in the community is a stabilizing influence which lends a sense of purpose and direction.''

Mr. Speaker, you can only imagine the indignation when, in the midst of their grief, family and friends found out that the killer of Alicia was allowed burial in a national cemetery with full military honors. This is in spite of a Federal law explicitly forbidding the Department of Veterans Affairs from interring anyone who has committed a capital crime, including those never formally convicted.

At the request of Alicia's family and friends, Senator COATS and I began working on this case to rectify the mistake made by the National Cemeteries Association. The NCA informed us that they lacked the authority to disinter Michael Anderson or the ability to rectify their horrific mistake if something like this should ever happen again.

Mr. Speaker, this is unacceptable. I am outraged not only that the Koehl family has had to endure yet another injustice after Alicia's life was needlessly cut short but also that our brave servicemen and -women who, in some cases, have given the ultimate sacrifice to their Nation are buried next to a murderous criminal.

The legislation before the House today will simply give the Department of Veterans Affairs the ability to reconsider interment of veterans who lost their privilege of interment in our national cemeteries by committing a capital offense. Our Nation's cemeteries shouldn't be tarnished because of a legislative technicality, and the bill before us will close this loophole. Our bravest men and women should be buried next to fellow heroes, and today we can make sure they always are.

So I am proud to be a sponsor of the House version of this bill that garnered the support of all Hoosier Representatives, and I want to thank them for coming together in a bicameral and bipartisan way to get behind this meaningful and important piece of legislation.

I want to encourage all of my colleagues on both sides of the aisle to come together to help give closure to the Koehl family, restore a sense of honor to our national cemeteries, and improve protocol so that an injustice like this will never happen again.

Mr. MICHAUD. Mr. Speaker, today we can take a meaningful step to ensure the sanctity of our national cemeteries. These grounds are hallowed for the men and women who fought selflessly on our behalf.

With that, I encourage my colleagues to support this legislation and yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I, too, encourage our colleagues to join in support of S. 1471.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, S. 1471.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SEAN AND DAVID GOLDMAN INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2013

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3212) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Sean and David Goldman International Child Abduction Prevention and Return Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents for 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 with foreign governments.
Sec. 204. Report to Congress.
Sec. 205. Presidential actions.
Sec. 206. Presidential waiver.
Sec. 207. Publication in Federal Register.
Sec. 208. Termination of Presidential actions.

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

(a) FINDINGS.—Congress finds the following:

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

(2) The Department of State's Office of Children's Issues, which serves as the Central Authority of the United States for the purposes of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, has received thousands of requests since 2007 for assistance in the return to the United States of children who have been abducted by a parent or other legal guardian to another country. For a variety of reasons reflecting the significant obstacles to the recovery of abducted children, as well as the legal and factual complexity involving such cases, not all cases are reported to the Central Authority of the United States.

(3) More than one thousand outgoing international child abductions are reported to the Central Authority of the United States every year.

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

(5) The United States and Convention countries have expressed their desire, through the Hague Abduction Convention, ''to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access.''.

(6) Compliance by the United States and Convention countries depends on the actions of their designated central authorities, the performance of their judiciaries as reflected in the legal process and decisions rendered to enforce or effectuate the Hague Abduction Convention, and the ability and willingness of their law enforcement to insure the swift enforcement of orders rendered pursuant to the Hague Abduction Convention.

(7) According to data compiled by the Central Authority of the United States, approximately 40 percent of abduction cases and access cases involve children taken from the United States to countries with which the United States does not have Hague Abduction Convention obligations or other agreements relating to the resolution of abduction cases and access cases.

(8) According to the Department of State's April 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, ''parental child abduction jeopardizes the child and has substantial long-term consequences for both the child and the left-behind parent.''.

(9) Abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt and fearfulness, and as adults may struggle with identity issues, personal relationships, and parenting.

(10) Left-behind parents may encounter substantial psychological and emotional problems, and few have the extraordinary financial resources necessary to pursue individual civil or criminal remedies in both the United States and a foreign country, even where available, or to engage in repeated foreign travel to attempt to procure the return of their children by evoking diplomatic and humanitarian remedies.

(11) Left-behind parents who are military parents may be unable to leave their military duties to pursue multinational litigation or take leave to attend multiple court proceedings, and foreign authorities may not schedule proceedings to accommodate such duties.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should set a strong example for Convention countries in the timely location and return of abducted

children in the United States whose habitual residence is not the United States.

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

(1) protect children whose habitual residence is the United States from the harmful effects of abduction and to assist left-behind parents to have access to their abducted child in a safe and predictable manner, wherever the child is located, while an abduction case is pending;

(2) provide left-behind parents, including military parents, their advocates, and judges the information they need to enhance the resolution of abduction cases and access cases through established legal procedures, risk assessment tools, and the practical means for overcoming obstacles to recovering an abducted child;

(3) establish measured, effective, and predictable actions to be undertaken by the President on behalf of abducted children whose habitual residence is the United States at the time of the abduction;

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

(5) provide the necessary training for officials of the United States Armed Forces and the Department of Defense to establish policies and provide services to military parents that address the unique circumstances of abductions and violations of rights of access that may occur with regard to military dependent children; and

(6) encourage the effective implementation of international mechanisms, particularly those established pursuant to the Hague Abduction Convention, to achieve reciprocity in the resolution of abductions and to protect children from the harmful effects of an abduction.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABDUCTED CHILD.—The term ''abducted child'' means a child who is the victim of an abduction.

(2) ABDUCTION.—The term ''abduction'' means—

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

(B) the alleged wrongful retention of a child outside the child's country of habitual residence; or

(C) the alleged wrongful removal or retention of a military dependent child from the exercise of rights of custody of a military parent.

(3) ABDUCTION CASE.—The term ''abduction case'' means a case involving an application filed with the Central Authority of the United States by a left-behind parent for the resolution of an abduction.

(4) ACCESS CASE.—The term ''access case'' means a case involving an application filed with the Central Authority of the United States by a left-behind parent for the establishment of rights of access.

(5) ANNUAL REPORT.—The term ''Annual Report'' means the Annual Report on International Child Abduction required under section 101.

(6) APPLICATION.—The term ''application'' means—

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

(B) in the case of an MOU country, the formal document required pursuant to the provisions of the applicable MOU to request the return of an abducted child or to request rights of access, as applicable; and

(C) in the case of a nonparty country, the formal request by the Central Authority of the United States to the Central Authority of such country requesting the return of an abducted child or for rights of access to an abducted child.

(7) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(8) CENTRAL AUTHORITY.—The term ''Central Authority'' means—

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

(B) in the case of an MOU country, the official entity designated by the government of the MOU country within the applicable MOU pursuant to section 103(b)(1) to discharge the duties imposed on the entity in such MOU; and

(C) in the case of a nonparty country, the foreign ministry of such country.

(9) CHILD.—The term ''child'' means an individual who has not attained the age of 16.

(10) CONVENTION COUNTRY.—The term ''Convention country'' means a country other than the United States that has ratified, acceded, or succeeded to the Hague Abduction Convention and with respect to which the United States has entered into a reciprocal agreement pursuant to the Hague Abduction Convention.

(11) HAGUE ABDUCTION CONVENTION.—The term ''Hague Abduction Convention'' means the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

(12) LEFT-BEHIND PARENT.—The term ''left-behind parent'' means an individual or entity, either individually or jointly, who alleges that an abduction has occurred that is in breach of rights of custody—

(A) attributed to such individual or entity, as applicable; and

(B) exercised at the time of the abduction or that would have been exercised but for the abduction.

(13) LEGAL RESIDENCE.—The term ''legal residence'' means the congressional district and State in which an individual either is residing, or if an individual is residing temporarily outside the United States, the congressional district and State to which the individual intends to return.

(14) MILITARY DEPENDENT CHILD.—The term ''military dependent child'' means a child whose habitual residence is the United States according to United States law even though the child is residing outside the United States with a military parent.

(15) MILITARY PARENT.—The term ''military parent'' means an individual who has rights of custody over a child and who is serving outside the United States as a member of the United States Armed Forces.

(16) MOU.—The term ''MOU'' means a memorandum of understanding between the United States and a country that is not a Convention country to resolve abduction cases and access cases.

(17) MOU COUNTRY.—The term ''MOU country'' means a country with respect to which the United States has entered into an MOU.

(18) NONPARTY COUNTRY.—The term ''nonparty country'' means a country that is neither a Convention country nor an MOU country.

(19) PATTERN OF NONCOOPERATION.—

(A) IN GENERAL.—The term ''pattern of noncooperation'' means the persistent failure—

(i) of a Convention country to implement and abide by the provisions of the Hague Abduction Convention; and

(ii) of an MOU country to implement and abide by the provisions of the applicable MOU.

(B) CRITERIA.—Such persistent failure may be evidenced by one or more of the following criteria:

(i) The existence of 10 or more unresolved abduction cases.

(ii) The failure of the Central Authority of the country to fulfill its responsibilities pursuant to the Hague Abduction Convention or the MOU, as applicable.

(iii) The failure of the judicial or administrative branch, as applicable, of the national government of the country to implement and comply with the provisions of the Hague Abduction Convention or the MOU, as applicable.

(iv) The failure of law enforcement to locate abducted children or to enforce return orders or determinations of rights of access rendered by the judicial or administrative authorities of the national government of the country in abduction cases or access cases.

(20) RIGHTS OF ACCESS.—The term ''rights of access'' means the rights of contact between a child and a left-behind parent provided as a provisional measure while an abduction case is pending, by operation of law or by reason of judicial or administrative determination or by agreement having legal effect, under the law of the country in which the child is located.

(21) RIGHTS OF CUSTODY.—The term ''rights of custody'' means rights of care and custody of an abducted child, including the right to determine the place of residence of an abducted child—

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

(B) arising by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect,

under the law of the country in which the child was an habitual resident immediately before the abduction.

(22) UNRESOLVED ABDUCTION CASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''unresolved abduction case'' means an abduction case that remains unresolved for a period that exceeds 180 days after the date on which the completed application for return of the child is submitted for determination to the judicial or administrative authority, as applicable, in the country in which the child is located.

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

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

(ii) the judicial or administrative branch, as applicable, of the national government of the country in which the child is located has implemented and is complying with the provisions of the Hague Abduction Convention or the MOU, as applicable, and a final determination is made by such judicial or administrative branch that the child will not be returned to the country of habitual residence; or

(iii) the child attains the age of 16.

TITLE I—DEPARTMENT OF STATE ACTIONS

SEC. 101. ANNUAL REPORT.

(a) IN GENERAL.—Not later than March 31 of each year, the Secretary of State shall submit to the appropriate congressional committees an Annual Report on International Child Abduction.

(b) CONTENTS.—Each Annual Report shall include the following:

(1) A list of all countries with respect to which there were one or more abduction cases during the preceding year that identifies whether each such country is a Convention country, an MOU country, or a nonparty country.

(2) For each country with respect to which there were 5 or more abduction cases during the preceding year:

(A) The number of abduction cases and the number of access cases, respectively, reported during the preceding year.

(B) The number of abduction cases and the number of access cases, respectively, that are pending as of March 1 of the year in which such Annual Report is submitted.

(C)(i) For Convention and MOU countries, the number of abduction cases and the number of access cases, respectively, that were pending at any point for more than 180 days after the date on which the Central Authority of the United States transmitted the complete application for each such case to the Central Authority of such country, and were not submitted by the Central Authority to the judicial or administrative authority, as applicable, of such country within the 180-day period.

(ii) The reason for the delay in submission of each case identified in clause (i) by the Central Authority of such country to the judicial or administrative authority.

(D) The number of unresolved abduction cases, and the length of time each case has been pending.

(E) The number of unresolved abduction cases in which a completed application has been filed and law enforcement has failed to locate the abducted child or to enforce a return order rendered by the judicial or administrative authorities of such country.

(F) The median time required for resolution of abduction cases during the preceding year, to be measured from the date on which the application with respect to the abduction case is transmitted by the Central Authority of the United States to the Central Authority of such country to the date on which the abduction case is resolved.

(G) The total number and the percentage of the total number of abduction cases and access cases, respectively, resolved during the preceding year.

(H) Detailed information about each unresolved abduction case described in subparagraph (E) and on actions taken by the Department of State to resolve such case, including the specific actions taken by the United States chief of mission in such country.

(I) Recommendations to improve resolution of abduction cases and access cases.

(3) The number of abducted children from the United States who were returned to the United States from Convention countries, MOU countries, and nonparty countries, respectively.

(4) A list of Convention countries and MOU countries that have failed to comply with any of their obligations under the Hague Abduction Convention or the MOU, as applicable, with respect to the resolution of abduction cases and access cases.

(5) A list of countries demonstrating a pattern of noncooperation, and a summary of the criteria on which the determination of a pattern of noncooperation for each country is based.

(6)(A) Information on efforts by the Secretary of State to encourage other countries to become signatories to the Hague Abduction Convention or to enter into an MOU.

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

(7) A description of the efforts of the Secretary of State to encourage Convention countries and MOU countries to facilitate the work of nongovernmental organizations within their respective countries that assist left-behind parents.

(8) The number of cases which were successfully resolved without abducted children being returned to the United States from Convention countries, MOU countries, and nonparty countries, respectively.

(c) EXCEPTION.—The Annual Report shall not include—

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

(2) information that may identify a party involved in an abduction case or access case unless the party stipulates in writing to the Central Authority of the United States that such information may be included in the Annual Report.

(d) ADDITIONAL THEMATIC SECTIONS.—Each Annual Report shall also include—

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

(2) information on the use of airlines in abductions, voluntary airline practices to prevent abductions, and recommendations for best airline practices to prevent abductions;

(3) information on actions taken by the Central Authority of the United States to train domestic judges in application of the Hague Abduction Convention; and

(4) information on actions taken by the Central Authority of the United States to train United States Armed Forces legal assistance personnel, military chaplains, and military family support center personnel about abductions, the risk of loss of access to children, and the legal frameworks available to resolve such cases.

(e) REPEAL OF THE HAGUE CONVENTION COMPLIANCE REPORT.—Section 2803 of the Foreign Affairs Reform and Restructuring Act of 1998 (42 U.S.C. 11611) is repealed.

SEC. 102. STANDARDS AND ASSISTANCE.

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

(1) maintain a consistent reporting standard with respect to abduction cases and access cases involving abducted children in the country in which such mission is located for purposes of the Annual Report;

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

(3) monitor developments in cases involving abducted children in the country in which such mission is located.

SEC. 103. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—The Secretary of State should seek to enter into an MOU with every country that is not a Convention country and is unlikely to become a Convention country in the forseeable future, that includes—

(1) identification of the Central Authority;

(2) a protocol to identify, locate, and effectuate the return of an abducted child identified in an abduction case not later than 6 weeks after the application with respect to the abduction case has been submitted to the judicial or administrative authority, as applicable, of the country in which the abducted child is located;

(3) a protocol for the establishment and protection of the rights of access;

(4) identification of the judicial or administrative authority that will promptly adjudicate abduction cases and access cases;

(5) identification of a law enforcement agency and available law enforcement mechanisms and procedures to ensure the immediate enforcement of an order issued by the authority identified pursuant to paragraph (4) to return an abducted child to a left-behind parent, including by—

(A) conducting an investigation to ascertain the location of the abducted child;

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

(C) retrieving the abducted child and making the appropriate arrangements for such child to be returned to the country of habitual residence;

(6) a protocol to establish periodic visits between a United States embassy or consular official and an abducted child to allow the official to ascertain the child's location and welfare; and

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

(b) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to prohibit the United States from proposing and entering into a memorandum of understanding with a Convention country to further clarify the reciprocal obligations of the United States and the Convention country under the Hague Abduction Convention.

(2) TREATMENT OF OBLIGATIONS OF CONVENTION COUNTRY.—In those instances in which there is a memorandum of understanding as described in paragraph (1), the obligations of the Convention country under such memorandum shall be considered to be obligations of such country under the Hague Abduction Convention for purposes of this Act.

SEC. 104. NOTIFICATION OF CONGRESSIONAL REPRESENTATIVES.

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

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

(c) TIMING.—At the request of any person who is a left-behind parent, including a left-behind parent who previously reported an abduction to the Central Authority of the United States before the date of the enactment of this Act, notification of a Member of Congress, in accordance with subsections (a) and (b), shall be provided as soon as is practicable.

(d) MEMBER OF CONGRESS DEFINED.—In this section, the term ''Member of Congress'' means a Representative in, or Delegate or Resident Commissioner to, the Congress.

TITLE II—PRESIDENTIAL ACTIONS

SEC. 201. PRESIDENTIAL ACTIONS IN RESPONSE TO UNRESOLVED CASES.

(a) RESPONSE TO INTERNATIONAL CHILD ABDUCTIONS.—

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

(A) promote the best interest of children abducted from the United States by establishing legal rights and procedures for their prompt return and by promoting such rights and procedures through actions that ensure the enforcement of reciprocal international obligations; and

(B) recognize the international character of the Hague Abduction Convention, and the need for reciprocity pursuant to and the uniform international interpretation of the Hague Abduction Convention, by promoting the timely resolution of abduction cases through one or more of the actions described in section 205.

(2) REQUIREMENT OF PRESIDENTIAL ACTION.—Whenever the President determines that the government of a foreign country has failed to resolve an unresolved abduction case, the President shall oppose such failure through one or more of the actions described in subsection (b).

(b) PRESIDENTIAL ACTIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the President, in consultation with

the Secretary of State, shall, as expeditiously as practicable in response to the failure described in subsection (a) by the government of a foreign country, take one or more of the actions described in paragraphs (1) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to such country.

(2) DEADLINE FOR ACTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than March 31 of each year, the President shall take one or more of the actions described in paragraphs (1) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to each foreign country the government of which has failed to resolve an unresolved abduction case that is pending as of such date.

(B) EXCEPTION.—In the case of an action under any of paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b))—

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

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

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.—The President may delay action described in any of the paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)), as required under paragraph (2), if the President determines and certifies to the appropriate congressional committees that an additional, specified period of time is necessary for a continuation of negotiations that have been commenced with the country to resolve the unresolved case.

(c) IMPLEMENTATION.—

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

(A) take one or more actions that most appropriately respond to the nature and severity of the failure to resolve the unresolved abduction cases; and

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agencies or instrumentalities of the foreign government that are responsible for such failures, in ways that respect the separation of powers and independence of the judiciary in foreign countries.

(2) GUIDELINES FOR PRESIDENTIAL ACTIONS.—In addition to the guidelines under paragraph (1), the President, in determining whether to take one or more actions under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)), shall seek to minimize any adverse impact on—

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

(B) the humanitarian activities of United States and foreign nongovernmental organizations in the country.

SEC. 202. PRESIDENTIAL ACTIONS IN RESPONSE TO PATTERNS OF NONCOOPERATION IN CASES OF INTERNATIONAL CHILD ABDUCTIONS.

(a) RESPONSE TO A PATTERN OF NONCOOPERATION.—

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

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

(B) promote reciprocity pursuant to and compliance with the Hague Abduction Convention by Convention countries and compliance with the applicable MOU by MOU countries.

(2) REQUIREMENT OF PRESIDENTIAL ACTION.—Whenever the President determines that the government of a foreign country has engaged in a pattern of noncooperation, the President shall promote the resolution of the unresolved abduction cases through one or more of the actions described in subsection (c).

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

(1) ANNUAL REVIEW.—

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

(B) BASIS OF REVIEW.—Each review conducted under subparagraph (A) shall be based upon information contained in the latest Annual Report and on any other evidence available.

(2) DETERMINATIONS OF RESPONSIBLE PARTIES.—For the government of each country designated as a Country With a Pattern of Noncooperation under paragraph (1)(A), the President shall seek to determine the agencies or instrumentalities of such government that are responsible for the pattern of noncooperation by such government in order to appropriately target actions under this section in response.

(3) CONGRESSIONAL NOTIFICATION.—Whenever the President designates a country as a Country With a Pattern of Noncooperation under paragraph (1)(A), the President shall, as soon as practicable after such designation is made, transmit to the appropriate congressional committees—

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

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

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

(1) IN GENERAL.—Subject to paragraphs (2) and (3) with respect to each Country With a Pattern of Noncooperation designated under subsection (b)(1)(A), the President shall, after the requirements of sections 203 and 204 have been satisfied, but not later than 90 days (or 180 days in case of a delay under paragraph (2)) after the date of such designation of the country under such subsection, take one or more of the actions under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)).

(2) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.—If, on or before the date that the President is required to take action under paragraph (1), the President determines and certifies to the appropriate congressional committees that a single, additional period of time not to exceed 90 days is necessary—

(A) for a continuation of negotiations that have been commenced with the government of a country described in such paragraph to bring about a cessation of the pattern of noncooperation by such country, or

(B) for a review of corrective action taken by such country after designation of such country as a Country With a Pattern of Noncooperation under subsection (b)(1)(A) or in anticipation that corrective action will be taken by such country during such 90-day period,

the President shall not be required to take such action until the expiration of such period of time.

(3) EXCEPTION FOR ONGOING PRESIDENTIAL ACTION.—

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

(i) the President has taken action pursuant to paragraph (1) with respect to such country in a preceding year, such action is in effect at the time such country is designated as a Country with a Pattern of Noncooperation under subsection (b)(1)(A), and the President submits to the appropriate congressional committees the information described in section 204 regarding the actions in effect with respect to such country; or

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

(B) ADDITIONAL REQUIREMENTS.—If the President makes a determination under subparagraph (A)(ii)—

(i) the report under section 204 and, as applicable, the publication in the Federal Register under section 208, shall specify the specific sanction or sanctions that the President has determined satisfy the requirements of this subsection; and

(ii) such sanctions shall remain in effect subject to section 209.

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

SEC. 203. CONSULTATIONS WITH FOREIGN GOVERNMENTS.

As soon as practicable after the President makes a determination under section 201 in response to failures to resolve unresolved abduction cases and the President decides to take action under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to that country, or not later than 90 days after the President designates a country as a country with a pattern of noncooperation pursuant to section 202(b)(1)(a), the President shall—

(1) request consultation with the government of such country regarding the failures giving rise to designation of that country as a Country With a Pattern of Noncooperation regarding the pattern of noncooperation or to action under section 201; and

(2) if agreed to, enter into such consultations with such country, privately or publicly.

SEC. 204. REPORT TO CONGRESS.

(a) IN GENERAL.—Subject to subsection (b), not later than 90 days after the President makes a determination under section 201 in response to failures to resolve unresolved abduction cases and the President decides to take action under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to that country, or not later than 90 days after the President designates a country as a Country With a Pattern of Noncooperation pursuant to section 202(b)(1)(A), the President shall transmit to the appropriate congressional committees a report on the following:

(1) IDENTIFICATION OF PRESIDENTIAL ACTIONS.—An identification of the action or actions described in section 205(a) (or commensurate action as provided in section 205(b)) to be taken with respect to such country.

(2) DESCRIPTION OF VIOLATIONS.—A description of the failure to resolve an unresolved case or the pattern of noncooperation, as applicable, giving rise to the action or actions to be taken by the President.

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

(4) EVALUATION.—

(A) DESCRIPTION.—An evaluation, in consultation with the Secretary of State, the parties described in section 203(b), and other parties the President determines appropriate, of the anticipated impact of the Presidential action upon—

(i) pending abduction cases in such country;

(ii) the government of such country;

(iii) the population of such country;

(iv) the United States economy;

(v) other interested parties; and

(vi) if such country is a Convention country or an MOU country, the reciprocal fulfillment of obligations pursuant to such Convention or applicable MOU, as applicable.

(B) FORM.—The evaluation under subparagraph (A) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(5) STATEMENT OF POLICY OPTIONS.—A statement that noneconomic policy options designed to resolve the unresolved case or bring about the cessation of the pattern of noncooperation have reasonably been exhausted, including the consultations required in section 203.

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

SEC. 205. PRESIDENTIAL ACTIONS.

(a) DESCRIPTION OF PRESIDENTIAL ACTIONS.—Except as provided in subsection (c), the Presidential actions referred to in this subsection are the following:

(1) A private demarche.

(2) An official public demarche.

(3) A public condemnation.

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

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

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

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

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

(9) A formal request to the foreign country concerned to extradite an individual who is engaged in abduction and who has been formally accused of, charged with, or convicted of an extraditable offense.

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

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

(12) The withdrawal, limitation, or suspension of assistance to the central government of a country pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund).

(13) Ordering the heads of the appropriate United States agencies not to issue any (or a specified number of) specific licenses, and not to grant any other specific authority (or a specified number of authorities), to export any goods or technology to such government or to the agency or instrumentality of such government determined by the President to be responsible for such unresolved case or pattern of noncooperation, as applicable, under—

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

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

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

(b) COMMENSURATE ACTION.—Except as provided in subsection (c), the President may substitute any other action authorized by law for any action described in subsection (a) if such action is commensurate in effect to the action substituted and if such action would further the purposes of this Act as specified in section 2(c). The President shall seek to take all appropriate and feasible actions authorized by law to resolve the unresolved case or to obtain the cessation of such pattern of noncooperation, as applicable. If commensurate action is taken under this subsection, the President shall transmit to the appropriate congressional committees a report on such action, together with an explanation for taking such action.

(c) EXCEPTIONS.—

(1) HUMANITARIAN EXCEPTION.—Any action taken pursuant to subsection (a) or (b) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other life-saving humanitarian assistance.

(2) DEFENSE AND NATIONAL SECURITY EXCEPTION.—The President shall not be required to apply or maintain any action under section 205—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities, to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing and transmits to the appropriate congressional committees a report that the government or the agency or instrumentality of such government to which such action would otherwise be applied is a sole source supplier of such defense articles or services, that such defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing and transmits to the appropriate congressional committees a report that such defense articles or services are essential to the national security of the United States under defense co-production agreements; or

(B) to products or services provided under contracts entered into before the date on which the President publishes in the Federal Register notice of such action in accordance with section 208.

SEC. 206. PRESIDENTIAL WAIVER.

(a) IN GENERAL.—Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) with respect to a country, if the President determines and so reports to the appropriate congressional committees that—

(1) the government of such country has satisfactorily resolved any abduction case giving rise to the application of any of such actions and—

(A) if such country is a Convention country, such country has taken measures to ensure future compliance with the provisions of the Hague Abduction Convention;

(B) if such country is an MOU country, such country has taken measures to ensure future compliance with the provisions of the MOU at issue; or

(C) if such country was a nonparty country at the time the abductions or denials of rights of access resulting in the abduction cases or access cases occurred, such country has become a Convention country or an MOU country;

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

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

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

SEC. 207. PUBLICATION IN FEDERAL REGISTER.

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

(1) DETERMINATIONS OF GOVERNMENTS, AGENCIES, INSTRUMENTALITIES OF COUNTRIES WITH PATTERNS OF NONCOOPERATION.—Any designation of a country that the President has designated as a Country With a Pattern of Noncooperation under section 202(b)(1)(A), together with, when applicable and to the extent practicable, the identities of agencies or instrumentalities determined to be responsible for such pattern of noncooperation.

(2) PRESIDENTIAL ACTIONS.—A description of any action under paragraphs (10) through (13) of section 205(a) (or commensurate action as provided in section 205(b)) and the effective date of such action.

(3) DELAYS IN TRANSMITTAL OF PRESIDENTIAL ACTION REPORTS.—Any delay in transmittal of a report required under section 204.

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

(b) LIMITED DISCLOSURE OF INFORMATION.—The President may limit publication of information under this section in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 654(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the President determines that the publication of such information—

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

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

SEC. 208. TERMINATION OF PRESIDENTIAL ACTIONS.

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

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

(2) The date on which the President transmits to Congress a certification containing a determination of the President that the government of such country has resolved any unresolved abduction case or has taken substantial and verifiable steps to correct the pattern of noncooperation at issue, as applicable, that gave rise to such action.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ROYCE) and the gentleman from Illinois (Mr. SCHNEIDER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every year more than 1,000 American families are confronted with the nightmare of their child being abducted to a foreign country by one parent in violation of legal custody and access rights, beyond the reach of U.S. courts, beyond the court of law enforcement. This illegal break in the tie between the child and the left-behind American mother or father is a tragedy, and many of us personally have constituents facing these wrenching separations in the family.

More than 30 years ago, the Hague Convention on the Civil Aspects of International Child Abduction was created to provide a simplified mechanism for returning children to their countries of habitual residence so that parental rights are determined by applicable laws rather than by the act of abduction of that child.

Today, the United States has agreements with more than 75 Hague partner countries, and that has helped to return many American children safely home. But unfortunately, agreeing to the Hague Convention and complying with it are not the same thing, and countries sometimes do not abide by their obligations under the Hague Convention. In those countries, there is a heightened risk that a child could be kept there with impunity. American parents need to know about this situation; and they need to know especially, before planning or permitting travel to such destinations, that this, in fact, could happen.

This bill will strengthen the incentives and the tools that the Department of State has to address these unresolved abduction cases. It will also require the United States to identify and take action concerning countries that demonstrate a pattern of noncompliance with the obligations to return American children; and its enhanced annual reporting will provide American parents and judges with a clearer picture of actual Hague compliance and the risks of nonreturn associated with travel to certain countries.

I want to thank the gentleman from New Jersey (Mr. SMITH) for his tireless work on behalf of left-behind American parents over the last several years. His efforts have kept hope alive for hundreds of other American parents who only want to be reunited with their children.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHNEIDER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3212, the Sean and David Goldman International Child Abduction Prevention and Return Act. I would like to begin by thanking my colleague on the Foreign Affairs Committee, the gentleman from New Jersey (Mr. SMITH), for his dedicated and tireless efforts on this critical issue, making a difference for families.

There are few crimes more heartwrenching than child abduction. As a parent myself, I can't imagine the anguish a mother or father goes through when their child is abducted by their partner and taken to another country. These left-behind parents currently have little leverage to have their children returned home. They are often at the mercy of foreign courts with different cultural conceptions of custody and what is or is not in the child's best interest.

Unfortunately, there is an increasing number of international parental child abductions. The State Department reported that in 2012 there were 1,144 children abducted from a parent in the United States and taken abroad.

□ 1300

The most effective tool the United States has to help return abducted children is the 1980 Hague Convention on the Civil Aspects of International Child Abduction. This treaty creates a global standard and requires signatories to return abducted children to the country of the child's habitual residence for a custody hearing.

Regrettably, there are significant gaps in the Hague treaty framework. The treaty has no enforcement mechanism, and 40 percent of abducted children are taken to non-Hague-compliant countries. This leaves far too many parents with no viable options. The purpose of this legislation before us today is to fill those gaps—providing pained parents with the appropriate tools to bring their children home.

Specifically, H.R. 3212 encourages the State Department to enter into MOUs with countries to bring them in line with accepted standards and return these children home. In addition, this bill gives the President the power to sanction countries that demonstrate persistent failure in returning abducted children. The legislation will also help us monitor progress in achieving greater compliance worldwide with the Hague standards by requiring reports on child abduction cases and on U.S. Government efforts to encourage their compliance.

Sadly, international parental child abduction is an underreported and often overlooked crime which dramatically and traumatically impacts the lives of the children and the parents involved. We need to send a message to the world that we take Hague compliance in returning abducted children back to the United States seriously. This bill represents an important step forward in empowering the President and the State Department to enforce the Hague Convention and to bring more countries in line with its standards.

Mr. Speaker, I encourage all of my colleagues to support this important legislation, and I reserve the balance of my time

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the chairman of the Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations.

Mr. SMITH of New Jersey. Thank you, Chairman ROYCE, for your total support of this legislation and the initiative behind it. You have been a great friend of all of the left-behind parents and abducted children. I want to thank you very sincerely, and I also thank ELIOT ENGEL, our ranking member.

At a time when there are very few bipartisan initiatives, you, as leader of our committee, have ensured that the committee is a bipartisan committee where we work on a global basis for all people on human rights and humanitarian issues. It really has made a difference. Thank you for your support in getting this legislation here today. I appreciate that very much.

Mr. Speaker, David Goldman spent over 5 agonizing years trying to legally rescue his son, Sean, from an abduction to Brazil, which is a signatory nation, like the United States, to the Hague Abduction Convention.

Despite Mr. Goldman's airtight case that demonstrated an egregious example of both child abduction and wrongful retention, the Hague treaty was unavailing, and the outcomes in the Brazilian courts largely proved infuriating, infirm, and ineffective.

David Goldman had extraordinary legal counsel both in Brazil and in the United States. Patricia Apy, his American attorney, is a world-class expert in child abduction cases. He waged his case by the book and won judgments in the New Jersey courts. Yet both Sean and David were made to suffer emotional pain for over half a decade as one delaying ploy after another was employed by the abducting parties. In the end, Mr. Speaker, because of the father's abiding love for his son and an indomitable will, the Goldmans today are united and happy.

But the Goldmans are an exception in an ever worsening injustice that harms thousands of American children and many more kids worldwide. Most cases of parental abduction and wrongful retention have a bad ending. The child or children never return, and the left-behind parent often never sees them again. Even if left-behind parents are allowed access, the conditions are tightly supervised and of excruciatingly short duration.

Over the years, I have had the privilege of meeting many absolutely amazing, dedicated, yet heartbroken left-behind parents. Some of them are here today in this Chamber, Mr. Speaker, up in the gallery, as they wage an effort on behalf of their abducted children. Out of deep love and a commitment to justice, they, too, like David Goldman, adamantly refuse to quit.

Tragically, Mr. Speaker, their stories are often eerily the same. In the beginning days and weeks post-abduction, they thought the Hague treaty, their government, and the rule of law would ensure a swift, just, and durable remedy. As the months and then years go by, however, the journey of the left-behind parent is filled with unbearable pain. The heartache they endure is severely compounded by the fact that child abductions and wrongful retentions significantly harm children in many ways, especially psychologically.

Mr. Speaker, more than 1,000 international child abductions are reported to the State Department's Office of Children's Issues, also known as Central Authority of the United States, each and every year. That is just those that are reported. There are many that are not. Between 2008 and 2012, 7,000 American children were abducted, according to the Department of State.

According to the State Department as well, only about half of those children abducted from the U.S. to countries with which this country has reciprocal obligations under the Hague Convention are ever returned. In other words, the other half are not. And when there is no treaty obligation, less than 40 percent of abduction and access cases are resolved. It is an awful record that Congress today can help change.

The purpose of H.R. 3212, as amended, the Sean and David Goldman International Child Abduction Prevention Act of 2013, is to protect children from the harmful effects of abduction and wrongful retention and to assist left-behind parents to not only have access to their children, but to significantly enhance the prospects of resolution.

My biggest policy takeaway from working on the Goldman case, Mr. Speaker, was the absence of incentives for nations to prioritize resolving parental abduction cases and the complete lack of penalty for callous governmental indifference or complicity.

The Goldman Act is based on two human rights laws: the Trafficking Victims Protection Act, or TVPA, which I authored in 2000, and the International Religious Freedom Act, or IRFA, which was authored by our distinguished colleague, FRANK WOLF.

The Goldman legislation seeks to hold countries to account by meticulously monitoring their performance in adjudicating parental child abduction and wrongful retention. After a vigorous analysis, if a country at its administrative, judicial, or law enforcement levels demonstrates what we call a pattern of noncooperation, that is to say, persistent failure to fulfill its Hague Abduction Convention responsibilities, or failure of a non-Hague nation to abide by a memorandum of understanding with the United States, the President is empowered to take any number of escalating Presidential actions against that nation.

Again, patterned after both the TVPA and IRFA, the message to all nations and all past, present, and future abductors is that the United States is very serious about preventing or resolving child abduction cases. In order to ensure that the administration has maximum flexibility in advancing solutions, the President is given generous waiver authorities.

The bill also encourages the Secretary of State to seek opportunities to enter into an MOU with non-Hague Convention countries—and, obviously those that are not non-Hague can also become a part of it even when they do become one—and to establish protocols to identify, locate, and effectuate the return of an abducted child as well as access issues.

Finally, in order to ensure more robust accountability and the potential of successful interventions, the bill significantly beefs up reporting.

Finally, let me just say also, Mr. Speaker, the bill has been endorsed by the National Center for Missing and Exploited Children. I will include in the RECORD a letter from that very august organization in support.

I have a letter from Robert Wallace, the executive director of the VFW, who has also endorsed the bill and made it very clear their concern, which is reflected in the text of the bill, about our servicemembers deployed abroad who find themselves in the unbelievably horrific position of having a child abducted while they are deployed and then not only not having access to but certainly not getting their children back.

And there are a number of cases. I have had four hearings so far where they have testified. In the case of Commander Toland, who was stationed in Japan, his daughter was abducted by his now-deceased wife, and he has not had access to his daughter in a decade, Mr. Speaker. She is now 11, and he has desperately, through the rule of law and by using the process, tried to have access to and to reclaim his precious daughter as the only surviving parent.

He is like so many others. Both children of Michael Elias, a combat-injured Iraqi war veteran, were abducted. He cannot even have access to them. I actually traveled to Japan, Mr. Speaker, with the grandparents. We could not even get to see those two wonderful children. That has got to change.

This legislation seeks to use the civil aspects of the Hague Convention to empower that treaty, which is very well-intentioned but lacks enforcement capability. This legislation gives the President the tool. It adds to those tools in the toolbox to make return and access a reality rather than a dream and a hope.

VETERANS OF FOREIGN WARS,
OF THE UNITED STATES,
December 11, 2013.

Hon. CHRIS SMITH,
Chairman, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing today to express the strong support of The Veterans of Foreign Wars of the United States (VFW) for H.R. 3212, the Sean and David Goldman International Child Abduction Prevention and Return Act of 2013 (Goldman Act), as it is sorely needed to protect members of the armed services from the tragedy of international parental child abduction.

As you know, members of the armed services, by virtue of their deployments abroad, are particularly vulnerable to having their children abducted off base and into the jurisdiction of a foreign country, or in the case of marriage to foreign spouses, the flight of that spouse with the child to the country of origin. In both cases, our service members' pleas for help are too often met with bad legal advice, misinformation, or indifference. They are told that the abduction is a simple custody case, and that they should litigate in the foreign court system. The result is financial and emotional disaster for our soldiers and their children. In most cases, they are never reunited with the children. Japan, in particular, has been a ''black hole'' for the abduction of our service members' children—and yet the United States still has not covered abduction in the Status of Forces Agreement with Japan, or any other country.

It is time for the U.S. government to take concrete action to protect our service members from the dangers of international parental child abduction. The Goldman Act would require the President to take one or more specified actions, or a commensurate action, in response to a failure to resolve a child abduction case or a ''pattern of noncooperation.'' It would authorize the Secretary of State to enter into a Memorandum of Understanding where no legal framework exists for the return of abducted children. It would also strengthen reporting requirements on abductions, so that the DOD can make better decisions about how to educate and protect our service members from the dangers of international parental child abduction.

Thank you again for your work on this much needed bill. The Veterans of Foreign Wars offers our full I support, and we look forward to working with you on this issue.

Sincerely,

ROBERT E. WALLACE,
Executive Director, VFW Washington Office.

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN; CHARLES B. WANG INTERNATIONAL CHILDREN'S BUILDING,
Alexandria, VA, October 10, 2013.

Hon. CHRISTOPHER H. SMITH,
Chairman, Subcommittee on Africa, Global Health, Global Human Rights and International Organizations, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN SMITH: On behalf of the National Center for Missing & Exploited Children, and the searching parents we serve, I commend you for introducing H.R. 3212, the Sean and David Goldman International Child Abduction Prevention and Return Act of 2013. This legislation is a critical step toward addressing the problem of U.S. children taken to and kept in foreign countries in violation of parental rights.

As you know, NCMEC is the nation's congressionally-designated resource center on

missing and exploited children. We have a unit within our Missing Children Division dedicated to international child abductions. From 1995 through 2008, per a cooperative agreement with the Departments of State and Justice, NCMEC handled cases in which a child was wrongfully brought into the United States and subject to the Hague Convention. While NCMEC no longer serves this role, we continue to provide legal technical assistance to attorneys and judges handling international child abduction cases as well as technical assistance and resources to parents, law enforcement and professionals involved in these matters. We are currently working cases involving more than 1,300 children believed to have been removed from the United States to a foreign country by a parent or family member.

Child abduction by a parent is a crime under both federal and state law. These children suffer extreme emotional abuse, including lack of identity and grief over the loss of a parent. Often the abductor gives the child a false explanation for the abduction, indicates that the left-behind-parent no longer wants the child, or worse. Abductors who move the child between cities, or between countries, amplify the child's lost sense of security and stability as well as making it difficult for law enforcement and the searching parent to locate and recover the child.

It is of the utmost importance that we hold all signatory countries to the standards and obligations of the Hague Convention. In addition, we must continue to encourage countries that have not yet done so to ratify the Convention. We must engage with countries to urge the adoption of policies consistent with those outlined in the Convention. And the U.S. must act as a role model by promptly returning children abducted into the U.S. This will foster good relationships with countries who will reciprocate with the return of American children.

This significant piece of legislation will strengthen our ability to bring our children home to their searching parents. Thank you, Chairman, for your unwavering commitment to America's children.

Sincerely,

JOHN D. RYAN,
Chief Executive Officer.

Mr. SCHNEIDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KENNEDY), my friend and colleague and a member of the Foreign Affairs Committee.

Mr. KENNEDY. I want to thank my colleague from Illinois (Mr. SCHNEIDER) for his important work and leadership on this issue.

Mr. Speaker, I rise today in support of H.R. 3212. I want to thank and recognize my colleagues on the Foreign Affairs Committee, the chairman of the subcommittee, CHRIS SMITH, and the chairman of the full committee, Mr. ROYCE, for their important leadership and hard work on this bill.

Mr. Speaker, as a cosponsor of this bill, I speak on behalf of all left-behind parents and, in particular, on behalf of a constituent of mine from Newton, Massachusetts, Colin Bower. Colin was granted full custody of his children, Noor and Ramsey, in 2008. In 2009, the boys' mother unexpectedly took them out of school, boarded a plane, fled to Egypt, and has never since returned. Through all that time, she has refused to return the children.

It has been nearly 2 years since Colin has seen or spoken with his sons. Despite the custody ruling of a U.S. court and a subsequent Egyptian court order granting him the right to visit with his children, Colin has been denied the opportunity to see his children time and time again.

I just got off the phone with Colin a few moments ago. He recapped the details of his ordeal yet again to me, but I guess, in the words that he said most poignantly: No parent should ever have to go through this.

Between the years of 2008 and 2012, Mr. Speaker, parents reported more than 4,800 cases of abduction involving more than 7,000 children, according to the State Department. Currently, 89 countries are party to a Hague treaty that provides a legal framework for children who are victims of international abduction.

This bill would require the Secretary of State to enter into a memorandum of understanding with those countries that have not signed the Hague agreement, creating a mechanism where none exists to bring children home safely. Additionally, it would provide better reporting to parents and to Congress.

No parent should have to suffer the unbelievable heartbreak that Colin has experienced over the past 5 years. No child should be torn away from a safe home and loving family because their country didn't have the proper protections in place to protect them.

We can do more to ensure that these children find a way home. I ask my colleagues to support this bill.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentlelady from Florida (Ms. ROS-LEHTINEN), chairman emeritus of the Committee on Foreign Affairs.

□ 1315

Ms. ROS-LEHTINEN. I thank the chairman for the time.

Mr. Speaker, I rise in strong support of the Sean and David Goldman International Child Abduction Prevention and Return Act, authored by my good friend and colleague, Mr. CHRIS SMITH of New Jersey.

Mr. SMITH has been a stalwart supporter of the rights of children and for the left-behind parents, who all too often feel as though they have been abandoned by their government and have no place to turn.

According to our State Department, hundreds of parental transnational child abduction cases occur each year. In most of the cases, the left-behind parents here in the United States face a tremendous uphill battle with the foreign country's government to return their child. To make matters worse, they have no recourse, no legal basis to turn to, that would compel that foreign government to cooperate with them and return their abducted child to the United States. The effects that this has on both the child and the parents are significant and, in many cases, have unshakable, lifelong consequences.

Mr. SMITH's bill gives hope where there previously was none. It represents a new approach to resolving this issue by giving our government and the President the avenues needed to press the countries that are found to be habitually noncooperative and noncompliant to work with the United States in order to resolve these cases. For some countries that refuse to cooperate, it is clear that words are not enough—they must be convinced by action to do the right thing—and this bill sends that very message, which is that the United States will not rest until we bring every wrongfully abducted American child home.

Too many parents have been separated from their children for far too long and with little to no recourse, and we must change that now, Mr. Speaker. I would like to urge that we also not overlook that, in many instances, a parent will flee with his child or children internationally in order to escape domestic violence.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ROYCE. I yield the gentlelady an additional 30 seconds.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Mr. Speaker, too often, current U.S. law addressing international child abduction actually facilitates domestic violence and child abuse by forcing the return of a child despite a recognized risk to the child or parent.

It is my sincere hope that, with Mr. SMITH's bill and my bill and with the further corrective measures to international child abduction laws that I plan to soon introduce that can help strengthen this measure, we will be able to resolve these issues so that the interests of all involved can be addressed and so that the children's rights can be protected.

Mr. SCHNEIDER. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, in closing, let me note again that the tragedy of international abduction affects thousands of children every year here in the United States.

When the Committee on Foreign Affairs considered this bill back on October 10, we heard from multiple members whose constituents were dealing with the nightmare of being illegally separated from their children, and our human rights subcommittee heard directly from several left-behind American parents in a May 9 hearing. H.R. 3212, by Mr. SMITH, is a measured response to this pressing problem.

I want to again thank the gentleman from New Jersey for the vision and for the perseverance, frankly, reflected in his bill.

I yield back the balance of my time.

Mr. HOLT. Mr. Speaker, I rise in support of this legislation.

For many years, David Goldman was my constituent, so I am intimately familiar with both the case and the incredible pain and heartbreak David endured after the kidnapping of his son, Sean, by David's estranged, Brazilian-born wife who illegally took Sean back to

Brazil. I will not recount now all of the details of the five-year long ordeal David endured to secure the return of his son. What I will say is that my experience in helping him bring Sean home helped me understand that the issue of parental child abduction needs greater attention from our government.

In his efforts to get his son returned to him, Mr. Goldman at least benefited from the fact that both Brazil (where the boy was being held illegally) and the United States are parties to the Hague Convention on the Civil Aspects of International Child Abduction. The Hague Convention creates an international legal framework for resolving such parental kidnappings. The treaty is anything but perfect; it lacks any genuine enforcement mechanism, which means that many of these cases drag on for years, just as the Goldman case did. However, the situation is far worse for parents whose spouse kidnaps their child and returns to their country of origin when that country is not a party to the Hague Convention. In those cases, the remaining parent has virtually no recourse to secure the return of their abducted child. The bill before us seeks to change that situation.

I especially support the language in the bill that directs the Secretary of State to engage in negotiations with non-Hague signatory nations where large numbers of American children remain illegally held by the offending parent to secure their release. Seeking the creation of a bilateral memorandum of understanding to help resolve these cases is an important interim step on the road to a larger, more enduring solution. I do have concerns about the language in this bill requiring the President to impose an escalating series of sanctions against nations who refuse to address parental kidnappings of American children. In my view, the language as written could potentially interfere with the President's ability to conduct effective diplomacy on this issue. However, once this bill reaches the Senate I am sure there will be opportunities to amend it in such a fashion that it will be able to accomplish the intended goal (the return of abducted children) without permanently damaging diplomatic relations with other nations.

One thing is clear: existing American parental child abduction cases are not being resolved expeditiously, and I agree with those who argue that the United States needs to send a clear message that the status quo on this issue cannot stand. Accordingly I urge my colleagues to join me in supporting this bill.

Mr. PASCRELL. Mr. Speaker, I rise today to express my strong support for H.R. 3212—the Sean and David Goldman International Child Abduction Prevention and Return Act of 2013, which would help prevent additional child abductions to foreign countries in the future.

Recently, I was able to meet with a constituent of mine—Michael Elias. Michael has worked in the Bergen County Sheriffs Department and honorably served our country in the Iraq War. Upon his return from his service to our country, Michael and his wife, a citizen of Japan, agreed to separate.

In 2008, a Bergen County judge ordered joint custody of their two children—Jade and Michael, Jr. The judge also ordered that the children's passports be surrendered and they were. After a few months, on a day like any other, Michael was expecting his ex-wife to drop off Jade and Michael, Jr. to his house after spending the day with her. They never showed up. Somehow, his ex-wife was able to obtain new passports for Jade and Michael, Jr. and had fled to Japan, which is not a party to the Hague Convention on Abduction.

Despite Michael's years of inquiries and toil, The Government of Japan has produced no answers on how his ex-wife was able to obtain the new visas for Jade and Michael, Jr. And nearly five years later, Michael has not been able see his own children.

This bill will help countless families across the country that face the same heartbreaking situation that Michael Elias is still dealing with today. Our State Department must be on the frontlines for people like Michael, who have literally put their life on the line for this country. H.R. 1951 will empower the State Department to advocate for the victims of these tragic abductions.

And that is why I urge my colleagues to join me in passing H.R. 3212, for people like Michael Elias and the countless families that have been wrongfully torn apart.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 3212, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROYCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ISRAEL QME ENHANCEMENT ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1992) to amend the requirements relating to assessment of Israel's qualitative military edge over military threats, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Israel QME Enhancement Act''.

SEC. 2. AMENDMENTS TO REQUIREMENTS RELATING TO ASSESSMENT OF ISRAEL'S QUALITATIVE MILITARY EDGE OVER MILITARY THREATS.

(a) ASSESSMENT REQUIRED; REPORTS.—Section 201 of Public Law 110–429 (122 Stat. 4843; 22 U.S.C. 2776 note) is amended—

(1) in subsection (a), by striking ''an ongoing basis'' and inserting ''a biennial basis''; and

(2) in subsection (c)(2)—

(A) in the heading, by striking ''QUADRENNIAL'' and inserting ''BIENNIAL''; and

(B) in the text, by striking ''Not later than four years after the date on which the President transmits the initial report under paragraph (1), and every four years thereafter,'' and inserting ''Not later than one year after the date of the enactment of the Israel QME Enhancement Act, and biennially thereafter,''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on—

(A) the range of cyber and asymmetric threats posed to Israel by state and nonstate actors; and

(B) the joint efforts of the United States and Israel to address the threats identified in subparagraph (A).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Illinois (Mr. SCHNEIDER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add any extraneous material to the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Let me begin by thanking both the gentleman from Georgia (Mr. COLLINS) and the gentleman from Illinois (Mr. SCHNEIDER) for their leadership and for their foresight in authoring this very important measure.

In shepherding this legislation through the committee, I was again reminded of the shared commitment of Members of both parties to come together to promote Israel's security. It is an example of bipartisanship at its best.

The United States' commitment to Israel rests on the assurance that the U.S., through a combination of Foreign Military Financing, the joint cooperative development of weapons systems and other measures, will ensure that Israel upholds its qualitative military edge. The standard definition of that is ensuring Israel's ability to counter and defeat credible military threats from any individual state or coalition of states or nonstate actors, and with the growing threat to Israel throughout the region—from the prospect of a nuclear Iran to an ascendant Hezbollah and widespread regional instability—Israel's retention of its QME is critical to its existence.

I had a chance to see this firsthand in 2006 during the second Lebanon war, which I, frankly, think should be called the ''Hezbollah war.'' Hezbollah was raining down rockets manufactured originally in Iran and Syria on a daily basis on Haifa. When I was in Haifa, I watched those rockets come in, and