

In the Senate of the United States,

July 16, 2014.

Resolved, That the bill from the House of Representatives (H.R. 3212) entitled “An Act to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Sean and David Goldman International Child Abduction*
4 *Prevention and Return Act of 2014”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
6 *this Act is as follows:*

Sec. 1. Short title and table of contents.

Sec. 2. Findings; sense of Congress; purposes.

Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIONS

- Sec. 101. Annual report.
- Sec. 102. Standards and assistance.
- Sec. 103. Bilateral procedures, including memoranda of understanding.
- Sec. 104. Report to congressional representatives.

TITLE II—ACTIONS BY THE SECRETARY OF STATE

- Sec. 201. Response to international child abductions.
- Sec. 202. Actions by the Secretary of State in response to patterns of non-compliance in cases of international child abductions.
- Sec. 203. Consultations with foreign governments.
- Sec. 204. Waiver by the Secretary of State.
- Sec. 205. Termination of actions by the Secretary of State.

TITLE III—PREVENTION OF INTERNATIONAL CHILD ABDUCTION

- Sec. 301. Preventing children from leaving the United States in violation of a court order.
- Sec. 302. Authorization for judicial training on international parental child abduction.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSES.**

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

3 (1) *Sean Goldman, a United States citizen and*
 4 *resident of New Jersey, was abducted from the United*
 5 *States in 2004 and separated from his father, David*
 6 *Goldman, who spent nearly 6 years battling for the*
 7 *return of his son from Brazil before Sean was finally*
 8 *returned to Mr. Goldman’s custody on December 24,*
 9 *2009.*

10 (2) *The Department of State’s Office of Chil-*
 11 *dren’s Issues, which serves as the Central Authority of*
 12 *the United States for the purposes of the 1980 Hague*
 13 *Convention on the Civil Aspects of International*
 14 *Child Abduction (referred to in this Act as the*
 15 *“Hague Abduction Convention”), has received thou-*
 16 *sands of requests since 2007 for assistance in the re-*

1 *turn to the United States of children who have been*
2 *wrongfully abducted by a parent or other legal guard-*
3 *ian to another country.*

4 (3) *For a variety of reasons reflecting the signifi-*
5 *cant obstacles to the recovery of abducted children, as*
6 *well as the legal and factual complexity involving*
7 *such cases, not all cases are reported to the Central*
8 *Authority of the United States.*

9 (4) *More than 1,000 outgoing international child*
10 *abductions are reported every year to the Central Au-*
11 *thority of the United States, which depends solely on*
12 *proactive reporting of abduction cases.*

13 (5) *Only about one-half of the children abducted*
14 *from the United States to countries with which the*
15 *United States enjoys reciprocal obligations under the*
16 *Hague Abduction Convention are returned to the*
17 *United States.*

18 (6) *The United States and other Convention*
19 *countries have expressed their desire, through the*
20 *Hague Abduction Convention, “to protect children*
21 *internationally from the harmful effects of their*
22 *wrongful removal or retention and to establish proce-*
23 *dures to ensure their prompt return to the State of*
24 *their habitual residence, as well as to secure protec-*
25 *tion for rights of access.”*

1 (7) *Compliance by the United States and other*
2 *Convention countries depends on the actions of their*
3 *designated central authorities, the performance of*
4 *their judicial systems as reflected in the legal process*
5 *and decisions rendered to enforce or effectuate the*
6 *Hague Abduction Convention, and the ability and*
7 *willingness of their law enforcement authorities to en-*
8 *sure the swift enforcement of orders rendered pursu-*
9 *ant to the Hague Abduction Convention.*

10 (8) *According to data from the Department of*
11 *State, approximately 40 percent of abduction cases*
12 *involve children taken from the United States to*
13 *countries with which the United States does not have*
14 *reciprocal obligations under the Hague Abduction*
15 *Convention or other arrangements relating to the res-*
16 *olution of abduction cases.*

17 (9) *According to the Department of State's April*
18 *2010 Report on Compliance with the Hague Conven-*
19 *tion on the Civil Aspects of International Child Ab-*
20 *duction, "parental child abduction jeopardizes the*
21 *child and has substantial long-term consequences for*
22 *both the child and the left-behind parent."*

23 (10) *Few left-behind parents have the extraor-*
24 *dinary financial resources necessary—*

1 (A) to pursue individual civil or criminal
2 remedies in both the United States and a foreign
3 country, even if such remedies are available; or

4 (B) to engage in repeated foreign travel to
5 attempt to obtain the return of their children
6 through diplomatic or other channels.

7 (11) Military parents often face additional com-
8 plications in resolving abduction cases because of the
9 challenges presented by their military obligations.

10 (12) In addition to using the Hague Abduction
11 Convention to achieve the return of abducted children,
12 the United States has an array of Federal, State, and
13 local law enforcement, criminal justice, and judicial
14 tools at its disposal to prevent international abduc-
15 tions.

16 (13) Federal agencies tasked with preventing
17 international abductions have indicated that the most
18 effective way to stop international child abductions is
19 while they are in progress, rather than after the child
20 has been removed to a foreign destination.

21 (14) Parental awareness of abductions in
22 progress, rapid response by relevant law enforcement,
23 and effective coordination among Federal, State,
24 local, and international stakeholders are critical in
25 preventing such abductions.

1 (15) *A more robust application of domestic tools,*
2 *in cooperation with international law enforcement en-*
3 *tities and appropriate application of the Hague Ab-*
4 *duction Convention could—*

5 (A) *discourage some parents from attempt-*
6 *ing abductions;*

7 (B) *block attempted abductions at ports of*
8 *exit; and*

9 (C) *help achieve the return of more ab-*
10 *ducted children.*

11 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
12 *that the United States should set a strong example for other*
13 *Convention countries in the timely location and prompt*
14 *resolution of cases involving children abducted abroad and*
15 *brought to the United States.*

16 (c) *PURPOSES.—The purposes of this Act are—*

17 (1) *to protect children whose habitual residence*
18 *is the United States from wrongful abduction;*

19 (2) *to assist left-behind parents in quickly resolv-*
20 *ing cases and maintaining safe and predictable con-*
21 *tact with their child while an abduction case is pend-*
22 *ing;*

23 (3) *to protect the custodial rights of parents, in-*
24 *cluding military parents, by providing the parents,*
25 *the judicial system, and law enforcement authorities*

1 *with the information they need to prevent unlawful*
2 *abduction before it occurs;*

3 *(4) to enhance the prompt resolution of abduction*
4 *and access cases;*

5 *(5) to detail an appropriate set of actions to be*
6 *undertaken by the Secretary of State to address per-*
7 *sistent problems in the resolution of abduction cases;*

8 *(6) to establish a program to prevent wrongful*
9 *abductions; and*

10 *(7) to increase interagency coordination in pre-*
11 *venting international child abduction by convening a*
12 *working group composed of presidentially appointed*
13 *and Senate confirmed officials from the Department*
14 *of State, the Department of Homeland Security, and*
15 *the Department of Justice.*

16 **SEC. 3. DEFINITIONS.**

17 *In this Act:*

18 *(1) ABDUCTED CHILD.—The term “abducted*
19 *child” means a child who is the victim of inter-*
20 *national child abduction.*

21 *(2) ABDUCTION.—The term “abduction” means*
22 *the alleged wrongful removal of a child from the*
23 *child’s country of habitual residence, or the wrongful*
24 *retention of a child outside such country, in violation*

1 *of a left-behind parent’s custodial rights, including*
 2 *the rights of a military parent.*

3 (3) *ABDUCTION CASE.*—*The term “abduction*
 4 *case” means a case that—*

5 (A) *has been reported to the Central Author-*
 6 *ity of the United States by a left-behind parent*
 7 *for the resolution of an abduction; and*

8 (B) *meets the criteria for an international*
 9 *child abduction under the Hague Abduction Con-*
 10 *vention, regardless of whether the country at*
 11 *issue is a Convention country.*

12 (4) *ACCESS CASE.*—*The term “access case”*
 13 *means a case involving an application filed with the*
 14 *Central Authority of the United States by a parent*
 15 *seeking rights of access.*

16 (5) *ANNUAL REPORT.*—*The term “Annual Re-*
 17 *port” means the Annual Report on International*
 18 *Child Abduction required under section 101.*

19 (6) *APPLICATION.*—*The term “application”*
 20 *means—*

21 (A) *in the case of a Convention country, the*
 22 *application required pursuant to article 8 of the*
 23 *Hague Abduction Convention;*

24 (B) *in the case of a bilateral procedures*
 25 *country, the formal document required, pursuant*

1 to the provisions of the applicable arrangement,
 2 to request the return of an abducted child or to
 3 request rights of access, as applicable; and

4 (C) in the case of a non-Convention coun-
 5 try, the formal request by the Central Authority
 6 of the United States to the Central Authority of
 7 such country requesting the return of an ab-
 8 ducted child or for rights of contact with an ab-
 9 ducted child.

10 (7) *APPROPRIATE CONGRESSIONAL COMMIT-*
 11 *TEES.*—The term “appropriate congressional commit-
 12 tees” means the Committee on Foreign Relations of
 13 the Senate and the Committee on Foreign Affairs of
 14 the House of Representatives.

15 (8) *BILATERAL PROCEDURES.*—The term “bilat-
 16 eral procedures” means any procedures established by,
 17 or pursuant to, a bilateral arrangement, including a
 18 Memorandum of Understanding between the United
 19 States and another country, to resolve abduction and
 20 access cases, including procedures to address interim
 21 contact matters.

22 (9) *BILATERAL PROCEDURES COUNTRY.*—The
 23 term “bilateral procedures country” means a country
 24 with which the United States has entered into bilat-

1 *eral procedures, including Memoranda of Under-*
2 *standing, with respect to child abductions.*

3 (10) *CENTRAL AUTHORITY.*—*The term “Central*
4 *Authority” means—*

5 (A) *in the case of a Convention country, the*
6 *meaning given such term in article 6 of the*
7 *Hague Abduction Convention;*

8 (B) *in the case of a bilateral procedures*
9 *country, the official entity designated by the gov-*
10 *ernment of the bilateral procedures country with-*
11 *in the applicable memorandum of understanding*
12 *pursuant to section 103(b)(1) to discharge the*
13 *duties imposed on the entity; and*

14 (C) *in the case of a non-Convention coun-*
15 *try, the foreign ministry or other appropriate*
16 *authority of such country.*

17 (11) *CHILD.*—*The term “child” means an indi-*
18 *vidual who has not attained 16 years of age.*

19 (12) *CONVENTION COUNTRY.*—*The term “Con-*
20 *vention country” means a country for which the*
21 *Hague Abduction Convention has entered into force*
22 *with respect to the United States.*

23 (13) *HAGUE ABDUCTION CONVENTION.*—*The*
24 *term “Hague Abduction Convention” means the Con-*

1 *vention on the Civil Aspects of International Child*
2 *Abduction, done at The Hague October 25, 1980.*

3 (14) *INTERIM CONTACT.*—*The term “interim*
4 *contact” means the ability of a left-behind parent to*
5 *communicate with or visit an abducted child during*
6 *the pendency of an abduction case.*

7 (15) *LEFT-BEHIND PARENT.*—*The term “left-be-*
8 *hind parent” means an individual or legal custodian*
9 *who alleges that an abduction has occurred that is in*
10 *breach of rights of custody attributed to such indi-*
11 *vidual.*

12 (16) *NON-CONVENTION COUNTRY.*—*The term*
13 *“non-Convention country” means a country in which*
14 *the Hague Abduction Convention has not entered into*
15 *force with respect to the United States.*

16 (17) *OVERSEAS MILITARY DEPENDENT CHILD.*—
17 *The term “overseas military dependent child” means*
18 *a child whose habitual residence is the United States*
19 *according to United States law even though the child*
20 *is residing outside the United States with a military*
21 *parent.*

22 (18) *OVERSEAS MILITARY PARENT.*—*The term*
23 *“overseas military parent” means an individual*
24 *who—*

1 (A) *has custodial rights with respect to a*
2 *child; and*

3 (B) *is serving outside the United States as*
4 *a member of the United States Armed Forces.*

5 (19) *PATTERN OF NONCOMPLIANCE.—*

6 (A) *IN GENERAL.—The term “pattern of*
7 *noncompliance” means the persistent failure—*

8 (i) *of a Convention country to imple-*
9 *ment and abide by provisions of the Hague*
10 *Abduction Convention;*

11 (ii) *of a non-Convention country to*
12 *abide by bilateral procedures that have been*
13 *established between the United States and*
14 *such country; or*

15 (iii) *of a non-Convention country to*
16 *work with the Central Authority of the*
17 *United States to resolve abduction cases.*

18 (B) *PERSISTENT FAILURE.—Persistent fail-*
19 *ure under subparagraph (A) may be evidenced*
20 *in a given country by the presence of 1 or more*
21 *of the following criteria:*

22 (i) *Thirty percent or more of the total*
23 *abduction cases in such country are unre-*
24 *solved abduction cases.*

1 (ii) *The Central Authority regularly*
2 *fails to fulfill its responsibilities pursuant*
3 *to—*

4 (I) *the Hague Abduction Conven-*
5 *tion; or*

6 (II) *any bilateral procedures be-*
7 *tween the United States and such*
8 *country.*

9 (iii) *The judicial or administrative*
10 *branch, as applicable, of the national gov-*
11 *ernment of a Convention country or a bilat-*
12 *eral procedures country fails to regularly*
13 *implement and comply with the provisions*
14 *of the Hague Abduction Convention or bi-*
15 *lateral procedures, as applicable.*

16 (iv) *Law enforcement authorities regu-*
17 *larly fail to enforce return orders or deter-*
18 *minations of rights of access rendered by the*
19 *judicial or administrative authorities of the*
20 *government of the country in abduction*
21 *cases.*

22 (20) *RIGHTS OF ACCESS.—The term “rights of*
23 *access” means the establishment of rights of contact*
24 *between a child and a parent seeking access in Con-*
25 *vention countries—*

1 (A) by operation of law;

2 (B) through a judicial or administrative de-
3 termination; or

4 (C) through a legally enforceable arrange-
5 ment between the parties.

6 (21) *RIGHTS OF CUSTODY.*—The term “rights of
7 custody” means rights of care and custody of a child,
8 including the right to determine the place of residence
9 of a child, under the laws of the country in which the
10 child is a habitual resident—

11 (A) attributed to an individual or legal cus-
12 todian; and

13 (B) arising—

14 (i) by operation of law; or

15 (ii) through a judicial or administra-
16 tive decision; or

17 (iii) through a legally enforceable ar-
18 rangement between the parties.

19 (22) *RIGHTS OF INTERIM CONTACT.*—The term
20 “rights of interim contact” means the rights of con-
21 tact between a child and a left-behind parent, which
22 has been provided as a provisional measure while an
23 abduction case is pending, under the laws of the coun-
24 try in which the child is located—

25 (A) by operation of law; or

1 (B) through a judicial or administrative de-
2 termination; or

3 (C) through a legally enforceable arrange-
4 ment between the parties.

5 (23) *UNRESOLVED ABDUCTION CASE.*—

6 (A) *IN GENERAL.*—Subject to subparagraph
7 (B), the term “unresolved abduction case” means
8 an abduction case that remains unresolved for a
9 period that exceeds 12 months after the date on
10 which the completed application for return of the
11 child is submitted for determination to the judi-
12 cial or administrative authority, as applicable,
13 in the country in which the child is located.

14 (B) *RESOLUTION OF CASE.*—An abduction
15 case shall be considered to be resolved if—

16 (i) the child is returned to the country
17 of habitual residence, pursuant to the
18 Hague Abduction Convention or other ap-
19 propriate bilateral procedures, if applicable;

20 (ii) the judicial or administrative
21 branch, as applicable, of the government of
22 the country in which the child is located has
23 implemented, and is complying with, the
24 provisions of the Hague Abduction Conven-

tion or other bilateral procedures, as applicable;

(iii) the left-behind parent reaches a voluntary arrangement with the other parent;

(iv) the left-behind parent submits a written withdrawal of the application or the request for assistance to the Department of State;

(v) the left-behind parent cannot be located for 1 year despite the documented efforts of the Department of State to locate the parent; or

(vi) the child or left-behind parent is deceased.

TITLE I—DEPARTMENT OF STATE ACTIONS

SEC. 101. ANNUAL REPORT.

(a) *IN GENERAL.*—Not later than April 30 of each year, the Secretary of State shall submit to the appropriate congressional committees an Annual Report on International Child Abduction. The Secretary shall post the Annual Report to the publicly accessible website of the Department of State.

(b) *CONTENTS.*—Each Annual Report shall include—

1 (1) *a list of all countries in which there were 1*
2 *or more abduction cases, during the preceding cal-*
3 *endar year, relating to a child whose habitual resi-*
4 *dence is the United States, including a description of*
5 *whether each such country—*

6 *(A) is a Convention country;*

7 *(B) is a bilateral procedures country;*

8 *(C) has other procedures for resolving such*
9 *abductions; or*

10 *(D) adheres to no protocols with respect to*
11 *child abduction;*

12 (2) *for each country with respect to which there*
13 *were 5 or more pending abduction cases, during the*
14 *preceding year, relating to a child whose habitual res-*
15 *idence is the United States—*

16 *(A) the number of such new abduction and*
17 *access cases reported during the preceding year;*

18 *(B) for Convention and bilateral procedures*
19 *countries—*

20 *(i) the number of abduction and access*
21 *cases that the Central Authority of the*
22 *United States transmitted to the Central*
23 *Authority of such country; and*

24 *(ii) the number of abduction and ac-*
25 *cess cases that were not submitted by the*

1 *Central Authority to the judicial or admin-*
2 *istrative authority, as applicable, of such*
3 *country;*

4 *(C) the reason for the delay in submission*
5 *of each case identified in subparagraph (B)(ii)*
6 *by the Central Authority of such country to the*
7 *judicial or administrative authority of that*
8 *country;*

9 *(D) the number of unresolved abduction and*
10 *access cases, and the length of time each case has*
11 *been pending;*

12 *(E) the number and percentage of unre-*
13 *solved abduction cases in which law enforcement*
14 *authorities have—*

15 *(i) not located the abducted child;*

16 *(ii) failed to undertake serious efforts*
17 *to locate the abducted child; and*

18 *(iii) failed to enforce a return order*
19 *rendered by the judicial or administrative*
20 *authorities of such country;*

21 *(F) the total number and the percentage of*
22 *the total number of abduction and access cases,*
23 *respectively, resolved during the preceding year;*

24 *(G) recommendations to improve the resolu-*
25 *tion of abduction and access cases; and*

1 (H) *the average time it takes to locate a*
2 *child;*

3 (3) *the number of abducted children whose habit-*
4 *ual residence is in the United States and who were*
5 *returned to the United States from—*

6 (A) *Convention countries;*

7 (B) *bilateral procedures countries;*

8 (C) *countries having other procedures for*
9 *resolving such abductions; or*

10 (D) *countries adhering to no protocols with*
11 *respect to child abduction;*

12 (4) *a list of Convention countries and bilateral*
13 *procedures countries that have failed to comply with*
14 *any of their obligations under the Hague Abduction*
15 *Convention or bilateral procedures, as applicable,*
16 *with respect to the resolution of abduction and access*
17 *cases;*

18 (5) *a list of countries demonstrating a pattern of*
19 *noncompliance and a description of the criteria on*
20 *which the determination of a pattern of noncompli-*
21 *ance for each country is based;*

22 (6) *information on efforts by the Secretary of*
23 *State to encourage non-Convention countries—*

24 (A) *to ratify or accede to the Hague Abduc-*
25 *tion Convention;*

1 (B) to enter into or implement other bilat-
2 eral procedures, including memoranda of under-
3 standing, with the United States; and

4 (C) to address pending abduction and access
5 cases;

6 (7) the number of cases resolved without ab-
7 ducted children being returned to the United States
8 from Convention countries, bilateral procedures coun-
9 tries, or other non-Convention countries;

10 (8) a list of countries that became Convention
11 countries with respect to the United States during the
12 preceding year; and

13 (9) information about efforts to seek resolution of
14 abduction cases of children whose habitual residence
15 is in the United States and whose abduction occurred
16 before the Hague Abduction Convention entered into
17 force with respect to the United States.

18 (c) *EXCEPTIONS.*—Unless a left-behind parent pro-
19 vides written permission to the Central Authority of the
20 United States to include personally identifiable information
21 about the parent or the child in the Annual Report, the
22 Annual Report may not include any personally identifiable
23 information about any such parent, child, or party to an
24 abduction or access case involving such parent or child.

1 (d) *ADDITIONAL SECTIONS.—Each Annual Report*
2 *shall also include—*

3 (1) *information on the number of unresolved ab-*
4 *duction cases affecting military parents;*

5 (2) *a description of the assistance offered to such*
6 *military parents;*

7 (3) *information on the use of airlines in abduc-*
8 *tions, voluntary airline practices to prevent abduc-*
9 *tions, and recommendations for best airline practices*
10 *to prevent abductions;*

11 (4) *information on actions taken by the Central*
12 *Authority of the United States to train domestic*
13 *judges in the application of the Hague Abduction*
14 *Convention; and*

15 (5) *information on actions taken by the Central*
16 *Authority of the United States to train United States*
17 *Armed Forces legal assistance personnel, military*
18 *chaplains, and military family support center per-*
19 *sonnel about—*

20 (A) *abductions;*

21 (B) *the risk of loss of contact with children;*

22 *and*

23 (C) *the legal means available to resolve such*
24 *cases.*

1 (e) *REPEAL OF THE HAGUE ABDUCTION CONVENTION*
 2 *COMPLIANCE REPORT.*—*Section 2803 of the Foreign Affairs*
 3 *Reform and Restructuring Act of 1998 (42 U.S.C. 11611)*
 4 *is repealed.*

5 (f) *NOTIFICATION TO CONGRESS ON COUNTRIES IN*
 6 *NONCOMPLIANCE.*—

7 (1) *IN GENERAL.*—*The Secretary of State shall*
 8 *include, in a separate section of the Annual Report,*
 9 *the Secretary’s determination, pursuant to the provi-*
 10 *sions under section 202(b), of whether each country*
 11 *listed in the report has engaged in a pattern of non-*
 12 *compliance in cases of child abduction during the pre-*
 13 *ceding 12 months.*

14 (2) *CONTENTS.*—*The section described in para-*
 15 *graph (1)—*

16 (A) *shall identify any action or actions de-*
 17 *scribed in section 202(d) (or commensurate ac-*
 18 *tion as provided in section 202(e)) that have*
 19 *been taken by the Secretary with respect to each*
 20 *country;*

21 (B) *shall describe the basis for the Sec-*
 22 *retary’s determination of the pattern of non-*
 23 *compliance by each country;*

24 (C) *shall indicate whether noneconomic pol-*
 25 *icy options designed to resolve the pattern of*

1 *noncompliance have reasonably been exhausted,*
 2 *including the consultations required under sec-*
 3 *tion 203.*

4 **SEC. 102. STANDARDS AND ASSISTANCE.**

5 *The Secretary of State shall—*

6 *(1) ensure that United States diplomatic and*
 7 *consular missions abroad—*

8 *(A) maintain a consistent reporting stand-*
 9 *ard with respect to abduction and access cases;*

10 *(B) designate at least 1 senior official in*
 11 *each such mission, at the discretion of the Chief*
 12 *of Mission, to assist left-behind parents from the*
 13 *United States who are visiting such country or*
 14 *otherwise seeking to resolve abduction or access*
 15 *cases; and*

16 *(C) monitor developments in abduction and*
 17 *access cases; and*

18 *(2) develop and implement written strategic*
 19 *plans for engagement with any Convention or non-*
 20 *Convention country in which there are 5 or more*
 21 *cases of international child abduction.*

22 **SEC. 103. BILATERAL PROCEDURES, INCLUDING MEMO-**
 23 **RANDA OF UNDERSTANDING.**

24 *(a) DEVELOPMENT.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
 2 the date of the enactment of this Act, the Secretary of
 3 State shall initiate a process to develop and enter into
 4 appropriate bilateral procedures, including memo-
 5 randa of understanding, as appropriate, with non-
 6 Convention countries that are unlikely to become Con-
 7 vention countries in the foreseeable future, or with
 8 Convention countries that have unresolved abduction
 9 cases that occurred before the Hague Abduction Con-
 10 vention entered into force with respect to the United
 11 States or that country.

12 (2) *PRIORITIZATION.*—In carrying out para-
 13 graph (1), the Secretary of State shall give priority
 14 to countries with significant abduction cases and re-
 15 lated issues.

16 (b) *ELEMENTS.*—The bilateral procedures described in
 17 subsection (a) should include provisions relating to—

18 (1) *the identification of—*

19 (A) *the Central Authority;*

20 (B) *the judicial or administrative authority*
 21 *that will promptly adjudicate abduction and ac-*
 22 *cess cases;*

23 (C) *the law enforcement agencies; and*

24 (D) *the implementation of procedures to en-*
 25 *sure the immediate enforcement of an order*

1 *issued by the authority identified pursuant to*
2 *subparagraph (B) to return an abducted child to*
3 *a left-behind parent, including by—*

4 *(i) conducting an investigation to as-*
5 *certain the location of the abducted child;*

6 *(ii) providing protection to the ab-*
7 *ducted child after such child is located; and*

8 *(iii) retrieving the abducted child and*
9 *making the appropriate arrangements for*
10 *such child to be returned to the child's coun-*
11 *try of habitual residence;*

12 *(2) the implementation of a protocol to effectuate*
13 *the return of an abducted child identified in an ab-*
14 *duction case not later than 6 weeks after the applica-*
15 *tion with respect to the abduction case has been sub-*
16 *mitted to the judicial or administrative authority, as*
17 *applicable, of the country in which the abducted child*
18 *is located;*

19 *(3) the implementation of a protocol for the es-*
20 *tablishment and protection of the rights of interim*
21 *contact during pendency of abduction cases; and*

22 *(4) the implementation of a protocol to establish*
23 *periodic visits between a United States embassy or*
24 *consular official and an abducted child, in order to*

1 *allow the official to ascertain the child's location and*
 2 *welfare.*

3 **SEC. 104. REPORT TO CONGRESSIONAL REPRESENTATIVES.**

4 *(a) NOTIFICATION.—The Secretary of State shall sub-*
 5 *mit written notification to the Member of Congress and*
 6 *Senators, or Resident Commissioner or Delegate, as appro-*
 7 *priate, representing the legal residence of a left-behind par-*
 8 *ent if such parent—*

9 *(1) reports an abduction to the Central Author-*
 10 *ity of the United States; and*

11 *(2) consents to such notification.*

12 *(b) TIMING.—At the request of any person who is a*
 13 *left-behind parent, including a left-behind parent who pre-*
 14 *viously reported an abduction to the Central Authority of*
 15 *the United States before the date of the enactment of this*
 16 *Act, the notification required under subsection (a) shall be*
 17 *provided as soon as is practicable.*

18 **TITLE II—ACTIONS BY THE**
 19 **SECRETARY OF STATE**

20 **SEC. 201. RESPONSE TO INTERNATIONAL CHILD ABDUC-**
 21 **TIONS.**

22 *(a) UNITED STATES POLICY.—It is the policy of the*
 23 *United States—*

24 *(1) to promote the best interest of children*
 25 *wrongfully abducted from the United States by—*

1 (A) establishing legal rights and procedures
2 for their prompt return; and

3 (B) ensuring the enforcement of reciprocal
4 international obligations under the Hague Ab-
5 duction Convention or arrangements under bilat-
6 eral procedures;

7 (2) to promote the timely resolution of abduction
8 cases through 1 or more of the actions described in
9 section 202; and

10 (3) to ensure appropriate coordination within
11 the Federal Government and between Federal, State,
12 and local agencies involved in abduction prevention,
13 investigation, and resolution.

14 (b) ACTIONS BY THE SECRETARY OF STATE IN RE-
15 SPONSE TO UNRESOLVED CASES.—

16 (1) DETERMINATION OF ACTION BY THE SEC-
17 RETARY OF STATE.—For each abduction or access
18 case relating to a child whose habitual residence is in
19 the United States that remains pending or is other-
20 wise unresolved on the date that is 12 months after
21 the date on which the Central Authority of the United
22 States submits such case to a foreign country, the Sec-
23 retary of State shall determine whether the govern-
24 ment of such foreign country has failed to take appro-
25 priate steps to resolve the case. If the Secretary of

1 *State determines that such failure occurred, the Sec-*
 2 *retary should, as expeditiously as practicable—*

3 *(A) take 1 or more of the actions described*
 4 *in subsections (d) and (e) of section 202; and*

5 *(B) direct the Chief of Mission in that for-*
 6 *ign country to directly address the resolution of*
 7 *the case with senior officials in the foreign gov-*
 8 *ernment.*

9 (2) *AUTHORITY FOR DELAY OF ACTION BY THE*
 10 *SECRETARY OF STATE.—The Secretary of State may*
 11 *delay any action described in paragraph (1) if the*
 12 *Secretary determines that an additional period of*
 13 *time, not to exceed 1 year, will substantially assist in*
 14 *resolving the case.*

15 (3) *REPORT.—If the Secretary of State delays*
 16 *any action pursuant to paragraph (2) or decides not*
 17 *to take an action described in subsection (d) or (e) of*
 18 *section 202 after making the determination described*
 19 *in paragraph (1), the Secretary, not later than 15*
 20 *days after such delay or decision, shall provide a re-*
 21 *port to the appropriate congressional committees that*
 22 *details the reasons for delaying action or not taking*
 23 *action, as appropriate.*

24 (4) *CONGRESSIONAL BRIEFINGS.—At the request*
 25 *of the appropriate congressional committees, the Sec-*

1 *retary of State shall provide a detailed briefing, in-*
2 *cluding a written report, if requested, on actions*
3 *taken to resolve a case or the cause for delay.*

4 *(c) IMPLEMENTATION.—*

5 *(1) IN GENERAL.—In carrying out subsection*
6 *(b), the Secretary of State should—*

7 *(A) take 1 or more actions that most appro-*
8 *priately respond to the nature and severity of the*
9 *governmental failure to resolve the unresolved ab-*
10 *duction case; and*

11 *(B) seek, to the fullest extent possible—*

12 *(i) to initially respond by commu-*
13 *nicating with the Central Authority of the*
14 *country; and*

15 *(ii) if clause (i) is unsuccessful, to tar-*
16 *get subsequent actions—*

17 *(I) as narrowly as practicable,*
18 *with respect to the agencies or instru-*
19 *mentalities of the foreign government*
20 *that are responsible for such failures;*
21 *and*

22 *(II) in ways that respect the separa-*
23 *tion of powers and independence of*
24 *the judiciary of the country, as appli-*
25 *cable.*

(2) *GUIDELINES FOR ACTIONS BY THE SECRETARY OF STATE.*—*In addition to the guidelines under paragraph (1), the Secretary of State, in determining whether to take 1 or more actions under paragraphs (5) through (7) of section 202(d) or section 202(e), shall seek to minimize any adverse impact on—*

(A) *the population of the country whose government is targeted by the action or actions;*

(B) *the humanitarian activities of United States and nongovernmental organizations in the country; and*

(C) *the national security interests of the United States.*

SEC. 202. ACTIONS BY THE SECRETARY OF STATE IN RESPONSE TO PATTERNS OF NONCOMPLIANCE IN CASES OF INTERNATIONAL CHILD ABDUCTIONS.

(a) *RESPONSE TO A PATTERN OF NONCOMPLIANCE.*—*It is the policy of the United States—*

(1) *to oppose institutional or other systemic failures of foreign governments to fulfill their obligations pursuant to the Hague Abduction Convention or bilateral procedures, as applicable, to resolve abduction and access cases;*

(2) *to promote reciprocity pursuant to, and in compliance with, the Hague Abduction Convention or bilateral procedures, as appropriate; and*

(3) *to directly engage with senior foreign government officials to most effectively address patterns of noncompliance.*

(b) *DETERMINATION OF COUNTRIES WITH PATTERNS OF NONCOMPLIANCE IN CASES OF INTERNATIONAL CHILD ABDUCTION.—*

(1) *ANNUAL REVIEW.—Not later than April 30 of each year, the Secretary of State shall—*

(A) *review the status of abduction and access cases in each foreign country in order to determine whether the government of such country has engaged in a pattern of noncompliance during the preceding 12 months; and*

(B) *report such determination pursuant to section 101(f).*

(2) *DETERMINATIONS OF RESPONSIBLE PARTIES.—The Secretary of State shall seek to determine the agencies or instrumentalities of the government of each country determined to have engaged in a pattern of noncompliance under paragraph (1)(A) that are responsible for such pattern of noncompliance—*

1 (A) to appropriately target actions in re-
2 sponse to such noncompliance; and

3 (B) to engage with senior foreign govern-
4 ment officials to effectively address such non-
5 compliance.

6 (c) *ACTIONS BY THE SECRETARY OF STATE WITH RE-*
7 *SPECT TO A COUNTRY WITH A PATTERN OF NONCOMPLI-*
8 *ANCE.*—

9 (1) *IN GENERAL.*—Not later than 90 days (or
10 180 days in case of a delay under paragraph (2))
11 after a country is determined to have been engaged in
12 a pattern of noncompliance under subsection
13 (b)(1)(A), the Secretary of State shall—

14 (A) take 1 or more of the actions described
15 in subsection (d);

16 (B) direct the Chief of Mission in that coun-
17 try to directly address the systemic problems that
18 led to such determination; and

19 (C) inform senior officials in the foreign
20 government of the potential repercussions related
21 to such designation.

22 (2) *AUTHORITY FOR DELAY OF ACTIONS BY THE*
23 *SECRETARY OF STATE.*—The Secretary shall not be
24 required to take action under paragraph (1) until the
25 expiration of a single, additional period of up to 90

1 *days if, on or before the date on which the Secretary*
 2 *of State is required to take such action, the Secretary*
 3 *determines and certifies to the appropriate congressional*
 4 *committees that such additional period is necessary—*

6 *(A) for a continuation of negotiations that*
 7 *have been commenced with the government of a*
 8 *country described in paragraph (1) in order to*
 9 *bring about a cessation of the pattern of non-*
 10 *compliance by such country;*

11 *(B) for a review of corrective action taken*
 12 *by a country after the designation of such coun-*
 13 *try as being engaged in a pattern of noncompli-*
 14 *ance under subsection (b)(1)(A); or*

15 *(C) in anticipation that corrective action*
 16 *will be taken by such country during such 90-*
 17 *day period.*

18 *(3) EXCEPTION FOR ADDITIONAL ACTION BY THE*
 19 *SECRETARY OF STATE.—The Secretary of State shall*
 20 *not be required to take additional action under para-*
 21 *graph (1) with respect to a country determined to*
 22 *have been engaged in a persistent pattern of non-*
 23 *compliance if the Secretary—*

24 *(A) has taken action pursuant to paragraph*
 25 *(5), (6), or (7) of subsection (d) with respect to*

1 *such country in the preceding year and such ac-*
 2 *tion continues to be in effect;*

3 *(B) exercises the waiver under section 204*
 4 *and briefs the appropriate congressional commit-*
 5 *tees; or*

6 *(C) submits a report to the appropriate con-*
 7 *gressional committees that—*

8 *(i) indicates that such country is sub-*
 9 *ject to multiple, broad-based sanctions; and*

10 *(ii) describes how such sanctions sat-*
 11 *isfy the requirements under this subsection.*

12 *(4) REPORT TO CONGRESS.—Not later than 90*
 13 *days after the submission of the Annual Report, the*
 14 *Secretary shall submit a report to Congress on the*
 15 *specific actions taken against countries determined to*
 16 *have been engaged in a pattern of noncompliance*
 17 *under this section.*

18 *(d) DESCRIPTION OF ACTIONS BY THE SECRETARY OF*
 19 *STATE IN HAGUE ABDUCTION CONVENTION COUNTRIES.—*
 20 *Except as provided in subsection (f), the actions by the Sec-*
 21 *retary of State referred to in this subsection are—*

22 *(1) a demarche;*

23 *(2) an official public statement detailing unre-*
 24 *solved cases;*

25 *(3) a public condemnation;*

1 (4) *a delay or cancellation of 1 or more bilateral*
 2 *working, official, or state visits;*

3 (5) *the withdrawal, limitation, or suspension of*
 4 *United States development assistance in accordance*
 5 *with section 116 of the Foreign Assistance Act of 1961*
 6 *(22 U.S.C. 2151n);*

7 (6) *the withdrawal, limitation, or suspension of*
 8 *United States security assistance in accordance with*
 9 *section 502B of the Foreign Assistance Act of 1961*
 10 *(22 U.S.C. 2304);*

11 (7) *the withdrawal, limitation, or suspension of*
 12 *assistance to the central government of a country pur-*
 13 *suant to chapter 4 of part II of the Foreign Assist-*
 14 *ance Act of 1961 (22 U.S.C. 2346 et seq.; relating to*
 15 *the Economic Support Fund); and*

16 (8) *a formal request to the foreign country con-*
 17 *cerned to extradite an individual who is engaged in*
 18 *abduction and who has been formally accused of,*
 19 *charged with, or convicted of an extraditable offense.*

20 *(e) COMMENSURATE ACTION.—*

21 (1) *IN GENERAL.—Except as provided in sub-*
 22 *section (f), the Secretary of State may substitute any*
 23 *other action authorized by law for any action de-*
 24 *scribed in subsection (d) if the Secretary determines*
 25 *that such action—*

1 (A) is commensurate in effect to the action
2 substituted; and

3 (B) would substantially further the purposes
4 of this Act.

5 (2) NOTIFICATION.—If commensurate action is
6 taken pursuant to this subsection, the Secretary shall
7 submit a report to the appropriate congressional com-
8 mittees that—

9 (A) describes such action;

10 (B) explains the reasons for taking such ac-
11 tion; and

12 (C) specifically describes the basis for the
13 Secretary's determination under paragraph (1)
14 that such action—

15 (i) is commensurate with the action
16 substituted; and

17 (ii) substantially furthers the purposes
18 of this Act.

19 (f) RESOLUTION.—The Secretary of State shall seek to
20 take all appropriate actions authorized by law to resolve
21 the unresolved case or to obtain the cessation of such pattern
22 of noncompliance, as applicable.

23 (g) HUMANITARIAN EXCEPTION.—Any action taken
24 pursuant to subsection (d) or (e) may not prohibit or re-

1 *strict the provision of medicine, medical equipment or sup-*
 2 *plies, food, or other life-saving humanitarian assistance.*

3 **SEC. 203. CONSULTATIONS WITH FOREIGN GOVERNMENTS.**

4 *As soon as practicable after the Secretary of State*
 5 *makes a determination under section 201 in response to a*
 6 *failure to resolve unresolved abduction cases or the Sec-*
 7 *retary takes an action under subsection (d) or (e) of section*
 8 *202, based on a pattern of noncompliance, the Secretary*
 9 *shall request consultations with the government of such*
 10 *country regarding the situation giving rise to such deter-*
 11 *mination.*

12 **SEC. 204. WAIVER BY THE SECRETARY OF STATE.**

13 *(a) IN GENERAL.—Subject to subsection (b), the Sec-*
 14 *retary of State may waive the application of any of the*
 15 *actions described in subsections (d) and (e) of section 202*
 16 *with respect to a country if the Secretary determines and*
 17 *notifies the appropriate congressional committees that—*

18 *(1) the government of such country—*

19 *(A) has satisfactorily resolved the abduction*
 20 *cases giving rise to the application of any of*
 21 *such actions; or*

22 *(B) has ended such country’s pattern of*
 23 *noncompliance; or*

24 *(2) the national security interest of the United*
 25 *States requires the exercise of such waiver authority.*

1 (b) *CONGRESSIONAL NOTIFICATION.*—Not later than
 2 the date on which the Secretary of State exercises the waiver
 3 authority under subsection (a), the Secretary shall—

4 (1) *notify the appropriate congressional commit-*
 5 *tees of such waiver; and*

6 (2) *provide such committees with a detailed jus-*
 7 *tification for such waiver, including an explanation*
 8 *of the steps the noncompliant government has taken—*

9 (A) *to resolve abductions cases; or*

10 (B) *to end its pattern of noncompliance.*

11 (c) *PUBLICATION IN FEDERAL REGISTER.*—Subject to
 12 subsection (d), the Secretary of State shall ensure that each
 13 waiver determination under this section—

14 (1) *is published in the Federal Register; or*

15 (2) *is posted on the Department of State website.*

16 (d) *LIMITED DISCLOSURE OF INFORMATION.*—The
 17 Secretary of State may limit the publication of information
 18 under subsection (c) in the same manner and to the same
 19 extent as the President may limit the publication of find-
 20 ings and determinations described in section 654(c) of the
 21 Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the
 22 Secretary determines that the publication of such informa-
 23 tion would be harmful to the national security of the United
 24 States and would not further the purposes of this Act.

1 **SEC. 205. TERMINATION OF ACTIONS BY THE SECRETARY**
 2 **OF STATE.**

3 *Any specific action taken under this Act or any*
 4 *amendment made by this Act with respect to a foreign coun-*
 5 *try shall terminate on the date on which the Secretary of*
 6 *State submits a written certification to Congress that the*
 7 *government of such country—*

8 *(1) has resolved any unresolved abduction case*
 9 *that gave rise to such specific action; or*

10 *(2) has taken substantial and verifiable steps to*
 11 *correct such country's persistent pattern of non-*
 12 *compliance that gave rise to such specific action, as*
 13 *applicable.*

14 **TITLE III—PREVENTION OF**
 15 **INTERNATIONAL CHILD AB-**
 16 **DUCTION**

17 **SEC. 301. PREVENTING CHILDREN FROM LEAVING THE**
 18 **UNITED STATES IN VIOLATION OF A COURT**
 19 **ORDER.**

20 *(a) IN GENERAL.—Subtitle C of title IV of the Home-*
 21 *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*
 22 *by adding at the end the following:*

23 **“SEC. 433. PREVENTION OF INTERNATIONAL CHILD ABDUC-**
 24 **TION.**

25 *“(a) PROGRAM ESTABLISHED.—The Secretary,*
 26 *through the Commissioner of U.S. Customs and Border Pro-*

1 *tection (referred to in this section as ‘CBP’), in coordina-*
 2 *tion with the Secretary of State, the Attorney General, and*
 3 *the Director of the Federal Bureau of Investigation, shall*
 4 *establish a program that—*

5 “(1) *seeks to prevent a child (as defined in sec-*
 6 *tion 1204(b)(1) of title 18, United States Code) from*
 7 *departing from the territory of the United States if a*
 8 *parent or legal guardian of such child presents a*
 9 *court order from a court of competent jurisdiction*
 10 *prohibiting the removal of such child from the United*
 11 *States to a CBP Officer in sufficient time to prevent*
 12 *such departure for the duration of such court order;*
 13 *and*

14 “(2) *leverages other existing authorities and*
 15 *processes to address the wrongful removal and return*
 16 *of a child.*

17 “(b) *INTERAGENCY COORDINATION.—*

18 “(1) *IN GENERAL.—The Secretary of State shall*
 19 *convene and chair an interagency working group to*
 20 *prevent international parental child abduction. The*
 21 *group shall be composed of presidentially appointed,*
 22 *Senate confirmed officials from—*

23 “(A) *the Department of State;*

24 “(B) *the Department of Homeland Security,*
 25 *including U.S. Customs and Border Protection*

1 *and U.S. Immigration and Customs Enforce-*
 2 *ment; and*

3 “(C) *the Department of Justice, including*
 4 *the Federal Bureau of Investigation.*

5 “(2) *DEPARTMENT OF DEFENSE.—The Secretary*
 6 *of Defense shall designate an official within the De-*
 7 *partment of Defense—*

8 “(A) *to coordinate with the Department of*
 9 *State on international child abduction issues;*
 10 *and*

11 “(B) *to oversee activities designed to pre-*
 12 *vent or resolve international child abduction*
 13 *cases relating to active duty military service*
 14 *members.”.*

15 (b) *CLERICAL AMENDMENT.—The table of contents of*
 16 *the Homeland Security Act of 2002 (6 U.S.C. 101 note)*
 17 *is amended by adding after the item relating to section 432*
 18 *the following:*

“Sec. 433. Prevention of international child abduction.”.

19 **SEC. 302. AUTHORIZATION FOR JUDICIAL TRAINING ON**
 20 **INTERNATIONAL PARENTAL CHILD ABDUC-**
 21 **TION.**

22 (a) *IN GENERAL.—The Secretary of State, subject to*
 23 *the availability of appropriations, shall seek to provide*
 24 *training, directly or through another government agency or*
 25 *nongovernmental organizations, on the effective handling of*

1 *parental abduction cases to the judicial and administrative*
2 *authorities in countries—*

3 *(1) in which a significant number of unresolved*
4 *abduction cases are pending; or*

5 *(2) that have been designated as having a pat-*
6 *tern of noncompliance under section 202(b).*

7 *(b) STRATEGY REQUIREMENT.—Not later than 180*
8 *days after the date of the enactment of this Act, the Presi-*
9 *dent shall submit a strategy to carry out the activities de-*
10 *scribed in subsection (a) to—*

11 *(1) the Committee on Foreign Relations of the*
12 *Senate;*

13 *(2) the Committee on Foreign Affairs of the*
14 *House of Representatives;*

15 *(3) the Committee on Appropriations of the Sen-*
16 *ate; and*

17 *(4) the Committee on Appropriations of the*
18 *House of Representatives.*

19 *(c) AUTHORIZATION OF APPROPRIATIONS.—*

20 *(1) IN GENERAL.—There is authorized to be ap-*
21 *propriated to the Secretary of State \$1,000,000 for*
22 *each of the fiscal years 2015 and 2016 to carry out*
23 *subsection (a).*

24 *(2) USE OF FUNDS.—Amounts appropriated for*
25 *the activities set forth in subsection (a) shall be used*

- 1 *pursuant to the authorization and requirements*
- 2 *under this section.*

Attest:

Secretary.

113TH CONGRESS
2^D SESSION

H.R. 3212

AMENDMENT