

Calendar No. 624

111TH CONGRESS
2^D SESSION

S. 3184

[Report No. 111-337]

To provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2010

Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. CARDIN, Mr. DODD, Mr. BAYH, Mr. BURR, Mr. WHITEHOUSE, Mr. TESTER, Mr. MENENDEZ, Mr. FEINGOLD, Mr. BROWN of Massachusetts, Mrs. GILLIBRAND, Mrs. LINCOLN, Mr. UDALL of Colorado, Mrs. MURRAY, Ms. MIKULSKI, Mr. JOHANNIS, Mr. SCHUMER, Mr. COCHRAN, Mr. BROWN of Ohio, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

SEPTEMBER 28, 2010

Reported by Mr. KERRY, without amendment

A BILL

To provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, 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 “Child Protection Compact
3 Act of 2010”.

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

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The sexual exploitation of minors is a global
8 phenomenon. The International Labour Organiza-
9 tion estimates that 1,800,000 children worldwide are
10 exploited through prostitution and pornography.

11 (2) Many countries with a high prevalence of
12 trafficking in children lack financial resources, legal
13 expertise, technical capacity, and other resources to
14 appropriately protect and rescue these children, de-
15 spite a demonstrated political will to do so.

16 (3) The Department of State’s Office to Mon-
17 itor and Combat Trafficking in Persons named 110
18 countries in its 2009 report that fail to meet the
19 minimum standards for the elimination of traf-
20 ficking, as defined in section 108 of the Trafficking
21 Victims Protection Act of 2000 (22 U.S.C. 7106).

22 (4) As a States Party to the Optional Protocol
23 to the Convention on the Rights of the Child on the
24 Sale of Children, Child Prostitution and Child Por-
25 nography, the United States is obligated pursuant to
26 Article 10 to, among other things, take all necessary

1 steps to strengthen international cooperation by mul-
2 tilateral, regional, and bilateral arrangements for the
3 prevention and detection of those responsible for
4 acts involving the sale of children, child prostitution,
5 child pornography, and child sex tourism. The
6 United States also is required to promote inter-
7 national cooperation and coordination authorities of
8 other States Parties to the Convention, national and
9 international nongovernmental organizations, and
10 international organizations to achieve these objec-
11 tives.

12 (5) Article 10 of the Optional Protocol to the
13 Convention on the Rights of the Child on the Sale
14 of Children, Child Prostitution and Child Pornog-
15 raphy further mandates that the United States and
16 other States Parties in a position to do so to provide
17 financial, technical, or other assistance through ex-
18 isting multilateral, regional, bilateral, or other pro-
19 grams.

20 (b) DECLARATION OF PURPOSE.—The purpose of
21 this Act is to provide incentives to Tier II countries and
22 Tier II Watch List countries to protect and rescue chil-
23 dren subjected to severe forms of trafficking or sexual ex-
24 ploitation by the establishment of Child Protection Com-
25 pacts between the United States and select, eligible coun-

1 tries with a significant prevalence of trafficking in chil-
2 dren, in order to—

3 (1) address institutional weaknesses within the
4 government that result in the failure to protect vul-
5 nerable children and to rescue and properly rehabili-
6 tate victims;

7 (2) increase local government capacity to appre-
8 hend perpetrators who engage in severe forms of
9 trafficking in children and bring them to justice in
10 national courts of law; and

11 (3) ensure transparency and accountability in
12 achieving the goals stipulated in the Compact over
13 the course of its three-year implementation.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) **AMBASSADOR.**—The term “Ambassador”
17 means the Ambassador-at-Large of the Department
18 of State’s Office to Monitor and Combat Trafficking
19 in Persons.

20 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
21 **TEES.**—Except as otherwise provided, the term “ap-
22 propriate congressional committees” means the
23 Committee on Foreign Affairs of the House of Rep-
24 resentatives and the Committee on Foreign Rela-
25 tions of the Senate.

1 (3) CHILD PROTECTION.—The term “child pro-
2 tection” means efforts to prevent and respond to vio-
3 lence, exploitation, and abuse against children.

4 (4) COMPACT.—The term “Child Protection
5 Compact” or “Compact” means a Child Protection
6 Compact described in section 6.

7 (5) MINOR.—The term “minor” means an indi-
8 vidual who has not attained the age of 18 years.

9 (6) NATIONAL ACTION PLAN FOR TRAF-
10 FICKING.—The term “national action plan for traf-
11 ficking” means any strategy or long-term plan cre-
12 ated by a national government that defines specific
13 goals to—

14 (A) reduce the number of trafficking vic-
15 tims;

16 (B) increase the number of prosecutions of
17 traffickers; and

18 (C) ensure proper mechanisms to restore
19 and reintegrate survivors of human trafficking.

20 (7) NATIONAL CHILD PROTECTION STRAT-
21 EGY.—The term “national child protection strategy”
22 means any plan developed by a national government
23 in consultation with multilateral bodies or non-
24 governmental organizations, including a plan derived

1 from a preexisting process or created as part of a
2 Child Protection Compact, that outlines—

3 (A) short-term and long-term goals for im-
4 proving child protection and preventing child
5 exploitation within a country;

6 (B) the government ministries responsible
7 for implementation of the plan; and

8 (C) how coordination will take place be-
9 tween implementing ministries.

10 (8) SECRETARY.—The term “Secretary” means
11 the Secretary of State.

12 (9) SEVERE FORMS OF TRAFFICKING.—The
13 term “severe forms of trafficking in persons”
14 means—

15 (A) sex trafficking in which a commercial
16 sex act is induced by force, fraud, or coercion,
17 or in which the person induced to perform such
18 act has not attained 18 years of age; or

19 (B) the recruitment, harboring, transpor-
20 tation, provision, or obtaining of a person for
21 labor or services, through the use of force,
22 fraud, or coercion for the purpose of subjection
23 to involuntary servitude, peonage, debt bondage,
24 or slavery.

1 (10) TIER II COUNTRIES AND TIER II WATCH
2 LIST COUNTRIES.—The terms “Tier II countries”
3 and “Tier II Watch List countries” mean those
4 countries designated by the Department of State as
5 not meeting minimum standards for the elimination
6 of trafficking.

7 **SEC. 4. AUTHORIZATION OF ASSISTANCE.**

8 (a) ASSISTANCE.—

9 (1) IN GENERAL.—The Secretary, acting
10 through the Ambassador, is authorized to provide
11 assistance under this section for each country that
12 enters into a Compact with the United States pursu-
13 ant to section 6 to support policies and programs
14 that assist the country to eradicate severe forms of
15 trafficking of children and are in furtherance of the
16 purposes of this Act.

17 (2) COORDINATION OF EFFORTS.—The Sec-
18 retary, acting through the Office to Monitor and
19 Combat Trafficking in Persons, shall provide assist-
20 ance under this section in consultation with the Bu-
21ureau of Democracy, Human Rights, and Labor, the
22 Department of Labor’s Bureau of International
23 Labor Affairs, the United States Agency for Inter-
24 national Development (USAID), and other relevant
25 agencies to avoid duplication of efforts.

1 (b) FORM OF ASSISTANCE.—Assistance under this
2 section may be provided in the form of grants, cooperative
3 agreements, or contracts to or with eligible entities de-
4 scribed in subsection (c). Assistance under this section
5 may not be provided in the form of loans.

6 (c) ELIGIBLE ENTITIES.—An eligible entity referred
7 to in subsection (b) is—

8 (1) the national government of the eligible
9 country;

10 (2) regional or local governmental units of the
11 country; or

12 (3) a nongovernmental organization or a private
13 entity with expertise in the protection of vulnerable
14 children, the investigation and prosecution of those
15 who engage in or benefit from child trafficking, or
16 rescue of child victims of trafficking.

17 (d) NUMBER AND AMOUNT OF COMPACTS.—Subject
18 to the availability of appropriations, the Secretary shall
19 determine the number of Compacts based on the estab-
20 lished need of the countries determined to be most eligible
21 based on the criteria described in section 5. The amount
22 of any single Compact shall not exceed a total of
23 \$15,000,000.

1 (e) ANNUAL DISBURSEMENTS.—Disbursements shall
2 be made to the eligible entities on an annual basis pursu-
3 ant to the terms of the respective Compacts.

4 **SEC. 5. ELIGIBLE COUNTRIES.**

5 (a) DETERMINATION BY THE SECRETARY.—The Sec-
6 retary, acting through the Office to Monitor and Combat
7 Trafficking in Persons, shall work in consultation with the
8 Bureau of Democracy, Human Rights, and Labor and the
9 Department of Labor’s Bureau of International Labor Af-
10 fairs to select a country for purposes of entering into a
11 Compact based on whether the country meets the initial
12 criteria listed in subsection (b) and the selection criteria
13 listed in subsection (c). The determination pursuant to
14 subsection (c) shall be based, to the maximum extent pos-
15 sible, upon objective, documented, and quantifiable indica-
16 tors.

17 (b) INITIAL CRITERIA.—

18 (1) IN GENERAL.—A country may be consid-
19 ered for a Compact if—

20 (A) the country is eligible for assistance
21 from the International Development Associa-
22 tion, and the per capita income of the country
23 is equal to or less than the historical ceiling of
24 the International Development Association;

1 (B) subject to paragraph (2), the country
2 is not ineligible to receive United States eco-
3 nomic assistance under part I of the Foreign
4 Assistance Act of 1961 (22 U.S.C. 2151 et
5 seq.) by reason of the application of any provi-
6 sion of the Foreign Assistance Act of 1961 or
7 any other provision of law; and

8 (C) the country is a Tier II country or
9 Tier II Watch List country.

10 (2) RULE OF CONSTRUCTION.—For the pur-
11 poses of determining whether a country is eligible
12 for receiving assistance under paragraph (1), the ex-
13 ercise by the President, the Secretary of State, or
14 any other officer or employee of the United States
15 of any waiver or suspension of any provision of law
16 referred to in such paragraph, and notification to
17 the appropriate congressional committees in accord-
18 ance with such provision of law, shall be construed
19 as satisfying the requirement of such paragraph.

20 (c) SELECTION CRITERIA.—A country should be se-
21 lected for purposes of entering into a Compact on the basis
22 of—

23 (1) a documented high prevalence of trafficking
24 of children within the country; and

1 (2) demonstrated political will and sustained
2 commitment by the government to undertake mean-
3 ingful measures to address severe forms of traf-
4 ficking of children, including—

5 (A) enactment and enforcement of laws
6 criminalizing trafficking in children with pun-
7 ishments commensurate with the crime, includ-
8 ing, when necessary, against complicit govern-
9 ment officials;

10 (B) cooperation with local and inter-
11 national non-governmental organizations with
12 demonstrated expertise in combating the traf-
13 ficking in children; and

14 (C) the treatment of child trafficking vic-
15 tims in accordance with Article 6(3) of the Pro-
16 tocol to Prevent, Suppress and Punish Traf-
17 ficking in Persons, Especially Women and Chil-
18 dren, Supplementing the United Nations Con-
19 vention Against Transnational Organized
20 Crime.

21 **SEC. 6. CHILD PROTECTION COMPACTS.**

22 (a) COMPACT.—The Secretary, acting through the
23 Ambassador, may provide assistance for a country under
24 this Act only if the country enters into an agreement with
25 the United States, to be known as a “Child Protection

1 Compact”, that establishes a 3-year plan for achieving
2 shared objectives in furtherance of the purposes of this
3 Act.

4 (b) ELEMENTS.—The Compact should take into ac-
5 count, if applicable, existing national child protection
6 strategies and national action plans for human trafficking
7 of the country and shall contain—

8 (1) the specific objectives that the country and
9 the United States expect to achieve during the term
10 of the Compact;

11 (2) the responsibilities of the country and the
12 United States in the achievement of such objectives;

13 (3) the particular programs or initiatives to be
14 undertaken in the achievement of such objectives
15 and the amount of funding to be allocated to each
16 program or initiative;

17 (4) regular outcome indicators to monitor and
18 measure progress toward achieving such objectives,
19 including indicators for each program or initiative;

20 (5) a multi-year financial plan, including the es-
21 timated amount of contributions by the United
22 States and the country, if any, and proposed mecha-
23 nisms to implement the plan and provide oversight,
24 that describes how the requirements of paragraphs
25 (1) through (4) will be met, including identifying the

1 role of civil society in the achievement of such re-
2 quirements;

3 (6) where appropriate, a process or processes
4 for consideration of solicited proposals under the
5 Compact as well as a process for consideration of
6 unsolicited proposals by the Secretary and national,
7 regional, or local units of government;

8 (7) the strategy of the country to sustain
9 progress made toward achieving such objectives after
10 expiration of the Compact; and

11 (8) a list of civil society and nonprofit organiza-
12 tions that the government will partner or consult
13 with to develop and sustain the child protection and
14 prosecution capacity in the country.

15 (c) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—
16 Notwithstanding subsection (a), the Secretary may enter
17 into contracts or make grants for any eligible country for
18 the purpose of facilitating the development and implemen-
19 tation of the Compact between the United States and the
20 country.

21 (d) DEFINITION OF PROGRAM OR INITIATIVE.—In
22 this section, the term “program or initiative” may include
23 the following:

1 (1) Evaluation of legal standards and practices
2 and recommendations for improvements that will in-
3 crease the likelihood of successful prosecutions.

4 (2) Training anti-trafficking police and inves-
5 tigators.

6 (3) Building the capacity of domestic non-gov-
7 ernmental organizations to educate vulnerable popu-
8 lations about the danger of severe forms of traf-
9 ficking and to work with law enforcement to identify
10 and rescue victims.

11 (4) Creation of victim-friendly courts.

12 (5) Development of appropriate after-care facili-
13 ties for rescued victims or other rehabilitation and
14 reintegration services for children, which may in-
15 clude education, vocational training, and psycho-
16 social counseling, as appropriate.

17 (6) Development and maintenance of data col-
18 lection systems to monitor victims.

19 (7) Development of regional cooperative plans
20 with neighboring countries to prevent cross-border
21 trafficking of children and child sex tourism.

22 (8) Development of programs and practices that
23 address demand, including educational curricula, so-
24 cial marketing campaigns, and specific law enforce-
25 ment activities targeting demand.

1 **SEC. 7. SUSPENSION AND TERMINATION OF ASSISTANCE.**

2 (a) **SUSPENSION AND TERMINATION OF ASSIST-**
3 **ANCE.**—The Secretary may suspend or terminate assist-
4 ance in whole or in part for a country or entity under
5 section 4 if the Secretary determines that—

6 (1) the country or entity is engaged in activities
7 which are contrary to the national security interests
8 of the United States;

9 (2) the country or entity has engaged in a pat-
10 tern of actions inconsistent with the criteria used to
11 determine the eligibility of the country or entity, as
12 the case may be; or

13 (3) the country or entity has failed to adhere to
14 its responsibilities under the Compact.

15 (b) **REINSTATEMENT.**—The Secretary may reinstate
16 assistance for a country or entity under section 4 only if
17 the Secretary determines that the country or entity has
18 demonstrated a commitment to correcting each condition
19 for which assistance was suspended or terminated under
20 subsection (a).

21 (c) **CONGRESSIONAL NOTIFICATION.**—Not later than
22 3 days after the date on which the Secretary suspends or
23 terminates assistance under subsection (a) for a country
24 or entity, or reinstates assistance under subsection (b) for
25 a country or entity, the Secretary shall submit to the ap-
26 propriate congressional committees a report that contains

1 the determination of the Secretary under subsection (a)
2 or subsection (b), as the case may be.

3 (d) **RULE OF CONSTRUCTION.**—The authority to sus-
4 pend or terminate assistance under this section includes
5 the authority to suspend or terminate obligations and sub-
6 obligations.

7 **SEC. 8. CONGRESSIONAL NOTIFICATION AND ANNUAL RE-**
8 **PORT.**

9 (a) **CONGRESSIONAL CONSULTATION PRIOR TO COM-**
10 **PACT NEGOTIATIONS.**—Not later than 15 days prior to
11 the start of negotiations of a Compact with a country, the
12 Ambassador—

13 (1) shall consult with the appropriate congres-
14 sional committees with respect to the proposed Com-
15 pact negotiation; and

16 (2) shall identify the objectives and mechanisms
17 to be used for the negotiation of the Compact.

18 (b) **CONGRESSIONAL NOTIFICATION AFTER ENTER-**
19 **ING INTO A COMPACT.**—Not later than 10 days after en-
20 tering into a Compact with a country, the Ambassador
21 shall provide notification of the Compact to the appro-
22 priate congressional committees, including a detailed sum-
23 mary of the Compact and a copy of the text of the Com-
24 pact.

25 (c) **ANNUAL REPORT.**—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, and an-
3 nually thereafter, the President shall transmit to the
4 appropriate congressional committees a report on
5 the assistance provided under section 4 during the
6 prior fiscal year.

7 (2) MATTERS TO BE INCLUDED.—The report
8 shall include the following:

9 (A) The amount of obligations and expend-
10 itures for assistance provided to each eligible
11 country during the prior fiscal year.

12 (B) For each country, an assessment of—

13 (i) the progress made during each
14 year by the country toward achieving the
15 objectives set out in the Compact entered
16 into by the country; and

17 (ii) the extent to which assistance pro-
18 vided under section 4 has been effective in
19 helping the country to achieve such objec-
20 tives.

21 **SEC. 9. SENSE OF CONGRESS.**

22 It is the sense of Congress that, of the total amounts
23 to be appropriated for fiscal years 2011 through 2013 for
24 the Department of State and foreign operations, up to

- 1 \$30,000,000 should be used to carry out the purposes of
- 2 this Act.

Calendar No. 624

111TH CONGRESS
2^D SESSION

S. 3184

[Report No. 111-337]

A BILL

To provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

SEPTEMBER 28, 2010

Reported without amendment