

112TH CONGRESS
1ST SESSION

S. 185

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

JANUARY 25 (legislative day, JANUARY 5), 2011

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

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 2011”.

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

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

1 (1) The use of children for commercial sexual
2 exploitation is a global phenomenon. Human traf-
3 ficking affects millions of children worldwide.

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

9 (3) The Department of State’s Office to Mon-
10 itor and Combat Trafficking in Persons placed 132
11 countries, out of 175 countries ranked, on Tier 2 or
12 Tier 2 Watch List in its 2010 Trafficking in Per-
13 sons report.

14 (4) As a party to the Protocol to Prevent, Sup-
15 press and Punish Trafficking in Persons, especially
16 Women and Children, Supplementing the United
17 Nations Convention Against Transnational Orga-
18 nized Crime (the “Palermo Protocol”), the United
19 States has pledged to establish policies and pro-
20 grams to prevent and combat trafficking in persons
21 and to protect victims of trafficking from revictim-
22 ization and to share information, as appropriate,
23 with law enforcement, immigration and other rel-
24 evant authorities of other states parties with a view
25 to combating trafficking in persons.

1 (b) DECLARATION OF PURPOSE.—The purpose of
2 this Act is to provide incentives to Tier 2 countries and
3 Tier 2 Watch List countries to protect and rescue children
4 subjected to severe forms of trafficking in persons through
5 the establishment of Child Protection Compacts between
6 the United States and select, eligible countries with a sig-
7 nificant prevalence of trafficking in children, in order to—

8 (1) address institutional weaknesses within the
9 government that result in the failure to protect vul-
10 nerable children and to rescue and properly rehabili-
11 tate victims;

12 (2) increase local government capacity to appre-
13 hend perpetrators who engage in severe forms of
14 trafficking in children and bring perpetrators to jus-
15 tice in national courts of law; and

16 (3) ensure transparency and accountability in
17 achieving the goals stipulated in the Compact over
18 the course of its three-year implementation.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **AMBASSADOR.**—The term “Ambassador”
22 means the Ambassador-at-Large of the Department
23 of State’s Office to Monitor and Combat Trafficking
24 in Persons.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—Except as otherwise provided, the term “ap-
3 propriate congressional committees” means the
4 Committee on Foreign Affairs of the House of Rep-
5 resentatives and the Committee on Foreign Rela-
6 tions of the Senate.

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

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

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

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

20 (A) reduce the number of trafficking vic-
21 tims;

22 (B) increase the number of prosecutions of
23 traffickers; and

1 (C) ensure proper mechanisms to rehabili-
2 tate and reintegrate survivors of human traf-
3 ficking.

4 (7) NATIONAL CHILD PROTECTION STRAT-
5 EGY.—The term “national child protection strategy”
6 means any plan developed by a national government
7 in consultation with multilateral bodies or non-
8 governmental organizations, including a plan derived
9 from a preexisting process or created as part of a
10 Child Protection Compact, that outlines—

11 (A) short-term and long-term goals for im-
12 proving child protection and preventing child
13 exploitation within a country;

14 (B) the government ministries responsible
15 for implementation of the plan; and

16 (C) how coordination will take place be-
17 tween implementing ministries.

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

20 (9) SEVERE FORMS OF TRAFFICKING.—The
21 term “severe forms of trafficking in persons”
22 means—

23 (A) sex trafficking in which a commercial
24 sex act is induced by force, fraud, or coercion,

1 or in which the person induced to perform such
2 act has not attained 18 years of age; or

3 (B) the recruitment, harboring, transpor-
4 tation, provision, or obtaining of a person for
5 labor or services, through the use of force,
6 fraud, or coercion for the purpose of subjection
7 to involuntary servitude, peonage, debt bondage,
8 or slavery.

9 (10) TIER 2 COUNTRIES AND TIER 2 WATCH
10 LIST COUNTRIES.—The terms “Tier 2 countries”
11 and “Tier 2 Watch List countries” mean those
12 countries that the Secretary of State has listed pur-
13 suant to section 110(b)(1)(B) of the Trafficking Vic-
14 tims Protection Act of 2000 (22 U.S.C.
15 7107(b)(1)(B)) as countries to which the minimum
16 standards set forth in section 108 of that Act are
17 applicable and whose governments do not fully com-
18 ply with such standards but are making significant
19 efforts to do so.

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

21 (a) ASSISTANCE.—Subject to subsection (b), the Sec-
22 retary is authorized to provide assistance under this sec-
23 tion for each country that enters into a Compact with the
24 United States pursuant to section 6 to support policies
25 and programs that assist the country to eradicate severe

1 forms of trafficking of children and are in furtherance of
2 the purposes of this Act.

3 (b) AVOIDANCE OF DUPLICATION OF EFFORTS.—To
4 avoid duplication of efforts, the Secretary shall exercise
5 the authority of subsection (a) only in coordination with
6 the Administrator of the United States Agency for Inter-
7 national Development, the Attorney General, and the Sec-
8 retary of Labor.

9 (c) FORM OF ASSISTANCE.—Assistance under this
10 section may be provided in the form of grants, cooperative
11 agreements, or contracts to or with eligible entities de-
12 scribed in subsection (d). Assistance under this section
13 may not be provided in the form of loans.

14 (d) ELIGIBLE ENTITIES.—An eligible entity referred
15 to in subsection (c) is—

16 (1) the national government of the eligible
17 country;

18 (2) regional or local governmental units of the
19 country; or

20 (3) a nongovernmental organization or a private
21 entity with expertise in the protection of vulnerable
22 children, the investigation and prosecution of those
23 who engage in or benefit from child trafficking, or
24 rescue of child victims of trafficking.

1 (e) NUMBER AND AMOUNT OF COMPACTS.—Subject
2 to the availability of appropriations, the Secretary shall
3 determine the number of Compacts based on the estab-
4 lished need of the countries determined to be most eligible
5 based on the criteria described in section 5. The amount
6 of any single Compact shall not exceed a total of
7 \$15,000,000.

8 (f) ANNUAL DISBURSEMENTS.—Disbursements shall
9 be made to the eligible entities on an annual basis pursu-
10 ant to the terms of the respective Compacts.

11 **SEC. 5. ELIGIBLE COUNTRIES.**

12 (a) DETERMINATION BY THE SECRETARY.—The Sec-
13 retary, acting through the Office to Monitor and Combat
14 Trafficking in Persons, shall work in consultation with the
15 Bureau of Democracy, Human Rights, and Labor and the
16 Department of Labor’s Bureau of International Labor Af-
17 fairs, and the relevant offices at the Department of Justice
18 and the United States Agency for International Develop-
19 ment, to select a country for purposes of entering into a
20 Compact based on whether the country meets the initial
21 criteria listed in subsection (b) and the selection criteria
22 listed in subsection (c). The determination pursuant to
23 subsection (c) shall be based, to the maximum extent pos-
24 sible, upon objective, documented, and quantifiable indica-
25 tors.

1 (b) INITIAL CRITERIA.—

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

4 (A) the country is eligible for assistance
5 from the International Development Associa-
6 tion, and the per capita income of the country
7 is equal to or less than the historical ceiling of
8 the International Development Association;

9 (B) subject to paragraph (2), the country
10 is not ineligible to receive United States eco-
11 nomic assistance under part I of the Foreign
12 Assistance Act of 1961 (22 U.S.C. 2151 et
13 seq.) by reason of the application of any provi-
14 sion of the Foreign Assistance Act of 1961 or
15 any other provision of law; and

16 (C) the country is a Tier 2 country or Tier
17 2 Watch List country.

18 (2) RULE OF CONSTRUCTION.—For the pur-
19 poses of determining whether a country is eligible
20 for receiving assistance under paragraph (1), the ex-
21 ercise by the President, the Secretary of State, or
22 any other officer or employee of the United States
23 of any waiver or suspension of any provision of law
24 referred to in such paragraph, and notification to
25 the appropriate congressional committees in accord-

1 ance with such provision of law, shall be construed
2 as satisfying the requirement of such paragraph.

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

6 (1) a documented high prevalence of trafficking
7 of children within the country; and

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

12 (A) enactment and enforcement of laws
13 criminalizing trafficking in children with pun-
14 ishments commensurate with the crime, includ-
15 ing, when necessary, against complicit govern-
16 ment officials;

17 (B) cooperation with local and inter-
18 national non-governmental organizations with
19 demonstrated expertise in combating trafficking
20 in children; and

21 (C) the treatment of child trafficking vic-
22 tims in accordance with Article 6(3) of the Pro-
23 tocol to Prevent, Suppress and Punish Traf-
24 ficking in Persons, Especially Women and Chil-
25 dren, Supplementing the United Nations Con-

1 vention Against Transnational Organized
2 Crime.

3 **SEC. 6. CHILD PROTECTION COMPACTS.**

4 (a) COMPACT.—The Secretary, acting through the
5 Ambassador, may provide assistance for a country under
6 this Act only if the country enters into an agreement with
7 the United States, to be known as a “Child Protection
8 Compact”, that establishes a 3-year plan for achieving
9 shared objectives in furtherance of the purposes of this
10 Act.

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

15 (1) the specific objectives that the country and
16 the United States expect to achieve during the term
17 of the Compact;

18 (2) the responsibilities of the country and the
19 United States in the achievement of such objectives;

20 (3) the particular programs or initiatives to be
21 undertaken in the achievement of such objectives
22 and the amount of funding to be allocated to each
23 program or initiative;

1 (4) regular outcome indicators to monitor and
2 measure progress toward achieving such objectives,
3 including indicators for each program or initiative;

4 (5) a multi-year financial plan, including the es-
5 timated amount of contributions by the United
6 States and the country, if any, and proposed mecha-
7 nisms to implement the plan and provide oversight,
8 that describes how the requirements of paragraphs
9 (1) through (4) will be met, including identifying the
10 role of civil society in the achievement of such re-
11 quirements;

12 (6) where appropriate, a process or processes
13 for consideration of solicited proposals under the
14 Compact as well as a process for consideration of
15 unsolicited proposals by the Secretary and national,
16 regional, or local units of government;

17 (7) the strategy of the country to sustain
18 progress made toward achieving such objectives after
19 expiration of the Compact; and

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

24 (c) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—
25 Notwithstanding subsection (a), the Secretary may enter

1 into contracts or make grants for any eligible country for
2 the purpose of facilitating the development and implemen-
3 tation of the Compact between the United States and the
4 country.

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

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

11 (2) Training anti-trafficking police and inves-
12 tigators.

13 (3) Building the capacity of domestic non-gov-
14 ernmental organizations to educate vulnerable popu-
15 lations about the danger of severe forms of traf-
16 ficking and to work with law enforcement to identify
17 and rescue victims.

18 (4) Creation of victim-friendly courts.

19 (5) Development of appropriate after-care facili-
20 ties for rescued victims or other rehabilitation and
21 reintegration services for children, which may in-
22 clude education, vocational training, and psycho-
23 social counseling, as appropriate.

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

1 (7) Development of regional cooperative plans
2 with neighboring countries to prevent cross-border
3 trafficking of children and child sex tourism.

4 (8) Development of programs and practices that
5 address demand, including educational curricula, so-
6 cial marketing campaigns, and specific law enforce-
7 ment activities targeting demand.

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

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

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

16 (2) the country or entity has engaged in a pat-
17 tern of actions inconsistent with the criteria used to
18 determine the eligibility of the country or entity, as
19 the case may be; or

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

22 (b) **REINSTATEMENT.**—The Secretary may reinstate
23 **assistance** for a country or entity under section 4 only if
24 **the Secretary** determines that the country or entity has
25 **demonstrated** a commitment to correcting each condition

1 for which assistance was suspended or terminated under
2 subsection (a).

3 (c) CONGRESSIONAL NOTIFICATION.—Not later than
4 3 days after the date on which the Secretary suspends or
5 terminates assistance under subsection (a) for a country
6 or entity, or reinstates assistance under subsection (b) for
7 a country or entity, the Secretary shall submit to the ap-
8 propriate congressional committees a report that contains
9 the determination of the Secretary under subsection (a)
10 or subsection (b), as the case may be.

11 **SEC. 8. CONGRESSIONAL NOTIFICATION AND ANNUAL RE-**
12 **PORT.**

13 (a) CONGRESSIONAL CONSULTATION PRIOR TO COM-
14 PACT NEGOTIATIONS.—Not later than 15 days prior to
15 the start of negotiations of a Compact with a country, the
16 Secretary—

17 (1) shall consult with the appropriate congres-
18 sional committees with respect to the proposed Com-
19 pact negotiation; and

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

22 (b) CONGRESSIONAL NOTIFICATION AFTER ENTER-
23 ING INTO A COMPACT.—Not later than 10 days after entry
24 into force of a Compact with a country, the Secretary shall
25 provide notification of the Compact to the appropriate

1 congressional committees, including a detailed summary
2 of the Compact and a copy of the text of the Compact.

3 (c) ANNUAL REPORT.—

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

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

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

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

16 (i) the progress made during each
17 year by the country toward achieving the
18 objectives set out in the Compact entered
19 into by the country; and

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

1 **SEC. 9. SENSE OF CONGRESS.**

2 It is the sense of Congress that, of the total amounts
3 to be appropriated for fiscal years 2012 through 2014 for
4 the Department of State and foreign operations, up to
5 \$30,000,000 should be used to carry out the purposes of
6 this Act.

○