

NATIONAL ADOPTION MONTH: STORIES OF
SUCCESS AND MEETING THE CHALLENGES
OF INTERNATIONAL ADOPTIONS

HEARING

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WEDNESDAY, NOVEMBER 18, 2015

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m., in Room 226, Dirksen Senate Office Building, Hon. Charles E. Grassley, Chairman of the Committee, presiding.

Present: Senators Grassley [presiding], Sessions, Cornyn, Tillis, Leahy, and Klobuchar.

OPENING STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Chairman GRASSLEY. I better turn on the microphone. Before we give our opening statements, Senator Leahy and I, we're hearing rumors of a vote at 10:15, so I'll talk to Senator Leahy and other Members about whether or not the Committee adjourns for just a few minutes and then we come back, or whether we keep it going and we take turns going over to vote.

The family is the foundation of American society. For millions of Americans, the season of Thanksgiving gives us an opportunity to count our blessings and give thanks for the hearth and home. The safety, stability, and security of a permanent, loving home reinforces a strong foundation of support that hopefully lasts a lifetime.

But not every child gets to experience these benefits. Millions of children around the world are orphans, without parents or family, and those are the people that would support them. Not only do they lack families, many are subjected to life in subpar State orphanage systems hazarding their health and development. They will never know what it is like to have a loving family, sibling rivalries, and the confidence that comes with family support.

Despite the efforts of host countries to find extended family members and domestic adoptions for their children, there are still thousands of children who need help. Next Thursday, approximately 6,000 children from around the world will celebrate Thanksgiving in America for the first time. This month, they will experience all the bounty and opportunity America has to offer, in addition to the permanence of a family.

Today, in the spirit of National Adoption Month, we want to celebrate American families who have opened their hearts and homes to children around the world. America leads the world in foreign

adoptions. Not long ago, in 2004, our families welcomed over 20,000 foreign children into their homes.

As every parent knows, raising children is hard work. Today we can reflect on the incredible rewards of our continuing efforts to reform and improve the adoption process. We'll get to hear from families how adoption has changed their lives and the lives of their children. It is a great privilege to see that our efforts to overcome barriers to adoption have such direct and lasting impact of course, on those people that we are serving.

We will hear from an Iowan today as an example. He's a person whose family has had an immeasurable impact on children at home and abroad. This person's name is Dr. Rick Wilkerson. Wilkerson—Dr. Wilkerson has adopted three foster kids, a fourth child from Cambodia, and a fifth one from Haiti. After visiting Haiti, Dr. Wilkerson started a nonprofit organization dedicated to giving back and supporting orphans in that country.

Yet, despite the successes and the positive impacts, there are also challenges. There have been barriers for some families as countries face internal conflicts and struggles. Today we'll hear the heartbreak of one adoption that was disrupted because of Russia's suspension of international adoptions.

We will also hear about the struggles that over 400 families are currently facing in bringing home children from the Democratic Republic of the Congo. Families are rightly confused and frustrated over this situation in that country. Their adoptions have been finalized by the home country as well as the United States. Yet, despite the fact that the parents must provide financially and emotionally for their children who are physically in Congo, they cannot bring them home. They love these children. They are committed to protecting them, providing for them, and bringing them home. But their hands are tied until the Congo resolves their internal issues and moves forward.

I am going to call on Senator Leahy at this point, and then I will introduce the Assistant Secretary.

**OPENING STATEMENT OF HON. PATRICK J. LEAHY,
A U.S. SENATOR FROM THE STATE OF VERMONT**

Senator LEAHY. Well, thank you, Mr. Chairman, and thank you for having this hearing.

You know, the Chairman mentioned about us gathering next week for Thanksgiving. My wife and I will with our children and our grandchildren, and we give thanks for the blessings that we've received and they've received. Of course, that's a tradition from the time I was a little boy growing up in Vermont.

But it's fitting that this month we also recognize National Adoption Month because that honors the adoptive families who selflessly open their hearts and homes to children from the United States and around the world who are in need of a safe and loving family, and those parents and their children will be able to give thanks on Thanksgiving because of the love and the dedication and the sacrifice of those parents.

But we also have to raise awareness, as the Chairman has said, about some of the barriers to international adoption. We have got to recommit ourselves to improving the international adoption sys-

tem. I think we have to unite as families and communities and policymakers to find permanent, loving homes for all children, as we have done in our little State of Vermont.

I know we are going to hear inspirational stories of international adoption. Senator Grassley has talked about those from Iowa, but I am honored to welcome Christine Hutchins from Cambridge, Vermont, which is not far from where we live. She and her husband, Jonathan Hutchins, welcomed their son, James—and I actually got a chance to hold James earlier—from Sierra Leone last year. I would also like to welcome Christine's sister-in-law, Jennifer Smithers, and her husband, Gregory Smithers. They adopted James' twin sister, Grace. And if you wonder how siblings work, you should watch the two of them running around Kristine Lucius' office earlier today. But their journey to parenthood for them is one of courage and perseverance, and they represent many other Vermont families who have opened their hearts to a child in need through international adoption. I find it inspiring, but I am happy that Vermont is not alone in reaching out to children across the globe.

Senator Grassley mentioned last year American families adopted 6,441 children through international adoption, and they came from 99 different countries. It's not as though it's just one place. And we know that this kind of adoption is unlikely for the vast majority of orphaned and abandoned children in countries. So, let's work together to see what we can do to strengthen them. We are going to hear about the delays during the adoption process, some because of corruption in the countries of origin. There are others cases where governments have suspended international adoptions as a result of reports of abuse.

But we want to hear what we can do to make it better for those who want to become a forever family. A forever family, to have these children grow up and know that they have the love that—all that so many of us experienced as we were growing up.

So, Senator Grassley, thank you very much for having this hearing. I think it is extremely important. And if we start having votes, I can slip out, and we will slip back and forth, whatever you want to do.

Senator GRASSLEY. If you will do that, that is the way we will do it, then. Senator Cornyn.

**OPENING STATEMENT OF HON. JOHN CORNYN,
A U.S. SENATOR FROM THE STATE OF TEXAS**

Senator CORNYN. Well, thank you, Mr. Chairman. I just will be very brief. First, I just want to welcome all the families who traveled here to share their stories. And I thank Ambassador Bond for representing the State Department and the crucial role that you play in support and guiding American families who are adopting internationally.

I note this afternoon there is a bipartisan meeting with the Ambassador to the United States from the Democratic Republic of Congo, and, of course, we are going to ask a lot of pointed questions about why those children have been detained in spite of meeting all the legal requirements.

I wanted to just note, Mr. Chairman, that apparently I am advised that the U.S. Citizenship and Immigration Service was invited to participate today but decline and express my concern that the Federal agency involved in this process simply refused to participate in this—in this hearing. And I think we could have learned something from their participation, and I am just perplexed why they would decline.

But having said that, I look forward to hearing everyone's testimony, and thank you very much for convening the hearing, Mr. Chairman.

Chairman GRASSLEY. Their excuse was the 2-week notice we gave them wasn't long enough notice to appear.

Senator CORNYN. That strikes me as ridiculous.

Chairman GRASSLEY. Yes. I had a little longer statement, and I am going to put the rest of my statement in the record. Now, I will introduce our Assistant Secretary. Ambassador Bond was sworn in August 10th this year. She has a big job of leading a team of 13,000 consular professionals in almost 300 locations around the United States and around the world. Ambassador Bond had served as Acting Assistant Secretary since April 2014, having joined the Bureau as a Principal Deputy Assistant Secretary December 2012. She previously served as U.S. Ambassador to the Kingdom of Lesotho and before that as Deputy Assistant Secretary for Overseas Citizens Services, Bureau of Consular Affairs. She is a career member of the Senior Foreign Service. Ambassador Bond has more than 38 years of diplomatic experience in three different continents—Europe, Africa, and Latin America.

Go ahead, please, and welcome.

**STATEMENT OF THE HONORABLE MICHELE THOREN BOND,
ASSISTANT SECRETARY, BUREAU OF CONSULAR AFFAIRS,
U.S. DEPARTMENT OF STATE, WASHINGTON, DC**

Ambassador BOND. Thank you, Chairman Grassley, Ranking Member Leahy, Senator Cornyn. I appreciate this opportunity to highlight the Department of State's efforts to support intercountry adoption.

First, I would like to thank you personally for your leadership on the Adoptive Family Relief Act of 2015. We already are implementing this law. In my written statement, I discuss the central policy role of the Bureau of Consular Affairs in intercountry adoptions. Today, I will highlight a few key points from my written statement, which I request be entered into the record.

I have traveled to Kinshasa twice this year to engage the Government of the Democratic Republic of Congo on adoptions, and I met in Kinshasa and in Washington with some of the families affected by the DRC's indefensible decision to request—refuse exit permits for children with finalized adoptions. Although the DRC Government recently agreed to allow 14 children legally adopted by American parents to leave the country for the United States, that is a cruelly small number. The Bureaus of Consular Affairs and African Affairs and the Department's senior leadership will continue to press the DRC Government until all children are united with their loving families.

As you mentioned, November is National Adoption Month. Over the past 15 years, U.S. families have welcomed more than 250,000 adopted children into their homes from more than 100 different countries. Although our endeavors continue year-round, we use this month to highlight the tremendous effort and hard work of the Bureau of Consular Affairs, the entire team here and at our posts overseas, to provide permanency to children all over the world.

The Bureau of Consular Affairs is the central authority for The Hague Adoption Convention. We work diligently to maintain intercountry adoption as a viable option for children throughout the world. We pursue solutions to problems that American families face during the intercountry adoption process. This is one of our highest priorities, and it is an issue I have focused on throughout my career.

Mr. Chairman and Ranking Member Leahy, the Bureau of Consular Affairs continuously engages countries around the world on this issue. Thanks in large part to my team of extraordinary, dedicated, and talented consular professionals, dozens of whom work specifically and exclusively on adoption issues, we have made measurable progress to create a more transparent, accountable process for intercountry adoption. But we are not satisfied with where we are, and we are absolutely focused on finding ways to make the process more transparent, more accountable, and more efficient and rapid. I am very proud of the work that we do every day to support the children and their families as we continue our efforts to get it better the next day.

Our efforts have resulted in progress in some specific countries. To highlight just a couple of examples, in Haiti, now a convention country, we have found a cooperative partner working constructively with us to resolve lingering issues. Many levels of the U.S. interagency team engaged closely with Haitian officials prior to Haiti's accession to the convention, and we continue to do so to promote smooth adoption processing and provide technical assistance.

In Vietnam, we recently established a special adoption program for children with special needs, older children, and children in sibling groups, all of them the hardest to place and children who desperately need homes.

Intercountry adoption binds nations together to support the best interests of children. It reflects our country's history as a Nation of immigrants made stronger by diversity. International adoptions, when conducted under appropriate guidelines, offer an incredible life-changing opportunity to unite parents with a child who needs a home.

While many of our efforts have proven successful, there is much work still to be done. Our embassies and consulates abroad and our staff here in Washington are committed to work every day to support intercountry adoption, to advance it as an option for children throughout the world, and to serve Americans who are seeking to provide loving homes to children who need them. Thank you for inviting me here today, and I look forward to your questions.

[The prepared statement of Ambassador Bond appears as a submission for the record.]

Senator GRASSLEY. Okay. The order of the people that are present would be me and Senator Leahy, and then Senator Cornyn and then Senator Klobuchar.

We know that you and your Department have tried to relay our desires to help the Congolese Government resolve outstanding issues on the suspension, and then we've had this devastating news this month that these adopted children will not be allowed to go until Congo implements a new law. Do you know the status of that new law being considered by Congo?

Ambassador BOND. Yes, sir, we are told that it is in final draft form and that they are ready to present it to the Parliament. They have been saying that, though, for a long time, so it's hard to know for sure just how close they are to moving the draft through the Council of Ministers and then on to Parliament.

Senator GRASSLEY. That is further disappointment from that government. Has the Congo assured you that the new law would not be retroactive? Or do American families have reason to fear that all their efforts could be reversed with this new law?

Ambassador BOND. Regrettably, the government has not given us any such assurance, and they haven't said specifically one way or the other. We do have good contacts with members of Parliament in Congo. I have met with them on both of my visits to Kinshasa, and, of course, the embassy is regularly in contact. We're going to be urging them to ensure that whatever legislation they pass makes it clear that already finalized adoptions are not affected by this law and should move forward immediately and not be relegislated or reconsidered under the new legislation.

Senator GRASSLEY. I suppose there are 400 different answers to my next question, according to the families involved, but could you shed any light on what is happening to the children who have been formally adopted by U.S. parents but still remain in the Congo? Are they living in foster homes or orphanages? And is the Congo Government providing for them?

Ambassador BOND. Their parents provide for them. Their parents are sending money every month to cover their living expenses. The different children are in different circumstances. Some live with foster families. Some are in orphanages. And I had the opportunity to visit two—one of them right in Kinshasa and one a little bit out of town. I wouldn't want to have a child spend very much time in either place. They were being kept safe. They were being fed. They aren't going to be hurt there. But there was no stimulation. There wasn't a piece of chalk to draw on the wall with. The total stimulation for those kids consists of playing with each other. And the food that they received at the two places I visited, the diet was completely inadequate, very, very limited. It's not going to give children the nutritious range of things that they need in order to grow and in order for their brains to develop as they need to. As you know, these are critical years. So, I would say based on what I have seen, the care the children are receiving is not close to adequate.

Senator GRASSLEY. Okay. And how many American adopted—how many American adopted children have died in the Congo since the exit permit suspension in 2013?

Ambassador BOND. Sir, I know of several children who have died. I don't have a specific number, but not one of those deaths can we say was not preventable. If those children had been allowed to join their families, they would not have died.

Senator GRASSLEY. Okay. In your testimony, you mentioned the financial strain on families who adopt from abroad, especially families who have children from the Congo. This Committee passed the Adoptive Family Relief Act, which was signed into law to allow your Department to waive visa renewal fees for families who are unable to bring children home due to the exit permit suspension. I understand that some parents have chosen to move to the Congo to be closer to their children and to personally care for them. Could you elaborate on the financial strain that many families are facing because of the Congolese exit permit suspension? And then I will go to Senator Leahy.

Ambassador BOND. Senator Grassley, it's true that some families have been able to establish temporary residence in Kinshasa so that they are living with their children. That has exerted a tremendous strain on them, however. In some cases, they have children who are left behind in the United States, sometimes with the other parent or with grandparents, in order that a parent be able to be with the child or children that they are adopting from the DRC.

As for the families that are not in a position to live in the DRC, many of them have traveled regularly, as frequently as they can, in order to see the children and maintain the bonds that have been developed. Some families are not able to travel, and that—that imposes a burden and a pain of its own, the fact that they can't go.

Families are paying a range of fees around \$400 or \$500 a month, month after month, to sustain these children, and they really don't have any way of knowing exactly how much of the money that they are providing is used for the children and how much of it is going somewhere else.

Senator GRASSLEY. Senator Leahy.

Senator LEAHY. Thank you. Ambassador Bond, I think the Chairman has asked a number of the questions that I would have. First off, thank you for going to Congo. Thank you for not just looking at it in the abstract from your office but actually going there and seeing. I wish you were seeing better things, but thank you for doing it and bringing—bringing the evidence back here. It is helpful just as it is heartbreaking.

I would just simply ask this: What can Congress do to help the State Department or USCIS so that more American families can get through this more quickly? Because I worry about—I understand their desire to help, their willingness to send money overseas. You always wonder who's going to siphon off some of that money if you are talking about children sitting there with none of the normal stimulation that we would expect. So, what more can we do to help you?

Ambassador BOND. Sir, we are working, as I mentioned in my statement, to try to shorten the process. I'm not exactly sure whether your question is related specifically to the DRC or more broadly.

Senator LEAHY. Well, more broadly. I mean, is it money, changing the law, whatever? Feel free. You do not have to run this through OMB or anything else. Just tell us what you think.

Ambassador BOND. Praise the Lord.

[Laughter.]

Senator LEAHY. I thought you might like that.

Ambassador BOND. So, as I mentioned, we want—we want to make the process more efficient and more transparent. We recognize there is a lot of paperwork, and it is a necessary fact that both governments, ours and the other government, want to be sure that the people who are adopting these children have been carefully vetted and are people who are going to provide a safe and secure and loving home for the children that they adopt. And there are also elements of the process that are designed to make sure that the children themselves are really orphans and have not been somehow, you know, bought or maneuvered into a position of being described as children who need homes when they are not.

One of the explicit goals of our adoption strategy which we have recently revised and refocused is to, for example, map the adoption process in individual countries, to know step by step what their process is so that we can identify steps that we think perhaps could be eliminated or conflated and make the whole process faster, and some of that we might be able to control, or we can work with the other government to try to make that so.

In June, I led the U.S. delegation to The Hague Permanent Bureau's gathering. They meet every 5 years, and I led our delegation in 2010 as well. All the member countries, more than 100 of them, were there, and the focus was on how can we communicate better, how can we work better, both in the countries that are receiving children who are being adopted and those who are sending. The United States is both, as I am sure you know. We prioritize visas, adoption visas, so that when we're at a point where we can issue that visa, it is the next thing to happen in the consular section; those families do not have to wait.

So, there are a number of things that we are doing that are within our control, and we work very closely with USCIS. They are outstanding partners on this and equally committed to finding ways to make this whole process more efficient.

In terms of what Congress can do, Senator, I would—I would point to a request that is in the Department's 2016 budget to consider broadening the way that the fraud funds that are currently collected could be used not only to address and identify potential fraud for H visas and L visas, which is the way the law is currently written, but to broaden that so that we could use it for anti-fraud work and investigations for all types of visas, including adoption visas. There are places where we would be able to enable more children to be eligible for adoption if we had the resources we need to clearly demonstrate that they are eligible to be adopted. So, I would ask that you and others take a look at that proposal in the Department's budget.

Senator LEAHY. Thank you very, very much. Thank you, Mr. Chairman.

Chairman GRASSLEY. Senator Cornyn.

Senator CORNYN. Thank you, Ambassador Bond. You've answered a lot of the questions that I had, asked by those who preceded me. I know that the State Department and everybody involved in an adoption involving an intercountry—intercountry adoption takes a lot of care to make sure that the safety of the child is considered foremost, the child is going to be supported adequately once the adoption takes place, and protected from any sort of exploitation or harm.

Would you describe perhaps at a 30,000-foot level what sort of background checks and screenings are overseen by the United States Government, including, as I understand, a home study by the Citizenship and Immigration Service, in order to protect these prospective adoptive children?

Ambassador BOND. Yes, Senator. At a 30,000-foot level, the focus of the home study is to ensure that the parent or the married couple that are applying to be approved to adopt a foreign-born child are stable, that they—that they have a stable income, that they aren't people who have a history of mismanaging their finances, that they have the medical ability, their health is such that they are able to adopt, that they have no criminal record, that there is no suggestion of discord in the marriage. You can imagine situations where people say, "Gee, we fight all the time. If only we had a baby, then it would be better." Right? That would not be a good choice.

So, that's the idea of the—a social worker actually visits the home on more than one occasion. They talk to the parents about their own experiences growing up and their understanding of what it means to be a parent and their approach to parenthood. They look at the home where the child will live and if there are any other adults living in that home. Sometimes there could be a grandparent or one of them might have a brother or sister. Anyone else is going to get the same screening to be sure that they are also people that a child is safe living with.

Senator CORNYN. Thank you for your answer.

I know we've focused on the Congo, and there is going to be a meeting, a bipartisan meeting, this afternoon. I know Senator Klobuchar is going to be there and others to talk to the Ambassador to try to get a better answer than you have been able to get so far, and we're hopeful of that. And, of course, we have pictures of some of the children reflected here in the audience who have already been adopted, and they have done everything that has been required of them, and yet the Government of the Democratic Republic of Congo has simply refused to honor those—those adoptions.

It's not just the Congo, as you know. I have a constituent who I think may be here in the audience today, Ruth Sheehan, who has been trying to adopt a child from Guatemala and encountering all sorts of corruption and other problems. And, unfortunately, her adoptive child has been subjected to physical abuse and has been placed in an underfunded orphanage subject to perhaps some of the similar conditions that you described earlier in some of the orphanages that you visited.

But let me come back to what I consider to be the entirely appropriate sort of background checks, the screenings, and home studies that—to which prospective adoptive parents are subjected and just

express to you a concern. And this is not directed at you, but it is directed at the United States Government and the administration more generally.

In FY 2014, there were 68,445 unaccompanied minor children that came to the United States from Central America. In Fiscal Year 2015, there were 39,970 unaccompanied minors who came from Central America into the United States. Because there has no—has been very little cooperation to try to deal—try to address this challenge, these children are being placed with people here in the United States that have not undergone a background study—a home study, that have not undergone a background check, and have not been screened, certainly not to the extent that prospective adoptive parents have.

And so, I fear that the appropriate steps that are being taken on these inter—intercountry adoptions, entirely appropriate steps, are being denied to these tens of thousands of unaccompanied minor children who are streaming across our border and are being placed with people here in the United States and being subjected to potential problems relative to their safety, their financial support that they would need in order to flourish, and potential exploitation. So, I would just note that contradiction. Some might call it an irony, but I think it's worse than that.

So, as I said, I am not directing that at you, but I do think we need to think about and do more to address the potential concerns with regard to safety, support, and exploitation of these children who have streamed across our border and apparently with no real effort made to followup and make sure for their well-being. I see my time is up. Thank you very much.

Chairman GRASSLEY. Senator Klobuchar.

Senator KLOBUCHAR. Well, thank you very much, Ambassador Bond, and thank you, Mr. Chairman, for holding this important hearing during National Adoption Month. Senator Blunt and I actually are going on the floor in about an hour with our successful resolution in support of Adoption Month, and we have more than 30 Senators on it, and growing. So, I think you know there is bipartisan support for adoption issues.

I actually took Senator Landrieu's place on the Congressional adoption—Coalition on Adoption, and Senator Grassley is involved in this, and many others. And so, as you know, we have worked really hard in the last few years to try to resolve some of the problems with international adoptions. We were successful with Senator Sessions' and Senator Inhofe's help in passing the bill which allowed older siblings to be adopted if a younger sibling had been adopted, allowing thousands of families to be reunited, including a family in Minnesota where they had adopted nine children from the Philippines, and it was like the Philippines "Sound of Music" to meet with them.

We—also, Senator Blunt and I have been working on other issues with international adoptions as well as supporting adopting families with the post-adoption support, which we know is sometimes lacking in certain States.

So, I think I would just start in general, and a lot of the Congo questions, I obviously have families in Minnesota that have been just tragically awaiting these children that they want to see, and

we are looking forward to the meeting this afternoon. But I thought I would focus on just, in general, what is going on with international adoptions. Why has it been so hard to bring these children in beyond the Congo problem?

Ambassador BOND. Our experience shows very clearly that the work to encourage and promote adoptions as an option for children, it really depends on the country that you are working with. And that's part of our job and part of the advantage of the fact that we have people who are in those countries, working in those countries, often speaking the language, and able to work directly with whatever ministries in those countries are responsible for their children in foster care or in orphanages to identify what—what more we could be doing in order to enable more children to be considered for placement with foreign families, including American families.

So, it really depends. For example, in China, a country where many Americans have adopted children, and we've been getting questions over the last few weeks, since China has announced that they will now—

Senator KLOBUCHAR. Their new policy.

Ambassador BOND. Right, that they will allow a second child, and we have been asked, will this affect the availability of children who might be adopted by Americans? We actually anticipate that it won't, because it has been true for some time that most of the children that are adopted from China are older or they have special needs and they're not anymore the infant girls that made up the majority of children some years ago.

So, in different countries, whether it is Ethiopia or others, you name it, Lesotho, the situation and the receptive approach of that government to the idea of adoption or their understanding of how to do it right really varies. And what we have been focused on is first identifying the countries that are perhaps most likely to be willing to be more open and make sure that we are focused there, but also to offer the technical assistance that some may need in order to understand how to set up an appropriate screening process and how to—how to establish the kind of data base that would ensure that children don't kind of fall through the cracks, that if they are—

Senator KLOBUCHAR. Yes, I think part of this is we had to put legal—there are legal requirements that countries are putting in place, and we're in this time of transition. But it's been hard on a lot of families, obviously, to adopt.

Ambassador BOND. It absolutely has.

Senator KLOBUCHAR. The Russian adoption ban I don't think we have talked about, and that has been heartbreaking in my State for families that have maybe adopted one child and thought they were going to adopt the second child, and for they were literally political pawns, made political pawns. And, can you talk about the scope of the human impact on this ban and just if there is any chance of lifting that ban and what you have heard?

Ambassador BOND. That is a completely heartbreaking situation, especially when you think of the children who have met their parents and thought they were joining a family. I was in Moscow last week for annual bilateral discussions, and the subject was discussed, but there is no indication from their side that they are pre-

pared to change their position at this time. We will not stop raising it.

Senator KLOBUCHAR. Thank you, and I know there is going to be a witness on the second panel that focuses on Russia.

And my last question is really we also have to remember that there are so many U.S. adoptions. I ran the county attorney's office in Minnesota, and we spent a lot of time on those adoptions and speeding up the time for domestic adoptions and the time from foster care to adoptions. And one of the things we have learned is that these families, as I mentioned, don't get the kind of pre- or post-adoption support after they adopt a child, and we have had some really disastrous issues with a kid being sent back, as you remember, to Russia and other things. Could you talk—we have a bill that would try to get at some of that. And, could you talk about this issue and how it affects adoption?

Ambassador BOND. Well, I think one of the reasons that those relatively rare but tragic situations occur is that some of those parents are not aware of the resources that are available to them, which they may be able to access by working with their adoption agency, for example, because those folks are experts in the field, or by turning to the State offices that assist families with—with troubled kids and are able to identify the resources that are available.

So, I think that what you often see is that the cases that get all the notoriety and attention and that are, thankfully, rare but they are still tragic, involve people who didn't turn to the resources that were available. And I agree with you that it would be good for States to be looking for ways to make more resources available to all parents. But, I believe, in some of these cases there were resources available and the children did not benefit from them.

Senator KLOBUCHAR. All right. Thank you very much.

Chairman GRASSLEY. I have one question, and then we'll let you go. The vote is starting, but I think Senator Leahy is going to go vote, and then for the second panel, we will be able to continue.

This is following up on Senator Klobuchar bringing up Russia. I know a lot of families have been devastated by that, so, specifically, what options has the Department proposed to China? And what has been their response to your suggestions? And then kind of a status on the 250 children that were in the process of being adopted, and then do those parents know their children's whereabouts?

Ambassador BOND. There are some cases where the parents have been able to maintain contact with the children, primarily, I would guess, those are older children who have the ability to, you know, stay in touch. I think the parents of very young children probably are not able to maintain contact or even get information because based on the reports, including from the mother who will testify later, the Russian officials have not been willing to provide information and to be forthcoming.

That's a tragedy because these are officials who know very well just what the kids have lost. I was responsible for adoptions in Russia for 2 years and served in the embassy there, and the people who are running those orphanages, they meet the parents, they see the post-adoption reports, they know exactly how lucky the children are who have been adopted by Americans and others. And

they know what a tragedy it was for this to be cutoff without warning and without recourse.

We will continue to push the Russians to reconsider, and the other thing that we are doing in individual cases is when the parents are in touch with the children, we will do what we can to help them try to assist those kids, maybe by helping them get a better education than they might otherwise or have access to other kinds of resources, even though they do have to remain in the foster care or the orphanage system in Russia.

Chairman GRASSLEY. Thank you very much, and I know you are working hard. Continue to work hard, and particularly with Congo and Russia. Thank you very much. So, you can go now. Or you can stay if you want to stay.

[Laughter.]

Chairman GRASSLEY. Would the—would the next panelists come while I am introducing you, please?

You have already heard me talk about Dr. Rick Wilkerson of Spencer, Iowa, father of nine children, three of which were adopted from foster care and two from abroad. Dr. Wilkerson and his wife visited Haiti in 2010 earthquake situation for a medical mission trip. At that time he visited an orphanage and saw children in need, some of which he has since adopted. He began a nonprofit, “Love Takes Root,” dedicated to helping children in Haiti.

We next have Christine Hutchins of Vermont, adopted her son, James, from Sierra Leone, and you heard Senator Leahy talk about this. She happens to be a graduate of Trinity College and has been employed in the Human Resource Department at Champlaine—Champlain College for 15 years.

Katie Horton of Virginia a mother of a 9-year-old daughter who was adopted from Russia in 2008. Ms. Horton was on track to adopt a second child from Russia in 2010 before that country halted all adoptions. She previously worked with those of us on the Senate Finance Committee and is currently a professor of the Department of Health Policy and Management at George Washington University.

And then Nicole Craig, of Wisconsin, is one of 400 families who is waiting for the Democratic Republic of Congo to issue exit permit for American adopted children. Nicole started this process over 3 years ago so she represents the voices of many families—and I guess we can number them at 400—who want to bring their children home.

So, I think—I usually say we are going to do it the way I introduced you, but we will go with Dr. Wilkerson and then Ms. Horton and then Ms. Craig and then you, Ms. Hutchins. Okay?

Have you voted?

Senator SESSIONS. No.

Chairman GRASSLEY. There is a vote. You better go vote. And then Senator Leahy is coming back, and I will go vote. Would you start our, Mr. Wilkerson—Dr. Wilkerson.

**STATEMENT OF RICK WILKERSON, D.O.,
SPENCER, IOWA**

Dr. WILKERSON. Good morning, Senator Grassley. First I would like to go ahead and thank you and the other Members of the Judi-

ciary Committee for the opportunity to visit this morning and provide testimony on my experience with international adoption. I also would like to thank the Members of the Committee who are part of the Congressional Coalition on Adoption for being involved in this very important bipartisan caucus, which, as you know, is the largest caucus in Congress. And for those of you that are not a Member, I would recommend you consider becoming one.

From the brief biography I think that the Members of the Committee have already seen, my wife and I are already the proud parents of nine children, five of whom have been adopted, two through international adoption. The child that I would like to discuss the case of this morning was our child, Junior, who was adopted from Haiti.

In 2010, following the earthquake disaster in Haiti, I was given the opportunity to go to Haiti to work in the humanitarian effort to provide care to people in Haiti by the Orthopaedic Trauma Association. I arrived in—at the Hopital Adventiste d’Haiti in Carrefour, which is right on the outskirts of Port-au-Prince, in June 2010. It was really the only functioning operating hospital at the time in the center of Haiti, and upon arrival there, it became quite obvious what the degree of devastation was as a result of the earthquake.

Once at the hospital, I was surprised to find that I was the only physician there to provide care for the patients for the next 3 weeks, and luckily I was provided with an excellent Haitian health care staff which gave me great assistance.

Shortly after arriving there, I was almost run over by an 8-year-old child on a Razor Scooter by the name of Junior, who at the age of 4 had the misfortune of losing his mother, and then just 3 days before I arrived lost his father. Junior had no remaining family members to provide care, so had basically been living in the hospital hallway.

During my workday, I would be doing surgery and seeing clinic—making rounds, and maybe able to spend time with Junior helping him with his English and playing some games. It was very soon after that we formed a very strong bond, and I also learned that, unfortunately, Junior had a very serious medical condition that was not being cared for really at all at that time.

As I looked into this situation, I was surprised to find that, despite the efforts of the World Health Organization in providing treatment for many of the serious conditions around the world, much too often those donated medications and forms of treatment are actually diverted from the needy patient and is sold on the marketplace in an other than honest way.

Upon leaving Haiti, I returned to Iowa and discussed with my wife and other children the prospects of bringing Junior to the United States for medical care, and we all agreed that that would be something that we would look into. After about 10 months and many thousands of dollars and many hours by a large number of people volunteering assistance, Junior did successfully arrive in the United States, and then 2 years later was adopted here in the U.S. by my wife and I. I am glad to report that he is quite healthy today as a result of the medical care he received and is doing very, very well, just finishing his football season in the eighth grade and get-

ting ready to start wrestling, which, as you know, is the backbone of Iowa.

As a result of this international work, my wife and I have now formed a charitable foundation called "Love Takes Root," with our first mission being to rebuild the orphanage school which was kind enough to take Junior while we were waiting the paperwork drill of getting him here to the United States.

We moved the project to the rural area of the southern part of Haiti and have built an orphanage with two cottages for 65 children, a dining room and kitchen. We have completed our primary school and medical clinic, which we staff 1 week per month throughout the year, and then also is staffed the rest of the time with a Haitian physician and nurse. Right now we are in the process of building a secondary school which should be completed by June 2016. We have not only our 65 Haitian children in the school, but also 100 kids from the neighborhood who have also taken advantage of the school being there.

The efforts to bring Junior here to the U.S. made me aware of many things I had not been aware of, partly through my introduction to the Congressional Coalition for Adoption Institute, and one of those is the difficulty that many people in the U.S. have not only adopting overseas but also locally. As you know, there are many caring, loving families that would love to adopt a child. In the U.S. alone right now, there are over 108,000 children who are in the foster care system awaiting adoption.

Unfortunately, Ms. Bond, Secretary Bond, mentioned about the home study, the many things and the hoops that an adopting family must go through, all of which incur an expense. And many of these adopting families, unfortunately, do not have the means to go ahead and afford that. Therefore, we have 108,000 kids waiting for adoption in the U.S.

I think one meaningful step that could be taken to help resolve the situation not only for international adoption, which has a different form of cost, but also for in-country adoption, would be passage of Senate 950 and H.R. 2434 to provide an actual tax credit to those going through the adoption process to help clear the financial hurdle.

The second issue I wanted to briefly discuss was the situation that I have become all too familiar with, which is the difficulty in navigating the Immigration and Naturalization Service. When seeking assistance from INS, it is all too often that the adopting families are met with a pervasive attitude of resistance as opposed to assistance to the people that they are supposed to be helping, which makes the task of international adoption either impossible or at least very, very difficult. I think that this very well may at least partially be due to the lack of information that some of these employees actually have about the different options.

I came to this conclusion as a result of my case, which initially was applying for a temporary—

Chairman GRASSLEY. Dr. Wilkerson, I have to interrupt, not to stop you, but I thought maybe Senator Leahy would be back here. I have got 3 minutes to go vote, so you finish your statement when he comes.

Dr. WILKERSON. Okay. Very good.

Chairman GRASSLEY. I am sure he is on his way back, but I have not missed a vote in a long time.

[Laughter.]

Dr. WILKERSON. And we appreciate that in Iowa.

[Whereupon the hearing was recessed and reconvened.]

Senator TILLIS [presiding]. Ladies and gentlemen, we are going to go ahead and, in the interest of time, continue with the testimony. So, Mr. Wilkerson, you can continue, and then we'll just move down the line.

Dr. WILKERSON. Thank you, Mr. Hatch. I am almost done. The last suggestion I had—

Senator TILLIS. That would be an upgrade, by the way. I am Tillis. I forgot to put my name—

Dr. WILKERSON. Oh, sorry.

[Laughter.]

Dr. WILKERSON. I was going to say, you did not look like Mr. Hatch.

At any rate, the last suggestion I had actually was that due to the fact that we have many people to facilitate the process for international adoption, too often I have found that they are either overworked, don't have the education necessary to really adequately assist us, or are unwilling to. And this came to light as a result of my own case when I tried to bring Junior here under a temporary visa for a medical purpose and found that, despite having been advised by INS that that was the proper procedure, I found that it was denied. And it was only through the assistance of a Senate staff person, Ms. Emily Winterson, who at the time was a staffer for Senator Scott Brown, that I became aware of humanitarian parole. And it was through her knowledge and efforts and assistance that we were able to get Junior here, which, if we wouldn't have, I am sure he wouldn't be with us at all today.

I would recommend that in some way we find a method to appropriately train INS so they are familiar with all the different options for international adoption for families and they also be trained in maybe how to be more facilitative as opposed to obstructionist. Thank you.

[The prepared statement of Dr. Wilkerson appears as a submission for the record.]

Senator TILLIS. Ms. Horton.

STATEMENT OF KATIE HORTON, ALEXANDRIA, VIRGINIA

Ms. HORTON. Senator Tillis and honorable Members of the Committee, thank you for the opportunity to appear before you this morning. My name is Katie Horton, and I am a research professor at the Milken Institute School of Public Health at the George Washington University. More importantly, I am the mom of a wonderful 9-year-old little girl named Emma who I adopted from Russia in 2008. With Emma's permission, I would like to share our story with you.

After much thought and consultation with family and friends, in 2007 I decided to pursue international adoption in hopes of finding a child in Russia. After many months of waiting, I was matched with Emma, who was located in a baby home in Samara, Russia.

I do believe that God had a hand in matching this amazing little girl with me.

Sorry. This is hard.

The second I saw her picture, I knew she was meant to join my family. I was given little information about Emma other than she was born very prematurely to a birth mother who was quite ill, she had been in the orphanage for 14 months, and had been labeled “Failure to Thrive.”

I secured my visa and booked a flight as quickly as allowed. When I was finally allowed to meet Emma at the orphanage, they brought her into a small playroom where my sister and I waited, and I instantly fell in love. She was incredibly small for her age and pale from little time outside, but she was feisty, funny, and loving. I knew instantly she would join my family.

Emma was 22 months old when she and I arrived back in the U.S. There have certainly been challenges and adjustments along the way, as there are with any family. After not having a pair of shoes in the orphanage, she kept her new pink sandals on every night until she was nearly 4. Because she had been so tiny, she had been placed with the infants in the orphanage. She wouldn’t leave the house each morning until every baby doll in the house had been kissed and tucked in bed.

Despite Emma’s difficult start in life in the orphanage, she is thriving today. She is loving, spunky, fiercely independent, and strong in faith. She is currently enjoying third grade and doing very well socially and academically. True to her Russian heritage, Emma excels at ballet and gymnastics. She will be performing next month in the Washington Ballet’s *Nutcracker* as a snow angel. Emma has more family, friends, and neighbors than I can count, each of whom loves her with all their heart.

I am not so naïve to believe that our family’s challenges are all behind us. Like any family, we will have our ups and downs, and I will reach out for help and support when needed. What I do know is that Emma is a kind and loving little girl who has adjusted beautifully to life in the United States. She is happy, and she is loved more than she will ever know.

I would like to share a second part of my international adoption story with you—one that does not have a happy ending. Enjoying motherhood more than I could have imagined, I once again started the international adoption process in 2010. In early 2012, I was matched with a beautiful 6-month-old little girl named Polina Ostapova in Apatity, Murmansk.

I traveled to Russia and spent many days with Polina, bonding and imagining the wonderful life ahead for my growing family. I signed the notarized Russian petition to adopt and other commitment papers and returned to the United States. I was told a court date would be sent to me shortly and that Polina would likely be home with my family for Christmas.

In December 2012, Congress passed the Magnitsky Act, a law intending to punish Russian officials responsible for the death of a Russian lawyer. Shortly after, the Russian parliament passed a bill which was widely regarded as retaliation for the Magnitsky law. This bill banned all Americans from adopting Russian children.

At this point, the tension between the United States and Russia became very personal to approximately 230 American families and 300 Russian orphans. We were told by Russia that all of our adoptions had been terminated, leaving little hope for many of these children to ever find a loving and permanent home.

For the families involved, in our hearts these children were already our sons and daughters. We had bonded with these wonderful children and made promises to them that we would be back to get them. Many were in need of urgent medical care.

The families fought valiantly to complete their adoptions, meeting with U.S. and Russian officials, the press, and anyone who might help bring our children home. As you know, our efforts were not successful. It is heartbreaking. Most of these children remain in an orphanage today. We know this from personal reports of individuals the families have worked with for years. And what happened to Polina? For about a year after the ban, I tried to check in on her frequently. As time continued, it became very clear that it was getting more and more difficult, and even dangerous, for people in Russia to share information about the children caught in the adoption ban. In early 2014, I was told that Polina had been moved from her orphanage but not yet adopted. To this day, I cannot find her.

Some final thoughts. I will forever be grateful to Russia for giving me the most precious thing in my life, which is Emma. Sorry. This is really hard. But I am angry and frustrated at Russia's leaders, and, frankly, some in our own country for not being able to find a way to bring these children to their families. It is inexcusable that some sort of humanitarian solution could not be reached for these children, including Polina.

There is no doubt that it is possible to provide a loving and permanent home for children in need, regardless of their country of origin. There are thousands of stories about U.S. families adopting successfully from other countries and raising happy, healthy, and well-adjusted children. Being born in one country should not limit a child's right to a safe and permanent home.

Emma is proud of her Russian heritage, and she is equally proud of her American citizenship. We talk about her birth parents, her family back in Russia, and often read about Russia and its culture. We praise her birth mom for having the courage to allow another family to raise Emma when she could not.

I am blessed to have a wonderful home, a supportive family, and many friends as a strong support system. I am especially blessed to have one gifted daughter. But I will never understand why politics prevented Polina from joining my family. I will forever pray that Polina is safe and happy somewhere, even if she cannot be here with my family now. Thanks for the opportunity to testify.

[The prepared statement of Ms. Horton appears as a submission for the record.]

Senator SESSIONS [presiding]. Ms. Craig.

**STATEMENT OF NICOLE CRAIG,
GREEN BAY, WISCONSIN**

Ms. CRAIG. Members of the Committee, I am deeply honored to appear before you today to share the story of our family's adoption

of Elisabeth Grace from the Democratic Republic of the Congo—DRC. On behalf of the hundreds of American families whose children are waiting to come home, I am humbled to have this opportunity. I would like to take the opportunity to recognize my mother, brother, my husband, Kevin, and the other waiting adoptive families who have traveled here with me today, and also to thank our three boys for their unwavering love and support throughout this process. It certainly has not been what any of us expected when we began the adoption process 3 years ago.

It was actually 3 years ago this week when we accepted a referral of a 5-month-old baby girl named Elisabeth Grace. We satisfied every legal requirement in both the United States and DRC. On April 8, 2013, we were legally declared her parents by a Congolese court. We thought she should be home soon after.

On September 25, 2013, during the time our case was being investigated by the United States, the Congolese suspended the issuance of exit permits for adopted children. This meant that our daughter and hundreds of other children could not leave DRC, and yet we had all the legal responsibility to provide for her.

Three years and five U.S. visa renewals later, we still eagerly wait for Grace to be united with us, her forever family. We have provided financial support for Grace but have yet to give her what every child deserves: a permanent family. We exchange photos via email and Skype when she has electricity. She asks for her brothers, she sings songs to us, and cries for us when we disconnect. We watched and celebrated her first steps, three birthdays, and holidays through photos. Bittersweet to say the least. She likes to see pictures of her bedroom and our home. She is too young to understand why she can't be united with her family, and as an adult, I don't fully understand it myself.

Still, she asks whenever we talk to her when she is coming home. The lump in my throat swells as I have to say, "Soon." We send clothes, school supplies, vitamins, and everything else she may need upon request. Imagine a phone call in the middle of the night and your child is having seizures, and you are 8,000 miles away. It's terrifying knowing she has very limited access to subpar health care and is an exit permit and a plane ride away from the best health care access, diagnosis, and treatment. She knows she has a family that loves her. A piece of our heart remains separated for reasons we are unclear, and we are a family—we as a family are completely broken.

Grace is not an orphan. Grace is our daughter, a sister, a granddaughter, a niece, a cousin. Grace is our family. I am certain that this is not just our story, but the story of many waiting adoptive DRC families from around the country and the globe.

We have waited for more than 3 years now, and there is no real end in sight. On November 4, 2015, the Department of State sent an update to waiting families that 14 U.S. children were to be granted exit permits. Of the nearly 1,300 cases, DOS told us that only 99 had been reviewed by DRC officials. We were told that the other children, including Grace, would need to wait for new adoption laws to be passed in DRC which may or may not be even written or retroactive. It seems we are further away from bringing our daughter home now than we have ever been.

Our Congolese adoption decree states, quote, “That this adoption is requested in the greater interests of the child, who will thus regain a family who will take charge of her development and care by offering her an environment and life full of love and affection, which will contribute to her well-being according to the wishes of the law,” unquote.

Our dossier details were listed in this adoption decree to include: our home study, criminal records, health and mental status reports, income, USCIS conditional approvals, birth certificates, marriage licenses, all with dates, and verified. They even listed State of Wisconsin license numbers.

It is clear that concerns of my daughter’s well-being and our family was thoroughly reviewed and vetted by DRC courts. It is clear that DRC wants the same for these children as the families that have adopted them. The Congolese court found that our adoption was in the best interest of Grace, yet we are not able to fulfill our obligations to her. Grace is being denied access to educational opportunities and superior health care standards that people from other nations, including DRC, seek access. Grace is being denied the love of a family—a family that has been waiting for 3 years to provide her the love, affection, and care we promised.

I believe we have reached an impasse in this adoption crisis where literally an act of Congress is necessary and respectfully requested. Congress must urgently engage with Congolese decision-makers to find a solution, much more than what has been done in the past 2 years to resolve this crisis. I am very grateful for the efforts of Congress to compel DOS to find a solution, but diplomatic engagement has so far been proven ineffective. The time is now for more active involvement of Congress. I would ask that a congressional delegation be sent to DRC prior to their December 15th parliament recess. I would ask that Congress swiftly pass any legislation for my child and the hundreds of other children waiting in DRC to give to them the rights being denied by the exit suspension.

Imagine for one moment that this is your child or grandchild. Imagine that for more than 2 years you are actively prevented from parenting your child, from holding her when she is scared, from filling her belly with food, from tucking her in each night and kissing her forehead each morning. Imagine. And then tell me what you would be willing to do.

Every day matters for these children. Every day my daughter and the hundreds of others are kept from us is an injustice. These children deserve a solution now. Please help us find a way to bring our children home. Thank you.

[The prepared statement of Ms. Craig appears as a submission for the record.]

Chairman GRASSLEY [presiding]. Thank you, Ms. Craig. Now, Ms. Hutchins.

**STATEMENT OF CHRISTINE HUTCHINS,
CAMBRIDGE, VERMONT**

Ms. HUTCHINS. Thank you for the opportunity to speak and give testimony of my family’s international adoption story. We are hon-

ored to have been invited by Senator Leahy and Chairman Grassley. Thank you.

Senator Leahy has introduced my family who are here with me: my husband, Jonathan, and our son, James; my sister-in-law, Jennifer, and her husband, Greg, and their daughter, Grace. We were together throughout the entire process as James and Grace are twins.

Our adoption story began in April 2014. I had just come out of a meeting with a colleague, with tears in my eyes, saying, "I will never be a mother." After nearly 10 years of infertility trials, it seemed my husband and I would not ever have the child we dreamed of. When I sat down at my computer after that meeting, I opened my email and saw a message from a friend of the family. I opened the email to see pictures of these beautiful babies, just about 15 days old.

We had never thought about adoption primarily because of the expense. But our friend Ruth Search, a missionary in Sierra Leone, had been contacted by a father whose wife had just died from malaria only days after giving birth to James and Grace. Part of Ruth's program supports families by providing infant formula when needed, but requires the family to continue to care for their child. The father, who desperately needed help feeding the twins, said he thought his sister-in-law would be able to care for them.

The next day, he came back to Ruth's with babies in arm, riding on a back of a motorcycle. He handed the two infant babies to Ruth and said, "Please, take my children, my sister-in-law cannot care for them and I cannot afford to raise them. I want them to live." He is a very poor fisherman, paid in fish, and he is also supporting an 8-year-old daughter. Sierra Leone has one of the highest infant mortality rates in the world; one in five children do not live to the age of 5.

In Sierra Leone, it is seen sometimes as a weakness to give up a child. Usually, a family unable to care for a child would leave the child for dead rather than find the child a home. We feel that James and Grace's father, Papa Alusine, as we call him, did a huge act of love in wanting his children to live.

Our friend Ruth had never helped with an adoption before, though she and her husband had adopted their daughter 7 years ago from Sierra Leone and knew the process. She sought out a lawyer in Sierra Leone and then reached out to my family through my mother-in-law. She knew that Jonathan and I had been struggling to have a family and that Jen and Greg had also had difficulties. My mother-in-law instantly said, "Yes, contact them."

The email asked if one couple wanted to explore the adoption of both twins or if each couple wanted to adopt. Papa Alusine's requirement was that the babies grow up knowing that they are brother and sister, but not necessarily having to be adopted together. And I tell you, they are brother and sister in every sense of the word.

We are very close to Jen and Greg and live only 10 minutes away from them. So, within a few hours, we decided to take a huge leap of faith and pursue this together. In the meantime, the babies lived with Ruth and her family in Sierra Leone with hired nannies in

a very safe environment. They were never in an orphanage, which was very comforting to us.

Our first step was to immediately get our home studies done and for Ruth to take care of the paperwork on the Sierra Leone side—making sure the affidavits were signed and the 6-month fostering period were required and approved.

A few months after we started the process, the Ebola epidemic hit western Africa. Ruth and her family wanted to leave to keep themselves safe, but did not want to leave our children behind. We tried to do the adoption by proxy, but that was not allowed. We tried many different avenues so that there was not unnecessary travel to Sierra Leone where Ebola was taking its toll.

As a last option, our friend decided to try to petition the U.S. Embassy for a visitor visa for the babies to come to the U.S. to stay with us and be safe during the epidemic. Then we would return to Sierra Leone with the babies once it was safer, to finalize the adoptions. The visa petitions were accepted, and on September 23, 2014, James and Grace arrived in New York City into their mommies' and daddies' arms for the very first time at 5½ months old.

During this entire time, we were dealing with paperwork with USCIS, filing first the I-600, then learning that we should have filed the I-600A first. We were going back and forth with our USCIS officer to figure out what evidence they needed to approve our petitions and not to mention the countless calls to Senator Leahy's office to help us navigate this windy road that is international adoption.

As promised that we would do, we went back—went to Sierra Leone in April of this year to finalize the adoptions. On May 4th, James became officially James Anson Hutchins, and Grace became Grace Sierra Smithers, and we officially became their parents.

While in Sierra Leone, we had to wait for several steps, including getting the judge to write the court order, the country to register the adoption, and then having to email the paperwork to our husbands who had left 2 weeks earlier, to snail-mail information to USCIS Missouri, and then wait again. Then for the National Visa Center, then to the—I am sorry, the National Benefits Center, and then to the National Visa Center, and then finally the U.S. Embassy/Department of State. We were finally on our way home on June 25, 2015, 2 months and 6 days after we started our trip to finalize our adoptions and make our children U.S. citizens.

In some respects we feel that our case went quickly through USCIS after the adoption was final. We provided the documents we needed to prove orphan status. There could have been an investigation done by the embassy after receiving the paperwork to verify orphan status. Why can't this step be done up prior to the adoption, to make sure that the children are orphaned before the emotional pain and time takes its toll and you fall in love with a child that you call your own? We understand that there are many checks and balances in the process. We want to make sure our children are legitimately orphaned. But this should be done prior to an adoption.

In addition to the emotional struggles, international adoptions can be very expensive. For many, there are few, if any, employer-paid benefits to assist with this process, and now with the Uni-

versal Accreditation Act, private adoptions are no longer possible. People must now have an adoption agency to go through the immigration process, further adding to the expenses.

We were fortunate. We were able to stay with our friends while in Sierra Leone, in a very Westernized home. But, however, picture the house, enclosed with a 10-foot cement wall with razor wire and glass at that top to prevent home break-ins, and the compound was closed off by a steel door. This is where we spent most of our time. Because of the Ebola epidemic, we were unable to leave and visit the country. In many ways, we felt like prisoners.

If we were to summarize our challenges of an international adoption, they would be: Take away some of the mystification around USCIS, to be able to have everyone be able to have contact with their USCIS officer so they know what is going on; U.S. immigration can take an incredibly large amount—long amount of time. We were told it could be 75 business days. Once the adoption is complete, it should be a quick process—maybe a temporary visa to get the family home to the U.S. and finalize here. Or could U.S. immigration do their investigations for all child—children prior to adoptions when a child is identified? Sierra Leone is a non-Hague Convention country. With Hague countries, the visa applications are filed prior to adoptions and, therefore, orphan status seems to be determined prior to the emotional attachment to a child.

We know of other families that are having difficulties in non-Hague countries with USCIS and getting their children home. They have exhausted financial resources in waiting for the orphan status to be approved by USCIS. They now have no idea if they will ever see their child again. What is the in best interest of the children?

We understand that our process is an exception for international adoptions. Our children came to live with us when they were 5½ months old. We were able to care for them—our children as our own before most adoptive parents are even notified that a child is waiting for them. Often, children in international adoptions are waiting in orphanages for 4-plus years. This is again, not in the best interest of children.

It is by the grace of God that we were able to finalize our adoptions. Our faith pulled us out of many situations where we thought we were hitting dead ends. We would do this again—would we do this again for our children? Knowing the outcome, yes. Our children are thriving. James has skipped the walking stage and went right to running and jumping. His words are coming quickly, and when he starts to talk, he is going to have so much to say. He has a fascination of tractors and loves the outdoors, just like a good Vermont farm boy.

Grace loves running and galloping, and being outdoors, and she enjoys dogs and horses. She is repeating many words right now, and she is watching and copying everything that Mommy and Daddy do, including putting on deodorant and using the potty. Both of them have the love of music and dancing, and James and Grace will have a chance at a life beyond what their birth father could ever have imagined for them. Their opportunities in life are endless. James and Grace are now our children, and we could not be more proud to say they are ours. However, we keep in mind the

emotional and financial tolls we have lived through that were challenging.

In closing, thank you, Senator Leahy and Members of the Judiciary Committee, for your time and attention to international adoptions. Thank you.

[The prepared statement of Ms. Hutchins appears as a submission for the record.]

Chairman GRASSLEY. Dr. Wilkerson, with your great deal of knowledge about adoption committees and foster children and adoption and adopted two from abroad, could you elaborate on how difficult it was to finalize the adoption of Junior from Haiti?

Dr. WILKERSON. The hurdles that one encounters on international adoption are quite different than on domestic adoption, and as I think you have heard from the other people giving testimony, the challenges in each different country are a bit different as well. As the Assistant Secretary mentioned earlier, Haiti now has adopted The Hague Convention, apparently is now a member of The Hague Convention, which also includes some rules on adoption, as I understand it, and hopefully that will make it somewhat easier.

The typical experience, though, in Haiti I don't think is much different than what you heard from the other—other people here. It is an average of \$30,000 and 3 years, money just to go ahead and make payments to Haitian attorneys, Haitian officials, with no guarantee that the child will ever leave Haiti.

Obviously, our Congress has very little control over that. The difficulty I find is that the people that sometimes even work for the U.S. Government fail to have the information necessary to make it as easy for us as possible or are either overworked or unwilling to go and provide the assistance that I would expect someone in a service area like that. The example I gave earlier when a number of you had to leave for the vote was, I had been advised by those officials that the way to get Junior here to the United States was to apply for a temporary visa for medical purposes. I went through about 4 months, and the same papers that have been mentioned before by other testimonies that were given, and appeared—when I was given 3 days' notice to appear in Port-au-Prince, required me to cancel, reschedule about 3 weeks' worth of surgery, only to be met by the immigration official and told that because he lacked adequate familial and cultural and economic ties that he was returned to Haiti. And when I pointed out that the pamphlet they had gone through with all the background information quite clearly outlined that he was, number one, an orphan so he had no family ties and was 8 years old, number two, obviously had no bank account or business at the age of 8, and, number three, that we had started a foundation in Haiti which would mean he was going to be coming back and we would continue working there, it was still denied.

When I was asked for an explanation of why, I was told none could be given. And when I asked a simple question of if you were standing where I am standing and I was standing where you were standing on the other side of the bulletproof window, what would you be telling me to allow this to occur? And I was told I would have to leave or security would be called. That was from a U.S.

Government employee, which I found, being a former retired military and a person in service, found myself to be very, very surprising.

I think we really need to educate these folks. They are doing many jobs, not just international adoption, but I think they really need to be informed of what is available for people doing adoption, such as the case that Ms. Winterson, former Senator Brown's staffer, informed me about, humanitarian parole. No one had ever mentioned it to me. Our immigration attorney didn't know about it. The people in that area of the State Department apparently were either unknowing or had failed to mention it. Otherwise, Junior would have died and still be in Haiti buried somewhere.

Chairman GRASSLEY. A quick question to Ms. Craig, and then I will go to Senator Leahy.

From your experience dealing with the Congolese government, because this is things we hear so I am asking you if the government—that government is legitimately concerned about protecting their orphans from fraud and trafficking.

Ms. CRAIG. Thank you for that question. Well, I think initially that was the listed concern for the exit letter suspension to begin with. But as I stated, the documents listed in my dossier, they looked at them. They're written. They had an interministerial commission set up in May to review all these files again, the dossiers. And they stopped. November 4th they told us the commission disbanded in July, so they did not review them.

I don't know. I don't know the answer. It is not in the best interests of the children to leave them in orphanages. Twenty-five children have died waiting to come home, some of them with U.S. visas, maybe on their second or third. I guess that would be a question to ask the Congolese Government. What can we provide to them to prove——

Chairman GRASSLEY. I'll have that chance later on today. Senator Leahy.

Senator LEAHY. Well, thank you, Mr. Chairman.

Incidentally, Ms. Craig, one of the comments you made is not an unusual one about when we have to rely on snail mail coming from a country like where you were. That just makes no sense in today's day and age. So, thank you for mentioning that.

Ms. HUTCHINS I was, in fact, my wife and I were talking about this last night, that you and your family are going to be down here, and I think it's—I think it's amazing you were there. You have got Ebola. You have got everything else you were facing. We could have a new novel—instead of "Love in the Time of Cholera"—"Love in the Time of Ebola."

But then I see James and Grace, beautiful, beautiful children. Maybe Grace is sleeping a little bit now, but I was earlier in the office, and let me tell you, I have a feeling with those two, at the rate they were going, when they go to bed, the parents go to bed. But beautiful, beautiful children. I got a chance to hold them both, and I can see why you have the love you do. And I imagine you would agree that we have to keep international adoption as a real option for families. Is that not correct?

Ms. HUTCHINS. That is absolutely correct. There are so many children that are in need of homes, that are waiting for families.

We did think about for a very small moment about doing a domestic adoption, and domestic adoptions are difficult. In some States, parents can come back in a couple of years and say that they now want their children.

With international adoptions, they are a little more final, and we are able to give a child a loving home, a place where they can thrive where they wouldn't have otherwise. And so, you know, you look at them, and both of them are sleeping. So, they are just—

Senator LEAHY. The way they were tearing around earlier this morning, I can imagine.

Ms. HUTCHINS. Yes.

Senator LEAHY. They are sleeping because they are secure and they are being loved.

Ms. HUTCHINS. Yes.

Senator LEAHY. Anybody who has had children or grandchildren—well, if they have grandchildren, they have had the children first, but they know that a child can sleep like that because they are secure.

Ms. HUTCHINS. Yes, they are.

Senator LEAHY. Let me ask you, you were there during the Ebola outbreak. Now, there was all kinds of panic in this country even though we did not have a single Ebola case in the United States. You would think when you would turn on the news every night that somehow we had thousands of cases of Ebola. The news did not bother to bring out the fact that a huge number of Americans were dying because they did not get their flu shots that year. But I guess Ebola was easier to put screaming headlines on. But tell me, when you came back, did you face any problems?

Ms. HUTCHINS. Well, when we came back—to go back to last September when the babies came, our friend's husband, Robert, was amazed when he landed in JFK that there was no screening whatsoever for the fact that they had just come from a West African country.

About 2 or 3 weeks after that, the screening started where, once you land—once you land, you go through immigration, you are tagged immediately, and you go through a separate place that the CDC had set up. When we came through in June, we had our temperatures taken when we left Sierra Leone, before we even got inside the airport, we had our temperatures taken probably four times.

Senator LEAHY. Is that where they hold—

Ms. HUTCHINS. The infrared thermometer. It was three or four times. We landed in Morocco for our layover. We were screened again. We landed in JFK. We went through immigration and then had to wait in the CDC area. That took probably about an hour to go through. There were not many people that came from western Africa, but it still took a very long time.

When we came back, fortunately, our family members, most of our family members, were very supportive of us, knew we had kept ourselves safe, and were not concerned about us. My employer allowed me to come back to work as well as my husband and his sister, who work at the hospital in Burlington, they were both allowed to go back to work right away as well.

In September 2014, when the babies first came, our friends that came with them had some struggles with some individuals that would not see them for 21 days because of the fact that Ebola—they were around Ebola. But we knew how to keep ourselves safe. You didn't touch people. You washed your hands constantly. You did not go in public places where it was not necessary. And so, yes, the risk was there, but we kept ourselves safe.

Senator LEAHY. But your neighbors in Vermont greeted you.

Ms. HUTCHINS. They did.

Senator LEAHY. And I take it—I mean, you live in a small town, and the other couple lives in a small town. Everybody knows everybody.

Ms. HUTCHINS. Yes.

Senator LEAHY. I take it the children are well greeted at home?

Ms. HUTCHINS. Oh, yes, they are. They are loved beyond measure. My parents look at James, and they cannot imagine him not being part of our family. He is—James and Grace are every part of our family as if they were our own flesh and blood.

Senator LEAHY. Mr. Chairman, I tell you, the areas where the two families live are beautiful areas up in the northwestern part of Vermont, and they are small towns. And when you go in the grocery store or you go in the gas store, everybody is going to call you—I mean, when I go in the stores with Marcelle, people say, “Hi, Pat. Hi, Marcelle.” Everybody knows everybody. So, I am delighted to hear you were well greeted.

Ms. HUTCHINS. Absolutely.

Senator LEAHY. Thank you very much for being here.

Ms. HUTCHINS. Thank you.

Chairman GRASSLEY. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chair. Thank you all for being here. I am sorry for the challenges you are going through. It is hard for me to not shed tears, so I certainly understand your situation and those of everybody in the audience.

Ms. Craig, I wanted to ask you a couple of questions. I have 11 open cases—I am from North Carolina. I have 11 open cases related to the DRC right now that seem very similar to yours. And, Mr. Chair, I would ask consent to add information from Katie and Chad Coleman from Charlotte who are going through a scenario. It is going on 3 years now. I think the daughter—two daughters were 3½ and 18 months. Now, they are 6 and going on 4 years old—or a little over 4 years old. I would like to submit that for the record. It is a very similar story that it playing out time and time again.

Chairman GRASSLEY. It will be included in the record.

[The information appears as a submission for the record.]

Senator TILLIS. Ms. Craig, you said that there were 1,300 cases of which only 99 had been reviewed. Is that correct?

Ms. CRAIG. I believe there are 400 U.S. cases, so in the 1,300 I was including all of the other countries as well.

Senator TILLIS. Okay. So, is it 99 of the 400?

Ms. CRAIG. The Department of State had said 99 of the 400 U.S. or 99 of the total 1,000 that were submitted were reviewed.

Senator TILLIS. Now, in the case of the Colemans, they have indicated, in addition to the expenses they have paid for adoption since

they have been in this state of limbo, that they have spent nearly \$24,000 on extra foster care. Are you experiencing similar expenses right now?

Ms. CRAIG. Our daughter is in an orphanage, but we incur medical expenses above and beyond that.

Senator TILLIS. You mentioned that the parliament, I guess, gets out on December the 15th. If you had a delegation or a member who was willing to go there, what do we say to them?

Ms. CRAIG. I think it needs to be decisionmakers to decisionmakers. I am not sure that we're meeting with the people who can—

Senator TILLIS. And who do you think that is, just in the conventional wisdom of people that are dealing with the DRC? I could ask similar questions of other panelists, but I thought I would just zero in on you and probably apply—

Ms. CRAIG. You know, it may even be at the executive level. I would say it needs to be decisionmakers or—

Senator TILLIS. Are there any bright spots out there? Are there people that seem to want to do the right thing but the—

Ms. CRAIG. I think so—

Senator TILLIS [continuing]. Politicians are not letting them?

Ms. CRAIG. You know, I am not even sure that it is politicians. You know, that's why I keep saying it's very unclear. We are not sure where the issue is. So, I think if we could nail down that answer and get to who the decision-maker is, and it may be President Kabila. So, at the executive level, maybe it is President to President that needs to have a sitdown. I'm not sure.

Senator TILLIS. Do you have any idea what gave rise to these suspensions?

Ms. CRAIG. The initial—the Congolese initially said concerns of child safety and well-being when—when coming to the receiving country.

Senator TILLIS. Did they cite specific examples that they were reacting to and maybe they overreacted?

Ms. CRAIG. Not to my knowledge. I think they were concerned over abuse and re-homing.

Senator TILLIS. I am just curious if there was any rational basis, in fact, that they used, so, you know, maybe an overreaction to something that did occur. But we will have our office look more into that.

I for one think that we probably do need to step up the engagement with the DRC and other countries in terms of their behavior, just trying to do the right thing for the kids. You all are trying to provide a loving home for these children.

In the case of the DRC, they receive \$176,800,000 a year in U.S. aid—\$110 million from USAID and \$65 million from the State Department. We are already trying to do everything we can to help the DRC for the citizens in their country, and you are trying to do everything you can to help the children in this country actually aspire to a better, safer life. And it seems to me we need to figure out a better way to communicate that. I think you are right, we need to do it—this is not a partisan thing. We need to do it in a way that engages the administration, the executive branch, but I

think Congress can have a voice, too, and we should probably raise that voice.

And I appreciate you all being here today. I am very sorry for your experiences.

Ms. CRAIG. Thank you.

[Pause.]

Chairman GRASSLEY. I am going to close before I call on Senator Sessions because I owe all of you a thank you. I know you go through a lot of work to prepare for these hearings and I know that each of you have made sacrifices to be here. Your stories and experiences are a testament to the love that you have for children. We commend you for opening your hearts and homes to the kids that need a permanent home, and I am going to leave the record open for any additional comments from Senators or any of the families here or not here that want to still submit a written statement for the record, and in doing that, like a couple of us—three of our witnesses have told their story. So, I thank you very much for coming, and I will leave it to Senator Sessions to close the meeting down so I can go to a 12 o'clock meeting I have.

Senator SESSIONS [presiding]. Thank you, Chairman Grassley. I appreciate you and Senator Leahy for your work. And I thank all of you, as the Chairman said eloquently, for opening your hearts and homes to young children in need.

We have three—Senator Tillis, we have three families from Alabama—the Swendlings, Braddocks, and Powells—who also are dealing painfully with the Democratic Republic of Congo, and it really is, I can imagine, Ms. Craig, extremely frustrating. It seems to me—to repeat what you were saying, these families have gone through the process. They have been basically accepted. The adoptions are complete, and nothing seems to be happening so the children can come to their families. Is that the essence of it?

Ms. CRAIG. That's correct. Our adoption was finalized in a Congolese court April 8, 2013. The only thing stopping the children from coming home is an exit letter required by the Democratic Republic of Congo to leave the country.

Senator SESSIONS. Well, you know, our State Department has many challenges, and they do a great job in a lot of ways, and I am sure some of you have felt the support that they give. But I do think at some level, when we have—American citizens have given of themselves to adopt a child and the country basically just reneges on the process and uses a technical objection to delay these things, it does reach a State-to-State level. I believe in law school we studied conflicts of laws and the ability of legal systems to bind one another, and the rulings in one court are valid around the world. And so, I just think that we need to—I believe we can do more at that level for this situation.

Do you have any specific thoughts—I guess you have been asked about it a little bit, but do you want to share any more specific thoughts about what our Government could do to assist in this situation?

Ms. CRAIG. Thank you for that question, Senator Sessions. We need action, no more lip service. We have done a lot of talking, a lot of engaging, a lot of meeting, a lot of promises that did not happen. Twenty-five children have died waiting to come home. They

are a plane ride away from their family. We need action. I don't know if that is boots on the ground or legislation. They need protection. These children need protection. They are on the verge of an election that may or may not be civil unrest over there. U.S. citizenship could provide them protection in case of an evacuation. Anything that you could do to bring our children home.

Senator SESSIONS. I think this is one—Senator Tillis, I think this is one where we have the high ground. If a nation says, “We are not going to allow any more adoptions,” you know, I guess that is their decision. But when they allow one to occur and then do not allow it to proceed, it is really frustrating to me. A great Alabamian, Larry Taunton, wrote a book about the adoption process. He is a theologian and Christian apologist. But he gets a call from his wife and son, who graduated from Yale and worked for me, but the story—they are volunteering in an orphanage in the Ukraine, and they call and you can just imagine the call: “Daddy, we met this young girl.” And so they agreed to adopt the girl, to make a long story short, and it just went on for years. They had to put up money. They felt like—Dr. Wilkerson, a lot of the money to lawyers and other people was going to places they had no idea where it was going. Is that a problem internationally, in your opinion?

Dr. WILKERSON. Very much so, Senator Sessions.

Senator SESSIONS. You alluded to it. In other words, once the family gets attached to the child as they were able to see the child, stay in the hotel with them, it took I think three trips to the Ukraine over a period of years to finally get this done. And are the families that want to adopt being victimized sometimes in this process, Dr. Wilkerson?

Dr. WILKERSON. Very much so, and, in fact, in Haiti it is not unusual to be drawn out until the child turns 16, at which point adoption is impossible. All the money has been paid, everything has been done, now it is no longer possible. The child is 16.

Senator SESSIONS. Well, I just think Nations who do that deserve to be criticized. They deserve to be criticized. If they're going to allow a process to go forward, it should be done in a way that is fair and just and minimizes the cost to those who give of themselves to these children.

Ms. Craig, this letter that is lacking from the Congolese Government that would clear the way for the child to come, these children to come to their parents, in your opinion is this some sort of political deal? Does it have any substance behind it? Or is it some sort of deliberate attempt to obstruct the process?

Ms. CRAIG. You know, we've been told that the exit letter is not a legal requirement to leave DRC. So that leaves my opinion to be that it could be political or because they can.

Senator SESSIONS. Well, thank you all. And this is moving testimony. My constituents from Alabama wrote and said, “Every night that passes is another night that these children will spend alone, without a mother or father tucking them into bed.” And that's unfortunate. Some of the orphanages around the world are really—really not good places, and I just thank you all for caring enough to take this action. And I believe maybe we in Congress can figure out a way to assist.

Anything else, Senator Tillis, that you would like to add?

Senator TILLIS. No. Thank you, Senator Sessions. Thank you all for being here. Sorry for all that you have had to go through.

Senator SESSIONS. Thank you all, and we are adjourned.

[Whereupon, at 11:55 a.m., the hearing was adjourned.]



DEPARTMENT OF STATE
STATEMENT
OF
AMBASSADOR MICHELE THOREN BOND
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
BEFORE THE
SENATE JUDICIARY COMMITTEE
HEARING
ON
NOVEMBER 18, 2015

Chairman Grassley, Ranking Member Leahy, and distinguished members of the Committee, thank you for this opportunity to highlight the Department of State's long-standing efforts to support intercountry adoption, which has connected tens of thousands children from across the United States and around the world with loving, protective, and permanent adoptive families.

I also would like to thank the Members of this Committee for your commitment to U.S. families involved in the intercountry adoption process. Thanks to the Adoptive Family Relief Act, the Department of State can provide immigrant visa fee relief to certain U.S. adoptive parents who are seeking a visa renewal for their child, when the child is unable to depart his or her country of origin as a result of extraordinary circumstances outside of the parents' control. We continue to see this tragic situation in the Democratic Republic of the Congo, where hundreds of children with finalized adoptions are unable to leave the country to join their adoptive families. The Department of State is glad to be able to eliminate one financial obstacle facing those adoptive families. On behalf of the Department of State, I am grateful for the Committee's commitment to work with us to help families pursuing intercountry adoption.

I'm especially pleased and honored to be here this month – November – National Adoption Month in the United States. On behalf of the Department of State, I join you in recognizing the important role that intercountry adoption has

played in providing children with permanent homes and the support and guidance that only loving families can provide. Over the past 15 years, U.S. families have welcomed more than 250,000 adopted children from more than 100 different countries. In a sense, intercountry adoption also reflects our country's history as a nation of immigrants made stronger by our diversity.

As I celebrate National Adoption Month every year, I remain mindful of the need to work continuously to improve intercountry adoption. Does the intercountry adoption process support the best interests of the child? Does it protect families? And does U.S. engagement with countries around the world fully support our intention to establish and maintain intercountry adoption as a viable option for children who need permanency? I recognize the challenges that U.S. families too often face when adopting a child from abroad, and the many issues that complicate intercountry adoption in countries all over the world.

My testimony today highlights recent steps the Department has taken to advance U.S. intercountry adoption policy and diplomacy in a complex and dynamic global environment. The Bureau of Consular Affairs is the U.S. Central Authority under The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Convention). I will describe our efforts to encourage countries to further the goals of the Convention and become a party when they have established the procedures necessary to do so. I will share

examples of how the Department of State provides technical consultation to countries around the world. I will touch on two of our most challenging bilateral adoption relationships, with the Democratic Republic of the Congo and Russia, to provide context to some of the heart-wrenching situations that U.S. adoptive parents have faced in the course of intercountry adoption. Finally, I will highlight the Department's unwavering commitment to intercountry adoption by citing the work of our embassies in Port-au-Prince and Guatemala City. Both have worked consistently over a number of years to assist U.S. adoptive families by working with the host governments to clarify intercountry adoption policies and procedures and to resolve pending U.S. cases.

The Bureau of Consular Affairs' Intercountry Adoption Strategy

The Bureau of Consular Affairs has taken several steps over the past year to enhance our efforts in support of our belief that intercountry adoption must be among the range of options to provide for the welfare and best interests of children around the world. Intercountry adoption remains one of our highest priorities. We work diligently to establish and maintain intercountry adoption as a viable option for children throughout the world who need permanent families.

Under our new intercountry adoption strategy, we are assessing the state of intercountry adoption worldwide, and developing specific initiatives and tools to

strengthen intercountry adoption processes. For example, we are developing tools to map the intercountry adoption process in other countries. This enhances our knowledge of and insight into each country's procedures. From Cambodia to Haiti to Zambia, this detailed understanding of individual countries' procedures helps us to be more focused and productive in bilateral discussions with foreign government officials. It provides effective communication support to our work to establish the long-term, personal relationships essential to cooperation on intercountry adoption. And because we recognize that intercountry adoption is in the best interests of some children in the United States, we work with foreign counterparts and colleagues at the Department of Health and Human Services to expand outgoing Convention adoption opportunities for children in U.S. foster care.

In collaboration with U.S. Citizenship and Immigration Services (USCIS) and the Council on Accreditation, we organized and hosted the first Adoption Service Provider (ASP) Symposium here in Washington, D.C., in September this year. More than 70 ASPs from across the United States attended this two-day conference. We discussed the Department's intercountry adoption strategic plan and critical issues at play in the field today, including unregulated custody transfers, often referred to as "rehoming." While intercountry adoption is truly beneficial for many children, some families confront difficulties that stem from early trauma, institutionalization, and other challenges that are difficult to

overcome. When parents place a child with others outside of existing safeguards, including appropriate authorities such as social services, medical professionals, counselors, and the court, that lack of oversight creates a risk of harm for that child. At the ASP Symposium, we updated ASPs on efforts by several USG agencies to assess the breadth of the issue, and our work on strategic initiatives aimed specifically at intervention and prevention; we also support their ideas and input. The Department of State leads a working group dedicated to unregulated custody transfers, convened by Ambassador Susan Jacobs, the Special Advisor for Children's Issues, and comprised of experts from the Departments of Justice, Health and Human Services, and Homeland Security, and the Association of Administrators of the Interstate Compact on the Placement of Children. After working with the Department to research state laws, the National Association of Attorneys General offered to participate in the working group. In September, we were pleased to welcome the Attorney General from Utah, who volunteered to share his expertise and commitment to child protection.

Over the last year, we have focused on engagement with countries that have announced their intent to ratify or accede to the Convention. U.S. embassies and consulates overseas are actively encouraging those countries to establish intercountry adoption procedures that protect children and parents and are consistent with the Convention and U.S. immigration procedures. We encourage

them to develop robust domestic child welfare systems that support family reunification or domestic adoption, and intercountry adoption when permanent placements in the country of origin have been given due consideration. We encourage the continued availability of intercountry adoption, even as a country is developing new procedures in anticipation of becoming a party to the Convention. We offer technical consultation to all countries interested in working with us, regardless of whether they are a party to the Convention, in the form of information resources, training materials, guidance regarding U.S. adoption and immigration laws and procedures, and visits from experts in our government. Always, we are brainstorming new and creative ways to facilitate more assistance – governmental and nongovernmental – to address specific needs in countries of origin and support intercountry adoptions between the United States and those countries.

To illustrate, while I was the Ambassador to the Kingdom of Lesotho, I worked closely with adoption officials and stakeholders as the country prepared to accede to the Convention. The Convention entered into force for Lesotho in December 2012. There were some initial procedural difficulties with regard to processing adoption cases consistently. However, the Convention provides a framework for cooperation to improve the effectiveness of the adoption process, and the United States and Lesotho have worked together to address out-of-order

cases and process them in a manner consistent with the Convention and U.S. immigration law.

As an even more recent example, the Convention entered into force for Côte d'Ivoire and Zambia on October 1, 2015, making those countries the 94th and 95th States Parties. Prior to their accession, the Department of State offered and provided technical consultation to both countries, through our Embassies in Abidjan and Lusaka and through direct communication between their adoption authorities and the Bureau of Consular Affairs in Washington, D.C. We discussed how to facilitate processing under the Convention in a way that was compatible with U.S. immigration law and sought to promote a smooth transition to adoption processing under the Convention. Côte d'Ivoire is still developing Convention adoption procedures, and in the interim, the United States will process intercountry adoption petitions under the Convention on a case-by-case basis. We are already processing intercountry adoptions consistent with the Convention in Zambia.

The Bureau of Consular Affairs' Technical Consultation on Intercountry Adoptions

Another part of the world, East and Southeast Asia, illustrates our context-specific approach to intercountry adoption diplomacy and technical consultation.

Ambassador Susan Jacobs recently returned from meetings in Cambodia, the Republic of Korea (ROK), and Vietnam. In Cambodia, which acceded to the Convention in 2007, Ambassador Jacobs hand-delivered to government officials a letter requesting clarification of Cambodia's envisioned Convention adoption process, a request endorsed by the Central Authorities of Belgium, France, Luxembourg, the Netherlands, the United Kingdom, and the United States. She made clear that the Government of Cambodia's response is necessary for the United States to fully understand how Cambodia will supervise and monitor ASPs authorized by the Cambodian Government. Ambassador Jacobs advocated for permanency for all children, and for intercountry adoption to be included in the range of permanency options. She congratulated the Government of Cambodia on progress to establish a foster care system that removes children from institutions in favor of living as part of a family, which we all recognize to be better for children's physical, social, emotional, and cognitive development.

In the ROK, which has expressed its intent to ratify the Convention next year, Ambassador Jacobs advocated for intercountry adoption as a viable option for Korean children after due consideration has been given to domestic placements. She recognized the ROK's social, cultural, and political reforms, which have generated efforts to encourage more domestic adoption – a positive step for both the country and its children.

In Vietnam, the Convention entered into force in 2012, and recently we established a Special Adoption Program for children with special needs, older children, and children in sibling groups. Ambassador Jacobs received updates on the Convention adoption system and on the progress of the Special Adoption Program.

We also have ongoing efforts in several countries in Eastern Europe. For example, Ambassador Jacobs will soon visit Moldova and Romania to advance U.S. policy goals with respect to both intercountry adoption and international parental child abduction. The Romanian Central Authority provided the Department with draft amendments to its adoption code, and requested our comments. We are conducting our review and Ambassador Jacobs will personally deliver the results. We continue to raise our belief that intercountry adoption opportunities in Romania should be expanded beyond Romanian citizens residing abroad, to increase the availability of permanent placement options for children. In Chisinau, Ambassador Jacobs will work with Moldova's Central Authority to expand intercountry adoption opportunities and establish a more efficient process.

In addition to our important work in support of the Convention, we regularly engage with countries that are *not* party to the Convention and that are not planning to become party to the Convention. The Department has developed intermediary programs for countries that wish to improve their adoption processes.

An example is the Pre-Adoption Immigration Review (PAIR) program, developed in coordination with USCIS, and currently in place in Ethiopia and Taiwan. PAIR helps governments confirm children are eligible for U.S. orphan visas before they are adopted in the foreign country. PAIR represents the U.S. government's innovative response to the diverse intercountry adoption realities in different countries, and helps maintain intercountry adoption as a option for children around the world.

Challenging Intercountry Adoption Environments

Consular Affairs constantly and actively pursues solutions to problems that U.S. families face in the course of their intercountry adoptions. Some of those problems are very grave. Resolving the cases from the Democratic Republic of the Congo (DRC) is a top U.S. government priority. The DRC government recently agreed to allow 14 children adopted by U.S. parents to leave the country. That is a cruelly small number. Nearly 400 more children legally adopted by U.S. parents are awaiting permission to leave the DRC, with no indication of when this permission might be granted. The more than two-year-old exit permit suspension for legally adopted children must be lifted now. It is unacceptable that children adopted by U.S. citizens and several other countries are languishing in institutional care, and in some cases dying, when they have loving, permanent families waiting

for them. There is no excuse for the continuation of the DRC's exit permit suspension. I have personally pressed this point with Congolese officials during two trips to Kinshasa this year and in multiple meetings with the Congolese Ambassador to the United States. I know that many Members of Congress share these views, and I thank you for supporting the actions taken by President Obama and the Department of State to push the Government of the DRC to do the right thing and release the children to their families.

The Department also remains committed to continued dialogue and engagement with Russia, a non-Convention country, on intercountry adoption and the protection of the interests of children. The Russian Federation banned the adoption of Russian children by U.S. families on January 1, 2013, in response to the Magnitsky Act. This followed the conclusion of a U.S.-Russia Adoption Agreement created in part to address Russian concerns over Russian children adopted by U.S. parents, which was in force for only one month when Russia provided notice of its intent to terminate the Agreement effective January 1, 2014. Since the ban entered into force, the Department has worked for a resolution to all adoptions from Russia initiated prior to January 1, 2013, and has formally proposed several options to the Russian government to resolve more than 250 pending adoptions. Despite our attempts, the Russian government has not allowed

any exceptions to the ban. We unfortunately have no reason to believe there is a path forward for these U.S. prospective adoptive parents and children at this time.

Our Focus on Bilateral Engagement to Assist U.S. Adoptive Families

We remain focused on intercountry adoptions from Haiti, which is now a Convention country. Well before the Convention's entry into force for Haiti, the Department of State and USCIS were closely engaged with Haitian officials to promote smooth adoption processing and to provide technical consultation in support of Haiti's plans to ratify the Convention. The Department and USCIS sent delegations to Haiti in March and October of 2015. These trips provided a wealth of knowledge about Haiti's processing procedures, which we have communicated to the U.S. adoption community. We are in daily contact with U.S. Embassy Port-au-Prince to discuss adoption issues. Our goals are to clarify Haiti's intercountry adoption procedures for transition cases (cases initiated prior to the Convention's entry into force for Haiti) and for new cases (initiated after entry into force), while addressing procedural problems that affect U.S. prospective adoptive parents.

We know that our persistence, our dedication, and our commitment to serving children and families in intercountry adoption can produce results. We remain resolute in support of intercountry adoption. We have seen its life-changing impact on so many lives. For example, Guatemala's 2007 suspension of

intercountry adoptions amid concerns about child-buying, kidnapping, and fraud, left approximately 3,000 adoptions by U.S. citizens in limbo. The Department and USCIS have repeatedly urged Guatemalan authorities to resolve the pending cases, and we are hopeful that the last five remaining cases will be resolved soon.

Chairman Grassley, Ranking Member Leahy, and Members of this distinguished Committee, I hope I have given you a sense of the Department's broad-gauged, well-resourced commitment to support intercountry adoption, to ensure it remains an option for children throughout the world, and to assist prospective adoptive parents in the United States. Thank you.

Testimony of Mrs. Nicole Craig

Senate Judiciary Committee

“National Adoption Month: Stories of Success and Meeting the Challenges of International Adoptions”

November 18, 2015

Mr. Chairman and Members of the Committee, I am deeply honored to appear before you today to share the story of our family's adoption of Elisabeth Grace from the Democratic Republic of Congo (DRC). On behalf of the hundreds of American families whose children are waiting to come home, I am humbled to have this opportunity.

I would like to take the opportunity to recognize my mother, brother, and my husband Kevin, and the other waiting DRC families, who are here with me today, and also to thank our three boys, Jahvarn, Alex, and Kaden for their unwavering love and support throughout this process. It has not been what any of us expected when we began the adoption process three years ago.

It was three years ago this week when we accepted a referral of a five month old baby girl named Elisabeth Grace. We satisfied every legal requirement in both the United States and DRC. On April 8, 2013, we were legally declared her parents by a Congolese Court. We thought she would be home soon after. On September 25, 2013, during the time our case was being investigated by the United States, the Congolese government suspended the issuance of exit permits for adopted children. This meant that our daughter could not leave DRC and yet we had all the legal responsibility to provide for her.

Three years, and five US visa renewals later, we still eagerly wait for Grace to be united with us- her forever family. We have provided financial support for Grace but have yet to give her what every child deserves- a family. We exchange photos via email and Skype with her when she has electricity.

She asks for her brothers, sings songs to us, and cries for us when we disconnect. We watched and celebrated her first steps, three birthdays and holidays through photos- bittersweet to say the least. She likes to see pictures of her bedroom and our home.

She is too young to understand why she can't be united with her family, and as an adult, I don't fully understand it myself.

Still, she asks whenever we talk to her, when she is coming home? The lump in my throat swells as I have to say "soon". We send clothes, school supplies, vitamins, and everything else she may need upon request. Imagine, a phone call in the middle of the night and your child is having seizures. It's terrifying knowing she has very limited access to sub-par healthcare and is an exit permit and a plane ride away from the best healthcare access, diagnosis, and treatment. She knows she has a family that loves her. A piece of our heart remains separated for reasons we are unclear, and we as a family are broken. Grace is not an orphan. Grace is our daughter, a sister, a granddaughter, a niece, a cousin. Grace is our family. I am certain that this is not just our story, but the story of many waiting adoptive families from around the country and the globe.

We have waited for more than two years now, and there is no real end in sight. On November 4th, 2015, the DOS sent an update to waiting families that 14 US children were to be granted exit permits. Of the nearly 1300 cases, DOS told us that only 99 had been reviewed. We were told that the other children would need to wait for new adoption laws to be passed in DRC which may or may not be retroactive. It seems we are further away from bringing our daughter home now than we have ever been.

Our Congolese adoption decree states "That this adoption is requested in the greater interests of the child, who will thus regain a family who will take charge of her development and care by offering her an environment and life full of affection and love, which will contribute to her well-being according to the wishes of the law."

Our Dossier details were listed in the adoption decree to include: our homestudy, criminal records, health and mental status reports, income, USCIS conditional approvals, birth certificates, marriage certificates, all with dates, and verified, even with State of WI license #s.

It is clear that concerns of my daughter's well-being and our family was thoroughly reviewed and vetted by DCR courts. It is clear that the DRC wants the same for these children as the families that have adopted them.

The Congolese court found that our adoption was in the best interest of Grace, yet we are not able to fulfill our obligations to her. Grace is being denied access to educational opportunities and superior healthcare standards that people from other nations, including DRC, seek access. Grace is being denied the love of a family. A family that has been waiting for three years to provide her the love, affection, and care we promised.

I believe we have reached an impasse in this adoption crisis where an "Act of Congress" is necessary and respectfully requested. Congress must urgently engage with Congolese decision makers to find a solution, much more than what has been done in the past two years to resolve this crisis. I am very grateful for the efforts of Congress to compel DOS to find a solution, but

diplomatic engagement has so far been proven ineffective. The time is now for more active involvement of Congress. I would ask that a Congressional-Delegation be sent to DRC prior to the December 15th parliament recess. I would ask that Congress swiftly pass legislation for my child and the hundreds of other adopted children waiting in DRC to give to them the rights being denied by the exit suspension.

Imagine for one moment that this is your child. Imagine that for more than two years you are actively prevented from parenting your child, from holding her when she is scared, from filling her belly with healthy foods, from tucking her in each night and kissing her forehead each morning. Imagine. And then tell me what you would be willing to do? Every day matters for these children. Every day my daughter is kept from her loving family is an injustice. These children deserve a solution now. Please help us find a way to bring our children home.

Written Testimony of

Katie Horton RN, MPH, JD
Research Professor
Milken Institute School of Public Health
Department of Health Policy

Before the
United States Senate
Committee on the Judiciary

**“National Adoption Month: Stories of Success and Meeting the Challenges of
International Adoptions”**
November 18, 2015

Mr. Chairman and Honorable members of the Committee, thank you for the opportunity to appear before you this morning. My name is Katie Horton, and I am a Research Professor at the Milken Institute School of Public Health at the George Washington University. More importantly, I am the mom of a wonderful nine-year old little girl named Emma who I adopted from Russia in 2008. I am incredibly blessed to have her in my life. With Emma’s permission, I’d like to share our story with you.

Families pursue international adoption for many different reasons. For me, I’d been involved early on in my career with international health in developing countries and saw first-hand the significant needs of many children in other countries. To be perfectly honest, I also found it difficult as a single woman to adopt domestically.

After much thought and consultation with family and friends, I decided to pursue international adoption in hopes of finding a child in Russia. I’d had several friends adopt successfully from Russia and was encouraged by the wonderful children who had found permanent and loving homes here in the U.S.

I always tell people that international adoption is not for the faint of heart. The requirements and paperwork involved are incredibly extensive. In my experience, I relied on adoption agencies that were over-stretched and understaffed. The costs are high, and I was asked to pay additional fees along the way with little explanation. In most cases, a family is required to travel several times to the country to bond with the child, fulfill required wait times and submit to additional medical and psychological tests once

in-country. I can't imagine a family fulfilling these requirements for any reason other than sincerely wanting and loving the child they meet.

After many months of waiting, I was matched with Emma who was located in a baby home in Samara, Russia. I do believe that God had a hand in matching this amazing little girl with me. The second I saw her picture, I knew she was meant to join my family. I was given little information about Emma other than she was born very prematurely to a birth mother who was quite ill, she had been in the orphanage for 14 months, and had been labeled "Failure to Thrive."

I secured my visa and booked a flight as quickly as allowed. When I reached the orphanage, I was interviewed by the orphanage director and the physician and was asked many questions about my reasons for wanting to adopt Emma. The orphanage provided basic information about Emma's birth family and her health since coming to the orphanage shortly after her birth.

When I was finally allowed to meet Emma, they brought her into a small playroom where my sister and I waited, and I instantly fell in love. Despite bruises on her head and face, she was beautiful. She had that special twinkle in her eye that seemed to say even though she didn't have enough food to eat or a family to put her to bed at night, she would survive and overcome any difficult situation she faced in life.

She was bundled in wool tights and sweaters even though the summer temperature was very hot, and we played on the floor together for hours. She was incredibly small for her age and pale from little time spent outside, but she was feisty, funny and loving. I knew instantly she would join my family.

Emma was 22 months old when she and I arrived back in the U.S. We arrived home from Russia on my birthday—August 1—and we were greeted by many family and friends holding welcome signs at the airport in the middle of the night. The love was palpable. It was surely the most special birthday I will ever have in my life.

There have certainly been challenges and adjustments along the way—as there are with any family. Not having a pair of shoes in the orphanage, when we got home, she chose to sleep each night with her shoes on—a pair of bright pink sandals. This continued until she just couldn't fit into them anymore, at about age four. She wouldn't leave the house each morning until every baby doll in the house had been kissed and tucked in bed. You see, she was so small in the orphanage that she was placed with the young infants to help care for them.

There is no doubt the orphanage had a tremendous impact on Emma. But despite Emma's difficult start to life in an orphanage, she is thriving today. She is loving,

spunky, fiercely independent and strong in faith. She is currently enjoying third grade in a private school near our home and doing very well socially and academically. True to her Russian heritage, Emma excels at ballet and gymnastics. She will be performing next month in the Washington Ballet's Nutcracker at the Warner Theater as a Snow Angel. She loves all animals, especially our dog and cat and the pony she rides weekly named Anya. Emma has more family, friends and neighbors than I can count—each of whom loves her with all their heart.

I don't know if our story is an international adoption "success" story. How do you measure success? By having one less child in an orphanage? By having one more child adjust well in a permanent, loving forever home regardless of the country that home is in?

I am not so naive to believe that our family's challenges are all behind us—I am certain they are not. Like any family, we will have our ups and downs—and I will reach out for help and support when needed. What I do know is that Emma is a kind and loving little girl who has adjusted beautifully to life in the U.S. She is happy, and she is loved more than she will ever know.

The Russian Adoption Ban

I'd like to share a second part of my international adoption story with you—one that does not have a happy ending. Encouraged by Emma's adjustment in the U.S., and enjoying motherhood more than I could have ever imagined, I once again started the international adoption process in 2010. In early 2012, after the long and difficult process of once again fulfilling both countries' requirements for international adoption, I was matched with a beautiful, six month-old little girl named Polina Ostapova in Apatity, Murmansk, an area in Northern Russia above the Arctic Circle.

I traveled to Russia and spent many days with Polina, bonding and imagining the wonderful life ahead for my family with the addition of this little girl. I thought about how much my siblings mean to me and how grateful I was that Emma would know the same love with a sibling. I signed the notarized Russian petition to adopt and other commitment papers declaring my intent to adopt Polina and returned to the US. I was told a court date would be sent to me shortly and that Polina would likely be home with my family for Christmas.

In December 2012, Congress passed the "Magnitsky law," a law intending to punish Russian officials responsible for the death of a Russian lawyer, Sergei Magnitsky, in a Moscow prison. Shortly after, the Russian parliament passed a bill which was widely regarded as retaliation for the Magnitsky law. This law banned all Americans from adopting Russian children.

At this point, the tension between the United States and Russia became very personal to approximately 230 American families and 300 Russian orphans. We were told by Russia that all of our adoptions had been terminated, leaving little hope for many of these children to ever find a loving and permanent home. Many of our adoption agencies closed with as little as 48-hours' notice to the families.

For the families involved, in our hearts, these children were already our sons and daughters. We had bonded with these wonderful children and made promises to them that we would be back to get them. They had been abandoned once by their birth parents and now they were being abandoned again. These were children without parents, families, or homes. Many were in need of urgent medical care. The Russian adoption ban added yet another trauma to their young lives.

The 230 families involved in the Russian adoption ban had a sincere desire to resolve concerns expressed by the Russian government about the adoption of Russian children in America. We pledged to work with the State Department and the Russian government to address the concerns of the Russian government and to resolve this very difficult situation. Most importantly, we wanted to ensure the safety and welfare of the Russian children we were hoping to adopt. We wanted our children home.

The families fought valiantly to complete their adoptions. The families met with their Senators and Representatives and stayed in constant contact hoping for progress. We met several times with the Department of State and even the Russian Ambassador here in Washington, D.C. We wrote letters to President Putin, President Obama, Secretary Kerry, Madeleine Albright, Bill Clinton, Ambassador McFaul, among others. We held press conferences and reached out to the press to help tell our stories. Frustrated by the State Department's lack of progress, we even wrote our own agreement to address the Russian government's concerns and personally presented it to the Russian Ambassador.

As you know, our efforts were not successful. It is heartbreaking—most of these children remain in an orphanage today. We know this from personal reports of individuals the families have worked with for years. Many of these children are older and with special needs, with little hope of ever being adopted. According to reports from colleagues in Russia, at least three children have died while we wait for resolution of the adoption ban.

Some families have been fortunate enough to have found children and have adopted domestically or from a country other than Russia. Other families continue to track their children and support them in any way possible—food, clothing and money. All of these families live with the pain of remembering a child that they thought would be a part of their family forever.

And what happened to Polina? For about a year after the ban, I tried to check in on her frequently. I asked people in Russia for updates—for any word at all about her well-

being. As time continued, it became very clear that it was getting more and more difficult—and even dangerous—for people in Russia to share information about the children caught in the adoption ban. In early 2014, I was told that Polina had been moved from her orphanage but not yet adopted. To this day, I cannot find her.

Final Thoughts

We know from years of study that an orphanage is no place for a child to be raised. Evidence shows that children who grow up in institutional care are more likely to suffer from poor health and physical underdevelopment. They often experience developmental delays and other attachment issues. Every day that a child spends in an orphanage is one day too many—it denies that child a life in a family and the opportunity to grow up to be a healthy and happy individual.

Supporters of the Russian adoption ban bring up a number of concerns regarding international adoption, some of them very valid. But the Russian adoption ban does not address these problems—it simply denies children the opportunity to find a loving and permanent home. It is a blunt instrument that leaves thousands of children stranded in an orphanage without love and other support needed to grow into a healthy adult.

I am blessed beyond words to have Emma in my life. I love Emma at her best and worst moments. I tell her every day how much she is loved and that no matter what she does and no matter what happens, I will always be her mom and will love her forever.

I will forever be grateful to Russia for giving me the most precious thing in my life, Emma. But I am angry and frustrated at Russia's leaders—and frankly many in our own country—for not being able to find a way to bring these children home. It is inexcusable that some sort of humanitarian solution could not be reached for these children, including Polina. We should be actively exploring ways to facilitate support from health and social services for adoptive families in the US and to strengthen communication with Russia about the status of adopted children here in our country.

There is no doubt that it is possible to provide a loving and permanent home for children in need, regardless of their country of origin—there are thousands of stories about US families adopting successfully from other countries and raising happy, healthy and well-adjusted children. Being born in one country should not limit a child's right to a safe and permanent home.

Emma knows her adoption story and has known it from the time she could walk. She is proud of her Russian Heritage—and she is equally proud of her American citizenship. We talk about her birth parents, her family back in Russia and often read about Russia and its culture. We praise her birth mom for having the courage to allow another family

to raise Emma when she could not. We send letters and pictures regularly to her grandparents and brother back in Russia (unfortunately, both of Emma's birth parents have passed away now). We meet socially with other families who have adopted children from Russia. I want Emma to know where she came from and that her birth family will forever be an important part of who she is.

I am blessed to have a wonderful home, a supportive family, many friends as a strong support system, and the resources to give a child every opportunity in life. I am especially blessed to have one gifted daughter. But, I will never understand why politics prevented Polina from joining my family. I will forever pray that Polina is safe and happy somewhere, even if she cannot be here with my family now.

Thank you for the privilege of testifying before this Committee.

**Senate Judiciary Hearing
November 18, 2015
Adoption Story of the Families of:
Jonathan & Christine Hutchins and Gregory & Jennifer Smithers**

Thank you for the opportunity to speak and give the testimony of my family's international adoption story. I am honored to have been invited by Senator Leahy.

Before I begin, I would like to introduce my husband, Jonathan Hutchins, and our son, James. I would also like to introduce my husband's sister, Jennifer Smithers, her husband, Greg Smithers, and their daughter Grace. We were together throughout this entire process, as they adopted James' twin sister, Grace.

Our adoption story began in April 2014. I had just come out of a meeting with a colleague, with tears in my eyes, saying 'I will never be a mother.' After nearly 10 years of infertility trials, it seemed my husband and I would not ever have the child we dreamed of. When I sat down at my computer after that meeting, I opened my email and saw a message from a friend of the family. I opened the email to see pictures of these beautiful babies, just about 15 days old.

Our friend Ruth Search, a missionary in Sierra Leone with her own Non-Government Organization, Mariatu's Hope, had been contacted by a father whose wife had just died from malaria only days after giving birth to James and Grace. Part of Ruth's program supports families by providing infant formula when needed, but requires the family to continue to care for their child. The father, who desperately needed help feeding the twins, said he thought his sister-in-law would be able to care for the babies.

The next day he came back to Ruth's with the babies in arm, riding on a back of a motorcycle! He handed the two infants babies to Ruth and said – "please, take my children, my sister-in-law cannot care for them and I cannot afford to raise them. I want them to live." He is a very poor fisherman, paid in fish, and he is also supporting an 8 year old daughter. Sierra Leone has one of the highest infant mortality rates in the world, and 1 in 5 children do not live to age 5.

In Sierra Leone, it is seen as a weakness to give up a child – usually, a family unable to care for a child would leave the child for dead, rather than try to find the child a home. We feel that James and Grace's father, Papa Alusine, did a huge act of love in wanting life for his children.

Our friend Ruth had never helped an adoption before, though she and her husband adopted their daughter 7 years ago so they knew some of the process. She sought out a lawyer in Sierra Leone and then reached out to my family through my mother-in-law. She knew that Jonathan and I had been struggling to have a family, and that Jen and Greg also had had difficulties. My mother-in-law said 'Yes – contact them'!

The email asked if one couple wanted to explore the adoption of both twins, or if each couple wanted to adopt. Papa Alusine's requirement was that the babies grow up knowing they are sister and brother – but not necessarily adopted together. We are very close to Jen and Greg –

and live only 10 minutes away. Within a few hours we decided to take a leap of faith and pursue this together. In the meantime, the babies lived with Ruth and her family in Sierra Leone with hired nannies in a very safe environment. They were never in an orphanage, which was comforting to us.

Our first step was to immediately get our home studies done, and for Ruth to take care of the paperwork on the Sierra Leone side – making sure that the six-month fostering that we were required to do was approved.

A few months after we started the process, the Ebola epidemic hit West Africa. Ruth and her family wanted to leave to keep themselves safe. We tried to do the adoption by proxy, but that was not allowed. We tried many different avenues so that there was not unnecessary travel to Sierra Leone where Ebola was taking a terrible toll.

As a last option, our friend decided to try to petition the US Embassy for a visitor visa for the babies to come to the United States to stay with us and be safe during the epidemic. Then we would return to Sierra Leone with the babies once it was safer to finalize the adoptions. The visa petitions were accepted and on September 23, 2014, James and Grace arrived in NYC into their mommies' and daddies' arms for the first time!

During this entire time, we were dealing with paperwork with USCIS, filing first the I-600 and then learning that we should have filed the I-600A. We were going back and forth with our USCIS officer to figure out what evidence they needed to approve our petitions, and not to mention the countless calls to Senator Leahy's office to help us navigate through the windy road that is international adoption.

As we promised to do, we went to Sierra Leone in April of this year to finalize the adoption. On May 4th – James became James Hutchins, Grace became Grace Smithers, and we officially became parents.

While in Sierra Leone, we had to wait during each step of the process. It took over 2 weeks to get a court date, then we had to wait until the judge wrote the order, and our attorney registered it with the country registrar—another 2.5 weeks. Once we had the order, we then had to email it to our husbands who had left 2 weeks prior. They had to snail mail it to USCIS in Missouri, and then we had to wait – again. The only reason we had approval when we did is because we had established a good working relationship with our USCIS officer, and because Senator Leahy's office had made calls on our behalf. Then we realized the paperwork had to be approved by the USCIS National Benefits Center, then the State Department National Visa Center – and then finally the US Embassy/Department of State. We were finally on our way home on June 25, 2015 – 2 months and 6 days after we started our trip to finalize our adoptions and make our children US Citizens.

In some respects we feel that our case went quickly through USCIS after the adoption was final – we provided the documents we needed to prove orphan status. There could have been an investigation done by the Embassy after they received the paperwork to verify orphan status. Why can't this be done up front prior to the adoption – to make sure that children are orphaned

before the emotional pain and time takes its toll and you fall in love with a child that you call your own? We understand that there are many checks and balances in the process, we want to make sure our children were legitimately orphaned – but, why can't this be done prior to an adoption?

In addition to the emotional struggles, international adoptions can be very expensive. For many, there are few, if any, employer paid benefits to assist with this process, and now with the Universal Accreditation Act, private international adoptions are no longer possible. People must now have an adoption agency to go through the immigration process, further adding to the expense.

We were very fortunate – we were able to stay with our friends while in Sierra Leone, in a very Westernized home. The house however, was enclosed with a 10-foot cement wall with razor wire and glass at that top to prevent home break-ins, and the compound was closed off by a steel door. This is where we spent most of our time. Because of the Ebola epidemic, we were unable to leave and visit the country. In many ways, we felt like prisoners.

If we were to summarize the challenges of international adoption they would be:

1. Take away the mystification. Everyone should be able to establish a relationship with their USCIS officer.
2. US immigration can take an incredibly long amount of time—we were told it could be 75 business days. Once the adoption is complete, it should be a quick process – maybe a temporary visa to get the family home in the United States and finalize here? Or could US immigration do their investigations for all children prior to the adoptions when a child is identified? Sierra Leone is a non-Hague convention country. With Hague countries, the visa applications are filed prior to adoptions – and therefore orphan status is determined prior to the emotional attachment to the child.

We know of another family that has adopted a child in a non-Hague country. They have bonded with the child, they have spent months in country, and have returned home because they have exhausted their financial resources waiting for orphan status to be approved by USCIS. They now have no idea if they will ever see this child again. What is the in best interest of this child who is only 1.5 years old and is confused about her new mom and dad who have had to leave her?

3. The costs can be very prohibitive and do not allow many families to adopt a child in need of a forever home.
4. We understand that our process is an exception for international adoptions. Our children came to live with us when they were 5 and half months old. We were able to care for our children as our own before most adoptive parents are even notified that a child is waiting for them. Often, children in international adoptions are waiting in orphanages for 4+ years. This just does not seem to be in the best interest of the children.

It is by the Grace of God that we were able to finalize our adoptions – our faith pulled us out of many situations where we thought we were hitting dead ends. Would we do this again for our children? Knowing the outcome, yes – our children are thriving! James seems to have skipped the walking stage and went right to running and jumping. His words are coming quickly – and when he starts to talk, he is going to have so much to say. He has a fascination of tractors and loves the outdoors – just like a good Vermont farm boy! Grace loves running and galloping, especially outdoors, and she enjoys dogs and horses. She is repeating many words, and right now she watching and copying everything that Mommy and Daddy do, including putting on deodorant and using the potty! Both of them have a love of music and dancing. James and Grace will have a chance at a life beyond what their birth father could ever imagine for them, their opportunities in life are endless! James and Grace are now our children, and we could not be more proud to say they are ours. However, the emotional and financial tolls we lived through were challenging.

In closing, we would like to thank Senator Leahy, and members of the Judiciary Committee for your time and attention to this issue. Thank you.

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Testimony to the Senate Judiciary Committee

Good morning. I am Dr. Rick Wilkerson, an orthopaedic surgeon from Spencer, Iowa. I would like to use this opportunity to first thank Senator Grassley and the other members of the Senate Judiciary Committee for the opportunity to visit this morning and provide testimony on my experience in international adoption. From the brief biography already provided to the members of the committee, you can see that my wife, Barbara, and I are the proud parents of nine children. Five of these children have been adopted, with two of them being adopted as international adoptions. It is my youngest child, Junior, who was adopted from Haiti, whom I would like to share information about with the Committee this morning.

In 2010, following the earthquake disaster in Haiti, I was offered the opportunity by the Orthopaedic Trauma Association, to assist in a humanitarian effort to provide care to the people in Haiti following that disaster. I arrived at Hopital Adventiste d'Haiti in June 2010. Upon arrival in Port au Prince, the degree of devastation to this country immediately became quite overwhelming. Upon arrival at the hospital, I found that I was the only physician providing care for the next 3 weeks, but was also fortunate enough to have an excellent Haitian health care staff to assist me. Shortly after arriving to the hospital, I met an 8-year-old young man by the name of Junior who had the misfortune at the age of 4 of losing his mother, and then 3 days before my arrival losing his father. Junior had no remaining family members who could provide care for him. He was, therefore, living in the

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 Joshua C. Hamann, MD
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hospital hallway. It was almost immediate that Junior and I struck up a very strong bond, and relationship. At the end of each working day, doing surgery, doing clinic, and making rounds, I always looked forward to my time to be able to sit down with Junior, play some games, and help him with his English. It was also at this time that I learned that Junior had a life-threatening medical condition that was not receiving medical care. On further investigation, I found that despite the World Health Organization efforts to provide the developing world with medical treatments for many different conditions, that these treatments are frequently not received by those in need as a result of the donated medications being diverted from the needy patients and instead being sold on the marketplace.

Upon returning back to Iowa, I discussed with my wife, Barbara, and my other children what their feelings would be about bringing Junior to the United States for needed medical care. Everyone met this idea with enthusiasm, and our efforts in bringing Junior to the United States for his medical care were begun. After 10 months and many thousands of dollars and many hours of effort by a number of people, Junior did successfully arrive here in the United States, and 2 years later was adopted here in the United States by my wife and I. I am happy to report that he is quite healthy today as a result of the medical care he has been provided here in the United States, all of which cost our public health system and government 0 dollars, and I am quite sure he will continue to grow to become a very productive and proud American citizen.

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As a result of our international works, my wife and I have now formed a charitable foundation, Love Takes Root. The mission of this foundation is to “better the welfare of children worldwide”. Our first project is the construction of an orphanage, school, and clinic for 65 Haitian children and school that currently has 165 children in Jacmel, Haiti.

The efforts to bring Junior here and to eventually adopt him made me aware of many concerns that I have with our present system that I would like to share with you today.

- 1) There are many caring, loving families here in the United States who are very interested in providing homes to some of the disadvantaged children throughout the world. Due to a system that currently exists and the cost associated, this is frequently far out of the reach of many potentially loving parents and families.
- 2) The current Immigration and Naturalization Service (INS) has a system that is beyond the ability of most to navigate. When seeking assistance from INS, it is all too often that the pervasive attitudes displayed by those who are to serve our citizens with the difficult task of international adoption instead are unwilling or untrained to do so. A perfect example was in the episode when I was asked to report to the United States Embassy in Port au Prince to receive judgment upon the Temporary Visa for Medical Purposes that I applied for, for Junior. I received this correspondence 3 days before having to appear, thus making it a very

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difficult and expensive trip, as well as a huge inconvenience to my patients whose surgery had to be canceled for me to be able to do this. Upon arriving, I was greeted by an INS employee who simply told me that the request had been denied. When asked for assistance or guidance, I was told that he was unable to do so. When again asking what recommendation he would have for someone in my situation I was told to leave or security would be called. It was only through the assistance of a senate staff person, Ms. Emily Winterson, who at the time was a staff person for Senator Scott Brown, that I became aware of Humanitarian Parole, which was successfully used to bring Junior here and was the only reason he is alive today. With appropriate training of staff at INS, this difficult journey could and should be facilitated and not obstructed.

Again, I would like to thank the committee for the opportunity to speak here today, and I would welcome any questions.

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**Opening Statement of Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Hearing on “National Adoption Month: Stories of Success and
Meeting the Challenges of International Adoptions”
Wednesday, November 18, 2015**

The family is the foundation of American society. For millions of Americans, the season of Thanksgiving gives us an opportunity to count our blessings and give thanks for hearth and home. The safety, stability and security of a permanent, loving home reinforces a strong foundation of support to last a lifetime.

But not every child gets to experience these benefits. Millions of children around the world are orphans, without parents or a family to support them. Not only do they lack families, many are subjected to life in subpar state orphanage systems hazarding their health and development. They will never know what it is like to have a loving family, sibling rivalry, or the confidence that comes with family support.

Despite the efforts of host countries to find extended family members or domestic adoptions for their children, there are still thousands of children who need help. Next Thursday, approximately 6,000 children from around the world will celebrate Thanksgiving in America for the first time. This month, they will experience all the bounty and opportunity America has to offer, in addition to the permanence of a new family.

Today, in the spirit of National Adoption Month, we want to celebrate American families who have opened their hearts and homes to children around the world. America leads the world in foreign adoptions. Not long ago in 2004, our families welcomed over twenty thousand foreign children into their homes.

As every parent knows, raising children is hard work. Today, we can reflect on the incredible rewards of our continuing efforts to reform and improve the adoption process. We will get to hear from families how adoption has changed their lives and the lives of their children. It is a great privilege to see that our efforts to overcome barriers to adoption have such direct and lasting impact on the people we serve.

We'll hear from an Iowan today who has had an immeasurable impact on children at home and abroad. Dr. Rick Wilkerson has adopted three foster kids, a fourth child from Cambodia and a fifth one from Haiti. After visiting Haiti, Dr. Wilkerson started a non-profit organization dedicated to giving back and supporting orphans in that country.

Yet, despite the successes and the positive impacts, there are also challenges. There have been barriers for some families as countries face internal conflicts and struggles. Today, we'll hear the heartbreak of one adoption that was disrupted because of Russia's suspension of international adoptions.

We'll also hear about the struggles that over 400 families are currently facing in bringing home children from the Democratic Republic of the Congo. Families are rightly confused and

frustrated with the situation in the Congo. Their adoptions have been finalized by the home country as well as the United States. Yet, despite the fact that the parents must provide financially and emotionally for their children who are physically in the Congo, they cannot bring them home. They love these children. They are committed to protecting them, providing for them, and bringing them home. But, their hands are tied until the Congo resolves their internal issues and moves forward.

I want to welcome Assistant Secretary Bond today to give the perspective of the Department of State. I hope we'll hear how our diplomatic corps is working with Russia, the Congo and other countries where international adoptions are stalled. Assistant Secretary Bond will also shed light on the strategies the State Department is undertaking to improve the adoption process and be an advocate for children and families.

Strong families make America strong. That's why public policies that promote strong families rest squarely in the national interest. Permanent, loving homes equip the next generation with the tools for self-sufficiency, to go out and succeed in the workforce, volunteer in service to others, join the ranks of the military or pursue public service. Although it can't guarantee happiness and prosperity, the prospects of raising the next generation to embrace the rights and responsibilities of citizenship are much brighter for children who are able to count a forever family among their year-round blessings at the Thanksgiving table.

**Statement Of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Hearing on “National Adoption Month: Stories of Success and Meeting the Challenges of
International Adoptions”
November 18, 2015**

Next week, millions of families in this country will gather around a table to give thanks for the many blessings they have received. For proud parents and grandparents, this of course includes their children and grandchildren. It is fitting that this month we also recognize National Adoption Month, which honors the adoptive families who selflessly open their hearts and homes to children from the United States and around the world who are in need of a safe and loving family.

Today we raise awareness about some of the barriers to international adoption and recommit ourselves to work together to improve the international adoption system. We must unite as families, communities, and policy makers, to find permanent, loving homes for all children.

We will hear inspirational stories of international adoption. I am honored to welcome Christine Hutchins from Cambridge, Vermont. She and her husband, Jonathan Hutchins, welcomed their son James from Sierra Leone last year. I would also like to welcome Christine’s sister-in-law, Jennifer Smithers, and her husband Gregory Smithers, who adopted James’ twin sister Grace. Their journey to parenthood is one of courage and perseverance. They represent many other Vermont families who have similarly opened their hearts to a child in need through international adoption. I have been inspired by each family my office has helped through the adoption process.

- These families include Rabbi Joanie Chase and her husband Harley Parry from Rutland, Vermont, who adopted their son Ezra, from Ethiopia. My office helped to expedite the adoption process due to Ezra’s health issues at the time. Ezra is now four years old. He is very healthy, active and much loved by his family, especially by his 10-year old sister, Arielle.
- Sarah and Paul Messenger of Townshend, Vermont, adopted their son Leyeyo from Tanzania, after having sponsored him to study in the United States. He came to Vermont when he was 9 years old, speaking no English and is now a successful high school student who plays soccer, ice hockey and lacrosse and is applying to colleges.
- Jen Violette and John Gerding from Wilmington, Vermont, have two adopted sons from South Korea. Niko is 6-and-a-half years old and his biological brother Bennett, who was adopted two years later, is now 5-and-a-half. My office became involved in assisting with Bennett’s adoption. These boys are full of energy and deeply bonded with each other and their adoptive parents and bring joy to everyone around them. These Vermonters are just a few examples of the many Americans who have chosen to create a family through international adoption.

I am happy that Vermont is not alone in reaching out to children across the globe. Just last year, American families adopted 6,441 children through international adoption. These families welcomed children from 99 different countries. We know that adoption of any kind – international or domestic – is unlikely for the vast majority of orphaned and abandoned children

in many foreign countries. We can help those countries strengthen their child welfare systems and do a better job of caring for their children. But when international adoption is an option it provides children with a loving home and bright future filled with possibility. It can also be complicated, both legally and diplomatically. It can take an emotional, physical, and financial toll on a family.

We also know that corruption is a serious problem in many countries of origin for adopted children, and there have been instances when governments have suspended international adoptions altogether as a result of reports of abuse.

Many of the families we will hear from today have experienced delays during their adoption process, some for this very reason. As lawmakers, we must do our part to ensure that our laws not only provide protections for vulnerable children, but also to provide clarity to American families who want to be a “forever family.” That is why we are here today.

I thank Chairman Grassley for convening this hearing on such an important humanitarian issue. I also look forward to hearing the compelling stories of the families with us today.

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**Questions for the Record Submitted to
Assistant Secretary Michele Thoren Bond by
Senator Ted Cruz and Dianne Feinstein (#1)
Senate Committee on the Judiciary
November 18, 2015**

Question #1:

Is the Department of State aware of the President's existing authority under 8 U.S.C. § 1182(f)?

Answer:

Yes. The Department is aware that under 8 U.S.C. § 1182(f), the President may issue a proclamation suspending the entry of any alien or class of aliens, as immigrants or nonimmigrants, whose entry would be detrimental to the interests of the United States.

Question #2:

If the answer to Question 1 is yes, has the Department of State reviewed this authority in connection with adoptions from the DRC?

Answer:

Yes. The Department notes that this legal authority lies with the President, and therefore coordination with the White House and interagency would be necessary before a proclamation could be promulgated.

Question #3:

If the answer to Question 2 is no, please explain why the Department of State has not done so.

Answer:

N/A

Question #4:

If the answer to Question 2 is yes, has the Department of State rejected this option?

Answer:

No. The Department is reviewing the full range of possible options in connection with adoptions from the DRC.

Question #5:

If the answer to Question 4 is yes, please explain, in detail, why the Department of State has rejected this option.

Answer:

N/A

Question #6:

Even if the Department of State has rejected this option with respect to the general population of the DRC, is it still considering this option for DRC officials and diplomats and/or visa-dependent groups within the DRC?

Answer:

Yes. The Department is reviewing the full range of possible options in connection with adoptions from the DRC. This legal authority lies with the President, and therefore coordination with the White House and interagency would be necessary before a proclamation could be promulgated. At a minimum, a proclamation would have to include specific exceptions, such as to allow for travel that is not contrary to U.S. interests, and to allow the U.S. government to comply with any relevant international obligations, including to and from the United Nations. The Department continues to review the impact of potential visa restrictions on U.S. government interests and their utility in achieving positive results in resolving the adoptions impasse. However, we currently believe reciprocal visa restrictions on the part of the DRC government would be immediate, inevitable, and detrimental to U.S. interests, including the adoptive parents.

Question #7:

If the answer to Question 6 is no, please explain, in detail, why the Department of State has rejected this option.

Answer:

N/A

Question #8:

Has the Department of State considered withdrawing current (or not renewing) all foreign aid to the DRC in order to motivate the release of the children who have been adopted by American parents but are being detained by the DRC government?

Answer:

No.

Question #9:

If the answer to Question 8 is no, please explain why the Department of State has not done so.

Answer:

Suspending foreign assistance to the DRC indiscriminately would undermine significant U.S. interests. Restricting all foreign assistance – which primarily supports emergency humanitarian assistance, health services, and education – would bring more harm to vulnerable populations in the DRC without positive results for adoption cases.

Question #10:

If the answer to Question 8 is yes, has the Department of State rejected this option?

Answer:

N/A

Question #11:

If the answer to Question 10 is yes, please explain, in detail, why the Department of State has rejected this option.

Answer:

N/A

Question #12:

If the answer to Question 10 is no, please provide details regarding the Department of State's plans to withdraw all foreign aid from (or not renew all foreign aid for) the DRC.

Answer:

N/A

Question #13:

Has the Department of State considered withdrawing current (or not renewing) targeted (i.e., non-urgent) foreign aid to the DRC in order to motivate the release of the children who have been adopted by American parents but are being detained by the DRC government?

Answer:

Yes.

Question #14:

If the answer to Question 13 is no, please explain why the Department of State has not done so.

Answer:

N/A

Question #15:

If the answer to Question 13 is yes, has the Department of State rejected this option?

Answer:

Yes.

Question #16:

If the answer to Question 15 is yes, please explain, in detail, why the Department of State has rejected this option.

Answer:

We have discussed options to restrict assistance to the DRC. Most of our foreign assistance consists of humanitarian assistance administered through the UN and non-governmental organizations. In our view, restricting assistance which supports emergency, life-saving humanitarian assistance, health, democracy, and education is a measure that likely would bring more harm to vulnerable populations in the DRC without positive results for adoption cases.

Question #17:

If the answer to Question 15 is no, please provide details regarding the Department of State's plans to withdraw targeted foreign aid from (or not renewing targeted foreign aid for) the DRC.

Answer:

N/A

Question #18:

Is the DRC detaining these children in order to prevent President Obama and the Department of State from being critical of the DRC for not committing to its previously promised national elections in 2016?

Answer:

The Congolese government has given us no indication the exit permit suspension is tied to political motivations. Its stated reasons for the suspension include concerns with: the welfare of adopted children once they leave the DRC; child trafficking; harvesting and selling of child organs; unregulated transfers of adopted children to new families (re-homing); and adoptions by same-sex couples. Many Congolese officials also have stated that the suspension is a direct result of concerns they have with corruption in their own adoption process, and that they are seeking to implement legislative reforms on adoption.

Question #19:

Has the Department of State considered withdrawing election assistance funding from the DRC in order to motivate the release of the children that have been adopted by American parents but are being detained by the DRC government?

Answer:

Yes.

Question #20:

If the answer to Question 19 is no, please explain why the Department of State has not done so.

Answer:

N/A

Question #21:

If the answer to Question 19 is yes, has the Department of State rejected this option?

Answer:

Yes.

Question #22:

If the answer to Question 21 is yes, please explain, in detail, why the Department of State has rejected this option.

Answer:

Withdrawing election assistance would send a signal to the DRC government that we do not object to its current trajectory toward the possible indefinite postponement of elections. Our election assistance is vital to educating the Congolese people and enabling them to exercise their right to vote once elections are set.

Question #23:

If the answer to Question 21 is no, please provide details regarding the Department of State's plans to withdraw election assistance funding from the DRC.

Answer:

N/A

Question #24:

What (if any) indications do we have that the children who have been adopted by American parents but are being detained by the DRC government have access to any of this foreign aid-funded relief?

Answer:

We do not have information about the type of resources our foreign assistance supports to which these legally adopted children might have access. It is plausible that the children may have access to resources funded through U.S. foreign assistance programming that promote health,

education, or other humanitarian goals. We are not aware of any foreign assistance resources specifically directed to these children.

Question #25:

Has the Department of State made any specific requests of DRC government officials that these children who have been adopted by American parents but are being detained by the DRC government be allowed to have special access to foreign aid-funded relief?

Answer:

No. Most of our foreign assistance programming is administered directly through non-governmental implementers, and the DRC government does not usually determine program beneficiaries.

Question #26:

Has the Department of State made any specific requests of DRC government officials that these children who have been adopted by American parents but are being detained by the DRC government are afforded special protection by DRC government officials, pending their release from the DRC?

Answer:

Yes. We have repeatedly expressed our concerns regarding the humanitarian implications and the negative impact the suspension has on the welfare of these children. We believe that, in response to our concerns, the Congolese government has issued exit permits for a limited number of children who suffer from immediately life-threatening medical conditions. These steps are not enough to resolve the issue, but we recognize that some DRC officials do have an interest in maintaining the welfare of these children.

Question #27:

If you know, are there any indications that any of the children who have been adopted by American parents but are being detained by the DRC government require emergency medical assistance that would justify

immediate removal from the DRC (and relocation to a U.S. or European hospital)?

Answer:

We have sought immediate exit permission from the Congolese government for adopted children facing medically urgent situations on multiple occasions, and the Congolese government proactively has requested information from us about medically fragile children on several occasions. Since the beginning of the suspension, Congolese immigration authorities have authorized a small number of medically fragile children adopted by U.S. citizens to leave the DRC.

Question #28:

Has the Department of State issued any warnings to DRC officials that any harm that comes to these children, either through active injury or passive neglect, will be considered to be harm to American citizens?

Answer:

No. The Embassy continues to monitor the situation in the DRC to provide as much information and support as possible for the safety of the adopted children of U.S. citizens.

Question #29:

Has the Department of State discussed the option of private citizenship legislation with DRC officials? If the answer is yes, please provide an indication of the DRC officials' response.

Answer:

Embassy Kinshasa recently met with Directorate of General Migration, Director Beya, and legal experts in the DRC to gain clarity on whether the Congolese government's legal position would change if the adopted children became U.S. citizens. The experts explained that even if an adopted child acquires a foreign citizenship, the Congolese government still requires the child to have an exit permit to depart the DRC. The Department is reviewing the full range of possible options in connection with adoptions

from the DRC. If Congress believes private citizenship legislation would be advantageous to U.S. citizens and U.S. interests, the Department of State and U.S. Citizenship and Immigration Services stand ready to review any such legislation and to provide technical input as requested.

Question #30:

What steps (if any) does the Department of State have in place to ensure the safe and rapid departure of these children in the wake of the passage of such legislation and immediate cooperation from the DRC government?

Answer:

Over the course of the exit permit suspension, Embassy Kinshasa has worked closely with the families to ensure visa adjudication for adoption cases in the DRC is completed as expeditiously as possible, so that cases with finalized adoptions are ready to depart the DRC in the event the children are granted permission to leave. The Department is prepared to provide additional staffing support to Embassy Kinshasa to promote a smooth process in the event the suspension is lifted or Congolese legislation is passed that would authorize the departure of children with finalized adoptions.

Question #31:

What steps (if any) does the Department of State have in place in the event the DRC government refuses to cooperate in the wake of the passage of such legislation?

Answer:

As stated above, DRC government experts told Embassy Kinshasa that even if an adopted child acquires a foreign citizenship, the Congolese government still requires the child to have an exit permit to depart the DRC. This means that passage of private citizenship legislation alone would not allow the adopted children to legally depart the DRC.

Senior Department leadership has traveled to Kinshasa and met with DRC officials multiple times in the last year to push for the release of the

adopted children. We are coordinating with other countries and groups to amplify our message. We are closely monitoring developments and engaging officials in the Cabinet and Parliament as the new adoption law proceeds, and advocating for transitional provisions so that the new law is not retroactive. We continue to look at opportunities for high-level engagement between U.S. officials and President Kabila and other executive interlocutors, as well as opportunities to engage influential private citizens and members of the Congolese business community in the DRC, to highlight the humanitarian aspect of this impasse.

We are committed to seeking a just resolution for families and children whose adoptions have been finalized in accordance with current Congolese law. We will continue these efforts and remain open to new ideas that are responsive to the frequently changing discourse of this situation. The Department hopes to continue to work closely with Congress to achieve this goal.

Question #32:

Can any of the funding in either the EDCS Fund or the Repatriation Loans Program Account be repurposed to provide temporary financial support for these relocated families? If the answer is no, please provide a detailed explanation as to why?

Answer:

No. While the EDCS account is used for a range of activities specified under 22 U.S.C. § 2671, there is no authority to apply EDCS funds in support of living expenses of private U.S. citizens abroad. Further, 22 U.S.C. § 2671(b)(2)(B) provides for repatriation loans solely for the purpose of assisting destitute U.S. citizens to return to the United States.

Question #33:

Are there any other accounts under the control of Consular Affairs that can be repurposed to provide temporary financial support for these relocated families? If the answer is no, please provide a detailed explanation as to why?

Answer:

No. The Department's consular operations are funded through the consular fee revenue that the Department is authorized to retain. Those resources must be spent in accordance with the statutory authority applicable to the specific fee – none of those authorities would authorize the Department to use retained fees for the purposes of providing temporary financial support for the U.S. families that have relocated to the DRC.

Question #34:

Are there any other accounts under the control of any other component of the Department of State that can be repurposed to provide temporary financial support for these relocated families? If the answer is no, please provide a detailed explanation as to why?

Answer:

No. Consistent with 31 U.S.C. § 1301(a), the Department may only use public funds for the purposes for which they were appropriated. We are unaware of any additional authority that would authorize the use of Department appropriations for the purpose of providing temporary financial support for the U.S. families that have relocated to the DRC.

**Questions for the Record Submitted to
Assistant Secretary Michele Thoren Bond by
Senator Dianne Feinstein
Senate Committee on the Judiciary
November 18, 2015**

Question:

Can you tell me what the State Department thinks of an expedited process for relative adoptions and the timeline for the development of recommendations for how these adoptions should be handled?

Answer:

The Department of State encourages countries to coordinate on and simplify the process, time commitment, and cost of relative adoptions.

The Department of State is examining ways to make the relative adoption process less costly and more efficient. We discussed the issue of relative adoptions at the Hague Special Commission in June 2015 with other receiving countries. We also raised this topic during the September 2015 Adoption Service Provider Symposium we hosted with U.S. Citizenship and Immigration Services and the Council on Accreditation.

We are working with our counterparts in the U.S. government, foreign governments, and the adoption community to address issues such as the definition of a relative and ways that both the United States and a country of origin could develop a more accessible and responsive process. We aim to provide updated guidance on our website, adoption.state.gov.

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Senator Ted Cruz and Dianne Feinstein (#1)
Senate Committee on the Judiciary
November 18, 2015**

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Answer:

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Even if the Department of State has rejected this option with respect to the general population of the DRC, is it still considering this option for DRC officials and diplomats and/or visa-dependent groups within the DRC?

Answer:

Yes. The Department is reviewing the full range of possible options in connection with adoptions from the DRC. This legal authority lies with the President, and therefore coordination with the White House and interagency would be necessary before a proclamation could be promulgated. At a minimum, a proclamation would have to include specific exceptions, such as to allow for travel that is not contrary to U.S. interests, and to allow the U.S. government to comply with any relevant international obligations, including to and from the United Nations. The Department continues to review the impact of potential visa restrictions on U.S. government interests and their utility in achieving positive results in resolving the adoptions impasse. However, we currently believe reciprocal visa restrictions on the part of the DRC government would be immediate, inevitable, and detrimental to U.S. interests, including the adoptive parents.

Question #7:

If the answer to Question 6 is no, please explain, in detail, why the Department of State has rejected this option.

Answer:

N/A

Question #8:

Has the Department of State considered withdrawing current (or not renewing) all foreign aid to the DRC in order to motivate the release of the children who have been adopted by American parents but are being detained by the DRC government?

Answer:

No.

Question #9:

If the answer to Question 8 is no, please explain why the Department of State has not done so.

Answer:

Suspending foreign assistance to the DRC indiscriminately would undermine significant U.S. interests. Restricting all foreign assistance – which primarily supports emergency humanitarian assistance, health services, and education – would bring more harm to vulnerable populations in the DRC without positive results for adoption cases.

Question #10:

If the answer to Question 8 is yes, has the Department of State rejected this option?

Answer:

N/A

Question #11:

If the answer to Question 10 is yes, please explain, in detail, why the Department of State has rejected this option.

Answer:

N/A

Question #12:

If the answer to Question 10 is no, please provide details regarding the Department of State's plans to withdraw all foreign aid from (or not renew all foreign aid for) the DRC.

Answer:

N/A

Question #13:

Has the Department of State considered withdrawing current (or not renewing) targeted (i.e., non-urgent) foreign aid to the DRC in order to motivate the release of the children who have been adopted by American parents but are being detained by the DRC government?

Answer:

Yes.

Question #14:

If the answer to Question 13 is no, please explain why the Department of State has not done so.

Answer:

N/A

Question #15:

If the answer to Question 13 is yes, has the Department of State rejected this option?

Answer:

Yes.

Question #16:

If the answer to Question 15 is yes, please explain, in detail, why the Department of State has rejected this option.

Answer:

We have discussed options to restrict assistance to the DRC. Most of our foreign assistance consists of humanitarian assistance administered through the UN and non-governmental organizations. In our view, restricting assistance which supports emergency, life-saving humanitarian assistance, health, democracy, and education is a measure that likely would bring more harm to vulnerable populations in the DRC without positive results for adoption cases.

Question #17:

If the answer to Question 15 is no, please provide details regarding the Department of State's plans to withdraw targeted foreign aid from (or not renewing targeted foreign aid for) the DRC.

Answer:

N/A

Question #18:

Is the DRC detaining these children in order to prevent President Obama and the Department of State from being critical of the DRC for not committing to its previously promised national elections in 2016?

Answer:

The Congolese government has given us no indication the exit permit suspension is tied to political motivations. Its stated reasons for the suspension include concerns with: the welfare of adopted children once they leave the DRC; child trafficking; harvesting and selling of child organs; unregulated transfers of adopted children to new families (re-homing); and adoptions by same-sex couples. Many Congolese officials also have stated that the suspension is a direct result of concerns they have with corruption in their own adoption process, and that they are seeking to implement legislative reforms on adoption.

Question #19:

Has the Department of State considered withdrawing election assistance funding from the DRC in order to motivate the release of the children that have been adopted by American parents but are being detained by the DRC government?

Answer:

Yes.

Question #20:

If the answer to Question 19 is no, please explain why the Department of State has not done so.

Answer:

N/A

Question #21:

If the answer to Question 19 is yes, has the Department of State rejected this option?

Answer:

Yes.

Question #22:

If the answer to Question 21 is yes, please explain, in detail, why the Department of State has rejected this option.

Answer:

Withdrawing election assistance would send a signal to the DRC government that we do not object to its current trajectory toward the possible indefinite postponement of elections. Our election assistance is vital to educating the Congolese people and enabling them to exercise their right to vote once elections are set.

Question #23:

If the answer to Question 21 is no, please provide details regarding the Department of State's plans to withdraw election assistance funding from the DRC.

Answer:

N/A

Question #24:

What (if any) indications do we have that the children who have been adopted by American parents but are being detained by the DRC government have access to any of this foreign aid-funded relief?

Answer:

We do not have information about the type of resources our foreign assistance supports to which these legally adopted children might have access. It is plausible that the children may have access to resources funded through U.S. foreign assistance programming that promote health,

education, or other humanitarian goals. We are not aware of any foreign assistance resources specifically directed to these children.

Question #25:

Has the Department of State made any specific requests of DRC government officials that these children who have been adopted by American parents but are being detained by the DRC government be allowed to have special access to foreign aid-funded relief?

Answer:

No. Most of our foreign assistance programming is administered directly through non-governmental implementers, and the DRC government does not usually determine program beneficiaries.

Question #26:

Has the Department of State made any specific requests of DRC government officials that these children who have been adopted by American parents but are being detained by the DRC government are afforded special protection by DRC government officials, pending their release from the DRC?

Answer:

Yes. We have repeatedly expressed our concerns regarding the humanitarian implications and the negative impact the suspension has on the welfare of these children. We believe that, in response to our concerns, the Congolese government has issued exit permits for a limited number of children who suffer from immediately life-threatening medical conditions. These steps are not enough to resolve the issue, but we recognize that some DRC officials do have an interest in maintaining the welfare of these children.

Question #27:

If you know, are there any indications that any of the children who have been adopted by American parents but are being detained by the DRC government require emergency medical assistance that would justify

immediate removal from the DRC (and relocation to a U.S. or European hospital)?

Answer:

We have sought immediate exit permission from the Congolese government for adopted children facing medically urgent situations on multiple occasions, and the Congolese government proactively has requested information from us about medically fragile children on several occasions. Since the beginning of the suspension, Congolese immigration authorities have authorized a small number of medically fragile children adopted by U.S. citizens to leave the DRC.

Question #28:

Has the Department of State issued any warnings to DRC officials that any harm that comes to these children, either through active injury or passive neglect, will be considered to be harm to American citizens?

Answer:

No. The Embassy continues to monitor the situation in the DRC to provide as much information and support as possible for the safety of the adopted children of U.S. citizens.

Question #29:

Has the Department of State discussed the option of private citizenship legislation with DRC officials? If the answer is yes, please provide an indication of the DRC officials' response.

Answer:

Embassy Kinshasa recently met with Directorate of General Migration, Director Beya, and legal experts in the DRC to gain clarity on whether the Congolese government's legal position would change if the adopted children became U.S. citizens. The experts explained that even if an adopted child acquires a foreign citizenship, the Congolese government still requires the child to have an exit permit to depart the DRC. The Department is reviewing the full range of possible options in connection with adoptions

from the DRC. If Congress believes private citizenship legislation would be advantageous to U.S. citizens and U.S. interests, the Department of State and U.S. Citizenship and Immigration Services stand ready to review any such legislation and to provide technical input as requested.

Question #30:

What steps (if any) does the Department of State have in place to ensure the safe and rapid departure of these children in the wake of the passage of such legislation and immediate cooperation from the DRC government?

Answer:

Over the course of the exit permit suspension, Embassy Kinshasa has worked closely with the families to ensure visa adjudication for adoption cases in the DRC is completed as expeditiously as possible, so that cases with finalized adoptions are ready to depart the DRC in the event the children are granted permission to leave. The Department is prepared to provide additional staffing support to Embassy Kinshasa to promote a smooth process in the event the suspension is lifted or Congolese legislation is passed that would authorize the departure of children with finalized adoptions.

Question #31:

What steps (if any) does the Department of State have in place in the event the DRC government refuses to cooperate in the wake of the passage of such legislation?

Answer:

As stated above, DRC government experts told Embassy Kinshasa that even if an adopted child acquires a foreign citizenship, the Congolese government still requires the child to have an exit permit to depart the DRC. This means that passage of private citizenship legislation alone would not allow the adopted children to legally depart the DRC.

Senior Department leadership has traveled to Kinshasa and met with DRC officials multiple times in the last year to push for the release of the

adopted children. We are coordinating with other countries and groups to amplify our message. We are closely monitoring developments and engaging officials in the Cabinet and Parliament as the new adoption law proceeds, and advocating for transitional provisions so that the new law is not retroactive. We continue to look at opportunities for high-level engagement between U.S. officials and President Kabila and other executive interlocutors, as well as opportunities to engage influential private citizens and members of the Congolese business community in the DRC, to highlight the humanitarian aspect of this impasse.

We are committed to seeking a just resolution for families and children whose adoptions have been finalized in accordance with current Congolese law. We will continue these efforts and remain open to new ideas that are responsive to the frequently changing discourse of this situation. The Department hopes to continue to work closely with Congress to achieve this goal.

Question #32:

Can any of the funding in either the EDCS Fund or the Repatriation Loans Program Account be repurposed to provide temporary financial support for these relocated families? If the answer is no, please provide a detailed explanation as to why?

Answer:

No. While the EDCS account is used for a range of activities specified under 22 U.S.C. § 2671, there is no authority to apply EDCS funds in support of living expenses of private U.S. citizens abroad. Further, 22 U.S.C. § 2671(b)(2)(B) provides for repatriation loans solely for the purpose of assisting destitute U.S. citizens to return to the United States.

Question #33:

Are there any other accounts under the control of Consular Affairs that can be repurposed to provide temporary financial support for these relocated families? If the answer is no, please provide a detailed explanation as to why?

Answer:

No. The Department's consular operations are funded through the consular fee revenue that the Department is authorized to retain. Those resources must be spent in accordance with the statutory authority applicable to the specific fee – none of those authorities would authorize the Department to use retained fees for the purposes of providing temporary financial support for the U.S. families that have relocated to the DRC.

Question #34:

Are there any other accounts under the control of any other component of the Department of State that can be repurposed to provide temporary financial support for these relocated families? If the answer is no, please provide a detailed explanation as to why?

Answer:

No. Consistent with 31 U.S.C. § 1301(a), the Department may only use public funds for the purposes for which they were appropriated. We are unaware of any additional authority that would authorize the use of Department appropriations for the purpose of providing temporary financial support for the U.S. families that have relocated to the DRC.

A P P E N D I X
to
**NATIONAL ADOPTION MONTH: STORIES OF
SUCCESS AND MEETING THE CHALLENGES
OF INTERNATIONAL ADOPTIONS**

The following submissions are available at:
<https://www.govinfo.gov/content/pkg/CHRG-114shrg52544/pdf/CHRG-114shrg52544-add1.pdf>

Submitted by Senator Tillis office:

Coleman, Katie and Chad, Testimony	2
Portman, Senator Rob, Testimony	4

