

## HR 3212

Sean and David Goldman International Child Abduction Prevention and Return Act of 2014

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** International Affairs

**Introduced:** Sep 28, 2013

**Current Status:** Became Public Law No: 113-150.

**Latest Action:** Became Public Law No: 113-150. (Aug 8, 2014)

**Law:** 113-150 (Enacted Aug 8, 2014)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/3212>

### Sponsor

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**Name:** Rep. Smith, Christopher H. [R-NJ-4]

**Party:** Republican • **State:** NJ • **Chamber:** House

Cosponsors (31 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Sep 28, 2013
Rep. Holding, George [R-NC-13]	R · NC		Sep 28, 2013
Rep. Kennedy, Joseph P., III [D-MA-4]	D · MA		Sep 28, 2013
Rep. Lipinski, Daniel [D-IL-3]	D · IL		Sep 28, 2013
Rep. Meadows, Mark [R-NC-11]	R · NC		Sep 28, 2013
Rep. Moran, James P. [D-VA-8]	D · VA		Sep 28, 2013
Rep. Sherman, Brad [D-CA-30]	D · CA		Sep 28, 2013
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Sep 28, 2013
Rep. Moore, Gwen [D-WI-4]	D · WI		Oct 9, 2013
Rep. Pascrell, Bill, Jr. [D-NJ-9]	D · NJ		Oct 9, 2013
Rep. Vargas, Juan [D-CA-51]	D · CA		Oct 9, 2013
Rep. Chabot, Steve [R-OH-1]	R · OH		Oct 15, 2013
Rep. Lowenthal, Alan S. [D-CA-47]	D · CA		Oct 15, 2013
Rep. Poe, Ted [R-TX-2]	R · TX		Oct 15, 2013
Rep. Yoho, Ted S. [R-FL-3]	R · FL		Oct 15, 2013
Rep. Holt, Rush [D-NJ-12]	D · NJ		Oct 23, 2013
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Oct 23, 2013
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Oct 23, 2013
Rep. Takano, Mark [D-CA-41]	D · CA		Oct 23, 2013
Rep. Brown, Corrine [D-FL-5]	D · FL		Oct 30, 2013
Rep. Davis, Susan A. [D-CA-53]	D · CA		Oct 30, 2013
Rep. Marchant, Kenny [R-TX-24]	R · TX		Oct 30, 2013
Rep. Miller, Jeff [R-FL-1]	R · FL		Oct 30, 2013
Rep. Rangel, Charles B. [D-NY-13]	D · NY		Oct 30, 2013
Rep. McGovern, James P. [D-MA-2]	D · MA		Nov 18, 2013
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Nov 18, 2013
Rep. Kinzinger, Adam [R-IL-16]	R · IL		Dec 9, 2013
Rep. Meng, Grace [D-NY-6]	D · NY		Dec 9, 2013
Rep. Radel, Trey [R-FL-19]	R · FL		Dec 9, 2013
Rep. Sanchez, Loretta [D-CA-46]	D · CA		Dec 9, 2013
Rep. Walorski, Jackie [R-IN-2]	R · IN		Dec 9, 2013

Committee Activity

Committee	Chamber	Activity	Date
Foreign Affairs Committee	House	Markup By	Oct 10, 2013
Foreign Relations Committee	Senate	Reported By	Jun 26, 2014

Subjects & Policy Tags

Policy Area:

International Affairs

Related Bills

Bill	Relationship	Last Action
113 S 2509	Related bill	<b>Jun 19, 2014:</b> Read twice and referred to the Committee on Foreign Relations.

**(This measure has not been amended since it was reported to the Senate on June 26, 2014. The summary of that version is repeated here.)**

Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 - (Sec. 2) Expresses the sense of Congress that the United States should set a strong example for other countries under the Hague Convention on the Civil Aspects of International Child Abduction (Convention) in the resolution of cases involving children abducted abroad and brought to the United States.

**Title I: Department of State Actions** - (Sec. 101) Directs the Secretary of State (Secretary) to submit to Congress an Annual Report on International Child Abduction, which shall determine whether each listed country has engaged in a pattern of noncompliance in cases of child abduction during the preceding 12 months.

(Sec. 102) Directs the Secretary to:

- ensure that U.S. diplomatic and consular missions maintain a consistent reporting standard for abduction or access cases, designate at least one official in each mission to assist visiting U.S. parents resolve such cases, and monitor abduction cases; and
- implement strategic plans for engagement with any Convention or non-Convention country in which there are five or more cases of international child abduction.

(Sec. 103) Directs the Secretary to:

- enter into bilateral procedures, including memoranda of understanding, with non-Convention countries that are unlikely to become Convention countries in the foreseeable future, or with Convention countries that have unresolved abduction cases that occurred before the Convention entered into force with respect to the United States or that country; and
- give priority to countries with significant abduction cases.

(Sec. 104) Directs the Secretary to notify the Member of Congress and Senators (or Resident Commissioner or Delegate, as appropriate) representing the legal residence of a left-behind parent when that parent reports an abduction to the Central Authority of the United States and consents to such notification.

**Title II: Actions by the Secretary of State** - (Sec. 201) States that it is U.S. policy to:

- promote the best interest of children abducted from the United States by establishing legal rights and procedures for their prompt return, and ensuring enforcement of reciprocal obligations under the Hague Abduction Convention or under bilateral arrangements;
- promote timely resolution of abduction cases; and
- ensure appropriate federal, state, and local coordination among agencies involved in abduction prevention.

Directs the Secretary, for each abduction or access case relating to a child with a habitual residence in the United States that remains unresolved 12 months after the Central Authority of the United States submits the case to a foreign country, to: (1) determine whether such government has failed to take appropriate steps to resolve the case; and, if so, (2) take one or more actions specified under this Act, and direct the Chief of Mission in such country to address the case with senior government officials.

Authorizes the Secretary to: (1) delay any such action for up to one year to assist in resolving the case, and (2) submit a related report to Congress.

Urges the Secretary, in carrying out activities related to unresolved abductions, to:

- take actions that most appropriately respond to the nature and severity of the governmental failure to resolve the unresolved abduction case;
- initially respond by communicating with the country's Central Authority, and if unsuccessful, target subsequent actions as narrowly as practicable and in ways that respect the country's separation of powers and judicial independence; and
- seek to minimize any adverse impact on the population of the targeted country, the humanitarian activities of the United States and nongovernmental organizations, and U.S. national security interests.

(Sec. 202) States that it is U.S. policy to:

- oppose institutional or other systemic failures of foreign governments to fulfill their obligations pursuant to the Convention or bilateral procedures to resolve abduction and access cases;
- promote reciprocity pursuant to the Convention or bilateral procedures; and
- engage with senior foreign government officials to address patterns of noncompliance.

Directs the Secretary to: (1) review the status of abduction and access cases in each foreign country to determine whether the government has engaged in a pattern of noncompliance during the preceding 12 months, and (2) determine the responsible government agencies or instrumentalities.

Directs the Secretary, with respect to a country with a pattern of noncompliance, to:

- take actions specified under this Act,
- direct the Chief of Mission in the country to address such systemic problems, and
- inform senior government officials of the potential repercussions related to the noncompliant designation.

Declares that the Secretary shall not be required to take such actions for up to 90 days if the Secretary certifies to Congress that the additional period is necessary: (1) to continue negotiations with, or review corrective action taken by, the country; or (2) because the country will take corrective action within such 90-day period.

Directs the Secretary to report to Congress on the specific actions taken against countries determined to have been engaged in a pattern of noncompliance.

Sets forth the following actions to be taken in instances of patterns of noncompliance:

- a demarche (a diplomatic request or intercession with a foreign official or a protest about a government's policy or actions);
- an official public statement detailing unresolved cases;
- a public condemnation;
- a delay or cancellation of one or more bilateral working, official, or state visits;
- the withdrawal, limitation, or suspension of U.S. development or security assistance, or assistance to a central government;
- a formal request to a foreign country to extradite an individual who is engaged in abduction and who has been formally accused of, charged with, or convicted of an extraditable offense; or

other commensurate actions.

States that any such action may not prohibit or restrict the provision of humanitarian assistance.

(Sec. 203) Directs the Secretary to request consultations with the government of a country regarding the situation giving rise to a determination under section 201 or an action under section 202 of this Act.

(Sec. 204) Authorizes the Secretary to waive any section 202 actions if the Secretary certifies to Congress that: (1) the government of such country has resolved the relevant abduction cases, or has ended the pattern of noncompliance; or (2) U.S. national security interests require the waiver.

(Sec. 205) States that any action taken under this Act with respect to a foreign country shall terminate on the date on which the Secretary certifies to Congress that the country's government: (1) has resolved any relevant abduction case, or (2) has taken verifiable steps to correct the pattern of noncompliance that gave rise to such action.

**Title III: Prevention of International Child Abduction** - (Sec. 301) Amends the the Homeland Security Act of 2002 to direct the Secretary of Homeland Security (DHS), through U.S. Customs and Border Protection (CBP), to establish a program that: (1) prevents a child from leaving U.S. territory if the child's parent or legal guardian presents a court order to a CBP officer in time to prevent such departure, and (2) leverages other existing authorities to address the wrongful removal and return of a child.

Directs the Secretary to convene and chair an interagency working group to prevent international parental child abduction.

(Sec. 302) Directs the Secretary to: (1) provide training on the handling of parental abduction cases to the judicial and administrative authorities in countries that have a significant number of unresolved abduction cases or that have been designated as having a pattern of noncompliance, and (2) submit a strategy to Congress for carrying out such activities.

Authorizes FY2015-FY2016 appropriations.

## Actions Timeline

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- **Aug 8, 2014:** Signed by President.
- **Aug 8, 2014:** Became Public Law No: 113-150.
- **Jul 29, 2014:** Presented to President.
- **Jul 25, 2014:** Mr. Smith (NJ) asked unanimous consent to take from the Speaker's table and agree to the Senate amendment. (consideration: CR H6839-6843)
- **Jul 25, 2014:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment Agreed to without objection.(text as House agreed to Senate amendment: CR H6839-6843)
- **Jul 25, 2014:** On motion that the House agree to the Senate amendment Agreed to without objection. (text as House agreed to Senate amendment: CR H6839-6843)
- **Jul 25, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 17, 2014:** Message on Senate action sent to the House.
- **Jul 16, 2014:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.(consideration: CR S4563-4567; text as passed Senate: CR S4563-4567)
- **Jul 16, 2014:** Passed Senate with an amendment by Voice Vote. (consideration: CR S4563-4567; text as passed Senate: CR S4563-4567)
- **Jun 26, 2014:** Committee on Foreign Relations. Reported by Senator Menendez with an amendment in the nature of a substitute. With written report No. 113-204.
- **Jun 26, 2014:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 450.
- **Jun 24, 2014:** Committee on Foreign Relations. Ordered to be reported with an amendment favorably.
- **Dec 17, 2013:** Read twice and referred to the Committee on Foreign Relations.
- **Dec 12, 2013:** Received in the Senate.
- **Dec 11, 2013:** Mr. Royce moved to suspend the rules and pass the bill, as amended.
- **Dec 11, 2013:** Considered under suspension of the rules. (consideration: CR H7642-7650)
- **Dec 11, 2013:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3212.
- **Dec 11, 2013:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Dec 11, 2013:** Considered as unfinished business. (consideration: CR H7668)
- **Dec 11, 2013:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 398 - 0 (Roll no. 635).(text: CR H7642-7646)
- **Dec 11, 2013:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 398 - 0 (Roll no. 635). (text: CR H7642-7646)
- **Oct 10, 2013:** Committee Consideration and Mark-up Session Held.
- **Oct 10, 2013:** Ordered to be Reported (Amended) by Unanimous Consent.
- **Sep 28, 2013:** Introduced in House
- **Sep 28, 2013:** Referred to the House Committee on Foreign Affairs.