

mit a report to Congress on the specific actions taken against countries determined to have been engaged in a pattern of noncompliance under this section.

(d) Description of actions by the Secretary of State in Hague Abduction Convention countries

Except as provided in subsection (f), the actions by the Secretary of State referred to in this subsection are—

- (1) a demarche;
- (2) an official public statement detailing unresolved cases;
- (3) a public condemnation;
- (4) a delay or cancellation of 1 or more bilateral working, official, or state visits;
- (5) the withdrawal, limitation, or suspension of United States development assistance in accordance with section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);
- (6) the withdrawal, limitation, or suspension of United States security assistance in accordance with section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304);
- (7) the withdrawal, limitation, or suspension of assistance to the central government of a country pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund); and
- (8) a formal request to the foreign country concerned to extradite an individual who is engaged in abduction and who has been formally accused of, charged with, or convicted of an extraditable offense.

(e) Commensurate action

(1) In general

Except as provided in subsection (f), the Secretary of State may substitute any other action authorized by law for any action described in subsection (d) if the Secretary determines that such action—

- (A) is commensurate in effect to the action substituted; and
- (B) would substantially further the purposes of this chapter.

(2) Notification

If commensurate action is taken pursuant to this subsection, the Secretary shall submit a report to the appropriate congressional committees that—

- (A) describes such action;
- (B) explains the reasons for taking such action; and
- (C) specifically describes the basis for the Secretary's determination under paragraph (1) that such action—
 - (i) is commensurate with the action substituted; and
 - (ii) substantially furthers the purposes of this chapter.

(f) Resolution

The Secretary of State shall seek to take all appropriate actions authorized by law to resolve the unresolved case or to obtain the cessation of such pattern of noncompliance, as applicable.

(g) Humanitarian exception

Any action taken pursuant to subsection (d) or (e) may not prohibit or restrict the provision of

medicine, medical equipment or supplies, food, or other life-saving humanitarian assistance.

(Pub. L. 113–150, title II, § 202, Aug. 8, 2014, 128 Stat. 1818.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (d)(7), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 4 of part II of the Act is classified generally to part IV (§ 2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

This chapter, referred to in subsec. (e)(1)(B), (2)(C)(ii), was in the original “this Act”, meaning Pub. L. 113–150, Aug. 8, 2014, 126 Stat. 1807, known as the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 9101 of this title and Tables.

§ 9123. Consultations with foreign governments

As soon as practicable after the Secretary of State makes a determination under section 9121 of this title in response to a failure to resolve unresolved abduction cases or the Secretary takes an action under subsection (d) or (e) of section 9122 of this title, based on a pattern of noncompliance, the Secretary shall request consultations with the government of such country regarding the situation giving rise to such determination.

(Pub. L. 113–150, title II, § 203, Aug. 8, 2014, 128 Stat. 1820.)

§ 9124. Waiver by the Secretary of State

(a) In general

Subject to subsection (b), the Secretary of State may waive the application of any of the actions described in subsections (d) and (e) of section 9122 of this title with respect to a country if the Secretary determines and notifies the appropriate congressional committees that—

- (1) the government of such country—
 - (A) has satisfactorily resolved the abduction cases giving rise to the application of any of such actions; or
 - (B) has ended such country's pattern of noncompliance; or
- (2) the national security interest of the United States requires the exercise of such waiver authority.

(b) Congressional notification

Not later than the date on which the Secretary of State exercises the waiver authority under subsection (a), the Secretary shall—

- (1) notify the appropriate congressional committees of such waiver; and
- (2) provide such committees with a detailed justification for such waiver, including an explanation of the steps the noncompliant government has taken—
 - (A) to resolve abductions cases; or
 - (B) to end its pattern of noncompliance.

(c) Publication in Federal Register

Subject to subsection (d), the Secretary of State shall ensure that each waiver determination under this section—