

113TH CONGRESS  
2D SESSION

# S. 2509

To ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction, to establish procedures for the prompt return of children abducted to other countries, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 19, 2014

Mr. MENENDEZ (for himself, Mr. CORKER, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction, 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,*

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

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

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

- Sec. 1. Short title and table of contents.  
 Sec. 2. Findings; sense of Congress; purposes.  
 Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIONS

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

TITLE II—ACTIONS BY THE SECRETARY OF STATE

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

TITLE III—PREVENTION OF INTERNATIONAL CHILD ABDUCTION

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

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

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

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

10 (2) The Department of State’s Office of Chil-  
 11 dren’s Issues, which serves as the Central Authority  
 12 of the United States for the purposes of the 1980  
 13 Hague Convention on the Civil Aspects of Inter-  
 14 national Child Abduction (referred to in this Act as

1 the “Hague Abduction Convention”), has received  
2 thousands of requests since 2007 for assistance in  
3 the return to the United States of children who have  
4 been wrongfully abducted by a parent or other legal  
5 guardian to another country.

6 (3) For a variety of reasons reflecting the sig-  
7 nificant obstacles to the recovery of abducted chil-  
8 dren, as well as the legal and factual complexity in-  
9 volving such cases, not all cases are reported to the  
10 Central Authority of the United States.

11 (4) More than 1,000 outgoing international  
12 child abductions are reported every year to the Cen-  
13 tral Authority of the United States, which depends  
14 solely on proactive reporting of abduction cases.

15 (5) Only about one-half of the children ab-  
16 ducted from the United States to countries with  
17 which the United States enjoys reciprocal obligations  
18 under the Hague Abduction Convention are returned  
19 to the United States.

20 (6) The United States and other Convention  
21 countries have expressed their desire, through the  
22 Hague Abduction Convention, “to protect children  
23 internationally from the harmful effects of their  
24 wrongful removal or retention and to establish pro-  
25 cedures to ensure their prompt return to the State

1 of their habitual residence, as well as to secure pro-  
2 tection for rights of access.”.

3 (7) Compliance by the United States and other  
4 Convention countries depends on the actions of their  
5 designated central authorities, the performance of  
6 their judicial systems as reflected in the legal pro-  
7 cess and decisions rendered to enforce or effectuate  
8 the Hague Abduction Convention, and the ability  
9 and willingness of their law enforcement authorities  
10 to ensure the swift enforcement of orders rendered  
11 pursuant to the Hague Abduction Convention.

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

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

1           (10) Few left-behind parents have the extraor-  
2           dinary financial resources necessary—

3                   (A) to pursue individual civil or criminal  
4           remedies in both the United States and a for-  
5           eign country, even if such remedies are avail-  
6           able; or

7                   (B) to engage in repeated foreign travel to  
8           attempt to obtain the return of their children  
9           through diplomatic or other channels.

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

13           (12) In addition to using the Hague Abduction  
14           Convention to achieve the return of abducted chil-  
15           dren, the United States has an array of Federal,  
16           State, and local law enforcement, criminal justice,  
17           and judicial tools at its disposal to prevent inter-  
18           national abductions.

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

24           (14) Parental awareness of abductions in  
25           progress, rapid response by relevant law enforce-

1       ment, and effective coordination among Federal,  
2       State, local, and international stakeholders are crit-  
3       ical in preventing such abductions.

4               (15) A more robust application of domestic  
5       tools, in cooperation with international law enforce-  
6       ment entities and appropriate application of the  
7       Hague Abduction Convention could—

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

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

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

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

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

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

22                      (2) to assist left-behind parents in quickly re-  
23       solving cases and maintaining safe and predictable  
24       contact with their child while an abduction case is  
25       pending;

1           (3) to protect the custodial rights of parents,  
2 including military parents, by providing the parents,  
3 the judicial system, and law enforcement authorities  
4 with the information they need to prevent unlawful  
5 abduction before it occurs;

6           (4) to enhance the prompt resolution of abduction  
7 and access cases;

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

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

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

24           (2) **ABDUCTION.**—The term “abduction” means  
25 the alleged wrongful removal of a child from the

1 child’s country of habitual residence, or the wrongful  
2 retention of a child outside such country, in violation  
3 of a left-behind parent’s custodial rights, including  
4 the rights of a military parent.

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

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

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

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

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

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

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



1 (B) in the case of a bilateral procedures  
2 country, the formal document required, pursu-  
3 ant to the provisions of the applicable arrange-  
4 ment, to request the return of an abducted  
5 child or to request rights of access, as applica-  
6 ble; and

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

13 (7) APPROPRIATE CONGRESSIONAL COMMIT-  
14 TEES.—The term “appropriate congressional com-  
15 mittees” means the Committee on Foreign Relations  
16 of the Senate and the Committee on Foreign Affairs  
17 of the House of Representatives.

18 (8) BILATERAL PROCEDURES.—The term “bi-  
19 lateral procedures” means any procedures estab-  
20 lished by, or pursuant to, a bilateral arrangement,  
21 including a Memorandum of Understanding between  
22 the United States and another country, to resolve  
23 abduction and access cases, including procedures to  
24 address interim contact matters.

1           (9) BILATERAL PROCEDURES COUNTRY.—The  
2 term “bilateral procedures country” means a coun-  
3 try with which the United States has entered into bi-  
4 lateral procedures, including Memoranda of Under-  
5 standing, with respect to child abductions.

6           (10) CENTRAL AUTHORITY.—The term “Cen-  
7 tral Authority” means—

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

11           (B) in the case of an MOU country, the of-  
12 ficial entity designated by the government of  
13 the MOU country within the applicable memo-  
14 randum of understanding pursuant to section  
15 103(b)(1) to discharge the duties imposed on  
16 the entity in such MOU; and

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

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

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

1           (13) HAGUE ABDUCTION CONVENTION.—The  
2 term “Hague Abduction Convention” means the  
3 Convention on the Civil Aspects of International  
4 Child Abduction, done at The Hague October 25,  
5 1980.

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

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

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

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

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

4                   (A) has custodial rights with respect to a  
5           child; and

6                   (B) is serving outside the United States as  
7           a member of the United States Armed Forces.

8           (19) PATTERN OF NONCOMPLIANCE.—

9                   (A) IN GENERAL.—The term “pattern of  
10          noncompliance” means the persistent failure—

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

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

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

21                   (B) PERSISTENT FAILURE.—Persistent  
22          failure under subparagraph (A) may be evi-  
23          denced in a given country by the presence of 1  
24          or more of the following criteria:

1 (i) Thirty percent or more of the total  
2 abduction cases in such country are unre-  
3 solved abduction cases.

4 (ii) The Central Authority regularly  
5 fails to fulfill its responsibilities pursuant  
6 to—

7 (I) the Hague Abduction Conven-  
8 tion; or

9 (II) any bilateral procedures be-  
10 tween the United States and such  
11 country.

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

19 (iv) Law enforcement authorities reg-  
20 ularly fail to enforce return orders or de-  
21 terminations of rights of access rendered  
22 by the judicial or administrative authorities  
23 of the government of the country in abduc-  
24 tion cases.

1           (20) RIGHTS OF ACCESS.—The term “rights of  
2           access” means the establishment of rights of contact  
3           between a child and a parent seeking access in Con-  
4           vention countries under the laws of the country in  
5           which the child is located—

6                   (A) by operation of law;

7                   (B) through a judicial or administrative  
8           determination; or

9                   (C) through a legally enforceable arrange-  
10          ment between the parties.

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

16                   (A) attributed to an individual; and

17                   (B) arising—

18                           (i) by operation of law;

19                           (ii) through a judicial or administra-  
20          tive decision; or

21                           (iii) through a legally enforceable ar-  
22          rangement between the parties.

23          (22) RIGHTS OF INTERIM CONTACT.—The term  
24          “rights of interim contact” means the rights of con-  
25          tact between a child and a left-behind parent, which

1 has been provided as a provisional measure while an  
2 abduction case is pending, under the laws of the  
3 country in which the child is located—

4 (A) by operation of law;

5 (B) through a judicial or administrative  
6 determination; or

7 (C) through a legally enforceable arrange-  
8 ment between the parties.

9 (23) UNRESOLVED ABDUCTION CASE.—

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

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

21 (i) the child is returned to the country  
22 of habitual residence, pursuant to the  
23 Hague Abduction Convention or other ap-  
24 propriate bilateral procedures, if applica-  
25 ble;

1 (ii) the judicial or administrative  
2 branch, as applicable, of the government of  
3 the country in which the child is located  
4 has implemented, and is complying with,  
5 the provisions of the Hague Abduction  
6 Convention or other bilateral procedures,  
7 as applicable;

8 (iii) the left-behind parent reaches a  
9 voluntary arrangement with the other par-  
10 ent;

11 (iv) the left-behind parent submits a  
12 written withdrawal of the application or  
13 the request for assistance to the Depart-  
14 ment of State;

15 (v) the left-behind parent cannot be  
16 located for 1 year despite the documented  
17 efforts of the Department of State to lo-  
18 cate the parent; or

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

## 21 **TITLE I—DEPARTMENT OF** 22 **STATE ACTIONS**

### 23 **SEC. 101. ANNUAL REPORT.**

24 (a) IN GENERAL.—Not later than April 30 of each  
25 year, the Secretary of State shall submit to the appro-



1 priate congressional committees an Annual Report on  
2 International Child Abduction.

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

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

9 (A) is a Convention country;

10 (B) is a bilateral procedures country;

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

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

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

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

21 (B) for Convention and bilateral proce-  
22 dures countries—

23 (i) the number of abduction and ac-  
24 cess cases that the Central Authority of

1 the United States transmitted to the Cen-  
2 tral Authority of such country; and

3 (ii) the number of abduction and ac-  
4 cess cases that were not submitted by the  
5 Central Authority to the judicial or admin-  
6 istrative authority, as applicable, of such  
7 country;

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

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

16 (E) the number and percentage of unre-  
17 solved abduction cases in which law enforce-  
18 ment authorities have—

19 (i) not located the abducted child;

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

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

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

4 (G) recommendations to improve the reso-  
5 lution of abduction and access cases; and

6 (H) the average time it takes to locate a  
7 child;

8 (3) the number of abducted children whose ha-  
9 bitual residence is in the United States and who  
10 were returned to the United States from—

11 (A) Convention countries;

12 (B) bilateral procedures countries;

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

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

17 (4) a list of Convention countries and bilateral  
18 procedures countries that have failed to comply with  
19 any of their obligations under the Hague Abduction  
20 Convention or bilateral procedures, as applicable,  
21 with respect to the resolution of abduction and ac-  
22 cess cases;

23 (5) a list of countries demonstrating a pattern  
24 of noncompliance and a description of the criteria on

1       which the determination of a pattern of noncompli-  
2       ance for each country is based;

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

5                       (A) to ratify or accede to the Hague Ab-  
6       duction Convention;

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

10                      (C) to address pending abduction and ac-  
11       cess cases;

12               (7) the number of cases resolved without ab-  
13       ducted children being returned to the United States  
14       from Convention countries, bilateral procedures  
15       countries, or other non-Convention countries;

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

19               (9) information about efforts to seek resolution  
20       of abduction cases of children whose habitual resi-  
21       dence is in the United States and whose abduction  
22       occurred before the Hague Abduction Convention en-  
23       tered into force with respect to the United States.

24       (c) EXCEPTIONS.—Unless a left-behind parent pro-  
25       vides written permission to the Central Authority of the

1 United States to include personally identifiable informa-  
2 tion about the parent or the child in the Annual Report,  
3 the Annual Report may not include any personally identifi-  
4 able information about any such parent, child, or party  
5 to an abduction or access case involving such parent or  
6 child.

7 (d) ADDITIONAL SECTIONS.—Each Annual Report  
8 shall also include—

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

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

13 (3) information on the use of airlines in abduc-  
14 tions, voluntary airline practices to prevent abduc-  
15 tions, and recommendations for best airline practices  
16 to prevent abductions;

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

21 (5) information on actions taken by the Central  
22 Authority of the United States to train United  
23 States Armed Forces legal assistance personnel,  
24 military chaplains, and military family support cen-  
25 ter personnel about—

1 (A) abductions;

2 (B) the risk of loss of contact with chil-  
3 dren; and

4 (C) the legal means available to resolve  
5 such cases.

6 (e) REPEAL OF THE HAGUE ABDUCTION CONVEN-  
7 TION COMPLIANCE REPORT.—Section 2803 of the For-  
8 eign Affairs Reform and Restructuring Act of 1998 (42  
9 U.S.C. 11611) is repealed.

10 (f) NOTIFICATION TO CONGRESS ON COUNTRIES IN  
11 NONCOMPLIANCE.—

12 (1) IN GENERAL.—The Secretary of State shall  
13 include, in a separate section of the Annual Report,  
14 the Secretary's determination, pursuant to the provi-  
15 sions under section 202(b), of whether each country  
16 listed in the report has engaged in a pattern of non-  
17 compliance in cases of child abduction during the  
18 preceding 12 months.

19 (2) CONTENTS.—The section described in para-  
20 graph (1)—

21 (A) shall identify any action or actions de-  
22 scribed in section 202(d) (or commensurate ac-  
23 tion as provided in section 202(e)) that have  
24 been taken by the Secretary with respect to  
25 each country;

1 (B) shall describe the basis for the Sec-  
2 retary's determination of the pattern of non-  
3 compliance by each country;

4 (C) shall indicate whether all noneconomic  
5 policy options designed to resolve the pattern of  
6 noncompliance have reasonably been exhausted,  
7 including the consultations required under sec-  
8 tion 203.

9 **SEC. 102. STANDARDS AND ASSISTANCE.**

10 The Secretary of State shall—

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

13 (A) maintain a consistent reporting stand-  
14 ard with respect to abduction and access cases;

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

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

23 (2) develop and implement written strategic  
24 plans for engagement with any Convention or non-

1 Convention country in which there are 5 or more  
2 cases of international child abduction.

3 **SEC. 103. BILATERAL PROCEDURES, INCLUDING MEMO-**  
4 **RANDA OF UNDERSTANDING.**

5 (a) DEVELOPMENT.—

6 (1) IN GENERAL.—Not later than 180 days  
7 after the date of the enactment of this Act, the Sec-  
8 retary of State shall initiate a process to develop and  
9 enter into appropriate bilateral procedures, including  
10 memoranda of understanding, as appropriate, with  
11 non-Convention countries that are unlikely to be-  
12 come Convention countries in the foreseeable future,  
13 or with Convention countries that have unresolved  
14 abduction cases that occurred before the Hague Ab-  
15 duction Convention entered into force with respect to  
16 the United States or that country.

17 (2) PRIORITIZATION.—In carrying out para-  
18 graph (1), the Secretary of State shall give priority  
19 to countries with significant abduction cases and re-  
20 lated issues.

21 (b) ELEMENTS.—The bilateral procedures described  
22 in subsection (a) shall include provisions requiring—

23 (1) the identification of—

24 (A) the Central Authority;



1 (B) the judicial or administrative authority  
2 that will promptly adjudicate abduction and ac-  
3 cess cases;

4 (C) the law enforcement agencies; and

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

10 (i) conducting an investigation to as-  
11 certain the location of the abducted child;

12 (ii) providing protection to the ab-  
13 ducted child after such child is located;  
14 and

15 (iii) retrieving the abducted child and  
16 making the appropriate arrangements for  
17 such child to be returned to the child's  
18 country of habitual residence;

19 (2) the implementation of a protocol to effec-  
20 tuate the return of an abducted child identified in an  
21 abduction case not later than 6 weeks after the ap-  
22 plication with respect to the abduction case has been  
23 submitted to the judicial or administrative authority,  
24 as applicable, of the country in which the abducted  
25 child is located;

1           (3) the implementation of a protocol for the es-  
2           tablishment and protection of the rights of interim  
3           contact during pendency of abduction cases; and

4           (4) the implementation of a protocol to estab-  
5           lish periodic visits between a United States embassy  
6           or consular official and an abducted child, in order  
7           to allow the official to ascertain the child's location  
8           and welfare.

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

10          (a) NOTIFICATION.—The Secretary of State shall  
11          submit written notification to the Member of Congress and  
12          Senators, or Resident Commissioner or Delegate, as ap-  
13          propriate, representing the legal residence of a left-behind  
14          parent if such parent—

15                 (1) reports an abduction to the Central Author-  
16                 ity of the United States; and

17                 (2) consents to such notification.

18          (b) TIMING.—At the request of any person who is a  
19          left-behind parent, including a left-behind parent who pre-  
20          viously reported an abduction to the Central Authority of  
21          the United States before the date of the enactment of this  
22          Act, the notification required under subsection (a) shall  
23          be provided as soon as is practicable.

1           **TITLE II—ACTIONS BY THE**  
2           **SECRETARY OF STATE**

3   **SEC. 201. RESPONSE TO INTERNATIONAL CHILD ABDUC-**  
4           **TIONS.**

5           (a) UNITED STATES POLICY.—It is the policy of the  
6 United States—

7           (1) to promote the best interest of children  
8 wrongfully abducted from the United States by—

9           (A) establishing legal rights and proce-  
10 dures for their prompt return; and

11           (B) ensuring the enforcement of reciprocal  
12 international obligations under the Hague Ab-  
13 duction Convention or other bilateral proce-  
14 dures, as applicable;

15           (2) to promote the timely resolution of abduc-  
16 tion cases through 1 or more of the actions de-  
17 scribed in section 202; and

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

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

24           (1) DETERMINATION OF ACTION BY THE SEC-  
25 RETARY OF STATE.—For each abduction or access

1 case relating to a child whose habitual residence is  
2 in the United States that remains pending or is oth-  
3 erwise unresolved on the date that is 12 months  
4 after the date on which the Central Authority of the  
5 United States submits such case to a foreign coun-  
6 try, the Secretary of State shall determine whether  
7 the government of such foreign country has failed to  
8 take appropriate steps to resolve the case. If the  
9 Secretary of State determines that such failure oc-  
10 curred, the Secretary should, as expeditiously as  
11 practicable—

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

14 (B) direct the Chief of Mission in that for-  
15 eign country to directly address the resolution  
16 of the case with senior officials in the foreign  
17 government.

18 (2) AUTHORITY FOR DELAY OF ACTION BY THE  
19 SECRETARY OF STATE.—The Secretary of State may  
20 delay any action described in paragraph (1) if the  
21 Secretary determines that an additional period of  
22 time, not to exceed 1 year, will substantially assist  
23 in resolving the case.

24 (3) REPORT.—If the Secretary of State delays  
25 any action pursuant to paragraph (2) or decides not

1 to take an action described in subsection (d) or (e)  
2 of section 202 after making the determination de-  
3 scribed in paragraph (1), the Secretary, not later  
4 than 15 days after such delay or decision, provide a  
5 report to the appropriate congressional committees  
6 that details the reasons for delaying action or not  
7 taking action, as appropriate.

8 (4) CONGRESSIONAL BRIEFINGS.—At the re-  
9 quest of the appropriate congressional committees,  
10 the Secretary of State shall provide a detailed brief-  
11 ing, including a written report, if requested, on ac-  
12 tions taken to resolve a case or the cause for delay.

13 (c) IMPLEMENTATION.—

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

16 (A) take 1 or more actions that most ap-  
17 propriately respond to the nature and severity  
18 of the governmental failure to resolve the unre-  
19 solved abduction case; and

20 (B) seek, to the fullest extent possible—

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

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

1 (I) as narrowly as practicable,  
2 with respect to the agencies or instru-  
3 mentalities of the foreign government  
4 that are responsible for such failures;  
5 and

6 (II) in ways that respect the sep-  
7 aration of powers and independence of  
8 the judiciary of the country, as appli-  
9 cable.

10 (2) GUIDELINES FOR ACTIONS BY THE SEC-  
11 RETARY OF STATE.—In addition to the guidelines  
12 under paragraph (1), the Secretary of State, in de-  
13 termining whether to take 1 or more actions under  
14 paragraphs (5) through (7) of section 202(d) or sec-  
15 tion 202(e), shall seek to minimize any adverse im-  
16 pact on—

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

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

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

1 **SEC. 202. ACTIONS BY THE SECRETARY OF STATE IN RE-**  
2 **SPONSE TO PATTERNS OF NONCOMPLIANCE**  
3 **IN CASES OF INTERNATIONAL CHILD ABDUC-**  
4 **TIONS.**

5 (a) **RESPONSE TO A PATTERN OF NONCOMPLI-**  
6 **ANCE.**—It is the policy of the United States—

7 (1) to oppose institutional or other systemic  
8 failures of foreign governments to fulfill their obliga-  
9 tions pursuant to the Hague Abduction Convention  
10 or bilateral procedures, as applicable, to resolve ab-  
11 duction and access cases;

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

15 (3) to directly engage with senior foreign gov-  
16 ernment officials to most effectively address patterns  
17 of noncompliance.

18 (b) **DETERMINATION OF COUNTRIES WITH PAT-**  
19 **TERNS OF NONCOMPLIANCE IN CASES OF INTER-**  
20 **NATIONAL CHILD ABDUCTION.**—

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

23 (A) review the status of abduction and ac-  
24 cess cases in each foreign country in order to  
25 determine whether the government of such

1 country has engaged in a pattern of noncompli-  
2 ance during the preceding 12 months; and

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

5 (2) DETERMINATIONS OF RESPONSIBLE PAR-  
6 TIES.—The Secretary of State shall seek to deter-  
7 mine the agencies or instrumentalities of the govern-  
8 ment of each country determined to have engaged in  
9 a pattern of noncompliance under paragraph (1)(A)  
10 that are responsible for such pattern of noncompli-  
11 ance—

12 (A) to appropriately target actions in re-  
13 sponse to such noncompliance; and

14 (B) to engage with senior foreign govern-  
15 ment officials to effectively address such non-  
16 compliance.

17 (c) ACTIONS BY THE SECRETARY OF STATE WITH  
18 RESPECT TO A COUNTRY WITH A PATTERN OF NON-  
19 COMPLIANCE.—

20 (1) IN GENERAL.—Not later than 90 days (or  
21 180 days in case of a delay under paragraph (2))  
22 after a country is determined to have been engaged  
23 in a pattern of noncompliance under subsection  
24 (b)(1)(A), the Secretary of State shall—



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

3 (B) direct the Chief of Mission in that  
4 country to directly address the systemic prob-  
5 lems that led to such determination; and

6 (C) inform senior officials in the foreign  
7 government of the potential repercussions re-  
8 lated to such designation.

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

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

23 (B) for a review of corrective action taken  
24 by a country after the designation of such coun-

1 try as being engaged in a pattern of noncompli-  
2 ance under subsection (b)(1)(A); or

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

6 (3) EXCEPTION FOR ADDITIONAL ACTION BY  
7 THE SECRETARY OF STATE.—The Secretary of State  
8 shall not be required to take additional action under  
9 paragraph (1) with respect to a country determined  
10 to have been engaged in a persistent pattern of non-  
11 compliance if the Secretary—

12 (A) has taken action pursuant to para-  
13 graph (5), (6), or (7) of subsection (d) with re-  
14 spect to such country in the preceding year and  
15 such action continues to be in effect;

16 (B) exercises the waiver under section 204  
17 and briefs the appropriate congressional com-  
18 mittees; or

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

21 (i) indicates that such country is sub-  
22 ject to multiple, broad-based sanctions;  
23 and

1                   (ii) describes how such sanctions sat-  
2                   isfy the requirements under this sub-  
3                   section.

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

10                  (d) DESCRIPTION OF ACTIONS BY THE SECRETARY  
11                  OF STATE IN HAGUE ABDUCTION CONVENTION COUN-  
12                  TRIES.—Except as provided in subsection (f), the actions  
13                  by the Secretary of State referred to in this subsection  
14                  are—

15                   (1) a demarche;

16                   (2) an official public statement detailing unre-  
17                   solved cases;

18                   (3) a public condemnation;

19                   (4) a delay or cancellation of 1 or more bilat-  
20                   eral working, official, or state visits;

21                   (5) the withdrawal, limitation, or suspension of  
22                   United States development assistance in accordance  
23                   with section 116 of the Foreign Assistance Act of  
24                   1961 (22 U.S.C. 2151n);

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

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

10          (e) COMMENSURATE ACTION.—

11           (1) IN GENERAL.—Except as provided in sub-  
12           section (f), the Secretary of State may substitute  
13           any other action authorized by law for any action  
14           described in subsection (d) if the Secretary deter-  
15           mines that such action—

16                   (A) is commensurate in effect to the action  
17                   substituted; and

18                   (B) would substantially further the pur-  
19                   poses of this Act.

20           (2) NOTIFICATION.—If commensurate action is  
21           taken pursuant to this subsection, the Secretary  
22           shall submit a report to the appropriate congres-  
23           sional committees that—

24                   (A) describes such action;

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

3 (C) specifically describes the basis for the  
4 Secretary's determination under paragraph (1)  
5 that such action—

6 (i) is commensurate with the action  
7 substituted; and

8 (ii) substantially furthers the purposes  
9 of this Act.

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

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

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

19 As soon as practicable after the Secretary of State  
20 makes a determination under section 201 in response to  
21 a failure to resolve unresolved abduction cases or the Sec-  
22 retary takes an action under subsection (d) or (e) of sec-  
23 tion 202, based on a pattern of noncompliance, the Sec-  
24 retary shall request consultations with the government of

1 such country regarding the situation giving rise to such  
2 determination.

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

4 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
5 retary of State may waive the application of any of the  
6 actions described in subsections (d) and (e) of section 202  
7 with respect to a country if the Secretary determines and  
8 notifies the appropriate congressional committees that—

9 (1) the government of such country—

10 (A) has satisfactorily resolved the abduc-  
11 tion cases giving rise to the application of any  
12 of such actions; or

13 (B) has ended such country's pattern of  
14 noncompliance; or

15 (2) the national security interest of the United  
16 States requires the exercise of such waiver authority.

17 (b) CONGRESSIONAL NOTIFICATION.—Not later than  
18 the date on which the Secretary of State exercises the  
19 waiver authority under subsection (a), the Secretary  
20 shall—

21 (1) notify the appropriate congressional com-  
22 mittees of such waiver; and

23 (2) provide such committees with a detailed jus-  
24 tification for such waiver, including an explanation

1 of the steps the noncompliant government has  
2 taken—

3 (A) to resolve abductions cases; or

4 (B) to end its pattern of noncompliance.

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

8 (1) is published in the Federal Register; or

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

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

21 **SEC. 205. TERMINATION OF ACTIONS BY THE SECRETARY**  
22 **OF STATE.**

23 Any specific action taken under this Act or any  
24 amendment made by this Act with respect to a foreign  
25 country shall terminate on the date on which the Secretary

1 of State submits a written certification to Congress that  
2 the government of such country—

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

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

9 **TITLE III—PREVENTION OF**  
10 **INTERNATIONAL CHILD AB-**  
11 **DUCTION**

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

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

18 **“SEC. 433. PREVENTION OF INTERNATIONAL CHILD ABDUC-**  
19 **TION.**

20 “(a) PROGRAM ESTABLISHED.—The Secretary,  
21 through the Commissioner of U.S. Customs and Border  
22 Protection (referred to in this section as ‘CBP’), in coordi-  
23 nation with the Secretary of State, the Attorney General,  
24 and the Director of the Federal Bureau of Investigation,  
25 shall establish a program that—



1           “(1) seeks to prevent a child (as defined in sec-  
2           tion 1204(b)(1) of title 18, United States Code)  
3           from departing from the territory of the United  
4           States if a parent or legal guardian of such child  
5           presents a court order from a court of competent ju-  
6           risdiction prohibiting the removal of such child from  
7           the United States to a CBP Officer in sufficient  
8           time to prevent such departure for the duration of  
9           such court order, including through the use of exist-  
10          ing authorities and processes to address the wrong-  
11          ful removal; and

12           “(2) leverages other existing authorities and  
13          processes to address the wrongful removal and re-  
14          turn of a child.

15          “(b) INTERAGENCY COORDINATION.—

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

21                   “(A) the Department of State;

22                   “(B) the Department of Homeland Secu-  
23          rity, including U.S. Customs and Border Pro-  
24          tection and U.S. Immigration and Customs En-  
25          forcement; and



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

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

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

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

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

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

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

17           (c) AUTHORIZATION OF APPROPRIATIONS.—

18           (1) IN GENERAL.—There is authorized to be  
19 appropriated to the Secretary of State \$5,000,000  
20 for each of the fiscal years 2015 and 2016 to carry  
21 out subsection (a).

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

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

○