

113TH CONGRESS
1ST SESSION

S. 1878

To better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2013

Mr. BAUCUS (for himself, Mr. HATCH, Mr. WYDEN, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. BROWN, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, 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 (a) SHORT TITLE.—This Act may be cited as the
5 “Protecting Youth At-Risk for Sex Trafficking Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title.

TITLE I—ADDRESSING THE RISKS THAT MAKE YOUTH VULNERABLE TO SEX TRAFFICKING AND OTHER NEGATIVE OUTCOMES

Sec. 101. Identifying and screening youth at risk of sex trafficking.

Sec. 102. Improvements to another planned permanent living arrangement as a permanency option.

TITLE II—EMPOWERING OLDER YOUTH VULNERABLE TO DOMESTIC SEX TRAFFICKING AND OTHER NEGATIVE OUTCOMES

Sec. 201. Empowering foster youth age 14 and older in the development of their own case plan and transition planning for a successful adulthood.

Sec. 202. Ensuring foster youth have a birth certificate, Social Security card, driver's license or equivalent State-issued identification card, and a bank account.

TITLE III—DATA AND REPORTS

Sec. 301. Streamline data collection and reporting on sex trafficking.

Sec. 302. Recommendations to Congress for expanding housing for youth victims of trafficking.

TITLE IV—NATIONAL ADVISORY COMMITTEE ON DOMESTIC SEX TRAFFICKING

Sec. 401. National Advisory Committee on Domestic Sex Trafficking.

TITLE V—BUDGETARY EFFECTS

Sec. 501. Determination of budgetary effects.

1 TITLE I—ADDRESSING THE
2 RISKS THAT MAKE YOUTH
3 VULNERABLE TO SEX TRAF-
4 FICKING AND OTHER NEGA-
5 TIVE OUTCOMES

6 SEC. 101. IDENTIFYING AND SCREENING YOUTH AT RISK
7 OF SEX TRAFFICKING.

8 Section 471(a)(9) of the Social Security Act (42
9 U.S.C. 671(a)(9)) is amended—

10 (1) in subparagraph (A), by striking “and”;

1 (2) in subparagraph (B), by inserting “and”
2 after the semicolon; and

3 (3) by adding at the end the following:

4 “(C) not later than—

5 “(i) 1 year after the date of enact-
6 ment of the Protecting Youth At-Risk for
7 Sex Trafficking Act, demonstrate to the
8 Secretary that it has developed, in con-
9 sultation with the child protective services
10 agency or unit for the State, policies and
11 procedures for identifying and screening,
12 and to determine appropriate State action
13 and services, any child who the State has
14 reasonable cause to believe is a victim of
15 sex trafficking (as defined in section
16 103(10) of the Trafficking Victims Protec-
17 tion Act of 2000 (22 U.S.C. 7102(10))) or
18 a severe form of trafficking in persons de-
19 scribed in paragraph (9)(A) of that Act
20 (22 U.S.C. 7102(9)(A)) or is at risk of
21 being a victim of either kind of trafficking
22 (including at the option of the State, any
23 individual who has not attained age 26
24 without regard to whether that individual

is or was in foster care under the responsibility of the State); and

“(ii) 2 years after the date of enactment of the Protecting Youth At-Risk for Sex Trafficking Act, demonstrate to the Secretary that it is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures developed under clause (i).”.

SEC. 102. IMPROVEMENTS TO ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT AS A PERMANENCY OPTION.

(a) **ELIMINATION OF THE OPTION FOR CHILDREN UNDER AGE 16.**—

(1) **IN GENERAL.**—Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended by inserting “only in the case of a child who has attained age 16” before “(in cases where the State agency has documented”.

(2) **CONFORMING AMENDMENT.**—Section 422(b)(8)(A)(iii)(II) of such Act (42 U.S.C. 622(b)(8)(A)(iii)(II)) is amended by inserting “, subject to the requirements of paragraphs (5)(C) and (10) of section 475” after “arrangement”.

1 (b) ADDITIONAL REQUIREMENTS.—

2 (1) IN GENERAL.—Part E of title IV of the So-
3 cial Security Act (42 U.S.C. 670 et seq.) is amended
4 by inserting after section 475 the following new sec-
5 tion:

6 “ADDITIONAL CASE PLAN AND CASE REVIEW SYSTEM
7 REQUIREMENTS

8 “SEC. 475A. (a) REQUIREMENTS FOR ANOTHER
9 PLANNED PERMANENT LIVING ARRANGEMENT.—In the
10 case of any child for whom another planned permanent
11 living arrangement is the permanency plan for the child,
12 the following requirements shall apply for purposes of ap-
13 proving the case plan for the child and the case system
14 review procedure for the child:

15 “(1) DOCUMENTATION OF INTENSIVE, ONGO-
16 ING, UNSUCCESSFUL EFFORTS FOR FAMILY PLACE-
17 MENT.—At each permanency hearing held with re-
18 spect to the child, the State agency documents the
19 intensive, ongoing, and, as of the date of the hear-
20 ing, unsuccessful efforts made by the State agency
21 to return the child home, place the child with a fit
22 and willing relative, place the child with a legal
23 guardian, or place the child for adoption, including
24 through efforts that utilize search technology to find
25 biological family members for children in the child
26 welfare system.

1 “(2) REDETERMINATION OF APPROPRIATENESS
2 OF PLACEMENT AT EACH PERMANENCY HEARING.—

3 At each permanency hearing held with respect to the
4 child, the court or administrative body appointed or
5 approved by the court conducting the hearing on the
6 permanency plan for the child shall do the following:

7 “(A) Ask the child if the child wants to be
8 adopted.

9 “(B) Make a judicial determination of a
10 compelling reason with respect to each of the
11 following options for why it continues to be not
12 in the best interests of the child to—

13 “(i) return home;

14 “(ii) be placed with a fit and willing
15 relative;

16 “(iii) be placed with a legal guardian;

17 or

18 “(iv) be placed for adoption.

19 “(C) Identify the barriers to permanency
20 plans other than another planned permanent
21 living arrangement for the child.

22 “(D) Make a new determination that an-
23 other planned permanent living arrangement is
24 the appropriate permanency plan for this child
25 and submit findings as to why, as of the date

1 of the hearing, another planned permanent liv-
 2 ing arrangement is the best permanency plan
 3 for the child.

4 “(E) Require the State agency to docu-
 5 ment at the next permanency hearing held with
 6 respect to the child the intensive, ongoing, ef-
 7 forts made by the State agency to address such
 8 barriers and allow a different permanency plan
 9 for the child.

10 “(3) DEMONSTRATION OF SUPPORT FOR EN-
 11 GAGING IN AGE OR DEVELOPMENTALLY APPRO-
 12 PRIATE ACTIVITIES AND SOCIAL EVENTS.—The
 13 State agency shall appear before the court or admin-
 14 istrative body appointed or approved by the court
 15 and demonstrate, not less frequently than every 6
 16 months while the child is placed in another planned
 17 permanent living arrangement—

18 “(A) the steps the State agency is taking,
 19 including with respect to reducing barriers such
 20 as paper work or other documentation, to en-
 21 sure the child has regular, ongoing opportuni-
 22 ties to engage in age or developmentally appro-
 23 priate activities, including social events; and

24 “(B) that an individual, other than a case-
 25 worker, is the caregiver for the child for pur-

poses of the reasonable and prudent parent standard (as defined in section 475(9)), including with respect to authority for signing permission slips and giving informal permission for the child to participate in age or developmentally appropriate activities, including social events.”.

(2) CONFORMING AMENDMENTS.—

(A) STATE PLAN REQUIREMENTS.—

(i) PART B.—Section 422(b)(8)(A)(ii) of the Social Security Act (42 U.S.C. 622(b)(8)(A)(ii)) is amended by inserting “in accordance with the requirements of section 475A” after “section 475(5)”.

(ii) PART E.—Section 471(a)(16) of the Social Security Act (42 U.S.C. 671(a)(16)) is amended—

(I) by inserting “and in accordance with the requirements of section 475A” after “section 475(1)”; and

(II) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(B) DEFINITIONS.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “meets the requirements of section 475A and” after “written document which”;

(ii) in paragraph (5)(C), as amended by subsection (a)(1)—

(I) by inserting “, as of the date of the hearing,” after “compelling reason for determining”; and

(II) by inserting “subject to the requirements of section 475A(a),” after “another planned permanent living arrangement,”; and

(iii) by adding at the end the following:

“(9)(A) The term ‘reasonable and prudent parent standard’ means the standard characterized by careful and sensible parental decisions that maintain a child’s health, safety, and best interests while at the same time encouraging the child’s emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, and social activities.

1 “(B) For purposes of subparagraph (A), the
2 term ‘caregiver’ means a foster parent with whom a
3 child in foster care has been placed or a designated
4 official for a child care institution in which a child
5 in foster care has been placed.

6 “(10)(A)(i) The term ‘age or developmentally
7 appropriate’ means activities or items that are gen-
8 erally accepted as suitable for children of the same
9 chronological age or level of maturity or that are de-
10 termined to be developmentally appropriate for a
11 child, based on the development of cognitive, emo-
12 tional, physical, and behavioral capacities that are
13 typical for an age or age group.

14 “(ii) In the event that any age related activities
15 have implications relative to a child or youth’s aca-
16 demic curriculum, nothing in this part or part B
17 shall be construed to authorize an officer or em-
18 ployee of the Federal Government to mandate, di-
19 rect, or control a State, local educational agency, or
20 school’s specific instructional content, academic
21 achievement standards and assessments, curriculum,
22 or program of instruction.

23 “(B) In the case of a specific child, the term
24 means activities or items that are suitable for that
25 child based on the developmental stages attained by

1 the child with respect to the child’s cognitive, emo-
2 tional, physical, and behavioral capacities.”.

3 (c) COLLECTED CHILD SUPPORT DIRECTED TO THE
4 YOUTH.—

5 (1) FOSTER YOUTH IN ANOTHER PLANNED
6 PERMANENT LIVING ARRANGEMENT.—Section
7 457(e)(1) of the Social Security Act (42 U.S.C.
8 657(e)(1)) is amended by inserting “unless the per-
9 manency plan for the child is another planned per-
10 manent living arrangement, in which case the
11 amounts collected (without any reimbursement to
12 the Federal Government) shall be deposited by the
13 State agency responsible for supervising the child’s
14 placement in an account established for the benefit
15 of the child and only used for payment of fees or
16 other costs attributable to the child’s participation in
17 age or developmentally appropriate activities (until
18 the child attains 18 years of age or such higher age
19 as the State has elected under section 475(8)(B)(iii)
20 at which time any funds in the account shall be paid
21 to the child)” before the semicolon.

22 (2) FORMER FOSTER YOUTH WHO HAVE AGED
23 OUT OF FOSTER CARE.—Section 457 of the Social
24 Security Act (42 U.S.C. 657) is amended—

1 (A) in subsection (a), in the matter pre-
 2 ceding paragraph (1), by striking “(d) and (e)”
 3 and inserting “(d), (e), and (f)”; and

4 (B) by adding at the end the following new
 5 subsection:

6 “(f) YOUTH AGE 18 OR OLDER IN FOSTER CARE.—
 7 Notwithstanding the preceding provisions of this section,
 8 amounts collected by a State as child support for months
 9 in any period on behalf of a child who is in foster care
 10 under the responsibility of the State on the date the child
 11 attains 18 years of age or such higher age as the State
 12 has elected under section 475(8)(B)(iii) shall be paid to
 13 the child (without any reimbursement to the Federal Gov-
 14 ernment).”.

15 (3) STATE PLAN AMENDMENT.—Section
 16 454(11) of the Social Security Act (42 U.S.C.
 17 654(11)) is amended—

18 (A) in subparagraph (A), by striking
 19 “and” after the semicolon;

20 (B) in subparagraph (B), by adding “and”
 21 after the semicolon; and

22 (C) by inserting after subparagraph (B),
 23 the following:

24 “(C) provide a description of the procedures the
 25 State has in effect to comply with the requirements

1 under section 457(e)(1) regarding funds collected on
 2 behalf of a child in another planned permanent liv-
 3 ing arrangement and with the requirements under
 4 section 457(f) regarding payment of amounts col-
 5 lected on behalf of a child who is in foster care
 6 under the responsibility of the State on the date the
 7 child attains 18 years of age or such higher age as
 8 the State has elected under section 475(8)(B)(iii);”.

9 (d) EFFECTIVE DATES.—

10 (1) IN GENERAL.—Except as provided in para-
 11 graph (2), the amendments made by this section
 12 shall take effect on the date that is 1 year after the
 13 date of enactment of this Act.

14 (2) DELAY OF CHILD SUPPORT AMENDMENT
 15 PERMITTED IF STATE LEGISLATION REQUIRED.—In
 16 the case of a State plan approved under section 454
 17 of the Social Security Act which requires State legis-
 18 lation (other than legislation appropriating funds) in
 19 order for the plan to meet the additional require-
 20 ments imposed by the amendments made by sub-
 21 section (c), the State plan shall not be regarded as
 22 failing to comply with the additional requirements
 23 solely on the basis of the failure of the plan to meet
 24 the additional requirements before the first day of
 25 the first calendar quarter beginning after the close

1 of the first regular session of the State legislature
 2 that begins after the date of enactment of this Act.
 3 For purposes of the previous sentence, in the case
 4 of a State that has a 2-year legislative session, each
 5 year of such session shall be deemed to be a sepa-
 6 rate regular session of the State legislature.

7 **TITLE II—EMPOWERING OLDER**
 8 **YOUTH VULNERABLE TO DO-**
 9 **MESTIC SEX TRAFFICKING**
 10 **AND OTHER NEGATIVE OUT-**
 11 **COMES**

12 **SEC. 201. EMPOWERING FOSTER YOUTH AGE 14 AND OLDER**
 13 **IN THE DEVELOPMENT OF THEIR OWN CASE**
 14 **PLAN AND TRANSITION PLANNING FOR A**
 15 **SUCCESSFUL ADULTHOOD.**

16 (a) IN GENERAL.—Section 475(1)(B) of the Social
 17 Security Act (42 U.S.C. 675(1)(B)) is amended by adding
 18 at the end the following: “With respect to a child who has
 19 attained age 14, the plan developed under this paragraph
 20 for the child, the permanency plan required for the child
 21 under paragraph (5)(C), and any revisions or additions
 22 to such plans, shall be developed in consultation with the
 23 child and, at the option of the child, with up to 2 members
 24 of the case planning team who are chosen by the child
 25 and who are not the child’s foster parent or caseworker.

1 A State may reject an individual selected by a child to
 2 be a member of the case planning team at any time if
 3 the State has good cause to believe that the individual
 4 would not act in the best interests of the child. One indi-
 5 vidual selected by a child to be a member of the child’s
 6 case planning team may be designated to be the child’s
 7 advisor and, as necessary, advocate, with respect to the
 8 application of the reasonable and prudent parent standard
 9 to the child.”.

10 (b) CONFORMING AMENDMENTS TO INCLUDE YOUTH
 11 14 AND OLDER IN TRANSITION PLANNING.—Section 475
 12 of such Act (42 U.S.C. 675) is amended—

13 (1) in paragraph (1)(D), by striking “Where
 14 appropriate, for a child age 16” and inserting “For
 15 a child age 14”; and

16 (2) in paragraph (5)—

17 (A) in subparagraph (C)—

18 (i) by striking “16” and inserting
 19 “14”; and

20 (ii) by striking “independent living”
 21 and inserting “a successful adulthood and
 22 that the permanency plan for the child is
 23 developed in accordance with the require-
 24 ments specified in paragraph (1)(B)”; and

1 (B) in subparagraph (I), by striking “16”
 2 and inserting “14”.

3 (c) TRANSITION PLANNING FOR A SUCCESSFUL
 4 ADULTHOOD.—Paragraphs (1)(D) and (5)(C)(iii) of sec-
 5 tion 475 of such Act (42 U.S.C. 675) are each amended
 6 by striking “independent living” and inserting “a success-
 7 ful adulthood”.

8 (d) LIST OF RIGHTS.—Section 475A of the Social Se-
 9 curity Act, as added by section 102(b)(1), is amended by
 10 adding at the end the following new subsection:

11 “(b) LIST OF RIGHTS.—The case plan for any child
 12 in foster care under the responsibility of the State or with
 13 respect to whom adoption or kinship guardianship, assist-
 14 ance is made available under this part, who has attained
 15 age 14 shall include an age or developmentally appropriate
 16 written document that describes the child’s rights with re-
 17 spect to education, health, visitation, and court participa-
 18 tion, and to staying safe and avoiding exploitation and a
 19 signed acknowledgment by the child that the child has
 20 been provided them with a written copy of such docu-
 21 ment.”.

22 (e) REPORT.—Not later than 2 years after the date
 23 of enactment of this Act, the Secretary of Health and
 24 Human Services shall submit a report to Congress regard-

1 ing the implementation of the amendments made by this
 2 section. The report shall include—

3 (1) an analysis of how States are administering
 4 the requirement of section 475(1)(B) of the Social
 5 Security Act, as amended by subsection (a) of this
 6 Act, to permit a child in foster care who has at-
 7 tained age 14 to select up to 2 members of the
 8 child’s case planning team from individuals who are
 9 not the child’s foster parent or caseworker for the
 10 development of the plan for the child under para-
 11 graph (1)(B) of section 475 of such Act, the perma-
 12 nency plan required for the child under paragraph
 13 (5)(C) of section 475 of such Act, and for any revi-
 14 sions or additions to such plans; and

15 (2) a description of best practices of States with
 16 respect to the administration of the requirement.

17 **SEC. 202. ENSURING FOSTER YOUTH HAVE A BIRTH CER-**
 18 **TIFICATE, SOCIAL SECURITY CARD, DRIVER’S**
 19 **LICENSE OR EQUIVALENT STATE-ISSUED**
 20 **IDENTIFICATION CARD, AND A BANK AC-**
 21 **COUNT.**

22 (a) CASE REVIEW SYSTEM REQUIREMENT.—Section
 23 475(5)(I) of the Social Security Act (42 U.S.C. 675(5)(I))
 24 is amended—

1 (1) by striking “and receives assistance” and
 2 inserting “receives assistance”; and

3 (2) by inserting before the period, the following:
 4 “and is not discharged from care without being pro-
 5 vided with an official birth certificate, a social secu-
 6 rity card issued by the Commissioner of Social Secu-
 7 rity, a driver’s license or identification card issued
 8 by a State in accordance with the requirements of
 9 section 202 of the REAL ID Act of 2005, and a fee-
 10 free (or low-fee) transaction account (as defined in
 11 section 19(b)(1)(C) of the Federal Reserve Act (12
 12 U.S.C. 461(b)(1)(C))) established in the child’s
 13 name at an insured depository institution (as de-
 14 fined in section 3 of the Federal Deposit Insurance
 15 Act (12 U.S.C. 1813)) or an insured credit union
 16 (as defined in section 101 of the Federal Credit
 17 Union Act (12 U.S.C. 1752)), unless the child, after
 18 consultation with the child’s selected members of the
 19 child’s case planning team (if any), elects not to
 20 have such an account established”.

21 (b) PENALTY FOR NONCOMPLIANCE.—Section 474 of
 22 the Social Security Act (42 U.S.C. 674) is amended by
 23 adding at the end the following:

24 “(h) REDUCED FEDERAL MATCHING PERCENTAGE
 25 FOR ADMINISTRATION FOR FAILURE TO ENSURE FOSTER

1 YOUTH HAVE A BIRTH CERTIFICATE, SOCIAL SECURITY
2 CARD, PICTURE ID, AND A BANK ACCOUNT.—If the Sec-
3 retary finds with respect to a fiscal year quarter that a
4 State has failed to comply with the requirement under sec-
5 tion 475(5)(I) to provide each child in foster care under
6 the responsibility of the State with an official birth certifi-
7 cate, a social security card issued by the Commissioner
8 of Social Security, a driver’s license or identification card
9 issued by a State in accordance with the requirements of
10 section 202 of the REAL ID Act of 2005, and a fee-free
11 (or low-fee) transaction account (as defined in section
12 19(b)(1)(C) of the Federal Reserve Act (12 U.S.C.
13 461(b)(1)(C))) established in the child’s name at an in-
14 sured depository institution (as defined in section 3 of the
15 Federal Deposit Insurance Act (12 U.S.C. 1813)) or an
16 insured credit union (as defined in section 101 of the Fed-
17 eral Credit Union Act (12 U.S.C. 1752)) before the child
18 is discharged from such care, (unless the child elects, after
19 consultation with the child’s selected members of the
20 child’s case planning team (if any), not to have such an
21 account established) then, notwithstanding subsection (a)
22 of this section and any regulations promulgated under sec-
23 tion 1123A(b)(3), the Secretary shall reduce the Federal
24 matching percentage for expenditures described in sub-
25 section (a)(3)(E) for the succeeding fiscal year quarter by

1 1 percentage point for every multiple of 10 children for
 2 whom the Secretary determines the State failed to comply
 3 with such requirements (but not to exceed 25 percentage
 4 points).”.

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Subject to paragraph (2),
 7 the amendments made by this section take effect on
 8 October 1, 2015.

9 (2) EXTENSION FOR STATE LAW AMEND-
 10 MENT.—In the case of a State plan approved under
 11 part B or E of title IV of the Social Security Act
 12 which the Secretary of Health and Human Services
 13 determines requires State legislation (other than leg-
 14 islation appropriating funds) in order for the plan to
 15 meet the additional requirements imposed by the
 16 amendments made by this section, the State plan
 17 shall not be regarded as failing to comply with the
 18 requirements of such part solely on the basis of the
 19 failure of the plan to meet such additional require-
 20 ments before the first day of the first calendar quar-
 21 ter beginning after the close of the first regular ses-
 22 sion of the State legislature that ends after the 1-
 23 year period beginning with the date of enactment of
 24 this Act. For purposes of the preceding sentence, in
 25 the case of a State that has a 2-year legislative ses-

1 sion, each year of the session is deemed to be a sep-
 2 arate regular session of the State legislature.

3 **TITLE III—DATA AND REPORTS**

4 **SEC. 301. STREAMLINE DATA COLLECTION AND REPORT-** 5 **ING ON SEX TRAFFICKING.**

6 (a) STATE PLAN REQUIREMENTS.—

7 (1) IN GENERAL.—Section 471(a) of the Social
 8 Security Act (42 U.S.C. 671(a)) is amended—

9 (A) by striking “and” at the end of para-
 10 graph (32);

11 (B) by striking the period at the end of
 12 paragraph (33) and inserting a semicolon; and

13 (C) by adding at the end the following:

14 “(34) provides that for each child over whom
 15 the State agency has responsibility for placement,
 16 care, or supervision (including a child who is in fos-
 17 ter care, a child for whom a State child welfare
 18 agency has an open case file but who has not been
 19 removed from the home, and a youth who is not in
 20 foster care but is receiving services under section
 21 477), the State agency shall—

22 “(A) identify and document appropriately
 23 in agency records each child who is identified as
 24 being a victim of sex trafficking (as defined in
 25 section 103(10) of the Trafficking Victims Pro-

tection Act of 2000) or as a victim of severe forms of trafficking in persons described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (relating to sex trafficking) as such a victim; and

“(B) report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code, and to the National Center for Missing and Exploited Children; and

“(35) contains a regularly updated description of the specific measures taken by the State agency to protect and provide services to children who are victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000) or as a victim of severe forms of trafficking in persons described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (relating to sex trafficking), including efforts to coordinate with State law enforcement, juvenile justice, and so-

1 cial service agencies such as runaway and homeless
2 youth shelters to serve that population.”.

3 (2) EFFECTIVE DATE.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the amendments made by
6 subsection (a) shall take effect on the date that
7 is 1 year after the date of the enactment of this
8 Act, without regard to whether final regulations
9 required under subsection (b) have been pro-
10 mulgated.

11 (B) DELAY PERMITTED IF STATE LEGISLA-
12 TION REQUIRED.—In the case of a State plan
13 approved under part E of title IV of the Social
14 Security Act which the Secretary of Health and
15 Human Services determines requires State leg-
16 islation (other than legislation appropriating
17 funds) in order for the plan to meet the addi-
18 tional requirements imposed by subsection (a),
19 the State plan shall not be regarded as failing
20 to comply with the requirements of such part
21 solely on the basis of the failure of the plan to
22 meet such additional requirements before the
23 first day of the first calendar quarter beginning
24 after the close of the first regular session of the
25 State legislature that ends after the 1-year pe-

riod beginning with the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature. Except as otherwise provided in this Act the amendments made by this Act shall take effect on the date that is 1 year after the date of the enactment of this Act.

(b) INCLUSION OF DATA IN AFCARS.—

(1) IN GENERAL.—Section 479(c)(3) of the Social Security Act (42 U.S.C. 679(c)(3)) is amended—

(A) in subparagraph (C)(iii), by striking “and” after the semicolon; and

(B) by adding at the end the following:

“(E) the number of children in foster care (and to the extent the Secretary determines feasible, the number of other children over whom the State agency has responsibility for placement, care, or supervision (including children for whom a State child welfare agency has an open case file but who have not been removed from the home and youth who are not in foster care but are receiving services under section

1 477)) who are identified as victims of sex traf-
2 ficking (as defined in section 103(10) of the
3 Trafficking Victims Protection Act of 2000) or
4 as victims of severe forms of trafficking in per-
5 sons described in section 103(9)(A) of the Traf-
6 ficking Victims Protection Act of 2000 (relating
7 to sex trafficking); and”.

8 (2) REPORTS TO CONGRESS.—

9 (A) INITIAL REPORT.—Not later than the
10 date that is 2 years after the date of enactment
11 of this Act, the Secretary of Health and Human
12 Services shall—

13 (i) survey each State with a State
14 plan approved under part B or E of title
15 IV of the Social Security Act (42 U.S.C.
16 621 et seq., 670 et seq.) to determine the
17 estimated number of children in foster care
18 and the estimated number of other chil-
19 dren over whom the State agency has re-
20 sponsibility for placement, care, or super-
21 vision (including children for whom a State
22 child welfare agency has an open case file
23 but who have not been removed from the
24 home and youth who are not in foster care
25 but are receiving services under section

1 477 of such Act (42 U.S.C. 677)) who are
2 identified as victims of sex trafficking (as
3 defined in section 103(10) of the Traf-
4 ficking Victims Protection Act of 2000) or
5 as victims of severe forms of trafficking in
6 persons described in section 103(9)(A) of
7 the Trafficking Victims Protection Act of
8 2000 (relating to sex trafficking); and

9 (ii) submit a report to Congress that
10 includes the results of such survey, includ-
11 ing State-specific data, along with such
12 recommendations for administrative or leg-
13 islative action as the Secretary of Health
14 and Human Services determines appro-
15 priate relating to the identification of, and
16 provision of services for, such children.

17 (B) ANNUAL REPORTS.—Section 479A of
18 the Social Security Act (42 U.S.C. 679b) is
19 amended—

20 (i) in paragraph (5), by striking
21 “and” after the semicolon;

22 (ii) in paragraph (6)(C), by striking
23 the period at the end and inserting “;
24 and”;

1 (iii) by adding at the end the fol-
 2 lowing:

3 “(7) include in the report submitted pursuant
 4 to paragraph (5) for the first fiscal year that begins
 5 on or after the effective date of a final rule imple-
 6 menting the data collection required under subpara-
 7 graph (E) of section 479(c)(3), and for each suc-
 8 ceeding fiscal year, the State-specific data collected
 9 under such subparagraph, along with such other in-
 10 formation as the Secretary determines appropriate
 11 relating to the identification of, and provision of
 12 services for, the population of children identified in
 13 such data.”.

14 **SEC. 302. RECOMMENDATIONS TO CONGRESS FOR EXPAND-**
 15 **ING HOUSING FOR YOUTH VICTIMS OF TRAF-**
 16 **FICKING.**

17 Part A of title XI of the Social Security Act (42
 18 U.S.C. 1301 et seq.) is amended by inserting after section
 19 1123A, the following:

20 “RECOMMENDATIONS TO CONGRESS FOR EXPANDING
 21 HOUSING FOR YOUTH VICTIMS OF TRAFFICKING

22 “SEC. 1123B. (a) IN GENERAL.—Not later than 1
 23 year after the enactment of this section, the head of each
 24 Federal agency specified in subsection (c) shall submit a
 25 report to Congress that contains recommendations for ad-
 26 ministrative or legislative changes necessary to use pro-

1 grams, properties, or other resources owned, operated, or
 2 funded by the Federal Government to provide safe housing
 3 for youth who are victims of trafficking and to provide
 4 support to entities that provide housing or other assist-
 5 ance to such victims.

6 “(b) CONTENT.—The reports required by subsection
 7 (a) shall include with respect to programs, properties, or
 8 other resources owned, operated, or funded by each Fed-
 9 eral agency specified in subsection (c), information regard-
 10 ing—

11 “(1) the availability and suitability of existing
 12 Federal, State, and local housing resources that are
 13 appropriate for housing youth victims of trafficking
 14 or for providing support to entities that provide
 15 housing or other assistance to such victims, includ-
 16 ing in rural and isolated locations; and

17 “(2) the feasibility of establishing or supporting
 18 public-private partnerships to provide housing for
 19 such victims or support to entities that provide hous-
 20 ing or other assistance to such victims.

21 “(c) AGENCIES SUBJECT TO REPORTING REQUIRE-
 22 MENT.—The Federal agencies specified in this subsection
 23 are the following:

24 “(1) The Department of Defense.

4 “(4) The Department of Housing and Urban
5 Development.

7 “(d) VICTIMS OF TRAFFICKING DEFINED.—In this
8 section, the term ‘victims of trafficking’ has the meaning
9 given that term in section 103(15) of the Trafficking Vic-
10 tims Protection Act of 2000 (22 U.S.C. 7102(15)).”.

11 **TITLE IV—NATIONAL ADVISORY**
12 **COMMITTEE ON DOMESTIC**
13 **SEX TRAFFICKING**

14 SEC. 401. NATIONAL ADVISORY COMMITTEE ON DOMESTIC
15 SEX TRAFFICKING.

16 Title XI of the Social Security Act (42 U.S.C. 1301
17 et seq.) is amended by inserting after section 1114 the
18 following new section:

19 “NATIONAL ADVISORY COMMITTEE ON DOMESTIC SEX
20 TRAFFICKING

21 “SEC. 1114A. (a) OFFICIAL DESIGNATION.—This
22 section relates to the National Advisory Committee on Do-
23 mestic Sex Trafficking (in this section referred to as the
24 ‘Committee’).

1 “(b) AUTHORITY.—Not later than 180 days after the
2 date of enactment of this section, the Secretary shall es-
3 tablish and appoint all members of the Committee.

4 “(c) MEMBERSHIP.—

5 “(1) COMPOSITION.—The Committee shall be
6 composed of not more than 21 members whose di-
7 verse experience and background enable them to pro-
8 vide balanced points of view with regard to carrying
9 out the duties of the Committee. The Committee
10 shall not be composed solely of Federal officers or
11 employees.

12 “(2) SELECTION.—The Secretary, in consulta-
13 tion with the Attorney General, shall appoint mem-
14 bers to the Committee.

15 “(3) PERIOD OF APPOINTMENT; VACANCIES.—
16 Members shall be appointed for the life of the Com-
17 mittee. A vacancy in the Committee shall be filled in
18 the manner in which the original appointment was
19 made and shall not affect the powers or duties of the
20 Committee.

21 “(4) COMPENSATION.—Committee members,
22 with the exception of reimbursement of official travel
23 expenses and per diem for official travel, shall serve
24 without compensation.

25 “(d) DUTIES.—

1 “(1) NATIONAL RESPONSE.—The Committee
2 shall advise the Secretary and the Attorney General
3 on practical and general policies concerning improve-
4 ments to the Nation’s response to domestic sex traf-
5 ficking of minors from the child welfare system and
6 the commercial sexual exploitation of children.

7 “(2) COOPERATION POLICIES.—The Committee
8 shall advise the Secretary and the Attorney General
9 on practical and general policies concerning the co-
10 operation of Federal, State, local, and tribal govern-
11 ments, child welfare agencies, social service pro-
12 viders, physical health and mental health providers,
13 victim service providers, State or local courts with
14 responsibility for conducting or supervising pro-
15 ceedings relating to child welfare or social services
16 for children and their families, Federal, State, and
17 local police, juvenile detention centers and runaway
18 and homeless youth programs, schools, and busi-
19 nesses and organizations that provide services to
20 youth, on responding to domestic sex trafficking of
21 minors and the commercial sexual exploitation of
22 children, including the development and implementa-
23 tion of—

24 “(A) successful interventions with children
25 and teens who are exposed to conditions that

1 make them vulnerable to, or victims of, domes-
 2 tic sex trafficking and commercial sexual exploi-
 3 tation;

4 “(B) policies that reflect an understanding
 5 that safety and well-being of children and teens
 6 can be compromised by the sexualization of
 7 children, the commodification of children, and a
 8 lack of normalcy characterized by isolation, dis-
 9 connection from positive, appropriate, and
 10 healthy relationships with peers and adults, and
 11 an inability to engage in age appropriate activi-
 12 ties; and

13 “(C) the relationship between children and
 14 teens who are trafficked and the overall coars-
 15 ening and desensitization of society to violence
 16 that puts the public safety of communities
 17 across the Nation at risk.

18 “(3) DEFINITION OF ‘COMMERCIAL SEXUAL EX-
 19 PLOITATION OF CHILDREN’.—The Committee shall
 20 recommend a comprehensive definition of what con-
 21 stitutes the ‘commercial sexual exploitation of chil-
 22 dren’.

23 “(4) BEST PRACTICES FOR STATES.—

24 “(A) IN GENERAL.—The Committee shall
 25 develop 2 tiers (referred to in this subpara-

graph as ‘Tier I’ and ‘Tier II’) of recommended best practices for States to follow in combating the domestic sex trafficking of minors and the commercial sexual exploitation of children. Tier I shall provide States that have not yet addressed domestic sex trafficking of minors and the commercial sexual exploitation of children with an idea of where to begin and what steps to take. Tier II shall provide States that are already working to address domestic sex trafficking of minors and the commercial sexual exploitation of children with examples of policies that are already being used effectively by other States to address trafficking issues.

“(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary research and promising, evidence-based models and programs.

“(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date technology, and include the following:

“(i) Sample training materials, protocols, and screening tools to prepare child welfare personnel to identify and serve youth who are at-risk or are victims of do-

1 mestic sex trafficking or commercial sexual
2 exploitation.

3 “(ii) Multidisciplinary strategies to
4 identify victims, manage cases, and im-
5 prove services to meet the unique needs of
6 this youth population.

7 “(iii) Sample protocols and rec-
8 ommendations for effective, cross-system
9 collaboration between Federal, State, local,
10 and tribal governments, child welfare agen-
11 cies, social service providers, physical
12 health and mental health providers, victim
13 service providers, State or local courts with
14 responsibility for conducting or supervising
15 proceedings relating to child welfare or so-
16 cial services for children and their families,
17 Federal, State, and local police, juvenile
18 detention centers and runaway and home-
19 less youth programs, schools, and busi-
20 nesses and organizations that provide serv-
21 ices to youth. These protocols and rec-
22 ommendations should include strategies to
23 identify victims and collect, document, and
24 share data across systems and agencies,
25 and should be designed to help agencies

1 better understand the type of trafficking or
 2 commercial sexual exploitation involved,
 3 the scope of the problem, the needs of the
 4 population to be served, ways to address
 5 the demand for trafficked children and
 6 youth and increase prosecutions of traf-
 7 fickers and purchasers of children and
 8 youth, and the degree of victim interaction
 9 with multiple systems.

10 “(iv) A list of recommendations to es-
 11 tablish safe residential placements for fos-
 12 ter youth who have been trafficked (as de-
 13 fined by the Committee) as well as training
 14 guidelines for caregivers that serve chil-
 15 dren and youth being cared for outside the
 16 home.

17 “(e) REPORTS.—

18 “(1) IN GENERAL.—The Committee shall sub-
 19 mit an interim and a final report on the work of the
 20 Committee to—

21 “(A) the Secretary;

22 “(B) the Attorney General;

23 “(C) the Committee on Finance of the
 24 Senate; and

1 “(D) the Committee on Ways and Means
2 of the House of Representatives.

3 “(2) REPORTING DATES.—The interim report
4 shall be submitted not later than 1 year after the es-
5 tablishment of the Committee. The final report shall
6 be submitted not later than 2 years after the estab-
7 lishment of the Committee unless the Secretary es-
8 tablishes an extension period for the Committee, in
9 which case the final report shall be submitted not
10 later than the last day of such period.

11 “(f) ADMINISTRATION.—

12 “(1) AGENCY SUPPORT.—The Secretary shall
13 direct the head of the Administration on Children,
14 Youth and Families of the Department of Health
15 and Human Services to provide all necessary sup-
16 port for the Committee.

17 “(2) MEETINGS.—

18 “(A) IN GENERAL.—The Committee will
19 meet at the call of the Secretary at least twice
20 a year to carry out the duties identified in this
21 section, and more often as otherwise required.

22 “(B) PROCEDURES.—The Secretary shall
23 call all of the Committee meetings, prepare and
24 approve all meeting agendas, attend all Com-
25 mittee meetings, adjourn any meeting when the

1 Secretary determines adjournment to be in the
2 public interest, and shall chair meetings when
3 directed to do so by an official or entity to
4 whom the Committee reports.

5 “(3) SUBCOMMITTEES.—The Committee shall
6 be authorized to establish subcommittees or working
7 groups, as necessary and consistent with the mission
8 of the Committee, and any such subcommittees or
9 working groups shall operate under the provisions of
10 the Federal Advisory Committee Act of 1972 (5
11 U.S.C. App.), the Sunshine in Government Act of
12 1976 (5 U.S.C. 552b), and other appropriate Fed-
13 eral regulations. Such subcommittees or working
14 groups shall have no authority to make decisions on
15 behalf of the Committee, nor shall they report di-
16 rectly to any official or entity listed in subsection
17 (d).

18 “(4) RECORDKEEPING.—The records of the
19 Committee and any subcommittees and working
20 groups shall be maintained in accordance with ap-
21 propriate Department of Health and Human Serv-
22 ices policies and procedures and shall be available
23 for public inspection and copying, subject to the
24 Freedom of Information Act (5 U.S.C. 552).

25 “(g) FUNDING.—

1 “(1) IN GENERAL.—From the unobligated bal-
2 ance of funds made available to carry out section
3 414 of the Social Security Act (42 U.S.C. 614),
4 \$400,000 of such funds are hereby transferred and
5 made available to carry out this section. Amounts
6 transferred and made available to carry out this sec-
7 tion shall remain available for expenditure until the
8 date on which the Committee terminates and shall
9 not be subject to reduction under a sequestration
10 order issued under the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
12 seq.).

13 “(2) UNOBLIGATED AMOUNTS.—Any amounts
14 made available to carry out this section that are un-
15 obligated on the date on which the Committee termi-
16 nates shall be returned to the Treasury of the
17 United States.

18 “(h) TERMINATION.—The Committee shall terminate
19 2 years after the date of establishment unless the Sec-
20 retary determines that more time is necessary to allow the
21 Committee to complete its duties, in which case the Com-
22 mittee shall terminate at the end of an extension period
23 established by the Secretary (not to exceed 24 months).”.

1 **TITLE V—BUDGETARY EFFECTS**

2 **SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.**

3 The budgetary effects of this Act, for the purpose of
4 complying with the Statutory Pay-As-You-Go Act of 2010,
5 shall be determined by reference to the latest statement
6 titled “Budgetary Effects of PAYGO Legislation” for this
7 Act, submitted for printing in the Congressional Record
8 by the Chairman of the Senate Budget Committee, pro-
9 vided that such statement has been submitted prior to the
10 vote on passage.

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