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## **Enforcement is not Optional: The Goldman Act to Return Abducted American Children**

*Subcommittee on Africa, Global Health, Global Human Rights,  
and International Organizations*  
*Excerpts of Remarks by Rep. Chris Smith*  
*4/06/2017*

I want to thank all of you—especially all of the left-behind parents I see in the audience—for joining us this afternoon to discuss the continuing crisis of international parental child abduction.

Today, there is hope that the new Administration will change the status quo.

There is hope that the Sean and David Goldman International Child Abduction Prevention and Return Act will finally be enforced.

And there is hope for those of you who seek to be reunited with your children.

As many of you here today have experienced, international parental child abduction rips children from their homes and whisks them away to a foreign land, alienating them from the love and care of the parent and family left behind.

Child abduction is child abuse, and it continues to plague families across the United States.

According to State Department statistics, approximately 1,000 children are today held hostage in a foreign country, separated from their American parent. Several hundred additional children join their ranks every year. Based on historical trends, less than a third of these children will ever come home—unless of course the Trump Administration decides to do what the previous Administration did not do: change tack and stand up for American parents and children, using the full array of tools provided by the Goldman Act to help achieve this necessary objective.

I was heartened to hear that many of you visited the White House this morning. That is a good sign, and gives rise to the expectation that your voices will be heard. Indeed, I join you in imploring President Trump to act.

For decades—and throughout the Obama Administration—the State Department has used “quiet diplomacy” to attempt to bring these children home. In a hearing I held on this issue back in 2009, then-

Assistant Secretary of State Bernie Aronson called quiet diplomacy “a sophisticated form of begging.” Thousands of American families are still ruptured and grieving from years of unresolved abductions, confirming that quiet diplomacy alone is gravely inadequate.

In 2014, Congress unanimously passed the Goldman Act to give teeth to requests for return and access. The actions against non-cooperating governments required by the law escalate in gravity, and range from official protests through diplomatic channels to the suspension of development, security, or other foreign assistance. Extradition of abducting parents also may be called for.

The Goldman Act is a law calculated to get results, as we did with the return of Sean Goldman from Brazil in 2008. Brazil’s participation in the Generalized System of Preference is up again for renewal this year. Why should Brazil get billions of dollars in tariff relief when their courts have not returned a single child since Sean?

We have 13 long term cases pending there, including the particularly egregious Brann and Davenport cases. It is time for action, and fully taking advantage of our leverage.

More than 90 American children are separated from their American parent in India—the many years required to resolve such cases in India make it a magnet for abduction crimes. These numbers will continue to climb each year until India creates a mechanism for resolution of current cases or joins the Hague Convention for future cases—which to date it has refused to do.

Thinking outside the box as to what leverage to apply, India’s visa allotment could be reduced every year it is non-compliant in the return of abducted American children.

Japan is another country which is a flagrant violator. American service members whose lives are on the line protecting Japan are some of the victims.

The Obama Administration’s indefensible refusal to use the sanctioning tools embedded in the Goldman Act has been noted by other governments and is hurting our American Children. On February 14 of this year – Valentine’s Day – Japan’s Minister of Foreign Affairs, Fumio Kishida , noted in their parliament—the Diet—that, “until now there is not a single example in which the U.S. applied [Goldman Act sanctions] towards foreign countries.”

Three days later, the Osaka High Court overturned a return order for the four American children of James Cook in flagrant violation of the Hague Convention, Japan’s own Hague implementation guide, and U.S. law. Japan fears no consequences from the United States and thus our children and left behind parents still greatly suffer the pain of separation.

The Elias family, here today, has been waiting 8 years to even speak with their children after a flagrant abduction in which the Japanese consulate was an accessory.

Dr. Frisancho has been waiting for 7 years for Slovakia to enforce the return order for his 3 sons.

When is enough, enough?

What we need is a change in the culture of the State Department, which too often rewards foreign service officers for appeasing countries in the name of maintaining “harmonious” relations, instead of rewarding them for advocating for American parents and children.

Implementing the Goldman Act would send a message to allies and foes alike that the U.S. means business about ending the suffering of American families. The U.S. means business when it comes to the return of our abducted children.