(II) MEMBER OF CONGRESS.—The term ''Member of Congress'' means any member of the House of Representatives or the Senate.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Jacqueline Lampert, a Democratic Policy Committee staffer, be granted floor privileges for the consideration of H.R. 3590.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, Executive Calendar Nos. 532, 533, 534, 553, 554, and 558; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Kenyen Ray Brown, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

Stephanie M. Rose, of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Nicholas A. Klinefeldt, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

THE JUDICIARY

Christina Reiss, of Vermont, to be United States District Judge for the District of Vermont.

Abdul K. Kallon, of Alabama, to be United States District Judge for the Northern District of Alabama.

EXECUTIVE OFFICE OF THE PRESIDENT

Daniel I. Gordon, of the District of Columbia, to be Administrator for Federal Procurement Policy.

NOMINATIONS OF JUDGE CHRISTINA REISS AND ABDUL KALLON

Mr. LEAHY. Mr. President, I am pleased that today the Senate will consider and confirm Judge Christina Reiss to a seat on the U.S. District Court in Vermont. Judge Reiss will be the first woman to serve on that Court.

As the senior Senator from the State of Vermont, I was honored to recommend Judge Reiss to President Obama for this post. She has considerable criminal and civil experience, and is extremely qualified. For the past 5 years, she has been a State trial court judge in Vermont—a position to which she was appointed by Governor Jim Douglas, a Republican, and confirmed unanimously. She formerly was a partner in two Vermont law firms. Judge Reiss earned her B.A. from my alma mater, Saint Michaels College, and earned her J.D. with high honors from University of Arizona College of Law, where she was editor-in-chief of the law review.

Judge Reiss has been nominated to fill the vacancy created when my good friend, Judge Garvan Murtha, announced his intention to take senior status on the court. It is the first vacancy on this court since 1995, when the Senate confirmed Judge Murtha and Judge William Sessions. Judge Reiss will make an excellent addition to that court. She has already demonstrated as a state court judge her ability to relate to litigants of many backgrounds, and knows how important it is for judges to possess an understanding of the effects of legal rulings on people's lives.

In making this recommendation, I looked to Vermont's Judicial Nominating Commission, a practice I started with the late Senator Robert Stafford, a Republican, and a practice I have continued to follow. The Commission that helped select Judge Reiss was comprised of a nine member non-partisan panel appointed by me, Senator SANDERS, and the Vermont Bar Association, and we were aided in the selection process by input from Congressman PETER WELCH. The non-partisan, merit-driven process is a good fit for our approach to government in Vermont.

Senators of both parties have clearly seen that Judge Reiss has all of the qualities that are important on the Federal bench. Earlier this week, Judge Reiss's nomination was reported from the Senate Judiciary Committee without dissent in a voice vote. I am confident that Judge Reiss is the right person for this position.

The Senate will also consider and confirm Abdul K. Kallon to the Northern District of Alabama, the home state of the Ranking Member of the Judiciary Committee. Mr. Kallon's nomination has the support of both Senator SESSIONS and Senator SHELBY, and was reported out of the Senate Judiciary Committee this week with approval by voice vote.

I congratulate Judge Reiss, Mr. Kallon and their families on their confirmations today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, as in executive session, I ask unanimous consent that at 11:30 a.m., Tuesday, December 1, the Senate proceed to executive session to consider Calendar No. 487, the nomination of Jacqueline Nguyen to be a U.S. district judge for the Central District of California; that debate with respect to the nomination be limited to 30 minutes, equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; no further motions be in order; the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

HUMAN RIGHTS ENFORCEMENT ACT OF 2009

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 209, S. 1472.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1472) to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Judiciary committee with amendments, as follows:

[Strike the parts printed in boldface brackets and insert the part printed in Italic]

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Human Rights Enforcement Act of 2009''.

SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.

(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.

(b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—Chapter 31 of title 28, United States Code, is amended by inserting after section 509A the following:

[''§ 509B. Section to enforce human rights laws

[''(a) Not later than 90 days after the date of the enactment of the Human Rights Enforcement Act of 2009, the Attorney General shall establish a section to enforce human rights laws within the Criminal Division of the Department of Justice.

[''(b) The section is authorized to—

[''(1) identify individuals who are suspected of committing serious human rights offenses under Federal law;

[''(2) take appropriate legal action, including prosecution, denaturalization or extradition, against the individuals identified pursuant to paragraph (1); and

[''(3) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

[''(c) The Attorney General shall consult with the Secretary of Homeland Security and the Secretary of State in making determinations regarding the prosecution, removal, denaturalization, extradition, or exclusion of naturalized citizens or aliens who

are suspected of committing serious human rights offenses under Federal law.

[''(d) In determining the appropriate legal action to take against individuals who are suspected of committing serious human rights offenses under Federal law, the section shall take into consideration the availability of criminal prosecution under the laws of the United States for such offenses or in a foreign jurisdiction that is prepared to undertake a prosecution for the conduct that forms the basis for such offenses.

[''(e) The term 'serious human rights offenses under Federal law' includes—

[''(1) violations of Federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code; and

[''(2) genocide, torture, extrajudicial killings, Nazi persecution, or the use or recruitment of child soldiers, as described in subparagraphs (E) and (G) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).''.]

''§ 509B. Section to enforce human rights laws

''(a) Not later than 90 days after the date of the enactment of the Human Rights Enforcement Act of 2009, the Attorney General shall establish a section within the Criminal Division of the Department of Justice with responsibility for the enforcement of laws against suspected participants in serious human rights offenses.

''(b) The section established under subsection (a) is authorized to—

''(1) take appropriate legal action against individuals suspected of participating in serious human rights offenses; and

''(2) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

''(c) The Attorney General shall, as appropriate, consult with the Secretary of Homeland Security and the Secretary of State.

''(d) In determining the appropriate legal action to take against individuals who are suspected of committing serious human rights offenses under Federal law, the section shall take into consideration the availability of criminal prosecution under the laws of the United States for such offenses or in a foreign jurisdiction that is prepared to undertake a prosecution for the conduct that forms the basis for such offenses.

''(e) The term 'serious human rights offenses' includes violations of Federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of the title 28, United States Code, is amended by inserting after the item relating to section 509A the following:

''Sec. 509B. Section to enforce human rights laws.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENOCIDE.—Section 1091 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', in a circumstance described in subsection (d)''; and

(B) by striking ''or attempts to do so,'';

(2) in subsection (c), by striking ''in a circumstance described in subsection (d)'';

(3) by striking subsection (d) and (e); and

(4) by inserting after subsection (c) the following:

''(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

''(e) JURISDICTION.—There is jurisdiction over the offenses described in subsections (a), (c), and (d) if—

''(1) the offense is committed in whole or in part within the United States; or

''(2) regardless of where the offense is committed, the alleged offender is—

''(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(C) a stateless person whose habitual residence is in the United States; or

''(D) present in the United States.

''(f) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.''.

[(b) IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(3)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking ''ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a)'' and inserting ''has engaged in genocide in violation of section 1091''.]

(b) IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(3)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking ''conduct outside the United States that would, if committed in the United States or by a United States national, be''.

(c) APPLICABILITY.—The amendments made by subsections (b), (c), and (d) of the Child Soldiers Accountability Act of 2008 (Public Law 110–340) shall apply to offenses committed before, on, or after the date of the enactment of the Child Soldiers Accountability Act of 2008.

(d) MATERIAL SUPPORT FOR GENOCIDE OR CHILD SOLDIER RECRUITMENT.—Section 2339A(a) of title 18, United States Code, is amended by—

(1) inserting '', 1091'' after ''956''; and

(2) striking '', or 2340A'' and inserting '', 2340A, or 2442''.

Mr. LEAHY. Mr. President, I am always looking for ways in which we can improve the investigation and prosecution of international human rights abusers, including those who seek safe haven in the United States. That is what led me to develop and fight for several years to enact the Anti-Atrocity Alien Deportation Act, which became law in 2004. That is what I did in supporting and implementing legislation for the Convention Against Torture. That is what I have done in my work on the State and Foreign Operations Appropriations Subcommittee.

It is vital that the United States reclaim its historic role as a world leader on issues of human rights. President Obama and Secretary Clinton are working hard to make that a reality. I worked in the last Congress to create the Judiciary Subcommittee on Human Rights and the Law, and to reconstitute it again this Congress. I have worked closely with Senator DURBIN as he has ably chaired it.

This country should not provide a refuge for those who commit human rights violations. Congress took an important step when we passed the Anti-Atrocity Alien Deportation Act. That statute closed loopholes in our immigration law, making it easier to keep out perpetrators of human rights abuses, and to deport those who are already here. It established by statute the Office of Special Investigations, OSI, within the Department of Justice, an office that previously existed only under the discretionary authority of the Attorney General. The Anti-Atrocity Alien Deportation Act expanded OSI's mission from denaturalizing Nazi war criminals, to investigating, extraditing, or denaturalizing any alien who participated in genocide, torture, or extrajudicial killing abroad. This law has prompted, among other accomplishments, the deportation of Kelbessa Negewo to Ethiopia, where he is now serving a life sentence for torture and multiple killings.

The Human Rights Enforcement Act of 2009, a bill which I was pleased to cosponsor, builds on the foundation created by the Anti-Atrocity Alien Deportation Act. It seeks to improve our ability to identify and prosecute human rights abusers. It proposes consolidating two sections within the Department of Justice: the Office of Special Investigations, and the Domestic Security Section, which is charged with criminally prosecuting human rights abusers.

This bill also amends a section of the Immigration and Nationality Act that makes those who ordered, incited, assisted, or otherwise participated in genocide, as defined in section 1091(a) of title 18, United States Code, inadmissible, and therefore ineligible for the protection of our asylum laws. This bill does not alter our intent, which the Supreme Court has repeatedly recognized, that asylum laws are meant to implement our obligations under the 1967 United Nations Protocol Relating to the Status of Refugees. Like our asylum laws, that international treaty bars those who have committed a crime against peace, a war crime, or a crime against humanity from qualifying as a refugee.

During its last term, in Negusie v. Holder, the Supreme Court, in an 8–1 decision, held that nearly identical language barring those who ''ordered, incited, assisted, or otherwise participated in the persecution'' of others from the benefits of our asylum laws did not automatically disqualify those whose conduct was coerced or otherwise the product of duress. Individuals who have been forced to commit such crimes under duress have been determined to be exempt from that bar by both the United Nations High Commissioner for Refugees Handbook and by nations that have interpreted the Refugee Convention and Protocol. This bill is consistent with that interpretation.

It is vital that the United States reclaim its historic role as a world leader on issues of human rights. We can support the work of President Obama and members of his cabinet, who are working hard to make that a reality. I am pleased that the Senate will pass the

Human Rights Enforcement Act of 2009.

Mr. BROWN. Mr. President, I ask unanimous consent the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1472), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follow:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Human Rights Enforcement Act of 2009''.

SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.

(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.

(b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—Chapter 31 of title 28, United States Code, is amended by inserting after section 509A the following:

''§ 509B. Section to enforce human rights laws

''(a) Not later than 90 days after the date of the enactment of the Human Rights Enforcement Act of 2009, the Attorney General shall establish a section within the Criminal Division of the Department of Justice with responsibility for the enforcement of laws against suspected participants in serious human rights offenses.

''(b) The section established under subsection (a) is authorized to—

''(1) take appropriate legal action against individuals suspected of participating in serious human rights offenses; and

''(2) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

''(c) The Attorney General shall, as appropriate, consult with the Secretary of Homeland Security and the Secretary of State.

''(d) In determining the appropriate legal action to take against individuals who are suspected of committing serious human rights offenses under Federal law, the section shall take into consideration the availability of criminal prosecution under the laws of the United States for such offenses or in a foreign jurisdiction that is prepared to undertake a prosecution for the conduct that forms the basis for such offenses.

''(e) The term 'serious human rights offenses' includes violations of Federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of the title 28, United States Code, is amended by inserting after the item relating to section 509A the following:

''Sec. 509B. Section to enforce human rights laws.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENOCIDE.—Section 1091 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', in a circumstance described in subsection (d)''; and

(B) by striking ''or attempts to do so,'';

(2) in subsection (c), by striking ''in a circumstance described in subsection (d)'';

(3) by striking subsection (d) and (e); and

(4) by inserting after subsection (c) the following:

''(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

''(e) JURISDICTION.—There is jurisdiction over the offenses described in subsections (a), (c), and (d) if—

''(1) the offense is committed in whole or in part within the United States; or

''(2) regardless of where the offense is committed, the alleged offender is—

''(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(C) a stateless person whose habitual residence is in the United States; or

''(D) present in the United States.

''(f) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.''.

(b) IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(3)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking ''conduct outside the United States that would, if committed in the United States or by a United States national, be''.

(c) APPLICABILITY.—The amendments made by subsections (b), (c), and (d) of the Child Soldiers Accountability Act of 2008 (Public Law 110–340) shall apply to offenses committed before, on, or after the date of the enactment of the Child Soldiers Accountability Act of 2008.

(d) MATERIAL SUPPORT FOR GENOCIDE OR CHILD SOLDIER RECRUITMENT.—Section 2339A(a) of title 18, United States Code, is amended by—

(1) inserting '', 1091'' after ''956''; and

(2) striking '', or 2340A'' and inserting '', 2340A, or 2442''.

MAKING TEMPORARY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 359 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 359) to make temporary appointments to the Select Committee on Ethics.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 359) was agreed to, as follows:

S. RES. 359

Resolved, That (a) for matters before the Select Committee on Ethics involving Preliminary Inquiry Case Number 20711, the Senator from Arkansas (Mr. PRYOR) shall be replaced by the Senator from Maryland (Mr. CARDIN).

(b) The membership of the Select Committee on Ethics shall be unchanged with respect to all matters before that Committee other than the matter referred to in subsection (a).

ORDER TO MAKE APPOINTMENTS

Mr. BROWN. Mr. President, I ask unanimous consent that notwithstanding a recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

HONORING THE PRIME MINISTER OF INDIA

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 360, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 360) honoring the Prime Minister of India, Dr. Mahmohan Singh, for his service to the people of India and to the world, and welcoming the Prime Minister to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 360) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 360

Whereas, on August 15, 1947, India became a sovereign, democratic nation;

Whereas the Prime Minister of India, Dr. Manmohan Singh is now the honoree of President Barack Obama's historic first State Dinner;

Whereas India is the world's largest democracy, embracing and upholding fundamental liberties and freedoms, justice, and the rule of law;

Whereas the 2009 parliamentary elections in India were the world's largest democratic election to date;

Whereas India is a multi-ethnic, multi-cultural, and multi-religious society that promotes tolerance, diversity, and equality;

Whereas the 100,000 Indians who are studying in the United States and the 2,500,000