

interim contact during pendency of abduction cases; and

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

(Pub. L. 113-150, title I, §103, Aug. 8, 2014, 128 Stat. 1815.)

#### **§ 9114. Report to congressional representatives**

##### **(a) Notification**

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

- (1) reports an abduction to the Central Authority of the United States; and
- (2) consents to such notification.

##### **(b) Timing**

At the request of any person who is a left-behind parent, including a left-behind parent who previously reported an abduction to the Central Authority of the United States before August 8, 2014, the notification required under subsection (a) shall be provided as soon as is practicable.

(Pub. L. 113-150, title I, §104, Aug. 8, 2014, 128 Stat. 1816.)

#### SUBCHAPTER II—ACTIONS BY THE SECRETARY OF STATE

#### **§ 9121. Response to international child abductions**

##### **(a) United States policy**

It is the policy of the United States—

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

- (A) establishing legal rights and procedures for their prompt return; and
- (B) ensuring the enforcement of reciprocal international obligations under the Hague Abduction Convention or arrangements under bilateral procedures;

(2) to promote the timely resolution of abduction cases through 1 or more of the actions described in section 9122 of this title; and

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

##### **(b) Actions by the Secretary of State in response to unresolved cases**

###### **(1) Determination of action by the Secretary of State**

For each abduction or access case relating to a child whose habitual residence is in the United States that remains pending or is otherwise unresolved on the date that is 12 months after the date on which the Central Authority of the United States submits such case to a foreign country, the Secretary of State shall determine whether the government of such foreign country has failed to take ap-

propriate steps to resolve the case. If the Secretary of State determines that such failure occurred, the Secretary should, as expeditiously as practicable—

(A) take 1 or more of the actions described in subsections (d) and (e) of section 9122 of this title; and

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

##### **(2) Authority for delay of action by the Secretary of State**

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

##### **(3) Report**

If the Secretary of State delays any action pursuant to paragraph (2) or decides not to take an action described in subsection (d) or (e) of section 9122 of this title after making the determination described in paragraph (1), the Secretary, not later than 15 days after such delay or decision, shall provide a report to the appropriate congressional committees that details the reasons for delaying action or not taking action, as appropriate.

##### **(4) Congressional briefings**

At the request of the appropriate congressional committees, the Secretary of State shall provide a detailed briefing, including a written report, if requested, on actions taken to resolve a case or the cause for delay.

##### **(c) Implementation**

###### **(1) In general**

In carrying out subsection (b), the Secretary of State should—

(A) take 1 or more actions that most appropriately respond to the nature and severity of the governmental failure to resolve the unresolved abduction case; and

(B) seek, to the fullest extent possible—

(i) to initially respond by communicating with the Central Authority of the country; and

(ii) if clause (i) is unsuccessful, to target subsequent actions—

(I) as narrowly as practicable, with respect to the agencies or instrumentalities of the foreign government that are responsible for such failures; and

(II) in ways that respect the separation of powers and independence of the judiciary of the country, as applicable.

###### **(2) Guidelines for actions by the Secretary of State**

In addition to the guidelines under paragraph (1), the Secretary of State, in determining whether to take 1 or more actions under paragraphs (5) through (7) of section 9122(d) of this title or section 9122(e) of this title, shall seek to minimize any adverse impact on—

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

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

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

**(d) Action in the case of abducted children who reach the age of 16**

When an individual who is an abducted child attains 16 years of age, a consular officer from a United States diplomatic mission in the country in which such individual resides shall, until either the left-behind parent seeking assistance or the individual (after attaining 18 years of age) requests the officer to cease, annually attempt to contact such individual, through welfare and whereabouts visits and by engaging other agencies and foreign counterparts as necessary, to provide information, as relevant, on rights and privileges as a United States citizen, such as passports, and any eligible benefits from left-behind parent, such as G.I. educational and health benefits and to obtain a verified location of such individual.

(Pub. L. 113–150, title II, §201, Aug. 8, 2014, 128 Stat. 1817; Pub. L. 118–159, div. G, title LXXV, §7509(b), Dec. 23, 2024, 138 Stat. 2551.)

**Editorial Notes**

AMENDMENTS

2024—Subsec. (d). Pub. L. 118–159 added subsec. (d).

**§ 9122. Actions by the Secretary of State in response to patterns of noncompliance in cases of international child abductions**

**(a) Response to a pattern of noncompliance**

It is the policy of the United States—

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

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

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

**(b) Determination of countries with patterns of noncompliance in cases of international child abduction**

**(1) Annual review**

Not later than April 30 of each year, the Secretary of State shall—

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

(B) report such determination pursuant to section 9111(f) of this title.

**(2) Determinations of responsible parties**

The Secretary of State shall seek to determine the agencies or instrumentalities of the government of each country determined to have engaged in a pattern of noncompliance

under paragraph (1)(A) that are responsible for such pattern of noncompliance—

(A) to appropriately target actions in response to such noncompliance; and

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

**(c) Actions by the Secretary of State with respect to a country with a pattern of noncompliance**

**(1) In general**

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

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

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

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

**(2) Authority for delay of actions by the Secretary of State**

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

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

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

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

**(3) Exception for additional action by the Secretary of State**

The Secretary of State shall not be required to take additional action under paragraph (1) with respect to a country determined to have been engaged in a persistent pattern of noncompliance if the Secretary—

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

(B) exercises the waiver under section 9124 of this title and briefs the appropriate congressional committees; or

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

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

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

**(4) Report to Congress**

Not later than 90 days after the submission of the Annual Report, the Secretary shall sub-