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(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.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

Americans of Indian descent living in the United States, including Nobel Laureates, artists, business leaders, journalists, and public servants, have contributed enormously to the rich social, political, and economic fabric of the United States;

Whereas cooperation between the United States and India in the areas of science and technology, our advancement of security and defense, and our commitment to clean energy continue to strengthen the bond between the two countries and enhance mutual admiration;

Whereas India serves as a pivotal and effective partner in ensuring international peace and security and is the third largest contributor of personnel to United Nations peacekeeping missions;

Whereas, since the liberalization of India's economy in 1991, bilateral trade has increased and benefitted both India and the United States;

Whereas, the market economy in India has contributed to increased economic opportunities, reduced poverty, and accompanying stability; and

Whereas a strong relationship between the people and governments of the United States and India, based on mutual trust and respect, will enable the countries to more closely collaborate across a broad spectrum of interests, such as global peace and prosperity, counterterrorism, defense, nonproliferation, economic prosperity, energy and climate change, education, scientific research, outer space, public health, and agriculture: Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes the Prime Minister of India, Dr. Manmohan Singh, on his official state visit;

(2) believes that together, the governments of India and the United States can bring immense benefits to their people and make enormous contributions to addressing the global challenges of the 21st century;

(3) looks forward to the continuing progress in relations between India and the United States; and

(4) appreciates the contributions of Americans of Indian descent and desires closer relations between the people of the United States and the people of India.

ORDERS FOR MONDAY, NOVEMBER 30, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, November 30, 2009; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes; that following morning business, the Senate resume consideration of H.R. 3590, with Senator REID or his designee permitted to offer the first amendment to the Reid substitute; further, that Senator MCCONNELL or his designee be permitted to offer the next amendment to the substitute, with no other amendments in order during Monday's session.

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

PROGRAM

Mr. BROWN. Mr. President, there will be no rollcall votes during Monday's session. The next rollcall vote will occur at noon on Tuesday, December 1, on the confirmation of the nomination of Jacqueline Nguyen to be a U.S. district judge for the Central District of California.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 30, 2009, AT 2 P.M.

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the provisions of H. Con. Res. 214.

There being no objection, the Senate, at 9 p.m., adjourned until Monday, November 30, 2009, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Saturday, November 21, 2009

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. GORDON, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

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.