IN THE SENATE OF THE UNITED STATES

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JUNE ______ (legislative day, __________________ ), 2014
Reported by Mr. MENENDEZ, with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

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,
SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Sean and David Goldman International Child Abduction Prevention and Return Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents for 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.

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

(a) FINDINGS.—Congress finds the following:

(1) Sean Goldman, a United States citizen and resident of New Jersey, was abducted from the United States in 2004 and separated from his father, David Goldman, who spent nearly six years battling for the return of his son from Brazil before Sean was finally returned to Mr. Goldman’s custody on December 24, 2009.
The Department of State’s Office of Children’s Issues, which serves as the Central Authority of the United States for the purposes of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, has received thousands of requests since 2007 for assistance in the return to the United States of children who have been abducted by a parent or other legal guardian to another country. For a variety of reasons reflecting the significant obstacles to the recovery of abducted children, as well as the legal and factual complexity involving such cases, not all cases are reported to the Central Authority of the United States.

More than one thousand outgoing international child abductions are reported to the Central Authority of the United States every year.

Only about half of the children abducted from the United States to countries with which the United States enjoys reciprocal obligations under the Hague Abduction Convention are returned to the United States.

The United States and Convention countries have expressed their desire, through the Hague Abduction Convention, “to protect children internationally from the harmful effects of their wrongful
removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access.”

(6) Compliance by the United States and Convention countries depends on the actions of their designated central authorities, the performance of their judiciaries as reflected in the legal process and decisions rendered to enforce or effectuate the Hague Abduction Convention, and the ability and willingness of their law enforcement to insure the swift enforcement of orders rendered pursuant to the Hague Abduction Convention.

(7) According to data compiled by the Central Authority of the United States, approximately 40 percent of abduction cases and access cases involve children taken from the United States to countries with which the United States does not have Hague Abduction Convention obligations or other agreements relating to the resolution of abduction cases and access cases.

(8) According to the Department of State’s April 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, “parental child abduction jeopard-
izes the child and has substantial long-term con-
sequences for both the child and the left-behind par-
ent."

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

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

(11) Left-behind parents who are military par-
ents may be unable to leave their military duties to
pursue multinational litigation or take leave to at-
tend multiple court proceedings, and foreign authori-
ties may not schedule proceedings to accommodate
such duties.
(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should set a strong example for Convention countries in the timely location and return of abducted children in the United States whose habitual residence is not the United States.

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

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

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

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

(4) promote an international consensus that it is in the interest of children to have any issues re-
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 Depart-
ment 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 de-
pendent children; and

(6) encourage the effective implementation of
international mechanisms, particularly those estab-
lished 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 abduc-
tion.

(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.


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

(9) Child.—The term "child" means an individual who has not attained the age of 16.

(10) Convention country.—The term "Convention country" means a country other than the United States that has ratified, acceded, or succeeded to the Hague Abduction Convention and with respect to which the United States has entered into a reciprocal agreement pursuant to the Hague Abduction Convention.


(12) Left-behind parent.—The term "left-behind parent" means an individual or entity, either individually or jointly, who alleges that an abduction has occurred that is in breach of rights of custody—

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

(B) exercised at the time of the abduction or that would have been exercised but for the abduction.
(13) **LEGAL RESIDENCE.**—The term "legal residence" means the congressional district and State in which an individual either is residing; or if an individual is residing temporarily outside the United States, the congressional district and State to which the individual intends to return.

(14) **MILITARY DEPENDENT CHILD.**—The term "military dependent child" means a child whose habitual residence is the United States according to United States law even though the child is residing outside the United States with a military parent.

(15) **MILITARY PARENT.**—The term "military parent" means an individual who has rights of custody over a child and who is serving outside the United States as a member of the United States Armed Forces.

(16) **MOU.**—The term "MOU" means a memorandum of understanding between the United States and a country that is not a Convention country to resolve abduction cases and access cases.

(17) **MOU COUNTRY.**—The term "MOU country" means a country with respect to which the United States has entered into an MOU.
(18) **Nonparty country.** The term "nonparty country" means a country that is neither a Convention country nor an MOU country.

(19) **Pattern of noncooperation.**—

(A) **In general.**—The term "pattern of noncooperation" means the persistent failure—

(i) of a Convention country to implement and abide by the provisions of the Hague Abduction Convention; and

(ii) of an MOU country to implement and abide by the provisions of the applicable MOU.

(B) **Criteria.**—Such persistent failure may be evidenced by one or more of the following criteria:

(i) The existence of 10 or more unresolved abduction cases.

(ii) The failure of the Central Authority of the country to fulfill its responsibilities pursuant to the Hague Abduction Convention or the MOU, as applicable.

(iii) The failure of the judicial or administrative branch, as applicable, of the national government of the country to implement and comply with the provisions of
the Hague Abduction Convention or the MOU, as applicable.

(iv) The failure of law enforcement to locate abducted children or to enforce return orders or determinations of rights of access rendered by the judicial or administrative authorities of the national government of the country in abduction cases or access cases.

(20) Rights of access.—The term “rights of access” means the rights of contact between a child and a left-behind parent provided as a provisional measure while an abduction case is pending, by operation of law or by reason of judicial or administrative determination or by agreement having legal effect, under the law of the country in which the child is located.

(21) Rights of custody.—The term “rights of custody” means rights of care and custody of an abducted child, including the right to determine the place of residence of an abducted child—

(A) attributed to an individual or entity, either individually or jointly; and
(B) arising by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect, under the law of the country in which the child was an habitual resident immediately before the abduction.

(22) UNRESOLVED ABDUCTION CASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “unresolved abduction case” means an abduction case that remains unresolved for a period that exceeds 180 days after the date on which the completed application for return of the child is submitted for determination to the judicial or administrative authority, as applicable, in the country in which the child is located.

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

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

(ii) the judicial or administrative branch, as applicable, of the national government of the country in which the child
is located has implemented and is complying with the provisions of the Hague Abduction Convention or the MOU, as applicable, and a final determination is made by such judicial or administrative branch that the child will not be returned to the country of habitual residence; or

(iii) the child attains the age of 16.

TITLE I—DEPARTMENT OF STATE ACTIONS

SEC. 101. ANNUAL REPORT.

(a) IN GENERAL.—Not later than March 31 of each year, the Secretary of State shall submit to the appropriate congressional committees an Annual Report on International Child Abduction.

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

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

(2) For each country with respect to which there were 5 or more abduction cases during the preceding year.
(A) The number of abduction cases and
the number of access cases, respectively, re-
ported during the preceding year.

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

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

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

(D) The number of unresolved abduction
cases; and the length of time each case has
been pending.
(E) The number of unresolved abduction cases in which a completed application has been filed and law enforcement has failed to locate the abducted child or to enforce a return order rendered by the judicial or administrative authorities of such country.

(F) The median time required for resolution of abduction cases during the preceding year, to be measured from the date on which the application with respect to the abduction case is transmitted by the Central Authority of the United States to the Central Authority of such country to the date on which the abduction case is resolved.

(G) The total number and the percentage of the total number of abduction cases and access cases, respectively, resolved during the preceding year.

(H) Detailed information about each unresolved abduction case described in subparagraph (E) and on actions taken by the Department of State to resolve such case, including the specific actions taken by the United States chief of mission in such country.
Recommendations to improve resolution of abduction cases and access cases.

The number of abducted children from the United States who were returned to the United States from Convention countries, MOU countries, and nonparty countries, respectively.

A list of Convention countries and MOU countries that have failed to comply with any of their obligations under the Hague Abduction Convention or the MOU, as applicable, with respect to the resolution of abduction cases and access cases.

A list of countries demonstrating a pattern of noncooperation, and a summary of the criteria on which the determination of a pattern of noncooperation for each country is based.

Information on efforts by the Secretary of State to encourage other countries to become signatories to the Hague Abduction Convention or to enter into an MOU.

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

A description of the efforts of the Secretary of State to encourage Convention countries and MOU countries to facilitate the work of nongovern-
mental organizations within their respective countries that assist left-behind parents.

(8) The number of cases which were successfully resolved without abducted children being returned to the United States from Convention countries, MOU countries, and nonparty countries, respectively.

(c) Exception.—The Annual Report shall not include—

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

(2) information that may identify a party involved in an abduction case or access case unless the party stipulates in writing to the Central Authority of the United States that such information may be included in the Annual Report.

(d) Additional Thematic Sections.—Each Annual Report shall also include—

(1) information on the number of unresolved abduction cases affecting left-behind parents who are military parents and a summary of assistance offered to such left-behind parents;

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

(3) monitor developments in cases involving abducted children in the country in which such mission is located.

SEC. 103. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—The Secretary of State should seek to enter into an MOU with every country that is not a Convention country and is unlikely to become a Convention country in the foreseeable future, that includes—

(1) identification of the Central Authority;

(2) a protocol to identify, locate, and effectuate the return of an abducted child identified in an abduction case not later than 6 weeks after the application with respect to the abduction case has been submitted to the judicial or administrative authority, as applicable, of the country in which the abducted child is located;

(3) a protocol for the establishment and protection of the rights of access;

(4) identification of the judicial or administrative authority that will promptly adjudicate abduction cases and access cases;
identification of a law enforcement agency and available law enforcement mechanisms and procedures to ensure the immediate enforcement of an order issued by the authority identified pursuant to paragraph (4) to return an abducted child to a left-behind parent, including by—

(A) conducting an investigation to ascertain the location of the abducted child;

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

(C) retrieving the abducted child and making the appropriate arrangements for such child to be returned to the country of habitual residence;

(6) a protocol to establish periodic visits between a United States embassy or consular official and an abducted child to allow the official to ascertain the child’s location and welfare; and

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

(b) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to prohibit the United States from proposing and entering into a memorandum of understanding with a Convention country to further clar-
ify the reciprocal obligations of the United States and the Convention country under the Hague Abduction Convention.

(2) Treatment of Obligations of Convention Country.—In those instances in which there is a memorandum of understanding as described in paragraph (1), the obligations of the Convention country under such memorandum shall be considered to be obligations of such country under the Hague Abduction Convention for purposes of this Act.

SEC. 104. NOTIFICATION OF CONGRESSIONAL REPRESENTATIVES.

(a) Notification.—Except as provided in subsection (b), the Secretary of State shall notify in writing the Member of Congress and Senators representing the legal residence of a left-behind parent when such parent reports an abduction to the Central Authority of the United States.

(b) Exception.—The notification requirement under subsection (a) shall not apply if the left-behind parent does not consent to the notification described in such subsection.

(c) Timing.—At the request of any person who is a left-behind parent, including a left-behind parent who pre-
visually reported an abduction to the Central Authority of
the United States before the date of the enactment of this
Act; notification of a Member of Congress, in accordance
with subsections (a) and (b), shall be provided as soon
as is practicable.

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

TITLE II—PRESIDENTIAL
ACTIONS

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

(a) Response to International Child Abduc-
tions.—

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

(A) promote the best interest of children
abducted from the United States by estab-
lishing legal rights and procedures for their
prompt return and by promoting such rights
and procedures through actions that ensure the
enforcement of reciprocal international obliga-
tions; and
(B) recognize the international character
of the Hague Abduction Convention, and the
need for reciprocity pursuant to and the uni-
form international interpretation of the Hague
Abduction Convention, by promoting the timely
resolution of abduction cases through one or
more of the actions described in section 205.

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

(b) PRESIDENTIAL ACTIONS.—

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

(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
additional, specified period of time is necessary for a continuation of negotiations that have been commenced with the country to resolve the unresolved case.

(c) IMPLEMENTATION.—

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

(A) take one or more actions that most appropriately respond to the nature and severity of the failure to resolve the unresolved abduction cases; and

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agencies or instrumentalities of the foreign government that are responsible for such failures, in ways that respect the separation of powers and independence of the judiciary in foreign countries.

(2) GUIDELINES FOR PRESIDENTIAL ACTIONS.—In addition to the guidelines under paragraph (1), the President, in determining whether to take one or more actions under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)), shall seek to minimize any adverse impact on—
(A) the population of the country whose
government is targeted by the action or actions; and

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

SEC. 202. PRESIDENTIAL ACTIONS IN RESPONSE TO PAT-
TERNs OF NONCOOPERATION IN CASES OF
INTERNATIONAL CHILD ABDUCTIONS.

(a) Response to a Pattern of Noncooper-
aton.—

(1) United States policy.—It shall be the
policy of the United States to—

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

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

(2) Requirement of Presidential ac-
tion.—Whenever the President determines that the
government of a foreign country has engaged in a
pattern of noncooperation, the President shall pro-
mote the resolution of the unresolved abduction
cases through one or more of the actions described
in subsection (e).

(b) Designations of Countries With Patterns
of Noncooperation in Cases of International
Child Abduction.—

(1) Annual review.—

(A) In general.—Not later than March
31 of each year, the President shall review the
status of abduction cases and access cases in
each foreign country to determine whether the
government of such country has engaged in a
pattern of noncooperation during the preceding
12 months or since the date of the last review
of such country under this subparagraph,
whichever period is longer. The President shall
designate each country the government of which
has engaged in a pattern of noncooperation as
a Country With a Pattern of Noncooperation.

(B) Basis of review.—Each review con-
ducted under subparagraph (A) shall be based
up on information contained in the latest Annual
Report and on any other evidence available.
(2) Determinations of Responsible Parties.—For the government of each country designated as a Country With a Pattern of Noncooperation under paragraph (1)(A), the President shall seek to determine the agencies or instrumentalities of such government that are responsible for the pattern of noncooperation by such government in order to appropriately target actions under this section in response.

(3) Congressional Notification.—Whenever the President designates a country as a Country With a Pattern of Noncooperation under paragraph (1)(A), the President shall, as soon as practicable after such designation is made, transmit to the appropriate congressional committees—

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

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

(c) Presidential Actions With Respect to a Country With a Pattern of Noncooperation.—

(1) In General.—Subject to paragraphs (2) and (3) with respect to each Country With a Pattern of Noneoperation designated under subsection
(b)(1)(A), the President shall, after the requirements of sections 203 and 204 have been satisfied, but not later than 90 days (or 180 days in case of a delay under paragraph (2)) after the date of such designation of the country under such subsection, take one or more of the actions under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)):

(2) Authority for delay of presidential actions.—If, on or before the date that the President is required to take action under paragraph (1), the President determines and certifies to the appropriate congressional committees that a single, additional period of time not to exceed 90 days is necessary—

(A) for a continuation of negotiations that have been commenced with the government of a country described in such paragraph to bring about a cessation of the pattern of noncooperation by such country, or

(B) for a review of corrective action taken by such country after designation of such country as a Country With a Pattern of Non-cooperation under subsection (b)(1)(A) or in
anticipation that corrective action will be taken by such country during such 90-day period,

the President shall not be required to take such action until the expiration of such period of time.

(3) Exception for ongoing presidential action.—

(A) In general.—The President shall not be required to take action under paragraph (1) with respect to a Country With a Pattern of Noncooperation if—

(i) the President has taken action pursuant to paragraph (1) with respect to such country in a preceding year, such action is in effect at the time such country is designated as a Country with a Pattern of Noncooperation under subsection (b)(1)(A), and the President submits to the appropriate congressional committees the information described in section 204 regarding the actions in effect with respect to such country; or

(ii) subject to subparagraph (B), the President determines that such country is subject to multiple, broad-based sanctions imposed in significant part in response to
human rights abuses and that such sanctions also satisfy the requirements of this subsection.

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

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

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

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

SEC. 203. CONSULTATIONS WITH FOREIGN GOVERNMENTS.

As soon as practicable after the President makes a
determination under section 201 in response to failures
to resolve unresolved abduction cases and the President
decides to take action under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to that country, or not later than 90 days after the President designates a country as a country with a pattern of noncooperation pursuant to section 202(b)(1)(a), the President shall—

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

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

SEC. 204. REPORT TO CONGRESS.

(a) IN GENERAL.—Subject to subsection (b), not later than 90 days after the President makes a determination under section 201 in response to failures to resolve unresolved abduction cases and the President decides to take action under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to that country, or not later than 90 days after the President designates a country as a Country With a Pattern of Noncooperation pursuant to section 202(b)(1)(A), the President shall transmit to the
appropriate congressional committees a report on the following:

(1) **Identification of Presidential Actions.**—An identification of the action or actions described in section 205(a) (or commensurate action as provided in section 205(b)) to be taken with respect to such country.

(2) **Description of Violations.**—A description of the failure to resolve an unresolved case or the pattern of noncooperation, as applicable, giving rise to the action or actions to be taken by the President.

(3) **Purpose of Presidential Actions.**—A description of the purpose of the action or actions.

(4) **Evaluation.**—

(A) **Description.**—An evaluation, in consultation with the Secretary of State, the parties described in section 203(b), and other parties the President determines appropriate, of the anticipated impact of the Presidential action upon—

(i) pending abduction cases in such country;

(ii) the government of such country;

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

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

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

(b) DELAY IN TRANSMITTAL OF REPORT.—If, on or
before the date that the President is required to submit
a report under subsection (a) to the appropriate congressional
committees, the President determines and certifies
to such committees that a single, additional period of time
not to exceed 90 days is necessary pursuant to section
202(c)(2), the President shall not be required to submit
the report to such committees until the expiration of such period of time.

SEC. 205. PRESIDENTIAL ACTIONS.

(a) Description of Presidential Actions.—Except as provided in subsection (c), the Presidential actions referred to in this subsection are the following:

(1) A private demarche.

(2) An official public demarche.

(3) A public condemnation.

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

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

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

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

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

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

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


(12) The withdrawal, limitation, or suspension of assistance to the central government of a country pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund):

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

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

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or
(D) any other statute that requires the
prior review and approval of the United States
Government as a condition for the export or re-
export of goods or services.

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

(c) Exceptions.—

(1) Humanitarian Exception.—Any action
taken pursuant to subsection (a) or (b) may not pro-
hibit or restrict the provision of medicine, medical
equipment or supplies, food, or other life-saving hu-
manitarian assistance.
(2) Defense and national security exception.—The President shall not be required to apply or maintain any action under section 205—

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

(i) under existing contracts or subcontracts, including the exercise of options for production quantities, to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing and transmits to the appropriate congressional committees a report that the government or the agency or instrumentality of such government to which such action would otherwise be applied is a sole source supplier of such defense articles or services, that such defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing and transmits to the appropriate congressional committees a report that such defense articles or services are essen-
tial to the national security of the United States under defense co-production agreements; or

(B) to products or services provided under contracts entered into before the date on which the President publishes in the Federal Register notice of such action in accordance with section 208.

SEC. 206. PRESIDENTIAL WAIVER.

(a) In General.—Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to a country, if the President determines and so reports to the appropriate congressional committees that—

(1) the government of such country has satisfactorily resolved any abduction case giving rise to the application of any of such actions and—

(A) if such country is a Convention country, such country has taken measures to ensure future compliance with the provisions of the Hague Abduction Convention;

(B) if such country is an MOU country, such country has taken measures to ensure fu-
ture compliance with the provisions of the MOU at issue; or

(C) if such country was a nonparty country at the time the abductions or denials of rights of access resulting in the abduction cases or access cases occurred, such country has become a Convention country or an MOU country;

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

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

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

SEC. 207. PUBLICATION IN FEDERAL REGISTER.

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

(1) Determinations of governments, agencies, instrumentalities of countries with patterns of noncooperation.—Any designation of a country that the President has des-
designated as a Country With a Pattern of Noncooperation under section 202(b)(1)(A), together with, when applicable and to the extent practicable, the identities of agencies or instrumentalities determined to be responsible for such pattern of noncooperation.

(2) Presidential actions.—A description of any action under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) and the effective date of such action.

(3) Delays in transmittal of presidential action reports.—Any delay in transmittal of a report required under section 204.

(4) Waivers.—Any waiver issued under section 206.

(b) Limited Disclosure of Information.—The President may limit publication of information under this section in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 654(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the President determines that the publication of such information—

(1) would be harmful to the national security of the United States; or
(2) would not further the purposes of this Act.

SEC. 208. TERMINATION OF PRESIDENTIAL ACTIONS.

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

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

(2) The date on which the President transmits to Congress a certification containing a determination of the President that the government of such country has resolved any unresolved abduction case or has taken substantial and verifiable steps to correct the pattern of noncooperation at issue, as applicable, that gave rise to such action.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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.

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

(a) FINDINGS.—Congress finds the following:

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

(2) The Department of State’s Office of Children’s Issues, which serves as the Central Authority of the United States for the purposes of the 1980 Hague Convention on the Civil Aspects of International Child Abduction (referred to in this Act as the “Hague Abduction Convention”), has received thousands of requests since 2007 for assistance in the return to the United States of children who have been wrongfully abducted by a parent or other legal guardian to another country.
(3) For a variety of reasons reflecting the significant obstacles to the recovery of abducted children, as well as the legal and factual complexity involving such cases, not all cases are reported to the Central Authority of the United States.

(4) More than 1,000 outgoing international child abductions are reported every year to the Central Authority of the United States, which depends solely on proactive reporting of abduction cases.

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

(6) The United States and other Convention countries have expressed their desire, through the Hague Abduction Convention, “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access.”

(7) Compliance by the United States and other Convention countries depends on the actions of their designated central authorities, the performance of
their judicial systems as reflected in the legal process and decisions rendered to enforce or effectuate the Hague Abduction Convention, and the ability and willingness of their law enforcement authorities to ensure the swift enforcement of orders rendered pursuant to the Hague Abduction Convention.

(8) According to data from the Department of State, approximately 40 percent of abduction cases involve children taken from the United States to countries with which the United States does not have reciprocal obligations under the Hague Abduction Convention or other arrangements relating to the resolution of abduction cases.

(9) According to the Department of State’s April 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, “parental child abduction jeopardizes the child and has substantial long-term consequences for both the child and the left-behind parent.”

(10) Few left-behind parents have the extraordinary financial resources necessary—

(A) to pursue individual civil or criminal remedies in both the United States and a foreign country, even if such remedies are available; or
(B) to engage in repeated foreign travel to
attempt to obtain the return of their children
through diplomatic or other channels.

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

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

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

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

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

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

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

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

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

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

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

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

(3) to protect the custodial rights of parents, in-
cluding military parents, by providing the parents,
the judicial system, and law enforcement authorities
with the information they need to prevent unlawful
abduction before it occurs;
(4) to enhance the prompt resolution of abduction and access cases;

(5) to detail an appropriate set of actions to be undertaken by the Secretary of State to address persistent problems in the resolution of abduction cases;

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

(7) to increase interagency coordination in preventing international child abduction by convening a working group composed of presidentially appointed and Senate confirmed officials from the Department of State, the Department of Homeland Security, and the Department of Justice.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) ABDUCTION.—The term “abduction” means the alleged wrongful removal of a child from the child’s country of habitual residence, or the wrongful retention of a child outside such country, in violation of a left-behind parent’s custodial rights, including the rights of a military parent.
(3) ABDUCTION CASE.—The term “abduction case” means a case that—

(A) has been reported to the Central Authority of the United States by a left-behind parent for the resolution of an abduction; and

(B) meets the criteria for an international child abduction under the Hague Abduction Convention, regardless of whether the country at issue is a Convention country.

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


(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 a bilateral procedures country, the formal document required, pursuant to the provisions of the applicable arrangement,
to request the return of an abducted child or to request rights of access, as applicable; and

(C) in the case of a non-Convention 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 contact with an abducted child.

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

(8) Bilateral Procedures.—The term “bilateral procedures” means any procedures established by, or pursuant to, a bilateral arrangement, including a Memorandum of Understanding between the United States and another country, to resolve abduction and access cases, including procedures to address interim contact matters.

(9) Bilateral Procedures Country.—The term “bilateral procedures country” means a country with which the United States has entered into bilateral procedures, including Memoranda of Understanding, with respect to child abductions.
(10) **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 a bilateral procedures country, the official entity designated by the government of the bilateral procedures country within the applicable memorandum of understanding pursuant to section 103(b)(1) to discharge the duties imposed on the entity; and

(C) in the case of a non-Convention country, the foreign ministry or other appropriate authority of such country.

(11) **Child.**—The term “child” means an individual who has not attained 16 years of age.

(12) **Convention Country.**—The term “Convention country” means a country for which the Hague Abduction Convention has entered into force with respect to the United States.

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

(15) LEFT-BEHIND PARENT.—The term “left-behind parent” means an individual or legal custodian who alleges that an abduction has occurred that is in breach of rights of custody attributed to such individual.

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

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

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

(A) has custodial rights with respect to a child; and
(B) is serving outside the United States as
a member of the United States Armed Forces.

(19) PATTERN OF NONCOMPLIANCE.—

(A) In general.—The term “pattern of
noncompliance” means the persistent failure—

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

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

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

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

(i) Thirty percent or more of the total
abduction cases in such country are unres-
solved abduction cases.

(ii) The Central Authority regularly
fails to fulfill its responsibilities pursuant
to—
(I) the Hague Abduction Convention; or

(II) any bilateral procedures between the United States and such country.

(iii) The judicial or administrative branch, as applicable, of the national government of a Convention country or a bilateral procedures country fails to regularly implement and comply with the provisions of the Hague Abduction Convention or bilateral procedures, as applicable.

(iv) Law enforcement authorities regularly fail to enforce return orders or determinations of rights of access rendered by the judicial or administrative authorities of the government of the country in abduction cases.

(20) RIGHTS OF ACCESS.—The term “rights of access” means the establishment of rights of contact between a child and a parent seeking access in Convention countries—

(A) by operation of law;

(B) through a judicial or administrative determination; or
(C) through a legally enforceable arrangement between the parties.

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

(A) attributed to an individual or legal custodian; and

(B) arising—

(i) by operation of law; or

(ii) through a judicial or administrative decision; or

(iii) through a legally enforceable arrangement between the parties.

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

(A) by operation of law; or

(B) through a judicial or administrative determination; or
(C) through a legally enforceable arrangement between the parties.

(23) **UNRESOLVED ABDUCTION CASE.**

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

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

(i) the child is returned to the country of habitual residence, pursuant to the Hague Abduction Convention or other appropriate bilateral procedures, if applicable;

(ii) the judicial or administrative branch, as applicable, of the government of the country in which the child is located has implemented, and is complying with, the provisions of the Hague Abduction Convention or other bilateral procedures, as applicable;
(iii) the left-behind parent reaches a voluntary arrangement with the other parent;

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

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

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

TITLE I—DEPARTMENT OF STATE ACTIONS

SEC. 101. ANNUAL REPORT.

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

(b) Contents.—Each Annual Report shall include—

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

(A) is a Convention country;

(B) is a bilateral procedures country;

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

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

(2) for each country with respect to which there were 5 or more pending abduction cases, during the preceding year, relating to a child whose habitual residence is the United States—

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

(B) for Convention and bilateral procedures countries—

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

(ii) the number of abduction and access cases that were not submitted by the Central Authority to the judicial or admin-
istrative authority, as applicable, of such country;

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

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

(E) the number and percentage of unresolved abduction cases in which law enforcement authorities have—

(i) not located the abducted child;

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

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

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

(G) recommendations to improve the resolution of abduction and access cases; and
(H) the average time it takes to locate a child;

(3) the number of abducted children whose habitual residence is in the United States and who were returned to the United States from—

(A) Convention countries;

(B) bilateral procedures countries;

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

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

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

(5) a list of countries demonstrating a pattern of noncompliance and a description of the criteria on which the determination of a pattern of noncompliance for each country is based;

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

(A) to ratify or accede to the Hague Abduction Convention;
(B) to enter into or implement other bilateral procedures, including memoranda of understanding, with the United States; and

(C) to address pending abduction and access cases;

(7) the number of cases resolved without abducted children being returned to the United States from Convention countries, bilateral procedures countries, or other non-Convention countries;

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

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

(c) EXCEPTIONS.—Unless a left-behind parent provides written permission to the Central Authority of the United States to include personally identifiable information about the parent or the child in the Annual Report, the Annual Report may not include any personally identifiable information about any such parent, child, or party to an abduction or access case involving such parent or child.
(d) ADDITIONAL SECTIONS.—Each Annual Report shall also include—

(1) information on the number of unresolved abduction cases affecting military parents;

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

(3) information on the use of airlines in abductions, voluntary airline practices to prevent abductions, and recommendations for best airline practices to prevent abductions;

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

(5) 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—

(A) abductions;

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

and

(C) the legal means available to resolve such cases.
(e) **Repeal of the Hague Abduction Convention**

**Compliance Report.**—Section 2803 of the Foreign Affairs Reform and Restructuring Act of 1998 (42 U.S.C. 11611) is repealed.

(f) **Notification to Congress on Countries in Noncompliance.**—

(1) **In general.**—The Secretary of State shall include, in a separate section of the Annual Report, the Secretary’s determination, pursuant to the provisions under section 202(b), of whether each country listed in the report has engaged in a pattern of noncompliance in cases of child abduction during the preceding 12 months.

(2) **Contents.**—The section described in paragraph (1)—

(A) shall identify any action or actions described in section 202(d) (or commensurate action as provided in section 202(e)) that have been taken by the Secretary with respect to each country;

(B) shall describe the basis for the Secretary’s determination of the pattern of noncompliance by each country;

(C) shall indicate whether noneconomic policy options designed to resolve the pattern of
noncompliance have reasonably been exhausted, including the consultations required under section 203.

SEC. 102. STANDARDS AND ASSISTANCE.

The Secretary of State shall—

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

(A) maintain a consistent reporting standard with respect to abduction and access cases;

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

(C) monitor developments in abduction and access cases; and

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

SEC. 103. BILATERAL PROCEDURES, INCLUDING MEMORANDUM OF UNDERSTANDING.

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

(2) **PRIORITIZATION.**—In carrying out paragraph (1), the Secretary of State shall give priority to countries with significant abduction cases and related issues.

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

(1) the identification of—

(A) the Central Authority;

(B) the judicial or administrative authority that will promptly adjudicate abduction and access cases;

(C) the law enforcement agencies; and

(D) the implementation of procedures to ensure the immediate enforcement of an order
issued by the authority identified pursuant to subparagraph (B) to return an abducted child to a left-behind parent, including by—

(i) conducting an investigation to ascertain the location of the abducted child;

(ii) providing protection to the abducted child after such child is located; and

(iii) retrieving the abducted child and making the appropriate arrangements for such child to be returned to the child’s country of habitual residence;

(2) the implementation of a protocol to effectuate the return of an abducted child identified in an abduction case not later than 6 weeks after the application with respect to the abduction case has been submitted to the judicial or administrative authority, as applicable, of the country in which the abducted child is located;

(3) the implementation of a protocol for the establishment and protection of the rights of interim contact during pendency of abduction cases; and

(4) the implementation of a protocol to establish periodic visits between a United States embassy or consular official and an abducted child, in order to
allow the official to ascertain the child’s location and welfare.

SEC. 104. REPORT TO CONGRESSIONAL REPRESENTATIVES.

(a) Notification.—The Secretary of State shall submit written notification to the Member of Congress and Senators, or Resident Commissioner or Delegate, as appropriate, representing the legal residence of a left-behind parent if such parent—

(1) reports an abduction to the Central Authority of the United States; and

(2) consents to such notification.

(b) Timing.—At the request of any person who is a left-behind parent, including a left-behind parent who previously reported an abduction to the Central Authority of the United States before the date of the enactment of this Act, the notification required under subsection (a) shall be provided as soon as is practicable.

TITLE II—ACTIONS BY THE SECRETARY OF STATE

SEC. 201. RESPONSE TO INTERNATIONAL CHILD ABDUCTIONS.

(a) United States Policy.—It is the policy of the United States—

(1) to promote the best interest of children wrongfully abducted from the United States by—
(A) establishing legal rights and procedures for their prompt return; and

(B) ensuring the enforcement of reciprocal international obligations under the Hague Abduction Convention or arrangements under bilateral procedures;

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

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

(b) Actions by the Secretary of State in Response to Unresolved Cases.—

(1) Determination of Action by the Secretary of State.—For each abduction or access case relating to a child whose habitual residence is in the United States that remains pending or is otherwise unresolved on the date that is 12 months after the date on which the Central Authority of the United States submits such case to a foreign country, the Secretary of State shall determine whether the government of such foreign country has failed to take appropriate steps to resolve the case. If the Secretary of
State determines that such failure occurred, the Secretary should, as expeditiously as practicable—

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

(B) direct the Chief of Mission in that foreign country to directly address the resolution of the case with senior officials in the foreign government.

(2) Authority for delay of action by the Secretary of State.—The Secretary of State may delay any action described in paragraph (1) if the Secretary determines that an additional period of time, not to exceed 1 year, will substantially assist in resolving the case.

(3) Report.—If the Secretary of State delays any action pursuant to paragraph (2) or decides not to take an action described in subsection (d) or (e) of section 202 after making the determination described in paragraph (1), the Secretary, not later than 15 days after such delay or decision, shall provide a report to the appropriate congressional committees that details the reasons for delaying action or not taking action, as appropriate.

(4) Congressional briefings.—At the request of the appropriate congressional committees, the Sec-
retary of State shall provide a detailed briefing, includ-
ing a written report, if requested, on actions
taken to resolve a case or the cause for delay.

(c) IMPLEMENTATION.—

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

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

(B) seek, to the fullest extent possible—

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

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

(I) as narrowly as practicable,

with respect to the agencies or instru-
mentalities of the foreign government
that are responsible for such failures;

and

(II) in ways that respect the sepa-
ration of powers and independence of
the judiciary of the country, as appli-
cable.
(2) GUIDELINES FOR ACTIONS BY THE SECRETARY OF STATE.—In addition to the guidelines under paragraph (1), the Secretary of State, in determining whether to take 1 or more actions under paragraphs (5) through (7) of section 202(d) or section 202(e), shall seek to minimize any adverse impact on—

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

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

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

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

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

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

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

(b) **Determination of Countries With Patterns of Noncompliance in Cases of International Child Abduction.—**

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

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

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

(2) **Determinations of Responsible Parties.**—The Secretary of State shall seek to determine the agencies or instrumentalities of the government of each country determined to have engaged in a pattern of noncompliance under paragraph (1)(A) that are responsible for such pattern of noncompliance—
(A) to appropriately target actions in response to such noncompliance; and

(B) to engage with senior foreign government officials to effectively address such noncompliance.

(c) ACTIONS BY THE SECRETARY OF STATE WITH RESPECT TO A COUNTRY WITH A PATTERN OF NONCOMPLIANCE.—

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

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

(B) direct the Chief of Mission in that country to directly address the systemic problems that led to such determination; and

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

(2) AUTHORITY FOR DELAY OF ACTIONS BY THE SECRETARY OF STATE.—The Secretary shall not be required to take action under paragraph (1) until the expiration of a single, additional period of up to 90
days if, on or before the date on which the Secretary of State is required to take such action, the Secretary determines and certifies to the appropriate congressional committees that such additional period is necessary—

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

(B) for a review of corrective action taken by a country after the designation of such country as being engaged in a pattern of noncompliance under subsection (b)(1)(A); or

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

(3) Exception for additional action by the Secretary of State.—The Secretary of State shall not be required to take additional action under paragraph (1) with respect to a country determined to have been engaged in a persistent pattern of non-compliance if the Secretary—

(A) has taken action pursuant to paragraph (5), (6), or (7) of subsection (d) with respect to
such country in the preceding year and such action continues to be in effect;

(B) exercises the waiver under section 204 and briefs the appropriate congressional committees; or

(C) submits a report to the appropriate congressional committees that—

(i) indicates that such country is subject to multiple, broad-based sanctions; and

(ii) describes how such sanctions satisfy the requirements under this subsection.

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

(d) DESCRIPTION OF ACTIONS BY THE SECRETARY OF STATE IN HAGUE ABDUCTION CONVENTION COUNTRIES.—Except as provided in subsection (f), the actions by the Secretary of State referred to in this subsection are—

(1) a demarche;

(2) an official public statement detailing unresolved cases;

(3) a public condemnation;
(4) a delay or cancellation of 1 or more bilateral working, official, or state visits;

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

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

(7) the withdrawal, limitation, or suspension of assistance to the central government of a country pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund); and

(8) a formal request to the foreign country concerned to extradite an individual who is engaged in abduction and who has been formally accused of, charged with, or convicted of an extraditable offense.

(e) COMMENSURATE ACTION.—

(1) IN GENERAL.—Except as provided in subsection (f), the Secretary of State may substitute any other action authorized by law for any action described in subsection (d) if the Secretary determines that such action—
(A) is commensurate in effect to the action substituted; and

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

(2) NOTIFICATION.—If commensurate action is taken pursuant to this subsection, the Secretary shall submit a report to the appropriate congressional committees that—

(A) describes such action;

(B) explains the reasons for taking such action; and

(C) specifically describes the basis for the Secretary’s determination under paragraph (1) that such action—

(i) is commensurate with the action substituted; and

(ii) substantially furthers the purposes of this Act.

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

(g) HUMANITARIAN EXCEPTION.—Any action taken pursuant to subsection (d) or (e) may not prohibit or re-
strict the provision of medicine, medical equipment or supplies, food, or other life-saving humanitarian assistance.

SEC. 203. CONSULTATIONS WITH FOREIGN GOVERNMENTS.

As soon as practicable after the Secretary of State makes a determination under section 201 in response to a failure to resolve unresolved abduction cases or the Secretary takes an action under subsection (d) or (e) of section 202, based on a pattern of noncompliance, the Secretary shall request consultations with the government of such country regarding the situation giving rise to such determination.

SEC. 204. WAIVER BY THE SECRETARY OF STATE.

(a) In General.—Subject to subsection (b), the Secretary of State may waive the application of any of the actions described in subsections (d) and (e) of section 202 with respect to a country if the Secretary determines and notifies the appropriate congressional committees that—

(1) the government of such country—

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

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

(2) the national security interest of the United States requires the exercise of such waiver authority.
(b) CONGRESSIONAL NOTIFICATION.—Not later than the date on which the Secretary of State exercises the waiver authority under subsection (a), the Secretary shall—

(1) notify the appropriate congressional committees of such waiver; and

(2) provide such committees with a detailed justification for such waiver, including an explanation of the steps the noncompliant government has taken—

(A) to resolve abductions cases; or

(B) to end its pattern of noncompliance.

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

(1) is published in the Federal Register; or

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

(d) LIMITED DISCLOSURE OF INFORMATION.—The Secretary of State may limit the publication of information under subsection (c) in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 654(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the Secretary determines that the publication of such information would be harmful to the national security of the United States and would not further the purposes of this Act.
SEC. 205. TERMINATION OF ACTIONS BY THE SECRETARY
OF STATE.

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

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

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

TITLE III—PREVENTION OF
INTERNATIONAL CHILD ABDUCTION

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

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

“SEC. 433. PREVENTION OF INTERNATIONAL CHILD ABDUC-
TION.

“(a) PROGRAM ESTABLISHED.—The Secretary,
through the Commissioner of U.S. Customs and Border Pro-
tection (referred to in this section as ‘CBP’), in coordina-
tion with the Secretary of State, the Attorney General, and
the Director of the Federal Bureau of Investigation, shall
establish a program that—

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

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

“(b) INTERAGENCY COORDINATION.—

“(1) In general.—The Secretary of State shall
convene and chair an interagency working group to
prevent international parental child abduction. The
group shall be composed of presidentially appointed,
Senate confirmed officials from—

“(A) the Department of State;
“(B) the Department of Homeland Security,
including U.S. Customs and Border Protection
and U.S. Immigration and Customs Enforcement; and

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

“(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense—

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

“(B) to oversee activities designed to prevent or resolve international child abduction cases relating to active duty military service members.”.

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

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

SEC. 302. AUTHORIZATION FOR JUDICIAL TRAINING ON INTERNATIONAL PARENTAL CHILD ABDUCTION.

(a) IN GENERAL.—The Secretary of State, subject to the availability of appropriations, shall seek to provide training, directly or through another government agency or nongovernmental organizations, on the effective handling of
parental abduction cases to the judicial and administrative authorities in countries—

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

(2) that have been designated as having a pattern of noncompliance under section 202(b).

(b) STRATEGY REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a strategy to carry out the activities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

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

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $1,000,000 for each of the fiscal years 2015 and 2016 to carry out subsection (a).

(2) USE OF FUNDS.—Amounts appropriated for the activities set forth in subsection (a) shall be used
pursuant to the authorization and requirements under this section.