

111TH CONGRESS  
2D SESSION

# 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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2010

Mrs. BOXER (for herself, Mr. BROWNBACK, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Child Protection Compact  
5 Act of 2010”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

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

5           (2) Many countries with a high prevalence of  
6 trafficking in children lack financial resources, legal  
7 expertise, technical capacity, and other resources to  
8 appropriately protect and rescue these children, de-  
9 spite a demonstrated political will to do so.

10          (3) The Department of State's Office to Mon-  
11 itor and Combat Trafficking in Persons named 110  
12 countries in its 2009 report that fail to meet the  
13 minimum standards for the elimination of traf-  
14 ficking, as defined in section 108 of the Trafficking  
15 Victims Protection Act of 2000 (22 U.S.C. 7106).

16          (4) As a States Party to the Optional Protocol  
17 to the Convention on the Rights of the Child on the  
18 Sale of Children, Child Prostitution and Child Por-  
19 nography, the United States is obligated pursuant to  
20 Article 10 to, among other things, take all necessary  
21 steps to strengthen international cooperation by mul-  
22 tilateral, regional, and bilateral arrangements for the  
23 prevention and detection of those responsible for  
24 acts involving the sale of children, child prostitution,  
25 child pornography, and child sex tourism. The

1 United States also is required to promote inter-  
2 national cooperation and coordination authorities of  
3 other States Parties to the Convention, national and  
4 international nongovernmental organizations, and  
5 international organizations to achieve these objec-  
6 tives.

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

15 (b) DECLARATION OF PURPOSE.—The purpose of  
16 this Act is to provide incentives to Tier II countries and  
17 Tier II Watch List countries to protect and rescue chil-  
18 dren subjected to severe forms of trafficking or sexual ex-  
19 ploitation by the establishment of Child Protection Com-  
20 pacts between the United States and select, eligible coun-  
21 tries with a significant prevalence of trafficking in chil-  
22 dren, in order to—

23 (1) address institutional weaknesses within the  
24 government that result in the failure to protect vul-

1       nerable children and to rescue and properly rehabili-  
2       tate victims;

3               (2) increase local government capacity to appre-  
4       hend perpetrators who engage in severe forms of  
5       trafficking in children and bring them to justice in  
6       national courts of law; and

7               (3) ensure transparency and accountability in  
8       achieving the goals stipulated in the Compact over  
9       the course of its three-year implementation.

10 **SEC. 3. DEFINITIONS.**

11       In this Act:

12               (1) **AMBASSADOR.**—The term “Ambassador”  
13       means the Ambassador-at-Large of the Department  
14       of State’s Office to Monitor and Combat Trafficking  
15       in Persons.

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

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

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

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

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

11                   (A) reduce the number of trafficking vic-  
12 tims;

13                   (B) increase the number of prosecutions of  
14 traffickers; and

15                   (C) ensure proper mechanisms to restore  
16 and reintegrate survivors of human trafficking.

17           (7) NATIONAL CHILD PROTECTION STRAT-  
18 EGY.—The term “national child protection strategy”  
19 means any plan developed by a national government  
20 in consultation with multilateral bodies or non-  
21 governmental organizations, including a plan derived  
22 from a preexisting process or created as part of a  
23 Child Protection Compact, that outlines—

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

4 (B) the government ministries responsible  
5 for implementation of the plan; and

6 (C) how coordination will take place be-  
7 tween implementing ministries.

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

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

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

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

23 (10) TIER II COUNTRIES AND TIER II WATCH  
24 LIST COUNTRIES.—The terms “Tier II countries”  
25 and “Tier II Watch List countries” mean those

1 countries designated by the Department of State as  
2 not meeting minimum standards for the elimination  
3 of trafficking.

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

5 (a) ASSISTANCE.—

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

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

23 (b) FORM OF ASSISTANCE.—Assistance under this  
24 section may be provided in the form of grants, cooperative  
25 agreements, or contracts to or with eligible entities de-

1 scribed in subsection (c). Assistance under this section  
2 may not be provided in the form of loans.

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

5 (1) the national government of the eligible  
6 country;

7 (2) regional or local governmental units of the  
8 country; or

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

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

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

1 **SEC. 5. ELIGIBLE COUNTRIES.**

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

14 (b) INITIAL CRITERIA.—

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

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

22 (B) subject to paragraph (2), the country  
23 is not ineligible to receive United States eco-  
24 nomic assistance under part I of the Foreign  
25 Assistance Act of 1961 (22 U.S.C. 2151 et  
26 seq.) by reason of the application of any provi-

1 sion of the Foreign Assistance Act of 1961 or  
2 any other provision of law; and

3 (C) the country is a Tier II country or  
4 Tier II Watch List country.

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

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

18 (1) a documented high prevalence of trafficking  
19 of children within the country; and

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

24 (A) enactment and enforcement of laws  
25 criminalizing trafficking in children with pun-

1           ishments commensurate with the crime, includ-  
2           ing, when necessary, against complicit govern-  
3           ment officials;

4           (B) cooperation with local and inter-  
5           national non-governmental organizations with  
6           demonstrated expertise in combating the traf-  
7           ficking in children; and

8           (C) the treatment of child trafficking vic-  
9           tims in accordance with Article 6(3) of the Pro-  
10          tocol to Prevent, Suppress and Punish Traf-  
11          ficking in Persons, Especially Women and Chil-  
12          dren, Supplementing the United Nations Con-  
13          vention Against Transnational Organized  
14          Crime.

15 **SEC. 6. CHILD PROTECTION COMPACTS.**

16          (a) COMPACT.—The Secretary, acting through the  
17          Ambassador, may provide assistance for a country under  
18          this Act only if the country enters into an agreement with  
19          the United States, to be known as a “Child Protection  
20          Compact”, that establishes a 3-year plan for achieving  
21          shared objectives in furtherance of the purposes of this  
22          Act.

23          (b) ELEMENTS.—The Compact should take into ac-  
24          count, if applicable, existing national child protection

1 strategies and national action plans for human trafficking  
2 of the country and shall contain—

3 (1) the specific objectives that the country and  
4 the United States expect to achieve during the term  
5 of the Compact;

6 (2) the responsibilities of the country and the  
7 United States in the achievement of such objectives;

8 (3) the particular programs or initiatives to be  
9 undertaken in the achievement of such objectives  
10 and the amount of funding to be allocated to each  
11 program or initiative;

12 (4) regular outcome indicators to monitor and  
13 measure progress toward achieving such objectives,  
14 including indicators for each program or initiative;

15 (5) a multi-year financial plan, including the es-  
16 timated amount of contributions by the United  
17 States and the country, if any, and proposed mecha-  
18 nisms to implement the plan and provide oversight,  
19 that describes how the requirements of paragraphs  
20 (1) through (4) will be met, including identifying the  
21 role of civil society in the achievement of such re-  
22 quirements;

23 (6) where appropriate, a process or processes  
24 for consideration of solicited proposals under the  
25 Compact as well as a process for consideration of

1       unsolicited proposals by the Secretary and national,  
2       regional, or local units of government;

3               (7) the strategy of the country to sustain  
4       progress made toward achieving such objectives after  
5       expiration of the Compact; and

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

10       (c) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—

11       Notwithstanding subsection (a), the Secretary may enter  
12       into contracts or make grants for any eligible country for  
13       the purpose of facilitating the development and implemen-  
14       tation of the Compact between the United States and the  
15       country.

16       (d) DEFINITION OF PROGRAM OR INITIATIVE.—In

17       this section, the term “program or initiative” may include  
18       the following:

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

22               (2) Training anti-trafficking police and inves-  
23       tigators.

24               (3) Building the capacity of domestic non-gov-  
25       ernmental organizations to educate vulnerable popu-

1 lations about the danger of severe forms of traf-  
2 ficking and to work with law enforcement to identify  
3 and rescue victims.

4 (4) Creation of victim-friendly courts.

5 (5) Development of appropriate after-care facili-  
6 ties for rescued victims or other rehabilitation and  
7 reintegration services for children, which may in-  
8 clude education, vocational training, and psycho-  
9 social counseling, as appropriate.

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

12 (7) Development of regional cooperative plans  
13 with neighboring countries to prevent cross-border  
14 trafficking of children and child sex tourism.

15 (8) Development of programs and practices that  
16 address demand, including educational curricula, so-  
17 cial marketing campaigns, and specific law enforce-  
18 ment activities targeting demand.

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

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

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

4           (2) the country or entity has engaged in a pat-  
5           tern of actions inconsistent with the criteria used to  
6           determine the eligibility of the country or entity, as  
7           the case may be; or

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

10          (b) REINSTATEMENT.—The Secretary may reinstate  
11          assistance for a country or entity under section 4 only if  
12          the Secretary determines that the country or entity has  
13          demonstrated a commitment to correcting each condition  
14          for which assistance was suspended or terminated under  
15          subsection (a).

16          (c) CONGRESSIONAL NOTIFICATION.—Not later than  
17          3 days after the date on which the Secretary suspends or  
18          terminates assistance under subsection (a) for a country  
19          or entity, or reinstates assistance under subsection (b) for  
20          a country or entity, the Secretary shall submit to the ap-  
21          propriate congressional committees a report that contains  
22          the determination of the Secretary under subsection (a)  
23          or subsection (b), as the case may be.

24          (d) RULE OF CONSTRUCTION.—The authority to sus-  
25          pend or terminate assistance under this section includes

1 the authority to suspend or terminate obligations and sub-  
2 obligations.

3 **SEC. 8. CONGRESSIONAL NOTIFICATION AND ANNUAL RE-**  
4 **PORT.**

5 (a) CONGRESSIONAL CONSULTATION PRIOR TO COM-  
6 PACT NEGOTIATIONS.—Not later than 15 days prior to  
7 the start of negotiations of a Compact with a country, the  
8 Ambassador—

9 (1) shall consult with the appropriate congres-  
10 sional committees with respect to the proposed Com-  
11 pact negotiation; and

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

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

21 (c) ANNUAL REPORT.—

22 (1) IN GENERAL.—Not later than 180 days  
23 after the date of the enactment of this Act, and an-  
24 nually thereafter, the President shall transmit to the  
25 appropriate congressional committees a report on

1 the assistance provided under section 4 during the  
2 prior fiscal year.

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

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

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

9 (i) the progress made during each  
10 year by the country toward achieving the  
11 objectives set out in the Compact entered  
12 into by the country; and

13 (ii) the extent to which assistance pro-  
14 vided under section 4 has been effective in  
15 helping the country to achieve such objec-  
16 tives.

17 **SEC. 9. SENSE OF CONGRESS.**

18 It is the sense of Congress that, of the total amounts  
19 to be appropriated for fiscal years 2011 through 2013 for  
20 the Department of State and foreign operations, up to  
21 \$30,000,000 should be used to carry out the purposes of  
22 this Act.

○