

113TH CONGRESS  
1ST SESSION

# H. R. 1951

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2013

Mr. SMITH of New Jersey (for himself and Mr. MORAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

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

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings; sense of Congress; purposes.
- Sec. 3. Definitions.
- 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. 210. United States assistance.
- Sec. 211. Multilateral assistance.
- Sec. 212. Amendment to generalized system of preferences eligibility for generalized system of preferences.

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

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

9 (1) Sean Goldman, a United States citizen and  
 10 resident of New Jersey, was abducted from the  
 11 United States in 2004 and separated from his fa-  
 12 ther, David Goldman, who spent nearly six years  
 13 battling for the return of his son from Brazil before

1 Sean was finally returned to Mr. Goldman's custody  
2 on December 24, 2009.

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

16 (3) The number of outgoing international child  
17 abductions reported to the Central Authority of the  
18 United States has increased substantially since  
19 2006.

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

1           (5) The United States and Convention coun-  
2 tries have expressed their desire, through the Hague  
3 Abduction Convention, “to protect children inter-  
4 nationally from the harmful effects of their wrongful  
5 removal or retention and to establish procedures to  
6 ensure their prompt return to the State of their ha-  
7 bitual residence, as well as to secure protection for  
8 rights of access.”.

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

18           (7) The Central Authority of the United States  
19 reports that nearly 40 percent of abduction cases  
20 and access cases involve children taken from the  
21 United States to countries with which the United  
22 States does not have Hague Abduction Convention  
23 obligations or other agreements relating to the reso-  
24 lution of abduction cases and access cases.

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

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

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

24          (11) Left-behind parents who are military par-  
25          ents may be unable to leave their military duties to

1       pursue multinational litigation or take leave to at-  
2       tend multiple court proceedings, and foreign authori-  
3       ties may not schedule proceedings to accommodate  
4       such duties.

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

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

11           (1) protect children whose habitual residence is  
12           the United States from the harmful effects of abduc-  
13           tion and to assist left-behind parents to have access  
14           to their abducted child in a safe and predictable  
15           manner, wherever the child is located, while an ab-  
16           duction case is pending;

17           (2) provide left-behind parents, including mili-  
18           tary parents, their advocates, and judges the infor-  
19           mation they need to enhance the resolution of abduc-  
20           tion cases and access cases through established legal  
21           procedures, the tools for assessing the risk of abduc-  
22           tion and denial of rights of access, and the practical  
23           means for overcoming obstacles to recovering an ab-  
24           ducted child;

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

5           (4) promote an international consensus that it  
6           is in the interest of children to have any issues re-  
7           lated to their care and custody determined in the  
8           country of their habitual residence;

9           (5) provide the necessary training for officials  
10          of the United States Armed Forces and the Depart-  
11          ment of Defense to establish policies and provide  
12          services to military parents that address the unique  
13          circumstances of abductions and violations of rights  
14          of access that may occur with regard to military de-  
15          pendent children; and

16          (6) encourage the effective implementation of  
17          international mechanisms, particularly those estab-  
18          lished pursuant to the Hague Abduction Convention,  
19          to achieve reciprocity in the resolution of abductions  
20          and to protect children from the harmful effects of  
21          an abduction.

22 **SEC. 3. DEFINITIONS.**

23          In this Act:

1           (1) ABDUCTED CHILD.—The term “abducted  
2 child” means a child who is the victim of an abduc-  
3 tion.

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

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

8                   (B) the alleged wrongful retention of a  
9 child outside the child’s country of habitual res-  
10 idence; or

11                   (C) the alleged wrongful removal or reten-  
12 tion of a military dependent child from the ex-  
13 ercise of rights of custody of a military parent.

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

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

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



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

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

6           (B) in the case of an MOU country, the  
7 formal document required pursuant to the pro-  
8 visions of the applicable MOU to request the re-  
9 turn of an abducted child or to request rights  
10 of access, as applicable; and

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

17           (7) APPROPRIATE CONGRESSIONAL COMMIT-  
18 TEES.—The term “appropriate congressional com-  
19 mittees” means the Committee on Foreign Affairs of  
20 the House of Representatives and the Committee on  
21 Foreign Relations of the Senate.

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

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

4 (B) in the case of an MOU country, the of-  
5 ficial entity designated by the government of  
6 the MOU country within the applicable MOU  
7 pursuant to section 103(b)(1) to discharge the  
8 duties imposed on the entity in such MOU; and

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

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

13 (10) CONVENTION COUNTRY.—The term “Con-  
14 vention country” means a country other than the  
15 United States that has ratified, acceded, or suc-  
16 ceeded to the Hague Abduction Convention and with  
17 respect to which the United States has entered into  
18 a reciprocal agreement pursuant to the Hague Ab-  
19 duction Convention.

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

1           (12) LEFT-BEHIND PARENT.—The term “left-  
2 behind parent” means—

3           (A) regarding an abduction, an individual  
4 or entity, either individually or jointly, who al-  
5 leges that an abduction has occurred that is in  
6 breach of rights of custody—

7           (i) attributed to such individual or en-  
8 tity, as applicable; and

9           (ii) exercised at the time of the abduc-  
10 tion or that would have been exercised but  
11 for the abduction; and

12           (B) regarding rights of access, an indi-  
13 vidual with rights of custody who is requesting  
14 establishment of rights of access or who alleges  
15 that rights of access are being denied.

16           (13) LEGAL RESIDENCE.—The term “legal resi-  
17 dence” means the congressional district and State in  
18 which an individual either is residing, or if an indi-  
19 vidual is residing temporarily outside the United  
20 States, the congressional district and State to which  
21 the individual intends to return.

22           (14) MILITARY DEPENDENT CHILD.—The term  
23 “military dependent child” means a child whose ha-  
24 bitual residence is the United States according to

1 United States law even though the child is residing  
2 outside the United States with a military parent.

3 (15) MILITARY PARENT.—The term “military  
4 parent” means an individual who has rights of cus-  
5 tody over a child and who is serving outside the  
6 United States as a member of the United States  
7 Armed Forces.

8 (16) MOU.—The term “MOU” means a memo-  
9 randum of understanding between the United States  
10 and a country that is not a Convention country to  
11 resolve abduction cases and rights of access cases in  
12 accordance with section 104.

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

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

19 (19) PATTERN OF NONCOOPERATION.—

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

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

1 (ii) of an MOU Country to implement  
2 and abide by the provisions of the applica-  
3 ble MOU; and

4 (iii) of a nonparty country to cooper-  
5 ate with the United States to expeditiously  
6 resolve abduction cases and access cases  
7 within a reasonable period of time.

8 (B) CRITERIA.—Such persistent failure  
9 may be evidenced by one or more of the fol-  
10 lowing criteria:

11 (i) The existence of 10 or more unre-  
12 solved cases.

13 (ii) The failure of the Central Author-  
14 ity of the country to fulfill its responsibil-  
15 ities pursuant to the Hague Abduction  
16 Convention or the MOU, as applicable, or  
17 in the case of a nonparty country, the re-  
18 peated failure of the Central Authority of  
19 the country to cooperate with the Central  
20 Authority of the United States to resolve  
21 unresolved cases.

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

1 the Hague Abduction Convention or the  
2 MOU, as applicable, or in the case of a  
3 nonparty country, the failure of the appro-  
4 priate judicial or administrative branch of  
5 the national government of the country to  
6 expeditiously deliberate and render a deci-  
7 sion in abduction cases and access cases.

8 (iv) The failure of law enforcement to  
9 locate abducted children or to enforce re-  
10 turn orders or determinations of rights of  
11 access rendered by the judicial or adminis-  
12 trative authorities of the national govern-  
13 ment of the country in abduction cases or  
14 access cases.

15 (20) RIGHTS OF ACCESS.—The term “rights of  
16 access” means the rights of contact between a child  
17 and a left-behind parent that may arise—

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

20 (B) by operation of law or by reason of ju-  
21 dicial or administrative determination or by  
22 agreement having legal effect under the law of  
23 the country in which the child is located.

24 (21) RIGHTS OF CUSTODY.—The term “rights  
25 of custody” means rights of care and custody of an

1 abducted child, including the right to determine the  
2 place of residence of an abducted child—

3 (A) attributed to an individual or entity,  
4 either individually or jointly, and

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

11 (22) UNRESOLVED ABDUCTION CASE.—

12 (A) IN GENERAL.—Subject to subpara-  
13 graph (B), the term “unresolved abduction  
14 case” means an abduction case that remains  
15 unresolved for a period that exceeds 6 weeks  
16 after the date on which the application for re-  
17 turn of the child is submitted for determination  
18 to the judicial or administrative authority, as  
19 applicable, in the country in which the child is  
20 located.

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

23 (i) the child is returned to the country  
24 of habitual residence, pursuant to the

1 Hague Abduction Convention or MOU, if  
2 applicable;

3 (ii) the judicial or administrative  
4 branch, as applicable, of the national gov-  
5 ernment of the country in which the child  
6 is located has implemented and is com-  
7 plying with the provisions of the Hague  
8 Abduction Convention or the MOU, as ap-  
9 plicable, and a final determination is made  
10 by such judicial or administrative branch  
11 that the child will not be returned to the  
12 country of habitual residence; or

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

14 (23) UNRESOLVED ACCESS CASE.—

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

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



1 (i) rights of access are established for  
2 the left-behind parent and such parent is  
3 allowed access to the child in accordance  
4 with such rights;

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

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

15 (24) UNRESOLVED CASES.—The term “unre-  
16 solved cases” means unresolved abduction cases and  
17 unresolved access cases.

18 **SEC. 4. FUNDING.**

19 Amounts necessary to carry out this Act shall be  
20 taken out of the discretionary funds available to the Sec-  
21 retary of State for each of the fiscal years 2014 through  
22 2018.

1           **TITLE I—DEPARTMENT OF**  
2                           **STATE ACTIONS**

3   **SEC. 101. ANNUAL REPORT.**

4           (a) **IN GENERAL.**—Not later than March 31 of each  
5 year, the Secretary of State shall submit to the appro-  
6 priate congressional committees an Annual Report on  
7 International Child Abduction.

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

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

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

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

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

21                           (D)(i) The number of abduction cases and  
22 the number of access cases, respectively, that  
23 were pending at any point for more than 90  
24 days after the date on which the Central Au-  
25 thority of the United States transmitted the ap-

1           plication for each such case to the Central Au-  
2           thority of such country, and were not submitted  
3           by the Central Authority to the judicial or ad-  
4           ministrative authority, as applicable, of such  
5           country within the 90-day period.

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

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

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

20          (G) The median time required for resolu-  
21          tion of abduction cases and access cases, re-  
22          spectively, to be measured from the date on  
23          which the application with respect to the abduc-  
24          tion case or access case is transmitted by the  
25          Central Authority of the United States to the

1 Central Authority of such country to the date  
2 on which the abduction case or access case is  
3 resolved.

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

7 (I) Detailed information about each case  
8 described in subparagraph (C) and on actions  
9 taken by the Department of State to resolve  
10 such case, including the specific actions taken  
11 by the United States chief of mission in such  
12 country.

13 (J) Recommendations to improve resolu-  
14 tion of abduction cases and access cases.

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

19 (3) A list of Convention countries and MOU  
20 countries that have failed to comply with any of  
21 their obligations under the Hague Abduction Con-  
22 vention or the MOU, as applicable, with respect to  
23 the resolution of abduction cases and access cases.

24 (4) A list of countries demonstrating a pattern  
25 of noncooperation, and a summary of the criteria on

1       which the determination of a pattern of noncoopera-  
2       tion for each country is based.

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

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

10              (6) A description of the efforts of the Secretary  
11       of State to encourage Convention countries and  
12       MOU countries to facilitate the work of nongovern-  
13       mental organizations within their respective coun-  
14       tries that assist left-behind parents.

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

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

19              (2) information that may identify a party in-  
20       volved in an abduction case or access case unless the  
21       party stipulates in writing to the Central Authority  
22       of the United States that such information may be  
23       included in the Annual Report.

24       (d) ADDITIONAL THEMATIC SECTIONS.—Each An-  
25       nual Report shall also include—

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

5           (2) information on the use of airlines in abduc-  
6 tions, including which airlines have been utilized to  
7 carry out an abduction, voluntary airline practices to  
8 prevent abductions, and recommendations for best  
9 airline practices to prevent abductions;

10           (3) information on actions taken by the Central  
11 Authority of the United States to train domestic  
12 judges in application of the Hague Abduction Con-  
13 vention; and

14           (4) information on actions taken by the Central  
15 Authority of the United States to train United  
16 States Armed Forces legal assistance personnel,  
17 military chaplains, and military family support cen-  
18 ter personnel about abductions, the risk of loss of  
19 access to children, and the legal frameworks avail-  
20 able to resolve such cases.

21           (e) REPEAL OF THE HAGUE CONVENTION COMPLI-  
22 ANCE REPORT.—Section 2803 of the Foreign Affairs Re-  
23 form and Restructuring Act of 1998 (42 U.S.C. 11611)  
24 is repealed.

1 **SEC. 102. STANDARDS AND ASSISTANCE.**

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

4 (1) maintain a consistent reporting standard  
5 with respect to abduction cases and access cases in-  
6 volving abducted children in the country in which  
7 such mission is located for purposes of the Annual  
8 Report;

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

13 (3) monitor developments in cases involving ab-  
14 ducted children in the country in which such mission  
15 is located.

16 **SEC. 103. MEMORANDUM OF UNDERSTANDING.**

17 (a) IN GENERAL.—The Secretary of State shall seek  
18 to enter into an MOU with every country that is not a  
19 Convention country.

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

22 (1) identification of the Central Authority;

23 (2) a protocol to identify, locate, and effectuate  
24 the return of an abducted child identified in an ab-  
25 duction case not later than 6 weeks after the appli-  
26 cation with respect to the abduction case has been

1 submitted to the judicial or administrative authority,  
2 as applicable, of the country in which the abducted  
3 child is located;

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

6 (4) identification of the judicial or administra-  
7 tive authority that will promptly adjudicate abduc-  
8 tion cases and access cases;

9 (5) identification of a law enforcement agency  
10 and available law enforcement mechanisms and pro-  
11 cedures to ensure the immediate enforcement of an  
12 order issued by the authority identified pursuant to  
13 paragraph (4) to return an abducted child to a left-  
14 behind parent, including by—

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

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

19 (C) retrieving the abducted child and mak-  
20 ing the appropriate arrangements for such child  
21 to be returned to the country of habitual resi-  
22 dence;

23 (6) a protocol to establish periodic visits be-  
24 tween a United States embassy or consular official



1 and an abducted child to allow the official to ascer-  
2 tain the child's location and welfare; and

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

5 (c) RULE OF CONSTRUCTION.—

6 (1) IN GENERAL.—Nothing in this Act shall be  
7 construed to prohibit the United States from pro-  
8 posing and entering into a memorandum of under-  
9 standing with a Convention country to further clar-  
10 ify the reciprocal obligations of the United States  
11 and the Convention country under the Hague Ab-  
12 duction Convention.

13 (2) TREATMENT OF OBLIGATIONS OF CONVEN-  
14 TION COUNTRY.—In those instances in which there  
15 is a memorandum of understanding as described in  
16 paragraph (1), the obligations of the Convention  
17 country under such memorandum shall be consid-  
18 ered to be obligations of such country under the  
19 Hague Abduction Convention for purposes of this  
20 Act.

21 **SEC. 104. NOTIFICATION OF CONGRESSIONAL REPRESENT-**  
22 **ATIVES.**

23 (a) NOTIFICATION.—Except as provided in sub-  
24 section (b), the Secretary of State shall notify in writing  
25 the Member of Congress and Senators representing the

1 legal residence of a left-behind parent when such parent  
 2 reports an abduction to the Central Authority of the  
 3 United States.

4 (b) EXCEPTION.—The notification requirement under  
 5 subsection (a) shall not apply if the left-behind parent  
 6 does not consent to the notification described in such sub-  
 7 section.

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

## 12 **TITLE II—PRESIDENTIAL** 13 **ACTIONS**

### 14 **SEC. 201. PRESIDENTIAL ACTIONS IN RESPONSE TO UNRE-** 15 **SOLVED CASES.**

16 (a) RESPONSE TO INTERNATIONAL CHILD ABDUC-  
 17 TIONS.—

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

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

1 enforcement of reciprocal international obliga-  
2 tions; and

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

11 (2) REQUIREMENT OF PRESIDENTIAL AC-  
12 TION.—Whenever the President determines that the  
13 government of a foreign country has failed to resolve  
14 an unresolved abduction case or unresolved access  
15 case, the President shall oppose such failure through  
16 one or more of the actions described in subsection  
17 (b).

18 (b) PRESIDENTIAL ACTIONS.—

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

1       tion as provided in section 205(b)) with respect to  
2       such country.

3           (2) DEADLINE FOR ACTIONS.—

4           (A) IN GENERAL.—Except as provided in  
5       subparagraph (B), not later than March 31 of  
6       each year, the President shall take 1 or more  
7       of the actions described in paragraphs (1)  
8       through (18) of section 205(a) (or commensu-  
9       rate action as provided in section 205(b)) with  
10      respect to each foreign country the government  
11      of which has failed to resolve an unresolved ab-  
12      duction case or access case that is pending as  
13      of such date.

14          (B) EXCEPTION.—In the case of an action  
15      under any of paragraphs (11) through (18) of  
16      section 205(a) (or commensurate action as pro-  
17      vided in section 205(b))—

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

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

23          (3) AUTHORITY FOR DELAY OF PRESIDENTIAL  
24      ACTIONS.—The President may delay action de-  
25      scribed in any of the paragraphs (11) through (18)

1 of section 205(a) (or commensurate action as pro-  
2 vided in section 205(b)), as required under para-  
3 graph (2), if the President determines and certifies  
4 to the appropriate congressional committees that a  
5 single, additional period of time, not to exceed 90  
6 days, is necessary—

7 (A) for a continuation of negotiations that  
8 have been commenced with the country to re-  
9 solve the unresolved case; or

10 (B) in anticipation that the case will be re-  
11 solved by such country during such 90-day pe-  
12 riod.

13 (c) IMPLEMENTATION.—

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

16 (A) take 1 or more actions that most ap-  
17 propriately respond to the nature and severity  
18 of the failure to resolve the unresolved cases;  
19 and

20 (B) seek to the fullest extent possible to  
21 target action as narrowly as practicable with re-  
22 spect to the agencies or instrumentalities of the  
23 foreign government that are responsible for  
24 such failures.

1           (2) GUIDELINES FOR PRESIDENTIAL AC-  
2           TIONS.—In addition to the guidelines under para-  
3           graph (1), the President, in determining whether to  
4           take 1 or more actions under paragraphs (11)  
5           through (18) of section 205(a) (or commensurate ac-  
6           tion as provided in section 205(b)), shall seek to  
7           minimize any adverse impact on—

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

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

14 **SEC. 202. PRESIDENTIAL ACTIONS IN RESPONSE TO PAT-**  
15 **TERNS OF NONCOOPERATION IN CASES OF**  
16 **INTERNATIONAL CHILD ABDUCTIONS.**

17           (a) RESPONSE TO A PATTERN OF NONCOOPERA-  
18           TION.—

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

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

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

5 (2) REQUIREMENT OF PRESIDENTIAL AC-  
6 TION.—Whenever the President determines that the  
7 government of a foreign country has engaged in a  
8 pattern of noncooperation, the President shall pro-  
9 mote the resolution of the unresolved cases through  
10 one or more of the actions described in subsection  
11 (c).

12 (b) DESIGNATIONS OF COUNTRIES WITH PATTERNS  
13 OF NONCOOPERATION IN CASES OF INTERNATIONAL  
14 CHILD ABDUCTION.—

15 (1) ANNUAL REVIEW.—

16 (A) IN GENERAL.—Not later than March  
17 31 of each year, the President shall review the  
18 status of abduction cases and access cases in  
19 each foreign country to determine whether the  
20 government of such country has engaged in a  
21 pattern of noncooperation during the preceding  
22 12 months or since the date of the last review  
23 of such country under this subparagraph,  
24 whichever period is longer. The President shall  
25 designate each country the government of which

1           has engaged in a pattern of noncooperation as  
2           a Country With a Pattern of Noncooperation.

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

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

16          (3) CONGRESSIONAL NOTIFICATION.—Whenever  
17          the President designates a country as a Country  
18          With a Pattern of Noncooperation under paragraph  
19          (1)(A), the President shall, as soon as practicable  
20          after such designation is made, transmit to the ap-  
21          propriate congressional committees—

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



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

4 (c) PRESIDENTIAL ACTIONS WITH RESPECT TO A  
5 COUNTRY WITH A PATTERN OF NONCOOPERATION.—

6 (1) IN GENERAL.—Subject to paragraphs (2)  
7 and (3) with respect to each Country With a Pattern  
8 of Noncooperation designated under subsection  
9 (b)(1)(A), the President shall, after the require-  
10 ments of sections 203 and 204 have been satisfied,  
11 but not later than 90 days (or 180 days in case of  
12 a delay under paragraph (2)) after the date of such  
13 designation of the country under such subsection,  
14 take 1 or more of the actions under paragraphs (11)  
15 through (18) of section 205(a) (or commensurate ac-  
16 tion as provided in section 205(b)).

17 (2) AUTHORITY FOR DELAY OF PRESIDENTIAL  
18 ACTIONS.—If, on or before the date that the Presi-  
19 dent is required to take action under paragraph (1),  
20 the President determines and certifies to the appro-  
21 priate congressional committees that a single, addi-  
22 tional period of time not to exceed 90 days is nec-  
23 essary—

24 (A) for a continuation of negotiations that  
25 have been commenced with the government of

1 such country to bring about a cessation of the  
2 pattern of noncooperation by such country, or

3 (B) for a review of corrective action taken  
4 by such country after designation of such coun-  
5 try as a Country With a Pattern of Non-  
6 cooperation under subsection (b)(1)(A) or in  
7 anticipation that corrective action will be taken  
8 by such country during such 90-day period,  
9 the President shall not be required to take such ac-  
10 tion until the expiration of such period of time.

11 (3) EXCEPTION FOR ONGOING PRESIDENTIAL  
12 ACTION.—

13 (A) IN GENERAL.—The President shall not  
14 be required to take action under paragraph (1)  
15 with respect to a Country With a Pattern of  
16 Noncooperation if—

17 (i) the President has taken action  
18 pursuant to paragraph (1) with respect to  
19 such country in a preceding year, such ac-  
20 tion is in effect at the time such country  
21 is designated as a Country with a Pattern  
22 of Noncooperation under subsection  
23 (b)(1)(A), and the President submits to  
24 the appropriate congressional committees  
25 the information described in section 204

1                   regarding the actions in effect with respect  
2                   to such country; or

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

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

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

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

21                  (d) RULE OF CONSTRUCTION.—A determination  
22                  under this section that a foreign country has engaged in  
23                  a pattern of noncooperation shall not be construed to re-  
24                  quire the termination of assistance or other activities with  
25                  respect to such country under any other provision of law,

1 including section 116 or 502B of the Foreign Assistance  
2 Act of 1961 (22 U.S.C. 2151(n) or 2304).

3 **SEC. 203. CONSULTATIONS.**

4 (a) DUTY TO CONSULT WITH FOREIGN GOVERN-  
5 MENTS.—

6 (1) IN GENERAL.—As soon as practicable after  
7 the President makes a determination under section  
8 201 in response to failures to resolve unresolved  
9 cases and the President decides to take action under  
10 paragraphs (11) through (18) of section 205(a) (or  
11 commensurate action as provided in section 205(b))  
12 with respect to that country, or not later than 90  
13 days after the President designates a country as a  
14 Country With a Pattern of Noncooperation pursuant  
15 to section 202(b)(1)(A), the President shall—

16 (A) request consultation with the govern-  
17 ment of such country regarding the failures giv-  
18 ing rise to designation of that country as a  
19 Country With a Pattern of Noncooperation re-  
20 garding the pattern of noncooperation or to ac-  
21 tion under section 201; and

22 (B) if agreed to, enter into such consulta-  
23 tions with such country, privately or publicly.

24 (2) DUTY TO CONSULT WITH LEFT-BEHIND  
25 PARENTS.—The President shall consult with left-be-

1 hind parents who have an abduction case involving  
2 a child located in the country referenced in para-  
3 graph (1)(A), or designated representatives or rep-  
4 resentative groups of such left-behind parents, dur-  
5 ing the course of the consultations conducted pursu-  
6 ant to paragraph (1) concerning the potential impact  
7 of such consultations on the resolution of such cases.

8 **SEC. 204. REPORT TO CONGRESS.**

9 (a) IN GENERAL.—Subject to subsection (b), not  
10 later than 90 days after the President makes a determina-  
11 tion under section 201 in response to failures to resolve  
12 unresolved cases and the President decides to take action  
13 under paragraphs (11) through (18) of section 205(a) (or  
14 commensurate action as provided in section 205(b)) with  
15 respect to that country, or not later than 90 days after  
16 the President designates a country as a Country With a  
17 Pattern of Noncooperation pursuant to section  
18 202(b)(1)(A), the President shall transmit to the appro-  
19 priate congressional committees a report on the following:

20 (1) IDENTIFICATION OF PRESIDENTIAL AC-  
21 TIONS.—An identification of the action or actions  
22 described in section 205(a) (or commensurate action  
23 as provided in section 205(b)) to be taken with re-  
24 spect to such country.

1           (2) DESCRIPTION OF VIOLATIONS.—A descrip-  
2           tion of the failure to resolve an unresolved case or  
3           the pattern of noncooperation, as applicable, giving  
4           rise to the action or actions to be taken by the  
5           President.

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

8           (4) EVALUATION.—

9           (A) DESCRIPTION.—An evaluation, in con-  
10           sultation with the Secretary of State, the par-  
11           ties described in section 203(b), and other par-  
12           ties the President determines appropriate, of  
13           the anticipated impact of the Presidential ac-  
14           tion upon—

15                   (i) pending abduction cases in such  
16                   country;

17                   (ii) the government of such country;

18                   (iii) the population of such country;

19                   (iv) the United States economy;

20                   (v) other interested parties; and

21                   (vi) if such country is a Convention  
22                   country or an MOU country, the reciprocal  
23                   fulfillment of obligations pursuant to such  
24                   Convention or applicable MOU, as applica-  
25                   ble.

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

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

11 (b) DELAY IN TRANSMITTAL OF REPORT.—If, on or  
12 before the date that the President is required to submit  
13 a report under subsection (a) to the appropriate congres-  
14 sional committees, the President determines and certifies  
15 to such committees that a single, additional period of time  
16 not to exceed 90 days is necessary pursuant to section  
17 202(c)(2), the President shall not be required to submit  
18 the report to such committees until the expiration of such  
19 period of time.

20 **SEC. 205. PRESIDENTIAL ACTIONS.**

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

- 24 (1) A private demarche.  
25 (2) An official public demarche.

1           (3) A public condemnation.

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

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

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

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

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

12          (9) A formal request to the foreign country con-  
13 cerned to extradite the individual who is engaged in  
14 abduction.

15          (10) The restriction of the number of visas  
16 issued to nationals of such country pursuant to sub-  
17 paragraphs (F), (J), or (M) of section 101(a)(15) of  
18 the Immigration and Nationality Act (8 U.S.C.  
19 1101(a)(15)).

20          (11) The withdrawal, limitation, or suspension  
21 of United States development assistance in accord-  
22 ance with section 116 of the Foreign Assistance Act  
23 of 1961 (22 U.S.C. 2151n).

24          (12) Directing the Export-Import Bank of the  
25 United States, the Overseas Private Investment Cor-



1 poration, or the Trade and Development Agency not  
2 to approve the issuance of any (or a specified num-  
3 ber of) guarantees, insurance, extensions of credit,  
4 or participations in the extension of credit with re-  
5 spect to such government or the agency or instru-  
6 mentality of such government determined by the  
7 President to be responsible for such unresolved case  
8 or pattern of noncooperation, as applicable.

9 (13) The withdrawal, limitation, or suspension  
10 of United States security assistance in accordance  
11 with section 502B of the Foreign Assistance Act of  
12 1961 (22 U.S.C. 2304).

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

22 (15) The denial, withdrawal, suspension, or lim-  
23 itation of benefits provided pursuant to title V of the  
24 Trade Act of 1974 (19 U.S.C. 2461 et seq.), relat-  
25 ing to the Generalized System of Preferences.

1           (16) Ordering the heads of the appropriate  
2 United States agencies not to issue any (or a speci-  
3 fied number of) specific licenses, and not to grant  
4 any other specific authority (or a specified number  
5 of authorities), to export any goods or technology to  
6 such government or to the agency or instrumentality  
7 of such government determined by the President to  
8 be responsible for such unresolved case or pattern of  
9 noncooperation, as applicable, under—

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

13                   (B) the Arms Export Control Act;

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

15                   (D) any other statute that requires the  
16 prior review and approval of the United States  
17 Government as a condition for the export or re-  
18 export of goods or services.

19           (17) Prohibiting any United States financial in-  
20 stitution from making loans or providing credits to-  
21 taling more than \$10,000,000 in any 12-month pe-  
22 riod to such government or to the agency or instru-  
23 mentality of such government determined by the  
24 President to be responsible for such unresolved case  
25 or pattern of noncooperation, as applicable.

1           (18) Prohibiting the United States Government  
2           from procuring, or entering into any contract for the  
3           procurement of, any goods or services from such  
4           government or from the agency or instrumentality of  
5           such government determined by the President to be  
6           responsible for such unresolved case or pattern of  
7           noncooperation, as applicable.

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

21          (c) EXCEPTIONS.—Any action taken pursuant to sub-  
22          section (a) or (b) may not prohibit or restrict the provision  
23          of medicine, medical equipment or supplies, food, or other  
24          life-saving humanitarian assistance.

1 **SEC. 206. EFFECTS ON EXISTING CONTRACTS.**

2 The President shall not be required to apply or main-  
3 tain any action under section 205—

4 (1) in the case of procurement of defense arti-  
5 cles or defense services—

6 (A) under existing contracts or sub-  
7 contracts, including the exercise of options for  
8 production quantities, to satisfy requirements  
9 essential to the national security of the United  
10 States;

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

20 (C) if the President determines in writing  
21 and transmits to the appropriate congressional  
22 committees a report that such defense articles  
23 or services are essential to the national security  
24 of the United States under defense co-produc-  
25 tion agreements; or

1           (2) to products or services provided under con-  
2           tracts entered into before the date on which the  
3           President publishes in the Federal Register notice of  
4           such action in accordance with section 208.

5 **SEC. 207. PRESIDENTIAL WAIVER.**

6           (a) IN GENERAL.—Subject to subsection (b), the  
7           President may waive the application of any of the actions  
8           described in paragraphs (11) through (18) of section  
9           205(a) (or commensurate action as provided in section  
10          205(b)) with respect to a country, if the President deter-  
11          mines and so reports to the appropriate congressional  
12          committees that—

13           (1) the government of such country has satis-  
14          factorily resolved any abduction cases or access cases  
15          giving rise to the application of any of such actions  
16          and—

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

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

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

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

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

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

16          **SEC. 208. PUBLICATION IN FEDERAL REGISTER.**

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

20                  (1) DETERMINATIONS OF GOVERNMENTS,  
21                  AGENCIES, INSTRUMENTALITIES OF COUNTRIES  
22                  WITH PATTERNS OF NONCOOPERATION.—Any des-  
23                  ignation of a country that the President has des-  
24                  ignated as a Country With a Pattern of Noncoopera-  
25                  tion under section 202(b)(1), together with, when

1 applicable and to the extent practicable, the identi-  
2 ties of agencies or instrumentalities determined to be  
3 responsible for such pattern of noncooperation.

4 (2) PRESIDENTIAL ACTIONS.—A description of  
5 any action under paragraphs (11) through (18) of  
6 section 205(a) (or commensurate action as provided  
7 in section 205(b)) and the effective date of such ac-  
8 tion.

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

12 (4) WAIVERS.—Any waiver issued under section  
13 207.

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

22 (1) would be harmful to the national security of  
23 the United States; or

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

1 **SEC. 209. TERMINATION OF PRESIDENTIAL ACTIONS.**

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

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

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

15 **SEC. 210. UNITED STATES ASSISTANCE.**

16 (a) IMPLEMENTATION OF PROHIBITION ON ECO-  
17 NOMIC ASSISTANCE.—Section 116(c) of the Foreign As-  
18 sistance Act of 1961 (22 U.S.C. 2151n(c)) is amended—

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

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

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

25 “(4) whether the government has engaged in a  
26 pattern of noncooperation regarding abduction cases



1 or access cases, as such terms are defined in the  
2 Sean and David Goldman International Child Ab-  
3 duction Prevention and Return Act of 2013.”.

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

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

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

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

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

19 **SEC. 211. MULTILATERAL ASSISTANCE.**

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

22 (1) by redesignating the second subsection (g)  
23 (as added by Public Law 105–292) as subsection  
24 (h); and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(i) In determining whether the government of a  
4           country engages in a pattern of gross violations of inter-  
5           nationally recognized human rights, as described in sub-  
6           section (a), the President shall give particular consider-  
7           ation to whether such government has engaged in a pat-  
8           tern of noncooperation regarding abduction cases or ac-  
9           cess cases, as such terms are defined in the Sean and  
10          David Goldman International Child Abduction Prevention  
11          and Return Act of 2013.”.

12       **SEC. 212. AMENDMENT TO GENERALIZED SYSTEM OF PREF-**  
13                               **ERENCES ELIGIBILITY FOR GENERALIZED**  
14                               **SYSTEM OF PREFERENCES.**

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

17               (1) by inserting after subparagraph (H) the fol-  
18          lowing new subparagraph:

19                       “(I) Such country is a country with a pat-  
20                       tern of noncooperation regarding abduction  
21                       cases or access cases, as such terms are defined  
22                       in the Sean and David Goldman International  
23                       Child Abduction Prevention and Return Act of  
24                       2013.”; and

1           (2) in the flush left matter after subparagraph  
2           (I) (as added by paragraph (1) of this section)—

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

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

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