registered sex offenders who have, or who claim to have, relocated to foreign countries; who work or apply to work for American Schools internationally; or who have been deported for sex offenses and possibly re-entered the United States illegally and are non-compliant. To develop and implement these types of initiatives USMS requires **two senior inspectors** and **two intelligence research specialists** assigned to the NSOTC.

#### CBP-National Targeting Center (NTC) – 1 position and \$107,597

Additionally, a USMS liaison analyst temporarily assigned to CBP-NTC currently receives approximately 24 requests per month from USMS and state/local law enforcement to provide analytical support on active sex offender investigations involving international travel. The liaison assigned to CBP-NTC is able to access CBP systems and personnel who can provide specific information and assistance. Due to the enactment of the IML, USMS anticipates a higher volume of requests. To support these requests, USMS proposes the permanent assignment of **one intelligence research specialist** to CBP-NTC.

### **5. *Complaint Process***<sup>29</sup>

#### USMS – National Sex Offender Targeting Center – 2 positions and \$226,734

With the requested resources, USMS will meet the Congressionally-mandated requirements of the Complaint Review Process of IML. The USMS will establish mechanisms to receive complaints and track them through the resolution process, including ensuring the complaint is reviewed promptly. Additionally, USMS needs to direct the individual to whatever federal agency forwarded the notification. The IML requires USMS to provide the complainant with written notification if the individual was erroneously subjected to international notification, take action to ensure this does not happen again, and submit an additional written statement to the individual explaining why it happened and what is being done to prevent a recurrence of the situation. The IML further requires USMS to report how frequently notices or information were erroneously transmitted, and what actions are being taken to prevent it from happening again.

Work associated with the complaint review process will include determining whether the individual has a valid, redressable complaint and determining what information, if any, was

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<sup>29</sup> IML §5(g).

incorrect, which may entail (among other things) contacting the complainant and each registry where the person lives, works, or goes to school to check on the accuracy of data relied on in a notification. Further work will include developing statistics based on how frequently complaints were valid or invalid, how many complaints were based on USMS actions or directed to the wrong agency, and tracking the turnaround time on the processing of each complaint and the turnaround time to the resolution of the matter.

While we cannot anticipate exactly how many complaints will be received under the complaint review process required by the IML, at a minimum, it is reasonably expected that personnel needed to complete this portion of the mission will include **one senior policy advisor and one administrative support**. The senior policy advisor would also (1) maintain responsibility for matters related to compliance, review, and response to Office of the Inspector General and U.S. Government Accountability Office inquiries; (2) work with USMS Office of General Counsel to respond to Freedom of Information Act requests and other IML matters; and (3) advise and provide training on policy related to SORNA and IML.

## ***6. Management and Oversight***

### **USMS Administration – 4 positions (including 1 DUSM and 1 Attorney) and \$611,827**

To oversee and manage the entire IML-mandated program, USMS requires **one assistant chief inspector**. To (1) develop and manage operating procedures and processes; (2) develop and oversee all case entry protocols and procedures related to international country notifications and investigative leads; (3) develop and administer all reporting requirements related to IML; (4) manage performance metrics of personnel assigned to IML; and (5) supervise and train analytical staff assigned to IML, USMS requires **one supervisory intelligence research specialist**.

To (1) assist in creating and maintaining a case management system specific to IML; (2) coordinate information sharing with other agencies involved in international travel of sex offenders, such as AWC, ICE Fugitive Operations Support Center, DoD, and the State Department; and (3) ensure compliance in safeguarding data containing personally identifiable information, USMS requires **one information technology specialist**.

To support all legal matters related to IML and Adam Walsh Act (SORNA) investigations associated with international travel, USMS requires **one attorney**.



## B. Summary of Resource Requirements

### INTERNATIONAL MEGAN'S LAW COST MODULE SUMMARY TOTAL POSITION COSTS - By Function

Position Title	Number of Pos	Grade/ Series	Location	BASE YEAR			SECOND YEAR	RECURRING
				Pay	Non-Pay	Total		
1. Processing Int'l Travel Notifications	8			\$508,926	\$351,850	\$860,777	\$1,303,251	\$1,335,522
Intelligence Research Specialist	8	GS-0132-13	USMS-NSOTC	\$508,926	\$351,850	\$860,777	\$1,303,251	\$1,335,522
2. Vetting Registration Status for AWC	2			\$127,232	\$87,963	\$215,194	\$325,813	\$333,881
Intelligence Research Specialist	2	GS-0132-13	USMS-NSOTC	\$127,232	\$87,963	\$215,194	\$325,813	\$333,881
3. Travel Notifications Assessment	5			\$368,543	\$426,576	\$795,118	\$1,022,641	\$1,046,026
Senior Inspector	2	GS-1811-13	USMS-NSOTC	\$177,695	\$294,632	\$472,327	\$533,921	\$545,205
Intelligence Research Specialist	3	GS-0132-13		\$190,847	\$131,944	\$322,791	\$488,719	\$500,821
4. Outreach, Targeting and Initiatives	21			\$1,790,105	\$2,783,630	\$4,573,736	\$5,294,012	\$5,407,670
Senior Inspector - Field	16	GS-1811-13	USMS-SOIB	\$1,421,562	\$2,357,055	\$3,778,617	\$4,271,372	\$4,361,644
Intelligence Research Specialist	2	GS-0132-13	USMS-NSOTC	\$127,232	\$87,963	\$215,194	\$325,813	\$333,881
Senior Inspectors	2	GS-1811-13		\$177,695	\$294,632	\$472,327	\$533,921	\$545,205
Intelligence Research Specialist	1	GS-0132-13	CBP-NTC	\$63,616	\$43,981	\$107,597	\$162,906	\$166,940
5. Complaint Process	2			\$138,771	\$87,963	\$226,734	\$349,994	\$358,795
Senior Policy Advisor	1	GS-0301-14	USMS-NSOTC	\$75,155	\$43,981	\$119,137	\$187,088	\$191,855
Administrative Support	1	GS-0342-13		\$63,616	\$43,981	\$107,597	\$162,906	\$166,940
6. Management and Oversight	4			\$332,147	\$279,680	\$611,827	\$866,448	\$887,524
Attorney	1	GS-0905-15	USMS-OGC	\$88,388	\$44,401	\$132,789	\$215,670	\$221,278
Assistant Chief Inspector	1	GS-1811-14	USMS-NSOTC	\$104,988	\$147,316	\$252,304	\$300,784	\$307,451
Supervisory Intelligence Research Specialist	1	GS-0132-14		\$75,155	\$43,981	\$119,137	\$187,088	\$191,855
IT Specialist	1	GS-2210-13	USMS-ITD	\$63,616	\$43,981	\$107,597	\$162,906	\$166,940
<b>TOTAL</b>	<b>42</b>			<b>\$3,265,724</b>	<b>\$4,017,661</b>	<b>\$7,283,385</b>	<b>\$9,162,159</b>	<b>\$9,369,419</b>

### TOTAL POSITION COSTS - By Location

Location	Number of Pos	DUSM	Attorney	Admin	BASE YEAR			SECOND YEAR	RECURRING
					Pay	Non-Pay	Total		
USMS-NSOTC	23	5	0	18	\$1,628,542	\$1,528,243	\$3,156,785	\$4,349,305	\$4,452,616
USMS-SOIB	16	16	0	0	\$1,421,562	\$2,357,055	\$3,778,617	\$4,271,372	\$4,361,644
USMS-OGC	1	0	1	0	\$88,388	\$44,401	\$132,789	\$215,670	\$221,278
USMS-ITD	1	0	0	1	\$63,616	\$43,981	\$107,597	\$162,906	\$166,940
CBP-NTC	1	0	0	1	\$63,616	\$43,981	\$107,597	\$162,906	\$166,940
<b>TOTAL</b>	<b>42</b>	<b>21</b>	<b>1</b>	<b>20</b>	<b>\$3,265,724</b>	<b>\$4,017,661</b>	<b>\$7,283,385</b>	<b>\$9,162,159</b>	<b>\$9,369,419</b>

### Summary:

With additional funding of \$7,283,385 to cover base year costs of 42 positions (including 21 DUSMs and 1 Attorney) and \$9,369,419 in subsequent years for salaries, training, replacement equipment and maintenance, and other operational costs, USMS can successfully standup and run the INP and satisfy the new mandates of the IML.

## **II. INTERPOL-U.S. NATIONAL CENTRAL BUREAU**

USNCB carries out the international notifications developed by USMS NSOTC regarding sex offenders traveling to foreign destinations from the United States, and it receives notifications from foreign partners regarding sex offenders who seek to enter the United States. Implementation of the IML can be expected to increase the volume of international notifications that will be transmitted and received by USNCB.<sup>30</sup> Handling this workload will require four analyst positions for USNCB and expenditures for associated operation and maintenance of the secure international network utilized for the notifications. The recurring annual costs will be \$550,000 for personnel and \$200,000 for information technology operation and maintenance.

## **III. OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING (SMART OFFICE)**

The SMART Office assists the states and other registration jurisdictions (D.C., territories, Indian tribes) in implementing the national standards for sex offender registration and notification under SORNA. The information obtained by the sex offender registries in turn provides an essential basis for the international notifications carried out pursuant to the IML, including the passport identifier provisions, as discussed in earlier portions of this report.

The IML adds an express requirement to SORNA that sex offenders report intended international travel to the sex offender registries, and the SMART Office's responsibilities include seeking the implementation of this requirement by all registration jurisdictions under SORNA.<sup>31</sup> The SMART Office is undertaking enhanced assistance, outreach, and monitoring to promote the implementation of this requirement by the registration jurisdictions. In addition, the IML contemplates increased international cooperation and reciprocal notification by foreign countries concerning sex offenders seeking to enter the United States,<sup>32</sup> measures which depend on the development of sex offender registration or tracking systems by foreign authorities to provide the information needed for such notifications to U.S. authorities. The SMART Office will be working with foreign partners, including countries that have or are considering the establishment of sex offender registration systems, and international organizations, in support of the reciprocal international notification system that IML aims to create.

The resource requirements for the SMART Office to carry out these functions are one additional full-time employee, with recurring annual costs of \$1 million for domestic assistance and outreach activities and \$500,000 for international outreach activities.

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<sup>30</sup> IML, Preamble, §§ 5(a)(1)-(3), (e), 7, 10.

<sup>31</sup> IML §6(a), (c); 42 U.S.C. §16945; 73 Fed. Reg. 38044, 38047; 76 Fed. Reg. 1637-38.

<sup>32</sup> IML, Preamble, §§ 7, 10.

#### IV. FEDERAL BUREAU OF INVESTIGATION

The FBI, Criminal Justice Information Services Division (CJIS) operates the National Sex Offender Registry (NSOR). NSOR is utilized in identifying traveling sex offenders for purposes of the international notification programs, a function that will continue under the IML.<sup>33</sup>

In relation to the passport identifier provisions of IML Sections 8-9, the body of this report explains that DHS's AWC will provide to the State Department a written determination that an individual identified through the Angel Watch international notification program is a covered sex offender, which the State Department will utilize as the basis for the required passport identifier. There has been discussion among the interested Departments of the possibility of identifying additional covered sex offenders subject to passport marking by directly utilizing in the process information from NSOR, which could be compared to identification information obtained from passport applicants. If this idea were pursued, and assuming utilization of current FBI CJIS Division processes and procedures, the FBI would need two additional information technology staff members and one management and program analyst position, with an annual recurring cost of \$420,000.

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<sup>33</sup> IML §4(e)(1)(A).