

AMENDMENT TO H.R. 5300
OFFERED BY MR. SMITH OF NEW JERSEY

At the appropriate place, insert the following:

1 **SEC. ____ . ANNUAL REPORT ON INTERNATIONAL PARENTAL**
2 **CHILD ABDUCTION AND GOLDMAN ACT**
3 **AMENDMENTS.**

4 (a) IN GENERAL.—Not later than April 30 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. The Secretary shall post
8 the Annual Report to the publicly accessible website of the
9 Department of State.

10 (b) CONTENTS.—Each annual report shall include—

11 (1) a list of all countries in which there were
12 1 or more abduction cases, during the preceding cal-
13 endar year, relating to a child whose habitual resi-
14 dence is the United States, including a description
15 of whether each such country—

16 (A) is a Convention country;

17 (B) is a bilateral procedures country;

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

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

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

7 (A) the number of children abducted from
8 the United States and the number of children
9 returned to the United States with respect to
10 such country for each year of the 10-year pe-
11 riod ending on the last date of the preceding
12 year;

13 (B) the total number of children abducted
14 from the United States and the total number of
15 children returned to the United States with re-
16 spect to such country during the period begin-
17 ning January 1, 1994, and ending on the last
18 date of the preceding year;

19 (C) the number of such new abduction and
20 access cases, respectively, reported during the
21 preceding year and the number of children in-
22 volved;

23 (D) for Convention and bilateral proce-
24 dures countries—

1 (i) the number of abduction and ac-
2 cess cases that the Central Authority of
3 the United States transmitted to the Cen-
4 tral Authority of such country; and

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

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

15 (F) the number of unresolved abduction
16 and access cases, respectively, the number of
17 children involved, and the length of time each
18 case has been pending;

19 (G) the number and percentage of unre-
20 solved abduction cases in which law enforce-
21 ment authorities have—

22 (i) not located the abducted child;

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

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

4 (H) the total number and the percentage
5 of the total number of abduction and access
6 cases, respectively, resolved during the pre-
7 ceding year;

8 (I) recommendations to improve the resolu-
9 tion of abduction and access cases;

10 (J) the average time it takes to locate a
11 child;

12 (K) the number of cases resolved with a
13 return to the United States;

14 (L) for cases resolved without a return, the
15 number resolved with respect to which the left-
16 behind parent—

17 (i) reached a voluntary arrangement
18 with the other parents or custodian of the
19 child

20 (ii) submitted to the Department of
21 State a written withdrawal of the applica-
22 tion under the Hague Abduction Conven-
23 tion for the return of, or requesting assist-
24 ance in returning, the child; or

1 (iii) submitted to the Department of
2 State a written withdrawal of the applica-
3 tion for organizations of rights of access
4 under the Hague Abduction Convention or
5 requesting for assistance in obtaining ac-
6 cess to the child; and

7 (M) for cases closed with a failure to re-
8 turn, the number of cases with respect to
9 which—

10 (i) the judicial or administrative
11 branch, as applicable, of the government of
12 the country in which the child is located—

13 (I) has implemented, and is com-
14 plying with, the provisions of the
15 Hague Abduction Convention or other
16 bilateral procedures, as applicable;

17 (II) has denied with finality the
18 petition for return of the child under
19 the Convention, or request under
20 other bilateral procedure, as applica-
21 ble; and

22 (III) has determined that the
23 child need not be returned to the left-
24 behind parent;

1 (ii) the Department of State cannot
2 locate the left-behind parent for one year
3 despite the documented efforts of the De-
4 partment to locate the parent;

5 (iii) the child is deceased;

6 (iv) the left-behind parent is deceased
7 and no amended petition has been filed; or

8 (v) the victim of the abduction is now
9 over 18 years old.

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

13 (A) Convention countries;

14 (B) bilateral procedures countries;

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

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

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

1 (5) a list of countries demonstrating a pattern
2 of noncompliance and a description of the criteria on
3 which the determination of a pattern of noncompli-
4 ance for each country is based;

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

7 (A) to ratify or accede to the Hague Ab-
8 duction Convention;

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

12 (C) to address pending abduction and ac-
13 cess cases;

14 (7) the number of cases resolved without ab-
15 ducted children being returned to the United States
16 from Convention countries, bilateral procedures
17 countries, or other non-Convention countries, and
18 number of children involved in such cases;

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

22 (9) information about efforts to seek resolution
23 of abduction cases of children whose habitual resi-
24 dence is in the United States and whose abduction

1 occurred before the Hague Abduction Convention en-
2 tered into force with respect to the United States;

3 (10) the total number of pending cases the De-
4 partment of State has assigned to case officers and
5 number of children involved for each country and as
6 a total for all countries;

7 (11) the total number of children abducted
8 from the United States and the total number of chil-
9 dren returned to the United States with respect to
10 all countries, for each year in the 10-year period
11 ending on the last date of the preceding year;

12 (12) the total number of children abducted
13 from each State with respect to all countries during
14 the period beginning January 1, 1994, and ending
15 on the last date of the preceding year; and

16 (13) the total number of children abducted
17 from the United States and the total number of chil-
18 dren returned to the United States with respect to
19 all countries during the period beginning January 1,
20 1994, and ending on the last date of the preceding
21 year.

22 (c) EXCEPTIONS.—Unless a left-behind parent pro-
23 vides written permission to the Central Authority of the
24 United States to include personally identifiable informa-
25 tion about the parent or the child in the Annual Report,

1 the Annual Report may not include any personally identifi-
2 able information about any such parent, child, or party
3 to an abduction or access case involving such parent or
4 child.

5 (d) ADDITIONAL SECTIONS.—Each annual report
6 shall also include—

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

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

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

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

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

24 (A) abductions;

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

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

5 (e) NOTIFICATION TO CONGRESS ON COUNTRIES IN
6 NONCOMPLIANCE.—

7 (1) IN GENERAL.—The Secretary of State shall
8 include, in a separate section of the Annual Report,
9 the Secretary's determination, pursuant to the provi-
10 sions under section 202(b) of the Sean and David
11 Goldman International Child Abduction Prevention
12 and Return Act of 2014 (22 U.S.C. 9122(b)), of
13 whether each country listed in the report has en-
14 gaged in a pattern of noncompliance in cases of
15 child abduction during the preceding 12 months.

16 (2) CONTENTS.—The section described in para-
17 graph (1)—

18 (A) shall identify any action or actions de-
19 scribed in section 202(d) of that Act (22 U.S.C.
20 9122(d)) (or commensurate action as provided
21 in section 202(e) of that Act (22 U.S.C.
22 9122(e)) that have been taken by the Secretary
23 with respect to each country;

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

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

9 (f) DEFINITIONS.—The terms defined in section 3 of
10 the Sean and David Goldman International Child Abduc-
11 tion Prevention and Return Act of 2014 (22 U.S.C. 9101),
12 as amended by subsection (g), shall have the same mean-
13 ing for purposes of this section as in such section 3.

14 (g) AMENDMENTS.—The Sean and David Goldman
15 International Child Abduction Prevention and Return Act
16 of 2014 (22 U.S.C. 9101 et seq.) is amended as follows:

17 (1) In section 2(c) (22 U.S.C. 9101 note)—

18 (A) by amending paragraph (4) to read as
19 follows:

20 “(4) to enhance the prompt resolution of abduc-
21 tion cases by returning children to the United
22 States;”;

23 (B) by redesignating paragraphs (5)
24 through (7) as paragraphs (6) through (8), re-
25 spectively; and

1 (C) by inserting after paragraph (4) the
2 following:

3 “(5) to enhance the prompt resolution of access
4 cases by reuniting children with their left-behind
5 parents with unfettered and enforceable access;”.

6 (2) In section 3 (22 U.S.C. 9101)—

7 (A) by amending paragraph (7) to read as
8 follows:

9 “(7) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term ‘appropriate congressional com-
11 mittees’ means—

12 “(A) the Committee on Foreign Affairs,
13 the Committee on Appropriations, and the
14 Committee on Homeland Security of the House
15 of Representatives; and

16 “(B) the Committee on Foreign Relations,
17 the Committee on Appropriations, and the
18 Committee on Homeland Security and Govern-
19 mental Affairs of the Senate.”;

20 (B) by amending subparagraph (A) of
21 paragraph (19) to read as follows:

22 “(A) IN GENERAL.—The term ‘pattern of
23 noncompliance’ means the persistent failure—

24 “(i) of a Convention country—

1 “(I) with respect to abduction
2 cases pending as of the date on which
3 the Hague Abduction Convention was
4 entered into force between the country
5 and the United States—

6 “(aa) to work with the Cen-
7 tral Authority of the United
8 States to resolve such cases; and

9 “(bb) to abide by any bilat-
10 eral procedures established be-
11 tween the United States and
12 such country; or

13 “(II) with respect to cases initi-
14 ated after such date of entry, to im-
15 plement and abide by provisions of
16 such Convention;

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

21 “(iii) of a non-Convention country, to
22 work with the Central Authority of the
23 United States to resolve abduction cases.”;
24 and

25 (C) in paragraph (23)—

1 (i) by amending subparagraph (A) to
2 read as follows:

3 “(A) IN GENERAL.—The term ‘unresolved
4 abduction case’ means an abduction case—

5 “(i) that does not meet the criteria to
6 be considered resolved pursuant to sub-
7 paragraph (B), (C), or (D) of this para-
8 graph; and

9 “(ii) that remains unresolved for a pe-
10 riod that exceeds 6 weeks after the date on
11 which the completed application for return
12 of or access to the child is submitted for
13 determination to the judicial or adminis-
14 trative authority, as applicable, in the
15 country in which the child is located.”; and

16 (ii) by striking subparagraph (B) and
17 inserting the following:

18 “(B) RESOLUTION OF CASE WITH A RE-
19 TURN.—An abduction case shall be considered
20 to be ‘resolved with a return’ if the child is re-
21 turned to their county of habitual residence or
22 the left-behind parent.

23 “(C) RESOLUTION OF CASE WITHOUT A
24 RETURN.—An abduction case shall be consid-
25 ered to be ‘resolved without a return’ if—

1 “(i) the left-behind parent reaches a
2 voluntary arrangement with the other par-
3 ent or custodian of the child;

4 “(ii) the left-behind parent submits to
5 the Department of State a written with-
6 drawal of the application under the Hague
7 Convention on the Civil Aspects of Child
8 Abduction for Return or the request for
9 assistance in returning the child; or

10 “(iii) the left-behind parent submits to
11 the Department of State a written with-
12 drawal of the application for the organiza-
13 tion of rights of Access under the Hague
14 Convention on the Civil Aspects of Inter-
15 national Child Abduction or the request for
16 assistance in obtaining access to the child.

17 “(D) FAILED TO RETURN; CASE
18 CLOSED.—An abduction case shall be consid-
19 ered to be resolved as ‘failed to return; case
20 closed’ if—

21 “(i) the judicial or administrative
22 branch, as applicable, of the government of
23 the country in which the child is located—

24 “(I) has implemented, and is
25 complying with, the provisions of the

1 Hague Abduction Convention or other
2 bilateral procedures, as applicable;

3 “(II) has denied with finality the
4 Petition for return of the child under
5 the Convention or request under other
6 bilateral procedure, as applicable; and

7 “(III) has determined that the
8 child need not be returned to the left-
9 behind parent;

10 “(ii) the Department of State cannot
11 locate the left-behind parent for one year
12 despite the documented efforts of the De-
13 partment to locate the parent;

14 “(iii) the child is deceased;

15 “(iv) the left-behind parent is de-
16 ceased and no amended petition has been
17 filed; or

18 “(v) the abducted child attains the
19 age of 18.”.

