

URGING COMPLIANCE WITH HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 293) urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction, as amended. The Clerk read as follows:

H. CON. RES. 293

Whereas the Department of State reports that at any given time there are 1,000 open cases of American children either abducted from the United States or wrongfully retained in a foreign country;

Whereas many more cases of international child abductions are not reported to the Department of State;

Whereas the situation has worsened since 1993, when Congress estimated the number of American children abducted from the United States and wrongfully retained in foreign countries to be more than 10,000;

Whereas Congress has recognized the gravity of international child abduction in enacting the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204), the Parental Kidnapping Prevention Act (28 U.S.C. 1738a), and substantial reform and reporting requirements for the Department of State in the fiscal years 1998-1999 and 2000-2001 Foreign Relations Authorization Acts;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the "Hague Convention") and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes mutual rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas Article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the requested state from its obligation to return a child to the country of the child's habitual residence if it is established that there is a "grave risk" that the return would expose the child to "physical or psychological harm or otherwise place the child in an intolerable situation" or "if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of [the child's] views";

Whereas some contracting states, for example Germany, routinely invoke Article 13 as a justification for nonreturn, rather than resorting to it in a small number of wholly exceptional cases;

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas Article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the Article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That Congress urges—

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 293.

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

There was no objection.

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

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 293. This resolution urges compliance with the Hague Convention on the civil aspects of international child abduction. It is regrettable that we are in a position in this resolution of the need to criticize by name several nations with whom we have otherwise had friendly relations: Germany, Austria, Sweden, Honduras, and Mexico.

It is obvious from the circumstances, that it is necessary to do so, and I want to commend the gentleman from Ohio (Mr. CHABOT), a member of our Committee on International Relations, who, on behalf of 132 cosponsors, introduced this measure.

I would also like to thank the gentleman from Texas (Mr. LAMPSON), who is the chairman of the Caucus on Missing and Exploited Children. He has devoted a great deal of his time to raising our level of awareness of the growing problem of international child abduction.

We are taking action on this measure on behalf of the parents of our abducted and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the heartbreak, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or illegally-retained child should be on the top of the Secretary's meetings with any official of a country involved in such cases.

This is not a problem that should be handled as a routine exchange of diplomatic notes or by phone calls by any junior U.S. official to their foreign counterparts. We need to see some concern and some concrete actions by the highest levels of our government to redress what is evidently a growing international problem.

It is our hope, Mr. Speaker, that by adopting this resolution we will be sending a strong signal to those governments which fail to honor consistently their international commitments. This is an issue that we care deeply about. We need to focus the attention of the governments of Germany, of Sweden, Austria, Mexico, and Honduras on this issue to make them understand that they cannot expect the Hague Convention to be a one-way street.

Accordingly, Mr. Speaker, I urge the House to unanimously agree to this resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution. Many of us have read press accounts of children stolen from their American mothers or fathers and whisked away to a foreign country by the noncustodial parent. The heartbreak of the left-behind parent is too often compounded by the realization that the country to which the abducting parent has fled is actually helping

that parent to hide the children. This assistance to the abductors by countries like Germany, Austria, Sweden, and Mexico is contrary to the letter and spirit of the Hague Convention on the civil aspects of international child abduction.

In at least 30 cases in Germany, for example, German judges have flouted the basic tenets of the Hague Convention and have allowed the fleeing parent to continue to hide the children from their American parents and even to deny them the most minimal contact with their children. Germany is a signatory to the Hague Convention.

Resolutions like the one we have before us, and I compliment the chairman of the committee for expediting this matter and the fine work done by my colleagues, particularly the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. LAMPSON). Resolutions like the one we have before us today are one way that Congress can send a message to these countries, most of which are friends and allies of the United States, that we will not be silent in the face of these tragedies.

Mr. Speaker, make no mistake, these cases are tragedies, tragedies of broken families, traumatized children, bereft mothers and fathers who are left behind with precious little hope of ever seeing their children again. These cases are, sadly, not rare. Every year it is estimated that at least 1,000 boys and girls are taken from their American parents. There are as many as 10,000 cases of children wrongfully retained by their noncustodial parents currently on file. The Hague Convention clearly states that custody disputes should be decided in the country in which the child habitually resides, but time and again foreign courts have intervened and decided custody cases, even though the children in question are American-born and have spent their lives up to the point of their abduction in America.

In the case of Joseph Cooke, whose story was so movingly described recently in the Washington Post, German courts even gave the German foster parents of his children greater rights than they accorded Mr. Cooke himself, the children's father.

Mr. Speaker, the resolution before us urges our friends, neighbors, and allies to live up to their commitments in signing the Hague Convention on the civil aspects of international child abduction. It asks countries to enact effective implementing legislation; to educate their judicial and law enforcement authorities; to return abducted and wrongfully-retained children to their place of habitual residence without reaching the merits of any underlying custody dispute; and to ensure parental access rights by removing obstacles to the exercise of such rights; and to further educate its central authority and local law enforcement authorities on the Hague Convention, the

severity of the problem of international child abduction and the need for immediate action, when a parent of an abducted child seeks their assistance.

This is the very least we can do to address the heartbreak of thousands of American left-behind parents, and I strongly urge its adoption.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the original sponsor of this measure.

Mr. CHABOT. Mr. Speaker, first let me express my thanks to the gentleman from New York (Mr. GILMAN) for his long-standing leadership in this issue. He has been a real advocate for those families who have been victimized by international parental child abduction. All of us who have worked on this issue appreciate his stewardship.

I also want to thank the gentleman from Florida (Mr. HASTINGS) for his leadership on this very important issue; and I want to particularly thank my friend, the gentleman from Texas (Mr. LAMPSON), the principal cosponsor of the bipartisan resolution. As the founder and chairman of the Congressional Caucus on Missing and Exploited Children, he has worked tirelessly on behalf of abducted children. He comes down here every single day and gives a speech on a different particular case that has happened and he has devoted a lot of time and a lot of effort on this issue and to the families and he has been a very effective partner in this legislative effort.

More than 130 cosponsors have joined in this effort to bring attention to the tragedy of international parental child abduction. I know the families of those children appreciate the support of Members of Congress like the gentleman from Florida (Mrs. FOWLER); the ranking member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDESON); the gentleman from Ohio (Mr. PORTMAN); the gentleman from California (Mr. OSE); and so many others.

I would also particularly like to thank my legislative director Kevin Fitzpatrick who spent many, many hours working on this issue and talking with someone in my district who has been hit with this on a personal basis.

I first became aware of this issue on a personal level when a gentleman by the name of Tom Sylvester from my hometown of Cincinnati, his daughter Carina was abducted by her mother in 1995 and taken to Austria where she remains today. Despite a number of court orders in both the United States and in Austria, including an order by the Austrian Supreme Court that clearly ruled that the child should be returned to Tom Sylvester, Carina has not been returned to her father.

During the last 5 years, he has only been able to see her briefly and in a supervised setting. Every attempt to

bring Carina home has been met with rejection by Austria.

Every attempt to seek justice from the Austrian government has been stonewalled, and it is time that Tom Sylvester got his daughter Carina back to the United States. That is where she belongs.

□ 1300

During a hearing on the Committee on International Relations in March of this year, I had the opportunity to discuss Tom Sylvester's case with Secretary of State Madeline Albright. The Secretary promised to bring up the case during her discussions with the Austrian government, and she committed to a meeting with Mr. Sylvester, myself, and my colleague, the gentleman from Cincinnati, Ohio (Mr. PORTMAN). Hopefully, that meeting will take place soon.

By personally engaging in this issue, the Secretary will be expressing her solidarity with all of those parents throughout the country who face the same painful ordeal that Tom Sylvester faces every day, and she will be sending a strong message to those offending countries who fail to honor their obligations under the Hague Convention that the United States Government is serious about bringing our children home.

House Concurrent Resolution 293 is very straightforward. We are urging all contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction to comply fully with both the letter and the spirit of their international legal obligations under the convention; to ensure their compliance by enacting effective implementing legislation and educating their judicial and law enforcement authorities; and to honor their commitments and return wrongfully abducted children to their place of habitual residence and ensure parental access rights by removing obstacles to the exercise of those rights.

Mr. Speaker, thousands of American parents wake up each morning with a glimmer of hope that they will soon be reunited with their abducted children. Most of those parents go to bed again that night broken-hearted. Sadly those left-behind parents all too often believe that they have nowhere to turn and that is truly a tragedy.

Today, we are sending a message to our State Department that the return of our children is a national priority. Today, we are saying to those nations who routinely ignore their obligations under the Hague convention: send our children home.

Mr. Speaker, those long suffering left-behind parents need to know that their government is behind them, and that their government will keep fighting for them until the last stolen American child comes safely home.

Let us have a resounding show of support for this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged and honored

to yield 5 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), who has been a tireless worker in this effort to bring this matter to fruition.

(Mr. LAMPSON asked and was given permission to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for giving me the opportunity to speak in support of House Concurrent Resolution 293. As chairman and founder of the Congressional Missing And Exploited Children's Caucus, I am very, very pleased that the House Committee on International Relations and the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) have recognized the importance of an issue that the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. OSE) and I have been pushing on for quite a long time of international parental child abduction.

The bill that this body will vote on today calls on the signatories of the Hague Convention of Civil Aspect of Child Abduction to abide by the provisions of the Hague Convention.

Three months ago, I came before that committee, with a number of parents, to announce to Congress and to the American people that it was time for America and our foreign counterparts to sit up and take notice of the 10,000 American children that have been abducted overseas, and that time has come.

We are pointing fingers today at those countries who have not lived up to their side of the deal, and I know that the United States is not perfect, that we still have much educating to do of the judges who deal with this issue, but the return rate by the United States to other Hague countries is upwards of 89 percent. We know that American children are returned at a rate far less than what the United States returns, only about 24 percent.

These parents' children have been abducted to Hague countries all over the world. This issue is one that is non-partisan and one that none of us can afford to ignore. I am truly pleased to have introduced this resolution with my friend, the gentleman from Ohio (Mr. CHABOT). Our resolution urges all contracting parties to the Hague Convention, particularly European civil law countries, that consistently violate the Hague Convention, such as Austria, Germany and Sweden, to comply fully with both the letter and the spirit of their international legal obligations under this convention, in addition to urging all contracting parties to ensure their compliance with the convention by enacting effective implementing legislation and educating their judicial law enforcement authorities.

Mr. Speaker, we know that this is making a difference. We know that our voices are being heard. I know that last Friday, a gentleman whose name is Paul Marinkovich, had a case in the courts in Scotland after he had fol-

lowed his child from Sweden to Norway to Spain and finally to Scotland; and Mr. Marinkovich won his case last Friday in Scotland after 3½ years on the run. His child was located with the child's mother there in Scotland, and it was only after involvement by this government, by this Congress, by our State Department and high-ranking administration officials that this case, his case, took a turn for the better.

It was televised in Sweden; someone saw it and recognized Gabriel, who had moved to Spain. The case was investigated in Spain, and he was located in Scotland. His ex-wife was arrested. Gabriel was in the care of social services, and Paul won the Hague case on Friday. That is a thrill to me to know that this Congress made a difference.

Another gentleman named Jim Rinaman, Jim was a father who I met back in February and March. He saw his daughter for the first time in 5 years in Germany. The pressure that the German government is feeling is becoming apparent. The German press has picked up on this issue and is putting pressure on families over there.

Mr. Speaker, I have to read a part of an e-mail that came. While it was directed to me, I share and feel that it should be shared with every Member of Congress who has touched this issue in the last several months. He says: "Thank you so much for all of your help. I really admire you and the other Members for the way that you have taken on this issue. You can count on me for any assistance I might be able to provide for your continued efforts. As difficult as my situation still is, I am very much relieved, and I know there are solutions still to be found for other parents and children and Catherine. I believe that the German government, for one, is learning a new kind of respect for the United States because of the principal people like you and other Members of Congress who have presented and refused to compromise. There will be many parents and children who will always deeply appreciate what you are doing. I have attached photos of Julia. As you can see, she is well, and, thankfully, she will grow up with the opportunity to be equally proud of being American and German."

Well, to me, that is what this is about. And I want to take just a minute to commend the people like John Herzberg on the committee and Abby Hochberg Shannon on my staff and others on the staff like Khristyn Brimmeier and so many others who have spent so much of their time and effort. This issue would not have been brought to where it is today without so much work on the part of our staffs.

Mr. Speaker, I support this and only ask to bring our children home.

As I stated in my press conference three months ago, we need to raise awareness—parents from across the country have been contacting their Members of Congress. And we must continue to put pressure on other countries that are Hague signatories, that are

not abiding to the Hague Treaty. This resolution does just that. As I said in March, I would like to issue a challenge to each of you to help carry this message forward and help us "Bring our Children Home."

The SPEAKER pro tempore (Mr. KUYKENDALL). Does the gentleman from California (Mr. OSE) seek to claim the remaining time of the gentleman from New York (Mr. GILMAN)?

Mr. OSE. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. OSE) will control the remaining time allotted to the gentleman from New York (Mr. GILMAN).

There was no objection.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. OSE) to speak to the issue because we have a considerable amount of time, but more importantly because the gentleman has been tireless in his efforts to bring this matter to fruition.

Mr. OSE. Mr. Speaker, I want to express my appreciation to the gentleman from New York (Chairman GILMAN) and the gentleman from Florida (Mr. HASTINGS) for their efforts here. I also want to memorialize the efforts of the gentleman from Ohio (Mr. CHABOT) and the gentleman from Texas (Mr. LAMPSON) in bringing this matter to the attention of the Congress.

What we are really talking about here is how one defines a country of habitual residency and putting the children in the position where they can live in those countries.

As others have spoken so eloquently about the fact of this matter, about the relative rates of return by our country to others as opposed to those of other countries to us, I will not spend a lot of time on that.

But I do want to make a couple points, and that is I am new here, if you will. I have asked for recognition from the gentleman from Florida (Mr. HASTINGS) from the other side of the aisle, and I have come to the lectern that is typically reserved for Members of the other side, to highlight that this issue is not a partisan issue. This is an issue that touches every single district in this country. It touches constituents from Portland, Maine; to San Diego, California; to Binghamton, New York; to Seattle, Washington. Every single district. That is why it is important.

Now, the gentleman from Texas (Mr. LAMPSON) highlighted a success story that we recently had. I am hopeful that that gentleman and his child are home now. I am hopeful that the second case that the gentleman mentioned comes to a successful fruition, also. I am willing to take these cases one at a time, just case by case. I want to start on June 2 and June 3 by having the President of the United States speak to the chancellor of Germany about specific cases in Germany that they can both together reach out and change, the Cooke case in particular.

It is possible for two people, President Clinton and Chancellor Schroeder, to get together and change the course of the future of that family for the positive, consistent with the treaty that both countries have our adherence to, consistent with the case law and the family law in both countries.

Before I came to Congress, I once heard that it takes a village to raise a child. I do not say that in any means to belittle it, because it is true. We collectively raise our children. There are times when I am not home, and my neighbor helps raise my kids.

What we need to have is for the President to stand and speak for the parents and children who are Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) and note that she, too, has been tireless in her efforts and is a cosponsor of the measure before us today.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me, first of all, thank the gentleman from Texas (Mr. LAMPSON) and the great work that I have enjoyed, him leading out on and being able to be part of the Caucus for Missing and Exploited Children, as it has worked with the caucus that I have chaired, the Congressional Children's Caucus.

I wanted to rise today because this is such an important piece of legislation to advocate for the importance of children in America and the importance of the sanctity and the sacredness of our children.

Let me briefly suggest that America has watched over the last couple of months the unfolding of an enormous drama of a child and his parent. With that emphasis, I can understand the pain that has been experienced by so many American parents who have asked the question, why not us? If not now, when?

So this is an important resolution to say to countries like Germany and Austria and Sweden and other countries around the world that we pride the children of American citizens who have been abducted and kidnapped around the world; we will not stand for their misuse and abuse and not having them reunited with their families.

I simply say that the Hague Convention is an important part of the international arena; and, therefore, it is enormously important that the Hague Convention is adhered to to ensure that the custody rights and the laws of one contracting state are effectively respected with other contracting states. This is all that the parents ask for. This is all that Joseph Cooke wanted, to be able to see his two children that were abducted from him and from this country and taken as strangers to Germany.

I would simply ask my colleagues to allow this opportunity for this legisla-

tion to be our resounding statement that we pride and love our children and that we will work with America's parents to ensure their safe return to them.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 293, I rise in support of urging member nations of the Hague Convention on the Civil Aspects of International Child Abduction to comply with this most important treaty.

This Resolution urges the United States and member nations to implement legislation in the International Child Abduction Remedies Act and establishes reciprocal rights and duties between contracting states to expedite the return of children to the state of their habitual residence.

The purpose of the Hague convention is to ensure that the custody rights under the laws of one contracting state are effectively respected in other contracting states.

Although the Hague Convention provides a narrow exception to the requirement of the prompt return of children that releases the member state from its obligations, but this is only if it has been determined that returning the child would impose a "grave risk" of "physical or psychological harm" among other things.

Unfortunately, member states have abused this exception and are condoning the illegal separation of children across the country from their biological parents.

For example, Joseph Cooke of New York, lost his two children to strangers in Germany after his ex-wife abducted them and placed them in the care of the German Youth Authority.

The fact that Joseph was awarded custody by a U.S. Court and the fact that the Hague Convention, of which Germany is a member, requires that custody be determined in the child's home country, the German courts awarded custody to the foster family.

The State Department claims that it cannot enforce the Hague Convention or interfere in decisions overseas, but there are ways in which the United States can urge compliance with this treaty and I, along with the 132 cosponsors of this resolution, hope that the Secretary of State will make the commitment to help rectify this continual tragedy occurring across the world today.

The State Department has 1,148 open international custody cases, including 58 in Germany. But that number represents only a fraction of the children abducted abroad because most families never file their cases with the State Department.

The discrepancy between the United State's compliance and that of other countries like Germany is alarming!

From 1990 to 1998, the State Department received 369 Hague applications from parents whose children had been abducted to Germany. Yet, only 80 children, including those that have been voluntarily returned by the abducting parents, have come back. On the other hand, U.S. courts return 90 percent of the children in Hague cases.

The National Center for missing and Exploited Children has done a tremendous job in assisting distraught parents retrieve their children, but they need help.

Since Article 21 of the Hague Convention obligates member states to cooperate with each other to promote the "peaceful enjoy-

ment of parental access rights," there is no excuse for countries such as Germany, Austria and even Sweden for allowing such a travesty of justice to take place.

I urge my fellow members of Congress to pass this most important resolution that urges compliance with the Hague Convention.

We can no longer stand idly by as American parents are subjected to the torture of not being allowed to see the most precious gift God has given them, their children.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. HOUGHTON) will control the remaining time of the majority side.

There was no objection.

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

The SPEAKER pro tempore. The gentleman from New York (Mr. HOUGHTON) has 12 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 6 minutes remaining.

□ 1315

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would simply like simply to thank the majority staff of the Committee on International Relations for their handling of this matter, and, of course, the minority staff, with specific reference to Sean Carroll and Kathleen Moazed, and my legislative director, Fred Turner, and all of us that are associated with this matter.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my support for the House Concurrent Resolution, H. Con. Res. 293, which calls on parties to the Hague Convention on Civil Aspects of International Child Abduction to abide by the provisions of that agreement.

The State Department reports that nearly 1,000 children a year are abducted by a parent and taken outside of the United States. According to a report recently released by the General Accounting Office, despite the efforts of the Federal Government, Americans have little chance of regaining custody of children abducted by a parent and taken to a foreign country. Success in these tragic situations is often elusive because it largely depends on the willingness of foreign governments to cooperate.

The 1980 Hague Convention outlines procedures for resolving international child abduction disputes among 54 countries. However, international child abduction remains a serious problem. The denial of parental visitation of children, and the failure of several contacting countries to fully implement the Convention, deprives the Hague Convention of the spirit of mutual confidence upon which its success depends. Countries that deny parents access to their own children merely reward abducting parents and endangers the well-being of abducted children for the rest of their lives.

Several families in my Congressional District in New York have personally experienced the terrible psychological and financial strains of international child abduction. The wrongful retention of American children abroad touches not only left-behind parents and their families but also our entire Nation.

Mr. Speaker, it is time that we all focus our collective attention on missing children and support H. Con. Res. 293

Mr. PORTMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 293, which calls on nations that are signatories to the Hague Convention on the Civil Aspects of International Child Abduction to live up to their treaty obligations. I am an original cosponsor of this legislation, and I commend the gentlemen from Texas [Mr. LAMPSON] and Ohio [Mr. CHABOT] for their work on this issue.

This issue was brought home to me by one of my constituents, Tom Sylvester of Blue Ash, Ohio. Tom's daughter Carina was taken by his Austrian-born wife on October 30, 1995. Although both the Austrian Central Authority and the Austrian Supreme Court ruled that Carina should be returned to the United States and to Tom's custody, the ruling was never enforced. The only contacts Tom has had with his daughter are a few brief supervised meetings in Austria, and his phone calls to her are always placed on a speaker phone, undoubtedly being monitored.

Although the Hague Convention has helped in getting a just decision rendered, the United States currently has no way to force another country to enforce its own laws and judicial decisions within its own borders. In fact, the United States has no recourse if another participating member country does not live up to its obligations under the Convention.

I have been working with the State and Justice Departments on Mr. Sylvester's behalf since July of 1998, and I can tell you that it has been a difficult and discouraging process. What is most frustrating is that Mr. Sylvester has done everything correctly under the terms of the Hague Convention, and still, more than four years later, he has been able to spend only a few precious minutes with his young daughter. He cannot even get the Austrian authorities to grant him an agreed upon visitation schedule, and have instead subjected him to a number of indignities.

We owe it to Tom Sylvester and thousands of other parents who have suffered the same difficulties as he has to pass this resolution today. And I urge my colleagues to let this be the first of many steps needed to return these American children to their rightful homes.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 293, as amended.

The question was taken.

Mr. HOUGHTON. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

The Clerk read as follows:

H.R. 4489

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration and Naturalization Service Data Management Improvement Act of 2000".

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

"(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

"(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

"(1) provides access to, and integrates, alien arrival and departure data that are—

"(A) authorized or required to be created or collected under law;

"(B) in an electronic format; and

"(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

"(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or non-immigrant, and date of arrival in, and departure from, the United States;

"(3) matches an alien's available arrival data with the alien's available departure data;

"(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

"(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

"(c) CONSTRUCTION.—

"(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

"(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

"(B) requirements that are inconsistent with the North American Free Trade Agreement.

"(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney

General or the Secretary of State under any other provision of law.

"(d) DEADLINES.—

"(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

"(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

"(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

"(e) REPORTS.—

"(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

"(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

"(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

"(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

"(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

"(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien's country of nationality.

"(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

"(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine