

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216

One Hundred Tenth Congress

April 3, 2008

The Honorable Alan Mollohan
Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
Room H-149, The Capitol Building
Washington, D.C. 20515

The Honorable Rodney P. Frelinghuysen
Ranking Member
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
Room H-149, The Capitol Building
Washington, D.C. 20515

Dear Chairman Mollohan and Ranking Member Frelinghuysen:

We write to express our strong support for funding of the Adam Walsh Child Protection and Safety Act. The Adam Walsh Act (AWA) expanded the National Sex Offender Registry by integrating the information in state sex offender registry systems and ensuring that law enforcement agencies across the United States have access to this information.

There are currently over 100,000 missing sex offenders who have failed to register as required under current law. These predators are working, attending school, and living in close proximity to our children unbeknownst to parents and law enforcement officials.

The AWA requires Internet posting of sex offenders on state and national websites to protect America's children from sexual predators on the Internet. The Act increases penalties for crimes such as sex trafficking of children and child prostitution. The AWA establishes federal civil commitment procedures for sexual offenders. Pursuant to section 302 of the Act, the Bureau of Prisons (BOP) is responsible for evaluating inmates prior to their release and making recommendations to the court for civil commitment procedures. Yet, Congress has provided no funding to the BOP to administer this new statutory requirement.

The AWA includes several important provisions specifically drafted to provide the Department of Justice and state and local law enforcement agencies the tools necessary to track and apprehend absconders from the Sex Offender Registry. Many of these programs are set to expire at the end of FY 2009. Most of these expiring programs have received insufficient or no direct funding from Congress. These expiring provisions include:

1. The Sex Offender Management Assistance Program (SOMA) (Section 126 of AWA) – this provision awards grants to states to assist with the implementation of the sex offender registry under the AWA. The Congressional Budget Office (CBO) has estimated the cost of this provision to be \$60 million for 2006-2010.
2. Pilot Program for Monitoring Sexual Offenders (Section 621 of AWA) – this provision empowers the Attorney General to make grants to state, local and tribal governments in order to outfit sex offenders with electronic monitoring devices. It authorizes appropriations of \$5 million for each of fiscal years 2007, 2008 and 2009 and thereafter requests the Attorney General to report on the effectiveness of the program. CBO has estimated the cost of this provision to be \$40 million for a three year demonstration project in ten jurisdictions.
3. Sex Offender Apprehension Grants; Juvenile Sex Offender Treatment Grants (Section 623 of AWA) – this provision creates a grant program available to both public and private entities that assist in treatment of juvenile sex offenders or that assist the states in their enforcement of sex offender registration requirements. Appropriations are authorized for FY2007 through FY2009 in such amounts as are necessary in the case of the enforcement grants and in the amount \$10 million per year in the case of the juvenile sex offender grants.
4. Grants to Combat Sexual Abuse of Children (Section 625 of AWA) – this provision establishes a grant program for law enforcement agencies to combat sexual abuse of children with authorized appropriations of the necessary sums for FY2007 through FY2009. CBO has estimated the cost of this provision to be \$160 million for 2006-2011.
5. Jessica Lunsford Address Verification Grant Program (Section 631 of AWA) – this provision creates the Jessica Lunsford Address Verification Grant Program to enable state, local and tribal grantees to verify the addresses of registered sex offenders with authorization of the necessary appropriations for FY2007 through FY2009 and the requirement of an Attorney General's report on the effectiveness of the program. CBO has estimated the cost of this provision to be \$10 million for a three year program.
6. Fugitive Safe Surrender (Section 632 of AWA) – this provision instructs the Marshals Service to establish and coordinate a Fugitive Safe Surrender program in designated cities for the capture of fugitives from federal, state and local justice. It authorizes appropriations for that purpose in the amounts of \$3 million (for FY2007), \$5 million (for FY2008), and \$8 million (for FY2009).

The United States Marshals Service (USMS) is the lead law enforcement agency responsible for investigating sex offender registration violations and related offenses in connection with a violation of the AWA. In furtherance of the AWA, the USMS has three distinct missions:

1. To assist state, local, tribal, and territorial authorities in the location and apprehension of non-compliant and fugitive sex offenders;
2. To investigate violations of federal failure to register laws; and
3. To assist in the identification and location of sex offenders relocated as a result of a major disaster.

The AWA was signed into law by the President in July of 2006 and authorizes additional appropriations for the USMS to accomplish its missions. The Congressional Budget Office estimates that the USMS would need \$220 million through 2011 for additional Marshals, office space, training, supervision and support staff to accomplish its AWA missions. Yet, Congress has appropriated very little to the USMS for implementation of the AWA. Despite insufficient funding, the USMS has aggressively implemented the mandates of the AWA. USMS investigators have opened more than 1,300 cases on convicted sex offenders for violations of the AWA and arrested more than 240 individuals for violating the provisions of the AWA.

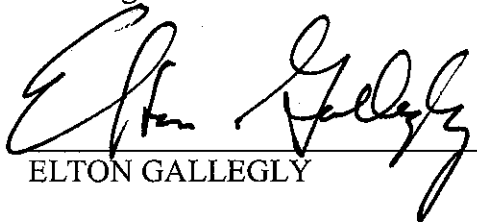
In addition, the USMS operates the Sex Offender Apprehension Program, comprised of over 200 specially trained investigators; conducts national sex offender apprehension operations against non-compliant and fugitive sex offenders; administers a case management office at the National Center for Missing and Exploited Children to oversee USMS investigations involving abducted children; provides Incident Management Teams to assist with identifying and locating offenders during a major crises and natural disasters; coordinates with Interpol to issue "Green Notices" used to track the movement of sex offenders between member nations; and sponsors nationwide media campaigns encouraging compliance with sex offender registration laws.

The Adam Walsh Act represents landmark legislation that demonstrates Congress' commitment to empower federal, state and local law enforcement agencies to identify, locate and apprehend sex offenders. As you consider funding priorities for FY2009, we request that you strongly consider funding the many important AWA programs, and specifically the important sex offender apprehension mission of the Marshals Service.

Sincerely,


LAMAR SMITH
Ranking Member


HOWARD COBLE


ELTON GALLEGLY


STEVE CHABOT


DANIEL E. LUNGREN


TRENT FRANKS