

Suspend the Rules and Pass the Bill, S. 1146, with an Amendment
**(The amendment strikes all after the enacting clause and inserts a
new text)**

118TH CONGRESS
2D SESSION

S. 1146

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

Mr. CORNYN (for himself, Ms. STABENOW, Mr. GRASSLEY, and Mrs. CAPITO)
introduced the following bill; which was read twice and referred to the
Committee on Finance

AN ACT

To amend part E of title IV of the Social Security Act to require the Secretary of Health and Human Services to identify obstacles to identifying and responding to reports of children missing from foster care and other vulnerable foster youth, to provide technical assistance relating to the removal of such obstacles, 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 “Find and Protect Fos-
5 ter Youth Act”.

1 **SEC. 2. ELIMINATING OBSTACLES TO IDENTIFYING AND RE-**
2 **SPONDING TO REPORTS OF CHILDREN MISS-**
3 **ING FROM FOSTER CARE AND OTHER VUL-**
4 **NERABLE FOSTER YOUTH.**

5 Section 476 of the Social Security Act (42 U.S.C.
6 676) is amended by adding at the end the following:

7 “(f) EVALUATION OF PROTOCOLS RELATING TO
8 CHILDREN MISSING FROM FOSTER CARE AND OTHER
9 VULNERABLE YOUTH; TECHNICAL ASSISTANCE.—

10 “(1) IN GENERAL.—The Secretary shall con-
11 duct an evaluation of the protocols established by
12 States in accordance with the requirements of sec-
13 tion 471(a)(35) and, to the extent applicable, by In-
14 dian tribes or tribal organizations (as defined in sec-
15 tion 479B(a)) or tribal consortia with a plan ap-
16 proved under section 471 in accordance with section
17 479B.

18 “(2) REQUIREMENTS.—The evaluation shall in-
19 clude the following:

20 “(A) A review of relevant aspects of re-
21 ports submitted by States, Indian tribes, tribal
22 organizations, and tribal consortia under this
23 part and part B, and data and other informa-
24 tion reported pursuant to the system estab-
25 lished under section 479.

1 “(B) Analysis of the extent to which
2 States, Indian tribes, tribal organizations, and
3 tribal consortia comply with, and enforce, the
4 protocols required by section 471(a)(35).

5 “(C) Analysis of the effectiveness of such
6 protocols.

7 “(D) Identification of obstacles for States,
8 Indian tribes, tribal organizations, and tribal
9 consortia to identifying and responding to re-
10 ports of children missing from foster care and
11 other vulnerable foster youth.

12 “(E) Identification of best practices for
13 identifying such children and youth and inter-
14 vening with effective services.

15 “(3) TECHNICAL ASSISTANCE.—The Secretary
16 shall provide States, Indian tribes, tribal organiza-
17 tions, and tribal consortia with information, advice,
18 educational materials, and technical assistance relat-
19 ing to eliminating identified obstacles to identifying
20 and responding to reports of children missing from
21 foster care and other vulnerable foster youth and
22 providing such children and youth with effective
23 services. Such assistance may include dissemination
24 of—

1 “(A) processes and tools to identify and
2 examine risk factors and potential trends re-
3 lated to children who go missing from foster
4 care and other vulnerable youth;

5 “(B) best practices for runaway tracking
6 and recovery; and

7 “(C) guidelines for intervention, including
8 with respect to services, types of providers, and
9 placement settings.

10 “(4) REPORT.—Not later than 5 years after the
11 date of enactment of this subsection, the Secretary
12 shall submit a report to Congress on the results of
13 the evaluation conducted under this subsection and
14 the technical assistance provided in accordance with
15 paragraph (3).”.

16 **SEC. 3. IMPROVING SCREENING AND ASSESSMENT OF**
17 **CHILDREN RETURNED TO FOSTER CARE**
18 **AFTER GOING MISSING TO DETERMINE**
19 **WHETHER THEY WERE, OR ARE AT RISK OF**
20 **BECOMING, VICTIMS OF SEX TRAFFICKING.**

21 Section 476 of the Social Security Act (42 U.S.C.
22 676), as amended by section 2, is further amended by add-
23 ing at the end the following:

24 “(g) IMPROVING IDENTIFICATION OF, AND SERVICES
25 FOR, CHILDREN WHO RETURN TO FOSTER CARE AFTER

1 RUNNING AWAY OR OTHERWISE BEING ABSENT FROM
2 FOSTER CARE AND WHO ARE, OR ARE AT RISK OF
3 BEING, VICTIMS OF SEX TRAFFICKING.—

4 “(1) ASSISTANCE.—

5 “(A) SCREENING AFTER A RETURN TO
6 FOSTER CARE.—The Secretary shall provide
7 States, Indian tribes, tribal organizations, and
8 tribal consortia, with information, advice, edu-
9 cational materials, and technical assistance to
10 improve compliance with section
11 471(a)(35)(A)(iii).

12 “(B) IMPROVING OTHER REQUIRE-
13 MENTS.—The information, advice, educational
14 materials, and technical assistance provided
15 may include information, advice, educational
16 materials, and technical assistance to improve
17 or modify policies and procedures (including rel-
18 evant training for caseworkers) developed by
19 States, Indian tribes, tribal organizations, and
20 tribal consortia under section 471(a)(9)(C), in-
21 cluding the following:

22 “(i) Identifying, through screening,
23 whether the State has reasonable cause to
24 believe the child or youth is, or is at risk
25 of being, a victim of sex trafficking.

1 “(ii) Documenting the results of such
2 screening in agency records.

3 “(iii) Determining appropriate serv-
4 ices for a child or youth for whom the
5 State determines there is reasonable cause
6 to identify the child or youth as a victim
7 of sex trafficking, or as at risk of being a
8 victim of sex trafficking.

9 “(iv) Documenting in agency records
10 the determination of appropriate services
11 for a child or youth described in clause
12 (iii).

13 “(2) FORMS OF ASSISTANCE.—The assistance
14 provided under this subsection shall include the fol-
15 lowing:

16 “(A) Assisting States, Indian tribes, tribal
17 organizations, and tribal consortia, with devel-
18 oping oversight mechanisms to assess their
19 compliance with section 471(a)(35)(A)(iii).

20 “(B) Assisting States, Indian tribes, tribal
21 organizations, and tribal consortia in devel-
22 oping—

23 “(i) assessments for screening chil-
24 dren who return to foster care after run-
25 ning away or otherwise being absent from

1 foster care for risk of becoming victims of
2 sex trafficking; and

3 “(ii) effective and robust policies re-
4 lating to the use of the assessments.

5 “(C) Working with States, Indian tribes,
6 tribal organizations, and tribal consortia to im-
7 prove or modify policies and procedures devel-
8 oped under section 471(a)(9)(C).

9 “(D) Providing technical assistance on how
10 States, Indian tribes, tribal organizations, and
11 tribal consortia may best use data collected pur-
12 suant to section 479 for oversight of, and to en-
13 sure compliance with, the requirements of para-
14 graphs (9)(C) and (35)(A)(iii) of section
15 471(a).

16 “(3) CONSULTATION.—The Secretary shall, to
17 the extent practicable, consult with internal and ex-
18 ternal offices with expertise on sex trafficking, in-
19 cluding the Office on Trafficking in Persons of the
20 Administration for Children and Families, on the de-
21 velopment and dissemination to States, Indian
22 tribes, tribal organizations, and tribal consortia of
23 the assistance required under this subsection.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Sec-
3 retary such sums as are necessary to carry out this Act
4 for fiscal year 2024, which shall remain available through
5 fiscal year 2027.

6 **SEC. 5. IDENTIFYING AND ADDRESSING CONDITIONS THAT**
7 **LEAD TO YOUTH RUNNING AWAY FROM FOS-**
8 **TER CARE.**

9 The Comptroller General of the United States shall
10 submit to the Congress a written report that—

11 (1) contains a rigorous analysis of administra-
12 tive data to determine the characteristics of youth
13 who run away from foster care and other relevant
14 information about foster care runaway episodes;

15 (2) includes information from interviews with
16 recent foster youth runaways regarding their reasons
17 for running away and what happened after they ran
18 away, including any screening or other protocol fol-
19 lowed by the State;

20 (3) includes a systematic review of research and
21 evidence related to foster youth runaways;

22 (4) sets forth best practices for making foster
23 care safe for youth and reducing the number of fos-
24 ter youth runaways; and

25 (5) makes recommendations to advance child
26 welfare practices, after convening and consulting

- 1 with a group of child welfare practitioners and pro-
- 2 fessionals to inform the recommendations.