

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1940
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Sean and David Goldman International Child Abduction
4 Prevention and Return Act of 2012”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings; sense of Congress; purposes.
- Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIONS

- Sec. 101. Annual report.
- Sec. 102. Standards and assistance.
- Sec. 103. Memorandum of Understanding.
- Sec. 104. Notification of congressional representatives.

TITLE II—PRESIDENTIAL ACTIONS

- Sec. 201. Presidential actions in response to unresolved cases.
- Sec. 202. Presidential actions in response to patterns of noncooperation in cases of international child abductions.
- Sec. 203. Consultations.
- Sec. 204. Report to Congress.
- Sec. 205. Presidential actions.
- Sec. 206. Effects on existing contracts.
- Sec. 207. Presidential waiver.
- Sec. 208. Publication in Federal Register.
- Sec. 209. Termination of Presidential actions.
- Sec. 210. United States assistance.
- Sec. 211. Multilateral assistance.

Sec. 212. Amendment to generalized system of preferences eligibility for generalized system of preferences.

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

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

3 (1) Sean Goldman, a United States citizen and
4 resident of New Jersey, was abducted from the
5 United States in 2004 and separated from his fa-
6 ther, David Goldman, who spent nearly six years
7 battling for the return of his son from Brazil before
8 Sean was finally returned to Mr. Goldman's custody
9 on December 24, 2009.

10 (2) The Department of State's Office of Chil-
11 dren's Issues, which serves as the Central Authority
12 of the United States for the purposes of the 1980
13 Hague Convention on the Civil Aspects of Inter-
14 national Child Abduction, reported that, from fiscal
15 year 2008 through fiscal year 2010, it received
16 3,239 new requests for assistance in the return of
17 4,728 children to the United States from other
18 countries. For a variety of reasons reflecting the sig-
19 nificant obstacles to the recovery of abducted chil-
20 dren, as well as the legal and factual complexity in-
21 volving such cases, not all cases are reported to the
22 Central Authority of the United States.

23 (3) The number of outgoing international child
24 abductions reported to the Central Authority of the

1 United States has increased by about 60 percent
2 since 2006.

3 (4) Only about half of the children abducted
4 from the United States to countries with which the
5 United States enjoys reciprocal obligations under the
6 Hague Abduction Convention are returned to the
7 United States.

8 (5) The United States and Convention coun-
9 tries have expressed their desire, through the Hague
10 Abduction Convention, “to protect children inter-
11 nationally from the harmful effects of their wrongful
12 removal or retention and to establish procedures to
13 ensure their prompt return to the State of their ha-
14 bitual residence, as well as to secure protection for
15 rights of access.”.

16 (6) Compliance by the United States and Con-
17 vention countries depends on the actions of their
18 designated central authorities, the performance of
19 their judiciaries as reflected in the legal process and
20 decisions rendered to enforce or effectuate the
21 Hague Abduction Convention, and the ability and
22 willingness of their law enforcement to insure the
23 swift enforcement of orders rendered pursuant to the
24 Hague Abduction Convention.

1 (7) The Central Authority of the United States
2 reports that nearly 40 percent of abduction cases
3 and access cases involve children taken from the
4 United States to countries with which the United
5 States does not have Hague Abduction Convention
6 obligations or other agreements relating to the reso-
7 lution of abduction cases and access cases.

8 (8) According to the Department of State's
9 April 2010 Report on Compliance with the Hague
10 Convention on the Civil Aspects of International
11 Child Abduction, "parental child abduction jeopard-
12 izes the child and has substantial long-term con-
13 sequences for both the child and the left-behind par-
14 ent."

15 (9) Abducted children are at risk of serious
16 emotional and psychological problems and have been
17 found to experience anxiety, eating problems, night-
18 mares, mood swings, sleep disturbances, aggressive
19 behavior, resentment, guilt and fearfulness, and as
20 adults may struggle with identity issues, personal re-
21 lationships, and parenting.

22 (10) Left-behind parents may encounter sub-
23 stantial psychological and emotional problems, and
24 few have the extraordinary financial resources nec-
25 essary to pursue individual civil or criminal remedies

1 in both the United States and a foreign country,
2 even where available, or to engage in repeated for-
3 eign travel to attempt to procure the return of their
4 children by evoking diplomatic and humanitarian
5 remedies.

6 (11) Left-behind parents who are military par-
7 ents may be unable to leave their military duties to
8 pursue multinational litigation or take leave to at-
9 tend multiple court proceedings, and foreign authori-
10 ties may not schedule proceedings to accommodate
11 such duties.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the United States should set a strong example
14 for Convention countries in the timely location and return
15 of abducted children in the United States whose habitual
16 residence is not the United States.

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

18 (1) protect children whose habitual residence is
19 the United States from the harmful effects of abduc-
20 tion and to protect the right of abducted children to
21 exercise access with their parents in a safe and pre-
22 dictable manner, wherever the child is located, while
23 an abduction case is pending;

24 (2) provide left-behind parents, including mili-
25 tary parents, their advocates, and judges the infor-

1 mation they need to enhance the resolution of abduc-
2 tion cases and access cases through established legal
3 procedures, the tools for assessing the risk of abduc-
4 tion and denial of rights of access, and the practical
5 means for overcoming obstacles to recovering an ab-
6 ducted child;

7 (3) establish measured, effective, and predict-
8 able actions to be undertaken by the President on
9 behalf of abducted children whose habitual residence
10 is the United States at the time of the abduction;

11 (4) promote an international consensus that it
12 is in the best interest of children to have any issues
13 related to their care and custody determined in the
14 country of their habitual residence;

15 (5) provide the necessary training for officials
16 of the United States Armed Forces and the Depart-
17 ment of Defense to establish policies and provide
18 services to military parents that address the unique
19 circumstances of abductions and violations of rights
20 of access that may occur with regard to military de-
21 pendent children; and

22 (6) encourage the effective implementation of
23 international mechanisms, particularly those estab-
24 lished pursuant to the Hague Abduction Convention,
25 to achieve reciprocity in the resolution of abductions

1 and to protect children from the harmful effects of
2 an abduction.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **ABDUCTED CHILD.**—The term “abducted
6 child” means a child who is the victim of an abduc-
7 tion.

8 (2) **ABDUCTION.**—The term “abduction”
9 means—

10 (A) the alleged wrongful removal of a child
11 from the child’s country of habitual residence;

12 (B) the alleged wrongful retention of a
13 child outside the child’s country of habitual res-
14 idence; or

15 (C) the alleged wrongful removal or reten-
16 tion of a military dependent child from the ex-
17 ercise of rights of custody of a military parent.

18 (3) **ABDUCTION CASE.**—The term “abduction
19 case” means a case involving an application filed
20 with the Central Authority of the United States by
21 a left-behind parent for the resolution of an abduc-
22 tion.

23 (4) **ACCESS CASE.**—The term “access case”
24 means a case involving an application filed with the

1 Central Authority of the United States by a left-be-
2 hind parent for the establishment of rights of access.

3 (5) ANNUAL REPORT.—The term “Annual Re-
4 port” means the Annual Report on International
5 Child Abduction required under section 101.

6 (6) APPLICATION.—The term “application”
7 means—

8 (A) in the case of a Convention country,
9 the application required pursuant to article 8 of
10 the Hague Abduction Convention;

11 (B) in the case of an MOU country, the
12 formal document required pursuant to the pro-
13 visions of the applicable MOU to request the re-
14 turn of an abducted child or to request rights
15 of access, as applicable; and

16 (C) in the case of a nonsignatory country,
17 the formal request by the Central Authority of
18 the United States to the Central Authority of
19 such country requesting the return of an ab-
20 ducted child or for rights of access to an ab-
21 ducted child.

22 (7) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means the Committee on Foreign Affairs of

1 the House of Representatives and the Committee on
2 Foreign Relations of the Senate.

3 (8) CENTRAL AUTHORITY.—The term “Central
4 Authority” means—

5 (A) in the case of a Convention country,
6 the meaning given such term in article 6 of the
7 Hague Abduction Convention;

8 (B) in the case of an MOU country, the of-
9 ficial entity designated by the government of
10 the MOU country within the applicable MOU
11 pursuant to section 103(b)(1) to discharge the
12 duties imposed on the entity in such MOU; and

13 (C) in the case of a nonsignatory country,
14 the foreign ministry of such country.

15 (9) CHILD.—The term “child” means an indi-
16 vidual who has not attained the age of 16.

17 (10) CONVENTION COUNTRY.—The term “Con-
18 vention country” means a country other than the
19 United States that has signed or acceded to the
20 Hague Abduction Convention and with respect to
21 which the United States has entered into a recip-
22 rocal agreement pursuant to the Hague Abduction
23 Convention.

24 (11) HAGUE ABDUCTION CONVENTION.—The
25 term “Hague Abduction Convention” means the

1 Convention on the Civil Aspects of International
2 Child Abduction, done at The Hague on October 25,
3 1980.

4 (12) LEFT-BEHIND PARENT.—The term “left-
5 behind parent” means—

6 (A) regarding an abduction, an individual
7 or entity, either individually or jointly, who al-
8 leges that an abduction has occurred that is in
9 breach of rights of custody—

10 (i) attributed to such individual or en-
11 tity, as applicable; and

12 (ii) exercised at the time of the abduc-
13 tion or that would have been exercised but
14 for the abduction; and

15 (B) regarding rights of access, an indi-
16 vidual with rights of custody who is requesting
17 establishment of rights of access or who alleges
18 that rights of access are being denied.

19 (13) LEGAL RESIDENCE.—The term “legal resi-
20 dence” means the congressional district and State in
21 which an individual either is residing, or if an indi-
22 vidual is residing temporarily outside the United
23 States, the congressional district and State to which
24 the individual intends to return.

1 (14) MILITARY DEPENDENT CHILD.—The term
2 “military dependent child” means a child whose ha-
3 bitual residence is the United States according to
4 United States law even though the child is residing
5 outside the United States with a military parent.

6 (15) MILITARY PARENT.—The term “military
7 parent” means an individual who has rights of cus-
8 tody over a child and who is serving outside the
9 United States as a member of the United States
10 Armed Forces.

11 (16) MOU.—The term “MOU” means a memo-
12 randum of understanding between the United States
13 and a country that is not a Convention country to
14 resolve abduction cases and rights of access cases in
15 accordance with section 104.

16 (17) MOU COUNTRY.—The term “MOU coun-
17 try” means a country with respect to which the
18 United States has entered into an MOU.

19 (18) NONSIGNATORY COUNTRY.—The term
20 “nonsignatory country” means a country that is nei-
21 ther a Convention country nor an MOU country.

22 (19) PATTERN OF NONCOOPERATION.—

23 (A) IN GENERAL.—The term “pattern of
24 noncooperation” means the persistent failure—

1 (i) of a Convention country to imple-
2 ment and abide by the provisions of the
3 Hague Abduction Convention;

4 (ii) of an MOU Country to implement
5 and abide by the provisions of the applica-
6 ble MOU; and

7 (iii) of a nonsignatory country to co-
8 operate with the United States to expedi-
9 tiously resolve abduction cases and access
10 cases within a reasonable period of time.

11 (B) CRITERIA.—Such persistent failure
12 may be evidenced by one or more of the fol-
13 lowing criteria:

14 (i) The existence of 10 or more unre-
15 solved cases.

16 (ii) The failure of the Central Author-
17 ity of the country to fulfill its responsibil-
18 ities pursuant to the Hague Abduction
19 Convention or the MOU, as applicable, or
20 in the case of a nonsignatory country, the
21 repeated failure of the Central Authority of
22 the country to cooperate with the Central
23 Authority of the United States to resolve
24 unresolved cases.

1 (iii) The failure of the judicial or ad-
2 ministrative branch, as applicable, of the
3 national government of the country to im-
4 plement the Hague Abduction Convention
5 or the MOU, as applicable, or in the case
6 of a nonsignatory country, the failure of
7 the appropriate judicial or administrative
8 branch of the national government of the
9 country to expeditiously deliberate and
10 render a decision in abduction cases and
11 access cases.

12 (iv) The failure of law enforcement to
13 locate abducted children or to enforce re-
14 turn orders or determinations of rights of
15 access rendered by the judicial or adminis-
16 trative authorities of the national govern-
17 ment of the country in abduction cases or
18 access cases.

19 (20) RIGHTS OF ACCESS.—The term “rights of
20 access” means the rights of contact between a child
21 and a left-behind parent that may arise—

22 (A) as a provisional measure while an ab-
23 duction case is pending; and

24 (B) by operation of law or by reason of ju-
25 dicial or administrative determination or by

1 agreement having legal effect under the law of
2 the country in which the child is located.

3 (21) RIGHTS OF CUSTODY.—The term “rights
4 of custody” means rights of care and custody of an
5 abducted child, including the right to determine the
6 place of residence of an abducted child—

7 (A) attributed to an individual or entity,
8 either individually or jointly, and

9 (B) arising by operation of law or by rea-
10 son of a judicial or administrative decision, or
11 by reason of an agreement having legal effect,
12 under the law of the country in which the child was
13 an habitual resident immediately before the abduc-
14 tion.

15 (22) UNRESOLVED ABDUCTION CASE.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), the term “unresolved abduction
18 case” means an abduction case that remains
19 unresolved for a period that exceeds 6 weeks
20 after the date on which the application for re-
21 turn of the child is submitted for determination
22 to the judicial or administrative authority, as
23 applicable, in the country in which the child is
24 located.

1 (B) RESOLUTION OF CASE.—An abduction
2 case shall be considered to be resolved if—

3 (i) the child is returned to the country
4 of habitual residence, pursuant to the
5 Hague Abduction Convention or MOU, if
6 applicable;

7 (ii) a final determination is made by
8 the appropriate administrative or judicial
9 entity in the country in which the child is
10 located that, pursuant to the Hague Ab-
11 duction Convention or the MOU, if appli-
12 cable, the child will not be returned to the
13 country of habitual residence; or

14 (iii) the child attains the age of 16.

15 (23) UNRESOLVED ACCESS CASE.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), the term “unresolved access case”
18 means an access case that remains unresolved
19 for a period that exceeds 6 weeks after the date
20 on which the application for the establishment
21 of rights of access is submitted to the judicial
22 or administrative authority, as applicable, in the
23 country in which the child is located.

24 (B) RESOLUTION OF CASE.—An access
25 case shall be considered to be resolved if—

1 (i) rights of access are established for
2 the left-behind parent and such parent is
3 allowed access to the child in accordance
4 with such rights;

5 (ii) a final determination is made by
6 the appropriate administrative or judicial
7 entity in the country in which the child is
8 located that the left-behind parent does not
9 have rights of access; or

10 (iii) the abduction case related to the
11 unresolved access case is resolved.

12 (24) UNRESOLVED CASES.—The term “unre-
13 solved cases” means unresolved abduction cases and
14 unresolved access cases.

15 **TITLE I—DEPARTMENT OF**
16 **STATE ACTIONS**

17 **SEC. 101. ANNUAL REPORT.**

18 (a) IN GENERAL.—Not later than March 31 of each
19 year, the Secretary of State shall submit to the appro-
20 priate congressional committees an Annual Report on
21 International Child Abduction.

22 (b) CONTENTS.—Each Annual Report shall, with re-
23 spect to the preceding year, include the following:

24 (1) For each country with respect to which
25 there was 1 or more abduction cases:

1 (A) Whether the country is a Convention
2 country, an MOU country, or a nonsignatory
3 country.

4 (B) The number of abduction cases and
5 the number of rights of access cases, respec-
6 tively, reported.

7 (C) The number of abduction cases and
8 the number of access cases, respectively, that
9 are pending.

10 (D)(i) The number of abduction cases and
11 the number of access cases, respectively, that
12 were pending at any point for more than 90
13 days after the date on which the Central Au-
14 thority of the United States transmitted the ap-
15 plication for each such case to the Central Au-
16 thority of such country, and were not submitted
17 by the Central Authority to the judicial or ad-
18 ministrative authority, as applicable, of such
19 country within the 90-day period.

20 (ii) The reason for the delay in submission
21 of each case identified in clause (i) by the Cen-
22 tral Authority of such country to the judicial or
23 administrative authority.

24 (E) The number of unresolved abduction
25 cases and unresolved access cases, respectively,

1 and the length of time each case has been pend-
2 ing.

3 (F) The number of unresolved cases in
4 which law enforcement has failed to locate the
5 abducted child or to enforce a return order or
6 determinations of rights of access rendered by
7 the judicial or administrative authorities of
8 such country.

9 (G) The median time required for resolu-
10 tion of abduction cases and access cases, re-
11 spectively, to be measured from the date on
12 which the application with respect to the abduc-
13 tion case or access case is transmitted by the
14 Central Authority of the United States to the
15 Central Authority of such country to the date
16 on which the abduction case or access case is
17 resolved.

18 (H) The percentage of the total number of
19 abduction cases and access cases, respectively,
20 resolved.

21 (I) Detailed information about each case
22 described in subparagraph (C) and on actions
23 taken by the Department of State to resolve
24 such case, including the specific actions taken

1 by the United States chief of mission in such
2 country.

3 (J) Recommendations to improve resolu-
4 tion of abduction cases and access cases.

5 (2) A list of Convention countries and MOU
6 countries that have failed to comply with any of
7 their obligations under the Hague Abduction Con-
8 vention or the MOU, as applicable, with respect to
9 the resolution of abduction cases and access cases.

10 (3) A list of countries demonstrating a pattern
11 of noncooperation.

12 (4)(A) Information on efforts by the Secretary
13 of State to encourage other countries to become sig-
14 natories to the Hague Abduction Convention or to
15 enter into an MOU.

16 (B) The efforts referred to in subparagraph (A)
17 shall include efforts to address pending abduction
18 cases and access cases in such country.

19 (5) A description of the efforts of the Secretary
20 of State to encourage Convention countries and
21 MOU countries to facilitate the work of nongovern-
22 mental organizations within their respective coun-
23 tries that assist left-behind parents.

24 (c) EXCEPTION.—The Annual Report shall not in-
25 clude—

1 (1) the names of left-behind parents or children
2 involved in abduction cases or access cases; or

3 (2) information that may identify a party in-
4 volved in an abduction case or access case unless the
5 party stipulates in writing to the Central Authority
6 of the United States that such information may be
7 included in the Annual Report.

8 (d) ADDITIONAL THEMATIC SECTIONS.—Each An-
9 nual Report shall also include—

10 (1) information on the number of unresolved
11 cases affecting left-behind parents who are military
12 parents and a summary of assistance offered to such
13 left-behind parents;

14 (2) information on the use of airlines in abduc-
15 tions, including which airlines have been utilized to
16 carry out an abduction, voluntary airline practices to
17 prevent abductions, and recommendations for best
18 airline practices to prevent abductions;

19 (3) information on actions taken by the Central
20 Authority of the United States to train domestic
21 judges in application of the Hague Abduction Con-
22 vention; and

23 (4) information on actions taken by the Central
24 Authority of the United States to train United
25 States Armed Forces legal assistance personnel,

1 military chaplains, and military family support cen-
2 ter personnel about abductions, the risk of loss of
3 access to children, and the legal frameworks avail-
4 able to resolve such cases.

5 (e) REPEAL OF THE HAGUE CONVENTION COMPLI-
6 ANCE REPORT.—Section 2803 of the Foreign Affairs Re-
7 form and Restructuring Act of 1998 (42 U.S.C. 11611)
8 is repealed.

9 **SEC. 102. STANDARDS AND ASSISTANCE.**

10 The Secretary of State shall ensure that United
11 States diplomatic and consular missions abroad—

12 (1) maintain a consistent reporting standard
13 with respect to abduction cases and access cases in-
14 volving abducted children in the country in which
15 such mission is located for purposes of the Annual
16 Report;

17 (2) designate at least one official in each such
18 mission to assist left-behind parents from the United
19 States who are visiting such country to resolve cases
20 involving an abduction or rights of access; and

21 (3) monitor developments in cases involving ab-
22 ducted children in the country in which such mission
23 is located.

1 **SEC. 103. MEMORANDUM OF UNDERSTANDING.**

2 (a) IN GENERAL.—The Secretary of State shall seek
3 to enter into an MOU with every country that is not a
4 Convention country.

5 (b) MOU PROVISIONS.—An MOU shall include, with
6 respect to the applicable MOU country—

7 (1) identification of the Central Authority;

8 (2) a protocol to identify, locate, and effectuate
9 the return of an abducted child identified in an ab-
10 duction case not later than 6 weeks after the appli-
11 cation with respect to the abduction case has been
12 submitted to the judicial or administrative authority,
13 as applicable, of the country in which the abducted
14 child is located;

15 (3) a protocol for the establishment and protec-
16 tion of the rights of access;

17 (4) identification of the judicial or administra-
18 tive authority that will promptly adjudicate abduc-
19 tion cases and access cases;

20 (5) identification of a law enforcement agency
21 and available law enforcement mechanisms and pro-
22 cedures to ensure the immediate enforcement of an
23 order issued by the authority identified pursuant to
24 paragraph (4) to return an abducted child to a left-
25 behind parent, including by—

1 (A) conducting an investigation to ascer-
2 tain the location of the abducted child;

3 (B) providing protection to the abducted
4 child after such child is located; and

5 (C) retrieving the abducted child and mak-
6 ing the appropriate arrangements for such child
7 to be returned to the country of habitual resi-
8 dence;

9 (6) a protocol to establish periodic visits be-
10 tween a United States embassy or consular official
11 and an abducted child to allow the official to ascer-
12 tain the child's location and welfare; and

13 (7) such other provisions as determined to be
14 appropriate by the Secretary of State.

15 (c) RULE OF CONSTRUCTION.—

16 (1) IN GENERAL.—Nothing in this Act shall be
17 construed to prohibit the United States from pro-
18 posing and entering into a memorandum of under-
19 standing with a Convention country to further clar-
20 ify the reciprocal obligations of the United States
21 and the Convention country under the Hague Ab-
22 duction Convention.

23 (2) TREATMENT OF OBLIGATIONS OF CONVEN-
24 TION COUNTRY.—In those instances in which there
25 is a memorandum of understanding as described in

1 paragraph (1), the obligations of the Convention
2 country under such memorandum shall be consid-
3 ered to be obligations of such country under the
4 Hague Abduction Convention for purposes of this
5 Act.

6 **SEC. 104. NOTIFICATION OF CONGRESSIONAL REPRESENT-**
7 **ATIVES.**

8 (a) NOTIFICATION.—Except as provided in sub-
9 section (b), the Secretary of State shall notify in writing
10 the Member of Congress and Senators representing the
11 legal residence of a left-behind parent when such parent
12 reports an abduction to the Central Authority of the
13 United States.

14 (b) EXCEPTION.—The notification requirement under
15 subsection (a) shall not apply if the left-behind parent
16 does not consent to the notification described in such sub-
17 section.

18 (c) MEMBER OF CONGRESS DEFINED.—In this sec-
19 tion, the term “Member of Congress” means a Represent-
20 ative in, or Delegate or Resident Commissioner to, the
21 Congress.

1 **TITLE II—PRESIDENTIAL**
2 **ACTIONS**

3 **SEC. 201. PRESIDENTIAL ACTIONS IN RESPONSE TO UNRE-**
4 **SOLVED CASES.**

5 (a) RESPONSE TO INTERNATIONAL CHILD ABDUC-
6 TIONS.—

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

9 (A) promote the best interest of children
10 abducted from the United States by estab-
11 lishing legal rights and procedures for their
12 prompt return and by promoting such rights
13 and procedures through actions that ensure the
14 enforcement of reciprocal international obliga-
15 tions; and

16 (B) recognize the international character
17 of the Hague Abduction Convention, and the
18 need for reciprocity pursuant to and the uni-
19 form international interpretation of the Hague
20 Abduction Convention, by promoting the timely
21 resolution of abduction cases and access cases
22 through 1 or more of the actions described in
23 section 205.

24 (2) REQUIREMENT OF PRESIDENTIAL AC-
25 TION.—Whenever the President determines that the

1 government of a foreign country has failed to resolve
2 an unresolved abduction case or unresolved access
3 case, the President shall oppose such failure through
4 one or more of the actions described in subsection
5 (b).

6 (b) PRESIDENTIAL ACTIONS.—

7 (1) IN GENERAL.—Subject to paragraphs (2)
8 and (3), the President, in consultation with the Sec-
9 retary of State, shall, as expeditiously as practicable
10 in response to the failure described in subsection (a)
11 by the government of a foreign country, take 1 or
12 more of the actions described in paragraphs (1)
13 through (17) of section 205(a) (or commensurate ac-
14 tion as provided in section 205(b)) with respect to
15 such country.

16 (2) DEADLINE FOR ACTIONS.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), not later than March 31 of
19 each year, the President shall take 1 or more
20 of the actions described in paragraphs (1)
21 through (17) of section 205(a) (or commensu-
22 rate action as provided in section 205(b)) with
23 respect to each foreign country the government
24 of which has failed to resolve an unresolved ab-

1 duction case or access case that is pending as
2 of such date.

3 (B) EXCEPTION.—In the case of an action
4 under any of paragraphs (10) through (17) of
5 section 205(a) (or commensurate action as pro-
6 vided in section 205(b))—

7 (i) the action may only be taken after
8 the requirements of sections 203 and 204
9 have been satisfied; and

10 (ii) the March 31 deadline to take the
11 action shall not apply.

12 (3) AUTHORITY FOR DELAY OF PRESIDENTIAL
13 ACTIONS.—The President may delay action de-
14 scribed in any of the paragraphs (10) through (17)
15 of section 205(a) (or commensurate action as pro-
16 vided in section 205(b)), as required under para-
17 graph (2), if the President determines and certifies
18 to the appropriate congressional committees that a
19 single, additional period of time, not to exceed 90
20 days, is necessary—

21 (A) for a continuation of negotiations that
22 have been commenced with the country to re-
23 solve the unresolved case; or

1 (B) in anticipation that the case will be re-
2 solved by such country during such 90 day pe-
3 riod.

4 (c) IMPLEMENTATION.—

5 (1) IN GENERAL.—In carrying out subsection
6 (b), the President shall—

7 (A) take 1 or more actions that most ap-
8 propriately respond to the nature and severity
9 of the failure to resolve the unresolved cases;
10 and

11 (B) seek to the fullest extent possible to
12 target action as narrowly as practicable with re-
13 spect to the agencies or instrumentalities of the
14 foreign government that are responsible for
15 such failures.

16 (2) GUIDELINES FOR PRESIDENTIAL AC-
17 TIONS.—In addition to the guidelines under para-
18 graph (1), the President, in determining whether to
19 take 1 or more actions under paragraphs (10)
20 through (17) of section 205(a) (or commensurate ac-
21 tion as provided in section 205(b)), shall seek to
22 minimize any adverse impact on—

23 (A) the population of the country whose
24 government is targeted by the action or actions;
25 and

1 (B) the humanitarian activities of United
2 States and foreign nongovernmental organiza-
3 tions in the country.

4 **SEC. 202. PRESIDENTIAL ACTIONS IN RESPONSE TO PAT-**
5 **TERNS OF NONCOOPERATION IN CASES OF**
6 **INTERNATIONAL CHILD ABDUCTIONS.**

7 (a) RESPONSE TO A PATTERN OF NONCOOPERA-
8 TION.—

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

11 (A) oppose institutional or other systemic
12 failures of foreign governments to fulfill their
13 obligations pursuant to the Hague Abduction
14 Convention or MOU, as applicable, to resolve
15 abduction cases and access cases; and

16 (B) promote reciprocity pursuant to and
17 compliance with the Hague Abduction Conven-
18 tion by Convention countries and compliance
19 with the applicable MOU by MOU countries.

20 (2) REQUIREMENT OF PRESIDENTIAL AC-
21 TION.—Whenever the President determines that the
22 government of a foreign country has engaged in a
23 pattern of noncooperation, the President shall pro-
24 mote the resolution of the unresolved cases through

1 one or more of the actions described in subsection
2 (c).

3 (b) DESIGNATIONS OF COUNTRIES WITH PATTERNS
4 OF NONCOOPERATION IN CASES OF INTERNATIONAL
5 CHILD ABDUCTION.—

6 (1) ANNUAL REVIEW.—

7 (A) IN GENERAL.—Not later than March
8 31 of each year, the President shall review the
9 status of abduction cases and access cases in
10 each foreign country to determine whether the
11 government of such country has engaged in a
12 pattern of noncooperation during the preceding
13 12 months or since the date of the last review
14 of such country under this subparagraph,
15 whichever period is longer. The President shall
16 designate each country the government of which
17 has engaged in a pattern of noncooperation as
18 a Country With a Pattern of Noncooperation.

19 (B) BASIS OF REVIEW.—Each review con-
20 ducted under subparagraph (A) shall be based
21 upon information contained in the latest Annual
22 Report and on any other evidence available.

23 (2) DETERMINATIONS OF RESPONSIBLE PAR-
24 TIES.—For the government of each country des-
25 ignated as a Country With a Pattern of Noncoopera-

1 tion under paragraph (1)(A), the President shall
2 seek to determine the agencies or instrumentalities
3 of such government that are responsible for the pat-
4 tern of noncooperation by such government in order
5 to appropriately target actions under this section in
6 response.

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

13 (A) the designation of the country, signed
14 by the President; and

15 (B) the identification, if any, of responsible
16 agencies or instrumentalities determined under
17 paragraph (2).

18 (c) PRESIDENTIAL ACTIONS WITH RESPECT TO A
19 COUNTRY WITH A PATTERN OF NONCOOPERATION.—

20 (1) IN GENERAL.—Subject to paragraphs (2)
21 and (3) with respect to each Country With a Pattern
22 of Noncooperation designated under subsection
23 (b)(1)(A), the President shall, after the require-
24 ments of sections 203 and 204 have been satisfied,
25 but not later than 90 days (or 180 days in case of

1 a delay under paragraph (2)) after the date of such
2 designation of the country under such subsection,
3 take 1 or more of the actions under paragraphs (10)
4 through (17) of section 205(a) (or commensurate ac-
5 tion as provided in section 205(b)).

6 (2) AUTHORITY FOR DELAY OF PRESIDENTIAL
7 ACTIONS.—If, on or before the date that the Presi-
8 dent is required to take action under paragraph (1),
9 the President determines and certifies to the appro-
10 priate congressional committees that a single, addi-
11 tional period of time not to exceed 90 days is nec-
12 essary—

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

17 (B) for a review of corrective action taken
18 by such country after designation of such coun-
19 try as a Country With a Pattern of Non-
20 cooperation under subsection (b)(1)(A) or in
21 anticipation that corrective action will be taken
22 by such country during such 90-day period,
23 the President shall not be required to take such ac-
24 tion until the expiration of such period of time.

1 (3) EXCEPTION FOR ONGOING PRESIDENTIAL
2 ACTION.—

3 (A) IN GENERAL.—The President shall not
4 be required to take action under paragraph (1)
5 with respect to a Country With a Pattern of
6 Noncooperation if—

7 (i) the President has taken action
8 pursuant to paragraph (1) with respect to
9 such country in a preceding year, such ac-
10 tion is in effect at the time such country
11 is designated as a Country with a Pattern
12 of Noncooperation under subsection
13 (b)(1)(A), and the President submits to
14 the appropriate congressional committees
15 the information described in section 204
16 regarding the actions in effect with respect
17 to such country; or

18 (ii) subject to subparagraph (B), the
19 President determines that such country is
20 subject to multiple, broad-based sanctions
21 imposed in significant part in response to
22 human rights abuses and that such sanc-
23 tions also satisfy the requirements of this
24 subsection.

1 (B) ADDITIONAL REQUIREMENTS.—If the
2 President makes a determination under sub-
3 paragraph (A)(ii)—

4 (i) the report under section 204 and,
5 as applicable, the publication in the Fed-
6 eral Register under section 208, shall
7 specify the specific sanction or sanctions
8 that the President has determined satisfy
9 the requirements of this subsection; and

10 (ii) such sanctions shall remain in ef-
11 fect subject to section 209.

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

19 **SEC. 203. CONSULTATIONS.**

20 (a) DUTY TO CONSULT WITH FOREIGN GOVERN-
21 MENTS.—

22 (1) IN GENERAL.—As soon as practicable after
23 the President makes a determination under section
24 201 in response to failures to resolve unresolved
25 cases and the President decides to take action under

1 paragraphs (10) through (17) of section 205(a) (or
2 commensurate action as provided in section 205(b))
3 with respect to that country, or not later than 90
4 days after the President designates a country as a
5 Country With a Pattern of Noncooperation pursuant
6 to section 201(b)(1)(A), the President shall—

7 (A) request consultation with the govern-
8 ment of such country regarding the failures giv-
9 ing rise to designation of that country as a
10 Country With a Pattern of Noncooperation re-
11 garding the pattern of noncooperation or to ac-
12 tion under section 201; and

13 (B) if agreed to, enter into such consulta-
14 tions with such country, privately or publicly.

15 (2) DUTY TO CONSULT WITH LEFT-BEHIND
16 PARENTS.—The President shall consult with left-be-
17 hind parents who have an abduction case involving
18 a child located in the country referenced in para-
19 graph (1)(A), or designated representatives or rep-
20 resentative groups of such left-behind parents, dur-
21 ing the course of the consultations conducted pursu-
22 ant to paragraph (1) concerning the potential impact
23 of such consultations on the resolution of such cases.

1 **SEC. 204. REPORT TO CONGRESS.**

2 (a) IN GENERAL.—Subject to subsection (b), not
3 later than 90 days after the President makes a determina-
4 tion under section 201 in response to failures to resolve
5 unresolved cases and the President decides to take action
6 under paragraphs (10) through (17) of section 205(a) (or
7 commensurate action as provided in section 205(b)) with
8 respect to that country, or not later than 90 days after
9 the President designates a country as a Country With a
10 Pattern of Noncooperation pursuant to section
11 202(b)(1)(A), the President shall transmit to the appro-
12 priate congressional committees a report on the following:

13 (1) IDENTIFICATION OF PRESIDENTIAL AC-
14 TIONS.—An identification of the action or actions
15 described in section 205(a) (or commensurate action
16 as provided in section 205(b)) to be taken with re-
17 spect to such country.

18 (2) DESCRIPTION OF VIOLATIONS.—A descrip-
19 tion of the failure to resolve an unresolved case or
20 the pattern of noncooperation, as applicable, giving
21 rise to the action or actions to be taken by the
22 President.

23 (3) PURPOSE OF PRESIDENTIAL ACTIONS.—A
24 description of the purpose of the action or actions.

25 (4) EVALUATION.—

1 (A) DESCRIPTION.—An evaluation, in con-
2 sultation with the Secretary of State, the par-
3 ties described in section 203(b), and other par-
4 ties the President determines appropriate, of
5 the anticipated impact of the Presidential ac-
6 tion upon—

7 (i) pending abduction cases in such
8 country;

9 (ii) the government of such country;

10 (iii) the population of such country;

11 (iv) the United States economy;

12 (v) other interested parties; and

13 (vi) if such country is a Convention
14 country or an MOU country, the reciprocal
15 fulfillment of obligations pursuant to such
16 Convention or applicable MOU, as applica-
17 ble.

18 (B) FORM.—The evaluation under sub-
19 paragraph (A) shall be transmitted in unclassi-
20 fied form, but may contain a classified annex if
21 necessary.

22 (5) STATEMENT OF POLICY OPTIONS.—A state-
23 ment that noneconomic policy options designed to
24 resolve the unresolved case or bring about the ces-
25 sation of the pattern of noncooperation have reason-

1 ably been exhausted, including the consultations re-
2 quired in section 203.

3 (b) DELAY IN TRANSMITTAL OF REPORT.—If, on or
4 before the date that the President is required to submit
5 a report under subsection (a) to the appropriate congres-
6 sional committees, the President determines and certifies
7 to such committees that a single, additional period of time
8 not to exceed 90 days is necessary pursuant to section
9 202(c)(2), the President shall not be required to submit
10 the report to such committees until the expiration of such
11 period of time.

12 **SEC. 205. PRESIDENTIAL ACTIONS.**

13 (a) DESCRIPTION OF PRESIDENTIAL ACTIONS.—Ex-
14 cept as provided in subsection (c), the Presidential actions
15 referred to in this subsection are the following:

16 (1) A private demarche.

17 (2) An official public demarche.

18 (3) A public condemnation.

19 (4) A public condemnation within one or more
20 multilateral fora.

21 (5) The delay or cancellation of one or more
22 scientific exchanges.

23 (6) The delay or cancellation of one or more
24 cultural exchanges.

1 (7) The denial of one or more working, official,
2 or state visits.

3 (8) The delay or cancellation of one or more
4 working, official, or state visits.

5 (9) The restriction of the number of visas
6 issued to nationals of such country pursuant to sub-
7 paragraphs (F), (J), or (M) of section 101(a)(15) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(15)).

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

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

24 (12) The withdrawal, limitation, or suspension
25 of United States security assistance in accordance

1 with section 502B of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2304).

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

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

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

1 (A) the Export Administration Act of 1979
2 (as continued in effect under the International
3 Emergency Economic Powers Act);

4 (B) the Arms Export Control Act;

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

6 (D) any other statute that requires the
7 prior review and approval of the United States
8 Government as a condition for the export or re-
9 export of goods or services.

10 (16) Prohibiting any United States financial in-
11 stitution from making loans or providing credits to-
12 taling more than \$10,000,000 in any 12-month pe-
13 riod to such government or to the agency or instru-
14 mentality of such government determined by the
15 President to be responsible for such unresolved case
16 or pattern of noncooperation, as applicable.

17 (17) Prohibiting the United States Government
18 from procuring, or entering into any contract for the
19 procurement of, any goods or services from such
20 government or from the agency or instrumentality of
21 such government determined by the President to be
22 responsible for such unresolved case or pattern of
23 noncooperation, as applicable.

24 (b) COMMENSURATE ACTION.—Except as provided in
25 subsection (c), the President may substitute any other ac-

1 tion authorized by law for any action described in sub-
2 section (a) if such action is commensurate in effect to the
3 action substituted and if such action would further the
4 purposes of this Act as specified in section 2(c). The Presi-
5 dent shall seek to take all appropriate and feasible actions
6 authorized by law to resolve the unresolved case or to ob-
7 tain the cessation of such pattern of noncooperation, as
8 applicable. If commensurate action is taken under this
9 subsection, the President shall transmit to the appropriate
10 congressional committees a report on such action, together
11 with an explanation for taking such action.

12 (c) EXCEPTIONS.—Any action taken pursuant to sub-
13 section (a) or (b) may not prohibit or restrict the provision
14 of medicine, medical equipment or supplies, food, or other
15 life-saving humanitarian assistance.

16 **SEC. 206. EFFECTS ON EXISTING CONTRACTS.**

17 The President shall not be required to apply or main-
18 tain any action under section 205—

19 (1) in the case of procurement of defense arti-
20 cles or defense services—

21 (A) under existing contracts or sub-
22 contracts, including the exercise of options for
23 production quantities, to satisfy requirements
24 essential to the national security of the United
25 States;

1 (B) if the President determines in writing
2 and transmits to the appropriate congressional
3 committees a report that the government or the
4 agency or instrumentality of such government
5 to which such action would otherwise be applied
6 is a sole source supplier of such defense articles
7 or services, that such defense articles or serv-
8 ices are essential, and that alternative sources
9 are not readily or reasonably available; or

10 (C) if the President determines in writing
11 and transmits to the appropriate congressional
12 committees a report that such defense articles
13 or services are essential to the national security
14 of the United States under defense co-produc-
15 tion agreements; or

16 (2) to products or services provided under con-
17 tracts entered into before the date on which the
18 President publishes in the Federal Register notice of
19 such action in accordance with section 208.

20 **SEC. 207. PRESIDENTIAL WAIVER.**

21 (a) IN GENERAL.—Subject to subsection (b), the
22 President may waive the application of any of the actions
23 described in paragraphs (10) through (17) of section
24 205(a) (or commensurate action as provided in section
25 205(b)) with respect to a country, if the President deter-

1 mines and so reports to the appropriate congressional
2 committees that—

3 (1) the government of such country has satis-
4 factorily resolved any abduction cases or access cases
5 giving rise to the application of any of such actions
6 and—

7 (A) if such country is a Convention coun-
8 try, such country has taken measures to ensure
9 future compliance with the provisions of the
10 Hague Abduction Convention;

11 (B) if such country is an MOU country,
12 such country has taken measures to ensure fu-
13 ture compliance with the provisions of the MOU
14 at issue; or

15 (C) if such country was a nonsignatory
16 country at the time the abductions or denials of
17 rights of access resulting in the abduction cases
18 or access cases occurred, such country has be-
19 come a Convention country or an MOU coun-
20 try;

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

23 (3) the important national interest of the
24 United States requires the exercise of such waiver
25 authority.

1 (b) CONGRESSIONAL NOTIFICATION.—Not later than
2 the date of the exercise of a waiver under subsection (a),
3 the President shall notify the appropriate congressional
4 committees of such waiver or the intention to exercise such
5 waiver, together with a detailed justification thereof.

6 **SEC. 208. PUBLICATION IN FEDERAL REGISTER.**

7 (a) IN GENERAL.—Subject to subsection (b), the
8 President shall ensure publication in the Federal Register
9 of the following:

10 (1) DETERMINATIONS OF GOVERNMENTS,
11 AGENCIES, INSTRUMENTALITIES OF COUNTRIES
12 WITH PATTERNS OF NONCOOPERATION.—Any des-
13 ignation of a country that the President has des-
14 ignated as a Country With a Pattern of Noncoopera-
15 tion under section 202(b)(1), together with, when
16 applicable and to the extent practicable, the identi-
17 ties of agencies or instrumentalities determined to be
18 responsible for such pattern of noncooperation.

19 (2) PRESIDENTIAL ACTIONS.—A description of
20 any action under paragraphs (10) through (17) of
21 section 205(a) (or commensurate action as provided
22 in section 205(b)) and the effective date of such ac-
23 tion.

1 (3) DELAYS IN TRANSMITTAL OF PRESI-
2 DENTIAL ACTION REPORTS.—Any delay in trans-
3 mittal of a report required under section 204.

4 (4) WAIVERS.—Any waiver issued under section
5 207.

6 (b) LIMITED DISCLOSURE OF INFORMATION.—The
7 President may limit publication of information under this
8 section in the same manner and to the same extent as
9 the President may limit the publication of findings and
10 determinations described in section 654(e) of the Foreign
11 Assistance Act of 1961 (22 U.S.C. 2414(e)), if the Presi-
12 dent determines that the publication of such informa-
13 tion—

14 (1) would be harmful to the national security of
15 the United States; or

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

17 **SEC. 209. TERMINATION OF PRESIDENTIAL ACTIONS.**

18 Any action taken under this Act or any amendment
19 made by this Act with respect to a foreign country shall
20 terminate on the earlier of the following 2 dates:

21 (1) Not later than two years after the effective
22 date of such action unless expressly reauthorized by
23 law.

24 (2) The date on which the President transmits
25 to Congress a certification containing a determina-

1 tion of the President that the government of such
2 country has resolved any unresolved case or has
3 taken substantial and verifiable steps to correct the
4 pattern of noncooperation at issue, as applicable,
5 that gave rise to such action.

6 **SEC. 210. UNITED STATES ASSISTANCE.**

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

10 (1) in paragraph (2), by striking “and” at the
11 end;

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

14 (3) by adding at the end the following new
15 paragraph:

16 “(4) whether the government has engaged in a
17 pattern of noncooperation regarding abduction cases
18 or access cases, as such terms are defined in the
19 Sean and David Goldman International Child Ab-
20 duction Prevention and Return Act of 2012.”.

21 (b) IMPLEMENTATION OF PROHIBITION ON SECU-
22 RITY ASSISTANCE.—Section 502B(a)(4) of the Foreign
23 Assistance Act of 1961 (22 U.S.C. 2304(a)(4)) is amend-
24 ed—

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 paragraph:

7 “(C) has engaged in a pattern of non-
8 cooperation regarding abduction cases or access
9 cases, as such terms are defined in the Sean
10 and David Goldman International Child Abduc-
11 tion Prevention and Return Act of 2012.”.

12 **SEC. 211. MULTILATERAL ASSISTANCE.**

13 Section 701 of the International Financial Institu-
14 tions Act (22 U.S.C. 262d) is amended—

15 (1) by redesignating the second subsection (g)
16 (as added by Public Law 105–292) as subsection
17 (h); and

18 (2) by adding at the end the following new sub-
19 section:

20 “(i) In determining whether the government of a
21 country engages in a pattern of gross violations of inter-
22 nationally recognized human rights, as described in sub-
23 section (a), the President shall give particular consider-
24 ation to whether such government has engaged in a pat-
25 tern of noncooperation regarding abduction cases or ac-

1 cess cases, as such terms are defined in the Sean and
2 David Goldman International Child Abduction Prevention
3 and Return Act of 2012.”.

4 **SEC. 212. AMENDMENT TO GENERALIZED SYSTEM OF PREF-**
5 **ERENCES ELIGIBILITY FOR GENERALIZED**
6 **SYSTEM OF PREFERENCES.**

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

9 (1) by inserting after subparagraph (H) the fol-
10 lowing new subparagraph:

11 “(I) Such country is a country with a pat-
12 tern of noncooperation regarding abduction
13 cases or access cases, as such terms are defined
14 in the Sean and David Goldman International
15 Child Abduction Prevention and Return Act of
16 2012.”; and

17 (2) in the flush left matter after subparagraph
18 (I) (as added by paragraph (1) of this section)—

19 (A) by striking “and (H)” and inserting
20 “(H)”; and

21 (B) by inserting after “(D))” the following:
22 “and (I)”.

