

113TH CONGRESS
1ST SESSION

S. 1118

To amend part E of title IV of the Social Security Act 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

JUNE 7, 2013

Mr. WYDEN (for himself, Mr. PORTMAN, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. KIRK, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend part E of title IV of the Social Security Act 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 This Act may be cited as the “Child Sex Trafficking
5 Data and Response Act of 2013”.

1 **SEC. 2. STREAMLINE DATA COLLECTION AND REPORTING**
2 **ON SEX TRAFFICKING.**

3 (a) FOSTER CARE AND ADOPTION ASSISTANCE PRO-
4 GRAM.—

5 (1) STATE PLAN REQUIREMENTS.—Section
6 471(a) of the Social Security Act (42 U.S.C. 671(a))
7 is amended—

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

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

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

13 “(34) provides that for each child over whom
14 the State agency has responsibility for placement,
15 care, or supervision, the State agency shall—

16 “(A) identify and document appropriately
17 in agency records each child who is identified as
18 being a victim of sex trafficking (as defined in
19 section 103(10) of the Trafficking Victims Pro-
20 tection Act of 2000) or as a victim of severe
21 forms of trafficking in persons described in sec-
22 tion 103(9)(A) of the Trafficking Victims Pro-
23 tection Act of 2000 (relating to sex trafficking)
24 as such a victim; and

25 “(B) report immediately, and in no case
26 later than 24 hours after receiving, information

1 on missing or abducted children to the law en-
2 forcement authorities for entry into the Na-
3 tional Crime Information Center (NCIC) data-
4 base of the Federal Bureau of Investigation, es-
5 tablished pursuant to section 534 of title 28,
6 United States Code; and

7 “(35) contains a regularly updated description
8 of the specific measures taken by the State agency
9 to protect and provide services to children who are
10 victims of sex trafficking (as defined in section
11 103(10) of the Trafficking Victims Protection Act of
12 2000), including efforts to coordinate with State law
13 enforcement, juvenile justice, and social service
14 agencies such as runaway and homeless youth shel-
15 ters to serve that population.”.

16 (2) REGULATIONS.—The Secretary of Health
17 and Human Services shall promulgate regulations
18 implementing the amendments made by paragraph
19 (1) and shall provide uniform definitions for States
20 to use for the reports required under paragraph
21 (34)(B) of section 471(a) of the Social Security Act
22 (42 U.S.C. 671(a)(34)(B)) (as added by paragraph
23 (1)). The regulations promulgated under this para-
24 graph shall include provisions to permit the Sec-
25 retary of Health and Human Services the discretion

1 to withhold a portion of the Federal funds to be paid
2 a State under section 474 of the Social Security Act
3 (42 U.S.C. 674) for a fiscal year quarter from any
4 State that fails to substantially comply with the re-
5 quirements of paragraphs (34) and (35) of section
6 471(a) of such Act (as so added).

7 (3) INCLUSION OF DATA IN AFCARS.—

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

11 (i) in subparagraph (C)(iii), by strik-
12 ing “and” after the semicolon; and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(E) the annual aggregate number of chil-
16 dren in foster care who are identified as victims
17 of sex trafficking (as defined in section 103(10)
18 of the Trafficking Victims Protection Act of
19 2000); and”.

20 (B) REPORT TO CONGRESS.—During the
21 period that begins on January 1, 2014, and
22 ends on the effective date of a final rule pro-
23 mulgated by the Secretary of Health and
24 Human Services implementing the AFCARS
25 data collection requirement added by the

1 amendments made by subparagraph (A), the
2 Secretary of Health and Human Services shall
3 submit an annual report to Congress that con-
4 tains the annual aggregate number of children
5 in foster care who are identified as victims of
6 sex trafficking (as defined in section 103(10) of
7 the Trafficking Victims Protection Act of 2000
8 (22 U.S.C. 7102(10)), together with such other
9 information as the Secretary determines appro-
10 priate relating to the identification of, and pro-
11 vision of services for, that population of chil-
12 dren.

13 (b) STATE REPORTING.—Section 3702 of the Crime
14 Control Act of 1990 (42 U.S.C. 5780) is amended—

15 (1) in paragraph (2), by striking “and” at the
16 end; and

17 (2) in paragraph (4)—

18 (A) in the matter preceding subparagraph
19 (A), by striking “paragraph (2)” and inserting
20 “paragraph (3)”;

21 (B) in subparagraph (A), by inserting
22 “and a photograph taken within the previous
23 180 days” after “dental records”;

24 (C) in subparagraph (B), by striking
25 “and” at the end;

1 (D) by redesignating subparagraph (C) as
2 subparagraph (D); and

3 (E) by inserting after subparagraph (B)
4 the following:

5 “(C) notify the National Center for Miss-
6 ing and Exploited Children of each report re-
7 ceived relating to a child reported missing from
8 a foster care family home or childcare institu-
9 tion; and”.

10 (c) CAPTA AMENDMENTS.—

11 (1) STATE PLAN AMENDMENTS.—Section 106
12 of the Child Abuse Prevention and Treatment Act
13 (42 U.S.C. 5106a) is amended—

14 (A) in subsection (b)(2)(B)—

15 (i) in clause (xxii), by striking “and”
16 at the end; and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(xxiv) provisions and procedures re-
20 quiring identification and assessment of all
21 reports involving children known or sus-
22 pected to be, victims of sex trafficking (as
23 defined in paragraph (10) of section 103 of
24 the Trafficking Victims Protection Act of
25 2000 (22 U.S.C. 7102)) or victims of se-

1 vere forms of trafficking in persons de-
2 scribed in paragraph (9)(A) of that sec-
3 tion; and

4 “(xxv) provisions and procedures for
5 training child protective services workers
6 about identifying and providing com-
7 prehensive services for children who are
8 victims described in clause (xxiv), and pro-
9 viding such services for such children, in-
10 cluding efforts to coordinate with State law
11 enforcement, juvenile justice, and social
12 service agencies such as runaway and
13 homeless youth shelters to serve this popu-
14 lation;”; and

15 (B) in subsection (d), by adding at the end
16 the following:

17 “(17) The number of children determined to be
18 victims described in subsection (b)(2)(B)(xxiv).”.

19 (2) SPECIAL RULE.—

20 (A) IN GENERAL.—Section 111 of the
21 Child Abuse Prevention and Treatment Act (42
22 U.S.C. 5106g) is amended—

23 (i) by striking “For purposes” and in-
24 serting the following:

25 “(a) DEFINITIONS.—For purposes”; and

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

3 “(b) SPECIAL RULE.—

4 “(1) IN GENERAL.—For purposes of section
5 3(2) and subsection (a)(4), a child shall be consid-
6 ered a victim of ‘child abuse and neglect’ and of
7 ‘sexual abuse’ if the child is identified, by a State or
8 local agency employee of the State or locality in-
9 volved, as being a victim of sex trafficking (as de-
10 fined in paragraph (10) of section 103 of the Traf-
11 ficking Victims Protection Act of 2000 (22 U.S.C.
12 7102)) or a victim of severe forms of trafficking in
13 persons described in paragraph (9)(A) of that sec-
14 tion.

15 “(2) STATE OPTION.—Notwithstanding the def-
16 inition of ‘child’ in section 3(1), a State may elect
17 to define that term for purposes of the application
18 of paragraph (1) to section 3(2) and subsection
19 (a)(4) as a person who has not attained the age of
20 24.”.

21 (B) CONFORMING AMENDMENT.—Section
22 3(2) of the Child Abuse Prevention and Treat-
23 ment Act (42 U.S.C. 5101 note) is amended by
24 inserting “(including sexual abuse as deter-

1 mined under section 111)” after “sexual abuse
2 or exploitation”.

3 (3) TECHNICAL CORRECTION.—Paragraph
4 (5)(C) of subsection (a), as so designated, of section
5 111 of the Child Care and Development Block Grant
6 Act of 1990 is amended by striking “inhumane;”
7 and inserting “inhumane.”.

8 **SEC. 3. REPORT TO CONGRESS ON LABOR TRAFFICKING IN**
9 **CHILD WELFARE AND BARRIERS TO DOCU-**
10 **MENTATION AND SERVICE PROVISION TO**
11 **UNIQUE VICTIM POPULATIONS.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Secretary of Health and Human Services,
14 in coordination with the Attorney General, shall submit
15 to the Congress a report detailing issues related to identi-
16 fying, and providing services for, victims of labor traf-
17 ficking, as defined in section 103(9)(B) of the Trafficking
18 Victims Protection Act of 2000 (22 U.S.C. 7102(9)(B)),
19 within the child welfare system. The report shall address
20 the following:

21 (1) Whether State law enforcement, child wel-
22 fare, and other relevant State agencies have identi-
23 fied a significant presence of victims of labor traf-
24 ficking within the child welfare population.

1 (2) With respect to any States that have identi-
2 fied a significant presence of such victims—

3 (A) any numerical estimates of the preva-
4 lence of such victims;

5 (B) a description of how such States pro-
6 vide services for, or plan to provide services for,
7 such victims; and

8 (C) a description of the extent to which
9 there are service delivery issues, particularly
10 with respect to the extent to which the require-
11 ments associated with existing sources of Fed-
12 eral funding for all victims of trafficking, as de-
13 fined in section 103(15) of the Trafficking Vic-
14 tims Protection Act of 2000 (22 U.S.C.
15 7102(15)), prevents population-specific service
16 delivery within the child welfare system.

17 **SEC. 4. EFFECTIVE DATE.**

18 (a) **IN GENERAL.**—Except as provided in subsection
19 (b), the amendments made this Act shall take effect on
20 the date that is 1 year after the date of the enactment
21 of this Act (and in the case of the amendments made by
22 section 2(a)(1), without regard to whether final regula-
23 tions required under section 2(a)(2) have been promul-
24 gated.

1 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
2 QUIRED.—In the case of a State plan approved under part
3 E of title IV of the Social Security Act which the Secretary
4 of Health and Human Services determines requires State
5 legislation (other than legislation appropriating funds) in
6 order for the plan to meet the additional requirements im-
7 posed by this Act, the State plan shall not be regarded
8 as failing to comply with the requirements of such part
9 solely on the basis of the failure of the plan to meet such
10 additional requirements before the 1st day of the 1st cal-
11 endar quarter beginning after the close of the 1st regular
12 session of the State legislature that ends after the 1-year
13 period beginning with the date of the enactment of this
14 Act. For purposes of the preceding sentence, in the case
15 of a State that has a 2-year legislative session, each year
16 of the session is deemed to be a separate regular session
17 of the State legislature. Except as otherwise provided in
18 this Act the amendments made by this Act shall take ef-
19 fect on the date that is 1 year after the date of the enact-
20 ment of this Act.

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