

and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of the bill, and I yield myself such time as I may consume.

Mr. Speaker, the bill before us, the Security Cooperation Act of 2010, has three major components. First, it includes implementing legislation for the defense trade treaties between the United States and two of our closest allies, the United Kingdom and Australia, respectively. These treaties will support the longstanding special relationship shared by the U.S., the United Kingdom, and Australia by streamlining the processes for transferring certain controlled items among our items to support combined military and counterterrorism operations, cooperative security and research, and other defense projects. The implementing legislation also provides a clear statutory basis for enforcement of the treaties, including the prosecution of those who violate their requirements.

Second, S. 3847 gives Israel the same status as our NATO allies Australia, Japan, New Zealand and South Korea with regard to the length of the congressional review period for U.S. arms sales. The security relationship between the U.S. and Israel is vital and strong, and Israel deserves the same treatment as these other nations.

Finally, this bill authorizes the transfer by grant and sale of excess naval vessels to India, Greece, Chile, Morocco, and Taiwan to better assist them with their legitimate defense needs, and in so doing strengthens our relationship with these nations.

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

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

Mr. Speaker, I appreciate the chairman's action on this item. Let me just say as probably the only Member of Congress of Australian ancestry, I want to point out that the British, we might have had a couple of run-ins with the British every once in a while over the last few centuries, but the only country, the only country that fought in every war in the last century and this last century alongside the United States was those men and women from Australia.

I am very proud to be able to serve here in Congress and be able to support this bill in this forum. I think that we just have to remember that too often we take our allies for granted, our truly close friends, who are close to us in many ways. But in some of us, it is closer than others, and I hope that somewhere I can be able to stick this to my cousins in Queensland, Australia, and point out that I was here to at least speak in favor of this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of this important national security measure. Mr. Speaker, this legislation is comprised of three components. First, it authorizes the transfer of certain naval vessels to U.S. friends and allies abroad, including India, Greece and Taiwan.

It also includes language previously adopted by the House that strengthens the U.S. commitment to the security of the Jewish state of Israel by expediting the process for approving foreign military sales to that country and by extending the dates and the amounts of U.S. excess equipment that can be transferred to Israel from regional stockpiles.

Thirdly, it provides a statutory basis for the President to implement defense trade cooperation treaties signed between the government of the United States and the governments of the U.K. and Australia respectively. These treaties represent a fundamental shift in the way the United States conducts defense trade with its closest allies.

Rather than reviewing export licenses, the treaties will establish a structure in which trade in defense articles, technology, and services can take place more freely between approved communities in the United States, the United Kingdom, and Australia where such trade is in support of combined military and counterterrorism operations, joint research and development, production and support programs, and mutually agreed upon projects where the end user is the U.K., the Australian Government, or U.S. Government end users.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, S. 3847.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CALLING ON JAPAN TO ADDRESS CHILD ABDUCTION CASES

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1326) calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Conven-

tion on the Civil Aspects of International Child Abduction, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1326

Whereas Japan is an important partner with the United States and shares interests in the areas of economy, defense, global peace and prosperity, and the protection of the human rights of the two nations' respective citizens in an increasingly integrated global society;

Whereas the Government of Japan acceded in 1979 to the International Covenant on Civil and Political Rights that states "States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children [Article 23]";

Whereas since 1994, the Office of Children's Issues (OCI) at the United States Department of State had opened over 214 cases involving 300 United States citizen children abducted to or wrongfully retained in Japan, and as of September 17, 2010, OCI had 95 open cases involving 136 United States citizen children abducted to or wrongfully retained in Japan;

Whereas the United States Congress is not aware of any legal decision that has been issued and enforced by the Government of Japan to return a single abducted child to the United States;

Whereas Japan has not acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention), resulting in the continued absence of an immediate civil remedy that as a matter of urgency would enable the expedited return of abducted children to their custodial parent in the United States where appropriate, or otherwise immediately allow access to their United States parent;

Whereas the Government of Japan is the only G-7 country that has not acceded to the Hague Convention;

Whereas the Hague Convention would not apply to most abductions occurring before Japan's ratification of the Hague Convention, requiring, therefore, that Japan create a separate parallel process to resolve the abductions of all United States citizen children who currently remain wrongfully removed to or retained in Japan, including the 136 United States citizen children who have been reported to the United States Department of State and who are being held in Japan against the wishes of their parent in the United States and, in many cases, in direct violation of a valid United States court order;

Whereas the Hague Convention provides enumerated defenses designed to provide protection to children alleged to be subjected to a grave risk of physical or psychological harm in the left-behind country;

Whereas United States laws against domestic violence extend protection and redress to Japanese spouses;

Whereas there are cases of Japanese consulates located within the United States issuing or reissuing travel documents of dual-national children notwithstanding United States court orders restricting travel;

Whereas Japanese family courts may not actively enforce parental access and joint custody arrangements for either a Japanese national or a foreigner, there is little hope for children to have contact with the non-custodial parent;

Whereas the Government of Japan has not prosecuted an abducting parent or relative

criminally when that parent or relative abducts the child into Japan, but has prosecuted cases of foreign nationals removing Japanese children from Japan;

Whereas according to the United States Department of State's April 2009 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle with identity issues, their own personal relationships, and parenting;

Whereas left-behind parents may encounter substantial psychological, emotional, and financial problems, and many may not have the financial resources to pursue civil or criminal remedies for the return of their children in foreign courts or political systems;

Whereas, on October 16, 2009, the Ambassadors to Japan of Australia, Canada, France, Italy, New Zealand, Spain, the United Kingdom, and the United States, all parties to the Hague Convention, called upon Japan to accede to the Hague Convention and to identify and implement measures to enable parents who are separated from their children to establish contact with them and to visit them;

Whereas, on January 30, 2010, the Ambassadors to Japan of Australia, France, New Zealand, the United Kingdom and the United States, the Charges d'Affaires ad interim of Canada and Spain, and the Deputy Head of Mission of Italy, called on Japan's Minister of Foreign Affairs, submitted their concerns over the increase in international parental abduction cases involving Japan and affecting their nationals, and again urged Japan to sign the Hague Convention;

Whereas the Government of Japan has recently created a new office within the Ministry of Foreign Affairs to address parental child abduction and a bilateral commission with the Government of the United States to share information on and seek resolution of outstanding Japanese parental child abduction cases; and

Whereas it is critical for the Governments of the United States and Japan to work together to prevent future incidents of international parental child abduction to Japan, which damages children, families, and Japan's national image with the United States: Now, therefore, be it

*Resolved, That—*

(1) the House of Representatives—

(A) condemns the abduction and wrongful retention of all children being held in Japan away from their United States parents;

(B) calls on the Government of Japan to immediately facilitate the resolution of all abduction cases, to recognize United States court orders governing persons subject to jurisdiction in a United States court, and to make immediately possible access and communication for all children with their left-behind parents;

(C) calls on the Government of Japan to include Japan's Ministry of Justice in work with the Government of the United States to facilitate the identification and location of all United States citizen children alleged to have been wrongfully removed to or retained in Japan and for the immediate establishment of procedures and a timetable for the resolution of existing cases of abduction, interference with parental access to children, and violations of United States court orders;

(D) calls on the Government of Japan to review and amend its consular procedures to ensure that travel documents for children are issued with due consideration to any or-

ders by a court of competent jurisdiction and with notarized signatures from both parents;

(E) calls on Japan to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction without delay and to promptly establish judicial and enforcement procedures to facilitate the immediate return of children to their habitual residence and to establish procedures for recognizing rights of parental access; and

(F) calls on the President of the United States and the Secretary of State to continue raising the issue of abduction and wrongful retention of those United States citizen children in Japan with Japanese officials and domestic and international press; and

(2) it is the sense of the House of Representatives that the United States should—

(A) recognize the issue of child abduction to and retention of United States citizen children in Japan as an issue of paramount importance to the United States within the context of its bilateral relationship with Japan;

(B) work with the Government of Japan to enact consular and passport procedures and legal agreements to prevent parental abduction to and retention of United States citizen children in Japan;

(C) review its advisory services made available to United States citizens domestically and internationally from the Department of State, the Department of Defense, the Department of Justice, and other government agencies to ensure that effective and timely assistance is given to United States citizens in preventing the incidence of wrongful retention or removal of children and acting to obtain the expeditious return of their children from Japan;

(D) review its advisory services for members of the United States Armed Forces, particularly those stationed in Japan by the Department of Defense and the United States Armed Forces, to ensure that preventive education and timely legal assistance are made available; and

(E) call upon the Secretary of State to establish procedures with the Government of Japan to resolve immediately any parental child abduction or access issue reported to the United States Department of State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I am in strong support of this resolution. It is a bipartisan resolution, and if I might just take a second to mention that the two real leaders in the movement to this resolution and in pushing the underlying issue, a very important one, Mr. MORAN of Virginia and Mr. SMITH of New Jersey, are on the floor, both I believe to speak on this resolution.

What it does is it addresses the abduction of American citizen children to Japan, as you might imagine, a very, very important issue for the families involved and for the governments of both the United States and Japan.

Japan is a vital partner and a friend of the United States, but on the issue of international parental child abduction our two countries's viewpoints are substantially different and progress has been painfully slow. Once American children are abducted to Japan, the left-behind parents have little or no access to them, even though their children are dual U.S. and Japanese citizens. Currently there are 136 U.S. citizen children abducted to and held in Japan.

Japan is the only G-7 country that is not a signatory to the Hague Convention that governs international parental child abduction. We urge the Japanese government to ratify the convention as quickly as possible.

The Japanese government also needs to create a process to resolve existing cases of American children who are being held in Japan against the wishes of their parents in the United States, and in many cases in direct violation of a valid U.S. court order. Steps need to be taken immediately to help facilitate dialogue, visitation, and greater access for the left-behind parents with their children.

Our children are the most important and cherished resource, and it is a tragedy for everyone involved when they are taken away and denied access to one of their parents. These children have a right to enjoy the love of both parents and the benefits of both their Japanese and American cultures.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all let me thank Chairman BERMAN and ILEANA ROS-LEHTINEN, our Ranking Member, for their leadership in helping to shepherd this legislation to the floor today, and I want to thank my good friend and colleague Mr. MORAN for his sponsorship. I am very proud to join him as the original cosponsor of this very important and very timely resolution.

You know, Mr. Speaker, last year we learned and really the country learned a great deal about this growing problem of international child abduction with the case of David Goldman, whose son was abducted for 5 years at the time, to Brazil. Thankfully, after a full court press, he was not only reunited, but he is now safe, father and son, in New Jersey.

But what we learned, the lessons learned from that, was that far too little has been done to help the other 2,800 American children who have been abducted to foreign countries, often in defiance of court orders that had said you cannot leave.

This resolution that we are considering today, H. Res. 1326, is an urgent

appeal to the government of Japan to end its complicity and/or its indifference to international child abduction.

□ 1530

Frankly, Mr. Speaker, American patience has finally run out. At present, at least 136 American children are being held in Japan against the wishes of their American parent, and in many cases, in violation of valid U.S. court orders. According to the Department of Defense, in 2009 alone—and we just got this by way of a report—10 American children were abducted to Japan from members of the U.S. Armed Forces. That's in 2009 alone. It is simply unacceptable and unconscionable that today Japan still has no mechanism to equitably issue and enforce a return or visitation order for children. It is intolerable that the lawless and damaging act of child abduction goes unpunished in a civilized nation. When an American parent who has taken every legal precaution to ensure their child is not abducted realizes that his or her child has disappeared, their heart breaks and a lifetime of waiting and pleading for action by both the U.S. and the Japanese Government begins.

Patrick Braden is one such father. Mr. Braden took every possible legal precaution to protect his daughter from abduction and to maintain his presence in her life as her father. However, in 2006, Mr. Braden's infant daughter, Melissa, was abducted from her home by her mother, in violation of a Los Angeles Superior Court order giving both parents access to the child and prohibiting international travel with the child by either parent. Mr. Braden has been unjustly cut off from his daughter by the covert illegal actions of the mom and daily worries that his daughter is being abused by a grandparent who has a history of such abuse.

Likewise, Sergeant Michael Elias hopes and waits and pleads with two governments, the U.S. Government and the Japanese Government, because we haven't done enough to work out some way of reuniting his family. While stationed in Japan, he met the woman who would become his wife. She came to the United States and they were married in New Jersey in 2005. Jade was born in 2006 and Michael in 2007. Sadly, his wife started an affair while Michael was on active duty in Iraq.

Their marriage came to an end in 2008, with a judge granting both parents custody and requiring the surrender of the children's American and Japanese passports because their mother had threatened to abduct the children. Tragically, the Japanese consulate reissued Japanese passports for the children in violation of the valid U.S. court orders restricting travel and in violation of U.S. federal criminal parental kidnapping statutes. Sergeant Elias has not seen his children since 2008. And the Japanese Government has done nothing to assist in their return or in the return of Patrick Braden's daughter.

And the list goes on. Chris Savoie's children, Isaac and Rebecca Savoie, were abducted in 2009 to Japan by their mother, in violation of a Tennessee State order of joint custody and in violation of Tennessee statutes. As a result of the mother's selfish actions, Mr. Savoie has been awarded sole custody of the children, but Japan will not recognize either the joint custody or the sole custody award. Although Chris is the children's father, the Japanese Government will not enforce any access or communication with his children.

Mr. Speaker, for 50 years we have seen all talk and no action on the part of the Japanese Government. Japan has never issued and enforced a legal decision to return a single American child. The circumstances of each particular abduction seem not to matter. Once in Japan, the abducting parent is untouchable and the children are bereft of their American parent for the rest of their childhood. France, Canada, Italy, New Zealand, Spain, and the United Kingdom have all repeatedly asked Japan to work with them on returning their abducted children. Japan's inaction on the issue is a thorn in the side of their relations with the entire international community.

Japan's current inaction violates its duties under the International Covenant on Civil and Political Rights Article 23, completely and unjustly ignoring the equal rights of one parent. H. Res. 1326 calls upon Japan to immediately and urgently establish a process for the resolution of abduction and wrongful retention of American children. Japan must find the will to establish today a process that would justly and equitably end the cruel separation currently endured by parents and children alike.

H. Res. 1326 also calls on Japan to join the Hague Convention on the Civil Aspects of International Child Abduction. The Convention sets out the international norms for resolution of abduction and wrongful retention cases and would create a framework to quickly resolve future cases—and would act as a deterrent to parents who now feel that they can abduct their child to Japan and never be caught. In light of the misuse of Japanese consulates in the Elias case, H. Res. 1326 also calls on Japan to ensure that its consulates are not accessories to parental kidnapping. Japan must put into place a system that stops the issuing or reissuing of passports without the explicit and verifiable consent of the American parent.

Finally, Japan must recognize the terrible damage to children and families caused by international child abduction. Children who have suffered an abduction are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle

with identity issues, their own personal relationships, and parenting.

I urge my colleagues to support H. Res. 1326, calling on Japan to end the child abuse of international child abduction.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee will control the time.

There was no objection.

Mr. TANNER. Mr. Speaker, I am pleased at this time to yield 10 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend from Tennessee; I thank my colleague from New Jersey (Mr. SMITH); and, of course, Chairman BERMAN.

Mr. Speaker, the United States and Japan have a strong and critical alliance. It is based on shared interests and values and our common support for political and economic freedoms, human rights, and international law. Japan, for example, is second to none in supporting President Barack Obama's vision of a "world without nuclear weapons," and advocating for nuclear disarmament and nonproliferation. Japan has also recently doubled its civilian aid to Afghanistan, helping in our mission there to a great and important extent.

But, Mr. Speaker, this resolution involves 214 cases involving more than 300 American children who have been abducted to Japan and/or wrongfully retained in Japan since 1994. These American children are in Japan because they were kidnapped by a parent with Japanese citizenship. Despite a shared concern within the international community, the Japanese Government has yet to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction or create any other mechanism to resolve international child abductions.

Japan's existing family law system, which dates back to the 1600s, neither recognizes joint custody nor actively enforces parental access agreements that have been adjudicated by United States courts. Essentially, American parents must beg to see their abducted children and have no legal recourse if the taking parent decides to deny them access. That's wrong. In no case has the Japanese Government facilitated the return to a parent outside their country.

So the intent of this resolution is to bring the plight of these parents to the forefront of the public consciousness. It calls on the Japanese Government to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction so that Japan will commit to a process that will return abducted children to their custodial parent in the United States and elsewhere, where appropriate, or otherwise immediately at least allow access to their non-Japanese parent.

The Japanese Government doesn't consider it a crime and will not prosecute a Japanese citizen that abducts a

child and moves the child across national borders, which essentially makes Japan complicit in what many foreign governments consider to be a crime, including the United States Government, which considers it kidnapping.

□ 1540

Japan does, however, prosecute cases of foreign nationals who remove Japanese children from Japan, which violates any basic sense of fairness. So they apply a different law if somebody abducts a child from Japan than they apply if somebody abducts a child from the United States or from another foreign country and brings the child to Japan, where they have haven from the law. It is infuriating to learn, frankly, that Japanese officials have issued travel documents and passports to these abductors in defiance of previously established U.S. custody orders. In some cases, they have given false names to the children being kidnapped to Japan, issuing false passports so that they are directly complicit in these abductions.

Now, there are numerous heart-breaking abduction stories, and I am just going to mention a few because Mr. SMITH went into several.

One case, though, in particular, which I want to underscore involves a case from my district in Virginia, which is right across the river from the Nation's Capital. It involves a Japanese mother who, for fear of what might happen to her child, has to request that her name not be used. Her husband, who is not Japanese, fled to Japan because he is a lawyer, and he knew that he would find safe haven from Virginia court orders in violation of U.S. law. So, here, he kidnapped a child from a Japanese mother, knowing that he could take the child to Japan and that he would find haven there from any prosecution under U.S. laws and not even have to allow access of the child to the mother.

It gets even worse.

Despite having no contact with her children, this woman has to continue to pay child support, and the address on the payment statement is the only connection she has with her children. That is wrong.

Mr. SMITH mentioned the Braden case. Melissa Braden was secretly abducted from her home in 2006 by her mother and brought to Japan in violation of previous Los Angeles Superior Court orders, which gave both parents access to the child and prohibited international travel with the child by either parent. Yet the mother was able to take the child from the father in violation of court orders, and she is protected by the Japanese Government.

There is the case of Erika Toland, who was abducted in 2003 from Negishi United States Navy Family housing in Yokohama to Tokyo, Japan, by her now-deceased mother. So the mother is deceased, but she is being held by her

Japanese maternal grandmother and is denied access by her father. So her father is living and wants to be with his child. The mother is deceased, and he can't even see the child because of the protection provided by the Japanese Government.

There is the case of Isaac and Rebecca Savoie. This was mentioned by Mr. SMITH. They were abducted just last year by their mother in violation of a Tennessee State court order. You shouldn't be messing with Tennessee State courts. In violation of a Tennessee State court order of joint custody and Tennessee statutes, they were taken to Japan. Both children have been denied any communication by and access to their father. So the mother is holding them in Japan, and the father cannot have access to either child even though the court has ordered it.

There is one other case. Again, this is typical of so many other cases—more than 100. Lastly, the Eliases—one child aged 4, the other aged 2. They were abducted just about a year and a half ago, in December of 2008, from New Jersey. It was in violation of another court order prohibiting the removal of the children from the State of New Jersey. Yet they were taken out of the country. The children's father tries desperately to have contact with his children, but he is forbidden to have that contact. This father needs to be mentioned specifically.

Here is an Iraqi war veteran. He was shot twice in the service of our country. He was dragged from a vehicle that had been destroyed by a mine, and he returned home only to find an empty home and his children abducted. Right now, without this resolution's achieving its objective, he will have very little hope in ever seeing or hearing from his children again.

So, as tragic as these cases are, more are developing as we speak. According to this year's statistics provided by the U.S. Embassy in Japan, the number of cases of parental child abduction to Japan has doubled in the past 2 years and has more than quadrupled in the past 4 years. The problem of abduction isn't going away. It's only getting worse. These children who have been abducted to Japan have not only lost their previous precious connections with their parents, but they have been deprived of their full heritage, their families and culture.

American parents are calling on the U.S. Government to urgently intervene and to quickly find a diplomatic solution. They have no other voice in this convoluted process. That's what we are asking for. These parents are not going to give up.

I want to thank Chairman BERMAN and particularly two of his staff members, JJ Ong and Jessica Lee, for their tireless efforts; Mr. SMITH and his staff; and my own staff—Tim Aiken, legislative director; Yasmine Taeb; and Shai Tamari. They have worked diligently with these parents. I thank them for their efforts.

I particularly thank the parents who have committed themselves, devoted themselves to reuniting with their children. Who would not do that? That is why this resolution is so important. I trust that it will be passed unanimously.

Mr. SMITH of New Jersey. I yield myself 2 minutes.

Mr. Speaker, after all of the publicity surrounding David Goldman, several people, including Patrick Braden, walked into my office and said that they had been totally frustrated not just by the Japanese Government but, to some extent, by our own.

We need the tools at the State Department, at the Office of Children's Issues, to more effectively promote the interests of American parents and of American abducted children. I've introduced legislation, and my good friend JIM MORAN is one of the cosponsors. It is legislation which would comprehensively give the Administration real tools to make this a government-to-government fight rather than a David versus Goliath fight, where it is one individual fighting a court system and a government in a faraway land.

Paul Toland walked into my office, who is JIM MORAN's constituent—he walked into his office as well—and we have both been trying to help him. Here is a man who served honorably as a commander in the United States Navy; and for over 6 years, close to 7 years, he has not seen his daughter. As my good friend and colleague pointed out, the grandmother has custody. Just like David Goldman, his wife had passed away, the man whose son was abducted to Brazil, and somebody else had custody of his child. Paul Toland's case is similar.

Patrick Braden invited me down to the Japanese Embassy. I have to tell you, as a father of four, I was moved to tears when a group of left-behind parents and people concerned about left-behind parents and abducted children gathered in front of the Japanese Embassy.

So what did Patrick do?

In a very dignified and very respectful way, he requested that he at least get to see his child. It was her birthday that day. There was a birthday cake to Melissa, who was halfway around the world. We all sang Happy Birthday, and he blew out the candles. He was missing her again for another year. It goes on and on.

This has to be resolved, Mr. Speaker. We need our President, our Secretary of State and the Congress to get behind these left-behind parents and to get behind bringing back our abducted children. If there is a custody issue, resolve it in the courts of habitual residence.

□ 1550

That's where those custody issues need to be fought out, not in a land like Japan where abduction is treated with kid gloves and actually embraced. I said previously, "with indifference." Sometimes I wonder if it's indifference

in the way the Japanese Government deals with this. They are a safe harbor for child abductors, and that brings dishonor to the government, in my opinion.

Mr. MORAN of Virginia. Will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman.

Mr. MORAN of Virginia. I appreciate your mentioning Mr. Toland. He, for 2 years, has worked with our office day in and day out. He will not give up on his child, but he has made it clear we now are his only hope and that of more than 100 parents who are desperate to see their children. They have been denied. Thank you for particularly mentioning Mr. Toland.

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

Mr. SMITH of New Jersey. I yield myself the balance of my time to conclude.

I want to thank my friend for his leadership on this. This is a bipartisan issue. This is a human rights issue of American parents and of American children. We rightfully speak out on human rights abuses in China and Darfur and all over the world wherever and whenever they occur. This is a human rights abuse that's occurring against our own families, and our government—and this goes through successive administrations, Republican and Democrat—does not do enough.

You know, I don't know how many you have ever seen that Seinfeld episode with the Penske file which gets moved around from left to right and George doesn't do anything of, really, substance with it. We have very good people at the State Department who have these files in hand that would love to do more but they lack the tools. They lack the ability authorized by this Congress and by law to take it to the next level.

This is a government-to-government fight. Had it not been for the Congress rallying around David Goldman, Sean Goldman would still be in Brazil today because there would have been another appeal in the court and another appeal. They run out the clock and then the child is an adult. That's what is happening to all 2,800 American abducted children. The abductors are playing a game, a very dangerous game; and in Japan, as Mr. MORAN and I know so well, nobody comes back.

Our government has to get serious. This resolution puts all of us on record and says we mean business. This is only the first step.

Mr. FALEOMAVEGA. Mr. Speaker, I rise today to express my support and sympathy for U.S. parents who are not able to see their children, when those children are in the custody of other family members in another country. I am committed to doing everything I can to help these parents be reunited with their children. However, I believe strongly that if we adopt H. Res. 1326 today, we will undermine the progress that has been made by our Government and the Government of Japan on this extremely important matter.

On April 5, I cosigned a letter to Japan's Foreign Minister, a letter authored by our Committee's distinguished Chairman, Mr. BERMAN, requesting that the Government of Japan provide us a status report on its actions in this matter. Then, on May 12, I chose to cosponsor H. Res. 1326.

My intention was—by cosigning the Chairman's letter and co-sponsoring this resolution—to provide additional incentive to the Government of Japan to work with our government in trying to find ways to bring U.S. parents together with their children in Japan.

I am pleased to inform you that in the past four months—thanks in large part to the leadership and dedication of my colleagues and friends, Mr. MORAN and Mr. SMITH—significant progress has been made. In that time, the Government of Japan has taken serious steps to address this matter and to lay the groundwork for an ongoing process, in close cooperation with the Government of the United States.

On August 11, I received a copy of Japan's response to our letter. The response makes it clear that a great deal more remains to be done by both of our governments, but the response also shows Japan has certainly taken some significant first steps.

I seek unanimous consent to submit for the RECORD a copy of Japan's response describing those steps. The letter is detailed and specific. It reflects a willingness by the Government of Japan first to reorganize itself to deal more effectively with this matter and, even more importantly, a clear readiness to take concrete actions to prevent future cases where parents are unable to be with their children.

For these reasons, it is very clear that the Government of Japan is taking seriously the expressions of concern from Members of this body, and I believe those efforts should be recognized.

EMBASSY OF JAPAN,  
Washington, DC.

HON. ENI F.H. FALEOMAVEGA,  
House of Representatives,  
Washington, DC.

DEAR CHAIRMAN FALEOMAVEGA: I am sending this letter under the instruction of Minister for Foreign Affairs of Japan in response to your letter dated April 5th, 2010.

The child custody issues are complex and each parent may claim his/her own assertion. The Government of Japan is making sincere efforts to deal with this issue, from the standpoint that the welfare of the child should be of utmost importance. We are well aware of and sympathetic to the plight of children and families who have been affected by unfortunate child custody disputes involving Japanese and American citizens.

The officials at the political level in the Ministry of Foreign Affairs are in close contact with their counterparts in the Ministry of Justice to address this issue. As for the Hague Convention, which you also raised in your letter, the Government of Japan is seriously considering the possibility of joining the Convention, and we are accelerating our consideration process, which was initiated by Prime Minister Hatoyama. Aside from the Convention, we are also discussing possible ways for the consular officers of the U.S. in Japan and parents who claim that their children were taken to Japan to have better access to their children.

Please find attached an information sheet that responds to other points referred in your letter. The Ministry will continue to have close consultation with the State De-

partment on this issue. I would appreciate your kind understanding and your support towards our continued efforts.

Identical letters will be sent to each member signatory of your April 5, 2010 letter.

Sincerely,

ICHIRO FUJISAKI,  
Ambassador Extraor-  
dinary and Pleni-  
potentiary of Japan  
to the United States  
of America.

“We understand that your government established a new Office of Child Custody within the Foreign Ministry. We would like to learn more about the new office, including who and how many staff are dedicated to this office; the mission of the office and duties of its staff; and how this new office intends to address the systemic challenges and resolve existing cases of international parental child abduction.”

The Ministry of Foreign Affairs established the Division for Issues related to Child Custody in December 2009. The Division is to supervise various efforts regarding child custody issues within the Ministry of Foreign Affairs.

The Division was established within the Foreign Policy Bureau, which is the head bureau in the Ministry. The Senior Foreign Policy Coordinator is assigned to be the Division's director. Ten staff, including officials of the related divisions, are assigned to the Division and a full time staff was added in May 2010 to strengthen its function.

The Division is closely working with related divisions on major issues related to international child custody. For example, the Division is coordinating following endeavors in the Ministry of Foreign Affairs; considering the possibility of joining the Convention; informing Japanese nationals residing in foreign countries of local laws and regulations; and considering possible measures to facilitate consular visits and child visitations, etc. Also, the Division is working on facilitating discussions with related ministries like the Ministry of Justice, timely explaining developments on international child custody issues to Diet members and liaising with media, etc. The Division is also promoting public awareness on this issue in Japan, and as a part of its exercise, it is cooperating with the Japan Federation of Bar Associations to hold a symposium on the Convention.

Besides the consideration process of the Hague Convention, existing cases of cross-border removal of children have to be addressed, including visitation issues. As a part of such an effort, we established a US-Japan consultative group and started the discussion.

Under the current Japanese legal system, the Japanese government does not have the authority to order or instruct a parent who is alleged to have taken away a child to permit his or her child to meet with the child's other parent, or U.S. consular officers. Meanwhile, regardless of their nationalities, under Japanese law, parents who claim their children were taken improperly may seek redress—including possibly gaining custody of their children and their children's return or asserting other rights regarding their children, like visitations—by availing themselves of established judicial proceedings (conciliation/determination) based on the Domestic Relations Procedure Act. In instances where a party violates an agreement relating to custody or visitation obtained through such proceedings, or does not comply with orders issued in such proceedings which relate to custody, visitation, etc., the aggrieved party may request the family courts to recommend the other parties to fulfill their obligations. Also, although there

are some restrictions from the viewpoint of the child's best interest, the parties may request the family court to force direct compliance or order compulsory payment to enforce an order on return of child, and request the court to order compulsory payment to enforce court order on visitation, depending on the facts of each case. There have been many cases where return of children and visitation were successfully implemented under the current system.

In addition, there have been cases where US embassy or consular officials were unable to resolve child custody matters but sought and received assistance from Ministry of Foreign Affairs of Japan (MOFA). In these instances, MOFA officials made diligent and even intensive efforts to convey the US government's request to the Japanese parents in question and/or their lawyers through all appropriate measures, including making telephone calls and sending letters. Because parents, children and their families usually have very complicated feelings in such matters, the Ministry's contacts are often rejected at first. However, the MOFA officials make repeated efforts to contact them and to hold sincere talks with them.

In the US-Japan consultative group, we would like to exchange information about the current situation regarding consular visits and child visitations and discuss effective and appropriate means and methods and points to be improved with regard to these systems.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1326, as amended.

The question was taken.

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

Mr. MORAN of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### CALLING ON TURKISH-OCCUPIED CYPRUS TO PROTECT RELIGIOUS ARTIFACTS

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1631) calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1631

Whereas the Government of Turkey invaded the northern area of the Republic of Cyprus on July 20, 1974, and the Turkish military continues to illegally occupy the territory to this day;

Whereas the Church of Cyprus has filed an application against Turkey with the European Court of Human Rights for violations of

freedom of religion and association as Greek Cypriots in the occupied areas are unable to worship freely due to the restricted access to religious sites and continued destruction of the property of the Church of Cyprus;

Whereas according to the United Nations-brokered Vienna III Agreement of August 2, 1975, "Greek-Cypriots in the north of the island are free to stay and they will be given every help to lead a normal life, including facilities for education and for the practice of their religion . . .";

Whereas according to the Secretary General's Report on the United Nations Operation in Cyprus in June 1996, the Greek Cypriots and Maronites living in the northern part of the island "were subjected to severe restrictions and limitations in many basic freedoms, which had the effect of ensuring that inexorably, with the passage of time, the communities would cease to exist.";

Whereas the very future and existence of historic Greek Cypriot, Maronite, and Armenian communities are now in grave danger of extinction;

Whereas the Abbot of the Monastery of the Apostle Barnabas is routinely denied permission to hold services or reside in the monastery of the founder of the Church of Cyprus and the Bishop of Karpas has been refused permission to perform the Easter Service for the few enclaved people in his occupied diocese;

Whereas there are only two priests serving the religious needs of the enclaved in the Karpas peninsula, Armenians are not allowed access to any of their religious sites or income generating property, and Maronites are unable to celebrate the mass daily in many churches;

Whereas in the past Muslim Alevites were forced out of their place of prayer and until recently were denied the right to build a new place of worship;

Whereas under the Turkish occupation of northern Cyprus, religious sites have been systematically destroyed and a large number of religious and archaeological objects illegally looted, exported, and subsequently sold or traded in international art markets, including an estimated 16,000 icons, mosaics, and mural decorations stripped from most of the churches, and 60,000 archaeological items dating from the 6th to 20th centuries;

Whereas at a hearing held on July 21, 2009, entitled "Cyprus' Religious Cultural Heritage in Peril" by the U.S. Helsinki Commission, Michael Jansen provided testimony detailing first-hand accounts of Turkish soldiers throwing icons from looted churches onto burning pyres during the Turkish invasion and provided testimonies of how churches were left open to both looters and vandals with nothing done to secure the religious sites by the Turkish forces occupying northern Cyprus;

Whereas Dr. Charalampos G. Chotzakakoglou also provided testimony to the U.S. Helsinki Commission that around 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery;

Whereas 80 Christian churches have been converted into mosques, 28 are being used by the Turkish army as stores and barracks, 6 have been turned into museums, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, cultural centers, theaters, barns, workshops, and one is even used as a mortuary;

Whereas expert reports indicate that since 2004 several churches have been leveled, such as St. Catherine Church in Gerani which was bulldozed in mid-2008, the northern wall of the Chapel of St. Euphemia in Lysi which was destroyed by looters as they removed all

metal objects within the wall, the Church of the Holy Virgin in the site of Trachomas was used as a dancing school until the Turkish occupiers built a road that destroyed part of it in March 2010, the Church of the Templars was converted into a night club, and the Church of Panagia Trapeza in Acheritou village was used as a sheep stall before it was recently destroyed by looters removing metal objects from medieval graves within the church;

Whereas the Republic of Cyprus discovered iron-inscribed crosses stolen from Greek cemeteries in the north in trucks owned by a Turkish-Cypriot firm that intended to send them to India to be recycled;

Whereas United States art dealer Peggy Goldberg was found culpable for illegally marketing 6th century mosaics from the Panagia Kanakaria church because the judge found that a "thief obtains no title or right of possession of stolen items" and therefore "a thief cannot pass any right of ownership . . . to subsequent purchasers.";

Whereas the extent of the illicit trade of religious artifacts from the churches in the Turkish occupied areas of northern Cyprus by Turkish black market dealer Aydin Dikmen was exposed following a search of his property by the Bavarian central department of crime which confiscated Byzantine mosaics, frescoes, and icons valued at over €30 million;

Whereas a report prepared by the Law Library of Congress on the "Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law" for the U.S. Helsinki Commission details what obligations the Government of Turkey has as the occupying power in northern Cyprus for the destruction of religious and cultural property there under international law;

Whereas the Hague Convention of 1954 for the Protection of Cultural Property During Armed Conflict, of which Turkey is a party, states in article 4(3) that the occupying power undertakes to "Prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of any acts of vandalism directed against cultural property";

Whereas according to the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership which has been ratified by Cyprus and Turkey, parties are required to take steps to prevent illicit traffic through the adoption of legal and administrative measures and the adoption of an export certificate for any cultural object that is exported, and "illicit" refers to any export or transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power;

Whereas according to the European Court of Human Rights in its judgment in the case of Cyprus v. Turkey of May 10, 2001, Turkey was responsible for continuing human rights abuses under the European Convention on Human Rights throughout its 27-year military occupation of northern Cyprus, including restricting freedom of movement for Greek Cypriots and limiting access to their places of worship and participation in other aspects of religious life;

Whereas the European Court further ruled that Turkey's responsibility covers the acts of soldiers and subordinate local administrators because the occupying Turkish forces have effective control of the northern part of the Republic of Cyprus;

Whereas in March 2008, President Christofias and former Turkish Cypriot leader Talat agreed to the setting up of a "Technical Committee on Cultural Heritage" with a mandate to engage in "serious work" to