

110TH CONGRESS  
1ST SESSION

# H. R. 2518

To implement certain measures to increase the effectiveness of international child abduction remedies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Mr. LAMPSON (for himself, Mr. CHABOT, Mr. CRAMER, Mr. AL GREEN of Texas, Mr. JEFFERSON, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. CUELLAR, Mr. MITCHELL, Mr. HINOJOSA, Ms. LORETTA SANCHEZ of California, Mr. GENE GREEN of Texas, Ms. ZOE LOFGREN of California, Mr. WALZ of Minnesota, Mr. HILL, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. KIND, Mr. GONZALEZ, Mr. PASTOR, Mr. LOEBSACK, Mr. KAGEN, Mr. HODES, and Mr. PERLMUTTER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To implement certain measures to increase the effectiveness of international child abduction remedies, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bring Our Children  
3 Home Act”.

4 **SEC. 2. AMENDMENT TO THE MISSING CHILDREN’S ASSIST-**  
5 **ANCE ACT.**

6 Section 403(1) of the Missing Children’s Assistance  
7 Act (42 U.S.C. 5772(1)) is amended—

8 (1) in the matter preceding subparagraph (A)  
9 by striking “whose whereabouts are unknown to  
10 such individual’s legal custodian if”,

11 (2) in subparagraphs (A), (B), and (C)—

12 (A) by redesignating such subparagraphs  
13 as clauses (i), (ii), and (iii), respectively, and

14 (B) by indenting the left margin of such  
15 subparagraphs 2 ems to the right,

16 (3) by inserting before clause (i), as so redesign-  
17 nated, the following:

18 “(A) whose whereabouts is unknown to  
19 such individual’s legal custodian if—”, and

20 (4) by adding at the end the following:

21 “(B) whose whereabouts is known to such  
22 individual’s legal custodian from whose control  
23 such child—

24 “(i) was removed in violation of law;

25 or

1                   “(ii) is believed by such custodian to  
2                   have been taken out of the United States  
3                   without the consent of such custodian by,  
4                   or for the benefit of, an individual who  
5                   may possibly claim custodial rights with re-  
6                   spect to such child;”.

7 **SEC. 3. INVESTIGATIVE ASSISTANCE TO LAW ENFORCE-**  
8 **MENT AGENCIES TO LOCATE ALIEN CHIL-**  
9 **DREN MISSING IN THE UNITED STATES.**

10           The Attorney General shall make available to State  
11 and local law enforcement agencies, information describing  
12 the methods and procedures available to them to institute  
13 or assist an investigative search for an alien child who is  
14 believed to be in the United States and who is the subject  
15 of—

16                   (1) an application under the Hague Convention  
17                   on the Civil Aspects of International Parental Child  
18                   Abduction, or

19                   (2) an Interpol yellow notice.

20 **SEC. 4. STATE REQUIREMENTS.**

21           Section 3702 of the Crime Control Act of 1990 (42  
22 U.S.C. 5780) is amended—

23                   (1) in paragraph (2) by striking “and” at the  
24                   end, and

25                   (2) in paragraph (3)—

1 (A) in subparagraph (B) by striking “and”  
2 at the end,

3 (B) in subparagraph (C) by striking the  
4 period at the end and inserting “; and”, and

5 (C) by inserting after subparagraph (C)  
6 the following:

7 “(D) a statement specifying whether the  
8 child is believed to have been taken outside of  
9 the United States;”.

10 **SEC. 5. AMENDMENTS TO INTERNATIONAL CHILD ABDUC-**  
11 **TION REMEDIES ACT.**

12 (a) LEGAL ASSISTANCE, TECHNICAL ASSISTANCE,  
13 AND TRAINING.—Section 7 of the International Child Ab-  
14 duction Remedies Act (42 U.S.C. 11606) is amended by  
15 adding at the end the following new subsections:

16 “(g) LEGAL ASSISTANCE FOR VICTIMS OF PARENTAL  
17 KIDNAPPING GRANTS.—

18 “(1) FUNDING TO LEGAL SERVICES PRO-  
19 VIDERS.—The United States Central Authority shall  
20 establish a program to provide funding to legal serv-  
21 ices providers, including private attorneys, public of-  
22 ficials acting pursuant to the Uniform Child Custody  
23 Jurisdiction and Enforcement Act, legal aid pro-  
24 grams, and law school clinical programs, to provide  
25 direct legal or advocacy services on behalf of persons

1 seeking remedies under the Convention, or other  
2 civil or criminal remedies in interstate or inter-  
3 national parental kidnapping cases.

4 “(2) TRAINING AND TECHNICAL ASSISTANCE.—  
5 The United States Central Authority, directly or  
6 through grants, shall provide training and technical  
7 assistance to recipients of funds under paragraph  
8 (1) to improve their capacity to offer legal assistance  
9 described in paragraph (1).

10 “(h) TECHNICAL ASSISTANCE.—The United States  
11 Central Authority shall encourage the Chief Justice of  
12 every State and the District of Columbia to designate a  
13 single court, or a limited number of courts, in which cases  
14 brought under the Convention may be heard. The United  
15 States Central Authority may provide technical assistance  
16 (including computers and Internet access) as necessary to  
17 foster consolidation of jurisdiction and implementation of  
18 the Convention, consistent with the purposes of the Con-  
19 vention.

20 “(i) TRAINING.—The United States Central Author-  
21 ity shall provide or promote training of State court judges,  
22 lawyers, and law students on the civil and criminal laws  
23 pertaining to interstate and international parental kidnap-  
24 ping. To carry out this subsection, the United States Cen-  
25 tral Authority may make available funds under subsection

1 (e) to State judicial educators, national, State, and local  
2 bar associations, and law schools. The United States Cen-  
3 tral Authority shall require recipients of such funds to re-  
4 port on the training programs they present, including the  
5 number of participants.”.

6 (b) LEGAL SERVICES CORPORATION.—The Legal  
7 Services Corporation may use funds made available to the  
8 Corporation for programs to represent aliens in pro-  
9 ceedings brought in the United States under the Conven-  
10 tion—

11 (1) if the individuals to whom the representa-  
12 tion is provided otherwise meet the criteria of the  
13 Corporation for eligible clients under the Legal Serv-  
14 ices Corporation Act; and

15 (2) whether or not such individuals are resident  
16 in the United States.

17 (c) COURT COSTS.—Section 8(b) of the International  
18 Child Abduction Remedies Act (42 U.S.C. 11607(b)) is  
19 amended to read as follows:

20 “(b) COSTS INCURRED IN CIVIL ACTIONS.—

21 “(1) PAYMENT OF COURT COSTS BY CEN-  
22 TRAL AUTHORITY.—The Central Authority shall  
23 establish a program under which it provides, di-  
24 rectly to the court or to petitioners and re-  
25 spondents, the funds necessary to pay the court

1 costs of petitioners and respondents in actions  
2 brought under section 4, including court fees  
3 and the cost of translation services, expert wit-  
4 ness testimony, and transcription services.

5 “(2) COSTS OF LEGAL COUNSEL AND  
6 TRAVEL.—Petitioners may be required to bear  
7 the costs of legal counsel or advisors and travel  
8 costs for the return of the child involved and  
9 any accompanying persons, except as provided  
10 in paragraphs (3) and (4).

11 “(3) PAYMENTS FROM OTHER SOURCES.—  
12 Subject to paragraph (4), legal fees incurred in  
13 connection with an action brought under section  
14 4 shall be borne by the petitioner unless they  
15 are covered by payments from Federal, State,  
16 or local legal assistance or other programs.

17 “(4) COSTS BORNE BY PETITIONER.—Any  
18 court ordering the return of a child pursuant to  
19 an action brought under section 4 shall order  
20 the respondent to pay necessary expenses in-  
21 curred by or on behalf of the petitioner (other  
22 than court costs for which the Central Author-  
23 ity pays under paragraph (1)), including legal  
24 fees, foster home or other care during the  
25 course of proceedings in the action, and trans-

1           portation costs related to the return of the  
2           child, unless the respondent establishes that  
3           such order would be clearly inappropriate.”.

4           (d) FEDERAL JUDICIAL CENTER.—Section 620 of  
5 title 28, United States Code, is amended by adding at the  
6 end the following:

7           “(c) CONTINUING EDUCATION AND TRAINING PRO-  
8 GRAMS.—The Center shall include in its continuing edu-  
9 cation and training programs under subsection (b)(3), in-  
10 cluding the training programs for newly appointed judges,  
11 information on the Hague Convention on the Civil Aspects  
12 of International Child Abduction, the International Child  
13 Abduction Remedies Act, the International Parental Kid-  
14 napping Crime Act of 1993, and other Federal statutes  
15 pertaining to parental kidnapping within the jurisdiction  
16 of the Federal courts, and shall prepare materials nec-  
17 essary to carry out this subsection.”.

18 **SEC. 6. REPORTS RELATING TO INTERNATIONAL CHILD AB-**  
19 **DUCTION.**

20           (a) REPORT ON PROGRESS IN NEGOTIATING BILAT-  
21 ERAL TREATIES WITH NON-HAGUE CONVENTION COUN-  
22 TRIES.—The Secretary of State shall prepare and submit  
23 to the Congress an annual report on progress made by  
24 the United States in negotiating and entering into bilat-  
25 eral treaties (or other international agreements) relating



1 to international child abduction with countries that are not  
2 contracting parties to the Hague Convention on the Civil  
3 Aspects of International Child Abduction.

4 (b) REPORT ON HUMAN RIGHTS PRACTICES.—(1)  
5 Section 116(d) of the Foreign Assistance Act of 1961 (22  
6 U.S.C. 2151n(d)) is amended—

7 (A) in paragraph (7), by striking “and” at the  
8 end and inserting a semicolon;

9 (B) in paragraph (8), by striking the period at  
10 the end and inserting “; and”; and

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

12 “(9) the status of efforts in each country to  
13 prohibit international child abduction, including—

14 “(A) efforts to expedite the return of chil-  
15 dren to the country of their habitual residence;  
16 and

17 “(B) the extent to which the country re-  
18 spects the rights of custody and of access under  
19 the laws of other countries.”.

20 (2) Section 502B(b) of the Foreign Assistance Act  
21 of 1961 (22 U.S.C. 2304(b)) is amended by inserting after  
22 the sixth sentence the following: “Each report under this  
23 section shall include information on the status of efforts  
24 in each country to prohibit international child abduction,  
25 including efforts to expedite the return of children to the

1 country of their habitual residence and the extent to which  
2 the country respects the rights of custody and of access  
3 under the laws of other countries.”.

4 (c) REPORT ON ENFORCEMENT OF SECTION 1204 OF  
5 TITLE 18, UNITED STATES CODE.—The Attorney Gen-  
6 eral, in consultation with the Secretary of State, shall pre-  
7 pare and submit to the Congress an annual report that  
8 contains a description of the status of each case involving  
9 a request during the preceding year for extradition to the  
10 United States of an individual alleged to have violated sec-  
11 tion 1204 of title 18, United States Code.

12 **SEC. 7. STUDY ON COOPERATION OF AIRLINE INDUSTRY.**

13 (a) STUDY.—The Secretary of Transportation shall  
14 conduct a study of—

15 (1) the extent to which the domestic and for-  
16 eign airline industries cooperate with the investiga-  
17 tion of international child abduction cases, including  
18 cooperation with the Department of State, the De-  
19 partment of Justice, and the National Center for  
20 Missing & Exploited Children; and

21 (2) any practices and procedures necessary to  
22 improve the ability of the domestic and foreign air-  
23 line industries to cooperate with the investigation of  
24 international child abduction cases.

1 (b) REPORT.—Not later than one year after the date  
2 of the enactment of this Act, the Secretary of Transpor-  
3 tation shall submit to Congress a report on the results  
4 of the study conducted under subsection (a).

5 **SEC. 8. ADDITIONAL FUNDS FOR THE INVESTIGATION AND**  
6 **PROSECUTION OF PARENTAL KIDNAPPING.**

7 In addition to funds otherwise authorized to be ap-  
8 propriated for the activities described in this section, there  
9 are authorized to be appropriated to the Child Exploi-  
10 tation and Obscenity Section of the Department of Justice  
11 for each of the fiscal years 2009 through 2012 such sums  
12 as may be necessary for the investigation and prosecution  
13 of violations of section 1204 of title 18, United States  
14 Code.

15 **SEC. 9. AUTHORIZATION OF FUNDS FOR EXTRADITION.**

16 There are authorized to be appropriated for each of  
17 fiscal years 2009 through 2012 such funds as may be nec-  
18 essary for the costs of extraditing individuals from foreign  
19 countries to the United States for violations of laws in  
20 the United States by reason of unlawfully removing a child  
21 from the child's custodial parent.

22 **SEC. 10. GRANTS FOR TRAVEL COSTS ASSOCIATED WITH**  
23 **THE SAFE RETURN OF ABDUCTED CHILDREN.**

24 (a) PROGRAM AUTHORIZED.—The Director of the  
25 Office of Victims of Crime of the Department of Justice

1 shall, subject to the availability of appropriations, estab-  
2 lish a Victim Travel in International Reunification Cases  
3 program to award grants to the National Center for Miss-  
4 ing & Exploited Children to reimburse parents, guardians,  
5 law enforcement, and other individuals, as appropriate, for  
6 travel costs related to the safe return of children from the  
7 United States who have been abducted and taken to for-  
8 eign countries.

9 (b) USE OF GRANT FUNDS.—Travel costs under sub-  
10 section (a) that are reimbursed using funds under this sec-  
11 tion may include airfare and daily subsistence costs, in-  
12 cluding lodging, meals, and ground transportation.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$250,000 for each of the fiscal years 2009 through 2012.

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