AMENDMENT TO H.R. _____ OFFERED BY MR. SMITH OF NEW JERSEY

At the end of title VIII, insert the following:

1	SEC SENSE OF CONGRESS URGING THE IMMEDIATE
2	RETURN OF UNITED STATES CHILDREN AB-
3	DUCTED TO JAPAN.
4	(a) FINDINGS.—Congress finds the following:
5	(1) More than 300 United States children have
6	been wrongfully removed to and retained in Japan
7	since the United States began keeping records in
8	1994.
9	(2) At least 31 United States children were
10	wrongfully removed to and retained in Japan in
11	2010 alone.
12	(3) The Department of State currently has at
13	least 113 open cases involving 156 children who
14	have been reported to the Department and who are
15	being retained in Japan against the wishes of their
16	parent in the United States and, in many cases, in
17	direct violation of a valid United States court order.
18	(4) Congress is not aware of any legal decision
19	that has been issued and enforced by the Govern-

1 ment of Japan to return a single abducted child to 2 the United States. 3 (5) Japan has announced that it is preparing to 4 ratify the 1980 Hague Convention on the Civil As-5 pects of International Child Abduction (the "Hague 6 Convention"). (6) The Hague Convention provides enumerated 7 8 defenses designed to provide protection to children 9 alleged to be subjected to a grave risk of physical or 10 psychological harm in the left-behind country. 11 (7) The Hague Convention by its own terms 12 would not apply to any abductions occurring before 13 Japan's ratification of the Hague Convention, there-14 fore necessitating that a separate protocol be estab-15 lished to immediately address the existing abduction 16 cases of all United States children wrongfully re-17 moved to and currently retained in Japan. 18 (8) According to the Department of State's 19 April 2009 Report on Compliance with the Hague 20 Convention on the Civil Aspects of International Child Abduction, abducted children are at risk of se-21 22 rious emotional and psychological problems and have 23 been found to experience anxiety, eating problems, 24 nightmares, mood swings, sleep disturbances, ag-

gressive behavior, resentment, guilt, and fearfulness,

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1	and as adults may struggle with identity issues
2	their own personal relationships, and parenting.
3	(9) Left-behind parents may encounter substan-
4	tial psychological, emotional, and financial problems
5	and many may not have the financial resources to
6	pursue civil or criminal remedies for the return of
7	their children in foreign courts or political systems
8	(b) Sense of Congress.—It is the sense of Con-
9	gress that—
10	(1) the Hague Convention on the Civil Aspects
11	of International Child Abduction (the "Hague Con-
12	vention"), if ratified by Japan, will not provide for
13	the resolution of the existing cases involving the ab-
14	ductions of more than 156 United States children to
15	Japan;
16	(2) the United States, by way of a memo-
17	randum of understanding with the Government of
18	Japan, and through all other appropriate means
19	should seek the immediate return of all United
20	States children wrongfully removed to or retained in
21	Japan;
22	(3) the Secretary of State should take any and
23	all other appropriate measures to ensure that left
24	behind parents with United States children wrong-

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- 1 fully removed or retained in Japan, have direct ac-
- 2 cess and communications with their children.

