

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(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.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 "2340" 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 Pre-

liminary 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 inter-parliamentary 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