

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Statement of Necessity and Rule Summary
Changes Pursuant to the Trafficking Victims
Prevention and Protection Reauthorization Act of 2022

Statement of Necessity:

This Division of Children and Family Services (DCFS) updates the DCFS Policy and Procedure Manual protocols regarding children who are reported missing and involved in an open DCFS case pursuant to Public Law (P.L.) 117-348 that amends section 471(a)(35)(B) of the Social Security Act (“the Act”). These changes bring DCFS into compliance with the Act as required by the federal Children’s Bureau. Revisions implement specific language from the Act regarding communication with law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC) in an effort to provide a safe recovery of a missing child. DCFS also makes technical changes in preparation for the Division’s launch of the ARfocus case management system, along with updating division operations and manual formatting.

Summary:

The DCFS Policy and Procedure Manual updates are:

- Policy V-E: Child Involved in a Protective Services Case who is Missing
 - To give specific examples of physical features and endangerment information to provide to law enforcement agencies and NCMEC when reasonably possible when a child is missing;
 - To specify that regular communication with law enforcement and NCMEC should be maintained throughout the search for a missing child and as it relates to the child’s recovery; and
 - To make formatting and other technical revisions.
- Policy VII-N: Child Missing from an Out-of-Home Placement Case
 - To give specific examples of physical features and endangerment information to provide to law enforcement agencies and NCMEC when reasonably possible when a child is missing;
 - To specify that regular communication with law enforcement and NCMEC should be maintained throughout the search for a missing child and as it relates to the child’s recovery; and
 - To make formatting and other technical revisions.

Repeals pursuant to the Governor’s Executive Order 23-02:

1. Procedure IX-A4 – Regular Administrative Hearing Process.

NOTICE OF RULE MAKING

The Department of Human Services (DHS) announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under Arkansas Code § 9-28-103 to be effective July 1, 2024. The proposed rule has no estimated financial impact.

The Director of the Division of Children and Family Services (DCFS) updates the DCFS Policy and Procedure Manual Pursuant to the Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (Public Law 117-348) in regard to children who are reported missing and involved in an open DCFS case. These changes bring DCFS into compliance with the Act as required by the federal Children's Bureau by implementing specific language regarding regular communication with law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC). DCFS also makes technical changes in preparation for the Division's launch of the ARfocus case management system, along with updating division operations and manual formatting.

Pursuant to the Governor's Executive Order 23-02, DHS repeals the following rule as part of this promulgation: (1) Procedure IX – A4: Regular Administrative Hearing Process.

The proposed rule is available for review at the Department of Human Services (DHS) The Office of Policy and Rules, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at ar.gov/dhs-proposed-rules.

Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than **May 13, 2024**. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact The Office of Policy and Rules at (501) 320-6428. The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4502176296**

Tiffany Wright, Director
Division of Children and Family Services

POLICY V-E: CHILD INVOLVED IN A PROTECTIVE SERVICES CASE WHO IS MISSING

07/202417

Occasionally there are instances when a child or youth involved in an open protective services case may run away or otherwise go missing. In all instances of missing children who are part of an open protective services case, the Division of Children and Family Services (DCFS) will collaborate with the child's family, law enforcement, and the National Center for Missing and Exploited Children (NCMEC) in an effort to locate the child.

Child Who May Have Been Taken Without Authorization or the Family Has Absconded with the Child(ren)

If the family ~~and/or~~ Division has reason to believe the child was taken from his/her parents, ~~/~~caretakers, or both, without authorization by another individual, then upon notification, the family's FSW caseworker and FSW caseworker's supervisor will ensure the following individuals are notified of the child's disappearance:

- A. Area Director; and
- B. Assistant Director of ~~Community Services~~Field Operations, or designee.

The Assistant Director of ~~Community Services~~Field Operations or designee will then notify the DCFS Director.

The FSW caseworker will also issue a Protective Services Alert if:

- A. The family has left the county of origin and moved with ~~their~~his/her child(ren) to another county or state; ~~and,~~
- B. The new address is unknown; ~~and,~~
- C. The child's health or physical well-being is deemed to be in immediate danger because the family is involved in an open protective services case involving an identified ~~Arkansas Health and Safety Factors~~safety threat.

Child Who May Have Run Away

If the family, ~~and/or~~ Division, or both ~~have~~s reason to believe the child independently left his/her home of his or /her own accord (for example~~i.e., they~~ run away), then upon notification, the family's FSW caseworker and FSW caseworker's supervisor will ensure the Area Director is also notified of the child's disappearance. The FSW caseworker will then follow the steps outlined below.

PROCEDURE V-E1: When a Child is Reported Missing from a Family with an Open Protective Services Case

07/202417

The following applies to situations in which the child has been taken from his or ~~her~~ parents, ~~caretakers~~, or both, without authorization and to situations in which the child has run away independently from the home.

After receiving notification of the child's disappearance from the child's family or by other means, the FSW caseworker will:

- A. Notify his or her supervisor and the child's attorney ad litem (if applicable) within two (2) hours.
 - 1) This notification may occur via email, phone, or text.
- B. Determine within two (2) hours whether the child's parents or ~~caretakers~~ have filed a missing person report with the local police department or sheriff's office.
 - 1) If the parents, ~~caretakers~~, or both have filed a missing person report, obtain the missing report number from the parents or ~~caretakers~~.
 - 2) If the parents or ~~caretakers~~ have not yet filed a missing person report, encourage the parents or caretaker to file the report with the local police department or sheriff's department as soon as possible and obtain the missing person report number from the parents or ~~caretakers~~ as soon as possible.
 - 3) If the parents and ~~caretakers~~ refuse to file a missing person report within one (1) business day, contact the local police department or sheriff's department immediately to file a missing person report and provide the following information where reasonably possible:
 - a) Child's name;
 - b) A ~~physical~~ description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - c) A picture photo of the child;
~~e)j. Any published photo or other information published to help locate the child shall may be released to assist with identification provided that the child is not identify the child ided as being involved- with DCFS in an open protective services case.~~
 - d) Child's date of birth;
 - e) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen and if the child indicated a destination (and, if so, what the destination is);
 - f) Any other factual, biographical, or historical information that may assist with locating the missing child;
 - ~~f)g) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors; and~~
 - ~~g)h) A request for law enforcement to enter the information into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation.~~
 - i. If the local police department or sheriff's department will not allow DCFS to file a missing person report on behalf of the family, document the

attempt to file the missing person report in ~~CHRIS contacts~~ the Division's information management system.

- C. Once a police report has been filed, contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) no later than twenty-four (24) hours after receiving information on missing or abducted children or youth to provide the following information where reasonably possible to NCMEC per the Memorandum of Understanding (MOU) between DCFS and NCMEC:

1) Child's name;

2) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color

3) Photo of the child, ~~if available~~;

2)a) Any published photo or other information published to help locate the child shall not identify the child as being involved with DCFS;

4) Child's date of birth;

4)5) Name and contact information of the FSW caseworker and FSW supervisor;

5)6) Investigating Law Enforcement Agency Name, Contact Information, and Case Number (i.e., Missing Person Report number);

6)7) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen;

8) Any other factual, biographical, or historical information that may assist with locating the missing Child; ~~and;~~

7)9) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.

- D. Upon NCMEC's request, release to NCMEC any additional requested information ~~and/or~~ records in its possession that are relevant to locating the missing child.

- E. ~~Keep~~ Maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child, including by sharing information pertaining to the child's recovery and circumstances related to the recovery. informed with up-to-date information regarding the missing child.

- F. Update ~~CHRIS contacts~~ in the Division's information management system regarding the missing child and efforts to locate the missing child.

- G. If the child:

1) Is not found and there are other children in the home:

a) Continue to provide services to the family and other children as appropriate; ~~and;~~

b) Continue to call previously contacted parties and inquire for information and furnish further information that becomes available through case closure; ~~and~~

c) If appropriate, extend the search to other counties and states.

2) Is not found within sixty (60) calendar days and is the only child in the home:

- a) Update the family's assessment ~~FAST~~ to determine if additional services (~~such as e.g.,~~ counseling) may be appropriate for the parents or ~~/caretakers~~; and
- b) Close the case if the family does not need further services.

After notification of the child's disappearance by the family or by other means, the FSW supervisor will:

- A. Notify the Area Director ~~and Assistant Director of Community Services~~ or designee of the child's disappearance; and-
- B. Conference with the FSW as needed.

POLICY V-E: CHILD INVOLVED IN A PROTECTIVE SERVICES CASE WHO IS MISSING

07/2024

Occasionally there are instances when a child or youth involved in an open protective services case may run away or otherwise go missing. In all instances of missing children who are part of an open protective services case, the Division of Children and Family Services (DCFS) will collaborate with the child's family, law enforcement, and the National Center for Missing and Exploited Children (NCMEC) in an effort to locate the child.

Child Who May Have Been Taken Without Authorization or the Family Has Absconded with the Child(ren)

If the family or Division has reason to believe the child was taken from his/her parents, caretakers, or both, without authorization by another individual, then upon notification, the family's FSW caseworker and FSW caseworker's supervisor will ensure the following individuals are notified of the child's disappearance:

- A. Area Director; and
- B. Assistant Director of Field Operations, or designee.

The Assistant Director of Field Operations or designee will then notify the DCFS Director.

The FSW caseworker will also issue a Protective Services Alert if:

- A. The family has left the county of origin and moved with his/her child(ren) to another county or state;
- B. The new address is unknown; and
- C. The child's health or physical well-being is deemed to be in immediate danger because the family is involved in an open protective services case involving an identified safety threat.

Child Who May Have Run Away

If the family, Division, or both have reason to believe the child independently left his/her home of his or her own accord (for example, they run away), then upon notification, the family's FSW caseworker and FSW caseworker's supervisor will ensure the Area Director is also notified of the child's disappearance. The FSW caseworker will then follow the steps outlined below.

PROCEDURE V-E1: When a Child is Reported Missing from a Family with an Open Protective Services Case

07/2024

The following applies to situations in which the child has been taken from his or her parents, caretakers, or both, without authorization and to situations in which the child has run away independently from the home.

After receiving notification of the child's disappearance from the child's family or by other means, the FSW caseworker will:

- A. Notify his or her supervisor and the child's attorney ad litem (if applicable) within two (2) hours.
 - 1) This notification may occur via email, phone, or text.
- B. Determine within two (2) hours whether the child's parents or caretakers have filed a missing person report with the local police department or sheriff's office.
 - 1) If the parents, caretakers, or both have filed a missing person report, obtain the missing report number from the parents or caretakers.
 - 2) If the parents or caretakers have not yet filed a missing person report, encourage the parents or caretaker to file the report with the local police department or sheriff's department as soon as possible and obtain the missing person report number from the parents or caretakers as soon as possible.
 - 3) If the parents and caretakers refuse to file a missing person report within one (1) business day, contact the local police department or sheriff's department immediately to file a missing person report and provide the following information where reasonably possible:
 - a) Child's name;
 - b) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - c) A photo of the child;
 - i. Any published photo or other information published to help locate the child shall not identify the child as being involved with DCFS.
 - d) Child's date of birth;
 - e) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen and if the child indicated a destination (and, if so, what the destination is);
 - f) Any other factual, biographical, or historical information that may assist with locating the missing child;
 - g) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors; and
 - h) A request for law enforcement to enter the information into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation.
 - i. If the local police department or sheriff's department will not allow DCFS to file a missing person report on behalf of the family, document the attempt to file the missing person report in the Division's information management system.
- C. Once a police report has been filed, contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) no later than twenty-four (24) hours after receiving information on missing or abducted children or youth to provide the following information where reasonably possible to NCMEC per the Memorandum of Understanding (MOU) between DCFS and NCMEC:

- 1) Child's name;
 - 2) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color
 - 3) Photo of the child;
 - a) Any published photo or other information published to help locate the child shall not identify the child as being involved with DCFS;
 - 4) Child's date of birth;
 - 5) Name and contact information of the FSW caseworker and FSW supervisor;
 - 6) Investigating Law Enforcement Agency Name, Contact Information, and Case Number (i.e., Missing Person Report number);
 - 7) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen;
 - 8) Any other factual, biographical, or historical information that may assist with locating the missing Child; and
 - 9) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.
- D. Upon NCMEC's request, release to NCMEC any additional requested information or records in its possession that are relevant to locating the missing child.
- E. Maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child, including by sharing information pertaining to the child's recovery and circumstances related to the recovery.
- F. Update contacts in the Division's information management system regarding the missing child and efforts to locate the missing child.
- G. If the child:
- 1) Is not found and there are other children in the home:
 - a) Continue to provide services to the family and other children as appropriate;
 - b) Continue to call previously contacted parties and inquire for information and furnish further information that becomes available through case closure; and
 - c) If appropriate, extend the search to other counties and states.
 - 2) Is not found within sixty (60) calendar days and is the only child in the home:
 - a) Update the family's assessment to determine if additional services (such as counseling) may be appropriate for the parents or caretakers; and
 - b) Close the case if the family does not need further services.

After notification of the child's disappearance by the family or by other means, the FSW supervisor will:

- A. Notify the Area Director or designee of the child's disappearance; and
- B. Conference with the FSW as needed.

POLICY VII-N: CHILD MISSING FROM AN OUT-OF-HOME PLACEMENT

071/202417

Occasionally there are instances when a child or youth may leave an out-of-home placement without authorization. Any of these instances will result in immediate action from the placement provider as outlined for the various circumstances below.

In all instances of missing children, the Division of Children and Family Services (DCFS) will collaborate with the placement provider, law enforcement, and the National Center for Missing and Exploited Children (NCMEC) in an effort to locate the child.

Children in foster care who are located after they run away from Interstate Compact on the Placement of Children (ICPC) approved placements in another state are handled by the DCFS ICPC office. However, if a pick-up order is issued, the Interstate Compact for Juveniles (ICJ) applies.

Neither ICJ nor ICPC are applicable to children who are not in foster care and are kidnapped (by either a custodial or non-custodial parent) ~~in one~~ and taken to another state. These situations are a matter between the legal custodian and law enforcement. However, for children with whom the Division comes into contact due to an interference with custody issue not related to a child who is in ~~DCFS~~ custody, please refer to Policy VI-I: Interference with Custody.

Child Who May Have Been Taken from an Out-of-Home Placement

If the placement provider has reason to believe the child was taken from the placement without authorization by another individual, then the placement provider will immediately notify the youth's primary Family Service Worker (FSW) caseworker and primary FSW caseworker's supervisor. The out-of-home placement provider will also begin an immediate search for the child ~~or~~ youth. The search will entail the following actions:

- A. Searching the immediate premises; and,
- B. Searching the community ~~and to~~ contacting the child's friends and other contacts who may know ~~of, or of or~~ have information regarding the child's whereabouts.

Upon notification from the placement provider, the youth's primary FSW caseworker and primary FSW caseworker's supervisor will ensure the following individuals are notified of the child's disappearance:

- A. Area Director; and
- B. Assistant Director of ~~Community Services~~ Field Operations or designee.

The primary FSW caseworker will then follow the steps outlined in Procedure VII-N1 below.

The Assistant Director of ~~Community Services~~ Field Operations or designee will then notify the DCFS Director.

Child Who May Have Run Away

If the placement provider has reason to believe the child left the out-of-home placement of his or her own accord (~~such as, if they i.e.,~~ run away), then the out-of-home placement provider will begin an immediate search for the child ~~or~~ youth. The search will entail the following actions:

- A. Searching the immediate premises; and,
- B. Searching the community ~~to and~~ contacting the child's friends and other contacts who may know of or have information regarding the child's whereabouts.

If the child is located within one (1) hour of initiating the search, the placement provider will notify the primary FSW caseworker and primary FSW caseworker's supervisor of the incident no later than the next calendar day. The child's primary FSW caseworker will document the incident (~~i.e., such as, if the~~ child ran away but was located within one (1) hour) accordingly in ~~CHRIS~~ contacts the Division information management system. The primary FSW caseworker, or secondary FSW caseworker, as appropriate, will also conduct a visit with the child and placement provider by the next business day to assess why the child ran away and what immediate steps may need to be taken to better support both the child and ~~the~~ placement provider.

If the child who is believed to have run away of his/her own accord cannot be located within one (1) hour of initiating the search, then at that point the out-of-home placement provider will immediately notify the youth's primary Family Service Worker (FSW) caseworker and primary FSW caseworker's supervisor. The primary FSW caseworker will then follow the steps outlined in Procedure VII-N1 below, ~~to include ensuring the Area Director is also notified of the child's disappearance.~~

PROCEDURE VII-N1: When a Child is Reported Missing from an Out-of-Home Placement

07/6/2024~~2~~

After receiving notification of the child's disappearance by the placement provider, the primary Family Service Worker (FSW) caseworker will:

- ~~A. Notify the child's secondary FSW and Transitional Youth Services (TYS) Coordinator (if applicable) and attorney ad litem within two (2) hours via email, phone, or text.~~
- ~~B.A.~~ Notify the child's custodial or non-custodial parent of the discovery of the child's disappearance within two (2) hours (or sooner depending on the age of the child) by phone, or preferably, a visit to the home if possible.
 - 1) If the parents currently reside in a county outside the primary FSW caseworker's county, the secondary FSW caseworker or an appropriate FSW supervisor may conduct the home visit to notify the parents that ~~his/her~~ their child is currently missing.
 - 2) If the custodial or non-custodial parent's current or correct address or telephone number is unknown, a letter will be written to the parent's last known address.

- B. Notify supervisor, ~~and the child's secondary FSW and Transitional Youth Services (TYS) Coordinator (if applicable), and attorney ad litem within two (2) hours via email, phone, or text.~~
- C. Notify the state police, local police department, or sheriff's office, as applicable, within two (2) hours after receiving information on missing or abducted children or youth. The notification, which may occur via email, text, or phone will include where reasonably possible:
- 1) Child's name;
 - ~~2)~~ A physical description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - ~~2)~~ A photoicture of the _child; ~~and may be released to assist with identification provided that the~~
 - a) Any published photos or other information published to help locate the child shall not ~~child is not~~ identify the child as ~~ied as~~ a child in foster care;
 - ~~3)4)~~ Child's date of birth;
 - ~~4)5)~~ Circumstances of the missing child's disappearance, including the date the child went missing or was last seen, and if the child indicated a destination (and if so, what the destination is);
 - 6) Any other factual, biographical, or historical information that may assist with locating the missing child;
 - ~~5)7)~~ Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors; and;
 - ~~6)8)~~ A request for law enforcement to enter the information into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation.
- D. Once a police report has been filed, contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) no later than twenty-four (24) hours after receiving information on missing or abducted children or youth, to provide the following information, where reasonably possible, to NCMEC per the Memorandum of Understanding (MOU) between the Division of Children and Family Services (DCFS) and NCMEC:
- 1) Child's name;
 - ~~1)2)~~ A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - 3) Photo of the child;if available;
 - ~~2)a)~~ Any published photos or other information published to help locate the child shall not identify the child as a child in foster care.
 - ~~3)4)~~ Child's date of birth;
 - ~~4)5)~~ Name and contact information of the primary FSW caseworker and FSW supervisor;
 - ~~5)6)~~ Investigating Law Enforcement Agency Name, Contact Information, and Case Number, including a Missing Person Report number;

- ~~6)7)~~ Circumstances of the missing child's disappearance, including the date the child went missing or was last seen; and
- 8) Any other factual, biographical, or historical information that may assist with locating the missing Child; and;
- ~~7)9)~~ Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.
- E. Upon NCMEC's request, release to NCMEC any additional requested information or records that are relevant to locating the missing child.
- F. ~~Keep—~~Maintain regular communication with law enforcement agencies and NCMEC informed with up-to-date information regarding the missing child in efforts to provide a safe recovery of a missing or abducted child, including by sharing information pertaining to the child's recovery and circumstances related to the recovery.
- G. Contact the local Office of Chief Counsel (OCC) and request OCC to complete and file a pick-up order and a motion and order to notify the court that the child is missing no more than twenty-four (24) hours after receiving notification of a missing child.
- 1) The motion requesting the pick-up order and the proposed order will put the court on notice that the child is missing.
- H. Provide the order regarding the missing child to the designated Transitional Youth Services representative in the DCFS Central Office who will assist in locating the youth.;
- I. Update the child's placement information in the ~~Children's Reporting and Division's~~ information management sSystem—(CHRIS) within two (2) business days, to include completion of fields regarding the required reports made to local law enforcement and NCMEC.
- 1) Even when the child is placed on runaway status, the child's Medicaid case will remain open. If the child is still on runaway status at the time of his or her Medicaid redetermination, such as the anniversary of his or her entering foster care, then the Medicaid case will be closed at that time.
- J. Communicate regularly with the child's secondary FSW caseworker and the Transitional Youth Services (TYS) Coordinator, if applicable, and the designated Transitional Youth Services representative in Central Office.
- K. When an Arkansas child in foster care has run away and is located in another state, notify the Administrator of the Interstate Compact for Juveniles (ICJ) of the Division of Youth Services.
- 1) ICJ will process all out-of-state runaways' probationers, runaways, and children in foster care.
- L. If the child is not found:
- 1) Continue to call previously contacted parties and inquire for information, furnish further information that becomes available, and if appropriate, extend the search to other counties and states.
- 2) Update the custodial or non-custodial parents to assure them that the search continues no less than weekly when current contact information for the custodial or non-custodial parents is available.

~~2)a) ____~~-This requirement does not apply to parents whose parental rights have been terminated.

~~After receiving notification of the child's disappearance by the placement provider, the secondary FSW (if applicable) will:~~

~~A. Notify the local police department or sheriff's office, as applicable, within two (2) hours after receiving information on missing or abducted children or youth. The notification, which may occur via email, text, or phone will include:~~

~~1) Child's name;~~

~~1) A physical description of the child;~~

~~a) A picture of the child may be released to assist with identification provided that the child is not identified as a child in foster care.~~

~~2) Child's date of birth;~~

~~1) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen and if the child indicated a destination (and, if so, what the destination is);~~

~~1) Any other factual, biographical, or historical information that may assist with locating the missing child; and~~

~~1) A request for law enforcement to enter the information into the National Crime Information Center database of the Federal Bureau of Investigation.~~

After receiving notification of the child's disappearance from the FSW ~~by the placement provider~~, the Family Service Worker supervisor will:

A. Notify the Area Director ~~and Assistant Director of Community Services~~ or designee of the child's disappearance; and

~~—~~Conference with the FSW as needed.

PROCEDURE VII-N2: When a Child Missing from an Out-of-Home Placement is Located

071/202417

When a child missing from an out-of-home placement is located, the primary Family Service Worker will:

- A. Ensure the child has a physical exam by his/her primary care physician, if possible, within seventy-two (72) hours of locating the child or immediately in the case of a medical emergency.
- B. Notify immediately (but no later than twenty-four (24) hours after the child has been located) all parties and individuals previously notified of the child's disappearance that the child has been located to include, but not limited to:
 - 1) Secondary FSW, if applicable;
 - 2) TYS Coordinator, if applicable;
 - 3) FSW Supervisor;
 - 4) Area Director;
 - 5) Placement provider;
 - 6) Local OCC attorney;
 - 7) Child's attorney ad litem;
 - 8) Custodial ~~and/or~~ non-custodial parents;
 - 9) Law enforcement; and
 - 10) NCMEC;
 - a) This notification may occur via email, phone, or text as appropriate.
- C. Conduct a visit with the child and placement provider by the next business day after the child has been located, to determine what immediate needs the child and ~~for~~ placement provider may have and what immediate steps may need to be taken to better support both the child and the placement provider (this visit may be conducted by the secondary FSW caseworker as appropriate).
- D. Update the child's placement ~~screen in CHRIS~~ in the Division's information management system within two (2) business days of locating the child.
- E. Determine the primary factors that contributed to the child's running away or otherwise being absent from foster care to include:
 - 1) Updating the child's ~~CANS~~ assessment in the Division's information management system including completion of the runaway CANS module within thirty (30) days of locating the child; and-
 - 2) Determining if the child is a possible sex trafficking victim based on responses to the updated assessment CANS and any other information gathered.
 - a) If there is reason to believe the child is, or is at risk of being, a victim of sex trafficking:
 - i. Document accordingly in ~~CHRIS~~ the Division's information management system and conference with the FSW supervisor to determine appropriate next steps for additional screening related to

sex trafficking victims and ~~de~~ or referral to appropriate services, or both.

- ii. Report information on children or youth who have been identified as being a sex trafficking victim to local law enforcement immediately, and in no case later than twenty-four (24) hours after receiving the information.
- iii. Document in ~~CHRIS contacts~~ the Division's information management system when local law enforcement is notified of a child being identified as a sex trafficking victim.

F. Communicate regularly with the child's secondary FSW caseworker and or TYS Coordinator, if applicable.

When a child missing from an out-of-home placement is located, the secondary ~~Family Service Worker~~ FSW caseworker will:

- A. Collaborate with the primary FSW as needed to ensure:
 - 1) The child has a physical exam by his/her primary care physician, if possible, within seventy-two (72) hours of locating the child; ~~and~~.
 - 2) All appropriate parties are notified that the child has been located.

The Family Service Worker Supervisor(s) will:

- A. Conference with the FSW(s) as needed; ~~and~~.
- B. Notify the ~~Assistant Director~~ Area Director of Community Services or designee.

POLICY VII-N: CHILD MISSING FROM AN OUT-OF-HOME PLACEMENT

07/2024

Occasionally there are instances when a child or youth may leave an out-of-home placement without authorization. Any of these instances will result in immediate action from the placement provider as outlined for the various circumstances below.

In all instances of missing children, the Division of Children and Family Services (DCFS) will collaborate with the placement provider, law enforcement, and the National Center for Missing and Exploited Children (NCMEC) in an effort to locate the child.

Children in foster care who are located after they run away from Interstate Compact on the Placement of Children (ICPC) approved placements in another state are handled by the DCFS ICPC office. However, if a pick-up order is issued, the Interstate Compact for Juveniles (ICJ) applies.

Neither ICJ nor ICPC are applicable to children who are not in foster care and are kidnapped (by either a custodial or non-custodial parent) and taken to another state. These situations are a matter between the legal custodian and law enforcement. However, for children with whom the Division comes into contact due to an interference with custody issue not related to a child who is in DCFS custody, please refer to Policy VI-I: Interference with Custody.

Child Who May Have Been Taken from an Out-of-Home Placement

If the placement provider has reason to believe the child was taken from the placement without authorization by another individual, then the placement provider will immediately notify the youth's primary Family Service Worker (FSW) caseworker and primary FSW caseworker's supervisor. The out-of-home placement provider will also begin an immediate search for the child or youth. The search will entail the following actions:

- A. Searching the immediate premises; and
- B. Searching the community to contact the child's friends and other contacts who may know of or have information regarding the child's whereabouts.

Upon notification from the placement provider, the youth's primary FSW caseworker and primary FSW caseworker's supervisor will ensure the following individuals are notified of the child's disappearance:

- A. Area Director; and
- B. Assistant Director of Field Operations or designee.

The primary FSW caseworker will then follow the steps outlined in Procedure VII-N1 below.

The Assistant Director of Field Operations or designee will then notify the DCFS Director.

Child Who May Have Run Away

If the placement provider has reason to believe the child left the out-of-home placement of his or her own accord (such as, if they run away), then the out-of-home placement provider will begin an immediate search for the child or youth. The search will entail the following actions:

- A. Searching the immediate premises; and
- B. Searching the community to contact the child's friends and other contacts who may know of or have information regarding the child's whereabouts.

If the child is located within one (1) hour of initiating the search, the placement provider will notify the primary FSW caseworker and primary FSW caseworker's supervisor of the incident no later than the next calendar day. The child's primary FSW caseworker will document the incident (such as, if the child ran away but was located within one (1) hour) accordingly in the Division information management system. The primary FSW caseworker, or secondary FSW caseworker, as appropriate, will also conduct a visit with the child and placement provider by the next business day to assess why the child ran away and what immediate steps may need to be taken to better support both the child and the placement provider.

If the child who is believed to have run away of his/her own accord cannot be located within one (1) hour of initiating the search, then at that point the out-of-home placement provider will immediately notify the youth's primary Family Service Worker (FSW) caseworker and primary FSW caseworker's supervisor. The primary FSW caseworker will then follow the steps outlined in Procedure VII-N1 below.

PROCEDURE VII-N1: When a Child is Reported Missing from an Out-of-Home Placement

07/2024

After receiving notification of the child's disappearance by the placement provider, the primary Family Service Worker (FSW) caseworker will:

- A. Notify the child's custodial or non-custodial parent of the discovery of the child's disappearance within two (2) hours (or sooner depending on the age of the child) by phone, or preferably, a visit to the home if possible.
 - 1) If the parents currently reside in a county outside the primary FSW caseworker's county, the secondary FSW caseworker or an appropriate FSW supervisor may conduct the home visit to notify the parents that his/her child is currently missing.
 - 2) If the custodial or non-custodial parent's current or correct address or telephone number is unknown, a letter will be written to the parent's last known address.
- B. Notify supervisor, the child's secondary FSW and Transitional Youth Services (TYS) Coordinator (if applicable), and attorney ad litem within two (2) hours via email, phone, or text.
- C. Notify the state police, local police department, or sheriff's office, as applicable, within two (2) hours after receiving information on missing or abducted children or youth. The

notification, which may occur via email, text, or phone will include where reasonably possible:

- 1) Child's name;
 - 2) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - 3) A photo of the child; and
 - a) Any published photos or other information published to help locate the child shall not identify the child as a child in foster care;
 - 4) Child's date of birth;
 - 5) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen, and if the child indicated a destination (and if so, what the destination is);
 - 6) Any other factual, biographical, or historical information that may assist with locating the missing child;
 - 7) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors; and
 - 8) A request for law enforcement to enter the information into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation.
- D. Once a police report has been filed, contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) no later than twenty-four (24) hours after receiving information on missing or abducted children or youth, to provide the following information, where reasonably possible, to NCMEC per the Memorandum of Understanding (MOU) between the Division of Children and Family Services (DCFS) and NCMEC:
- 1) Child's name;
 - 2) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - 3) Photo of the child;
 - a) Any published photos or other information published to help locate the child shall not identify the child as a child in foster care.
 - 4) Child's date of birth;
 - 5) Name and contact information of the primary FSW caseworker and FSW supervisor;
 - 6) Investigating Law Enforcement Agency Name, Contact Information, and Case Number, including a Missing Person Report number;
 - 7) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen;
 - 8) Any other factual, biographical, or historical information that may assist with locating the missing Child; and
 - 9) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.

- E. Upon NCMEC's request, release to NCMEC any additional requested information or records that are relevant to locating the missing child.
- F. Maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child, including by sharing information pertaining to the child's recovery and circumstances related to the recovery.
- G. Contact the local Office of Chief Counsel (OCC) and request OCC to complete and file a pick-up order and a motion and order to notify the court that the child is missing no more than twenty-four (24) hours after receiving notification of a missing child.
 - 1) The motion requesting the pick-up order and the proposed order will put the court on notice that the child is missing.
- H. Provide the order regarding the missing child to the designated Transitional Youth Services representative in the DCFS Central Office who will assist in locating the youth.
- I. Update the child's placement information in the Division's information management system within two (2) business days, to include completion of fields regarding the required reports made to local law enforcement and NCMEC.
 - 1) Even when the child is placed on runaway status, the child's Medicaid case will remain open. If the child is still on runaway status at the time of his or her Medicaid redetermination, such as the anniversary of his or her entering foster care, then the Medicaid case will be closed at that time.
- J. Communicate regularly with the child's secondary FSW caseworker and the Transitional Youth Services (TYS) Coordinator, if applicable, and the designated Transitional Youth Services representative in Central Office.
- K. When an Arkansas child in foster care has run away and is located in another state, notify the Administrator of the Interstate Compact for Juveniles (ICJ) of the Division of Youth Services.
 - 1) ICJ will process all out-of-state runaways' probationers, runaways, and children in foster care.
- L. If the child is not found:
 - 1) Continue to call previously contacted parties and inquire for information, furnish further information that becomes available, and if appropriate, extend the search to other counties and states.
 - 2) Update the custodial or non-custodial parents to assure them that the search continues no less than weekly when current contact information for the custodial or non-custodial parents is available.
 - a) This requirement does not apply to parents whose parental rights have been terminated.

After receiving notification of the child's disappearance from the FSW, the Family Service Worker supervisor will:

- A. Notify the Area Director or designee of the child's disappearance; and
Conference with the FSW as needed.

PROCEDURE VII-N2: When a Child Missing from an Out-of-Home Placement is Located

07/2024

When a child missing from an out-of-home placement is located, the primary Family Service Worker will:

- A. Ensure the child has a physical exam by his/her primary care physician, if possible, within seventy-two (72) hours of locating the child or immediately in the case of a medical emergency.
- B. Notify immediately (but no later than twenty-four (24) hours after the child has been located) all parties and individuals previously notified of the child's disappearance that the child has been located to include, but not limited to:
 - 1) Secondary FSW, if applicable;
 - 2) TYS Coordinator, if applicable;
 - 3) FSW Supervisor;
 - 4) Area Director;
 - 5) Placement provider;
 - 6) Local OCC attorney;
 - 7) Child's attorney ad litem;
 - 8) Custodial and non-custodial parents;
 - 9) Law enforcement; and
 - 10) NCMEC:
 - a) This notification may occur via email, phone, or text as appropriate.
- C. Conduct a visit with the child and placement provider by the next business day after the child has been located, to determine what immediate needs the child and placement provider may have and what immediate steps may need to be taken to better support both the child and the placement provider (this visit may be conducted by the secondary FSW caseworker as appropriate).
- D. Update the child's placement in the Division's information management system within two (2) business days of locating the child.
- E. Determine the primary factors that contributed to the child's running away or otherwise being absent from foster care to include:
 - 1) Updating the child's assessment in the Division's information management system within thirty (30) days of locating the child; and
 - 2) Determining if the child is a possible sex trafficking victim based on responses to the updated assessment and any other information gathered.
 - a) If there is reason to believe the child is, or is at risk of being, a victim of sex trafficking:
 - i. Document accordingly in the Division's information management system and conference with the FSW supervisor to determine appropriate next steps for additional screening related to sex trafficking victims and referral to appropriate services, or both.

- ii. Report information on children or youth who have been identified as being a sex trafficking victim to local law enforcement immediately, and in no case later than twenty-four (24) hours after receiving the information.
 - iii. Document in the Division's information management system when local law enforcement is notified of a child being identified as a sex trafficking victim.
- F. Communicate regularly with the child's secondary FSW caseworker and or TYS Coordinator, if applicable.

When a child missing from an out-of-home placement is located, the secondary FSW caseworker will:

- A. Collaborate with the primary FSW as needed to ensure:
 - 1) The child has a physical exam by his/her primary care physician, if possible, within seventy-two (72) hours of locating the child; and
 - 2) All appropriate parties are notified that the child has been located.

The Family Service Worker Supervisor(s) will:

- A. Conference with the FSW(s) as needed; and
- B. Notify the Area Director or designee.

Public Law 117–348
117th Congress

An Act

To reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.

Jan. 5, 2023

[S. 3949]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Trafficking Victims Prevention and Protection Reauthorization Act of 2022”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs To Support Young Victims Who Are Vulnerable To Human Trafficking

Sec. 101. Authority to award competitive grants to enhance collaboration between State child welfare and juvenile justice systems.

Sec. 102. Elimination of sunset for Advisory Council on Human Trafficking.

Sec. 103. Pilot program for youth at high risk of being trafficked.

Subtitle B—Governmental Efforts To Prevent Human Trafficking

Sec. 121. Comptroller General report on oversight of Federal supply chains.

Sec. 122. Ensuring anti-trafficking-in-persons trainings and provisions into Codes of Conduct of all Federal departments and executive agencies.

Sec. 123. Government Accountability Office study on accessibility of mental health services and substance use disorder services.

Sec. 124. NSF support of research on impacts of social media on human trafficking.

Subtitle C—Monitoring Child, Forced, and Slave Labor

Sec. 131. Transparency in anti-trafficking expenditures.

Sec. 132. Sense of Congress regarding United States companies adopting counter-trafficking-in-persons policies.

Sec. 133. Amendments to the Child Abuse Prevention and Treatment Act.

Sec. 134. Sense of Congress regarding timely submission of Department of Justice reports.

Sec. 135. Sense of Congress on criteria for classifying victims of child sex trafficking.

Sec. 136. Missing and abducted foster children and youth.

Sec. 137. Modification to State plan for foster care and adoption assistance.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Extension of authorizations under the Victims of Trafficking and Violence Protection Act of 2000.

Sec. 202. Improving enforcement of section 307 of the Tariff Act of 1930.

TITLE III—SEVERABILITY

Sec. 301. Severability.

Trafficking
Victims
Prevention and
Protection
Reauthorization
Act of 2022.
22 USC 7101
note.

TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs To Support Young Victims Who Are Vulnerable To Human Trafficking

SEC. 101. AUTHORITY TO AWARD COMPETITIVE GRANTS TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.

(a) IN GENERAL.—Subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) is amended by adding at the end the following:

42 USC 628c.

“SEC. 429A. GRANTS TO STATES TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.

“(a) PURPOSE.—The purpose of this section is to authorize the Secretary, in collaboration with the Attorney General and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice—

“(1) to make grants to State child welfare and juvenile justice agencies and child- and youth-serving agencies to collaborate in the collection of data relating to dual status youth; and

Procedures.

“(2) to develop practices, policies, and protocols—

“(A) to confront the challenges presented and experienced by dual status youth; and

“(B) for the development of interoperable data systems.

“(b) AUTHORITY TO AWARD GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations, from amounts reserved under section 423(a)(2) for a fiscal year, the Secretary shall award competitive grants jointly to a State child welfare agency and a State juvenile justice agency to facilitate or enhance collaboration between the child welfare and juvenile justice systems of the State in order to carry out programs to address the needs of dual status youth and their families.

“(2) LENGTH OF GRANTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), a grant shall be awarded under this section for a period of not less than 2 fiscal years and not more than 5 fiscal years.

“(B) EXTENSION OF GRANT.—Upon the application of the grantee, the Secretary may extend the period for which a grant is awarded under this section for not more than 2 fiscal years.

“(c) ADDITIONAL REQUIREMENTS.—

“(1) APPLICATION.—In order for a State to be eligible for a grant under this section, the State shall submit an application, subject to the approval of the Secretary, that includes—

“(A) a description of the proposed leadership collaboration group (including the membership of such group), and how such group will manage and oversee a review and analysis of current practices while working to jointly

address enhanced practices to improve outcomes for dual status youth;

“(B) a description of how the State proposes—

“(i) to identify dual status youth;

“(ii) to identify individuals who are at risk of becoming dual status youth;

“(iii) to identify common characteristics shared by dual status youth in the State; and

“(iv) to determine the prevalence of dual status youth in the State;

“(C) a description of current and proposed practices and procedures that the State intends to use—

“(i) to screen and assess dual status youth for risks and treatment needs;

“(ii) to provide targeted and evidence-based services, including educational, behavioral health, and pro-social treatment interventions for dual status youth and their families; and

“(iii) to provide for a lawful process to enhance or ensure the abilities of the State and any relevant agencies to share information and data about dual status youth, while maintaining confidentiality and privacy protections under Federal and State law; and

“(D) a certification that the State has involved local governments, as appropriate, in the development, expansion, modification, operation, or improvement of proposed policy and practice reforms to address the needs of dual status youth.

Certification.

“(2) NO SUPPLANTATION OF OTHER FUNDS.—Any amounts paid to a State under a grant under this section shall be used to supplement and not supplant other State expenditures on dual status youths or children involved with either the child welfare or juvenile justice systems.

“(3) EVALUATION.—Up to 10 percent of the amount made available to carry out this section for a fiscal year shall be made available to the Secretary to evaluate the effectiveness of the projects funded under this section, using a methodology that—

“(A) includes random assignment whenever feasible, or other research methods that allow for the strongest possible causal inferences when random assignment is not feasible; and

“(B) generates evidence on the impact of specific projects, or groups of projects with identical (or similar) practices and procedures.

“(4) REPORT.—A State child welfare agency and a State juvenile justice agency receiving a grant under this section shall jointly submit to the Secretary, the Attorney General, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, a report on the evaluation of the activities carried out under the grant at the end of each fiscal year during the period of the grant. Such report shall include—

“(A) a description of the scope and nature of the dual status youth population in the State, including the number of dual status youth;

Analysis.

“(B) a description of the evidence-based practices and procedures used by the agencies to carry out the activities described in clauses (i) through (iii) of paragraph (1)(C); and

“(C) an analysis of the effects of such practices and procedures, including information regarding—

“(i) the collection of data related to individual dual status youths;

“(ii) aggregate data related to the dual status youth population, including—

“(I) characteristics of dual status youths in the State;

“(II) case processing timelines; and

“(III) information related to case management, the provision of targeted services, and placements within the foster care or juvenile justice system; and

“(iii) the extent to which such practices and procedures have contributed to—

“(I) improved educational outcomes for dual status youths;

“(II) fewer delinquency referrals for dual status youths;

“(III) shorter stays in intensive restrictive placements for dual status youths; or

“(IV) such other outcomes for dual status youths as the State child welfare agency and State juvenile justice agency may identify.

“(d) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may support State child welfare agencies and State juvenile justice agencies by offering a program, developed in consultation with organizations and agencies with subject matter expertise, of training and technical assistance to assist such agencies in developing programs and protocols that draw on best practices for serving dual status youth in order to facilitate or enhance—

“(1) collaboration between State child welfare agencies and State juvenile justice agencies; and

“(2) the effectiveness of such agencies with respect to working with Federal agencies and child welfare and juvenile justice agencies from other States.

“(e) REPORT.—Not later than 3 years after the date of enactment of this section, and every 3 years thereafter, the Secretary, the Attorney General, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall jointly submit to the Committee on Finance and the Committee on the Judiciary of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives, a report on the grants provided under this section.

“(f) DEFINITIONS.—In this section:

“(1) DUAL STATUS YOUTH.—The term ‘dual status youth’ means a child who has come into contact with both the child welfare and juvenile justice systems and occupies various statuses in terms of the individual’s relationship to such systems.

“(2) LEADERSHIP COLLABORATION GROUP.—The term ‘leadership collaboration group’ means a group composed of senior

officials from the State child welfare agency, the State juvenile justice agency, and other relevant youth and family-serving public agencies and private organizations, including, to the extent practicable, representatives from the State judiciary branch.

“(3) STATE JUVENILE JUSTICE AGENCY.—The term ‘State juvenile justice agency’ means the agency of the State or Indian tribe responsible for administering grant funds awarded under the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.).

“(4) STATE CHILD WELFARE AGENCY.—The term ‘State child welfare agency’ means the State agency responsible for administering the program under this subpart, or, in the case of a tribal organization that is receiving payments under section 428, the tribal agency responsible for administering such program.”.

(b) CONFORMING AMENDMENTS.—Section 423(a) of such Act (42 U.S.C. 623(a)) is amended—

(1) by striking “The sum appropriated” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), the sum appropriated”; and

(2) by adding at the end the following:

“(2) GRANTS TO STATES TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.—For each fiscal year beginning with fiscal year 2023 for which the amount appropriated under section 425 for the fiscal year exceeds \$270,000,000—

“(A) the Secretary shall reserve from such excess amount such sums as are necessary for making grants under section 429A for such fiscal year; and

“(B) the remainder to be applied under paragraph (1) for purposes of making allotments to States for such fiscal year shall be determined after the Secretary first allots \$70,000 to each State under such paragraph and reserves such sums under subparagraph (A) of this paragraph.”.

Determination.

SEC. 102. ELIMINATION OF SUNSET FOR ADVISORY COUNCIL ON HUMAN TRAFFICKING.

The Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114–22) is amended by striking subsection (h).

22 USC 7103b.

SEC. 103. PILOT PROGRAM FOR YOUTH AT HIGH RISK OF BEING TRAFFICKED.

Section 202(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20702(b)) is amended by adding at the end the following:

“(5) PILOT DEMONSTRATION PROGRAM.—

“(A) ESTABLISHMENT.—The Assistant Attorney General, in consultation with the Assistant Secretary, shall establish a pilot demonstration program, through which community-based organizations in underserved communities, prioritizing rural communities, in the United States may apply for funding to develop, implement, and build replicable treatment models, based on the type of housing unit that the individual being treated lives in, with supportive services and innovative care, treatment, and services.

“(B) POPULATION TO BE SERVED.—The program established pursuant to subparagraph (A) shall primarily serve adolescents and youth who—

“(i) are transitioning out of foster care;

“(ii) struggle with substance use disorder;

“(iii) are pregnant or parenting; or

“(iv) have experienced foster care involvement or involvement in the child welfare system, child poverty, child abuse or neglect, human trafficking, juvenile justice involvement, gang involvement, or homelessness.

“(C) AUTHORIZED ACTIVITIES.—Funding provided under subparagraph (A) may be used for—

“(i) providing residential care, including temporary or long-term placement as appropriate;

“(ii) providing 24-hour emergency social services response;

“(iii) providing clothing and other daily necessities needed to keep individuals from returning to living on the street;

“(iv) case management services;

“(v) mental health counseling, including specialized counseling and substance abuse treatment;

“(vi) legal services;

“(vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking and labor trafficking victims on issues related to the sex trafficking and labor trafficking of minors; and

“(viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking and labor trafficking of minors.

“(D) FUNDING PRIORITY.—The Assistant Attorney General shall give funding priority to community-based programs that provide crisis stabilization, emergency shelter, and addiction treatment for adolescents and transitional age residential programs that have reputable outcomes.”.

Subtitle B—Governmental Efforts To Prevent Human Trafficking

SEC. 121. COMPTROLLER GENERAL REPORT ON OVERSIGHT OF FEDERAL SUPPLY CHAINS.

(a) IN GENERAL.—Not later than June 1, 2024, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on Federal contract supply chain oversight related to the prevention of trafficking in persons.

Assessments.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the following:

(1) The compliance of Federal agencies with the requirement under section 1704(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104b(c)(1)) to refer to suspension and debarment officials allegations of trafficking in persons activities on the part of contract, grant, and cooperative agreement recipients.

(2) The compliance of Federal agencies with the requirement to include the contract clause regarding combating trafficking in persons provided for under section 222.50 of the Federal Acquisition Regulation (or successor regulations).

(3) Federal agency enforcement and monitoring activities related to ensuring the compliance of Federal contractors and subcontractors with the annual certification requirements under such section 222.50.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 122. ENSURING ANTI-TRAFFICKING-IN-PERSONS TRAININGS AND PROVISIONS INTO CODES OF CONDUCT OF ALL FEDERAL DEPARTMENTS AND EXECUTIVE AGENCIES.

5 USC 4103 note.

(a) **FINDINGS.**—Congress finds the following:

(1) Human trafficking is inimical to every Federal agency’s core values and inherently harmful and dehumanizing.

(2) Through the adoption of a Code of Conduct, Federal agencies hold their personnel to similar standards that are required of contractors and subcontractors of the agency under Federal law.

(3) Human trafficking is a violation of human rights and against Federal law.

(4) The United States Government seeks to deter activities that would facilitate or support trafficking in persons.

(b) **SENSE OF CONGRESS ON IMPLEMENTATION OF ANTI-TRAFFICKING-IN-PERSONS POLICIES.**—It is the sense of Congress that—

Deadline.

(1) beginning not later than 18 months after the date of the enactment of this Act, the head of every Federal agency should incorporate a module on human trafficking into its staff training requirements and menu of topics to be covered in the annual ethics training of such agency;

(2) such staff trainings should teach employees how to prevent, identify, and report trafficking in persons;

(3) Federal agencies that already provide counter trafficking-in-persons training for staff should share their curricula with agencies that do not have such curricula;

(4) the head of each agency should inform all candidates for employment about the anti-trafficking provisions in the Code of Conduct of the agency;

(5) employees of each Federal agency should sign acknowledgment of the agency’s Code of Conduct, which should be kept in the file of the employee; and

(6) a violation of the Code of Conduct should lead to disciplinary action, up to and including termination of employment.

(c) **POLICY FOR EXECUTIVE BRANCH EMPLOYEES.**—The President shall take such steps as may be necessary to ensure that each officer and employee (including temporary employees, persons stationed abroad while working for the United States, and detailees from other agencies of the Federal Government) of an agency in

President.
Requirements.

the executive branch of the Federal Government is subject to a policy with a minimum standard that contains—

(1) a prohibition from engaging in human trafficking while employed by the Government in a full-time or part-time capacity;

(2) a requirement that all Federal personnel, without regard to whether the person is stationed abroad, be sensitized to human trafficking and the ethical conduct requirements that prohibit the procurement of trafficking in persons;

(3) a requirement that all such personnel be equipped with the necessary knowledge and tools to prevent, recognize, report, and address human trafficking offenses through a training for new personnel and through regular refresher courses offered every 2 years; and

(4) a requirement that all such personnel report to the applicable inspector general and agency trafficking in persons point of contact any suspected cases of misconduct, waste, fraud, or abuse relating to trafficking in persons.

(d) **TIMING.**—The policy described in subsection (c)—

(1) shall be established or integrated into all applicable employee codes of conduct not later than 18 months after the date of the enactment of this Act;

(2) may not replace any preexisting code of conduct that contains more robust requirements than the requirements described in subsection (c); and

(3) shall be signed by all personnel described in subsection (c) not later than 2 years after such date of enactment.

Public
information.

(e) **REPORTING.**—The Office of Inspector General of a Federal department or agency, in consultation with the head of such agency, shall submit an annual report to Congress, which shall be publicly accessible, containing—

(1) the number of suspected violations reported;

(2) the number of investigations;

(3) the status and outcomes of such investigations; and

(4) any recommended actions to improve the programs and operations of such agency.

Recommendations.

Reports.

SEC. 123. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ACCESSIBILITY OF MENTAL HEALTH SERVICES AND SUBSTANCE USE DISORDER SERVICES.

Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the accessibility of mental health services and substance use disorder treatment and recovery for survivors of human trafficking in the United States of various ages; and

(2) submit a report to Congress containing the findings of such study and recommendations for increased accessibility and affordability for survivors of trafficking.

42 USC 1862w.

SEC. 124. NSF SUPPORT OF RESEARCH ON IMPACTS OF SOCIAL MEDIA ON HUMAN TRAFFICKING.

(a) **DEFINITIONS.**—In this section:

(1) **HUMAN TRAFFICKING.**—The term “human trafficking” means an act or practice described in section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)).

(2) **SOCIAL MEDIA PLATFORM.**—The term “social media platform” means a website or internet medium that—

(A) permits a person to become a registered user, establish an account, or create a profile for the purpose of allowing users to create, share, and view user-generated content through such an account or profile;

(B) enables 1 or more users to generate content that can be viewed by other users of the medium; and

(C) primarily serves as a medium for users to interact with content generated by other users of the medium.

(b) SUPPORT OF RESEARCH.—The Director of the National Science Foundation, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of Health and Human Services, shall support merit-reviewed and competitively awarded research on the impact of online social media platforms on the maintenance or expansion of human trafficking, which may include—

(1) fundamental research on digital forensic tools or other technologies for verifying the authenticity of social media platform users and their materials, that are utilized in the promotion or operation of human trafficking networks;

(2) fundamental research on privacy preserving technical tools that may aid law enforcement's ability to identify and prosecute individuals or entities promoting or involved in human trafficking;

(3) social and behavioral research related to social media platform users who engage with those promoting or involved in human trafficking;

(4) research on the effectiveness of expanding public understanding, awareness, or law enforcement efforts in combating human trafficking through social media platforms; and

(5) research awards coordinated with other Federal agencies and programs, including the Information Integrity Research and Development Interagency Working Group and the Privacy Research and Development Interagency Working Group of the Networking and Information Technology Research and Development Program, the Office for Victims of Crime of the Department of Justice, the Blue Campaign of the Department of Homeland Security, the Office to Monitor and Combat Trafficking in Persons of the Department of State, and activities of the Department of Transportation and the Advisory Committee on Human Trafficking.

(c) SURVIVORS.—To the extent possible, the Director of the National Science Foundation shall ensure that research supported under subsection (b) incorporates the experiences, input, and safety and privacy concerns of human trafficking survivors.

(d) REPORTS.—

(1) FINDINGS AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall report to the Committee on Commerce, Science, and Transportation of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives—

(A) the Director's findings with respect to the feasibility for research opportunities, including with the private sector

social media platform companies, to improve the ability to combat human trafficking operations; and

(B) any recommendations of the Director that could facilitate and improve communication and coordination among the private sector, the National Science Foundation, and relevant Federal agencies to improve the ability to combat human trafficking operations through social media.

(2) **RESULTS OF RESEARCH.**—Not later than 4 years after the date of enactment of this Act, the Director of the National Science Foundation shall report to the Committee on Commerce, Science, and Transportation of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives on the results of the research supported under this section.

Subtitle C—Monitoring Child, Forced, and Slave Labor

SEC. 131. TRANSPARENCY IN ANTI-TRAFFICKING EXPENDITURES.

Deadlines.
Public
information.
Web posting.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and not later than October 1 of each of the following 5 years, the head of each Federal department or agency to which amounts are appropriated for the purpose of awarding grants for anti-trafficking in persons, and the head of each Federal department and agency contributing to the annual congressional earmark for counter-trafficking in persons, shall publish on the public website of the department or agency, with respect to the prior fiscal year—

(1) each obligation or expenditure of Federal funds for the purpose of combating human trafficking and forced labor; and

(2) subject to subsection (b), and with respect to each such obligation or expenditure, the name of a primary recipient, and any subgrantees, and their project location, activity, award amounts, and award periods.

Determination.

(b) **EXCEPTION FOR SECURITY CONCERNS.**—If the head of a Federal department or agency determines that a primary recipient or subgrantee for purposes of subsection (a) has a security concern—

(1) the award recipients shall not be publicly identified pursuant to subsection (a)(2); and

(2) only the activity, award amounts, and award periods shall be publicly listed pursuant to such subsection.

SEC. 132. SENSE OF CONGRESS REGARDING UNITED STATES COMPANIES ADOPTING COUNTER-TRAFFICKING-IN-PERSONS POLICIES.

Deadline.

It is the sense of Congress that—

(1) companies headquartered or doing business in the United States that are not small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) should adopt a written policy not later than 18 months after the date of the enactment of this Act that—

- (A) prohibits trafficking in persons;
- (B) is published annually; and
- (C) is accessible in a prominent place on their public website; and
- (2) such policy should expressly prohibit the company, its employees, or agents from—
 - (A) engaging in human trafficking;
 - (B) using forced labor for the development, production, shipping, or sale of its goods or services;
 - (C) destroying, concealing, confiscating, or otherwise denying access by an employee to the employee’s identity or immigration documents, such as passports or drivers’ licenses, regardless of issuing authority;
 - (D) using misleading or fraudulent practices during the recruitment of employees or offering of employment, such as—
 - (i) failing to disclose, in a format and language understood by the employee or potential employee, basic information; or
 - (ii) making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including—
 - (I) wages and fringe benefits;
 - (II) the location of work;
 - (III) the living conditions;
 - (IV) housing and associated costs (if employer- or agent-provided or arranged);
 - (V) any significant costs to be charged to the employee or potential employee; and
 - (VI) the hazardous nature of the work, if applicable;
 - (E) using recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
 - (F) providing or arranging housing that fails to meet the host country housing and safety standards; and
 - (G) failing to provide an employment contract, recruitment agreement, or other required work document—
 - (i) in writing—
 - (I) in a language the employee understands; or
 - (II) along with an independent interpreter if the document cannot be provided in a language the employee understands;
 - (ii) not later than 5 days before the employee relocates, if relocation is required to perform the work; and
 - (iii) that includes details about work description, wages, work locations, living accommodations and associated costs, time off, round-trip transportation arrangements, grievance processes, and the content of applicable laws and regulations that prohibit trafficking in persons.

Deadline.

SEC. 133. AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

Section 111(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g(b)(1)) is amended by striking “a victim of”

and all that follows and inserting “a victim of ‘child abuse and neglect’ and of ‘sexual abuse’ if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of human trafficking.”.

SEC. 134. SENSE OF CONGRESS REGARDING TIMELY SUBMISSION OF DEPARTMENT OF JUSTICE REPORTS.

It is the sense of Congress that—

(1) the Department of Justice has failed to meet its reporting requirements under title IV of the Trafficking Victims Protection Act of 2017 (34 U.S.C. 10101 et seq.); and

(2) progress on critical data collection about human trafficking and crime reporting are in jeopardy as a result of such failure and must be addressed immediately.

SEC. 135. SENSE OF CONGRESS ON CRITERIA FOR CLASSIFYING VICTIMS OF CHILD SEX TRAFFICKING.

It is the sense of Congress that—

(1) all States (including the District of Columbia) and territories should evaluate whether to eliminate the requirement for third-party control to properly qualify a child as a victim of sex trafficking, to—

(A) aid in the identification and prevention of child sex trafficking;

(B) protect children; and

(C) appropriately prosecute perpetrators to the fullest extent of the law; and

(2) a person is qualified as a victim of child sex trafficking if the person is a victim, as a child, of human trafficking.

SEC. 136. MISSING AND ABDUCTED FOSTER CHILDREN AND YOUTH.

It is the sense of Congress that—

(1) each State child welfare agency should—

(A) prioritize developing and implementing protocols to comply with section 471(a)(35) of the Social Security Act (42 U.S.C. 671(a)(35)), as amended by section 137; and

(B) report the information the agency receives about missing or abducted foster children and youth to the National Center on Missing and Exploited Children and to law enforcement authorities for inclusion in the Federal Bureau of Investigation’s National Crime Information Center database, in accordance with section 471(a)(34) of the Social Security Act (42 U.S.C. 671(a)(34));

(2) the reports described in paragraph (1)(B)—

(A) should be made immediately (and in no case later than 24 hours) after the information is received; and

(B) were required to be provided to the Secretary of Health and Human Services beginning on September 30, 2016; and

(3) according to section 471(a)(34) of such Act, each State child welfare agency was required to submit annual reports to the Secretary of Health and Human Services beginning on September 30, 2017, to notify the Secretary of the total number of children and youth who are victims of human trafficking.

SEC. 137. MODIFICATION TO STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE.

(a) **STATE PLAN AMENDMENT.**—Section 471(a)(35)(B) of the Social Security Act (42 U.S.C. 671(a)(35)(B)) is amended by striking the semicolon at the end and inserting the following: “(referred to in this subparagraph as “NCMEC”), and that the State agency shall maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child or youth, including by sharing information pertaining to the child’s or youth’s recovery and circumstances related to the recovery, and that the State report submitted to law enforcement agencies and NCMEC shall include where reasonably possible—

“(i) a photo of the missing or abducted child or youth;

“(ii) a description of the child’s or youth’s physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and

“(iii) endangerment information, such as the child’s or youth’s pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.”.

(b) EFFECTIVE DATE.—

42 USC 671 note.

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) **DELAY IF STATE LEGISLATION REQUIRED.**—In the case of a State plan under part E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

Determination.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. EXTENSION OF AUTHORIZATIONS UNDER THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.

Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “To carry out the purposes of sections 106(b) and 107(b),” and inserting “To carry out the purposes of sections 106(b) and 107(b) of this Act and section 429A of the Social Security Act,”; and

(B) in paragraph (2), by striking “2018 through 2021” and inserting “2023 through 2028”;

(2) in subsection (d)(3), by striking “\$11,000,000 to the Attorney General for each of the fiscal years 2018 through 2021” and inserting “\$11,000,000 to the Attorney General for each of the fiscal years 2023 through 2028”;

(3) in subsection (f), by striking “2018 through 2021.” and inserting “2023 through 2028”; and

(4) in subsection (i)—

(A) by striking “2018 through 2021” and inserting “2023 through 2028”; and

(B) by inserting “of which \$2,000,000 shall be made available each fiscal year for the establishment of a labor trafficking investigation team within the Department of Homeland Security Center for Countering Human Trafficking, and the remaining funds shall be used” after “expended.”.

Appropriation
authorization.
Time period.

SEC. 202. IMPROVING ENFORCEMENT OF SECTION 307 OF THE TARIFF ACT OF 1930.

There is authorized to be appropriated \$20,000,000, for each of fiscal years 2023 through 2028, to the Commissioner of U.S. Customs and Border Protection to strengthen the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

TITLE III—SEVERABILITY

22 USC 7103b
note.

SEC. 301. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

Approved January 5, 2023.

LEGISLATIVE HISTORY—S. 3949:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Dec. 20, considered and passed Senate.

Dec. 22, considered and passed House.



RULES SUBMITTED FOR REPEAL

Rule #1: Procedure IX-A4 – Regular Administrative
Hearing Process

PROCEDURE IX A4: Regular Administrative Hearing Process

08/2013

~~A Hearing Officer from the Appeals and Hearings Section will conduct the hearing in an informal but orderly manner. The Hearing Officer will explain the hearing procedure.~~

~~The petitioner may be accompanied by friends or other persons and may be represented by a friend, legal counsel, or other designated representative.~~

~~The hearing officer may not review material prior to the hearing unless the material is also made available to the petitioner or his representative.~~

~~The representative will read the Administrative Hearing Statement and will then present the Department's case, which includes introducing evidence and questioning witnesses subpoenaed to the hearing as well as cross-examining the petitioner's witnesses.~~

~~After completion of DCFS' case, the petitioner's case will be presented. This includes the opportunity to present witnesses, advance arguments, offer additional evidence, question the agency representative, and confront and cross-examine witnesses. Questioning of all parties will be confined to the issues involved.~~

~~In all cases, the petitioner will be advised of the right to judicial review in the event of an adverse ruling.~~

~~The ALJ may amend an investigative determination during (but not after) an administrative hearing to conform with the evidence presented. If the alleged offender could not reasonably infer the amended investigative determination from the investigative record and information submitted by the Division, the ALJ may grant a request for continuance to the alleged offender.~~

~~The hearing officer will prepare a hearing decision based on a comprehensive report of the proceedings. The format will consist of an Introduction, Findings of Fact, Conclusions of Law, and a Decision. Final administrative action must be completed within 180 calendar days from the receipt of the appeal by the Appeals and Hearings Section with the following exceptions:~~

- ~~A. The 180 day limit will not apply if upon request of any party a stay is granted as permitted pursuant to A.C.A. § 12-18-801 et seq. The Administrative Law Judge may stay the case upon a showing by any party that there is an ongoing criminal or delinquency investigation regarding the occurrence that is the subject of the child maltreatment report.~~
- ~~B. If a criminal or delinquency proceeding is filed regarding the occurrence that is the subject of the child maltreatment report and a request for a stay is accompanied by the written notification of the date the criminal or delinquency proceeding was filed by a party, the administrative hearing shall be stayed for a period of not more than one (1) year from the date the criminal or delinquency proceeding is filed.~~

- ~~1) The stay shall be lifted and the case set for a hearing upon the earlier of:~~

- ~~a) A petition and showing by any party that there is good cause to conduct the administrative hearing before the conclusion of the criminal or delinquency proceeding~~
- ~~b) The final disposition of the criminal or delinquency proceeding~~
- ~~c) The expiration of one (1) year from the date the criminal or delinquency proceeding was filed~~
- ~~2) A stay granted per the rules described above may be extended after the one (1) year expiration upon a written notice from the requesting party that the criminal or delinquency proceeding is still ongoing.~~
- ~~3) It is the duty of the petitioner to report the final disposition of the criminal or delinquency proceeding to the DHS Office of Appeals and Hearings for a stay as described above. The case shall be dismissed and the petitioner's name placed on the Child Maltreatment Central Registry if the petitioner fails to provide a file-marked copy of the final disposition of the criminal or delinquency proceeding within thirty days of the entry of the final disposition.~~

~~Delays in completing the administrative hearing that are attributable to either party shall not count against the limit of the 180 days if the administrative law judge determines that good cause for the delay is shown by the party requesting the delay and the request for delay is made in writing and delivered to the DHS Office of Appeals and Hearings and all other parties.~~

~~Failure to complete the hearing process in a timely fashion shall not deprive the department or a court reviewing the child maltreatment determination of jurisdiction to make a final agency determination or review a final agency determination pursuant to the Administrative Procedures Act.~~

~~If a court of competent jurisdiction adjudicates a question that is an issue to be determined by the DHS Office of Appeals and Hearings, the prevailing party to the judicial adjudication who is also a party to the administrative adjudication shall file a certified copy of the judicial adjudication with the office. The office shall determine whether and to what extent the judicial adjudication has preclusive effect on the administrative adjudication by applying the principles of claim preclusion and issue preclusion. The office shall not re-adjudicate any precluded issue. If the judicial adjudication is modified or reversed, the office shall determine whether and to what extent any issue in the administrative adjudication remains precluded and shall schedule a hearing with respect to any matter that is no longer precluded.~~

~~The decision becomes final unless appealed and subsequently overturned in a court of law.~~

~~Upon request by the petitioner, DCFS shall provide a list of persons who were told previously that the report was "True". The Family Service Worker will provide a copy of the administrative hearing order upon request by a subject of the report.~~