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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

To ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “International Child
3 Abduction Prevention Act of 2009”.

4 **SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The Department of State’s Office of Chil-
7 dren’s Issues, which serves as the Central Authority
8 for the United States for the operation of 1980
9 Hague Convention on the Civil Aspects of Inter-
10 national Child Abduction, is currently handling ap-
11 proximately 1,900 open cases involving more than
12 2,800 children abducted by a parent or legal guard-
13 ian from the United States to other countries. For
14 a variety of reasons reflecting the legal and factual
15 complexity of parental abduction cases and the sig-
16 nificant obstacles to recovery, only a percentage of
17 all cases are reported to the Department of State.

18 (2) In fiscal year 2008, the Central Authority
19 for the United States responded to cases involving
20 776 children abducted from the United States to
21 countries with which the United States enjoys recip-
22 rocal obligations under the Hague Convention, but
23 during that same time period only 248 children were
24 returned from Hague Convention countries to the
25 United States. Also in 2008, the United States Cen-
26 tral Authority reported 344 newly filed Hague Con-

1 vention applications involving 484 children wrongly
2 removed to or retained in the United States. Two
3 hundred ten children were returned under the Con-
4 vention to their country of habitual residence.

5 (3) The number of outgoing international child
6 abductions reported to the Central Authority for the
7 United States increased by about 60 percent in the
8 last three years, and by about 40 percent in 2008
9 alone.

10 (4) In evaluating the obstacles to recovering
11 children abducted from a parent in the United
12 States, the first difficulty is presented by countries
13 who are signatories to the Hague Convention, but
14 have not acted in compliance with the responsibil-
15 ities of the Convention. According to the Central Au-
16 thority for the United States, Honduras has not
17 acted in compliance with the terms it agreed to as
18 a party to the Hague Convention, and Brazil, Chile,
19 Greece, Mexico, Slovakia, Switzerland, and Ven-
20 ezuela have demonstrated patterns of noncompli-
21 ance. The failure of these countries to meet their ob-
22 ligations is found in the actions of their designated
23 central authorities, the performance of their judi-
24 ciaries, as reflected in the legal process and decisions
25 rendered to enforce or effectuate the Hague Conven-

1 tion, or the ability and willingness of law enforce-
2 ment to insure the swift enforcement of orders ren-
3 dered pursuant to the Hague Convention.

4 (5) The United States and other State Signato-
5 ries to the Hague Convention have expressed their
6 desire, through the Convention, “to protect children
7 internationally from the harmful effects of their
8 wrongful removal or retention and to establish pro-
9 cedures to ensure their prompt return to the State
10 of their habitual residence, as well as to secure pro-
11 tection for rights of access.”.

12 (6) In evaluating and assessing the problem of
13 the abduction of children from the United States,
14 the Central Authority for the United States in fiscal
15 year 2008 reported that it had been provided notice
16 of 306 cases of parental abductions involving 455
17 children taken from the United States to countries
18 with which the United States does not enjoy an
19 agreement related to the treatment of parental ab-
20 duction cases and that are not signatories to the
21 Hague Convention, currently including a cumulative
22 total of 101 children in Japan, 67 children in India,
23 and 37 children in Russia. The number of reported
24 cases likely represents an even smaller percentage of
25 the total number of United States children impacted

1 as the process for the location and recovery of ab-
2 ducted children differs significantly with each coun-
3 try, and there is currently no formal protocol for in-
4 tervening in such cases.

5 (7) According to the Department of State's
6 April 2008 Report on Compliance with the Hague
7 Convention on the Civil Aspects of International
8 Child Abduction, "parental child abduction jeopard-
9 izes the child and has substantial long-term con-
10 sequences for both the child and the left-behind par-
11 ent."

12 (8) Abducted children are at risk of serious
13 emotional and psychological problems and have been
14 found to experience anxiety, eating problems, night-
15 mares, mood swings, sleep disturbances, aggressive
16 behavior, resentment, guilt and fearfulness, and as
17 adults may struggle with identity issues, their own
18 personal relationships, and parenting.

19 (9) Left behind parents may encounter substan-
20 tial psychological, emotional, and financial problems,
21 and the majority have no means to generate the
22 enormous financial resources required to pursue in-
23 dividual civil or criminal remedies to attempt to se-
24 cure the return of their children, even if such rem-
25 edies were available or effective in foreign courts or

1 political systems. Left-behind parents also often have
2 to pursue child custody and other protective orders
3 through expensive litigation at home.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the United States should set a strong example
6 for other Hague Convention countries in the timely loca-
7 tion and return of children wrongly removed from and re-
8 tained in the United States.

9 (c) PURPOSES.—The purposes of this Act are to—

10 (1) protect United States children from the
11 harmful effects of international child abduction and
12 to protect the right of children to exercise parental
13 access with their parents in a safe and predictable
14 way, wherever located;

15 (2) provide parents, their advocates, and judges
16 the information they need to enhance the resolution
17 of family disputes through established legal proce-
18 dures, the tools for assessing the risk of wrongful re-
19 moval and retention of children, and the practical
20 means for overcoming obstacles to recovering ab-
21 ducted children;

22 (3) establish effective mechanisms to provide
23 assistance to and aggressive advocacy on behalf of
24 parents whose children have been abducted from the
25 United States to a foreign country, from a foreign

1 country to the United States, and on behalf of mili-
2 tary parents stationed abroad;

3 (4) promote an international consensus that the
4 best interests of children are of paramount impor-
5 tance in matters relating to their custody, and that
6 it is in the best interest of a child to have issues of
7 custody determined in the State of their habitual
8 residence immediately prior to the abduction;

9 (5) provide the necessary training for military
10 officials and training and assistance to military fam-
11 ilies to address the unique circumstances of the reso-
12 lution of child custody disputes which occur abroad,
13 or occur when a parent is serving abroad;

14 (6) facilitate the creation and effective imple-
15 mentation of international mechanisms, particularly
16 the 1980 Hague Convention on the Civil Aspects of
17 International Child Abduction, to protect children
18 from the harmful effects of their wrongful removal
19 and retention; and

20 (7) facilitate the compliance of the United
21 States with reciprocal obligations contained in the
22 Hague Convention regarding children wrongfully re-
23 moved to or retained in the United States.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) AMBASSADOR AT LARGE.—The term “Am-
2 bassador at Large” means the Ambassador at Large
3 for International Child Abductions appointed under
4 section 101.

5 (2) ANNUAL REPORT.—The term “Annual Re-
6 port” means the Annual Report on International
7 Child Abductions required under section 102.

8 (3) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—Except as otherwise provided, the term “ap-
10 propriate congressional committees” means the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives and the Committee on Foreign Rela-
13 tions of the Senate.

14 (4) CENTRAL AUTHORITY FOR THE UNITED
15 STATES.—The term “Central Authority for the
16 United States” has the meaning given such term in
17 Article 6 of the Convention on the Civil Aspects of
18 International Child Abduction, done at The Hague
19 on October 25, 1980.

20 (5) HAGUE CONVENTION.—The term “Hague
21 Convention” means the Convention on the Civil As-
22 pects of International Child Abduction, done at The
23 Hague on October 25, 1980.

24 (6) HAGUE CONVENTION COMPLIANCE RE-
25 PORT.—The term “Hague Convention compliance

1 report” means the annual report on compliance with
2 the Hague Convention required to be submitted by
3 the Department of State to Congress under section
4 2803 of the Foreign Affairs Reform and Restruc-
5 turing Act of 1998 (42 U.S.C. 11611).

6 (7) HAGUE CONVENTION SIGNATORY.—The
7 term “Hague Convention signatory” means a coun-
8 try that has signed or acceded to the Convention
9 and with which the United States has entered into
10 a reciprocal agreement pursuant to the Convention.

11 (8) MOU.—The term “MOU” means a memo-
12 randum of understanding.

13 (9) MOU COUNTRY.—The term “MOU coun-
14 try” means a country or entity with which the
15 United States has entered into a memorandum of
16 understanding to resolve cases of international child
17 abduction. Such MOU’s shall include—

18 (A) identification of a specific protocol de-
19 signed to establish and effectuate the urgent re-
20 turn of children abducted from the United
21 States not later than six weeks after the date
22 of the application for return of the child having
23 been received by the agency authorized for such
24 purposes;

1 (B) identification of a specific protocol for
2 the establishment and protection of the rights
3 of both interim and ongoing parental access be-
4 tween children and their parents;

5 (C) identification of an official entity with-
6 in the government possessing the authority to
7 facilitate the resolution of child abduction cases
8 in cooperation with the Office on International
9 Child Abductions and left-behind parents in the
10 United States;

11 (D) identification of the judicial or admin-
12 istrative agency possessing the authority to fa-
13 cilitate the prompt adjudication of a request for
14 the return of an abducted child to the United
15 States;

16 (E) identification of a law enforcement
17 agency and available mechanisms and proce-
18 dures to investigate and assist in the location,
19 protection, and retrieval of an abducted child
20 and to ensure the immediate enforcement of or-
21 ders entered by the court in the habitual resi-
22 dence to return an abducted child to the United
23 States;

1 (F) establishment of welfare and where-
2 abouts visits between a United States embassy
3 and a wrongfully removed or retained child; and

4 (G) additional requisite elements that shall
5 be satisfied and maintained for purposes of sec-
6 tion 201(b) as determined by the Secretary of
7 State.

8 (10) NONSIGNATORY COUNTRY.—The term
9 “nonsignatory country” means a country which is
10 neither a Hague Convention signatory nor a MOU
11 country to which a United States child has been ab-
12 ducted or in which a United States child remains
13 wrongfully retained.

14 (11) OFFICE.—The term “Office” means the
15 Office on International Child Abductions established
16 pursuant to section 101.

17 (12) PATTERN OF NONCOOPERATION.—The
18 term “pattern of noncooperation” means a national
19 government’s systemic failure, evidenced by the ex-
20 istence of ten or more parental child abduction cases
21 which, after having been properly prepared and
22 transmitted by the Central Authority for the United
23 States remain unresolved within its borders after 18
24 months or, where there are fewer than ten unre-
25 solved cases, any cases still unresolved after nine

1 months from the time of receipt and transmittal by
2 the Central Authority for the United States of a re-
3 quest to fulfill its international obligations with re-
4 spect to the prompt resolution of cases of child ab-
5 duction.

6 (13) RIGHTS OF ACCESS.—The term “rights of
7 access” means the rights of a parent and child to
8 enjoy reasonable unfettered contact both within and
9 outside the State of the child’s habitual residence.

10 (14) UNRESOLVED ABDUCTION CASE.—The
11 term “unresolved abduction case” means an abduc-
12 tion case which has been properly documented to es-
13 tablish that pursuant to the law of the State of ha-
14 bitual residence of a minor child, an international
15 abduction or wrongful retention of such child whose
16 habitual residence immediately prior to the abduc-
17 tion was the United States, remains unresolved more
18 than two months following the date of the receipt
19 and transmittal by the Central Authority for the
20 United States of the request for return of such child.

21 (15) UNRESOLVED ACCESS CASE.—The term
22 “unresolved access case” means an application for
23 the establishment of rights of parental access on ei-
24 ther an interim or permanent basis, or the request
25 for the enforcement of rights of parental access

1 (contact orders) which have been previously estab-
2 lished by a court of competent jurisdiction, which re-
3 main unresolved more than two months following the
4 date of the receipt and transmittal by the Central
5 Authority for the United States of a request for as-
6 sistance in the organization of rights of access.

7 **TITLE I—DEPARTMENT OF**
8 **STATE ACTIVITIES**

9 **SEC. 101. OFFICE ON INTERNATIONAL CHILD ABDUCTIONS;**
10 **AMBASSADOR AT LARGE FOR INTER-**
11 **NATIONAL CHILD ABDUCTIONS.**

12 (a) ESTABLISHMENT OF OFFICE.—There is estab-
13 lished within the Department of State an Office on Inter-
14 national Child Abductions that shall be headed by the Am-
15 bassador at Large for International Child Abductions ap-
16 pointed under subsection (b).

17 (b) APPOINTMENT.—The Ambassador at Large shall
18 be appointed by the President, by and with the advice and
19 consent of the Senate.

20 (c) DUTIES.—The Ambassador at Large shall have
21 the following responsibilities:

22 (1) IN GENERAL.—The primary responsibility
23 of the Ambassador at Large shall be to—

1 (A) promote measures to prevent the inter-
2 national abduction of children from the United
3 States;

4 (B) advocate on behalf of children whose
5 habitual residence is the United States and who
6 have been abducted to another country;

7 (C) assist left-behind parents in the resolu-
8 tion of abduction or refusal of access cases; and

9 (D) advance mechanisms to prevent and
10 resolve cases of international child abduction
11 abroad.

12 (2) ADVISORY ROLE.—The Ambassador at
13 Large shall be a principal adviser to the President
14 and the Secretary of State regarding matters of
15 international child abduction and refusals of rights
16 of access, and shall make recommendations regard-
17 ing—

18 (A) the policies of the United States Gov-
19 ernment toward governments with a pattern of
20 noncooperation with respect to cases of inter-
21 national child abduction;

22 (B) coordination with other United States
23 agencies regarding criminal prosecutions,
24 Interpol assistance in the issuance of warrants
25 and alerts, pending cases, training for United

1 States forces, and the negotiation of agree-
2 ments to protect United States forces stationed
3 abroad;

4 (C) policies to address international child
5 abduction globally;

6 (D) the position of the United States Gov-
7 ernment on cases establishing the future func-
8 tioning of the Hague Convention in the country
9 at issue; and

10 (E) the position of the United States Gov-
11 ernment on a request to accept an accession to
12 the Hague Convention.

13 (3) DIPLOMATIC REPRESENTATION.—Subject to
14 the direction of the President and the Secretary of
15 State, the Ambassador at Large is authorized to
16 represent the United States in matters and cases
17 relevant to international child abduction and refusals
18 of rights to access in—

19 (A) contacts with foreign governments, the
20 World Organization for Cross-border Co-oper-
21 ation in Civil and Commercial Matters, the
22 Hague Conference on Private International
23 Law, and other international organizations of
24 which the United States is a member;

1 (B) multilateral conferences and meetings
2 relevant to international child abduction; and

3 (C) advocating accession to the Hague
4 Convention, or, where accession to the Hague
5 Convention is not possible, negotiating MOU's.

6 (4) REPORTING RESPONSIBILITIES.—The Am-
7 bassador at Large shall have the reporting respon-
8 sibilities described in section 102.

9 (5) CASE FILE MANAGEMENT SYSTEM AND IN-
10 FORMATION PROTOCOL.—The Ambassador at Large
11 shall establish a case file management system within
12 the Office to ensure the maintenance of accurate,
13 complete, and timely information, to the extent
14 available, on all cases of international child abduc-
15 tion or refusal of access about which the Office is
16 notified, as well as a protocol for the receipt and up-
17 dating of such information with actions taken by the
18 Office and responses by the respective country, as
19 well as deadlines required by the Hague Convention
20 or the MOU at issue.

21 (6) UNIFORM CASE INTAKE PROCEDURES.—The
22 Ambassador at Large shall establish uniform case
23 intake procedures, which also make note of deadlines
24 for responses pursuant to the Hague Convention or
25 MOU, where applicable.

1 (7) CIVIL SERVICE EMPLOYEES.—The Amba-
2 sador at Large, in cooperation with the Secretary of
3 State, shall ensure that a majority of the personnel
4 of the Office are composed of civil service employees
5 or members of the Service (as such term is described
6 in section 103 of the Foreign Service Act of 1980
7 (22 U.S.C. 3903)) who shall be permitted to remain
8 with the Office for at least four years.

9 (8) LEGAL ADVICE.—The Ambassador at Large
10 shall make available legal advice to case managers of
11 the Central Authority of the United States on an as-
12 needed basis to address country-specific legal issues
13 and to provide such case managers with information
14 that can be disseminated generally on questions fre-
15 quently asked by left behind parents.

16 (9) USER FRIENDLY RESOURCES.—The Amba-
17 sador at Large shall establish user-friendly re-
18 sources, including—

19 (A) a toll free number that goes directly to
20 the Office; and

21 (B) a language line for left behind parents
22 who do not speak English.

23 (10) ASSISTANCE TO JUDGES.—The Amba-
24 sador at Large shall—

1 (A) be responsible for producing and dis-
2 seminating a training course for United States
3 Federal and State judges likely to receive
4 Hague Convention cases; and

5 (B) retain not fewer than four specially
6 trained judges available on an as needed basis
7 to advise United States Federal and State
8 judges handling Hague Convention cases.

9 (d) FUNDING.—The Secretary of State shall provide
10 the Ambassador at Large with such funds as may be nec-
11 essary for—

12 (1) the hiring of staff for the Office;

13 (2) the conduct of investigations by the Office;

14 (3) the establishment of a case file management
15 system;

16 (4) the translation of case documents in cases
17 that may have systemic effect in the country in
18 question;

19 (5) the development of training materials; and
20 for

21 (6) necessary travel to carry out the provisions
22 of this section.

23 **SEC. 102. ANNUAL REPORT.**

24 (a) IN GENERAL.—Not later than March 31 of each
25 year or the first day thereafter on which the appropriate

1 House of Congress is in session, the Secretary of State,
2 with the assistance of the Ambassador at Large, shall sub-
3 mit to Congress an Annual Report on International Child
4 Abduction by providing detailed information with respect
5 to unresolved cases about which the Central Authority for
6 the United States has been notified. Each Annual Report
7 shall contain the following:

8 (1) HAGUE CONVENTION SIGNATORY COUN-
9 TRIES.—Information on the following:

10 (A) A current list of those countries with
11 which the United States has reciprocal obliga-
12 tions under the Hague Convention.

13 (B) A current list of those countries that
14 have requested the United States to accept
15 their accession to the Hague Convention.

16 (C) The number of pending cases of al-
17 leged abduction of or refusal of access to chil-
18 dren from the United States in each the coun-
19 tries referred to in subparagraphs (A) and (B),
20 broken-out by type with date of original appli-
21 cation and country of detention.

22 (D) The proportion of cases of abduction
23 of or refusal of access to children from the
24 United States resolved in each country since the
25 advent of reciprocal Hague Convention obliga-

1 tions and the length of time each such case was
2 pending.

3 (E) For each pending unresolved case, in-
4 cluding the current reporting year and previous
5 years—

6 (i) the date of the alleged abduction
7 or wrongful retention;

8 (ii) the date any administrative or ju-
9 dicial application pursuant to the Hague
10 Convention was brought, if applicable;

11 (iii) detailed information about each
12 such case, including in the case of judicial
13 application having been filed, the court
14 handling the matter and the procedural
15 history, the specific actions taken by the
16 United States chief of mission in the coun-
17 try to which the child is alleged to have
18 been wrongfully removed or retained, and
19 the date of submission of documents re-
20 quired by the application process; and

21 (iv) detailed information and an as-
22 sessment of the lack of resolution about
23 each such case together with a determina-
24 tion of any systemic issues related to the
25 Hague Convention signatory country as

1 well as recommendation to enhance the
2 protocol for the improvement of the resolu-
3 tion of future cases.

4 (F) A description of the efforts of the Sec-
5 retary of State to encourage Hague Convention
6 signatory countries to facilitate the work within
7 such respective countries of nongovernmental
8 organizations that assist parents seeking the re-
9 turn of children under the Hague Convention.

10 (G) Whether a state of reciprocity no
11 longer exists between the United States and a
12 Hague Convention signatory country such that
13 United States parents, advocates, and judges
14 should, in assessing the risk of wrongful re-
15 moval or retention, require strong protective
16 and preventative measures.

17 (H) All reporting requirements contained
18 in the Hague Convention compliance report.

19 (2) MOU COUNTRIES.—Information on the fol-
20 lowing:

21 (A) A list of those countries that are MOU
22 countries.

23 (B) A description of the basic elements of
24 the memorandum of understanding entered into

1 with each country specified in subparagraph
2 (A).

3 (C) Whether each such country is moving
4 toward accession to the Hague Convention.

5 (D) The number of unresolved cases of
6 wrongful removal or retentions of or refusal of
7 access to children from the United States in
8 each such country.

9 (E) The proportion of cases of abduction
10 of or refusal of access to children from the
11 United States resolved in each such country
12 since the applicable MOU went into force.

13 (F) For each unresolved abduction or ac-
14 cess case—

15 (i) the date of the alleged abduction
16 or wrongful retention;

17 (ii) the date of any administrative or
18 judicial process that was brought seeking
19 the return of a minor child to the United
20 States, or brought seeking rights of access
21 to such child, and in the case of judicial
22 process, the court in which the matter has
23 been brought and the procedural history;

1 (iii) whether the protocols established
2 pursuant to the applicable MOU have been
3 followed;

4 (iv) detailed information about each
5 such case, including the specific actions
6 taken by the United States chief of mission
7 in the country to which the child is alleged
8 to have been wrongfully removed or re-
9 tained and actions by the Central Author-
10 ity for the United States;

11 (v) detailed information on and an as-
12 sessment of the lack of resolution as well
13 as a determination of any systemic issues
14 related to the MOU country with specific
15 attention regarding any failure of any of
16 the requisite elements of the MOU; and

17 (vi) recommendations to amend the
18 applicable MOU to improve the resolution
19 of cases and ameliorate any systemic
20 issues.

21 (3) NONSIGNATORY COUNTRIES.—Information
22 on the following:

23 (A) A list of those countries that are nei-
24 ther Hague Convention signatory countries nor
25 MOU countries.

1 (B) Information on efforts by the Depart-
2 ment of State to encourage each such nonsigna-
3 tory country to become a Hague Convention
4 signatory country or MOU country.

5 (C) For each unresolved abduction or ac-
6 cess case—

7 (i) the date of the alleged abduction
8 or wrongful retention;

9 (ii) the date of any administrative or
10 judicial process that was brought seeking
11 the return of a minor child to the United
12 States, or brought seeking rights of access
13 to such child, and in the case of judicial
14 process, the court in which the matter has
15 been brought and the procedural history;

16 (iii) detailed information about each
17 such case, including the specific actions
18 taken by the United States chief of mission
19 in the country to which the child is alleged
20 to have been wrongfully removed or re-
21 tained and any other action taken by the
22 Central Authority for the United States;

23 (iv) detailed information on and an
24 assessment of the reasons for the lack of
25 a resolution in each such case as well as a

1 review of the systemic issues in the host
2 country which may contribute to or en-
3 hance the wrongful removal or retention of
4 children; and

5 (v) recommendations for specific ac-
6 tions which may be taken by the United
7 States Government to improve the resolu-
8 tion of cases and ameliorate any systemic
9 issues.

10 (b) EXCEPTION.—Each Annual Report required
11 under this section may not include names of parties or
12 of minor children. Other potentially party-identifying in-
13 formation shall also be excluded in cases in which the par-
14 ent remaining in the United States or on a United States
15 military installation has submitted a request in writing to
16 the Central Authority for the United States that such in-
17 formation not be publicized. Information that is subject
18 to attorney-client privilege may be provided with an exe-
19 cuted waiver.

20 (c) ADDITIONAL THEMATIC SECTIONS.—Each An-
21 nual Report under this section shall also include—

22 (1) information on the number of unresolved
23 cases affecting parents who are members of the
24 Armed Forces and a summary of assistance offered
25 to such left behind parents;

1 (2) information on the use of airlines in inter-
2 national child abduction, including which airlines are
3 most commonly used in abduction, voluntary airline
4 practices to prevent international child abduction,
5 and recommendations for best airline practices; and

6 (3) information on actions taken by the Central
7 Authority for the United States to train domestic
8 and foreign judges in application of the Hague Con-
9 vention.

10 (d) STANDARDS AND ASSISTANCE.—The Secretary of
11 State shall ensure that United States diplomatic and con-
12 sular missions abroad maintain a consistent reporting
13 standard with respect to cases of international child ab-
14 ductions from the United States to the country in which
15 each such mission is located, provide appropriate assist-
16 ance to parents from the United States who are visiting
17 such country to obtain the return, rights of access to, or
18 visitation rights with an abducted child, and remain in-
19 formed of developments in cases of children abducted from
20 the United States to the country in which such mission
21 is located.

22 (e) TERMINATION.—Upon publication of the first An-
23 nual Report required under this section, the requirement
24 for the Secretary of State to submit the Hague Convention

1 compliance report, in addition to the Annual Report, shall
2 terminate.

3 **TITLE II—PRESIDENTIAL**
4 **ACTIONS**

5 **SEC. 201. PRESIDENTIAL ACTIONS IN RESPONSE TO PAT-**
6 **TERNS OF NONCOOPERATION IN CASES OF**
7 **INTERNATIONAL CHILD ABDUCTIONS.**

8 (a) RESPONSE TO INTERNATIONAL CHILD ABDUC-
9 TIONS.—

10 (1) UNITED STATES POLICY.—It shall be the
11 policy of the United States to—

12 (A) promote the best interest of children in
13 matters relating to their custody or rights of
14 access by protecting them internationally from
15 the harmful effects of their wrongful removal or
16 retention;

17 (B) oppose practices or policies of the gov-
18 ernments of foreign countries that fail to ensure
19 children's prompt return to the United States
20 in cases of international child abduction or the
21 wrongful retention of a child, where the United
22 States is the child's habitual residence imme-
23 diately prior to such abduction, through the ac-
24 tions described in subsection (b); and

1 (C) oppose practices or policies of the gov-
2 ernments of foreign countries that fail to ensure
3 children's continued contact with their parents
4 by providing for rights of access.

5 (2) REQUIREMENT OF PRESIDENTIAL AC-
6 TION.—Whenever the President determines that the
7 government of a foreign country has engaged in a
8 pattern of noncooperation, the President shall pro-
9 mote the resolution of the unresolved cases through
10 one or more of the actions described in section
11 204(a).

12 (b) DESIGNATIONS OF COUNTRIES WITH PATTERNS
13 OF NONCOOPERATION IN CASES OF INTERNATIONAL
14 CHILD ABDUCTION.—

15 (1) ANNUAL REVIEW.—

16 (A) IN GENERAL.—Not later than March
17 31 of each year, the President shall review the
18 status of unresolved cases in each foreign coun-
19 try to determine whether the government of
20 each such country has engaged in a pattern of
21 noncooperation during the preceding 12 months
22 or since the date of the last review of each such
23 country under this paragraph, whichever is
24 longer. The President shall designate each
25 country the government of which the President

1 has determined has engaged in a pattern of
2 noncooperation as a Country With a Pattern of
3 Noncooperation.

4 (B) BASIS OF REVIEW.—Each review con-
5 ducted under subparagraph (A) shall be based
6 upon information regarding government re-
7 sponses to unresolved cases of international
8 child abduction with respect to each such coun-
9 try, including the number of cases and the
10 length of time such cases have been pending, as
11 described in the latest Annual Report and on
12 any other evidence available with respect to
13 each such country.

14 (C) IMPLEMENTATION.—Any review under
15 subparagraph (A) of a country may take place
16 singly or jointly with the review of one or more
17 countries.

18 (2) DETERMINATIONS OF RESPONSIBLE PAR-
19 TIES.—For the government of each country des-
20 ignated as a Country With a Pattern of Noncoopera-
21 tion under paragraph (1)(A), the President shall
22 seek to determine the agency or instrumentality
23 thereof that is responsible for the pattern of non-
24 cooperation by such government in order to appro-

1 priately target Presidential actions under this sec-
2 tion in response.

3 (3) CONGRESSIONAL NOTIFICATION.—Whenever
4 the President designates a country as a Country
5 With a Pattern of Noncooperation under paragraph
6 (1)(A), the President shall, as soon as practicable
7 after such designation is made, transmit to the ap-
8 propriate congressional committees information re-
9 lating to—

10 (A) the designation of the country, signed
11 by the President; and

12 (B) one or more of the Presidential actions
13 described in paragraphs (10) through (16) of
14 section 204(a) carried out against such country.

15 (c) PRESIDENTIAL ACTIONS WITH RESPECT TO A
16 COUNTRY WITH A PATTERN OF NONCOOPERATION.—

17 (1) IN GENERAL.—Subject to paragraphs (2),
18 (3), and (4) with respect to each Country With a
19 Pattern of Noncooperation designated under sub-
20 section (b)(1)(A), the President shall, after the re-
21 quirements of sections 202 and 203 have been satis-
22 fied, but not later than 90 days (or 180 days in case
23 of a delay under paragraph (2)) after the date of
24 such designation of a country under such subsection,

1 carry out one or more of the following actions under
2 subparagraph (A) or (B):

3 (A) PRESIDENTIAL ACTIONS.—One or
4 more of the Presidential actions described in
5 paragraphs (10) through (16) of section 204(a).

6 (B) COMMENSURATE ACTIONS.—Commensurate
7 action in substitution to any action referred
8 to in subparagraph (A).

9 (2) AUTHORITY FOR DELAY OF PRESIDENTIAL
10 ACTIONS.—If, on or before the date that the President
11 is required to take action under paragraph (1)
12 with respect to a Country With a Pattern of Non-
13 cooperation, the President determines and certifies
14 to Congress that a single, additional period of time
15 not to exceed 90 days is necessary—

16 (A) for a continuation of negotiations that
17 have been commenced with the government of
18 such country to bring about a cessation of the
19 pattern of noncooperation by such country, or

20 (B)(i) for a review of corrective action
21 taken by such country after designation of such
22 country as a Country With a Pattern of Non-
23 cooperation, or

1 (ii) in anticipation that corrective action
2 will be taken by such country during such 90-
3 day period,
4 the President shall not be required to take such
5 action until the expiration of such period of
6 time.

7 (3) EXCEPTION FOR ONGOING PRESIDENTIAL
8 ACTION.—The President shall not be required to
9 take action under this paragraph (1) with respect to
10 a Country With a Pattern of Noncooperation if with
11 respect to such country the following apply:

12 (A) The President has taken action pursu-
13 ant to such paragraph in a preceding year.

14 (B) Such action is in effect at the time
15 such country is designated as a Country with a
16 Pattern of Noncooperation under subsection
17 (b)(1)(A).

18 (C) The President reports to Congress the
19 information described in paragraphs (1), (2),
20 (3), and (4) of section 203(a) regarding the ac-
21 tions in effect with respect to such country.

22 (D) At the time the President designates a
23 country as a Country With a Pattern of Non-
24 cooperation, if such country is already subject
25 to multiple, broad-based sanctions imposed in

1 significant part in response to human rights
2 abuses, and such sanctions are ongoing, the
3 President may determine that one or more of
4 such sanctions also satisfies the requirements of
5 this subsection. In a report to Congress pursu-
6 ant to paragraphs (1), (2), (3), and (4) of sec-
7 tion 203(a), the President shall specify the spe-
8 cific sanction or sanctions that the President
9 determines satisfy the requirements of this sub-
10 section. Such specified sanctions shall remain in
11 effect subject to section 208.

12 (d) **RULE OF CONSTRUCTION.**—A determination
13 under this Act, or any amendment made by this Act, that
14 a foreign country has engaged in a pattern of noncoopera-
15 tion shall not be construed to require the termination of
16 assistance or other activities with respect to such country
17 under any other provision of law, including section 116
18 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C.
19 2151(n) and 2304).

20 **SEC. 202. CONSULTATIONS.**

21 (a) **NOTIFICATION.**—

22 (1) **IN GENERAL.**—Except as provided in para-
23 graph (2), in accordance with existing law and regu-
24 lation, the Secretary of State shall notify in writing
25 the member of the House of Representatives rep-

1 resenting the district of a left behind parent when
2 such parent reports an international child abduction
3 to the Department of State. The Secretary shall
4 maintain a computerized data tracking system to
5 track and monitor such reported international child
6 abduction cases.

7 (2) EXCEPTION.—Paragraph (1) shall not
8 apply if the left behind parent does not consent to
9 the notification described in such paragraph.

10 (b) DUTY TO CONSULT WITH FOREIGN GOVERN-
11 MENTS.—The President shall—

12 (1) request consultation with the government of
13 a country to which a child is alleged to have been
14 wrongfully removed or retained, regarding the pat-
15 tern of noncooperation giving rise to action under
16 section 204; and

17 (2) if agreed to, enter into such consultations,
18 privately or publicly.

19 (c) DUTY TO CONSULT WITH LEFT BEHIND PAR-
20 ENTS IN THE UNITED STATES.—The President shall con-
21 sult with left behind parents of children in the foreign
22 countries, or appropriate representatives or representative
23 groups of such parents, concerning the potential impact
24 of United States policies to promote the resolution of unre-
25 solved cases in countries described in subsection (a).

1 (d) DUTY TO CONSULT WITH OTHER UNITED
2 STATES INTERESTED PARTIES.—The President shall, as
3 appropriate, consult with other United States interested
4 parties regarding the potential impact of intended action
5 in countries described in subsection (a) on economic or
6 other interests of the United States.

7 **SEC. 203. REPORT TO CONGRESS.**

8 At such time as the President decides to take action
9 under section 204 in response to a country that the Presi-
10 dent has designated as a Country With a Pattern of Non-
11 cooperation and the President decides to take action under
12 paragraphs (10) through (16) of section 204, the Presi-
13 dent shall transmit to the appropriate congressional com-
14 mittees a report on the following:

15 (1) IDENTIFICATION OF PRESIDENTIAL AC-
16 TIONS.—An identification of the action or actions
17 described in paragraphs (10) through (16) of section
18 204 (or commensurate action in substitution there-
19 to) to be taken with respect to such country.

20 (2) DESCRIPTION OF VIOLATIONS.—A descrip-
21 tion of the unresolved cases of child abduction giving
22 rise to the action or actions to be taken by the
23 President.

1 (3) PURPOSE OF PRESIDENTIAL ACTIONS.—A
2 description of the purpose of the Presidential action
3 or actions.

4 (4) EVALUATION.—

5 (A) DESCRIPTION.—An evaluation, in con-
6 sultation with the Secretary of State, the Am-
7 bassador at Large, the parties described in sub-
8 sections (c) and (d) of section 202, and other
9 parties the President determines appropriate,
10 of—

11 (i) the impact upon such unresolved
12 cases in such country;

13 (ii) the impact upon the government
14 of such country;

15 (iii) the impact upon the population of
16 such country; and

17 (iv) the impact upon the United
18 States economy and other interested par-
19 ties.

20 (B) AUTHORITY TO WITHHOLD DISCLO-
21 SURE.—The President may withhold part or all
22 of such evaluation from the public, if classified,
23 but shall provide the entire evaluation to Con-
24 gress.

1 (5) STATEMENT OF POLICY OPTIONS.—A state-
2 ment that noneconomic policy options designed to
3 bring about a resolution of the pattern of non-
4 cooperation in such country have reasonably been
5 exhausted, including the consultations required in
6 accordance with section 202.

7 **SEC. 204. PRESIDENTIAL ACTIONS.**

8 (a) DESCRIPTION OF PRESIDENTIAL ACTIONS.—Ex-
9 cept as provided in subsection (c), the President may take
10 the following actions with respect to a country that the
11 President has designated as a Country With a Pattern of
12 Noncooperation under section 201:

13 (1) A private demarche.

14 (2) An official public demarche.

15 (3) A statement of nonreciprocity under the
16 Hague Convention.

17 (4) A public condemnation.

18 (5) A public condemnation within one or more
19 multilateral fora.

20 (6) The delay or cancellation of one or more
21 scientific exchanges.

22 (7) The delay or cancellation of one or more
23 cultural exchanges.

24 (8) The denial of one or more working, official,
25 or state visits.

1 (9) The delay or cancellation of one or more
2 working, official, or state visits.

3 (10) The restriction of the number of visas
4 issued to nationals of such country pursuant to sub-
5 paragraphs (F), (J), or (M) of section 101(a)(15) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(15)).

8 (11) The withdrawal, limitation, or suspension
9 of United States development assistance in accord-
10 ance with section 116 of the Foreign Assistance Act
11 of 1961 (22 U.S.C. 2151n).

12 (12) Directing the Export-Import Bank of the
13 United States, the Overseas Private Investment Cor-
14 poration, or the Trade and Development Agency not
15 to approve the issuance of any (or a specified num-
16 ber of) guarantees, insurance, extensions of credit,
17 or participation in the extension of credit with re-
18 spect to such government or the agency or instru-
19 mentality of such government determined by the
20 President to be responsible for such pattern of non-
21 cooperation.

22 (13) The withdrawal, limitation, or suspension
23 of United States security assistance in accordance
24 with section 502B of the Foreign Assistance Act of
25 1961 (22 U.S.C. 2304).

1 (14) In accordance with section 701 of the
2 International Financial Institutions Act of 1977 (22
3 U.S.C. 262d), directing the United States executive
4 directors of international financial institutions to op-
5 pose and vote against loans primarily benefitting the
6 such government or the agency or instrumentality of
7 such government determined by the President to be
8 responsible for such pattern of noncooperation.

9 (15) The denial, withdrawal, suspension, or lim-
10 itation of benefits provided pursuant to title V of the
11 Trade Act of 1974 (19 U.S.C. 2461 et seq.), relat-
12 ing to the Generalized System of Preferences.

13 (16) Ordering the heads of the appropriate
14 United States agencies not to issue any (or a speci-
15 fied number of) specific licenses, and not to grant
16 any other specific authority (or a specified number
17 of authorities), to export any goods or technology to
18 such government or to the agency or instrumentality
19 of such government determined by the President to
20 be responsible for such pattern of noncooperation,
21 under—

22 (A) the Export Administration Act of
23 1979;

24 (B) the Arms Export Control Act;

25 (C) the Atomic Energy Act of 1954; or

1 (D) any other statute that requires the
2 prior review and approval of the United States
3 Government as a condition for the export or re-
4 export of goods or services.

5 (17) Prohibiting any United States financial in-
6 stitution from making loans or providing credits to-
7 taling more than \$10,000,000 in any 12-month pe-
8 riod to such government or to the agency or instru-
9 mentality of such government or determined by the
10 President to be responsible for such pattern of non-
11 cooperation.

12 (18) Prohibiting the United States Government
13 from procuring, or entering into any contract for the
14 procurement of, any goods or services from such
15 government or from the agency or instrumentality of
16 such government determined by the President to be
17 responsible for such pattern of noncooperation.

18 (b) COMMENSURATE ACTION.—Except as provided in
19 subsection (c), the President may substitute any other ac-
20 tion authorized by law for any action described in para-
21 graphs (1) through (16) of subsection (a) if such action
22 is commensurate in effect to the action substituted and
23 if such action would further the purposes of this Act as
24 specified in section 2(c). The President shall seek to take
25 all appropriate and feasible actions authorized by law to

1 obtain the cessation of such pattern of noncooperation. If
2 commensurate action is taken under this subsection, the
3 President shall transmit to the appropriate congressional
4 committees a report on such action, together with an ex-
5 planation for taking such action.

6 (c) EXCEPTIONS.—Any action taken pursuant to sub-
7 section (a) or (b) may not prohibit or restrict the provision
8 to such country of medicine, medical equipment, or sup-
9 plies, food, or other humanitarian assistance.

10 **SEC. 205. EFFECTS ON EXISTING CONTRACTS.**

11 The President shall not be required to apply or main-
12 tain any action under this section 204—

13 (1) in the case of procurement of defense arti-
14 cles or defense services—

15 (A) under existing contracts or sub-
16 contracts, including the exercise of options for
17 production quantities, to satisfy requirements
18 essential to the national security of the United
19 States;

20 (B) if the President determines in writing
21 and transmits to Congress a report that the
22 government of a foreign country or the agency
23 or instrumentality of such government to which
24 such action would otherwise be applied is a sole
25 source supplier of such defense articles or serv-

1 ices, that such defense articles or services are
2 essential, and that alternative sources are not
3 readily or reasonably available; or

4 (C) if the President determines in writing
5 and transmits to Congress a report that such
6 defense articles or services are essential to the
7 national security of the United States under de-
8 fense co-production agreements; or

9 (2) to products or services provided under con-
10 tracts entered into before the date on which the
11 President publishes in the Federal Register notice of
12 such action in accordance with section 207.

13 **SEC. 206. PRESIDENTIAL WAIVER.**

14 (a) IN GENERAL.—Subject to subsection (b), the
15 President may waive the application of any of the actions
16 described in paragraphs (10) through (16) of section
17 204(a) (or commensurate action in substitution thereto)
18 with respect to a country that the President has des-
19 ignated as a Country With a Pattern of Noncooperation
20 under section 201, if the President determines and so re-
21 ports to the appropriate congressional committees that—

22 (1) the government of such has satisfactorily
23 resolved the unresolved cases giving rise to the appli-
24 cation of any of such actions and—

1 (A) if such country is a Hague Convention
2 signatory country, such country has taken
3 measures to ensure future compliance with the
4 provisions of the Hague Convention;

5 (B) if such country is an MOU country,
6 such country has taken measures to ensure fu-
7 ture compliance with the provisions of the MOU
8 at issue; or

9 (C) if such country is a Nonsignatory
10 country at the time the abductions or retentions
11 resulting in the unresolved cases occurred, such
12 country has become a Hague Convention signa-
13 tory country or a MOU country;

14 (2) the exercise of such waiver authority would
15 further the purposes of this Act; or

16 (3) the important national interest of the
17 United States requires the exercise of such waiver
18 authority.

19 (b) CONGRESSIONAL NOTIFICATION.—Not later than
20 the date of the exercise of a waiver under subsection (a),
21 the President shall notify the appropriate congressional
22 committees of such waiver or the intention to exercise such
23 waiver, together with a detailed justification thereof.

1 **SEC. 207. PUBLICATION IN FEDERAL REGISTER.**

2 (a) IN GENERAL.—Subject to subsection (b), the
3 President shall ensure publication in the Federal Register
4 of the following:

5 (1) DETERMINATIONS OF GOVERNMENTS,
6 AGENCIES, INSTRUMENTALITIES OF COUNTRIES
7 WITH PATTERNS OF NONCOOPERATION.—Any des-
8 ignation of a country that the President has des-
9 ignated as a Country With a Pattern of Noncoopera-
10 tion under section 201, together with, when applica-
11 ble and to the extent practicable, the identities of
12 agencies, instrumentalities, or officials determined to
13 be responsible for such pattern of noncooperation.

14 (2) PRESIDENTIAL ACTIONS.—A description of
15 any action under paragraphs (10) through (16) of
16 section 204(a) (or commensurate action in substi-
17 tution thereto) and the effective date of such action.

18 (3) DELAYS IN TRANSMITTAL OF PRESI-
19 DENTIAL ACTION REPORTS.—Any delay in trans-
20 mittal of a report required under in section 203.

21 (4) WAIVERS.—Any waiver issued under section
22 206.

23 (b) LIMITED DISCLOSURE OF INFORMATION.—The
24 President may limit publication of information under this
25 section in the same manner and to the same extent as
26 the President may limit the publication of findings and

1 determinations described in section 654(e) of the Foreign
2 Assistance Act of 1961 (22 U.S.C. 2414(e)), if the Presi-
3 dent determines that the publication of such informa-
4 tion—

5 (1) would be harmful to the national security of
6 the United States; or

7 (2) would not further the purposes of this Act.

8 **SEC. 208. TERMINATION OF PRESIDENTIAL ACTIONS.**

9 Any action taken under this Act or any amendment
10 made by this Act with respect to a foreign country shall
11 terminate on the earlier of the following dates:

12 (1) Not later than two years after the effective
13 date of such action unless expressly reauthorized by
14 law.

15 (2) Upon the determination by the President, in
16 consultation with the Office, and certification to
17 Congress that the government of such country has
18 taken substantial and verifiable steps to correct the
19 pattern of noncooperation at issue that gave rise to
20 such action.

21 **SEC. 209. PRECLUSION OF JUDICIAL REVIEW.**

22 No court shall have jurisdiction to review any Presi-
23 dential determination or agency action under this Act or
24 any amendment made by this Act.

1 **SEC. 210. UNITED STATES ASSISTANCE.**

2 (a) IMPLEMENTATION OF PROHIBITION ON ECO-
3 NOMIC ASSISTANCE.—Section 116(c) of the Foreign As-
4 sistance Act of 1961 (22 U.S.C. 2151n(c)) is amended—

5 (1) in matter preceding paragraph (1), by in-
6 sserting “and in consultation with the Ambassador at
7 Large for International Child Abduction” after
8 “Freedom”;

9 (2) in paragraph (3)(B), by striking the period
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(4) whether the government—

14 “(A) has engaged in a pattern of non-
15 cooperation regarding unresolved cases of al-
16 leged international child abduction or denial of
17 rights of access, as such terms are defined in
18 the International Child Abduction Prevention
19 Act of 2009; or

20 “(B) has failed to undertake serious and
21 sustained efforts to locate children allegedly ab-
22 ducted to the country when such efforts could
23 have been reasonably undertaken.”.

24 (b) IMPLEMENTATION OF PROHIBITION ON MILITARY
25 ASSISTANCE.—Section 502B(a)(4) of the Foreign Assist-
26 ance Act of 1961 (22 U.S.C. 2304(a)(4)) is amended—

1 (1) in subparagraph (A), by striking “or” at
2 the end;

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following new sub-
6 paragraphs:

7 “(C) has engaged in a pattern of non-
8 cooperation regarding unresolved cases of al-
9 leged international child abduction or denial of
10 rights of access, as such terms are defined in
11 the International Child Abduction Protection
12 Act of 2009; or

13 “(D) has failed to undertake serious and
14 sustained efforts to locate children allegedly ab-
15 ducted to the country when such efforts could
16 have been reasonably undertaken.”.

17 (c) EXPANDED CONSULTATION.—Section 502B(b) of
18 the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b))
19 is amended, in the first sentence, by inserting “and with
20 the assistance of the Ambassador at Large for Inter-
21 national Child Abduction,” after “the Ambassador at
22 Large for International Religious Freedom,”.

1 **SEC. 211. MULTILATERAL ASSISTANCE.**

2 Section 701 of the International Financial Institu-
3 tions Act (22 U.S.C. 262d) is amended by adding at the
4 end the following new subsection:

5 “(h) In determining whether the government of a
6 country engages in a pattern of gross violations of inter-
7 nationally recognized human rights, as described in sub-
8 section (a), the President shall give particular consider-
9 ation to whether such government—

10 “(1) has engaged in a pattern of noncoopera-
11 tion regarding unresolved cases of alleged inter-
12 national child abduction or denial of rights of access,
13 as such terms are defined in the International Child
14 Abduction Prevention Act of 2009; or

15 “(2) has failed to undertake serious and sus-
16 tained efforts to locate children allegedly abducted to
17 such country when such efforts could have been rea-
18 sonably undertaken.”.

19 **SEC. 212. AMENDMENT TO GENERALIZED SYSTEM OF PREF-**
20 **ERENCES ELIGIBILITY FOR GENERALIZED**
21 **SYSTEM OF PREFERENCES.**

22 Section 502(b)(2) of the Trade Act of 1974 (19
23 U.S.C. 2462(b)(2)) is amended—

24 (1) by inserting after subparagraph (H) the fol-
25 lowing new subparagraph:

1 “(I) Such country is a country with a pat-
2 tern of noncooperation regarding unresolved
3 cases of alleged international child abduction or
4 denial of rights of access, as such terms are de-
5 fined in the International Child Abduction Pre-
6 vention Act of 2009.”; and

7 (2) in the flush left matter after subparagraph
8 (I)—

9 (A) by striking “and (H)” and inserting
10 “(H)”; and

11 (B) by inserting after “(D))” the following:
12 “and (I)”.

13 **TITLE III—MISCELLANEOUS** 14 **PROVISIONS**

15 **SEC. 301. AMENDMENT OF RESTRICTION FOR THE** 16 **ISSUANCE OF PASSPORTS FOR CHILDREN** 17 **UNDER AGE 14.**

18 Section 236(a)(2)(B) of the Admiral James W.
19 Nance and Meg Donovan Foreign Relations Authorization
20 Act, Fiscal Years 2000 and 2001 is amended—

21 (1) in clause (ii), by striking “or” at the end;

22 (2) in clause (iii), by striking the period at the
23 end and inserting “; or”; and

24 (3) by adding at the end the following new
25 clause:

1 “(iv) in cases in which the child is liv-
2 ing outside the United States, such person
3 is a United States citizen, has joint cus-
4 tody over the child, and is executing the
5 application for issuance of a passport out-
6 side the United States.”.

7 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated such sums as
9 may be necessary for each of fiscal years 2010 through
10 2013 to carry out this Act and the amendments made by
11 this Act.