

SEAN AND DAVID GOLDMAN INTERNATIONAL CHILD ABDUCTION
PREVENTION AND RETURN ACT OF 2013; VIETNAM HUMAN
RIGHTS ACT OF 2013; AND CONCERNING THE ONGOING
CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO
AND THE NEED FOR INTERNATIONAL EFFORTS TOWARD
LONG-TERM PEACE, STABILITY, AND OBSERVANCE OF HUMAN
RIGHTS

MARKUP

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

ON

H.R. 1951, H.R. 1897 and H. Res. 131

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CONTENTS

	Page
MARKUP OF	
H.R. 1951, 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	3
Amendment to H.R. 1951 offered by the Honorable Mark Meadows, a Representative in Congress from the State of North Carolina	54
H.R. 1897, To promote freedom and democracy in Vietnam	55
H. Res. 131, Concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts toward long-term peace, stability, and observance of human rights	75
Amendment in the Nature of a Substitute to H. Res. 131 offered by the Honorable Karen Bass, a Representative in Congress from the State of California	82
APPENDIX	
Markup notice	98
Markup minutes	99

SEAN AND DAVID GOLDMAN INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2013; VIETNAM HUMAN RIGHTS ACT OF 2013; AND CONCERNING THE ONGOING CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO AND THE NEED FOR INTERNATIONAL EFFORTS TOWARD LONG-TERM PEACE, STABILITY, AND OBSERVANCE OF HUMAN RIGHTS

WEDNESDAY, MAY 15, 2013

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 11:30 a.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. We are here this morning to mark up H.R. 1951, Sean and David Goldman International Child Abduction Prevention and Return Act of 2013; H.R. 1897, Vietnam Human Rights Act of 2013; and H. Res. 131, Concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts toward long-term peace, stability, and observance of human rights.

As our members are aware, these measures enjoy strong bipartisan support and there are competing hearings and other events taking place this morning. Thus, as our members were informed earlier this week, it is the intent of the Chair to consider these measures en bloc, including the substitute amendment sent to you on Monday, offered by my good friend and colleague, Ms. Bass, and an amendment by Mr. Meadows, sent to you on Tuesday.

All members have copies of these documents before them. After we have concluded our expedited consideration, I would be glad to recognize any member, including myself and the ranking member, for any statements on the issues.

All members are given leave to insert written remarks into the record, should they choose to do so. Seeing that we have a reporting quorum present, without objection, the following measures are considered as read and will be considered en bloc: H.R. 1951, Sean and David Goldman International Child Abduction Prevention and Return Act of 2013; the Meadows amendment number 4 to H.R. 1951, sent to members' offices on Tuesday; H.R. 1897, the Vietnam Human Rights Act of 2013; H. Res. 131, Concerning the ongoing conflict in the Democratic Republic of the Congo and the need for

international efforts toward long-term peace, stability, and observance of human rights; and the Bass amendment number 11 to H. Res. 131 sent to your offices on Monday.
[The information referred to follows:]

.....
(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on _____

A BILL

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

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

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Sean and David Goldman International Child Abduction
4 Prevention and Return Act of 2013”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings; sense of Congress; purposes.
- Sec. 3. Definitions.
- Sec. 4. Funding.

TITLE I—DEPARTMENT OF STATE ACTIONS

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

TITLE II—PRESIDENTIAL ACTIONS

- Sec. 201. Presidential actions in response to unresolved cases.
- Sec. 202. Presidential actions in response to patterns of noncooperation in cases of international child abductions.
- Sec. 203. Consultations.
- Sec. 204. Report to Congress.
- Sec. 205. Presidential actions.
- Sec. 206. Effects on existing contracts.
- Sec. 207. Presidential waiver.
- Sec. 208. Publication in Federal Register.
- Sec. 209. Termination of Presidential actions.
- Sec. 210. United States assistance.
- Sec. 211. Multilateral assistance.
- Sec. 212. Amendment to generalized system of preferences eligibility for generalized system of preferences.

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

8 (a) **FINDINGS.**—Congress finds the following:

9 (1) Sean Goldman, a United States citizen and
10 resident of New Jersey, was abducted from the
11 United States in 2004 and separated from his fa-
12 ther, David Goldman, who spent nearly six years
13 battling for the return of his son from Brazil before

1 Sean was finally returned to Mr. Goldman's custody
2 on December 24, 2009.

3 (2) The Department of State's Office of Chil-
4 dren's Issues, which serves as the Central Authority
5 of the United States for the purposes of the 1980
6 Hague Convention on the Civil Aspects of Inter-
7 national Child Abduction, has received thousands of
8 requests since 2007 for assistance in the return to
9 the United States of children who have been ab-
10 ducted by a parent or other legal guardian to an-
11 other country. For a variety of reasons reflecting the
12 significant obstacles to the recovery of abducted chil-
13 dren, as well as the legal and factual complexity in-
14 volving such cases, not all cases are reported to the
15 Central Authority of the United States.

16 (3) The number of outgoing international child
17 abductions reported to the Central Authority of the
18 United States has increased substantially since
19 2006.

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

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

9 (6) Compliance by the United States and Con-
10 vention countries depends on the actions of their
11 designated central authorities, the performance of
12 their judiciaries as reflected in the legal process and
13 decisions rendered to enforce or effectuate the
14 Hague Abduction Convention, and the ability and
15 willingness of their law enforcement to insure the
16 swift enforcement of orders rendered pursuant to the
17 Hague Abduction Convention.

18 (7) The Central Authority of the United States
19 reports that nearly 40 percent of abduction cases
20 and access cases involve children taken from the
21 United States to countries with which the United
22 States does not have Hague Abduction Convention
23 obligations or other agreements relating to the reso-
24 lution of abduction cases and access cases.

1 (8) According to the Department of State's
2 April 2010 Report on Compliance with the Hague
3 Convention on the Civil Aspects of International
4 Child Abduction, "parental child abduction jeopard-
5 izes the child and has substantial long-term con-
6 sequences for both the child and the left-behind par-
7 ent."

8 (9) Abducted children are at risk of serious
9 emotional and psychological problems and have been
10 found to experience anxiety, eating problems, night-
11 mares, mood swings, sleep disturbances, aggressive
12 behavior, resentment, guilt and fearfulness, and as
13 adults may struggle with identity issues, personal re-
14 lationships, and parenting.

15 (10) Left-behind parents may encounter sub-
16 stantial psychological and emotional problems, and
17 few have the extraordinary financial resources nec-
18 essary to pursue individual civil or criminal remedies
19 in both the United States and a foreign country,
20 even where available, or to engage in repeated for-
21 eign travel to attempt to procure the return of their
22 children by evoking diplomatic and humanitarian
23 remedies.

24 (11) Left-behind parents who are military par-
25 ents may be unable to leave their military duties to

1 pursue multinational litigation or take leave to at-
2 tend multiple court proceedings, and foreign authori-
3 ties may not schedule proceedings to accommodate
4 such duties.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the United States should set a strong example
7 for Convention countries in the timely location and return
8 of abducted children in the United States whose habitual
9 residence is not the United States.

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

11 (1) protect children whose habitual residence is
12 the United States from the harmful effects of abduc-
13 tion and to assist left-behind parents to have access
14 to their abducted child in a safe and predictable
15 manner, wherever the child is located, while an ab-
16 duction case is pending;

17 (2) provide left-behind parents, including mili-
18 tary parents, their advocates, and judges the infor-
19 mation they need to enhance the resolution of abduc-
20 tion cases and access cases through established legal
21 procedures, the tools for assessing the risk of abduc-
22 tion and denial of rights of access, and the practical
23 means for overcoming obstacles to recovering an ab-
24 ducted child;

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

5 (4) promote an international consensus that it
6 is in the interest of children to have any issues re-
7 lated to their care and custody determined in the
8 country of their habitual residence;

9 (5) provide the necessary training for officials
10 of the United States Armed Forces and the Depart-
11 ment of Defense to establish policies and provide
12 services to military parents that address the unique
13 circumstances of abductions and violations of rights
14 of access that may occur with regard to military de-
15 pendent children; and

16 (6) encourage the effective implementation of
17 international mechanisms, particularly those estab-
18 lished pursuant to the Hague Abduction Convention,
19 to achieve reciprocity in the resolution of abductions
20 and to protect children from the harmful effects of
21 an abduction.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

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

4 (2) ABDUCTION.—The term “abduction”
5 means—

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

8 (B) the alleged wrongful retention of a
9 child outside the child’s country of habitual res-
10 idence; or

11 (C) the alleged wrongful removal or reten-
12 tion of a military dependent child from the ex-
13 ercise of rights of custody of a military parent.

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

19 (4) ACCESS CASE.—The term “access case”
20 means a case involving an application filed with the
21 Central Authority of the United States by a left-be-
22 hind parent for the establishment of rights of access.

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

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

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

6 (B) in the case of an MOU country, the
7 formal document required pursuant to the pro-
8 visions of the applicable MOU to request the re-
9 turn of an abducted child or to request rights
10 of access, as applicable; and

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

17 (7) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means the Committee on Foreign Affairs of
20 the House of Representatives and the Committee on
21 Foreign Relations of the Senate.

22 (8) CENTRAL AUTHORITY.—The term “Central
23 Authority” means—

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

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

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

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

13 (10) CONVENTION COUNTRY.—The term “Con-
14 vention country” means a country other than the
15 United States that has ratified, acceded, or suc-
16 ceeded to the Hague Abduction Convention and with
17 respect to which the United States has entered into
18 a reciprocal agreement pursuant to the Hague Ab-
19 duction Convention.

20 (11) HAGUE ABDUCTION CONVENTION.—The
21 term “Hague Abduction Convention” means the
22 Convention on the Civil Aspects of International
23 Child Abduction, done at The Hague on October 25,
24 1980.

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

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

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

9 (ii) exercised at the time of the abduc-
10 tion or that would have been exercised but
11 for the abduction; and

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

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

22 (14) MILITARY DEPENDENT CHILD.—The term
23 “military dependent child” means a child whose ha-
24 bitual residence is the United States according to

1 United States law even though the child is residing
2 outside the United States with a military parent.

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

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

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

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

19 (19) PATTERN OF NONCOOPERATION.—

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

22 (i) of a Convention country to imple-
23 ment and abide by the provisions of the
24 Hague Abduction Convention;

1 (ii) of an MOU Country to implement
2 and abide by the provisions of the applica-
3 ble MOU; and

4 (iii) of a nonparty country to cooper-
5 ate with the United States to expeditiously
6 resolve abduction cases and access cases
7 within a reasonable period of time.

8 (B) CRITERIA.—Such persistent failure
9 may be evidenced by one or more of the fol-
10 lowing criteria:

11 (i) The existence of 10 or more unre-
12 solved cases.

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

22 (iii) The failure of the judicial or ad-
23 ministrative branch, as applicable, of the
24 national government of the country to im-
25 plement and comply with the provisions of

1 the Hague Abduction Convention or the
 2 MOU, as applicable, or in the case of a
 3 nonparty country, the failure of the appro-
 4 priate judicial or administrative branch of
 5 the national government of the country to
 6 expeditiously deliberate and render a deci-
 7 sion in abduction cases and access cases.

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

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

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

20 (B) by operation of law or by reason of ju-
 21 dicial or administrative determination or by
 22 agreement having legal effect under the law of
 23 the country in which the child is located.

24 (21) RIGHTS OF CUSTODY.—The term “rights
 25 of custody” means rights of care and custody of an

1 abducted child, including the right to determine the
2 place of residence of an abducted child—

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

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

11 (22) UNRESOLVED ABDUCTION CASE.—

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

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

23 (i) the child is returned to the country
24 of habitual residence, pursuant to the

1 Hague Abduction Convention or MOU, if
2 applicable;

3 (ii) the judicial or administrative
4 branch, as applicable, of the national gov-
5 ernment of the country in which the child
6 is located has implemented and is com-
7 plying with the provisions of the Hague
8 Abduction Convention or the MOU, as ap-
9 plicable, and a final determination is made
10 by such judicial or administrative branch
11 that the child will not be returned to the
12 country of habitual residence; or

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

14 (23) UNRESOLVED ACCESS CASE.—

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

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

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

5 (ii) a final determination is made by
6 the appropriate administrative or judicial
7 entity in the country in which the child is
8 located that the left-behind parent does not
9 have rights of access and the United
10 States Central Authority concludes that
11 such determination is in accordance with
12 applicable international standards; or

13 (iii) the abduction case related to the
14 unresolved access case is resolved.

15 (24) UNRESOLVED CASES.—The term “unre-
16 solved cases” means unresolved abduction cases and
17 unresolved access cases.

18 **SEC. 4. FUNDING.**

19 Amounts necessary to carry out this Act shall be
20 taken out of the discretionary funds available to the Sec-
21 retary of State for each of the fiscal years 2014 through
22 2018.

1 **TITLE I—DEPARTMENT OF**
2 **STATE ACTIONS**

3 **SEC. 101. ANNUAL REPORT.**

4 (a) **IN GENERAL.**—Not later than March 31 of each
5 year, the Secretary of State shall submit to the appro-
6 priate congressional committees an Annual Report on
7 International Child Abduction.

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

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

12 (A) Whether the country is a Convention
13 country, an MOU country, or a nonparty coun-
14 try.

15 (B) The number of abduction cases and
16 the number of rights of access cases, respec-
17 tively, reported.

18 (C) The number of abduction cases and
19 the number of access cases, respectively, that
20 are pending.

21 (D)(i) The number of abduction cases and
22 the number of access cases, respectively, that
23 were pending at any point for more than 90
24 days after the date on which the Central Au-
25 thority of the United States transmitted the ap-

1 application for each such case to the Central Au-
2 thority of such country, and were not submitted
3 by the Central Authority to the judicial or ad-
4 ministrative authority, as applicable, of such
5 country within the 90-day period.

6 (ii) The reason for the delay in submission
7 of each case identified in clause (i) by the Cen-
8 tral Authority of such country to the judicial or
9 administrative authority.

10 (E) The number of unresolved abduction
11 cases and unresolved access cases, respectively,
12 and the length of time each case has been pend-
13 ing.

14 (F) The number of unresolved cases in
15 which law enforcement has failed to locate the
16 abducted child or to enforce a return order or
17 determinations of rights of access rendered by
18 the judicial or administrative authorities of
19 such country.

20 (G) The median time required for resolu-
21 tion of abduction cases and access cases, re-
22 spectively, to be measured from the date on
23 which the application with respect to the abduc-
24 tion case or access case is transmitted by the
25 Central Authority of the United States to the

1 Central Authority of such country to the date
2 on which the abduction case or access case is
3 resolved.

4 (H) The percentage of the total number of
5 abduction cases and access cases, respectively,
6 resolved.

7 (I) Detailed information about each case
8 described in subparagraph (C) and on actions
9 taken by the Department of State to resolve
10 such case, including the specific actions taken
11 by the United States chief of mission in such
12 country.

13 (J) Recommendations to improve resolu-
14 tion of abduction cases and access cases.

15 (2) The number of abducted children from the
16 United States who were returned to the United
17 States from Conventions countries, MOU countries,
18 and nonparty countries, respectively.

19 (3) A list of Convention countries and MOU
20 countries that have failed to comply with any of
21 their obligations under the Hague Abduction Con-
22 vention or the MOU, as applicable, with respect to
23 the resolution of abduction cases and access cases.

24 (4) A list of countries demonstrating a pattern
25 of noncooperation, and a summary of the criteria on

1 which the determination of a pattern of noncoopera-
2 tion for each country is based.

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

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

10 (6) A description of the efforts of the Secretary
11 of State to encourage Convention countries and
12 MOU countries to facilitate the work of nongovern-
13 mental organizations within their respective coun-
14 tries that assist left-behind parents.

15 (c) EXCEPTION.—The Annual Report shall not in-
16 clude—

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

19 (2) information that may identify a party in-
20 volved in an abduction case or access case unless the
21 party stipulates in writing to the Central Authority
22 of the United States that such information may be
23 included in the Annual Report.

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

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

5 (2) information on the use of airlines in abduc-
6 tions, including which airlines have been utilized to
7 carry out an abduction, voluntary airline practices to
8 prevent abductions, and recommendations for best
9 airline practices to prevent abductions;

10 (3) information on actions taken by the Central
11 Authority of the United States to train domestic
12 judges in application of the Hague Abduction Con-
13 vention; and

14 (4) information on actions taken by the Central
15 Authority of the United States to train United
16 States Armed Forces legal assistance personnel,
17 military chaplains, and military family support cen-
18 ter personnel about abductions, the risk of loss of
19 access to children, and the legal frameworks avail-
20 able to resolve such cases.

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

1 **SEC. 102. STANDARDS AND ASSISTANCE.**

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

4 (1) maintain a consistent reporting standard
5 with respect to abduction cases and access cases in-
6 volving abducted children in the country in which
7 such mission is located for purposes of the Annual
8 Report;

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

13 (3) monitor developments in cases involving ab-
14 ducted children in the country in which such mission
15 is located.

16 **SEC. 103. MEMORANDUM OF UNDERSTANDING.**

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

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

22 (1) identification of the Central Authority;

23 (2) a protocol to identify, locate, and effectuate
24 the return of an abducted child identified in an ab-
25 duction case not later than 6 weeks after the appli-
26 cation with respect to the abduction case has been

1 submitted to the judicial or administrative authority,
2 as applicable, of the country in which the abducted
3 child is located;

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

6 (4) identification of the judicial or administra-
7 tive authority that will promptly adjudicate abduc-
8 tion cases and access cases;

9 (5) identification of a law enforcement agency
10 and available law enforcement mechanisms and pro-
11 cedures to ensure the immediate enforcement of an
12 order issued by the authority identified pursuant to
13 paragraph (4) to return an abducted child to a left-
14 behind parent, including by—

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

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

19 (C) retrieving the abducted child and mak-
20 ing the appropriate arrangements for such child
21 to be returned to the country of habitual resi-
22 dence;

23 (6) a protocol to establish periodic visits be-
24 tween a United States embassy or consular official

1 and an abducted child to allow the official to ascer-
2 tain the child's location and welfare; and

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

5 (c) RULE OF CONSTRUCTION.—

6 (1) IN GENERAL.—Nothing in this Act shall be
7 construed to prohibit the United States from pro-
8 posing and entering into a memorandum of under-
9 standing with a Convention country to further clar-
10 ify the reciprocal obligations of the United States
11 and the Convention country under the Hague Ab-
12 duction Convention.

13 (2) TREATMENT OF OBLIGATIONS OF CONVEN-
14 TION COUNTRY.—In those instances in which there
15 is a memorandum of understanding as described in
16 paragraph (1), the obligations of the Convention
17 country under such memorandum shall be consid-
18 ered to be obligations of such country under the
19 Hague Abduction Convention for purposes of this
20 Act.

21 **SEC. 104. NOTIFICATION OF CONGRESSIONAL REPRESENT-**
22 **ATIVES.**

23 (a) NOTIFICATION.—Except as provided in sub-
24 section (b), the Secretary of State shall notify in writing
25 the Member of Congress and Senators representing the

1 legal residence of a left-behind parent when such parent
 2 reports an abduction to the Central Authority of the
 3 United States.

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

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

12 **TITLE II—PRESIDENTIAL**
 13 **ACTIONS**

14 **SEC. 201. PRESIDENTIAL ACTIONS IN RESPONSE TO UNRE-**
 15 **SOLVED CASES.**

16 (a) RESPONSE TO INTERNATIONAL CHILD ABDUC-
 17 TIONS.—

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

20 (A) promote the best interest of children
 21 abducted from the United States by estab-
 22 lishing legal rights and procedures for their
 23 prompt return and by promoting such rights
 24 and procedures through actions that ensure the

1 enforcement of reciprocal international obliga-
2 tions; and

3 (B) recognize the international character
4 of the Hague Abduction Convention, and the
5 need for reciprocity pursuant to and the uni-
6 form international interpretation of the Hague
7 Abduction Convention, by promoting the timely
8 resolution of abduction cases and access cases
9 through 1 or more of the actions described in
10 section 205.

11 (2) REQUIREMENT OF PRESIDENTIAL AC-
12 TION.—Whenever the President determines that the
13 government of a foreign country has failed to resolve
14 an unresolved abduction case or unresolved access
15 case, the President shall oppose such failure through
16 one or more of the actions described in subsection
17 (b).

18 (b) PRESIDENTIAL ACTIONS.—

19 (1) IN GENERAL.—Subject to paragraphs (2)
20 and (3), the President, in consultation with the Sec-
21 retary of State, shall, as expeditiously as practicable
22 in response to the failure described in subsection (a)
23 by the government of a foreign country, take 1 or
24 more of the actions described in paragraphs (1)
25 through (18) of section 205(a) (or commensurate ac-

1 tion as provided in section 205(b)) with respect to
2 such country.

3 (2) DEADLINE FOR ACTIONS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), not later than March 31 of
6 each year, the President shall take 1 or more
7 of the actions described in paragraphs (1)
8 through (18) of section 205(a) (or commensu-
9 rate action as provided in section 205(b)) with
10 respect to each foreign country the government
11 of which has failed to resolve an unresolved ab-
12 duction case or access case that is pending as
13 of such date.

14 (B) EXCEPTION.—In the case of an action
15 under any of paragraphs (11) through (18) of
16 section 205(a) (or commensurate action as pro-
17 vided in section 205(b))—

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

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

23 (3) AUTHORITY FOR DELAY OF PRESIDENTIAL
24 ACTIONS.—The President may delay action de-
25 scribed in any of the paragraphs (11) through (18)

1 of section 205(a) (or commensurate action as pro-
2 vided in section 205(b)), as required under para-
3 graph (2), if the President determines and certifies
4 to the appropriate congressional committees that a
5 single, additional period of time, not to exceed 90
6 days, is necessary—

7 (A) for a continuation of negotiations that
8 have been commenced with the country to re-
9 solve the unresolved case; or

10 (B) in anticipation that the case will be re-
11 solved by such country during such 90 day pe-
12 riod.

13 (c) IMPLEMENTATION.—

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

16 (A) take 1 or more actions that most ap-
17 propriately respond to the nature and severity
18 of the failure to resolve the unresolved cases;
19 and

20 (B) seek to the fullest extent possible to
21 target action as narrowly as practicable with re-
22 spect to the agencies or instrumentalities of the
23 foreign government that are responsible for
24 such failures.

1 (B) promote reciprocity pursuant to and
2 compliance with the Hague Abduction Conven-
3 tion by Convention countries and compliance
4 with the applicable MOU by MOU countries.

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

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

15 (1) ANNUAL REVIEW.—

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

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

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

7 (2) DETERMINATIONS OF RESPONSIBLE PAR-
8 TIES.—For the government of each country des-
9 ignated as a Country With a Pattern of Noncoopera-
10 tion under paragraph (1)(A), the President shall
11 seek to determine the agencies or instrumentalities
12 of such government that are responsible for the pat-
13 tern of noncooperation by such government in order
14 to appropriately target actions under this section in
15 response.

16 (3) CONGRESSIONAL NOTIFICATION.—Whenever
17 the President designates a country as a Country
18 With a Pattern of Noncooperation under paragraph
19 (1)(A), the President shall, as soon as practicable
20 after such designation is made, transmit to the ap-
21 propriate congressional committees—

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

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

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

6 (1) IN GENERAL.—Subject to paragraphs (2)
7 and (3) with respect to each Country With a Pattern
8 of Noncooperation designated under subsection
9 (b)(1)(A), the President shall, after the require-
10 ments of sections 203 and 204 have been satisfied,
11 but not later than 90 days (or 180 days in case of
12 a delay under paragraph (2)) after the date of such
13 designation of the country under such subsection,
14 take 1 or more of the actions under paragraphs (11)
15 through (18) of section 205(a) (or commensurate ac-
16 tion as provided in section 205(b)).

17 (2) AUTHORITY FOR DELAY OF PRESIDENTIAL
18 ACTIONS.—If, on or before the date that the Presi-
19 dent is required to take action under paragraph (1),
20 the President determines and certifies to the appro-
21 priate congressional committees that a single, addi-
22 tional period of time not to exceed 90 days is nec-
23 essary—

24 (A) for a continuation of negotiations that
25 have been commenced with the government of

1 such country to bring about a cessation of the
2 pattern of noncooperation by such country, or

3 (B) for a review of corrective action taken
4 by such country after designation of such coun-
5 try as a Country With a Pattern of Non-
6 cooperation under subsection (b)(1)(A) or in
7 anticipation that corrective action will be taken
8 by such country during such 90-day period,
9 the President shall not be required to take such ac-
10 tion until the expiration of such period of time.

11 (3) EXCEPTION FOR ONGOING PRESIDENTIAL
12 ACTION.—

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

17 (i) the President has taken action
18 pursuant to paragraph (1) with respect to
19 such country in a preceding year, such ac-
20 tion is in effect at the time such country
21 is designated as a Country with a Pattern
22 of Noncooperation under subsection
23 (b)(1)(A), and the President submits to
24 the appropriate congressional committees
25 the information described in section 204

1 regarding the actions in effect with respect
2 to such country; or

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

10 (B) ADDITIONAL REQUIREMENTS.—If the
11 President makes a determination under sub-
12 paragraph (A)(i)—

13 (i) the report under section 204 and,
14 as applicable, the publication in the Fed-
15 eral Register under section 208, shall
16 specify the specific sanction or sanctions
17 that the President has determined satisfy
18 the requirements of this subsection; and

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

21 (d) RULE OF CONSTRUCTION.—A determination
22 under this section that a foreign country has engaged in
23 a pattern of noncooperation shall not be construed to re-
24 quire the termination of assistance or other activities with
25 respect to such country under any other provision of law,

1 including section 116 or 502B of the Foreign Assistance
2 Act of 1961 (22 U.S.C. 2151(n) or 2304).

3 **SEC. 203. CONSULTATIONS.**

4 (a) DUTY TO CONSULT WITH FOREIGN GOVERN-
5 MENTS.—

6 (1) IN GENERAL.—As soon as practicable after
7 the President makes a determination under section
8 201 in response to failures to resolve unresolved
9 cases and the President decides to take action under
10 paragraphs (11) through (18) of section 205(a) (or
11 commensurate action as provided in section 205(b))
12 with respect to that country, or not later than 90
13 days after the President designates a country as a
14 Country With a Pattern of Noncooperation pursuant
15 to section 202(b)(1)(A), the President shall—

16 (A) request consultation with the govern-
17 ment of such country regarding the failures giv-
18 ing rise to designation of that country as a
19 Country With a Pattern of Noncooperation re-
20 garding the pattern of noncooperation or to ac-
21 tion under section 201; and

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

24 (2) DUTY TO CONSULT WITH LEFT-BEHIND
25 PARENTS.—The President shall consult with left-be-

1 hind parents who have an abduction case involving
2 a child located in the country referenced in para-
3 graph (1)(A), or designated representatives or rep-
4 resentative groups of such left-behind parents, dur-
5 ing the course of the consultations conducted pursu-
6 ant to paragraph (1) concerning the potential impact
7 of such consultations on the resolution of such cases.

8 **SEC. 204. REPORT TO CONGRESS.**

9 (a) IN GENERAL.—Subject to subsection (b), not
10 later than 90 days after the President makes a determina-
11 tion under section 201 in response to failures to resolve
12 unresolved cases and the President decides to take action
13 under paragraphs (11) through (18) of section 205(a) (or
14 commensurate action as provided in section 205(b)) with
15 respect to that country, or not later than 90 days after
16 the President designates a country as a Country With a
17 Pattern of Noncooperation pursuant to section
18 202(b)(1)(A), the President shall transmit to the appro-
19 priate congressional committees a report on the following:

20 (1) IDENTIFICATION OF PRESIDENTIAL AC-
21 TIONS.—An identification of the action or actions
22 described in section 205(a) (or commensurate action
23 as provided in section 205(b)) to be taken with re-
24 spect to such country.

1 (2) DESCRIPTION OF VIOLATIONS.—A descrip-
2 tion of the failure to resolve an unresolved case or
3 the pattern of noncooperation, as applicable, giving
4 rise to the action or actions to be taken by the
5 President.

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

8 (4) EVALUATION.—

9 (A) DESCRIPTION.—An evaluation, in con-
10 sultation with the Secretary of State, the par-
11 ties described in section 203(b), and other par-
12 ties the President determines appropriate, of
13 the anticipated impact of the Presidential ac-
14 tion upon—

15 (i) pending abduction cases in such
16 country;

17 (ii) the government of such country;

18 (iii) the population of such country;

19 (iv) the United States economy;

20 (v) other interested parties; and

21 (vi) if such country is a Convention
22 country or an MOU country, the reciprocal
23 fulfillment of obligations pursuant to such
24 Convention or applicable MOU, as applica-
25 ble.

1 (B) FORM.—The evaluation under sub-
2 paragraph (A) shall be transmitted in unclassi-
3 fied form, but may contain a classified annex if
4 necessary.

5 (5) STATEMENT OF POLICY OPTIONS.—A state-
6 ment that noneconomic policy options designed to
7 resolve the unresolved case or bring about the ces-
8 sation of the pattern of noncooperation have reason-
9 ably been exhausted, including the consultations re-
10 quired in section 203.

11 (b) DELAY IN TRANSMITTAL OF REPORT.—If, on or
12 before the date that the President is required to submit
13 a report under subsection (a) to the appropriate congres-
14 sional committees, the President determines and certifies
15 to such committees that a single, additional period of time
16 not to exceed 90 days is necessary pursuant to section
17 202(c)(2), the President shall not be required to submit
18 the report to such committees until the expiration of such
19 period of time.

20 **SEC. 205. PRESIDENTIAL ACTIONS.**

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

- 24 (1) A private demarche.
25 (2) An official public demarche.

- 1 (3) A public condemnation.
- 2 (4) A public condemnation within one or more
3 multilateral fora.
- 4 (5) The delay or cancellation of one or more
5 scientific exchanges.
- 6 (6) The delay or cancellation of one or more
7 cultural exchanges.
- 8 (7) The denial of one or more working, official,
9 or state visits.
- 10 (8) The delay or cancellation of one or more
11 working, official, or state visits.
- 12 (9) A formal request to the foreign country con-
13 cerned to extradite the individual who is engaged in
14 abduction.
- 15 (10) The restriction of the number of visas
16 issued to nationals of such country pursuant to sub-
17 paragraphs (F), (J), or (M) of section 101(a)(15) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1101(a)(15)).
- 20 (11) The withdrawal, limitation, or suspension
21 of United States development assistance in accord-
22 ance with section 116 of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2151n).
- 24 (12) Directing the Export-Import Bank of the
25 United States, the Overseas Private Investment Cor-

1 poration, or the Trade and Development Agency not
2 to approve the issuance of any (or a specified num-
3 ber of) guarantees, insurance, extensions of credit,
4 or participations in the extension of credit with re-
5 spect to such government or the agency or instru-
6 mentality of such government determined by the
7 President to be responsible for such unresolved case
8 or pattern of noncooperation, as applicable.

9 (13) The withdrawal, limitation, or suspension
10 of United States security assistance in accordance
11 with section 502B of the Foreign Assistance Act of
12 1961 (22 U.S.C. 2304).

13 (14) In accordance with section 701 of the
14 International Financial Institutions Act of 1977 (22
15 U.S.C. 262d), directing the United States executive
16 directors of international financial institutions to op-
17 pose and vote against loans primarily benefitting
18 such government or the agency or instrumentality of
19 such government determined by the President to be
20 responsible for such unresolved case or pattern of
21 noncooperation, as applicable.

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

1 (16) Ordering the heads of the appropriate
2 United States agencies not to issue any (or a speci-
3 fied number of) specific licenses, and not to grant
4 any other specific authority (or a specified number
5 of authorities), to export any goods or technology to
6 such government or to the agency or instrumentality
7 of such government determined by the President to
8 be responsible for such unresolved case or pattern of
9 noncooperation, as applicable, under—

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

13 (B) the Arms Export Control Act;

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

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

19 (17) Prohibiting any United States financial in-
20 stitution from making loans or providing credits to-
21 taling more than \$10,000,000 in any 12-month pe-
22 riod to such government or to the agency or instru-
23 mentality of such government determined by the
24 President to be responsible for such unresolved case
25 or pattern of noncooperation, as applicable.

1 (18) Prohibiting the United States Government
2 from procuring, or entering into any contract for the
3 procurement of, any goods or services from such
4 government or from the agency or instrumentality of
5 such government determined by the President to be
6 responsible for such unresolved case or pattern of
7 noncooperation, as applicable.

8 (b) COMMENSURATE ACTION.—Except as provided in
9 subsection (c), the President may substitute any other ac-
10 tion authorized by law for any action described in sub-
11 section (a) if such action is commensurate in effect to the
12 action substituted and if such action would further the
13 purposes of this Act as specified in section 2(c). The Presi-
14 dent shall seek to take all appropriate and feasible actions
15 authorized by law to resolve the unresolved case or to ob-
16 tain the cessation of such pattern of noncooperation, as
17 applicable. If commensurate action is taken under this
18 subsection, the President shall transmit to the appropriate
19 congressional committees a report on such action, together
20 with an explanation for taking such action.

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

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

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

4 (1) in the case of procurement of defense arti-
5 cles or defense services—

6 (A) under existing contracts or sub-
7 contracts, including the exercise of options for
8 production quantities, to satisfy requirements
9 essential to the national security of the United
10 States;

11 (B) if the President determines in writing
12 and transmits to the appropriate congressional
13 committees a report that the government or the
14 agency or instrumentality of such government
15 to which such action would otherwise be applied
16 is a sole source supplier of such defense articles
17 or services, that such defense articles or serv-
18 ices are essential, and that alternative sources
19 are not readily or reasonably available; or

20 (C) if the President determines in writing
21 and transmits to the appropriate congressional
22 committees a report that such defense articles
23 or services are essential to the national security
24 of the United States under defense co-produc-
25 tion agreements; or

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

5 **SEC. 207. PRESIDENTIAL WAIVER.**

6 (a) IN GENERAL.—Subject to subsection (b), the
7 President may waive the application of any of the actions
8 described in paragraphs (11) through (18) of section
9 205(a) (or commensurate action as provided in section
10 205(b)) with respect to a country, if the President deter-
11 mines and so reports to the appropriate congressional
12 committees that—

13 (1) the government of such country has satis-
14 factorily resolved any abduction cases or access cases
15 giving rise to the application of any of such actions
16 and—

17 (A) if such country is a Convention coun-
18 try, such country has taken measures to ensure
19 future compliance with the provisions of the
20 Hague Abduction Convention;

21 (B) if such country is an MOU country,
22 such country has taken measures to ensure fu-
23 ture compliance with the provisions of the MOU
24 at issue; or

1 (C) if such country was a nonparty country
2 at the time the abductions or denials of rights
3 of access resulting in the abduction cases or ac-
4 cess cases occurred, such country has become a
5 Convention country or an MOU country;

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

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

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

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

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

20 (1) DETERMINATIONS OF GOVERNMENTS,
21 AGENCIES, INSTRUMENTALITIES OF COUNTRIES
22 WITH PATTERNS OF NONCOOPERATION.—Any des-
23 ignation of a country that the President has des-
24 ignated as a Country With a Pattern of Noncoopera-
25 tion under section 202(b)(1), together with, when

1 applicable and to the extent practicable, the identi-
2 ties of agencies or instrumentalities determined to be
3 responsible for such pattern of noncooperation.

4 (2) PRESIDENTIAL ACTIONS.—A description of
5 any action under paragraphs (11) through (18) of
6 section 205(a) (or commensurate action as provided
7 in section 205(b)) and the effective date of such ac-
8 tion.

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

12 (4) WAIVERS.—Any waiver issued under section
13 207.

14 (b) LIMITED DISCLOSURE OF INFORMATION.—The
15 President may limit publication of information under this
16 section in the same manner and to the same extent as
17 the President may limit the publication of findings and
18 determinations described in section 654(c) of the Foreign
19 Assistance Act of 1961 (22 U.S.C. 2414(c)), if the Presi-
20 dent determines that the publication of such informa-
21 tion—

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

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

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

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

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

8 (2) The date on which the President transmits
9 to Congress a certification containing a determina-
10 tion of the President that the government of such
11 country has resolved any unresolved case or has
12 taken substantial and verifiable steps to correct the
13 pattern of noncooperation at issue, as applicable,
14 that gave rise to such action.

15 **SEC. 210. UNITED STATES ASSISTANCE.**

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

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

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

23 (3) by adding at the end the following new
24 paragraph:

25 “(4) whether the government has engaged in a
26 pattern of noncooperation regarding abduction cases

1 or access cases, as such terms are defined in the
2 Sean and David Goldman International Child Ab-
3 duction Prevention and Return Act of 2013.”.

4 (b) IMPLEMENTATION OF PROHIBITION ON SECUR-
5 RITY ASSISTANCE.—Section 502B(a)(4) of the Foreign
6 Assistance Act of 1961 (22 U.S.C. 2304(a)(4)) is amend-
7 ed—

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

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

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(C) has engaged in a pattern of non-
15 cooperation regarding abduction cases or access
16 cases, as such terms are defined in the Sean
17 and David Goldman International Child Abduc-
18 tion Prevention and Return Act of 2013.”.

19 **SEC. 211. MULTILATERAL ASSISTANCE.**

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

22 (1) by redesignating the second subsection (g)
23 (as added by Public Law 105–292) as subsection
24 (h); and

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

3 “(i) In determining whether the government of a
4 country engages in a pattern of gross violations of inter-
5 nationally recognized human rights, as described in sub-
6 section (a), the President shall give particular consider-
7 ation to whether such government has engaged in a pat-
8 tern of noncooperation regarding abduction cases or ac-
9 cess cases, as such terms are defined in the Sean and
10 David Goldman International Child Abduction Prevention
11 and Return Act of 2013.”.

12 **SEC. 212. AMENDMENT TO GENERALIZED SYSTEM OF PREF-**
13 **ERENCES ELIGIBILITY FOR GENERALIZED**
14 **SYSTEM OF PREFERENCES.**

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

17 (1) by inserting after subparagraph (H) the fol-
18 lowing new subparagraph:

19 “(I) Such country is a country with a pat-
20 tern of noncooperation regarding abduction
21 cases or access cases, as such terms are defined
22 in the Sean and David Goldman International
23 Child Abduction Prevention and Return Act of
24 2013.”; and

1 (2) in the flush left matter after subparagraph
2 (I) (as added by paragraph (1) of this section)—
3 (A) by striking “and (H)” and inserting
4 “(H)”; and
5 (B) by inserting after “(D))” the following:
6 “and (I)”.

AMENDMENT TO H.R. __
OFFERED BY MR. MEADOWS OF NORTH
CAROLINA

**(Sean and David Goldman International Child Abduction
Prevention and Return Act of 2013)**

At the end of the bill add the following new title:

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. GAO REPORT ON FACILITATION OF ABDUCTION**
4 **BY THE GOVERNMENT OF EGYPT.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Comptroller General of the United
7 States shall submit to the appropriate congressional com-
8 mittees a report on the extent to which the Government
9 of Egypt or entities owned by the Government of Egypt
10 cooperate in or otherwise facilitate the actions described
11 in subparagraphs (A), (B), and (C) of section 3(2), includ-
12 ing by providing assistance to individuals or organizations
13 that engage in any such actions or conducting business
14 with individuals or organizations that engage in any such
15 actions.



113TH CONGRESS
1ST SESSION

H. R. 1897

To promote freedom and democracy in Vietnam.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2013

Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. WOLF, Ms. LOFGREN, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote freedom and democracy in Vietnam.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Vietnam Human Rights Act of 2013”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Prohibition on increased nonhumanitarian assistance to the Government of Vietnam.
- Sec. 4. United States public diplomacy.
- Sec. 5. United Nations Human Rights Council.
- Sec. 6. Annual report.

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

3 (1) The relationship between the United States
4 and the Socialist Republic of Vietnam has grown
5 substantially since the end of the trade embargo in
6 1994, with annual trade between the two countries
7 reaching nearly \$25,000,000,000 in 2012.

8 (2) The Government of Vietnam's transition to-
9 ward greater economic freedom and trade has not
10 been matched by greater political freedom and sub-
11 stantial improvements in basic human rights for Vi-
12 etnamese citizens, including freedom of religion, ex-
13 pression, association, and assembly.

14 (3) The United States Congress agreed to Viet-
15 nam becoming an official member of the World
16 Trade Organization in 2006, amidst assurances that
17 the Government of Vietnam was steadily improving
18 its human rights record and would continue to do so.

19 (4) Vietnam remains a one-party state, ruled
20 and controlled by the Communist Party of Vietnam
21 (CPV), which continues to deny the right of citizens
22 to change their Government.

23 (5) Although in recent years the National As-
24 sembly of Vietnam has played an increasingly active
25 role as a forum for highlighting local concerns, cor-
26 ruption, and inefficiency, the National Assembly re-

1 mains subject to the direction of the CPV and the
2 CPV maintains control over the selection of can-
3 didates in national and local elections.

4 (6) The Government of Vietnam forbids public
5 challenge to the legitimacy of the one-party state, re-
6 stricts freedoms of opinion, the press, and associa-
7 tion and tightly limits access to the Internet and
8 telecommunication.

9 (7) Since Vietnam's accession to the WTO on
10 January 11, 2007, the Government of Vietnam arbi-
11 trarily arrested and detained numerous individuals
12 for their peaceful advocacy of religious freedom, de-
13 mocracy, and human rights, including Father
14 Nguyen Van Ly, human rights lawyers Nguyen Van
15 Dai, Le Thi Cong Nhan, Cu Huy Ha Vu, and Le
16 Cong Dinh, and bloggers Nguyen Van Hai, Ta
17 Phong Tan, and Le Van Son.

18 (8) The Government of Vietnam continues to
19 detain, imprison, place under house arrest, convict,
20 or otherwise restrict persons for the peaceful expres-
21 sion of dissenting political or religious views.

22 (9) The Government of Vietnam continues to
23 detain labor leaders and restricts the right to orga-
24 nize independently.

1 (10) The Government of Vietnam continues to
2 limit the freedom of religion, restrict the operations
3 of independent religious organizations, and persecute
4 believers whose religious activities the Government
5 regards as a potential threat to its monopoly on
6 power.

7 (11) Despite reported progress in church open-
8 ings and legal registrations of religious venues, the
9 Government of Vietnam has halted most positive ac-
10 tions since the Department of State lifted the “coun-
11 try of particular concern” (CPC) designation for
12 Vietnam in November 2006.

13 (12) Unregistered ethnic minority Protestant
14 congregations, particularly Montagnards in the Cen-
15 tral and Northwest Highlands, suffer severe abuses
16 because of actions by the Government of Vietnam,
17 which have included forced renunciations of faith,
18 arrest and harassment, the withholding of social pro-
19 grams provided for the general population, confisca-
20 tion and destruction of property, subjection to severe
21 beatings, and reported deaths.

22 (13) There has been a pattern of violent re-
23 sponses by the Government to peaceful prayer vigils
24 and demonstrations by Catholics for the return of
25 Government-confiscated church properties. Pro-

1 testers have been harassed, beaten, and detained
2 and church properties have been destroyed. Catholics
3 also continue to face some restrictions on selection
4 of clergy, the establishment of seminaries and semi-
5 nary candidates, and individual cases of travel and
6 church registration.

7 (14) In May 2010 the village of Con Dau, a
8 Catholic parish in Da Nang, faced escalated violence
9 during a funeral procession as police attempted to
10 prohibit a religious burial in the village cemetery;
11 more than 100 villagers were injured, 62 were ar-
12 rested, five were tortured, and at least three died.

13 (15) The Unified Buddhist Church of Vietnam
14 (UBCV) suffers persecution as the Government of
15 Vietnam continues to restrict contacts and move-
16 ment of senior UBCV clergy for refusing to join the
17 state-sponsored Buddhist organization, the Govern-
18 ment restricts expression and assembly, and the
19 Government continues to harass and threaten UBCV
20 monks, nuns, and youth leaders.

21 (16) The Government of Vietnam continues to
22 suppress the activities of other religious adherents,
23 including Cao Dai and Hoa Hao Buddhists who lack
24 official recognition or have chosen not to affiliate
25 with the state-sanctioned groups, including through

1 the use of detention, imprisonment, and strict Gov-
2 ernment oversight.

3 (17) Many Montagnards and others are still
4 serving long prison sentences for their involvement
5 in peaceful demonstrations in 2001, 2002, 2004,
6 and 2008. Montagnards continue to face threats, de-
7 tention, beatings, forced renunciation of faith, prop-
8 erty destruction, restricted movement, and reported
9 deaths at the hands of Government officials.

10 (18) Ethnic minority Hmong in Northern Viet-
11 nam, the Northwest Highlands, and the Central
12 Highlands of Vietnam also suffer restrictions, confis-
13 cation of property, abuses, and persecution by the
14 Government of Vietnam.

15 (19) The Government of Vietnam restricts
16 Khmer Krom expression, assembly, and association,
17 has confiscated nearly all the Theravada Buddhist
18 temples, controls all Khmer Kaon Buddhist religious
19 organizations and prohibits most peaceful protests.

20 (20) The Government of Vietnam controls near-
21 ly all print and electronic media, including access to
22 the Internet, jams the signals of some foreign radio
23 stations, including Radio Free Asia, and has de-
24 tained and imprisoned individuals who have posted,

1 published, sent, or otherwise distributed democracy-
2 related materials.

3 (21) People arrested in Vietnam because of
4 their political or religious affiliations and activities
5 often are not accorded due legal process as they lack
6 full access to lawyers of their choice, may experience
7 closed trials, have often been detained for years
8 without trial, and have been subjected to the use of
9 torture to admit crimes they did not commit or to
10 falsely denounce their own leaders.

11 (22) Vietnam continues to be a source country
12 for the commercial sexual exploitation and forced
13 labor of women and girls, as well as for men and
14 women legally entering into international labor con-
15 tracts who subsequently face conditions of debt
16 bondage or forced labor, and is a destination country
17 for child trafficking and continues to have internal
18 human trafficking.

19 (23) There are many reports of Vietnamese of-
20 ficials and employees participating in, facilitating,
21 condoning, or otherwise being complicit in severe
22 forms of human trafficking.

23 (24) United States refugee resettlement pro-
24 grams, including the Humanitarian Resettlement
25 (IIR) Program, the Orderly Departure Program

1 (ODP), Resettlement Opportunities for Vietnamese
2 Returnees (ROVR) Program, general resettlement of
3 boat people from refugee camps throughout South-
4 east Asia, the Amerasian Homecoming Act of 1988,
5 and the Priority One Refugee resettlement category,
6 have helped rescue Vietnamese nationals who have
7 suffered persecution on account of their associations
8 with the United States or, in many cases, because of
9 such associations by their spouses, parents, or other
10 family members, as well as other Vietnamese nation-
11 als who have been persecuted because of race, reli-
12 gion, nationality, political opinion, or membership in
13 a particular social group.

14 (25) While previous programs have served their
15 purposes well, a significant number of eligible refu-
16 gees from Vietnam were unfairly denied or excluded,
17 including Amerasians, in some cases by vindictive or
18 corrupt Vietnamese officials who controlled access to
19 the programs, and in others by United States per-
20 sonnel who imposed unduly restrictive interpreta-
21 tions of program criteria. In addition, the Govern-
22 ment of Vietnam has denied passports to persons
23 who the United States has found eligible for refugee
24 admission.

1 exceeds the amount of such assistance provided for
2 fiscal year 2012 unless—

3 (A) with respect to the limitation for fiscal
4 year 2014, the President determines and cer-
5 tifies to Congress, not later than 30 days after
6 the date of the enactment of this Act, that the
7 requirements of subparagraphs (A) through (G)
8 of paragraph (2) have been met during the 12-
9 month period ending on the date of the certifi-
10 cation; and

11 (B) with respect to the limitation for sub-
12 sequent fiscal years, the President determines
13 and certifies to Congress, in the most recent
14 annual report submitted pursuant to section 6,
15 that the requirements of subparagraphs (A)
16 through (G) of paragraph (2) have been met
17 during the 12-month period covered by the re-
18 port.

19 (2) REQUIREMENTS.—The requirements of this
20 paragraph are the following:

21 (A) The Government of Vietnam has made
22 substantial progress toward releasing all polit-
23 ical and religious prisoners from imprisonment,
24 house arrest, and other forms of detention.

1 (B) The Government of Vietnam has made
2 substantial progress toward—

3 (i) respecting the right to freedom of
4 religion, including the right to participate
5 in religious activities and institutions with-
6 out interference, harassment, or involve-
7 ment of the Government, for all of Viet-
8 nam’s diverse religious communities; and

9 (ii) returning estates and properties
10 confiscated from the churches and religious
11 communities.

12 (C) The Government of Vietnam has made
13 substantial progress toward respecting the right
14 to freedom of expression, assembly, and associa-
15 tion, including the release of independent jour-
16 nalist, bloggers, and democracy and labor ac-
17 tivist.

18 (D) The Government of Vietnam has made
19 substantial progress toward repealing or revis-
20 ing laws that criminalize peaceful dissent, inde-
21 pendent media, unsanctioned religious activity,
22 and nonviolent demonstrations and rallies, in
23 accordance with international standards and
24 treaties to which Vietnam is a party.

1 (E) The Government of Vietnam has made
2 substantial progress toward allowing Viet-
3 namese nationals free and open access to
4 United States refugee programs.

5 (F) The Government of Vietnam has made
6 substantial progress toward respecting the
7 human rights of members of all ethnic and mi-
8 nority groups.

9 (G) Neither any official of the Government
10 of Vietnam nor any agency or entity wholly or
11 partly owned by the Government of Vietnam
12 was complicit in a severe form of trafficking in
13 persons, or the Government of Vietnam took all
14 appropriate steps to end any such complicity
15 and hold such official, agency, or entity fully
16 accountable for its conduct.

17 (b) EXCEPTION.—

18 (1) CONTINUATION OF ASSISTANCE IN THE NA-
19 TIONAL INTEREST.—Notwithstanding the failure of
20 the Government of Vietnam to meet the require-
21 ments of subsection (a)(2), the President may waive
22 the application of subsection (a) for any fiscal year
23 if—

24 (A) the President determines that the pro-
25 vision to the Government of Vietnam of in-

1 creased nonhumanitarian assistance would pro-
2 mote the purpose of this Act or is otherwise in
3 the national interest of the United States; and

4 (B) the Federal Government provides as-
5 sistance, at levels commensurate with, or ex-
6 ceeding, any increases in nonhumanitarian as-
7 sistance to Vietnam, that supports—

8 (i) training about the obligation of the
9 Government of Vietnam to respect the
10 rights enumerated in the International
11 Covenant on Civil and Political Rights;

12 (ii) noncommercial rule of law pro-
13 gramming; and

14 (iii) measures to overcome the jam-
15 ming of Radio Free Asia by the Govern-
16 ment of Vietnam.

17 (2) EXERCISE OF WAIVER AUTHORITY.—The
18 President may exercise the authority under para-
19 graph (1) with respect to—

20 (A) all United States nonhumanitarian as-
21 sistance to Vietnam; or

22 (B) one or more programs, projects, or ac-
23 tivities of such assistance.

24 (c) DEFINITIONS.—In this section:

1 (1) NONHUMANITARIAN ASSISTANCE.—The
2 term “nonhumanitarian assistance” means—

3 (A) any assistance under the Foreign As-
4 sistance Act of 1961 (including programs under
5 title IV of chapter 2 of part I of that Act, relat-
6 ing to the Overseas Private Investment Cor-
7 poration), other than—

8 (i) disaster relief assistance, including
9 any assistance under chapter 9 of part I of
10 that Act;

11 (ii) assistance which involves the pro-
12 vision of food (including monetization of
13 food) or medicine;

14 (iii) assistance for environmental re-
15 mediation of dioxin-contaminated sites and
16 related health activities;

17 (iv) assistance to combat severe forms
18 of trafficking in persons;

19 (v) assistance to combat pandemic
20 diseases;

21 (vi) assistance for refugees; and

22 (vii) assistance to combat HIV/AIDS,
23 including any assistance under section
24 104A of that Act; and

1 (B) sales, or financing on any terms, under
2 the Arms Export Control Act.

3 (2) SEVERE FORM OF TRAFFICKING IN PER-
4 SONS.—The term “severe form of trafficking in per-
5 sons” means any activity described in section 103(8)
6 of the Trafficking Victims Protection Act of 2000
7 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C.
8 7102(8)).

9 (d) EFFECTIVE DATE.—This section shall take effect
10 on the date of the enactment of this Act and shall apply
11 with respect to the provision of nonhumanitarian assist-
12 ance to the Government of Vietnam for fiscal year 2014
13 and subsequent fiscal years.

14 **SEC. 4. UNITED STATES PUBLIC DIPLOMACY.**

15 (a) RADIO FREE ASIA TRANSMISSIONS TO VIET-
16 NAM.—It is the sense of Congress that the United States
17 should take measures to overcome the jamming of Radio
18 Free Asia by the Government of Vietnam and that the
19 Broadcasting Board of Governors should not cut staffing,
20 funding, or broadcast hours for the Vietnamese language
21 services of the Voice of America and Radio Free Asia,
22 which shall be done without reducing any other broadcast
23 language services.

24 (b) UNITED STATES EDUCATIONAL AND CULTURAL
25 EXCHANGE PROGRAMS WITH VIETNAM.—It is the sense

1 of Congress that any programs of educational and cultural
2 exchange between the United States and Vietnam should
3 actively promote progress toward freedom and democracy
4 in Vietnam by providing opportunities to Vietnamese na-
5 tionals from a wide range of occupations and perspectives
6 to see freedom and democracy in action and, also, by en-
7 suring that Vietnamese nationals who have already dem-
8 onstrated a commitment to these values are included in
9 such programs.

10 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
11 It is the sense of Congress that the Secretary of State
12 should strongly oppose, and encourage other members of
13 the United Nations to oppose, the candidacy of Vietnam
14 for membership on the United Nations Human Rights
15 Council for the term beginning in 2014.

16 **SEC. 5. RELIGIOUS FREEDOM AND HUMAN TRAFFICKING.**

17 (a) COUNTRY OF PARTICULAR CONCERN.—It is the
18 sense of Congress that Vietnam should be designated as
19 a country of particular concern for religious freedom pur-
20 suant to section 402(b) of the International Religious
21 Freedom Act of 1998 (22 U.S.C. 6442(b)).

22 (b) MINIMUM STANDARDS FOR THE ELIMINATION OF
23 HUMAN TRAFFICKING.—It is the sense of Congress that
24 the Government of Vietnam does not fully comply with the
25 minimum standards for the elimination of trafficking and

1 is not making significant efforts to bring itself into compli-
2 ance, and this determination should be reflected in the an-
3 nual report to Congress required pursuant to section
4 110(b) of the Trafficking Victims Protection Act of 2000
5 (22 U.S.C. 7107(b)).

6 **SEC. 6. ANNUAL REPORT.**

7 (a) IN GENERAL.—Not later than six months after
8 the date of the enactment of this Act and every 12 months
9 thereafter, the Secretary of State shall submit to Congress
10 a report on the following:

11 (1) The determination and certification of the
12 President that the requirements of subparagraphs
13 (A) through (G) of section 3(a)(2) have been met,
14 if applicable.

15 (2) If the President has waived the application
16 of section 3(a) pursuant to section 3(b) during the
17 reporting period—

18 (A) the national interest with respect to
19 which such a waiver was based;

20 (B) the amount of increased nonhumani-
21 tarian assistance provided to the Government of
22 Vietnam; and

23 (C) a description of the type and amount
24 of commensurate assistance provided pursuant
25 to section 3(b)(1)(B).

1 (3) Efforts by the United States Government to
2 promote access by the Vietnamese people to Radio
3 Free Asia transmissions.

4 (4) Efforts to ensure that programs with Viet-
5 nam promote the policy set forth in section 102 of
6 the Human Rights, Refugee, and Other Foreign Pol-
7 icy Provisions Act of 1996 regarding participation in
8 programs of educational and cultural exchange.

9 (5) Lists of persons believed to be imprisoned,
10 detained, or placed under house arrest, tortured, or
11 otherwise persecuted by the Government of Vietnam
12 due to their pursuit of internationally recognized
13 human rights. In compiling such lists, the Secretary
14 shall exercise appropriate discretion, including con-
15 cerns regarding the safety and security of, and ben-
16 efit to, the persons who may be included on the lists
17 and their families. In addition, the Secretary shall
18 include a list of such persons and their families who
19 may qualify for protections under United States ref-
20 ugee programs.

21 (6) A description of the development of the rule
22 of law in Vietnam, including—

23 (Δ) progress toward the development of in-
24 stitutions of democratic governance;

1 (B) processes by which statutes, regula-
2 tions, rules, and other legal acts of the Govern-
3 ment of Vietnam are developed and become
4 binding within Vietnam;

5 (C) the extent to which statutes, regula-
6 tions, rules, administrative and judicial deci-
7 sions, and other legal acts of the Government of
8 Vietnam are published and are made accessible
9 to the public;

10 (D) the extent to which administrative and
11 judicial decisions are supported by statements
12 of reasons that are based upon written statutes,
13 regulations, rules, and other legal acts of the
14 Government of Vietnam;

15 (E) the extent to which individuals are
16 treated equally under the laws of Vietnam with-
17 out regard to citizenship, race, religion, political
18 opinion, or current or former associations;

19 (F) the extent to which administrative and
20 judicial decisions are independent of political
21 pressure or governmental interference and are
22 reviewed by entities of appellate jurisdiction;
23 and

24 (G) the extent to which laws in Vietnam
25 are written and administered in ways that are

1 consistent with international human rights
2 standards, including the rights enumerated in
3 the International Covenant on Civil and Polit-
4 ical Rights.

5 (b) CONTACTS WITH OTHER ORGANIZATIONS.—In
6 preparing the report under subsection (a), the Secretary
7 shall, as appropriate, seek out and maintain contacts with
8 nongovernmental organizations and human rights advo-
9 cates (including Vietnamese-Americans and human rights
10 advocates in Vietnam), including receiving reports and up-
11 dates from such organizations and evaluating such re-
12 ports. The Secretary shall also seek to consult with the
13 United States Commission on International Religious
14 Freedom for appropriate sections of the report.

113TH CONGRESS
1ST SESSION

H. RES. 131

Concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts toward long-term peace, stability, and observance of human rights.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2013

Ms. BASS (for herself, Mr. SMITH of New Jersey, Mr. MEEKS, Mr. SIRES, Mr. CONNOLLY, Mr. DEUTCH, Mr. KEATING, Mr. CICILLINE, Mr. VARGAS, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. McDERMOTT, Mr. RANGEL, Mr. SMITH of Washington, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS, Mr. MORAN, Ms. NORTON, Mr. PAYNE, Mr. RUSH, Mr. TAKANO, Mrs. CAROLYN B. MALONEY of New York, Mr. HONDA, Ms. EDWARDS, Mrs. BEATTY, Mr. CAPUANO, Mr. CLEAVER, Mrs. CHRISTENSEN, Mr. DANNY K. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WILSON of Florida, Mr. DAVID SCOTT of Georgia, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. VEASEY, Mr. THOMPSON of Mississippi, Mr. WATT, Ms. SCHAKOWSKY, Ms. SPEIER, Ms. JACKSON LEE, Ms. HAHN, Ms. FUDGE, Ms. MOORE, Mr. ELLISON, Mr. CLARKE, Mr. LARSEN of Washington, Mr. SCOTT of Virginia, Ms. WATERS, and Mr. BISHOP of Georgia) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts toward long-term peace, stability, and observance of human rights.

Whereas since the 1990s, an estimated 5,000,000 people have died and more than 2,000,000 people have been displaced

due to repeated cycles of conflict and atrocities, particularly those in North and South Kivu provinces;

Whereas the United Nations and humanitarian groups have reported staggering rates of sexual violence indicating tens of thousands of cases perpetrated by the Congolese army and armed groups, including the M23 and the Democratic Forces for the Liberation of Rwanda, which continue to operate with nearly total impunity;

Whereas human rights defenders in the Democratic Republic of the Congo have been subject to intimidation and attack;

Whereas the Democratic Republic of the Congo's wealth of natural resources, including minerals and high-value wildlife products such as elephant ivory, have been a key driver of insurrection and violence, and the discovery and exploitation of oil could motivate further conflict;

Whereas the deeply flawed November 2011 elections in the Democratic Republic of the Congo laid bare significant political, economic, and social challenges;

Whereas the Democratic Republic of the Congo is home to one of the world's longest enduring and most expensive international peacekeeping operations;

Whereas the November 20, 2012, seizure of the city of Goma by the M23 rebel group, despite bilateral and multilateral efforts to address longstanding humanitarian crises, forge lasting peace, and pursue security sector reform and accountability, demonstrates that the underlying causes of the recurring conflicts in the eastern provinces of the Democratic Republic of the Congo remain unresolved;

Whereas on November 15, 2012, the United Nations Group of Experts provided compelling evidence, in report find-

ings corroborated by the United States Assistant Secretary of State for African Affairs in testimony before the United States House of Representatives on December 11, 2012, and December 19, 2012, that the M23 crisis is fueled and exacerbated by the Government of Rwanda, including through Rwandan Government provision of significant military and logistical assistance, and of operational and political guidance and support, to the M23; and

Whereas the United Nations and United States have imposed sanctions on the M23 and its leaders for human rights atrocities including rape, massacres, and the recruitment and physical and psychological torture of child soldiers: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) asserts that the region's leaders and the
3 international community should break the cycle of
4 violence and impunity in the Democratic Republic of
5 the Congo and surrounding region and urgently ad-
6 dress the root causes of the M23 conflict and pre-
7 vious crises;

8 (2) calls on the signatories of the February 24,
9 2013, Peace, Security and Cooperation Framework
10 for the Democratic Republic of the Congo and the
11 Region to abide by the provisions outlined in the
12 framework agreement in addition to ensuring that
13 those troops being re-integrated into the Congolese

1 army are not those accused of human rights viola-
2 tions;

3 (3) calls on governments of the Great Lakes re-
4 gion of Africa to respect the national security and
5 territorial integrity of the Democratic Republic of
6 the Congo, and to immediately halt and prevent any
7 and all forms of support to the M23 and other non-
8 state armed groups, including any support provided
9 by individuals independently of government policy;

10 (4) recognizes the recent efforts by the Govern-
11 ment of the Democratic Republic of the Congo to
12 end the recruitment of children into the armed
13 forces and demands the immediate cessation of the
14 recruitment and exploitation of children by militias,
15 and further calls on all armed groups to free chil-
16 dren and other civilians held against their will;

17 (5) calls on the Obama Administration, in close
18 coordination with international and regional part-
19 ners, to mobilize a comprehensive response to pre-
20 vent further deterioration of regional peace and sta-
21 bility and to ensure that life-saving humanitarian as-
22 sistance be unhindered and provided to populations
23 in need, particularly displaced persons and conflict-
24 affected communities;

1 (6) acknowledges the good work of the United
2 States Special Advisor on the Great Lakes and the
3 Democratic Republic of the Congo, and finds that
4 the challenges of helping to resolve the cycle of vio-
5 lence and impunity in the Democratic Republic of
6 the Congo requires higher-level United States diplo-
7 matic and political engagement;

8 (7) requests that Secretary of State John Kerry
9 demonstrate the high-level concern that the United
10 States attaches to ensuring stability and security in
11 the Democratic Republic of the Congo by appointing
12 a Special Envoy who will help lead the United States
13 and international efforts to end the M23 conflict and
14 secure permanent peace, stability, and safety for the
15 people of the Democratic Republic of the Congo;

16 (8) calls on all nations to increase cooperation
17 in order to cease the trade of illegal goods, including
18 poached ivory and conflict minerals, that continues
19 to fuel violence in the Democratic Republic of the
20 Congo;

21 (9) calls on the Obama Administration, includ-
22 ing the Atrocities Prevention Board, in close coordi-
23 nation with international and regional partners, to
24 develop and make actionable recommendations to
25 address, prevent, and ensure accountability for seri-

1 ous violations of international humanitarian law and
2 human rights abuses by all actors in the Democratic
3 Republic of the Congo, including by fully imple-
4 menting sanctions outlined in section 1284 of the
5 National Defense Authorization Act for Fiscal Year
6 2013, notwithstanding transactions that are cus-
7 tomary, necessary, and incidental to the provision of
8 critical, life-saving aid to civilian populations, and
9 the policy goals set out under the Democratic Re-
10 public of the Congo Relief, Security, and Democracy
11 Promotion Act of 2006, introduced by then-Senator
12 Barack Obama;

13 (10) urges the Government of the Democratic
14 Republic of the Congo, with close support from the
15 international community, to investigate and pros-
16 ecute those who have committed war crimes, crimes
17 against humanity, and violations of international hu-
18 manitarian law and human rights, including those
19 against women and children;

20 (11) calls on the Government of the Democratic
21 Republic of the Congo to meaningfully engage in
22 electoral reforms, in addition to security sector re-
23 forms to prevent militia combatants, particularly
24 M23 members, accused of abuses from integrating
25 into the military, and to host inclusive inter-Congo-

1 lese dialogues to address critical internal political
2 issues and strengthen processes of state institution
3 building in the Democratic Republic of the Congo;

4 (12) urges the Obama Administration to ad-
5 dress alleged support for militias operating in the
6 Democratic Republic of the Congo from foreign gov-
7 ernments or entities;

8 (13) acknowledges the United Nations' appoint-
9 ment of the Special Envoy for the Great Lakes re-
10 gion of Africa; and

11 (14) urges the United Nations Security Council
12 to lead efforts to reinforce and strengthen the
13 United Nations Organization Stabilization Mission
14 in the Democratic Republic of the Congo
15 (MONUSCO) and its capacity to protect civilians,
16 including preventing any future M23 advances on
17 Goma, as evidenced by the temporary seizure of
18 Goma and other areas, and to support measures to
19 strengthen the ability of MONUSCO to help ensure
20 peace and security in the future.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES 131
OFFERED BY MS. BASS OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas since the 1990s, an estimated 5,000,000 people have died and more than 2,000,000 people have been displaced due to repeated cycles of conflict and atrocities, particularly those in North and South Kivu provinces;

Whereas the United Nations and humanitarian groups have reported staggering rates of sexual violence indicating tens of thousands of cases perpetrated by the Congolese army and armed groups, including the M23, Mai Mai militias, the Lord's Resistance Army, and the Democratic Forces for the Liberation of Rwanda, which continue to operate with nearly total impunity;

Whereas human rights defenders in the Democratic Republic of the Congo have been subject to intimidation and attack;

Whereas the Democratic Republic of the Congo's wealth of natural resources, including minerals and high-value wildlife products such as elephant ivory, have been a driver of insurrection and violence, and the discovery and exploitation of oil could motivate further conflict;

Whereas the deeply flawed November 2011 elections in the Democratic Republic of the Congo laid bare significant political, economic, and social challenges;

Whereas the Democratic Republic of the Congo is home to one of the world's largest and most expensive international peacekeeping operations;

Whereas the November 20, 2012, seizure of the city of Goma by the M23 rebel group, despite bilateral and multilateral efforts to address longstanding humanitarian crises, forge lasting peace, and pursue security sector reform and accountability, demonstrates that the underlying causes of the recurring conflicts in the eastern provinces of the Democratic Republic of the Congo remain unresolved;

Whereas on November 15, 2012, the United Nations Group of Experts provided compelling evidence, in report findings corroborated by the United States Assistant Secretary of State for African Affairs in testimony before the United States House of Representatives on December 11, 2012, and December 19, 2012, that the M23 crisis has been fueled and exacerbated by the Government of Rwanda, including through the provision of significant military and logistical assistance, and of operational and political guidance and support, to the M23;

Whereas the United Nations and United States have imposed sanctions on the M23 and its leaders for human rights atrocities including rape, massacres, and the recruitment and physical and psychological torture of child soldiers;

Whereas on March 18, 2013, International Criminal Court (ICC) indictee and leader of a faction of the M23 rebel group, Bosco Ntaganda, turned himself in to the United States Embassy in Kigali, Rwanda, and asked to be and was transferred to the ICC in The Hague, where he voluntary surrendered on March 22, 2013;

Whereas the Lord's Resistance Army continues to perpetrate attacks against civilian populations in affected areas of northeastern Congo, creating widespread insecurity and displacement; and

Whereas members of civil society and political parties from both the majority and the opposition created the National Preparatory Committee (Comité National Préparatoire or CNP) to lay the groundwork for convening a national forum and dialogue with the goal of putting an end to the multifaceted crisis that afflicts the Democratic Republic of the Congo: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That the House of Representatives—

2 (1) asserts that the region's leaders bear pri-
3 mary responsibility for the security of their territory
4 and citizens and, with support from the inter-
5 national community, must break the cycle of violence
6 and impunity in the Democratic Republic of the
7 Congo and surrounding region and urgently address
8 the root causes of conflict;

9 (2) calls on the signatories of the February 24,
10 2013, Peace, Security and Cooperation Framework
11 for the Democratic Republic of the Congo and the
12 Region to abide by the provisions outlined in the
13 framework agreement in addition to ensuring that
14 those troops being integrated into the Congolese

1 army are not those accused of human rights viola-
2 tions;

3 (3) calls on governments of the Great Lakes re-
4 gion of Africa to respect the national security and
5 territorial integrity of the Democratic Republic of
6 the Congo, and to immediately halt and prevent any
7 and all forms of support to the M23 and other
8 nonstate armed groups, including any support pro-
9 vided by individuals independently of government
10 policy;

11 (4) recognizes the recent efforts by the Govern-
12 ment of the Democratic Republic of the Congo to
13 end the recruitment of children into the armed
14 forces and demands the immediate cessation of the
15 recruitment and exploitation of children by militias,
16 and further calls on all armed groups to free chil-
17 dren and other civilians held against their will;

18 (5) calls on the Administration, in close coordi-
19 nation with international and regional partners and
20 consistent with Public Law 109–456, to support the
21 Government of the Democratic Republic of the
22 Congo in mobilizing a comprehensive response to
23 prevent further deterioration of regional peace and
24 stability and to ensure unhindered humanitarian ac-
25 cess;

1 (6) acknowledges the good work of the United
2 States Special Advisor on the Great Lakes and the
3 Democratic Republic of the Congo, and finds that
4 the challenges of helping to resolve the cycle of vio-
5 lence and impunity in the Democratic Republic of
6 the Congo requires higher-level United States diplo-
7 matic and political engagement;

8 (7) requests that Secretary of State John Kerry
9 demonstrate the high-level concern that the United
10 States attaches to ensuring stability and security in
11 the Democratic Republic of the Congo by elevating
12 the existing role of the Special Advisor for the Great
13 Lakes and the Democratic Republic of the Congo to
14 the designation of a Special Envoy who will help
15 lead the United States and international efforts to
16 end violence carried out by armed militias and se-
17 cure permanent peace, stability, and safety for the
18 people of the Democratic Republic of the Congo;

19 (8) calls on all nations to increase cooperation
20 in order to cease the trade of illegal goods, including
21 poached ivory and conflict minerals, that continues
22 to fuel violence in the Democratic Republic of the
23 Congo;

24 (9) calls on the Administration, including the
25 Atrocities Prevention Board, in close coordination

1 with international and regional partners, to develop
2 and make actionable recommendations to address,
3 prevent, and ensure accountability for serious viola-
4 tions of international humanitarian law and human
5 rights abuses by all actors in the Democratic Repub-
6 lic of the Congo, including by fully implementing
7 sanctions outlined in section 1284 of the National
8 Defense Authorization Act for Fiscal Year 2013,
9 notwithstanding transactions that are customary,
10 necessary, and incidental to the provision of critical,
11 life-saving aid to civilian populations, and the policy
12 goals set out under Public Law 109–456;

13 (10) urges the Government of the Democratic
14 Republic of the Congo, with close support from the
15 international community, to investigate and pros-
16 secute those who have committed war crimes, crimes
17 against humanity, and violations of international hu-
18 manitarian law and human rights, including those
19 against women and children;

20 (11) calls on the Government of the Democratic
21 Republic of the Congo to meaningfully engage in
22 electoral reforms, in addition to security sector re-
23 forms to prevent militia combatants, particularly
24 M23 members, accused of abuses from integrating
25 into the military, and to host inclusive inter-Congo-

1 lese dialogues to address critical internal political
2 issues and strengthen processes of state institution
3 building in the Democratic Republic of the Congo;

4 (12) urges the Administration to address sup-
5 port provided to militias operating in the Democratic
6 Republic of the Congo by foreign governments and
7 entities;

8 (13) acknowledges the United Nations' appoint-
9 ment of the Special Envoy for the Great Lakes re-
10 gion of Africa; and

11 (14) acknowledges the authorization by the
12 United Nations Security Council of the deployment
13 of an intervention brigade within the United Nations
14 Organization Stabilization Mission in the Demo-
15 cratic Republic of the Congo (MONUSCO) with a
16 robust civilian protection mandate, and urges the
17 United Nations Security Council to continue to lead
18 efforts to reinforce and strengthen MONUSCO and
19 its capacity to protect civilians, deter violence, and
20 ensure peace and stability.



Mr. SMITH. The Chair moves that the en bloc items be adopted. All those in favor say aye. Aye. All those opposed say no. The ayes have it, in the opinion of the Chair, and the items considered en bloc are adopted. Without objection, the measures as amended are reported favorably to the full committee. The staff is directed to make technical and conforming changes.

I would note that now that we have completed our formal consideration of those measures, I will recognize members for remarks. And recognize myself first on behalf of the first bill that was just passed on to the full committee.

It was David Goldman's unrelenting effort to bring his son, Sean, home from Brazil that first alerted me to the epidemic of international parental child abduction in this country. According to the U.S. Department of State, between the years 2008 and 2012, bereaved, left-behind parents like David Goldman reported over 4,800 abduction cases involving more than 7,000 children. I had the privilege of joining David Goldman in his fight to return Sean and experienced firsthand the maddening obstacles encountered by left-behind parents, even in countries that have signed the Hague Convention on international child abductions: Foreign courts, endless appeals to run out the clock, exploitation of the safeguards in the Convention, and prejudice against foreigners.

The damage to the child and the left-behind parents is incalculable, and too often, lifelong. The children are at risk of serious emotional and psychological problems and may experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness. Parental child abduction is child abuse. These victims are American citizens who need the help of their government when normal legal processes are unavailable or fail.

Too many families have been waiting too long for the return of their children. Our current system with its endless delays and lack of proper accountability has failed far too many. It is time for the approach that backs our demands for adherence to international obligations with some penalties and makes clear to foes and friends alike that our children are our top priority.

As stated in the legislation, it has several purposes. First, we want to protect children whose habitual residence is the U.S. from the harmful effects of abduction and to assist left-behind parents to have access to their abducted children in a safe and predictable manner, wherever the child is located while an abduction case is pending. We want to provide left-behind parents, their advocates, and judges the information they need to enhance the resolution of abduction cases and access cases through established legal procedures and the tools for assessing the risk of abduction and denial of rights of access, and the practical means for overcoming obstacles to recovering an abducted child.

We seek to provide the necessary training for officials of the U.S. Armed Forces and the Department of Defense to establish policies and provide services to parents serving in our military that address the unique circumstances of abductions and violations of rights of access that may occur with regard to military dependent children.

Additional purposes of the bill would be to establish measured, effective, and predictable actions to be undertaken by the President

on behalf of abducted American children and to 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.

Finally, the bill would 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 abduction.

The Goldman Act gives the President important tools to motivate other countries to quickly respond to applicants for an abducted child's return. For even one case that has been pending for over 6 weeks in a foreign country's judicial system, the President may choose to at least issue a private demarche or take more serious actions commensurate with the gravity of the case.

If a country has 10 or more cases of children abducted from the U.S., pursuant to this legislation, and those cases are not being resolved in a timely manner or the entity responsible for working with the United States, the central authority, the judiciary, or law enforcement are persistently failing to fulfill their obligations, the President can take measured, effective, and predictable actions to aggressively advocate for our children's return. Actions range from denial of certain assistance to prohibiting the procurement of certain goods or services from the government or the instrumentality response for the pattern of what we call noncooperation.

The President is required to request a consultation with any government concerned and report to Congress when contemplating serious actions. The President is also provided with certain waiver authorities that take into account the important national interests of the United States. However, the expectation is that the President will use all tools necessary to bring our children home in a timely manner and that the President will have to explain the minority of cases where one of the 18 delineated tools or commensurate action cannot be used.

I want to thank Mr. Meadows for his valuable amendment to the bill, which calls on the Government Accountability Office to report to Congress on Egypt's cooperation or facilitation of parental child abduction. Last week, the subcommittee heard compelling testimony of Mr. Colin Bower, whose two boys were abducted to Egypt in 2009. Mr. Bower indicated that Egypt has aided and abetted in the kidnapping and illegal holding of his sons, including by issuing false Egyptian passports for the two boys and by allowing them to exit the U.S. on the Egyptian Government-owned airline, EgyptAir. It will be very helpful to Members of Congress to receive an assessment from the GAO of the Egyptian Government's involvement in this and the other cases of child abduction from the United States.

I yield to my friend and colleague, Dr. Bera, for any comments he might have.

Mr. BERA. Mr. Chairman, thank you for convening this markup. I am pleased that the Foreign Affairs Committee and this subcommittee are proceeding with regular order as it moves legislation to the full committee. I want to focus for one moment on H.R. 1951, the Child Abduction and Return Act of 2013. I am pleased that the subcommittee was able to focus on this important issue. And I sup-

port many of the provisions contained within the legislation. However, I believe the State Department has expressed some concerns and possible unintended consequences of this bill. The punitive measures offered to the President under the legislation may discourage non-party nations, such as India, from signing or ratifying the Hague Convention. As this legislation moves to full committee, I would like to have a better understanding of the non-signators and what we can do to encourage their cooperation on this important issue. It is important that these countries join the Hague Convention.

I would also like to work with my colleagues and address these concerns and ensure that any legislation we pass will have the desired effect of reducing the number of child abductions. Again, thank you, Chairman Smith, for continuing your important work in this area. Congratulations on moving your legislation through the subcommittee, and I look forward to working with you on this important issue. I yield back.

Mr. SMITH. Thank you very much. Chair recognizes Mr. Weber.

Mr. WEBER. Mr. Chairman, thank you. I don't have any comments at this time.

Mr. SMITH. Okay. Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman. And obviously, this committee just acted to approve three pieces of timely and necessary legislation that will better the lives of thousands of people. And I am proud that this committee has taken the initiative to address the ongoing humanitarian issues in Vietnam and in the Congo. And I want to commend the chairman and the ranking member for their leadership. The third bill we approve today, H.R. 1951, addresses parental child abduction and the Hague Convention. This is a good bill. I am proud to be a cosponsor and proud to have supported it today. I am also proud that we have been able to amend this bill and make it a little bit better. Last week, we heard powerful testimony on the foreign parental child abduction from parents of victims. And we heard that the foreign governments can often be complicit in these abductions, especially in non-Hague treaty countries. And one of those witnesses was Colin Bower. Mr. Bower's two sons, Noor and Ramsay, were abducted and taken to Egypt in 2009. They remain there today with 20 other American children.

Egypt is a country that we are working with and whose continued solvency depends on American aid, American intervention. And yet we hear heartbreaking stories like Mr. Bower's. Thankfully, Mr. Bower did not just share his story, but he shared recommendations on moving forward. And one of those recommendations was to require the GAO to report on the child abductions in Egypt, including the role of the Egyptian Government.

Today I offered an amendment to H.R. 1951 to do exactly that, and I look forward to reading the GAO's eventual report. And I want to thank Mr. Bower and all of those previous witnesses for sharing their stories. But I also want to thank the committee for supporting my amendment and moving this bill. And with that I yield back, Mr. Chairman. Thank you.

Mr. SMITH. Mr. Meadows, thank you very much and thank you for authoring that very important amendment to this legislation. With that, I recognize Mr. Stockman.

Mr. STOCKMAN. Thank you, Mr. Chairman, for the compassion you have shown through all the years you have been here in Congress. And I appreciate that throughout the years you have stuck to it and when it would have been easy to roll over to Ways and Means or some other “important” committees; and your compassion is demonstrated by these bills that you put forth. And I just want to say something quickly about our friends in the DRC. I have been there many times. And they have great potential. This nation is, you know, nearly as large as Western Europe. And they have a great, great potential if they adhere to a civil society and stick to the rule of law, and let democracy flourish. I think this bill is going to go a long way in ensuring that the DRC will be successful in achieving its goals.

And I really appreciate you offering this bill. And I hope when it gets to the full committee that they realize the work and effort that you have put into this resolution. But I just wanted to point out the DRC has a great opportunity to take advantage of—and work cooperatively with the United States. And look forward to future hearings and testimony. Thank you.

Mr. SMITH. Thank you very much, Mr. Stockman.

I yield to Ms. Bass to speak on H. Res. 131.

Ms. BASS. Chairman Smith, again, thank you for holding today’s markup. I am delighted that we have worked in a bipartisan manner to pass today’s legislation. And did want to speak for a minute on H. Res. 131, Concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts toward long-term peace, stability, and the observance of human rights. As you are well aware, in the DRC, an estimated 5 million people, which is just an incredible number, have died, and some 2 million have been displaced due to repeated cycles of war, conflict, violence, particularly sexual, and gender-based violence waged against women and children. It is time for this crisis to come to an end. Today’s markup takes an important step forward in efforts to raise awareness within the U.S. Congress and among all Americans of this horrific and tragic crisis.

I was recently in the Congo and heard from many people there. And I have heard from the Congolese diaspora here in the United States about the situation in the Congo. Currently, we have 55 Members of the House from both parties that have cosponsored this bill, and I plan to continue to call for bipartisan support for this legislation. It is also my understanding that efforts are underway to introduce similar legislation in the Senate.

Lastly, there has been a great deal of discussion around the need for a special envoy to the DRC in the Great Lakes region. This legislation calls for such an envoy, and Secretary Kerry in testimony before both the House and the Senate has indicated his plan to make an appointment. I am pleased that this effort is making progress and urge the Secretary to move swiftly to make his decision and develop a comprehensive strategy that relies on diplomacy and engagement to address the complex set of issues that stand as barriers to peace and stability in the DRC and the region.

Thank you, and I yield back my time.

Mr. SMITH. I yield to myself such time as I may consume. I want to thank the ranking member, Karen Bass, for introducing this important resolution. And I am very pleased to be original cosponsor. And it is supported, I know, by members of this subcommittee. This measure brings attention to the continuing, deplorable situation in the DRC in which more than two dozen militias, as well as the national army itself, continue to terrorize the country's population. The international community has been outraged by the staggering rate of sexual violence, which reports that nearly 50 women and girls being raped each hour in the DRC. The atrocities also include recruitment and physical and psychological torture of child soldiers. H. Res. 131 calls on the Nation of Africa's Great Lakes region, including the DRC Government itself, to take all necessary actions to live up to international law and their own agreements concerning noninterference in one another's affairs.

As we found out through several U.N. investigations and our subcommittee's three hearings last year, this has not always been the case. Unregulated cross-border militia activity and the plundering of natural resources in the DRC have made life for so many Congolese, especially those in the Eastern Congo, all but unbearable. The trade in illicit minerals and poached ivory has also served to fuel the conflict in the DRC.

The Atrocity Prevention Board, created in 2011, to coordinate U.S. policy to prevent mass atrocities and serious human rights violations is called upon by H. Res. 131 to work with regional and international partners to bring the tragedy of life in the Eastern Congo to a definitive end. The Atrocities Prevention Board is directed to "address, prevent, and ensure accountability for serious violations of humanitarian law and human rights abuses by all actors in the DRC."

While its neighbors share the blame for the international crisis that exists in the Great Lakes, H. Res. 131 also calls on the Government of the DRC to investigate and prosecute its own military forces and citizens responsible for human rights abuses and to proceed with democratic and security sector reforms which it has previously agreed to.

Would anyone else like to be heard on this?

I would like to now recognize myself to speak briefly on H.R. 1897. And I do want to thank my colleagues for their support of the Vietnam Human Rights Act of 2013. The subcommittee, as we all know, heard from witnesses at a hearing on April 11 that the Vietnam's Government continues to violate a broad array of fundamental human rights. The testimony we heard confirmed that religious, political, and ethnic persecution continue and that Vietnamese officials are complicit in human trafficking. At that hearing, just over a month ago, we heard from a sister of a Vietnamese woman who was forced to work in a brothel in Russia with 14 other Vietnamese women.

At another hearing last year, we heard about a group of Vietnamese workers who were trafficked to Jordan. In each of these cases, not only did officials from the Vietnamese Government fail to help the victims, but they actually cooperated with the traffickers to keep the trafficking operations going. I am pleased to re-

port that following the April hearing and the sister's courageous testimony, the Vietnamese trafficking victims who were being held in Russia have been freed. But the Vietnamese Government must respect the human rights of all of its people, not only those who are fortunate enough to have their human rights violations publicized at a congressional hearing. For this reason, I have reintroduced the Vietnam Human Rights Act and I am glad the subcommittee voted it out today.

The purpose of H.R. 1897 is to promote the development of freedom and democracy in Vietnam. It seeks to do so primarily by stipulating that the United States can increase its non-humanitarian assistance to Vietnam above the 2012 Fiscal Year levels only when the President is able to certify to Congress that the Government of Vietnam has made substantial progress, operative words, substantial progress in establishing a democracy and promoting human rights, including respecting freedom of religion and releasing all political religious prisoners; respecting rights of freedom of expression, assembly and association, and releasing all political prisoners, independent journalists, and labor activists; repealing and revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity, and nonviolent demonstrations in accordance with the international human rights standards; respecting the human rights of members of all ethnic groups, and then taking all appropriate steps, including prosecution of government officials, to end any government complicity in human trafficking. This condition on increased non-humanitarian assistance may be waived in the national interest of the United States, if any such increase is offset by assistance to increase training on Vietnam's international human rights obligations, to support noncommercial rule of law programming, or to support measures to overcome the Vietnamese Government's jamming of Radio Free Asia.

H.R. 1897 also includes several senses of Congress. Vietnam has announced it is seeking membership in the U.N. Human Rights Council, a vote that will be held at this fall's U.N. General Assembly. Given the Vietnamese Government's abysmal human rights record, the bill calls on the Secretary of State to strongly oppose Vietnam's candidacy.

The bill also indicates that Vietnam should be redesignated a Country of Particular Concern for religious freedom, pursuant to the International Religious Freedom Act of 1998, and that its tier ranking, pursuant to the Trafficking Victims Protection Act, should reflect the fact that the government is not making significant efforts to eliminate human trafficking.

Again, I want to thank my colleagues for their support. I yield to any member who would like to speak. Mr. Meadows.

Mr. MEADOWS. Mr. Chairman, I want to thank you for your comments and for highlighting this issue. And I have been in some of these hearings as we have heard the just riveting testimony from so many of the affected families. And time and time again, the recommendation was that we put forth meaningful legislation that does not just talk about our support for human rights, but really makes sure that it is measurable and that it has consequences. I am hopeful that we will see speedy action on this particular piece of legislation.

I was unaware of many of the unbelievable atrocities that were happening until we heard testimony in this very room, and I want to thank the chairman for highlighting it, but also for putting forth this legislation that I hope will see an end to some of the unbelievable atrocities that are occurring. Specifically, to have an appointment of a country with the known violations to the Human Rights Council would be very problematic and would send the wrong message. So I agree and concur and would encourage the Secretary to oppose that until we see significant responses on behalf of the Vietnam Government. With that, I yield back. Thanking the chair.

Mr. SMITH. Are there any other members who wish to be heard?

If not, I do want to thank my distinguished colleagues for their participation and support for these bills on both sides of the aisle. This markup is concluded. And we are finished.

[Whereupon, at 11:57 a.m., the subcommittee was adjourned.]

A P P E N D I X



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SUBCOMMITTEE MARKUP NOTICE
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Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

May 14, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.foreignaffairs.house.gov>):

DATE: Wednesday, May 15, 2013

TIME: 11:30 a.m.

MARKUP OF: H.R. 1951, 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;

H.R. 1897, To promote freedom and democracy in Vietnam; and

H.Res. 131, Concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts toward long-term peace, stability, and observance of human rights.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



