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.

Be it enacted by the Senate and House of Representa-

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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.
Sec. 4. Funding.

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.
Sec. 204. Report to Congress.
Sec. 205. Presidential actions.
Sec. 206. Effects on existing contracts.
Sec. 207. Presidential waiver.
Sec. 208. Publication in Federal Register.
Sec. 209. Termination of Presidential actions.
Sec. 211. Multilateral assistance.
Sec. 212. Amendment to generalized system of preferences eligibility for generalized system of preferences.

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.

(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, 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.

(3) The number of outgoing international child abductions reported to the Central Authority of the United States has increased substantially since 2006.

(4) 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.
(5) 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) The Central Authority of the United States reports that nearly 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 jeopardizes the child and has substantial long-term consequences for both the child and the left-behind parent.”

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

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

(11) Left-behind parents who are military parents may be unable to leave their military duties to
pursue multinational litigation or take leave to attend multiple court proceedings, and foreign authorities 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, the tools for assessing the risk of abduction and denial of rights of access, 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 related to their care and custody determined in the country of their habitual residence;

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

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

SEC. 3. DEFINITIONS.

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

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

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

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

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

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

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

(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 provisions 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—

(A) regarding an abduction, an individual or entity, either individually or jointly, who alleges that an abduction has occurred that is in breach of rights of custody—

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

(ii) exercised at the time of the abduction or that would have been exercised but for the abduction; and

(B) regarding rights of access, an individual with rights of custody who is requesting establishment of rights of access or who alleges that rights of access are being denied.

(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 rights of access cases in accordance with section 104.

(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;
(ii) of an MOU Country to implement and abide by the provisions of the applicable MOU; and

(iii) of a nonparty country to cooperate with the United States to expeditiously resolve abduction cases and access cases within a reasonable period of time.

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

(i) The existence of 10 or more unresolved 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, or in the case of a nonparty country, the repeated failure of the Central Authority of the country to cooperate with the Central Authority of the United States to resolve unresolved cases.

(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, or in the case of a
nonparty country, the failure of the appro-
priate judicial or administrative branch of
the national government of the country to
expeditiously deliberate and render a deci-
sion in abduction cases and access cases.

(iv) The failure of law enforcement to
locate abducted children or to enforce re-
turn orders or determinations of rights of
access rendered by the judicial or adminis-
trative authorities of the national govern-
ment 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 that may arise—

(A) as a provisional measure while an ab-
duction case is pending; and

(B) by operation of law or by reason of ju-
dicial 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 rea-
son 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 abduc-
tion.

(22) UNRESOLVED ABDUCTION CASE.—

(A) IN GENERAL.—Subject to subpara-
graph (B), the term “unresolved abduction
case” means an abduction case that remains
unresolved for a period that exceeds 6 weeks
after the date on which the application for re-
turn 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.

(23) UNRESOLVED ACCESS CASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “unresolved access case” means an access case that remains unresolved for a period that exceeds 6 weeks after the date on which the application for the establishment of rights of access is submitted to the judicial or administrative authority, as applicable, in the country in which the child is located.

(B) RESOLUTION OF CASE.—An access case shall be considered to be resolved if—
(i) rights of access are established for the left-behind parent and such parent is allowed access to the child in accordance with such rights;

(ii) a final determination is made by the appropriate administrative or judicial entity in the country in which the child is located that the left-behind parent does not have rights of access and the United States Central Authority concludes that such determination is in accordance with applicable international standards; or

(iii) the abduction case related to the unresolved access case is resolved.

(24) UNRESOLVED CASES.—The term “unresolved cases” means unresolved abduction cases and unresolved access cases.

SEC. 4. FUNDING.

Amounts necessary to carry out this Act shall be taken out of the discretionary funds available to the Secretary of State for each of the fiscal years 2014 through 2018.
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 appro-
priate congressional committees an Annual Report on
International Child Abduction.

(b) CONTENTS.—Each Annual Report shall, with re-
spect to the preceding year, include the following:

(1) For each country with respect to which
there was 1 or more abduction cases:

(A) Whether the country is a Convention
country, an MOU country, or a nonparty coun-
try.

(B) The number of abduction cases and
the number of rights of access cases, respec-
tively, reported.

(C) The number of abduction cases and
the number of access cases, respectively, that
are pending.

(D)(i) The number of abduction cases and
the number of access cases, respectively, that
were pending at any point for more than 90
days after the date on which the Central Au-
thority of the United States transmitted the ap-
plication for each such case to the Central Au-
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thority of such country, and were not submitted
by the Central Authority to the judicial or ad-
ministrative authority, as applicable, of such
country within the 90-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.

(E) The number of unresolved abduction
cases and unresolved access cases, respectively,
and the length of time each case has been pend-
ing.

(F) The number of unresolved cases in
which law enforcement has failed to locate the
abducted child or to enforce a return order or
determinations of rights of access rendered by
the judicial or administrative authorities of
such country.

(G) The median time required for resolu-
tion of abduction cases and access cases, re-
spectively, to be measured from the date on
which the application with respect to the abduc-
tion case or access 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 or access case is resolved.

(H) The percentage of the total number of abduction cases and access cases, respectively, resolved.

(I) Detailed information about each case described in subparagraph (C) 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.

(J) Recommendations to improve resolution of abduction cases and access cases.

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

(3) 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.

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

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

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

(6) 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 coun-
tries that assist left-behind parents.

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

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

(2) information that may identify a party in-
volved 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 An-
nual Report shall also include—
(1) information on the number of unresolved 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, including which airlines have been utilized to carry out an abduction, voluntary airline practices to prevent abductions, 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.

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 shall seek to enter into an MOU with every country that is not a Convention country.

(b) MOU PROVISIONS.—An MOU shall include, with respect to the applicable MOU country—

(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;

(5) 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.

(c) 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 clarify 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) MEMBER OF CONGRESS DEFINED.—In this section, the term “Member of Congress” means a Representative in, or Delegate or Resident Commissioner to, the Congress.

TITLE II—PRESIDENTIAL ACTIONS

SEC. 201. PRESIDENTIAL ACTIONS IN RESPONSE TO UNSOLVED CASES.

(a) Response to International Child Abductions.—

(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 establishing legal rights and procedures for their prompt return and by promoting such rights and procedures through actions that ensure the
enforcement of reciprocal international obligations; and

(B) recognize the international character of the Hague Abduction Convention, and the need for reciprocity pursuant to and the uniform international interpretation of the Hague Abduction Convention, by promoting the timely resolution of abduction cases and access cases through 1 or more of the actions described in section 205.

(2) REQUIREMENT OF PRESIDENTIAL ACTION.—Whenever the President determines that the government of a foreign country has failed to resolve an unresolved abduction case or unresolved access case, the President shall oppose 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 Secretary of State, shall, as expeditiously as practicable in response to the failure described in subsection (a) by the government of a foreign country, take 1 or more of the actions described in paragraphs (1) through (18) 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 1 or more of the actions described in paragraphs (1) through (18) 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 or access case that is pending as of such date.

(B) Exception.—In the case of an action under any of paragraphs (11) through (18) 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 (11) through (18)
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 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 country to resolve the unresolved case; or

(B) in anticipation that the case will be resolved by such country during such 90-day period.

(e) IMPLEMENTATION.—

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

(A) take 1 or more actions that most appropriately respond to the nature and severity of the failure to resolve the unresolved 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.
(2) GUIDELINES FOR PRESIDENTIAL ACTIONS.—In addition to the guidelines under paragraph (1), the President, in determining whether to take 1 or more actions under paragraphs (11) through (18) 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 organizations in the country.

SEC. 202. PRESIDENTIAL ACTIONS IN RESPONSE TO PATTERNS OF NONCOOPERATION IN CASES OF INTERNATIONAL CHILD ABDUCTIONS.

(a) RESPONSE TO A PATTERN OF NONCOOPERATION.—

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

(A) oppose institutional or other systemic 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 Convention by Convention countries and compliance with the applicable MOU by MOU countries.

(2) REQUIREMENT OF PRESIDENTIAL ACTION.—Whenever the President determines that the government of a foreign country has engaged in a pattern of noncooperation, the President shall promote the resolution of the unresolved cases through one or more of the actions described in subsection (c).

(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 Noneooperation.

(B) Basis of review. — Each review conducted under subparagraph (A) shall be based upon 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 Noneooperation under paragraph (1)(A), the President shall seek to determine the agencies or instrumentalities of such government that are responsible for the pattern of noneooperation 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 Noneooperation 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 Noncooperation 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 1 or more of the actions under paragraphs (11) through (18) 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
such country 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 Noncooperation 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 subparagraph (A)(ii)—

(i) the report under section 204 and, as applicable, the publication in the Federal 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 effect 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 require 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.

(a) Duty To Consult With Foreign Governments.—

(1) In general.—As soon as practicable after the President makes a determination under section 201 in response to failures to resolve unresolved cases and the President decides to take action under paragraphs (11) through (18) 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—

(A) 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

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

(2) Duty To Consult With Left-Behind Parents.—The President shall consult with left-be-
hind parents who have an abduction case involving
a child located in the country referenced in para-
graph (1)(A), or designated representatives or rep-
resentative groups of such left-behind parents, dur-
ing the course of the consultations conducted pursu-
ant to paragraph (1) concerning the potential impact
of such consultations on the resolution of such cases.

SEC. 204. REPORT TO CONGRESS.

(a) IN GENERAL.—Subject to subsection (b), not
later than 90 days after the President makes a determina-
tion under section 201 in response to failures to resolve
unresolved cases and the President decides to take action
under paragraphs (11) through (18) 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 appro-
priate congressional committees a report on the following:

(1) IDENTIFICATION OF PRESIDENTIAL AC-
TIONS.—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 re-
spect 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 applicable.
(B) FORM.—The evaluation under sub-
paragraph (A) shall be transmitted in unclassi-
ied 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 congres-
sional 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.—Ex-
cept 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 the individual who is engaged in abduction.

(10) The restriction of the number of visas issued to nationals of such country pursuant to subparagraphs (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).


(12) Directing the Export-Import Bank of the United States, the Overseas Private Investment Cor-
poration, or the Trade and Development Agency not
to approve the issuance of any (or a specified num-
ber of) guarantees, insurance, extensions of credit,
or participations in the extension of credit with re-
spect to such government or the agency or instru-
mentality of such government determined by the
President to be responsible for such unresolved case
or pattern of noncooperation, as applicable.

(13) The withdrawal, limitation, or suspension
of United States security assistance in accordance
with section 502B of the Foreign Assistance Act of

(14) In accordance with section 701 of the
International Financial Institutions Act of 1977 (22
U.S.C. 262d), directing the United States executive
directors of international financial institutions to op-
pose and vote against loans primarily benefitting
such government or the agency or instrumentality of
such government determined by the President to be
responsible for such unresolved case or pattern of
noncooperation, as applicable.

(15) The denial, withdrawal, suspension, or lim-
itation of benefits provided pursuant to title V of the
Trade Act of 1974 (19 U.S.C. 2461 et seq.), relat-
ing to the Generalized System of Preferences.
(16) Ordering the heads of the appropriate
United States agencies not to issue any (or a speci-
fied 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.

(17) Prohibiting any United States financial in-
stitution from making loans or providing credits to-
taling more than $10,000,000 in any 12-month pe-
period to such government or to the agency or instru-
mentality of such government determined by the
President to be responsible for such unresolved case
or pattern of noncooperation, as applicable.
(18) Prohibiting the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from such government or from the agency or instrumentality of such government determined by the President to be responsible for such unresolved case or pattern of noncooperation, as applicable.

(b) COMMENSURATE ACTION.—Except as provided in subsection (c), the President may substitute any other action authorized by law for any action described in subsection (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(e). The President shall seek to take all appropriate and feasible actions authorized by law to resolve the unresolved case or to obtain 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.—Any action taken pursuant to subsection (a) or (b) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other life-saving humanitarian assistance.
SEC. 206. EFFECTS ON EXISTING CONTRACTS.

The President shall not be required to apply or maintain any action under section 205—

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

(A) 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;

(B) 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

(C) if the President determines in writing and transmits to the appropriate congressional committees a report that such defense articles or services are essential to the national security of the United States under defense co-production agreements; or
(2) 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. 207. PRESIDENTIAL WAIVER.

(a) In general.—Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (11) through (18) 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 cases or access cases 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 future 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. 208. 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 designated as a Country With a Pattern of Noncooperation under section 202(b)(1), 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 (1) through (18) 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 207.

(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. 209. 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 case or has taken substantial and verifiable steps to correct the pattern of noncooperation at issue, as applicable, that gave rise to such action.

SEC. 210. UNITED STATES ASSISTANCE.

(a) IMPLEMENTATION OF PROHIBITION ON ECONOMIC ASSISTANCE.—Section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)(B), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following new paragraph:

“(4) whether the government has engaged in a pattern of noncooperation regarding abduction cases
or access cases, as such terms are defined in the
Sean and David Goldman International Child Ab-
duction Prevention and Return Act of 2013.”.

(b) IMPLEMENTATION OF PROHIBITION ON SECU-
RITY ASSISTANCE.—Section 502B(a)(4) of the Foreign
Assistance Act of 1961 (22 U.S.C. 2304(a)(4)) is amend-
ed—

(1) in subparagraph (A), by striking “or” at
the end;

(2) in subparagraph (B), by striking the period
at the end and inserting “; or”; and

(3) by adding at the end the following new sub-
paragraph:

“(C) has engaged in a pattern of non-
cooperation regarding abduction cases or access
cases, as such terms are defined in the Sean
and David Goldman International Child Abduc-
tion Prevention and Return Act of 2013.”.

SEC. 211. MULTILATERAL ASSISTANCE.

Section 701 of the International Financial Institu-
tions Act (22 U.S.C. 262d) is amended—

(1) by redesignating the second subsection (g)
(as added by Public Law 105–292) as subsection
(h); and
(2) by adding at the end the following new sub-section:

“(i) In determining whether the government of a country engages in a pattern of gross violations of internationally recognized human rights, as described in subsection (a), the President shall give particular consideration to whether such government has engaged in a pattern of noncooperation regarding abduction cases or access cases, as such terms are defined in the Sean and David Goldman International Child Abduction Prevention and Return Act of 2013.”.

SEC. 212. AMENDMENT TO GENERALIZED SYSTEM OF PREFERENCES ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.

Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)) is amended—

(1) by inserting after subparagraph (H) the following new subparagraph:

“(I) Such country is a country with a pattern of noncooperation regarding abduction cases or access cases, as such terms are defined in the Sean and David Goldman International Child Abduction Prevention and Return Act of 2013.”; and
(2) in the flush left matter after subparagraph (I) (as added by paragraph (1) of this section)—

(A) by striking “and (H)” and inserting “(H)”; and

(B) by inserting after “(D)” the following: “and (I)”.