

(B) to enter into or implement other bilateral procedures, including memoranda of understanding, with the United States; and

(C) to address pending abduction and access cases;

(7) the number of cases resolved without abducted children being returned to the United States from Convention countries, bilateral procedures countries, or other non-Convention countries;

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

(9) information about efforts to seek resolution of abduction cases of children whose habitual residence is in the United States and whose abduction occurred before the Hague Abduction Convention entered into force with respect to the United States.

(c) Exceptions

Unless a left-behind parent provides written permission to the Central Authority of the United States to include personally identifiable information about the parent or the child in the Annual Report, the Annual Report may not include any personally identifiable information about any such parent, child, or party to an abduction or access case involving such parent or child.

(d) Additional sections

Each Annual Report shall also include—

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

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

(3) information on the use of airlines in abductions, voluntary airline practices to prevent abductions, and recommendations for best airline practices to prevent abductions;

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

(5) information on actions taken by the Central Authority of the United States to train United States Armed Forces legal assistance personnel, military chaplains, and military family support center personnel about—

(A) abductions;

(B) the risk of loss of contact with children; and

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

(e) Omitted

(f) Notification to Congress on countries in non-compliance

(1) In general

The Secretary of State shall include, in a separate section of the Annual Report, the Secretary's determination, pursuant to the provisions under section 9122(b) of this title, of whether each country listed in the report has engaged in a pattern of noncompliance in cases of child abduction during the preceding 12 months.

(2) Contents

The section described in paragraph (1)—

(A) shall identify any action or actions described in section 9122(d) of this title (or commensurate action as provided in section 9122(e) of this title) that have been taken by the Secretary with respect to each country;

(B) shall describe the basis for the Secretary's determination of the pattern of non-compliance by each country;

(C) shall indicate whether noneconomic policy options designed to resolve the pattern of noncompliance have reasonably been exhausted, including the consultations required under section 9123 of this title.

(Pub. L. 113–150, title I, §101, Aug. 8, 2014, 128 Stat. 1813.)

CODIFICATION

Section is comprised of section 101 of Pub. L. 113–150. Subsec. (e) of section 101 of Pub. L. 113–150 repealed section 11611 of Title 42, The Public Health and Welfare.

§ 9112. Standards and assistance

The Secretary of State shall—

(1) ensure that United States diplomatic and consular missions abroad—

(A) maintain a consistent reporting standard with respect to abduction and access cases;

(B) designate at least 1 senior official in each such mission, at the discretion of the Chief of Mission, to assist left-behind parents from the United States who are visiting such country or otherwise seeking to resolve abduction or access cases; and

(C) monitor developments in abduction and access cases; and

(2) develop and implement written strategic plans for engagement with any Convention or non-Convention country in which there are 5 or more cases of international child abduction.

(Pub. L. 113–150, title I, §102, Aug. 8, 2014, 128 Stat. 1815.)

§ 9113. Bilateral procedures, including memoranda of understanding

(a) Development

(1) In general

Not later than 180 days after August 8, 2014, the Secretary of State shall initiate a process to develop and enter into appropriate bilateral procedures, including memoranda of understanding, as appropriate, with non-Convention countries that are unlikely to become Convention countries in the foreseeable future, or with Convention countries that have unresolved abduction cases that occurred before the Hague Abduction Convention entered into force with respect to the United States or that country.

(2) Prioritization

In carrying out paragraph (1), the Secretary of State shall give priority to countries with significant abduction cases and related issues.

(b) Elements

The bilateral procedures described in subsection (a) should include provisions relating to—

- (1) the identification of—
- (A) the Central Authority;
 - (B) the judicial or administrative authority that will promptly adjudicate abduction and access cases;
 - (C) the law enforcement agencies; and
 - (D) the implementation of procedures to ensure the immediate enforcement of an order issued by the authority identified pursuant to subparagraph (B) to return an abducted child to a left-behind parent, including by—
 - (i) conducting an investigation to ascertain the location of the abducted child;
 - (ii) providing protection to the abducted child after such child is located; and
 - (iii) retrieving the abducted child and making the appropriate arrangements for such child to be returned to the child's country of habitual residence;

(2) the implementation of a protocol to effectuate the return of an abducted child identified in an abduction case not later than 6 weeks after the application with respect to the abduction case has been submitted to the judicial or administrative authority, as applicable, of the country in which the abducted child is located;

(3) the implementation of a protocol for the establishment and protection of the rights of 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 with 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 appropriate 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 sever-