

108TH CONGRESS  
2D SESSION

# S. 2199

To authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 11, 2004

Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Ms. SNOWE, Mr. FEINGOLD, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, 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 “Family Abduction Pre-  
5       vention Act of 2004”.

6       **SEC. 2. FINDINGS.**

7       Congress findings that—

1           (1) each year more than 203,000 children in  
2 the United States (approximately 78 percent of all  
3 abducted children) are abducted by a family mem-  
4 ber, usually a parent;

5           (2) more than half of the parents who abduct  
6 their children have a history of alcohol or substance  
7 abuse, a criminal record, or a history of violence;

8           (3) the most common motive for family abduc-  
9 tion is revenge against the other parent, not pro-  
10 tecting the child's safety;

11           (4) children who are abducted by family mem-  
12 bers suffer emotional, psychological, and often phys-  
13 ical abuse at the hands of their abductors;

14           (5) children who are victims of family abduc-  
15 tions are forced to leave behind family, friends, their  
16 homes, their neighborhoods, their schools, and all  
17 that is familiar to them;

18           (6) children who are victims of family abduc-  
19 tions are often told that the parent who did not  
20 abduct the child has died, does not love them, or will  
21 harm them;

22           (7) children who are abducted by their parents  
23 or other family members are sometimes forced to  
24 live in fear of discovery and may be compelled to

1 conceal their true identity, including their real  
2 names, family histories, and even their gender;

3 (8) children who are victims of family abduc-  
4 tions are often denied the opportunity to attend  
5 school or to receive health and dental care;

6 (9) child psychologists and law enforcement au-  
7 thorities now classify family abduction as a form of  
8 child abuse;

9 (10) approximately 70 percent of local law en-  
10 forcement agencies do not have written guidelines  
11 for what to do in the event of a family abduction or  
12 how to facilitate the recovery of an abducted child;

13 (11) the first few hours of a family abduction  
14 are crucial to recovering an abducted child, and val-  
15 uable hours are lost when law enforcement is not  
16 prepared to employ the most effective techniques to  
17 locate and recover abducted children;

18 (12) when parents who may be inclined to  
19 abduct their own children receive counseling and  
20 education on the harm suffered by children under  
21 these circumstances, the incidence of family abduc-  
22 tions is greatly reduced; and

23 (13) where practiced, the flagging of school  
24 records has proven to be an effective tool in assisting  
25 law enforcement authorities find abducted children.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) FAMILY ABDUCTION.—The term “family  
4 abduction” means the taking, keeping, or concealing  
5 of a child or children by a parent, other family mem-  
6 ber, or person acting on behalf of the parent or fam-  
7 ily member, that prevents another individual from  
8 exercising lawful custody or visitation rights.

9 (2) FLAGGING.—The term “flagging” means  
10 the process of notifying law enforcement authorities  
11 of the name and address of any person requesting  
12 the school records of an abducted child.

13 (3) INDIAN TRIBE.—The term “Indian tribe”  
14 means any Indian tribe, band, nation, or other orga-  
15 nized group or community, including any Alaska Na-  
16 tive village or regional or village corporation as de-  
17 fined in or established pursuant to the Alaska Na-  
18 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),  
19 which is recognized as eligible for the special pro-  
20 grams and services provided by the United States to  
21 Indians because of their status as Indians.

22 (4) STATE.—The term “State” means each of  
23 the several States, the District of Columbia, the  
24 Commonwealth of Puerto Rico, the Commonwealth  
25 of the Northern Mariana Islands, American Samoa,

1 Guam, the Virgin Islands, any territory or posses-  
2 sion of the United States, and any Indian tribe.

3 **SEC. 4. GRANTS TO STATES.**

4 (a) **MATCHING GRANTS.**—The Attorney General shall  
5 make grants to States for projects involving—

6 (1) the extradition of individuals suspected of  
7 committing a family abduction back to the State  
8 from which the child was taken;

9 (2) the investigation by State and local law en-  
10 forcement agencies of family abduction cases;

11 (3) the training of State and local law enforce-  
12 ment agencies in responding to family abductions  
13 and recovering abducted children, including the de-  
14 velopment of written guidelines and technical assist-  
15 ance;

16 (4) outreach and media campaigns to educate  
17 parents on the dangers of family abductions; and

18 (5) the flagging of school records.

19 (b) **MATCHING REQUIREMENT.**—Not less than 50  
20 percent of the cost of a project for which a grant is made  
21 under this section shall be provided by non-Federal  
22 sources.

23 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

24 For the purpose of carrying out this Act, there are  
25 authorized to be appropriated to the Attorney General

- 1 \$500,000 for fiscal year 2004 and such sums as may be
- 2 necessary for each of fiscal years 2005 and 2006.

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