

Calendar No. 450

113TH CONGRESS
2^D SESSION**H. R. 3212****[Report No. 113–204]**

IN THE SENATE OF THE UNITED STATES

DECEMBER 12 (legislative day, DECEMBER 11), 2013

Received

DECEMBER 17, 2013

Read twice and referred to the Committee on Foreign Relations

JUNE 26, 2014

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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.

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 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 2013”.

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. Memorandum of understanding.
 Sec. 104. Notification of congressional representatives.

TITLE II—PRESIDENTIAL ACTIONS

Sec. 201. Presidential actions in response to unresolved cases.
 Sec. 202. Presidential actions in response to patterns of noncooperation in
 cases of international child abductions.
 Sec. 203. Consultations with foreign governments.
 Sec. 204. Report to Congress.
 Sec. 205. Presidential actions.
 Sec. 206. Presidential waiver.
 Sec. 207. Publication in Federal Register.
 Sec. 208. Termination of Presidential actions.

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

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

9 (1) Sean Goldman, a United States citizen and
 10 resident of New Jersey, was abducted from the
 11 United States in 2004 and separated from his fa-
 12 ther, David Goldman, who spent nearly six years
 13 battling for the return of his son from Brazil before
 14 Sean was finally returned to Mr. Goldman’s custody
 15 on December 24, 2009.

1 (2) The Department of State's Office of Chil-
2 dren's Issues, which serves as the Central Authority
3 of the United States for the purposes of the 1980
4 Hague Convention on the Civil Aspects of Inter-
5 national Child Abduction, has received thousands of
6 requests since 2007 for assistance in the return to
7 the United States of children who have been ab-
8 ducted by a parent or other legal guardian to an-
9 other country. For a variety of reasons reflecting the
10 significant obstacles to the recovery of abducted chil-
11 dren, as well as the legal and factual complexity in-
12 volving such cases, not all cases are reported to the
13 Central Authority of the United States.

14 (3) More than one thousand outgoing inter-
15 national child abductions are reported to the Central
16 Authority of the United States every year.

17 (4) Only about half of the children abducted
18 from the United States to countries with which the
19 United States enjoys reciprocal obligations under the
20 Hague Abduction Convention are returned to the
21 United States.

22 (5) The United States and Convention coun-
23 tries have expressed their desire, through the Hague
24 Abduction Convention, "to protect children inter-
25 nationally from the harmful effects of their wrongful

1 removal or retention and to establish procedures to
2 ensure their prompt return to the State of their ha-
3 bitual residence, as well as to secure protection for
4 rights of access.”.

5 (6) Compliance by the United States and Con-
6 vention countries depends on the actions of their
7 designated central authorities; the performance of
8 their judiciaries as reflected in the legal process and
9 decisions rendered to enforce or effectuate the
10 Hague Abduction Convention; and the ability and
11 willingness of their law enforcement to insure the
12 swift enforcement of orders rendered pursuant to the
13 Hague Abduction Convention.

14 (7) According to data compiled by the Central
15 Authority of the United States, approximately 40
16 percent of abduction cases and access cases involve
17 children taken from the United States to countries
18 with which the United States does not have Hague
19 Abduction Convention obligations or other agree-
20 ments relating to the resolution of abduction cases
21 and access cases.

22 (8) According to the Department of State’s
23 April 2010 Report on Compliance with the Hague
24 Convention on the Civil Aspects of International
25 Child Abduction, “parental child abduction jeopard-

1 izes the child and has substantial long-term con-
2 sequences for both the child and the left-behind par-
3 ent.”.

4 (9) Abducted children are at risk of serious
5 emotional and psychological problems and have been
6 found to experience anxiety, eating problems, night-
7 mares, mood swings, sleep disturbances, aggressive
8 behavior, resentment, guilt and fearfulness, and as
9 adults may struggle with identity issues, personal re-
10 lationships, and parenting.

11 (10) Left-behind parents may encounter sub-
12 stantial psychological and emotional problems, and
13 few have the extraordinary financial resources nec-
14 essary to pursue individual civil or criminal remedies
15 in both the United States and a foreign country,
16 even where available, or to engage in repeated for-
17 eign travel to attempt to procure the return of their
18 children by evoking diplomatic and humanitarian
19 remedies.

20 (11) Left-behind parents who are military par-
21 ents may be unable to leave their military duties to
22 pursue multinational litigation or take leave to at-
23 tend multiple court proceedings, and foreign authori-
24 ties may not schedule proceedings to accommodate
25 such duties.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the United States should set a strong example
3 for Convention countries in the timely location and return
4 of abducted children in the United States whose habitual
5 residence is not the United States.

6 (c) PURPOSES.—The purposes of this Act are to—

7 (1) protect children whose habitual residence is
8 the United States from the harmful effects of abduction
9 and to assist left-behind parents to have access
10 to their abducted child in a safe and predictable
11 manner, wherever the child is located, while an abduction
12 case is pending;

13 (2) provide left-behind parents, including military
14 parents, their advocates, and judges the information they
15 need to enhance the resolution of abduction cases and access
16 cases through established legal procedures, risk assessment tools,
17 and the practical means for overcoming obstacles to recovering an
18 abducted child;

19 (3) establish measured, effective, and predictable
20 actions to be undertaken by the President on
21 behalf of abducted children whose habitual residence
22 is the United States at the time of the abduction;

23 (4) promote an international consensus that it
24 is in the interest of children to have any issues re-
25

lated to their care and custody determined in the country of their habitual residence;

(5) provide the necessary training for officials of the United States Armed Forces and the Department of Defense to establish policies and provide services to military parents that address the unique circumstances of abductions and violations of rights of access that may occur with regard to military dependent children; and

(6) encourage the effective implementation of international mechanisms, particularly those established pursuant to the Hague Abduction Convention, to achieve reciprocity in the resolution of abductions and to protect children from the harmful effects of an abduction.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ABDUCTED CHILD.**—The term “abducted child” means a child who is the victim of an abduction.

(2) **ABDUCTION.**—The term “abduction” means—

(A) the alleged wrongful removal of a child from the child’s country of habitual residence;

(B) the alleged wrongful retention of a child outside the child's country of habitual residence; or

(C) the alleged wrongful removal or retention of a military dependent child from the exercise of rights of custody of a military parent.

(3) ABDUCTION CASE.—The term “abduction case” means a case involving an application filed with the Central Authority of the United States by a left-behind parent for the resolution of an abduction.

(4) ACCESS CASE.—The term “access case” means a case involving an application filed with the Central Authority of the United States by a left-behind parent for the establishment of rights of access.

(5) ANNUAL REPORT.—The term “Annual Report” means the Annual Report on International Child Abduction required under section 101.

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

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

(B) in the case of an MOU country, the formal document required pursuant to the pro-

visions of the applicable MOU to request the return of an abducted child or to request rights of access, as applicable; and

(C) in the case of a nonparty country, the formal request by the Central Authority of the United States to the Central Authority of such country requesting the return of an abducted child or for rights of access to an abducted child.

(7) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(8) CENTRAL AUTHORITY.—The term “Central Authority” means—

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

(B) in the case of an MOU country, the official entity designated by the government of the MOU country within the applicable MOU pursuant to section 103(b)(1) to discharge the duties imposed on the entity in such MOU; and

1 (C) in the case of a nonparty country, the
2 foreign ministry of such country.

3 (9) CHILD.—The term “child” means an indi-
4 vidual who has not attained the age of 16.

5 (10) CONVENTION COUNTRY.—The term “Con-
6 vention country” means a country other than the
7 United States that has ratified, acceded, or suc-
8 ceeded to the Hague Abduction Convention and with
9 respect to which the United States has entered into
10 a reciprocal agreement pursuant to the Hague Ab-
11 duction Convention.

12 (11) HAGUE ABDUCTION CONVENTION.—The
13 term “Hague Abduction Convention” means the
14 Convention on the Civil Aspects of International
15 Child Abduction, done at The Hague on October 25,
16 1980.

17 (12) LEFT-BEHIND PARENT.—The term “left-
18 behind parent” means an individual or entity, either
19 individually or jointly, who alleges that an abduction
20 has occurred that is in breach of rights of custody—

21 (A) attributed to such individual or entity;
22 as applicable; and

23 (B) exercised at the time of the abduction
24 or that would have been exercised but for the
25 abduction.

1 (13) ~~LEGAL RESIDENCE.~~—The term “legal resi-
2 dence” means the congressional district and State in
3 which an individual either is residing, or if an indi-
4 vidual is residing temporarily outside the United
5 States, the congressional district and State to which
6 the individual intends to return.

7 (14) ~~MILITARY DEPENDENT CHILD.~~—The term
8 “military dependent child” means a child whose ha-
9 bitual residence is the United States according to
10 United States law even though the child is residing
11 outside the United States with a military parent.

12 (15) ~~MILITARY PARENT.~~—The term “military
13 parent” means an individual who has rights of cus-
14 tody over a child and who is serving outside the
15 United States as a member of the United States
16 Armed Forces.

17 (16) ~~MOU.~~—The term “MOU” means a memo-
18 randum of understanding between the United States
19 and a country that is not a Convention country to
20 resolve abduction cases and access cases.

21 (17) ~~MOU COUNTRY.~~—The term “MOU coun-
22 try” means a country with respect to which the
23 United States has entered into an MOU.

1 (18) NONPARTY COUNTRY.—The term
2 “nonparty country” means a country that is neither
3 a Convention country nor an MOU country.

4 (19) PATTERN OF NONCOOPERATION.—

5 (A) IN GENERAL.—The term “pattern of
6 noncooperation” means the persistent failure—

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

10 (ii) of an MOU country to implement
11 and abide by the provisions of the applica-
12 ble MOU.

13 (B) CRITERIA.—Such persistent failure
14 may be evidenced by one or more of the fol-
15 lowing criteria:

16 (i) The existence of 10 or more unre-
17 solved abduction cases.

18 (ii) The failure of the Central Author-
19 ity of the country to fulfill its responsibil-
20 ities pursuant to the Hague Abduction
21 Convention or the MOU, as applicable.

22 (iii) The failure of the judicial or ad-
23 ministrative branch, as applicable, of the
24 national government of the country to im-
25 plement and comply with the provisions of

1 the Hague Abduction Convention or the
2 MOU, as applicable.

3 (iv) The failure of law enforcement to
4 locate abducted children or to enforce re-
5 turn orders or determinations of rights of
6 access rendered by the judicial or adminis-
7 trative authorities of the national govern-
8 ment of the country in abduction cases or
9 access cases.

10 (20) RIGHTS OF ACCESS.—The term “rights of
11 access” means the rights of contact between a child
12 and a left-behind parent provided as a provisional
13 measure while an abduction case is pending, by op-
14 eration of law or by reason of judicial or administra-
15 tive determination or by agreement having legal ef-
16 fect, under the law of the country in which the child
17 is located.

18 (21) RIGHTS OF CUSTODY.—The term “rights
19 of custody” means rights of care and custody of an
20 abducted child, including the right to determine the
21 place of residence of an abducted child—

22 (A) attributed to an individual or entity,
23 either individually or jointly, and

1 ~~(B)~~ arising by operation of law or by rea-
 2 son of a judicial or administrative decision, or
 3 by reason of an agreement having legal effect,
 4 under the law of the country in which the child was
 5 an habitual resident immediately before the abduc-
 6 tion.

7 ~~(22)~~ UNRESOLVED ABDUCTION CASE.—

8 ~~(A)~~ IN GENERAL.—Subject to subpara-
 9 graph ~~(B)~~, the term “unresolved abduction
 10 case” means an abduction case that remains
 11 unresolved for a period that exceeds 180 days
 12 after the date on which the completed applica-
 13 tion for return of the child is submitted for de-
 14 termination to the judicial or administrative au-
 15 thority, as applicable, in the country in which
 16 the child is located.

17 ~~(B)~~ RESOLUTION OF CASE.—An abduction
 18 case shall be considered to be resolved if—

19 (i) the child is returned to the country
 20 of habitual residence, pursuant to the
 21 Hague Abduction Convention or MOU, if
 22 applicable;

23 (ii) the judicial or administrative
 24 branch, as applicable, of the national gov-
 25 ernment of the country in which the child

1 is located has implemented and is com-
 2 plying with the provisions of the Hague
 3 Abduction Convention or the MOU, as ap-
 4 plicable; and a final determination is made
 5 by such judicial or administrative branch
 6 that the child will not be returned to the
 7 country of habitual residence; or

8 (iii) the child attains the age of 16.

9 **TITLE I—DEPARTMENT OF** 10 **STATE ACTIONS**

11 **SEC. 101. ANNUAL REPORT.**

12 (a) ~~IN GENERAL.~~—Not later than March 31 of each
 13 year, the Secretary of State shall submit to the appro-
 14 priate congressional committees an Annual Report on
 15 International Child Abduction.

16 (b) ~~CONTENTS.~~—Each Annual Report shall include
 17 the following:

18 (1) A list of all countries with respect to which
 19 there were one or more abduction cases during the
 20 preceding year that identifies whether each such
 21 country is a Convention country, an MOU country,
 22 or a nonparty country.

23 (2) For each country with respect to which
 24 there were 5 or more abduction cases during the
 25 preceding year:

1 (A) The number of abduction cases and
2 the number of access cases, respectively, re-
3 ported during the preceding year.

4 (B) The number of abduction cases and
5 the number of access cases, respectively, that
6 are pending as of March 1 of the year in which
7 such Annual Report is submitted.

8 (C)(i) For Convention and MOU countries,
9 the number of abduction cases and the number
10 of access cases, respectively, that were pending
11 at any point for more than 180 days after the
12 date on which the Central Authority of the
13 United States transmitted the complete applica-
14 tion for each such case to the Central Authority
15 of such country, and were not submitted by the
16 Central Authority to the judicial or administra-
17 tive authority, as applicable, of such country
18 within the 180-day period.

19 (ii) The reason for the delay in submission
20 of each case identified in clause (i) by the Cen-
21 tral Authority of such country to the judicial or
22 administrative authority.

23 (D) The number of unresolved abduction
24 cases, and the length of time each case has
25 been pending.

1 (E) The number of unresolved abduction
2 cases in which a completed application has been
3 filed and law enforcement has failed to locate
4 the abducted child or to enforce a return order
5 rendered by the judicial or administrative au-
6 thorities of such country.

7 (F) The median time required for resolu-
8 tion of abduction cases during the preceding
9 year, to be measured from the date on which
10 the application with respect to the abduction
11 case is transmitted by the Central Authority of
12 the United States to the Central Authority of
13 such country to the date on which the abduc-
14 tion case is resolved.

15 (G) The total number and the percentage
16 of the total number of abduction cases and ac-
17 cess cases, respectively, resolved during the pre-
18 ceeding year.

19 (H) Detailed information about each unre-
20 solved abduction case described in subpara-
21 graph (E) and on actions taken by the Depart-
22 ment of State to resolve such case, including
23 the specific actions taken by the United States
24 chief of mission in such country.

1 (I) Recommendations to improve resolution
2 of abduction cases and access cases.

3 (3) The number of abducted children from the
4 United States who were returned to the United
5 States from Convention countries, MOU countries,
6 and nonparty countries, respectively.

7 (4) A list of Convention countries and MOU
8 countries that have failed to comply with any of
9 their obligations under the Hague Abduction Con-
10 vention or the MOU, as applicable, with respect to
11 the resolution of abduction cases and access cases.

12 (5) A list of countries demonstrating a pattern
13 of noncooperation, and a summary of the criteria on
14 which the determination of a pattern of noncoopera-
15 tion for each country is based.

16 (6)(A) Information on efforts by the Secretary
17 of State to encourage other countries to become sig-
18 natories to the Hague Abduction Convention or to
19 enter into an MOU.

20 (B) The efforts referred to in subparagraph (A)
21 shall include efforts to address pending abduction
22 cases and access cases in such countries.

23 (7) A description of the efforts of the Secretary
24 of State to encourage Convention countries and
25 MOU countries to facilitate the work of nongovern-

1 mental organizations within their respective coun-
2 tries that assist left-behind parents.

3 ~~(8) The number of cases which were success-~~
4 fully resolved without abducted children being re-
5 turned to the United States from Convention coun-
6 tries, MOU countries, and nonparty countries, re-
7 spectively.

8 ~~(c) EXCEPTION.—The Annual Report shall not in-~~
9 clude—

10 ~~(1) the names of left-behind parents or children~~
11 involved in abduction cases or access cases; or

12 ~~(2) information that may identify a party in-~~
13 volved in an abduction case or access case unless the
14 party stipulates in writing to the Central Authority
15 of the United States that such information may be
16 included in the Annual Report.

17 ~~(d) ADDITIONAL THEMATIC SECTIONS.—Each An-~~
18 nual Report shall also include—

19 ~~(1) information on the number of unresolved~~
20 abduction cases affecting left-behind parents who
21 are military parents and a summary of assistance of-
22 fered to such left-behind parents;

23 ~~(2) information on the use of airlines in abduc-~~
24 tions, voluntary airline practices to prevent abduc-

tions, and recommendations for best airline practices to prevent abductions;

~~(3) information on actions taken by the Central Authority of the United States to train domestic judges in application of the Hague Abduction Convention; and~~

~~(4) information on actions taken by the Central Authority of the United States to train United States Armed Forces legal assistance personnel, military chaplains, and military family support center personnel about abductions, the risk of loss of access to children, and the legal frameworks available to resolve such cases.~~

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

SEC. 102. STANDARDS AND ASSISTANCE.

The Secretary of State shall ensure that United States diplomatic and consular missions abroad—

~~(1) maintain a consistent reporting standard with respect to abduction cases and access cases involving abducted children in the country in which such mission is located for purposes of the Annual Report;~~

1 (2) designate at least one official in each such
 2 mission to assist left-behind parents from the United
 3 States who are visiting such country to resolve cases
 4 involving an abduction or rights of access; and

5 (3) monitor developments in cases involving ab-
 6 ducted children in the country in which such mission
 7 is located.

8 **SEC. 103. MEMORANDUM OF UNDERSTANDING.**

9 (a) IN GENERAL.—The Secretary of State should
 10 seek to enter into an MOU with every country that is not
 11 a Convention country and is unlikely to become a Conven-
 12 tion country in the foreseeable future; that includes—

13 (1) identification of the Central Authority;

14 (2) a protocol to identify, locate, and effectuate
 15 the return of an abducted child identified in an ab-
 16 duction case not later than 6 weeks after the appli-
 17 cation with respect to the abduction case has been
 18 submitted to the judicial or administrative authority;
 19 as applicable, of the country in which the abducted
 20 child is located;

21 (3) a protocol for the establishment and protec-
 22 tion of the rights of access;

23 (4) identification of the judicial or administra-
 24 tive authority that will promptly adjudicate abduc-
 25 tion cases and access cases;

1 (5) identification of a law enforcement agency
2 and available law enforcement mechanisms and pro-
3 cedures to ensure the immediate enforcement of an
4 order issued by the authority identified pursuant to
5 paragraph (4) to return an abducted child to a left-
6 behind parent, including by—

7 (A) conducting an investigation to ascer-
8 tain the location of the abducted child;

9 (B) providing protection to the abducted
10 child after such child is located; and

11 (C) retrieving the abducted child and mak-
12 ing the appropriate arrangements for such child
13 to be returned to the country of habitual resi-
14 dence;

15 (6) a protocol to establish periodic visits be-
16 tween a United States embassy or consular official
17 and an abducted child to allow the official to ascer-
18 tain the child's location and welfare; and

19 (7) such other provisions as determined to be
20 appropriate by the Secretary of State.

21 (b) RULE OF CONSTRUCTION.—

22 (1) IN GENERAL.—Nothing in this Act shall be
23 construed to prohibit the United States from pro-
24 posing and entering into a memorandum of under-
25 standing with a Convention country to further clar-

1 ify the reciprocal obligations of the United States
 2 and the Convention country under the Hague Ab-
 3 duction Convention.

4 (2) TREATMENT OF OBLIGATIONS OF CONVEN-
 5 TION COUNTRY.—In those instances in which there
 6 is a memorandum of understanding as described in
 7 paragraph (1), the obligations of the Convention
 8 country under such memorandum shall be consid-
 9 ered to be obligations of such country under the
 10 Hague Abduction Convention for purposes of this
 11 Act.

12 **SEC. 104. NOTIFICATION OF CONGRESSIONAL REPRESENT-**
 13 **ATIVES.**

14 (a) NOTIFICATION.—Except as provided in sub-
 15 section (b), the Secretary of State shall notify in writing
 16 the Member of Congress and Senators representing the
 17 legal residence of a left-behind parent when such parent
 18 reports an abduction to the Central Authority of the
 19 United States.

20 (b) EXCEPTION.—The notification requirement under
 21 subsection (a) shall not apply if the left-behind parent
 22 does not consent to the notification described in such sub-
 23 section.

24 (c) TIMING.—At the request of any person who is a
 25 left-behind parent, including a left-behind parent who pre-

1 viously reported an abduction to the Central Authority of
 2 the United States before the date of the enactment of this
 3 Act, notification of a Member of Congress, in accordance
 4 with subsections (a) and (b), shall be provided as soon
 5 as is practicable.

6 (d) MEMBER OF CONGRESS DEFINED.—In this sec-
 7 tion, the term “Member of Congress” means a Represent-
 8 ative in, or Delegate or Resident Commissioner to, the
 9 Congress.

10 **TITLE II—PRESIDENTIAL** 11 **ACTIONS**

12 **SEC. 201. PRESIDENTIAL ACTIONS IN RESPONSE TO UNRE-** 13 **SOLVED CASES.**

14 (a) RESPONSE TO INTERNATIONAL CHILD ABDUC-
 15 TIONS.—

16 (1) UNITED STATES POLICY.—It shall be the
 17 policy of the United States to—

18 (A) promote the best interest of children
 19 abducted from the United States by estab-
 20 lishing legal rights and procedures for their
 21 prompt return and by promoting such rights
 22 and procedures through actions that ensure the
 23 enforcement of reciprocal international obliga-
 24 tions; and

1 ~~(B)~~ recognize the international character
2 of the Hague Abduction Convention, and the
3 need for reciprocity pursuant to and the uni-
4 form international interpretation of the Hague
5 Abduction Convention, by promoting the timely
6 resolution of abduction cases through one or
7 more of the actions described in section 205.

8 ~~(2)~~ REQUIREMENT OF PRESIDENTIAL AC-
9 TION.—Whenever the President determines that the
10 government of a foreign country has failed to resolve
11 an unresolved abduction case, the President shall op-
12 pose such failure through one or more of the actions
13 described in subsection (b).

14 ~~(b)~~ PRESIDENTIAL ACTIONS.—

15 ~~(1)~~ IN GENERAL.—Subject to paragraphs ~~(2)~~
16 and ~~(3)~~, the President, in consultation with the Sec-
17 retary of State, shall, as expeditiously as practicable
18 in response to the failure described in subsection (a)
19 by the government of a foreign country, take one or
20 more of the actions described in paragraphs ~~(1)~~
21 through ~~(13)~~ of section 205(a) (or commensurate ac-
22 tion as provided in section 205(b)) with respect to
23 such country.

24 ~~(2)~~ DEADLINE FOR ACTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than March 31 of each year, the President shall take one or more of the actions described in paragraphs (1) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to each foreign country the government of which has failed to resolve an unresolved abduction case that is pending as of such date.

(B) EXCEPTION.—In the case of an action under any of paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b))—

(i) the action may only be taken after the requirements of sections 203 and 204 have been satisfied; and

(ii) the March 31 deadline to take the action shall not apply.

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.—The President may delay action described in any of the paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)), as required under paragraph (2), if the President determines and certifies to the appropriate congressional committees that an

1 additional, specified period of time is necessary for
2 a continuation of negotiations that have been com-
3 menced with the country to resolve the unresolved
4 case.

5 (c) IMPLEMENTATION.—

6 (1) IN GENERAL.—In carrying out subsection
7 (b), the President shall—

8 (A) take one or more actions that most ap-
9 propriately respond to the nature and severity
10 of the failure to resolve the unresolved abduc-
11 tion cases; and

12 (B) seek to the fullest extent possible to
13 target action as narrowly as practicable with re-
14 spect to the agencies or instrumentalities of the
15 foreign government that are responsible for
16 such failures, in ways that respect the separa-
17 tion of powers and independence of the judici-
18 ary in foreign countries.

19 (2) GUIDELINES FOR PRESIDENTIAL AC-
20 TIONS.—In addition to the guidelines under para-
21 graph (1), the President, in determining whether to
22 take one or more actions under paragraphs (10)
23 through (13) of section 205(a) (or commensurate ac-
24 tion as provided in section 205(b)), shall seek to
25 minimize any adverse impact on—

1 (A) the population of the country whose
2 government is targeted by the action or actions;
3 and

4 (B) the humanitarian activities of United
5 States and foreign nongovernmental organiza-
6 tions in the country.

7 **SEC. 202. PRESIDENTIAL ACTIONS IN RESPONSE TO PAT-**
8 **TERNS OF NONCOOPERATION IN CASES OF**
9 **INTERNATIONAL CHILD ABDUCTIONS.**

10 (a) RESPONSE TO A PATTERN OF NONCOOPERA-
11 TION.—

12 (1) UNITED STATES POLICY.—It shall be the
13 policy of the United States to—

14 (A) oppose institutional or other systemic
15 failures of foreign governments to fulfill their
16 obligations pursuant to the Hague Abduction
17 Convention or MOU, as applicable, to resolve
18 abduction cases and access cases; and

19 (B) promote reciprocity pursuant to and
20 compliance with the Hague Abduction Conven-
21 tion by Convention countries and compliance
22 with the applicable MOU by MOU countries.

23 (2) REQUIREMENT OF PRESIDENTIAL AC-
24 TION.—Whenever the President determines that the
25 government of a foreign country has engaged in a

1 pattern of noncooperation; the President shall pro-
 2 mote the resolution of the unresolved abduction
 3 cases through one or more of the actions described
 4 in subsection (c).

5 (b) DESIGNATIONS OF COUNTRIES WITH PATTERNS
 6 OF NONCOOPERATION IN CASES OF INTERNATIONAL
 7 CHILD ABDUCTION.—

8 (1) ANNUAL REVIEW.—

9 (A) IN GENERAL.—Not later than March
 10 31 of each year, the President shall review the
 11 status of abduction cases and access cases in
 12 each foreign country to determine whether the
 13 government of such country has engaged in a
 14 pattern of noncooperation during the preceding
 15 12 months or since the date of the last review
 16 of such country under this subparagraph,
 17 whichever period is longer. The President shall
 18 designate each country the government of which
 19 has engaged in a pattern of noncooperation as
 20 a Country With a Pattern of Noncooperation.

21 (B) BASIS OF REVIEW.—Each review con-
 22 ducted under subparagraph (A) shall be based
 23 upon information contained in the latest Annual
 24 Report and on any other evidence available.

1 ~~(2) DETERMINATIONS OF RESPONSIBLE PAR-~~
2 ~~TIES.—~~For the government of each country des-
3 ~~ignated as a Country With a Pattern of Noncoopera-~~
4 ~~tion under paragraph (1)(A), the President shall~~
5 ~~seek to determine the agencies or instrumentalities~~
6 ~~of such government that are responsible for the pat-~~
7 ~~tern of noncooperation by such government in order~~
8 ~~to appropriately target actions under this section in~~
9 ~~response.~~

10 ~~(3) CONGRESSIONAL NOTIFICATION.—~~Whenever
11 ~~the President designates a country as a Country~~
12 ~~With a Pattern of Noncooperation under paragraph~~
13 ~~(1)(A), the President shall, as soon as practicable~~
14 ~~after such designation is made, transmit to the ap-~~
15 ~~propriate congressional committees—~~

16 ~~(A) the designation of the country, signed~~
17 ~~by the President; and~~

18 ~~(B) the identification, if any, of responsible~~
19 ~~agencies or instrumentalities determined under~~
20 ~~paragraph (2).~~

21 ~~(c) PRESIDENTIAL ACTIONS WITH RESPECT TO A~~
22 ~~COUNTRY WITH A PATTERN OF NONCOOPERATION.—~~

23 ~~(1) IN GENERAL.—~~Subject to paragraphs (2)
24 ~~and (3) with respect to each Country With a Pattern~~
25 ~~of Noncooperation designated under subsection~~

1 ~~(b)(1)(A)~~, the President shall, after the require-
 2 ments of sections 203 and 204 have been satisfied,
 3 but not later than 90 days ~~(or 180 days in case of~~
 4 a delay under paragraph (2)) after the date of such
 5 designation of the country under such subsection,
 6 take one or more of the actions under paragraphs
 7 ~~(10) through (13)~~ of section 205(a) ~~(or commensu-~~
 8 rate action as provided in section 205(b)).

9 ~~(2) AUTHORITY FOR DELAY OF PRESIDENTIAL~~
 10 ~~ACTIONS.—~~If, on or before the date that the Presi-
 11 dent is required to take action under paragraph (1),
 12 the President determines and certifies to the appro-
 13 priate congressional committees that a single, addi-
 14 tional period of time not to exceed 90 days is nec-
 15 essary—

16 ~~(A)~~ for a continuation of negotiations that
 17 have been commenced with the government of a
 18 country described in such paragraph to bring
 19 about a cessation of the pattern of noncoopera-
 20 tion by such country, or

21 ~~(B)~~ for a review of corrective action taken
 22 by such country after designation of such coun-
 23 try as a Country With a Pattern of Non-
 24 cooperation under subsection ~~(b)(1)(A)~~ or in

1 anticipation that corrective action will be taken
 2 by such country during such 90-day period;
 3 the President shall not be required to take such ac-
 4 tion until the expiration of such period of time.

5 ~~(3) EXCEPTION FOR ONGOING PRESIDENTIAL~~
 6 ~~ACTION.—~~

7 ~~(A) IN GENERAL.—~~The President shall not
 8 be required to take action under paragraph (1)
 9 with respect to a Country With a Pattern of
 10 Noncooperation if—

11 (i) the President has taken action
 12 pursuant to paragraph (1) with respect to
 13 such country in a preceding year; such ac-
 14 tion is in effect at the time such country
 15 is designated as a Country with a Pattern
 16 of Noncooperation under subsection
 17 (b)(1)(A); and the President submits to
 18 the appropriate congressional committees
 19 the information described in section 204
 20 regarding the actions in effect with respect
 21 to such country; or

22 (ii) subject to subparagraph (B), the
 23 President determines that such country is
 24 subject to multiple, broad-based sanctions
 25 imposed in significant part in response to

1 human rights abuses and that such sanc-
 2 tions also satisfy the requirements of this
 3 subsection.

4 ~~(B) ADDITIONAL REQUIREMENTS.—~~If the
 5 President makes a determination under sub-
 6 paragraph (A)(ii)—

7 (i) the report under section 204 and,
 8 as applicable, the publication in the Fed-
 9 eral Register under section 208, shall
 10 specify the specific sanction or sanctions
 11 that the President has determined satisfy
 12 the requirements of this subsection; and

13 (ii) such sanctions shall remain in ef-
 14 fect subject to section 209.

15 ~~(d) RULE OF CONSTRUCTION.—~~A determination
 16 under this section that a foreign country has engaged in
 17 a pattern of noncooperation shall not be construed to re-
 18 quire the termination of assistance or other activities with
 19 respect to such country under any other provision of law,
 20 including section 116 or 502B of the Foreign Assistance
 21 Act of 1961 (22 U.S.C. 2151(n) or 2304).

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

23 As soon as practicable after the President makes a
 24 determination under section 201 in response to failures
 25 to resolve unresolved abduction cases and the President

1 decides to take action under paragraphs (10) through (13)
 2 of section 205(a) (or commensurate action as provided in
 3 section 205(b)) with respect to that country, or not later
 4 than 90 days after the President designates a country as
 5 a country with a pattern of noncooperation pursuant to
 6 section 202(b)(1)(a), the President shall—

7 (1) request consultation with the government of
 8 such country regarding the failures giving rise to
 9 designation of that country as a Country With a
 10 Pattern of Noncooperation regarding the pattern of
 11 noncooperation or to action under section 201; and

12 (2) if agreed to, enter into such consultations
 13 with such country, privately or publicly.

14 **SEC. 204. REPORT TO CONGRESS.**

15 (a) IN GENERAL.—Subject to subsection (b), not
 16 later than 90 days after the President makes a determina-
 17 tion under section 201 in response to failures to resolve
 18 unresolved abduction cases and the President decides to
 19 take action under paragraphs (10) through (13) of section
 20 205(a) (or commensurate action as provided in section
 21 205(b)) with respect to that country, or not later than
 22 90 days after the President designates a country as a
 23 Country With a Pattern of Noncooperation pursuant to
 24 section 202(b)(1)(A), the President shall transmit to the

1 appropriate congressional committees a report on the fol-
 2 lowing:

3 (1) IDENTIFICATION OF PRESIDENTIAL AC-
 4 TIONS.—An identification of the action or actions
 5 described in section 205(a) (or commensurate action
 6 as provided in section 205(b)) to be taken with re-
 7 spect to such country.

8 (2) DESCRIPTION OF VIOLATIONS.—A descrip-
 9 tion of the failure to resolve an unresolved case or
 10 the pattern of noncooperation, as applicable, giving
 11 rise to the action or actions to be taken by the
 12 President.

13 (3) PURPOSE OF PRESIDENTIAL ACTIONS.—A
 14 description of the purpose of the action or actions.

15 (4) EVALUATION.—

16 (A) DESCRIPTION.—An evaluation, in con-
 17 sultation with the Secretary of State, the par-
 18 ties described in section 203(b), and other par-
 19 ties the President determines appropriate, of
 20 the anticipated impact of the Presidential ac-
 21 tion upon—

- 22 (i) pending abduction cases in such
- 23 country;
- 24 (ii) the government of such country;
- 25 (iii) the population of such country;

1 (iv) the United States economy;
 2 (v) other interested parties; and
 3 (vi) if such country is a Convention
 4 country or an MOU country, the reciprocal
 5 fulfillment of obligations pursuant to such
 6 Convention or applicable MOU, as applica-
 7 ble.

8 (B) FORM.—The evaluation under sub-
 9 paragraph (A) shall be transmitted in unclassi-
 10 fied form, but may contain a classified annex if
 11 necessary.

12 ~~(5) STATEMENT OF POLICY OPTIONS.~~—A state-
 13 ment that noneconomic policy options designed to
 14 resolve the unresolved case or bring about the ces-
 15 sation of the pattern of noncooperation have reason-
 16 ably been exhausted, including the consultations re-
 17 quired in section 203.

18 ~~(b) DELAY IN TRANSMITTAL OF REPORT.~~—If, on or
 19 before the date that the President is required to submit
 20 a report under subsection (a) to the appropriate congres-
 21 sional committees, the President determines and certifies
 22 to such committees that a single, additional period of time
 23 not to exceed 90 days is necessary pursuant to section
 24 202(c)(2), the President shall not be required to submit

1 the report to such committees until the expiration of such
2 period of time.

3 **SEC. 205. PRESIDENTIAL ACTIONS.**

4 (a) DESCRIPTION OF PRESIDENTIAL ACTIONS.—Ex-
5 cept as provided in subsection (c), the Presidential actions
6 referred to in this subsection are the following:

7 (1) A private demarche.

8 (2) An official public demarche.

9 (3) A public condemnation.

10 (4) A public condemnation within one or more
11 multilateral fora.

12 (5) The delay or cancellation of one or more
13 scientific exchanges.

14 (6) The delay or cancellation of one or more
15 cultural exchanges.

16 (7) The denial of one or more working, official,
17 or state visits.

18 (8) The delay or cancellation of one or more
19 working, official, or state visits.

20 (9) A formal request to the foreign country con-
21 cerned to extradite an individual who is engaged in
22 abduction and who has been formally accused of,
23 charged with, or convicted of an extraditable offense.

24 (10) The withdrawal, limitation, or suspension
25 of United States development assistance in accord-

1 ance with section 116 of the Foreign Assistance Act
2 of 1961 (22 U.S.C. 2151n).

3 (11) The withdrawal, limitation, or suspension
4 of United States security assistance in accordance
5 with section 502B of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2304).

7 (12) The withdrawal, limitation, or suspension
8 of assistance to the central government of a country
9 pursuant to chapter 4 of part II of the Foreign As-
10 sistance Act of 1961 (22 U.S.C. 2346 et seq.; relat-
11 ing to the Economic Support Fund).

12 (13) Ordering the heads of the appropriate
13 United States agencies not to issue any (or a speci-
14 fied number of) specific licenses, and not to grant
15 any other specific authority (or a specified number
16 of authorities), to export any goods or technology to
17 such government or to the agency or instrumentality
18 of such government determined by the President to
19 be responsible for such unresolved case or pattern of
20 noncooperation, as applicable, under—

21 (A) the Export Administration Act of 1979
22 (as continued in effect under the International
23 Emergency Economic Powers Act);

24 (B) the Arms Export Control Act;

25 (C) the Atomic Energy Act of 1954; or

1 ~~(D)~~ any other statute that requires the
2 prior review and approval of the United States
3 Government as a condition for the export or re-
4 export of goods or services.

5 ~~(b)~~ COMMENSURATE ACTION.—Except as provided in
6 subsection ~~(c)~~, the President may substitute any other ac-
7 tion authorized by law for any action described in sub-
8 section ~~(a)~~ if such action is commensurate in effect to the
9 action substituted and if such action would further the
10 purposes of this Act as specified in section 2~~(c)~~. The Presi-
11 dent shall seek to take all appropriate and feasible actions
12 authorized by law to resolve the unresolved case or to ob-
13 tain the cessation of such pattern of noncooperation, as
14 applicable. If commensurate action is taken under this
15 subsection, the President shall transmit to the appropriate
16 congressional committees a report on such action, together
17 with an explanation for taking such action.

18 ~~(c)~~ EXCEPTIONS.—

19 ~~(1)~~ HUMANITARIAN EXCEPTION.—Any action
20 taken pursuant to subsection ~~(a)~~ or ~~(b)~~ may not pro-
21 hibit or restrict the provision of medicine, medical
22 equipment or supplies, food, or other life-saving hu-
23 manitarian assistance.

1 (2) ~~DEFENSE AND NATIONAL SECURITY EXCEP-~~
2 ~~TION.—~~The President shall not be required to apply
3 ~~or maintain any action under section 205—~~

4 (A) in the case of procurement of defense
5 articles or defense services—

6 (i) under existing contracts or sub-
7 contracts, including the exercise of options
8 for production quantities, to satisfy re-
9 quirements essential to the national secu-
10 rity of the United States;

11 (ii) if the President determines in
12 writing and transmits to the appropriate
13 congressional committees a report that the
14 government or the agency or instrumen-
15 tality of such government to which such
16 action would otherwise be applied is a sole
17 source supplier of such defense articles or
18 services; that such defense articles or serv-
19 ices are essential; and that alternative
20 sources are not readily or reasonably avail-
21 able; or

22 (iii) if the President determines in
23 writing and transmits to the appropriate
24 congressional committees a report that
25 such defense articles or services are essen-

1 tial to the national security of the United
 2 States under defense co-production agree-
 3 ments; or
 4 (B) to products or services provided under
 5 contracts entered into before the date on which
 6 the President publishes in the Federal Register
 7 notice of such action in accordance with section
 8 208.

9 **SEC. 206. PRESIDENTIAL WAIVER.**

10 (a) IN GENERAL.—Subject to subsection (b), the
 11 President may waive the application of any of the actions
 12 described in paragraphs (10) through (13) of section
 13 205(a) (or commensurate action as provided in section
 14 205(b)) with respect to a country, if the President deter-
 15 mines and so reports to the appropriate congressional
 16 committees that—

17 (1) the government of such country has satis-
 18 factorily resolved any abduction case giving rise to
 19 the application of any of such actions and—

20 (A) if such country is a Convention coun-
 21 try, such country has taken measures to ensure
 22 future compliance with the provisions of the
 23 Hague Abduction Convention;

24 (B) if such country is an MOU country,
 25 such country has taken measures to ensure fu-

1 ture compliance with the provisions of the MOU
2 at issue; or

3 ~~(C) if such country was a nonparty country~~
4 at the time the abductions or denials of rights
5 of access resulting in the abduction cases or ac-
6 cess cases occurred, such country has become a
7 Convention country or an MOU country;

8 ~~(2) the exercise of such waiver authority would~~
9 further the purposes of this Act; or

10 ~~(3) the important national interest of the~~
11 United States requires the exercise of such waiver
12 authority.

13 ~~(b) CONGRESSIONAL NOTIFICATION.—Not later than~~
14 the date of the exercise of a waiver under subsection (a);
15 the President shall notify the appropriate congressional
16 committees of such waiver or the intention to exercise such
17 waiver, together with a detailed justification thereof.

18 **SEC. 207. PUBLICATION IN FEDERAL REGISTER.**

19 ~~(a) IN GENERAL.—Subject to subsection (b), the~~
20 President shall ensure publication in the Federal Register
21 of the following:

22 ~~(1) DETERMINATIONS OF GOVERNMENTS;~~
23 AGENCIES, INSTRUMENTALITIES OF COUNTRIES
24 WITH PATTERNS OF NONCOOPERATION.—Any des-
25 ignation of a country that the President has des-

1 ignated as a Country With a Pattern of Noncoopera-
 2 tion under section 202(b)(1)(A), together with, when
 3 applicable and to the extent practicable, the identi-
 4 ties of agencies or instrumentalities determined to be
 5 responsible for such pattern of noncooperation.

6 ~~(2) PRESIDENTIAL ACTIONS.—A description of~~
 7 any action under paragraphs (10) through (13) of
 8 section 205(a) (or commensurate action as provided
 9 in section 205(b)) and the effective date of such ac-
 10 tion.

11 ~~(3) DELAYS IN TRANSMITTAL OF PRESI-~~
 12 ~~DENTIAL ACTION REPORTS.—Any delay in trans-~~
 13 mittal of a report required under section 204.

14 ~~(4) WAIVERS.—Any waiver issued under section~~
 15 ~~206.~~

16 ~~(b) LIMITED DISCLOSURE OF INFORMATION.—The~~
 17 President may limit publication of information under this
 18 section in the same manner and to the same extent as
 19 the President may limit the publication of findings and
 20 determinations described in section 654(e) of the Foreign
 21 Assistance Act of 1961 (~~22 U.S.C. 2414(e)~~), if the Presi-
 22 dent determines that the publication of such informa-
 23 tion—

24 ~~(1) would be harmful to the national security of~~
 25 the United States; or

1 ~~(2)~~ would not further the purposes of this Act.

2 **SEC. 208. TERMINATION OF PRESIDENTIAL ACTIONS.**

3 Any action taken under this Act or any amendment
4 made by this Act with respect to a foreign country shall
5 terminate on the earlier of the following two dates:

6 ~~(1)~~ Not later than two years after the effective
7 date of such action unless expressly reauthorized by
8 law.

9 ~~(2)~~ The date on which the President transmits
10 to Congress a certification containing a determina-
11 tion of the President that the government of such
12 country has resolved any unresolved abduction case
13 or has taken substantial and verifiable steps to cor-
14 rect the pattern of noncooperation at issue, as appli-
15 cable, that gave rise to such action.

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

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

20 (b) *TABLE OF CONTENTS.*—*The table of contents for*
21 *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 noncompliance 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-*
17 *turn to the United States of children who have been*
18 *wrongfully abducted by a parent or other legal guard-*
19 *ian to another country.*

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

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

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

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

23 (7) *Compliance by the United States and other*
24 *Convention countries depends on the actions of their*
25 *designated central authorities, the performance of*

1 *their judicial systems as reflected in the legal process*
2 *and decisions rendered to enforce or effectuate the*
3 *Hague Abduction Convention, and the ability and*
4 *willingness of their law enforcement authorities to en-*
5 *sure the swift enforcement of orders rendered pursu-*
6 *ant to the Hague Abduction Convention.*

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

14 (9) *According to the Department of State’s April*
15 *2010 Report on Compliance with the Hague Conven-*
16 *tion on the Civil Aspects of International Child Ab-*
17 *duction, “parental child abduction jeopardizes the*
18 *child and has substantial long-term consequences for*
19 *both the child and the left-behind parent.”*

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

22 (A) *to pursue individual civil or criminal*
23 *remedies in both the United States and a foreign*
24 *country, even if such remedies are available; or*

1 (B) to engage in repeated foreign travel to
2 attempt to obtain the return of their children
3 through diplomatic or other channels.

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

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

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

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

23 (15) A more robust application of domestic tools,
24 in cooperation with international law enforcement en-

1 *tities and appropriate application of the Hague Ab-*
2 *duction Convention could—*

3 *(A) discourage some parents from attempt-*
4 *ing abductions;*

5 *(B) block attempted abductions at ports of*
6 *exit; and*

7 *(C) help achieve the return of more ab-*
8 *ducted children.*

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

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

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

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

21 *(3) to protect the custodial rights of parents, in-*
22 *cluding military parents, by providing the parents,*
23 *the judicial system, and law enforcement authorities*
24 *with the information they need to prevent unlawful*
25 *abduction before it occurs;*

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

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

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

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

14 **SEC. 3. DEFINITIONS.**

15 *In this Act:*

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

19 (2) *ABDUCTION.*—*The term “abduction” means*
20 *the alleged wrongful removal of a child from the*
21 *child’s country of habitual residence, or the wrongful*
22 *retention of a child outside such country, in violation*
23 *of a left-behind parent’s custodial rights, including*
24 *the rights of a military parent.*

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

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

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

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

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

17 (6) *APPLICATION.*—The term “application”
18 *means—*

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

22 (B) *in the case of a bilateral procedures*
23 *country, the formal document required, pursuant*
24 *to the provisions of the applicable arrangement,*

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

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

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

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

21 (9) *BILATERAL PROCEDURES COUNTRY.*—The
22 term “bilateral procedures country” means a country
23 with which the United States has entered into bilat-
24 eral procedures, including Memoranda of Under-
25 standing, with respect to child abductions.

1 (10) *CENTRAL AUTHORITY.*—*The term “Central*
 2 *Authority” means—*

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

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

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

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

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

21 (13) *HAGUE ABDUCTION CONVENTION.*—*The*
 22 *term “Hague Abduction Convention” means the Con-*
 23 *vention on the Civil Aspects of International Child*
 24 *Abduction, done at The Hague October 25, 1980.*

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

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

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

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

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

23 (A) has custodial rights with respect to a
24 child; and

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

3 *(19) PATTERN OF NONCOMPLIANCE.—*

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

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

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

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

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

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

23 *(ii) The Central Authority regularly*
 24 *fails to fulfill its responsibilities pursuant*
 25 *to—*

1 (I) *the Hague Abduction Conven-*
2 *tion; or*

3 (II) *any bilateral procedures be-*
4 *tween the United States and such*
5 *country.*

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

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

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

23 (A) *by operation of law;*

24 (B) *through a judicial or administrative de-*
25 *termination; or*

1 (C) through a legally enforceable arrange-
2 ment between the parties.

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

8 (A) attributed to an individual or legal cus-
9 todian; and

10 (B) arising—

11 (i) by operation of law; or

12 (ii) through a judicial or administra-
13 tive decision; or

14 (iii) through a legally enforceable ar-
15 rangement between the parties.

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

22 (A) by operation of law; or

23 (B) through a judicial or administrative de-
24 termination; or

1 (C) *through a legally enforceable arrange-*
2 *ment between the parties.*

3 (23) *UNRESOLVED ABDUCTION CASE.—*

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

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

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

18 (ii) *the judicial or administrative*
19 *branch, as applicable, of the government of*
20 *the country in which the child is located has*
21 *implemented, and is complying with, the*
22 *provisions of the Hague Abduction Conven-*
23 *tion or other bilateral procedures, as appli-*
24 *cable;*

1 (iii) the left-behind parent reaches a
2 voluntary arrangement with the other par-
3 ent;

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

8 (v) the left-behind parent cannot be lo-
9 cated for 1 year despite the documented ef-
10 forts of the Department of State to locate
11 the parent; or

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

14 **TITLE I—DEPARTMENT OF**
15 **STATE ACTIONS**

16 **SEC. 101. ANNUAL REPORT.**

17 (a) *IN GENERAL.*—Not later than April 30 of each
18 year, the Secretary of State shall submit to the appropriate
19 congressional committees an Annual Report on Inter-
20 national Child Abduction. The Secretary shall post the An-
21 nual Report to the publicly accessible website of the Depart-
22 ment of State.

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

24 (1) a list of all countries in which there were 1
25 or more abduction cases, during the preceding cal-

1 *endar year, relating to a child whose habitual resi-*
2 *dence is the United States, including a description of*
3 *whether each such country—*

4 *(A) is a Convention country;*

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

6 *(C) has other procedures for resolving such*
7 *abductions; or*

8 *(D) adheres to no protocols with respect to*
9 *child abduction;*

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

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

16 *(B) for Convention and bilateral procedures*
17 *countries—*

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

22 *(ii) the number of abduction and ac-*
23 *cess cases that were not submitted by the*
24 *Central Authority to the judicial or admin-*

1 *istrative authority, as applicable, of such*
2 *country;*

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

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

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

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

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

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

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

23 *(G) recommendations to improve the resolu-*
24 *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.*

1 (2) *GUIDELINES FOR ACTIONS BY THE SEC-*
 2 *RETARY OF STATE.*—*In addition to the guidelines*
 3 *under paragraph (1), the Secretary of State, in deter-*
 4 *mining whether to take 1 or more actions under para-*
 5 *graphs (5) through (7) of section 202(d) or section*
 6 *202(e), shall seek to minimize any adverse impact*
 7 *on—*

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

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

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

15 **SEC. 202. ACTIONS BY THE SECRETARY OF STATE IN RE-**
 16 **SPONSE TO PATTERNS OF NONCOMPLIANCE**
 17 **IN CASES OF INTERNATIONAL CHILD ABDUC-**
 18 **TIONS.**

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

21 (1) *to oppose institutional or other systemic fail-*
 22 *ures of foreign governments to fulfill their obligations*
 23 *pursuant to the Hague Abduction Convention or bi-*
 24 *lateral procedures, as applicable, to resolve abduction*
 25 *and access cases;*

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

4 (3) *to directly engage with senior foreign govern-*
 5 *ment officials to most effectively address patterns of*
 6 *noncompliance.*

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

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

12 (A) *review the status of abduction and ac-*
 13 *cess cases in each foreign country in order to de-*
 14 *termine whether the government of such country*
 15 *has engaged in a pattern of noncompliance dur-*
 16 *ing the preceding 12 months; and*

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

19 (2) *DETERMINATIONS OF RESPONSIBLE PAR-*
 20 *TIES.—The Secretary of State shall seek to determine*
 21 *the agencies or instrumentalities of the government of*
 22 *each country determined to have engaged in a pattern*
 23 *of noncompliance under paragraph (1)(A) that are*
 24 *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.*

Calendar No. 450

113TH CONGRESS
2^D Session

H. R. 3212

[Report No. 113-204]

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.

JUNE 26, 2014

Reported with an amendment