

106TH CONGRESS  
2D SESSION

# H. R. 5456

To amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2000

Mr. LAMPSON (for himself, Mr. OSE, Mr. SHIMKUS, Mrs. MALONEY of New York, Mr. BARRETT of Wisconsin, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Mr. BENTSEN, Mr. STRICKLAND, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. REYES, Ms. DELAURO, Mr. BORSKI, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. MASCARA, Ms. HOOLEY of Oregon, Mr. WU, Mr. PHELPS, Mr. FOLEY, Mr. POMEROY, Mr. SANDLIN, Mr. ACKERMAN, Mr. LUTHER, Mr. BROWN of Ohio, Mr. CRAMER, Mr. FATTAH, Mr. GEORGE MILLER of California, Ms. LEE, Mr. ROTHMAN, Mr. LARSON, Mr. FROST, Mr. GREEN of Texas, Mr. GEJDENSON, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. SPRATT, Ms. BERKLEY, Mr. ENGEL, Mrs. CLAYTON, Mr. CONYERS, Mr. THOMPSON of California, Mr. GILMAN, Ms. GRANGER, Mr. ORTIZ, Mr. HINOJOSA, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Ms. BALDWIN, Mr. CHABOT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. HOFFFEL, Mr. KILDEE, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. WEXLER, Mr. TIERNEY, Mr. KIND, Mr. BALDACCI, Mr. WYNN, Mr. DOOLEY of California, Mr. EVANS, Ms. VELAZQUEZ, Mr. BOSWELL, Mr. BERRY, Mrs. NAPOLITANO, Mr. COSTELLO, Ms. DUNN, Mr. SAWYER, Mr. FORD, Ms. MCKINNEY, Mr. WAXMAN, Mr. PITTS, Mr. MENENDEZ, Mr. CASTLE, Mr. CLEMENT, Mrs. THURMAN, Mr. SHERMAN, Mr. WEINER, Mr. PALLONE, Mrs. MORELLA, Mr. MCINNIS, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Ms. PELOSI, Mr. TRAFICANT, Mr. PEASE, Mr. SCOTT, Mrs. FOWLER, Mrs. MEEK of Florida, Mr. GUTKNECHT, Mr. DICKEY, Mr. BLUNT, Mr. UPTON, Mr. MCCRERY, Mr. BONIOR, Mr. BERMAN, Mrs. EMERSON, Mr. WELDON of Florida, Mr. MCINTYRE, and Mr. DOGGETT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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

# A BILL

To amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, 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 “Bring Our Children  
5 Home Act”.

6 **SEC. 2. JURISDICTION OVER COMPETING STATE CUSTODY**  
7 **ORDERS.**

8       Section 1738A of title 28, United States Code, is  
9 amended by adding at the end the following:

10       “(i) If a court of one State makes a child custody  
11 determination in accordance with subsection (c) and if  
12 that determination is in conflict with a determination  
13 made by another State in accordance with subsection (c),  
14 a contestant for whom such a determination was made  
15 may bring an action in the district court of the United  
16 States the district of which includes the resident of such  
17 contestant to determine, on the basis of the best interests  
18 of the child involved, which determination shall prevail.

19 **SEC. 3. NATIONAL REGISTRY OF CUSTODY ORDERS.**

20       The Attorney General shall establish a registry for  
21 all custody orders entered by State courts. In establishing

1 the registry, the Attorney General shall inform the attor-  
2 ney general of each State of the registry and shall provide  
3 such assistance as may be necessary for the cooperation  
4 of the courts of each State in providing custody orders  
5 for the registry.

6 **SEC. 4. DETENTION OF CHILDREN LISTED AS MISSING.**

7 Law enforcement officers of any State or local gov-  
8 ernment may hold, for not more than 24 hours, any child  
9 listed as missing by the National Crime Information Cen-  
10 ter for the proper disposition of the child in accordance  
11 with the latest valid custody determination applicable to  
12 the child.

13 **SEC. 5. REPORTS RELATING TO INTERNATIONAL CHILD AB-**  
14 **DUCTION.**

15 (a) REPORT ON PROGRESS IN NEGOTIATING BILAT-  
16 ERAL TREATIES WITH NON-HAGUE CONVENTION COUN-  
17 TRIES.—The Secretary of State shall prepare and submit  
18 to the Congress an annual report on progress made by  
19 the United States in negotiating and entering into bilat-  
20 eral treaties (or other international agreements) relating  
21 to international child abduction with countries that are not  
22 contracting parties to the Hague Convention on the Civil  
23 Aspects of International Child Abduction.

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

4 (1) in paragraph (7), by striking “and” at the  
5 end and inserting a semicolon;

6 (2) in paragraph (8), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

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

11 “(A) efforts to expedite the return of chil-  
12 dren to the country of their habitual residence;  
13 and

14 “(B) the extent to which the country re-  
15 spects the rights of custody and of access under  
16 the laws of other countries.”.

17 (2) Section 502B(b) of the Foreign Assistance Act  
18 of 1961 (22 U.S.C. 2304(b)) is amended by inserting after  
19 the sixth sentence the following: “Each report under this  
20 section shall include information on the status of efforts  
21 in each country to prohibit international child abduction,  
22 including efforts to expedite the return of children to the  
23 country of their habitual residence and the extent to which  
24 the country respects the rights of custody and of access  
25 under the laws of other countries.”.

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

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