

EXECUTIVE SESSION

HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND FAMILY MAINTENANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 2, Treaty Document No. 110-21; that the treaty be considered as having advanced through the various parliamentary stages, up to including the presentation of the resolution of ratification; that any committee reservations and declarations be agreed to as applicable; that the DeMint amendment, which is at the desk, be agreed to; that any statements be printed in the Record; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid on the table, and the President of the United States be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4683) was agreed to, as follows:

(Purpose: To provide an understanding that the preamble to the Treaty does not create any obligations of the United States under the Convention on the Rights of the Child as a matter of United States or international law)

In the section heading for section 1, strike “**TWO RESERVATIONS AND THREE DECLARATIONS**” and insert “**TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS**”.

In section 1, strike “the reservations of section 2, the declaration of section 3, and the declarations of section 4” and insert “the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5”.

Strike “**SEC. 3. DECLARATION**” and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike “**SEC. 4. DECLARATIONS**” and insert “**SEC. 5. DECLARATIONS**”.

Mr. DEMINT. Mr. President, Americans seem to be losing more and more control over their lives due to government intrusion. The government has decided what kinds of cars we can drive, what kinds of light bulbs we can purchase and what kind of health insurance we must carry. But now the government is going even further by reaching into the family unit.

I rise today to speak about an issue of great importance to families across America—the rights that parents have over their families and the ever encroaching role of the international community in American life—specifically through a treaty, the United Nations Convention on the Rights of the Child.

While the Convention on the Rights of the Child has many noble goals, I have significant concerns about the effects a treaty like this would have on parental rights in America. This week we looked at the Rights of the Child treaty again when it was referenced in the preamble of a different treaty—one on the international role in child support concerns, the Hague Treaty on International Recovery of Child Support and Other Forms of Family Maintenance.

So today, I am offering an amendment to the resolution of ratification for the Child Support Recovery Treaty that reinstates that the United States has not ratified the United Nations Convention on the Rights of the Child. My amendment states that “The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.”

Last year, I introduced a joint resolution proposing an amendment to the U.S. Constitution concerning the rights of parents and their families, which would protect the liberty of parents to direct the upbringing and education of their children in the face of government intrusion.

Earlier this year, 30 Senators, including myself, introduced a resolution to oppose the ratification of the United Nations Convention on the Rights of the Child. My resolution focuses on the fact that the Convention on the Rights of the Child is incompatible with the Constitution of the United States and threatens U.S. principles of sovereignty and self-governance. It would place the U.S. under international legal standards in multiple areas of domestic policy that would have far-reaching effects on the way we educate and raise our children.

The Federal Government, or any source of international law, should not be mandating guidelines or setting standards for raising children. The Convention on the Rights of the Child would create international standards for parents that could be enforced through U.S. courts at the expense of the Constitution; courts could inappropriately use references to the Convention as legal precedent.

Parents are best equipped to decide how their children are raised and educated, not the government, and certainly not a board of bureaucrats headquartered in Geneva, Switzerland.

The fight for protecting parental rights goes on. The DeMint amendment to the Child Support Recovery Treaty is intended to ensure that despite the reference in the preamble, the Convention on the Rights of the Child has no place in the U.S. legal system.

As our Nation encounters new challenges, I believe the answers must include more freedom for Americans, not more government control—and certainly not more international control. Congress must work to protect and strengthen the freedom of American families who are the backbone of our strength as a nation.

I yield the floor.

Mr. REID. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, was agreed to, as follows:

TREATY

Hague Convention on International Recovery of Child Support and Family Maintenance (Treaty Doc. 110-21)]

Sec. 1. Senate Advice and Consent subject to two reservations, one understanding, and three declarations.

The Senate advises and consents to the ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the “Convention”), adopted at The Hague on November 23, 2007 (Treaty Doc. 110-21), subject to the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5.

Sec. 2. Reservations. The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification:

(1) In accordance with Articles 20 and 62 of the Convention, the United States of America makes a reservation that it will not recognize or enforce maintenance obligation decisions rendered on the jurisdictional bases set forth in subparagraphs 1(c), 1(e), and 1(f) of Article 20 of the Convention.

(2) In accordance with Articles 44 and 62 of the Convention, the United States of America makes a reservation that it objects to the use of the French language in communications between the Central Authority of any other Contracting State and the Central Authority of the United States of America.

Sec. 3. Understanding. The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of the United States or international law.

Sec. 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares, in accordance with Articles 61 and 63 of the Convention, that for the United States of America the «Convention» shall extend only to the following: all 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

Sec. 5. Declarations. The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Article 55 of the Convention sets forth a special procedure for the amendment of the forms annexed to the Convention. In the event that the United States of America does not want a particular amendment to the forms adopted in accordance with Article 55 to enter into force for the United States of America on the first day of the seventh calendar month after the date of its communication by the depositary to all parties, the Executive Branch

may by notification in writing to the depositary make a reservation, in accordance with Article 62 of the Convention, with respect to that amendment and without the approval of the Senate.

(2) This Convention is not self-executing.