

Calendar No. 624

111TH CONGRESS
2d Session

SENATE

REPORT
111-337

CHILD PROTECTION COMPACT ACT OF 2010

SEPTEMBER 28, 2010.—Ordered to be printed

Mr. KERRY, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany S. 3184]

The Committee on Foreign Relations, having had under consideration the bill (S. 3184) 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, reports favorably thereon and recommends that the bill do pass.

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I. PURPOSE

The purpose of S. 3184 is to provide incentives to protect and rescue children subjected to severe forms of trafficking in persons or sexual exploitation through the establishment of Child Protection Compacts between the United States and select, eligible countries.

II. COMMITTEE ACTION

Senators Boxer, Cardin, and Brownback introduced S.3184 on March 25, 2010. On September 21, 2010, the committee ordered the bill reported favorably by voice vote.

III. DISCUSSION

S.3184 authorizes the Secretary of State, acting through the Office to Monitor and Combat Trafficking in Persons (G/TIP) of the Department of State, to enter into agreements, or Compacts, with selected eligible countries on strategies to end the trafficking, exploitation, and enslavement of children. The purpose of the Act is to provide incentives for Tier 2 or Tier 2 Watch List countries to

work in partnership with the United States to strengthen their institutional responses to trafficking of children, especially in the areas of protection of vulnerable children and prosecution of traffickers. The Compact sets forth the specific objectives that the country and the United States expect to achieve during the term of the Compact and the particular programs or initiatives to be undertaken, including regular outcome indicators to monitor progress.

The Compacts, whose criteria are established in Section 6, are three-year plans for achieving shared objectives. A Compact should take into account existing national child protection strategies and national action plans for human trafficking of the country and should contain the specific objectives that the country and the United States expect to achieve during the term of the Compact. In addition to stated criteria, a country should be selected on the basis of a documented high prevalence of trafficking of children and demonstrated political will and sustained commitment to undertake meaningful measures to address severe forms of trafficking in children.

The Act authorizes the Secretary to provide assistance for each country that enters into a Compact with the United States. The bill expresses the sense of Congress that, of the total amounts to be appropriated for fiscal years 2011 through 2013 for the Department of State and foreign operations, up to \$30,000,000 should be used to carry out the purposes of this Act. The amount of any single Compact shall not exceed a total of \$15,000,000.

The Secretary may terminate assistance in whole or in part for a country or entity if the Secretary determines that the country or entity is engaged in activities which are contrary to the national security interests of the United States; the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity; or the country or entity has failed to adhere to its responsibilities under the Compact. The Secretary may reinstate assistance for a country or entity only if the Secretary determines that the country or entity has demonstrated a commitment to correcting each condition for which assistance was suspended or terminated.

S. 3184 intends for successful pilots in selected focus countries to serve as models for replication elsewhere. G/TIP should conduct baseline and follow-up studies of the prevalence of victimization at the beginning and end of focus country programs and of government capacity to rescue child victims and bring perpetrators to justice.

Congressional oversight is built in through a requirement that the Ambassador-at-Large of G/TIP consult with appropriate congressional committees about the objectives and proposed mechanisms to implement the Compact and provide oversight not later than fifteen days prior to the start of negotiations of a Compact with a country. Not later than ten days after entry into force of a Compact with a country, the Ambassador-at-Large will notify the appropriate congressional committees and provide a detailed summary of the Compact and a copy of the text of the Compact.

IV. COST ESTIMATE

Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate requires that committee reports on bills or joint resolutions contain

a cost estimate for such legislation. To date, the committee has not received the Congressional Budget Office cost estimate.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the committee has determined that there is no regulatory impact as a result of this legislation.

VI. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the committee notes that no changes to existing law are made by this bill.