

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 submit 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—

(1) is published in the Federal Register; or

(2) is posted on the Department of State website.

(d) Limited disclosure of information

The Secretary of State may limit the publication of information under subsection (c) in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 2414(c) of this title, if the Secretary determines that the publication of such information would be harmful to the national security of the United States and would not further the purposes of this chapter.

(Pub. L. 113–150, title II, §204, Aug. 8, 2014, 128 Stat. 1821.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), 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.

§ 9125. Termination of actions by the Secretary of State

Any specific action taken under this Act or any amendment made by this Act with respect to a foreign country shall terminate on the date

on which the Secretary of State submits a written certification to Congress that the government of such country—

(1) has resolved any unresolved abduction case that gave rise to such specific action; or

(2) has taken substantial and verifiable steps to correct such country's persistent pattern of noncompliance that gave rise to such specific action, as applicable.

(Pub. L. 113–150, title II, §205, Aug. 8, 2014, 128 Stat. 1821.)

REFERENCES IN TEXT

This Act, referred to in text, is 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.

SUBCHAPTER III—PREVENTION OF INTERNATIONAL CHILD ABDUCTION

§ 9141. Authorization for judicial training on international parental child abduction

(a) In general

The Secretary of State, subject to the availability of appropriations, shall seek to provide training, directly or through another government agency or nongovernmental organizations, on the effective handling of parental abduction cases to the judicial and administrative authorities in countries—

(1) in which a significant number of unresolved abduction cases are pending; or

(2) that have been designated as having a pattern of noncompliance under section 9122(b) of this title.

(b) Strategy requirement

Not later than 180 days after August 8, 2014, the President shall submit a strategy to carry out the activities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

(c) Authorization of appropriations

(1) In general

There is authorized to be appropriated to the Secretary of State \$1,000,000 for each of the fiscal years 2015 and 2016 to carry out subsection (a).

(2) Use of funds

Amounts appropriated for the activities set forth in subsection (a) shall be used pursuant to the authorization and requirements under this section.

(Pub. L. 113–150, title III, §302, Aug. 8, 2014, 128 Stat. 1822.)

DELEGATION OF AUTHORITY PURSUANT TO SECTION 302(b) OF THE SEAN AND DAVID GOLDMAN INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014

Memorandum of President of the United States, May 7, 2015, 80 F.R. 32849, provided: