

115TH CONGRESS
2D SESSION

S. 3558

To provide for enhanced protections for vulnerable alien children, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2018

Ms. HIRONO (for herself, Ms. CORTEZ MASTO, Ms. HARRIS, Mr. MERKLEY,
Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. BOOKER, and Ms. SMITH) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on the Judiciary

A BILL

To provide for enhanced protections for vulnerable alien
children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Trafficking Vic-
5 tims Protection and Welfare Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPREHENDED PARENT OR LEGAL GUARD-
2 IAN.—The term “apprehended parent or legal
3 guardian” means an individual who is—

4 (A) the parent or legal guardian of a child;
5 and

6 (B) apprehended by the Secretary or the
7 personnel of a cooperating entity.

8 (2) BORDER.—The term “border” means an
9 international border of the United States.

10 (3) CHILD.—The term “child” means an indi-
11 vidual who—

12 (A) has not reached the age of 18 years;
13 and

14 (B) has no permanent immigration status
15 in the United States.

16 (4) CHILD WELFARE PROFESSIONAL.—Except
17 for purposes of section 3(a), the term “child welfare
18 professional” means an individual who—

19 (A) is licensed in social work by the State
20 welfare agency, and, if applicable, county wel-
21 fare agency, of the State and county in which
22 the port of entry or Border Patrol station at
23 which such individual is available pursuant to
24 section 3 is located;

1 (B) has direct experience working with
2 children; and

3 (C) is proficient in 1 or more of the most
4 common languages spoken by children apprehended at the applicable port of entry or Border Patrol station.

7 (5) COOPERATING ENTITY.—The term “cooperating entity” means a State or local entity acting pursuant to an agreement with the Secretary.

10 (6) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

12 (7) EXPERT IN CHILD DEVELOPMENT.—The
13 term “expert in child development” means an individual who has significant education and expertise
14 on infant, child, and adolescent development, and on
15 the effects of trauma on children.

17 (8) EXPERT IN CHILD WELFARE.—The term
18 “expert in child welfare” means an individual who
19 has—

20 (A) knowledge of Federal and State child
21 welfare laws and standards; and

22 (B) not less than 15 years of experience in
23 the field of child and adolescent development or
24 child welfare.

1 (9) EXPERT IN PEDIATRIC MEDICINE.—The
 2 term “expert in pediatric medicine” means—

3 (A) an individual qualified to practice pedi-
 4 atric medicine in 1 or more States; or

5 (B) an individual with an advanced degree
 6 in pediatric medicine on the faculty of an insti-
 7 tution of higher education in the United States.

8 (10) MIGRATION DETERRENCE PROGRAM.—The
 9 term “migration deterrence program” means an ac-
 10 tion relating to the repatriation or referral for pros-
 11 ecution of 1 or more individuals apprehended by the
 12 Secretary or a cooperating entity for a suspected or
 13 confirmed violation of the Immigration and Nation-
 14 ality Act (8 U.S.C. 1101 et seq.).

15 (11) SECRETARY.—The term “Secretary”
 16 means the Secretary of Homeland Security.

17 (12) UNACCOMPANIED ALIEN CHILD.—The
 18 term “unaccompanied alien child” has the meaning
 19 given the term in section 462(g) of the Homeland
 20 Security Act of 2002 (6 U.S.C. 279(g)).

21 **SEC. 3. CHILD WELFARE AT THE BORDER.**

22 (a) GUIDELINES.—The Secretary, in consultation
 23 with the Secretary of Health and Human Services, experts
 24 in child development, experts in child welfare, experts in
 25 pediatric medicine, and the American Bar Association

1 Center on Children and the Law, shall develop guidelines
2 for the treatment of children in the custody of the Com-
3 missioner of U.S. Customs and Border Protection (CBP).

4 (b) MANDATORY TRAINING.—The Secretary, in con-
5 sultation with the Secretary of Health and Human Serv-
6 ices, shall—

7 (1) require all U.S. Customs and Border Pro-
8 tection personnel, and cooperating entity personnel,
9 who have contact with a child at a port of entry or
10 Border Patrol station to undergo appropriate train-
11 ing, which shall include live training, on the applica-
12 ble legal authorities, policies, practices, and proce-
13 dures relating to children; and

14 (2) require U.S. Customs and Border Protec-
15 tion personnel to undertake periodic and continuing
16 training on best practices and changes in relevant
17 legal authorities, policies, and procedures applicable
18 in connection with subsection (a) and paragraph (1).

19 (c) QUALIFIED RESOURCES.—

20 (1) IN GENERAL.—The Secretary shall provide
21 resources and staff who are adequately trained and
22 qualified to address the needs of children, including
23 child welfare professionals, at each port of entry and
24 Border Patrol station, in accordance with subsection
25 (d).

1 (2) SUFFICIENT STAFFING.—The Secretary
2 shall ensure that sufficient qualified child welfare
3 professionals are available at each port of entry and
4 Border Patrol station to accomplish the duties de-
5 scribed in this section without prolonging the time
6 children and apprehended parents and legal guard-
7 ians remain in the custody of the Commissioner of
8 U.S. Customs and Border Protection.

9 (3) CHILD WELFARE EXPERTISE.—The Sec-
10 retary, in consultation with the Secretary of Health
11 and Human Services, shall hire, or seek to enter into
12 contracts with, independent child welfare profes-
13 sionals in order to do the following:

14 (A) To provide child welfare expertise on-
15 site on a full-time basis at any port of entry or
16 Border Patrol station that has had not fewer
17 than 25 children in custody—

18 (i) on any day during the preceding
19 fiscal year; or

20 (ii) during the current fiscal year,
21 based on a review of monthly statistical re-
22 ports during the current fiscal year.

23 (B) To provide child welfare expertise by
24 telephone on an on-call basis to U.S. Customs
25 and Border Protection staff at any port of

1 entry or Border Patrol station that is not de-
2 scribed in subparagraph (A).

3 (C) With respect to a port of entry or Bor-
4 der Patrol station that is described in subpara-
5 graph (A) but is without on-site expertise as re-
6 quired by such subparagraph during a period of
7 not more than 90 days in which the Secretary,
8 in consultation with the Secretary of Health
9 and Human Services, is in the process of hiring
10 or seeking to enter into a contract with an on-
11 site independent child welfare professional, to
12 provide child welfare expertise by telephone on
13 an on-call basis to U.S. Customs and Border
14 Protection staff.

15 (d) CHILD WELFARE PROFESSIONALS.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Secretary of Health and Human Serv-
18 ices, shall ensure that 1 or more qualified child wel-
19 fare professionals with expertise in culturally com-
20 petent, trauma-centered, and developmentally appro-
21 priate interviewing skills is available at each port of
22 entry and Border Patrol station.

23 (2) INTERPRETER REQUIRED.—In a case in
24 which a child welfare professional at a port of entry
25 or Border Patrol station does not speak the lan-

1 guage of a child in custody at such port of entry or
2 station, the Secretary shall provide an interpreter.

3 (3) DUTIES.—A child welfare professional de-
4 scribed in paragraph (1) shall—

5 (A) ensure that—

6 (i) any allegation of abuse or mis-
7 treatment of a child in the custody of U.S.
8 Customs and Border Protection is referred
9 to the appropriate Federal and State au-
10 thorities; and

11 (ii) the Commissioner of U.S. Cus-
12 toms and Border Protection and the Direc-
13 tor of the Office of Refugee Resettlement
14 comply with applicable child abuse report-
15 ing laws, including by—

16 (I) ensuring that children in such
17 custody have access to applicable com-
18 plaint mechanisms to report abuse or
19 misconduct;

20 (II) reporting any allegation of
21 abuse or mistreatment to—

22 (aa) the applicable Federal
23 and State authorities;

24 (bb) the Office of Inspector
25 General of the Department;

1 (cc) the Office for Civil
2 Rights and Civil Liberties of the
3 Department;

4 (dd) the Internal Affairs Of-
5 fice of U.S. Customs and Border
6 Protection; and

7 (ee) the Office of Refugee
8 Resettlement; and

9 (III) providing notice to federally
10 subcontracted legal service providers
11 in the applicable geographical area
12 with respect to any child in such cus-
13 tody who has made an allegation of
14 abuse or mistreatment; and

15 (IV) directing the legal service
16 providers described in subclause (III)
17 to relevant information relating to the
18 availability of immigration and admin-
19 istrative relief for individuals with
20 pending civil rights complaints;

21 (B) conduct screening of each child in such
22 custody in accordance with section 235(a)(4) of
23 the William Wilberforce Trafficking Victims
24 Protection Reauthorization Act of 2008 (8
25 U.S.C. 1232(a)(4));

1 (C) with respect to a child who may meet
2 the notification and transfer requirements
3 under subsections (a) and (b) of section 235 of
4 the William Wilberforce Trafficking Victims
5 Protection Reauthorization Act of 2008 (8
6 U.S.C. 1232), including a child for whom a de-
7 termination cannot be made, notify the Sec-
8 retary and the Director of the Office of Refugee
9 Resettlement of the presence of such child at
10 the port of entry or Border Patrol station;

11 (D) provide to the Director of U.S. Immi-
12 gration and Customs Enforcement a best inter-
13 est placement recommendation for each accom-
14 panied child and family that—

15 (i) considers—

16 (I) the best interests of the child;

17 and

18 (II) applicable law; and

19 (ii) favors a policy of release;

20 (E) interview any adult relative accom-
21 panying a child, including any sibling, grand-
22 parent, aunt, uncle, or cousin of the child;

23 (F) for each unaccompanied alien child in
24 such custody, provide to the Director of the Of-
25 fice of Refugee Resettlement—

1 (i) an initial family relationship and
2 trafficking assessment, which shall be con-
3 ducted in accordance with the timeframe
4 under subsections (a)(4) and (b)(3) of sec-
5 tion 235 of the William Wilberforce Traf-
6 ficking Victims Protection Reauthorization
7 Act of 2008 (8 U.S.C. 1232); and

8 (ii) recommendations for the initial
9 placement of the child;

10 (G) pursuant to procedures developed by
11 the Secretary, maintain the best interests of
12 children in any migration deterrence program
13 for family units carried out at a border, includ-
14 ing by—

15 (i) inquiring whether a child is trav-
16 eling with a parent, sibling, or legal guard-
17 ian;

18 (ii) ascertaining whether the detention
19 or removal from the United States of an
20 apprehended parent or legal guardian of a
21 child presents a humanitarian concern or a
22 concern relating to the physical safety of
23 the apprehended parent or legal guardian;

24 (iii) in the case of a family separation,
25 ensuring that—

1 (I) each member of the family is
2 provided with a telephone number for
3 each other member of the family;

4 (II) the apprehended parent or
5 legal guardian is afforded the oppor-
6 tunity to speak with the child of the
7 apprehended parent or legal guardian
8 not fewer than 3 times weekly, includ-
9 ing not fewer than 1 video conference;

10 (III) for each child of the appre-
11 hended parent or legal guardian, the
12 apprehended parent or legal guard-
13 ian—

14 (aa) knows—

15 (AA) the location of the
16 child; and

17 (BB) the date and loca-
18 tion of each scheduled immi-
19 gration court proceeding of
20 the child; and

21 (bb) is provided with up-
22 dated information if the location
23 of the child or a scheduled immi-
24 gration court proceeding of the
25 child changes; and

1 (IV) the location and contact in-
2 formation for the apprehended parent
3 or legal guardian is maintained on
4 file;

5 (V) before separation, each child
6 is provided with an opportunity to say
7 goodbye to the apprehended parent or
8 legal guardian; and

9 (VI) with respect to the health of
10 the child, the apprehended parent or
11 legal guardian—

12 (aa) is able, before separa-
13 tion, to communicate to per-
14 sonnel of the Department the
15 medical history and any known
16 illness of the child; and

17 (bb) is informed of any med-
18 ical treatment administered to
19 the child, including psychotropic
20 drugs, during the period in which
21 the child is in the custody of the
22 Director of the Office of Refugee
23 Resettlement; and

24 (iv) ensuring that, with respect to a
25 decision relating to the removal from the

1 United States or referral for prosecution of
2 an apprehended parent or legal guardian—

3 (I) consideration is given to—

4 (aa) the best interests of the
5 child of the apprehended parent
6 or legal guardian;

7 (bb) family unity, to the
8 maximum extent possible; and

9 (cc) any other public interest
10 factor, including a humanitarian
11 concern and a concern relating to
12 the physical safety of the appre-
13 hended parent or legal guardian;
14 and

15 (II) the apprehended parent or
16 legal guardian and the child have ac-
17 cess to legal counsel; and

18 (H) coordinate with the Consulate of Mex-
19 ico to ensure the safe repatriation of any child
20 who is a citizen of Mexico.

21 (4) PRESERVATION OF CONFIDENTIALITY.—

22 Each child welfare professional shall maintain the
23 privacy and confidentiality of all information gath-
24 ered in the course of providing care, custody, place-
25 ment, and follow-up services to a child pursuant to

1 this subsection, consistent with the best interest of
2 the child, by not disclosing such information to other
3 Federal agencies or nonparental third parties unless
4 such disclosure—

5 (A) is in the best interest of the child;

6 (B) is in writing;

7 (C) includes an explanation of the jus-
8 tification for the disclosure;

9 (D) is included in the file of the child; and

10 (E) is either—

11 (i) authorized by the child or an ap-
12 proved sponsor of the child, in accordance
13 with section 235 of the William Wilber-
14 force Trafficking Victims Protection Reau-
15 thorization Act of 2008 (8 U.S.C. 1232)
16 and the Health Insurance Portability and
17 Accountability Act (Public Law 104–191;
18 110 Stat. 1936); or

19 (ii) provided to a duly recognized law
20 enforcement entity to prevent imminent
21 and serious harm to another individual.

22 (e) PROHIBITION ON SEPARATION.—The Secretary
23 may not remove a child from a parent or legal guardian
24 solely for a purpose as follows:

1 (1) The purpose of furthering the policy objec-
2 tive of deterring individuals from migrating to the
3 United States.

4 (2) The purpose of furthering the policy objec-
5 tive of promoting compliance with the immigration
6 laws.

7 (f) FAMILY UNIT TRACKING NUMBER.—

8 (1) IN GENERAL.—The Secretary shall assign a
9 family unit tracking number to each member of an
10 apprehended family unit, including—

11 (A) an apprehended spouse;

12 (B) an apprehended parent or legal guard-
13 ian;

14 (C) a child of an apprehended parent or
15 legal guardian; and

16 (D) a sibling group.

17 (2) REQUIREMENTS.—The Secretary shall en-
18 sure that a family unit tracking number—

19 (A) is transferrable;

20 (B) may be shared easily among the data
21 systems of—

22 (i) U.S. Customs and Border Protec-
23 tion;

24 (ii) U.S. Immigration and Customs
25 Enforcement; and

1 (iii) the Office of Refugee Resettle-
2 ment; and

3 (C) is included on the paperwork of each
4 member of an apprehended family unit and is
5 not deleted or altered.

6 (g) MONITORING.—The Secretary shall—

7 (1) allow humanitarian organizations and State
8 and local child welfare agencies in the jurisdiction in
9 which an apprehended child is located to conduct at
10 least 1 monthly unannounced, independent inspec-
11 tion of any Department facility that houses 1 or
12 more children; and

13 (2) in consultation with 1 or more child welfare
14 professionals, for the purpose of human rights moni-
15 toring, develop procedures to provide nongovern-
16 mental organizations regular access to any facility in
17 which 1 or more children is housed.

18 (h) REPORT.—

19 (1) IN GENERAL.—Not later than 18 months
20 after the date of enactment of this Act, and every
21 fiscal quarter thereafter, the Secretary shall submit
22 to the Committee on the Judiciary, the Committee
23 on Homeland Security and Governmental Affairs,
24 and the Committee on Health, Education, Labor,
25 and Pensions of the Senate and the Committee on

1 the Judiciary, the Committee on Oversight and Gov-
2 ernment Reform, and the Committee on Education
3 and the Workforce of the House of Representatives
4 a report that, for the preceding fiscal quarter—

5 (A) describes the procedures used by child
6 welfare professionals under this section to
7 screen unaccompanied alien children and chil-
8 dren accompanied by a parent or legal guard-
9 ian;

10 (B) assesses the effectiveness of such
11 screenings;

12 (C) includes data on all children screened
13 by child welfare professionals under this sec-
14 tion, including—

15 (i) the number and location of chil-
16 dren in the physical custody of the Depart-
17 ment;

18 (ii) the number of children transferred
19 to the custody of the Secretary of Health
20 and Human Services;

21 (iii) the number of children appre-
22 hended together with a parent or legal
23 guardian;

24 (iv) the number of children separated
25 from a parent or legal guardian by the De-

1 partment and the reason for such separa-
2 tion; and

3 (v) the number of children removed
4 from the United States and the countries
5 of nationality of such children; and

6 (D) includes documentation of—

7 (i) compliance with the guidelines de-
8 veloped pursuant to this section;

9 (ii) instances of noncompliance with
10 such guidelines; and

11 (iii) actions taken to correct non-
12 compliance with such guidelines.

13 (2) LIMITATION.—The data under paragraph
14 (1)(C) shall not include the personally identifiable
15 information of any child.

16 (i) IMMEDIATE NOTIFICATION.—With respect to a
17 child in the custody of the Secretary, to effectively and
18 efficiently coordinate the transfer of the child to and place-
19 ment of the child with the Director of the Office of Ref-
20 ugee Resettlement, the Secretary shall notify the Director
21 of the Office of Refugee Resettlement as soon as prac-
22 ticable, but not later than 48 hours after the time at which
23 the Secretary encounters the child.

24 (j) STANDARDS OF CARE FOR SHORT-TERM CUS-
25 TODY OF CHILDREN.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary, in consultation with the head of the Office
4 for Civil Rights and Civil Liberties of the Depart-
5 ment, shall promulgate regulations establishing basic
6 standards of care for the short-term custody of chil-
7 dren by the Commissioner of U.S. Customs and Bor-
8 der Protection.

9 (2) REQUIREMENTS.—The regulations promul-
10 gated pursuant to paragraph (1) shall ensure that
11 all children in the custody of the Commissioner of
12 U.S. Customs and Border Protection, while in such
13 custody—

14 (A) receive emergency medical care, as
15 necessary;

16 (B) receive emergency medical and mental
17 health care in compliance with section 8(c) of
18 the Prison Rape Elimination Act of 2003 (42
19 U.S.C. 15607(c)), as necessary, including in
20 any case in which a child is at risk of harming
21 himself or herself or others;

22 (C) are provided—

23 (i) continual access to potable water;

24 (ii) a climate-appropriate environ-
25 ment;

- 1 (iii) climate-appropriate clothing and
2 shoes;
- 3 (iv) access to bathroom facilities and
4 hygiene items, including soap, feminine hy-
5 giene products, toothpaste, toothbrushes
6 and towels, and, in the case of any child in
7 such custody for more than 24 hours,
8 showers;
- 9 (v) a pillow;
- 10 (vi) linens;
- 11 (vii) sufficient blankets to rest at a
12 comfortable temperature;
- 13 (viii) in the case of any child in such
14 custody for more than 12 hours, access to
15 a bed and adequate bedding; and
- 16 (ix) a location to sleep in which the
17 lights are dimmed;
- 18 (D)(i) are offered food at the time at
19 which the Commissioner of U.S. Customs and
20 Border Protection obtains custody of the child;
21 and
- 22 (ii) receive adequate nutrition, including
23 not fewer than 3 daily meals that include 1 or
24 more fruits or vegetables;

1 (E) have a safe and sanitary living envi-
2 ronment;

3 (F) in the case of any child in such cus-
4 tody for more than 24 hours, have access to
5 daily recreational programs and activities, in-
6 cluding recreational time outdoors;

7 (G) have regular access to legal services
8 and consular officials in person and tele-
9 phonically; and

10 (H) are permitted to make supervised
11 video conference calls, if available, and tele-
12 phone calls to family members.

13 (k) ENSURING CHILDREN HAVE ACCESS TO LEGAL
14 RIGHTS.—

15 (1) IN GENERAL.—The Secretary shall ensure
16 that each child, on apprehension, is provided—

17 (A) an interview and screening with a child
18 welfare professional as described in subsection
19 (d); and

20 (B) a video orientation and oral and writ-
21 ten notice, in a language understood by the
22 child, of the rights of the child under the Immi-
23 gration and Nationality Act (8 U.S.C. 1101 et
24 seq.), including—

25 (i) the right to relief from removal;

1 (ii) the right—

2 (I) to confer with counsel under
3 section 292 of such Act (8 U.S.C.
4 1362); and

5 (II) to have access to family or
6 friends while in the temporary custody
7 of the Department; and

8 (iii) the applicable complaint mecha-
9 nism to report any abuse, mistreatment, or
10 misconduct.

11 (2) LANGUAGES.—The Secretary shall ensure
12 that, at each location at which 1 or more children
13 are held in custody, the video orientation described
14 in paragraph (1)(B) is available in English and the
15 5 most common native languages spoken by children
16 held in custody at that location during the preceding
17 fiscal year.

18 (3) ACCESS TO LEGAL COUNSEL.—The Sec-
19 retary shall ensure that each apprehended parent or
20 legal guardian and each child is provided access to
21 1 or more nongovernmental organizations that pro-
22 vide legal assistance.

23 (l) CHILD PROTECTION POLICIES.—With respect to
24 children, the Secretary shall adopt fundamental child pro-
25 tection policies and procedures—

1 (1) to make reliable age determinations, devel-
2 oped in consultation with experts in the physio-
3 logical, cognitive, and emotional development of chil-
4 dren and experts in pediatric medicine, which shall
5 exclude the use of fallible forensic testing of the
6 bones and teeth of children;

7 (2) to use all legal authorities to defer the re-
8 moval from the United States of a child who faces
9 a risk of life-threatening harm on return, including
10 harm due to the mental health or medical condition
11 of the child; and

12 (3) to ensure, in accordance with the Juvenile
13 Justice and Delinquency Prevention Act of 1974 (42
14 U.S.C. 5601 et seq.), that a child in custody of the
15 Secretary is separated physically, and by sight and
16 sound, from any—

17 (A) immigration detainee or inmate with
18 criminal convictions;

19 (B) pretrial inmate facing criminal pros-
20 ecution; and

21 (C) inmate exhibiting violent behavior.

22 (m) PRESERVATION OF RECORDS.—The Secretary
23 shall preserve all records associated with children in the
24 custody of the Commissioner of U.S. Customs and Border
25 Protection, including records as follows:

1 (1) Records containing information on the iden-
2 tity of any child, and, if accompanied by any family
3 member, on the identity of such family member.

4 (2) Records associated with reported incidents
5 of abuse of children while in custody.

6 (n) TRANSFER OF FUNDS.—

7 (1) AUTHORIZATION.—The Secretary, in ac-
8 cordance with a written agreement between the Sec-
9 retary and the Secretary of Health and Human
10 Services, to the extent and in such amounts as are
11 provided in advance in appropriations Acts, shall
12 transfer from amounts appropriated for U.S. Cus-
13 toms and Border Protection to the Department of
14 Health and Human Services such amounts as may
15 be necessary to carry out the duties described in
16 subsections (c) and (d)(3).

17 (2) REPORT.—Not later than 15 days before
18 the date of any proposed transfer under paragraph
19 (1), the Secretary of Health and Human Services, in
20 consultation with the Secretary, shall submit to the
21 Committee on Appropriations of the Senate and the
22 Committee on Appropriations of the House of Rep-
23 resentatives a detailed expenditure plan that de-
24 scribes the actions proposed to be taken with the
25 amounts transferred under such paragraph.

1 **SEC. 4. SAVINGS PROVISIONS.**

2 (a) FEDERAL LAW.—Nothing in this Act may be con-
3 strued to supersede or modify—

4 (1) the William Wilberforce Trafficking Victims
5 Protection Act of 2008 (8 U.S.C. 1232 et seq.);

6 (2) the Stipulated Settlement Agreement filed
7 in the United States District Court for the Central
8 District of California on January 17, 1997 (CV 85–
9 4544–RJK) (commonly known as the “Flores Settle-
10 ment Agreement”);

11 (3) the Homeland Security Act of 2002 (6
12 U.S.C. 101 et seq.); or

13 (4) any applicable Federal child welfare law, in-
14 cluding the Adoption and Safe Families Act of 1997
15 (Public Law 105–89).

16 (b) STATE LAW.—Nothing in this Act may be con-
17 strued to supersede or modify any applicable State child
18 welfare law.

○