

LINDSEY O. GRAHAM, SOUTH CAROLINA, CHAIRMAN

CHARLES E. GRASSLEY, IOWA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JOSHUA D. HAWLEY, MISSOURI
THOM TILLIS, NORTH CAROLINA
JONI ERNST, IOWA
MIKE CRAPO, IDAHO
JOHN KENNEDY, LOUISIANA
MARSHA BLACKBURN, TENNESSEE

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE K. HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
KAMALA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 8, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable Mike Pompeo
Secretary
United States Department of State
Washington, D.C. 20520

Dear Secretary Pompeo:

We write you today *again* regarding the issue of international parental child abductions. As we indicated to you in our correspondence earlier this year, we believe the State Department is consistently failing to use all of its legal tools and authorities to secure the return of American children. This appears to be specifically true in the case of international child abductions to India. We believe our government can, and in fact must, do more to secure the return of American children from India.

As your own 2018 annual report to Congress indicates, we have consistently failed to see progress on the issue of international parental child abductions from the United States to India. That report found there were more than 100 open and active abduction cases in India throughout 2017 and that only seventeen percent were resolved by the end of the year. Your 2018 annual report also found that India consistently fails to adhere to *any protocols* with respect to international parental child abduction and has demonstrated a consistent pattern of noncompliance with the Hague Convention. As a result of the Indian Government's consistent noncompliance and the failure of their central authority to work with the Department of State, more than ninety percent of requests for the return of American children remain unresolved for more than twelve months.

This depth and breadth of India's noncompliance—which has been an issue since at least 2014—is simply unacceptable. Given your own Department's concerns with the Indian Government's consistent noncompliance, we would expect that escalating action would be taken to secure the return of our children. Unfortunately, the only commitment made by your Department in the 2018 annual report was to “continue to encourage India to accede to the Convention and expand public diplomacy activities related to the Convention.” While those words are a nice platitude, to us and the parents of American children abducted to India, they are effectively meaningless.

The Department's unwillingness or inability to take escalating actions in light of the Indian Government's pattern of non-compliance adds to the anguish and frustration of left-behind parents, and the American public. The Department of State can, and should, do more to secure the return of American children from India and the consistent failure to do so violates the very

spirit of the Sean and David Goldman Act. As you know, that bill specifically gave your Department the ability to *escalate* responses in light of a consistent pattern of noncompliance.

Given your Department's multi-year, multi-administration failure to adequately resolve international child abduction cases with the Indian Government, we ask that you provide responses to the following questions by no later than April 14, 2019:

1. What is the status of return applications delivered to the Indian Government starting in December 2015? When was the last batch of return applications delivered and how many cases and children were reported?
2. What steps has the Department of State taken to escalate pending return applications? Have you spoken with the President of the United States or Prime Minister of Indian regarding this issue? If not, why not?
3. What steps will you take beyond mere "engagement" to make progress on pending international child abduction cases to India?
4. What is the status of discussion on a separate bilateral agreement with the Indian Government on the subject of international parental child abductions? When is the next meeting regarding this agreement? What challenges do you see in the successful completion of an agreement?
5. Has the Department updated its India travel advisory to specifically account for the Indian Government's noncompliance on this issue? If the travel advisory has not been updated, why not?
6. Will you, or a senior level political appointee at the Department, commit to personally meeting with representatives from left-behind parents organizations? If, and we hope, the answer is yes, will you schedule this meeting before your next bilateral meeting with representatives of the Indian Government?
7. Will you commit to meeting with both of us and our respective staff to discuss the issue of international parental child abduction generally, and child abductions to India specifically?

We hope that you recognize the seriousness of this issue and our joint commitment to securing the return of every single American child abducted abroad. Thank you for your attention to this matter and your response to our questions. If you have any questions, please do not hesitate to contact either Brad Watts with Senator Tillis at 202-224-6342 or Katharine Clark with Senator Feinstein at 202-224-7703.

Sincerely,


Thom Tillis
United States Senator


Dianne Feinstein
United States Senator