

AMENDMENT NO. 1618

At the request of Mr. THUNE, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. BEGICH), the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), the Senator from Kansas (Mr. ROBERTS), the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. CORNYN), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from South Carolina (Mr. DEMINT), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNES), the Senator from Montana (Mr. TESTER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1618 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. COBURN):

S. 1472. A bill 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; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to speak about the Human Rights Enforcement Act of 2009, which I am introducing today. This narrowly-tailored, bipartisan legislation would make it easier for the Justice Department to hold accountable human rights abusers who seek safe haven in our country.

I would like to thank the lead Republican cosponsor of the Human Rights Enforcement Act, Senator TOM COBURN of Oklahoma. This bill is a product of the Judiciary Committee's Subcommittee on Human Rights and the Law. I am the chairman of this subcommittee and Senator COBURN is its ranking member.

The end of the last century was marked by horrific human rights abuses in places such as Bosnia and Rwanda. The early years of this century have seen ongoing atrocities being committed in, among other places, Darfur and Burma.

While a growing number of perpetrators of human rights abuses have been held accountable in international, hybrid and state tribunals, a much larger number have escaped accountability for their crimes. Some of these human rights violators have fled to the U.S.

How we as a country treat suspected perpetrators of serious human rights abuses in the U.S. sends an important message to the world about our commitment to human rights and the rule of law. It also signals to perpetrators of human rights abuses considering seeking refuge in the U.S. what treatment they can expect to receive.

The U.S. has been a leader in holding the perpetrators of serious human rights violations accountable for their crimes. Over 60 years ago, following the Holocaust, we led the efforts to prosecute Nazi perpetrators at the Nuremberg trials. We have also supported the prosecution of human rights crimes before the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone.

In some circumstances, the U.S. Government has also made valiant efforts to hold accountable human rights violators who have found safe haven in our country, but more must be done. Federal law enforcement reportedly has over 1,000 open cases involving suspected perpetrators of serious human rights abuses from almost 90 countries who are now in the U.S. While no one knows the total number of human rights abusers living in the U.S., the number of open cases presumably represents only a small portion of the total number of such perpetrators.

In the last Congress, the Subcommittee on Human Rights and the Law held hearings which identified loopholes in the law that hinder effective human rights enforcement. In order to close some of these loopholes and make it easier to prosecute human rights abuses, Senator COBURN and I introduced the Genocide Accountability Act, the Child Soldiers Accountability Act and the Trafficking in Persons Act, legislation passed unanimously by Congress and signed into law by President George W. Bush that denies safe haven in the United States to perpetrators of genocide, child soldier recruitment and use, and human trafficking.

We also examined the U.S. Government agencies which bear responsibility for investigating human rights abusers and how to increase the likelihood that human rights violators will be held accountable.

There are two offices within the Justice Department that investigate and prosecute suspected human rights abusers. The Office of Special Investigations, established by Attorney General Richard Civiletti in 1979, was assigned:

[T]he primary responsibility for detecting, investigating, and, where appropriate, taking legal action to deport, denaturalize, or prosecute any individual who was admitted as an alien into or became a naturalized citizen of the United States and who has assisted the Nazis by persecuting any person because of race, religion, national origin, or political opinion.

Over the years, the Office of Special Investigations, also known as OSI, has led the way in investigating,

denaturalizing and removing World War II-era participants in genocide and other Nazi crimes. I want to commend OSI for its outstanding work tracking down and bringing to justice Nazi war criminals who have found safe haven in our country. Since 1979, OSI has successfully prosecuted 107 Nazis.

Just this year, OSI has succeeded in deporting two Nazi war criminals. Josias Kumpf, who immigrated to the United States in 1956 and lived in Racine, Wisconsin, was a guard at the Sachsenhausen Concentration Camp in Germany and the Trawniki Labor Camp in Nazi-occupied Poland. Kumpf allegedly participated in the extermination of 8,000 Jews in one day at the Trawniki camp. OSI Director Eli Rosenbaum said, "The removal of Josias Kumpf to Austria has achieved a significant measure of justice on behalf of the victims of Nazi inhumanity and it reflects the unswerving commitment of the U.S. government to continuing the quest for justice."

OSI also deported John Demjanjuk to Germany, where last week he was charged with involvement in the murder of 27,900 people at the Sobibor extermination camp in Nazi-occupied Poland. Demjanjuk came to the United States in 1952 and lived in Seven Hills, Ohio. During World War II, Demjanjuk allegedly served as a guard at a number of Nazi concentration camps. Lanny Breuer, the Assistant Attorney General of the Criminal Division, said, "The removal to Germany of John Demjanjuk is an historic moment in the federal government's efforts to bring Nazi war criminals to justice. Mr. Demjanjuk, a confirmed former Nazi death camp guard, denied to thousands the very freedoms he enjoyed for far too long in the United States."

Due to OSI's outstanding work, the U.S. is the only country in the world to receive an "A" rating from the Simon Wiesenthal Center for bringing Nazi war criminals to justice. I especially want to commend Eli Rosenbaum, who has worked at OSI for more than two decades and has been OSI's director since 1995. OSI's success is due in large measure to Mr. Rosenbaum's leadership and personal dedication to holding Nazi perpetrators accountable.

In 2004, the Intelligence Reform and Terrorism Prevention Act further strengthened the Office of Special Investigations by statutorily authorizing it and expanding its jurisdiction to include serious human rights crimes committed after World War II.

The Domestic Security Section, which was established more recently, seeks to investigate and prosecute major human rights violators and has jurisdiction over the criminal laws relating to torture, genocide, war crimes, the use or recruitment of child soldiers, and other atrocities. In 2008, the Domestic Security Section and the United States Attorney's Office for the Southern District of Florida obtained the first federal conviction for torture against Chuckie Taylor, son of former

Liberian president Charles Taylor, for committing torture in Liberia when he served as the head of the Anti-Terrorist Unit. Taylor and other Anti-Terrorist Unit members engaged in horrific acts of torture, including shocking victims with an electric device and burning victims with molten plastic, lit cigarettes, scalding water, candle wax and an iron. Then-Attorney General Michael Mukasey said, "Today's conviction provides a measure of justice to those who were victimized by the reprehensible acts of Charles Taylor Jr. and his associates. It sends a powerful message to human rights violators around the world that, when we can, we will hold them fully accountable for their crimes."

I commend the Office of Special Investigations and the Domestic Security Section for their successes in holding human rights abusers accountable.

The Human Rights Enforcement Act would seek to build on this important work by creating a new office in the Criminal Division that would focus exclusively on enforcing human rights laws. My bill would combine the Office of Special Investigations, which has significant experience in investigating and denaturalizing human rights abusers, with the Domestic Security Section, which has broad jurisdiction over human rights crimes. Consolidating these two sections would allow limited law enforcement resources to be used more effectively and ensure that one section in the Justice Department has the necessary expertise and jurisdiction to investigate and, where appropriate, prosecute, denaturalize or deport perpetrators of serious human rights crimes.

The Human Rights Enforcement Act also includes a number of technical conforming amendments, including: technical changes to the criminal law on genocide, 18 U.S.C. 1091, that the Justice Department requested in 2007 to make it easier to prosecute perpetrators of genocide; clarifying that the immigration provisions of the Child Soldiers Accountability Act apply to offenses committed before the bill's enactment; a conforming amendment to the Immigration and Nationality Act required by the enactment of the Genocide Accountability Act; and a conforming amendment to the material support statute, made necessary by the enactment of the Genocide Accountability Act and the Child Soldiers Accountability Act, making it illegal to provide material support to genocide and the use or recruitment of child soldiers.

The United States has a proud tradition of leadership in the promotion of human rights and the world watches our steps in this field closely. By holding perpetrators of serious human rights abusers found in the U.S. accountable, we will demonstrate our commitment to upholding the human rights principles we have long advocated and discourage human rights violators from fleeing to the U.S.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

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))."

(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".

(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 "2340A" and inserting "2340A, or 2442".

By Mrs. HAGAN (for herself and Mr. CORNYN):

S. 1473. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Catalyst to Better Diabetes Care Act, which is S. 1473. Without question, diabetes is an epidemic in our country, and we have to do something. Twenty-three million adults and children suffer from diabetes. Another 57 million Americans are prediabetic cases. In North Carolina, my State, 600,000 adults have been diagnosed with diabetes and another 288,000 are undiagnosed and over 400,000 have prediabetes. But with our lifestyle choices, it is not surprising that these numbers are so high. Nearly three in five North Carolinians are overweight

or obese. Being overweight is a leading cause of diabetes. A quarter of our State's citizens do not exercise. Unfortunately, it is not just adults who are suffering from this disease. In North Carolina, there are over 4,000 children who have diabetes. While type 1 diabetes is the most frequent diabetes in children, it is because of increasing obesity rates that the incidence and prevalence of type 2 diabetes is growing.

Not only is diabetes wreaking havoc on people's health, it is also costing the country millions of dollars to treat. In my State of North Carolina, diabetes costs \$5.3 billion annually in medical interventions, lost productivity, and premature mortality. Annually diabetes accounts for 16,000 hospitalizations. People suffering from diabetes have greater risk of renal disease, heart attack, stroke, and blindness. Diabetics also have a high risk of amputations if they fail to get appropriate foot care.

However, with proper prevention and treatment, we can curb the staggering cost of diabetes and people can live healthier, happier lives. Lifestyle changes in diet and physical activity can reduce the development of diabetes in prediabetics. Early detection and treatment of diabetic eye disease can reduce blindness and lowering one's blood pressure can reduce the decline in kidney function, thereby averting renal failure. It is because of these proven interventions that I introduce this important bill today.

The Catalyst to Better Diabetes Care Act will address five major issues to further the fight against this debilitating and deadly disease. This bill creates a cross-agency, collaborative patient and provider outreach program to increase the utilization of the Medicare diabetes screening benefit. Although this screening program was established in 2003, at present, very few seniors are taking advantage of this benefit. Early screening allows diabetics to better monitor and control their condition and prevent complications. This provision will save money and lives. When employees have incentives to select more nutritious food and to exercise, not only are they more productive, their overall health is improved. Companies like Pitney Bowes are implementing innovative practices to encourage their employees to live healthier lives, and such initiatives have shown remarkable results.

Building upon these experiences, this bill establishes an advisory group to promote innovative private sector wellness and disease management programs. Diabetes takes an enormous toll on society. Yet we have very little consolidated data which measures the true impact and outcome of this disease. To address this gap, this bill creates a national and State-by-State level diabetes report card which will track our progress toward beating diabetes. The report card will contain information on preventative care prac-

tices and quality of care, risk factors, and outcomes of individuals who are diagnosed with diabetes and prediabetes.

Studies indicate that only 35 to 40 percent of diabetics who die have diabetes listed anywhere on their death certificate, and only about 10 to 15 percent have diabetes listed as the underlying cause of death. Without this information, our country is not able to grasp the full impact that complications from diabetes has on our health care system and society.

In order to better understand the scope of this epidemic, this bill requires the director of the CDC to promote the education and training of physicians on properly completing a birth and death certificate as well as the possibility of promoting language to improve the collection of diabetes mortality data, despite estimates that nearly one in three children today will go on to develop diabetes. Today's medical students are only required to have 4 hours of education in diabetes to become a board-certified physician. As diabetes touches more and more Americans, it will be critical that our doctors recognize this disease and have the tools and understanding to discuss prevention and proper treatment with their patients. That is why this bill requires HHS to collaborate with the Institute of Medicine and other related entities to study the impact of diabetes on the practice of medicine and develop recommendations to appropriate levels of diabetes medical education that should be required prior to licensure, board certification, and board recertification.

Diabetes has taken an enormous toll on our society's health and our economy. But in many cases, this disease can be preventable.

The Catalyst of Better Diabetes Care will address some of the fundamental obstacles that prevent us from tackling this disease head on. Better outreach, better data, and better education of patients and physicians are the keys to reducing morbidity and mortality from diabetes and lessening the costly burden this condition has inserted upon our country.

I wish to thank my Republican colleague, Senator JOHN CORNYN, for joining me in cosponsoring this measure. I urge my other colleagues to join us in supporting this very important bill.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 217—COM-MENDING CAPTAIN WEI JIAFU AND THE CHINA OCEAN SHIPPING COMPANY FOR INCREASING BUSINESS RELATIONS BETWEEN THE UNITED STATES AND CHINA

Mr. KERRY submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 217

Whereas, as a young sea captain, the United States Coast Guard gave Captain Wei

Jiafu special recognition for knowledge and skill in navigating in the waters of the United States;

Whereas, as Chairman of COSCO, Captain Wei oversees the largest China-based employer of United States workers;

Whereas, under the leadership of Captain Wei, the China Ocean Shipping Company (referred to in this preamble as "COSCO") was the first foreign shipping company to comply with the regulations of the Department of Homeland Security governing ocean shipping containers;

Whereas, under the leadership of Captain Wei, the port authorities in cities including Long Beach, Seattle, New York, and New Orleans have recognized COSCO;

Whereas the most notable accomplishment of Captain Wei and COSCO was establishing service between the Port of Boston and ports in China, which saved the jobs of thousands of port workers in Massachusetts; and

Whereas, under the leadership of Captain Wei, COSCO has donated a Chair to Harvard University, financially supported cleaner oceans and the protection of sea life in Alaska, and mobilized employees to volunteer time and resources to assist victims of disasters in China and other countries in Asia: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends Captain Wei Jiafu and the China Ocean Shipping Company (referred to in this resolution as "COSCO") for staying committed to professionalism and promoting citizen participation that increases understanding and cooperation between the people of the United States and China;

(2) recognizes the efforts of Captain Wei to improve business relations between the United States and China; and

(3) recognizes the charitable contributions of COSCO and the efforts of the company to support higher education in the United States and around the world.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1619. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1620. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1621. Mrs. SHAHEEN (for herself, Mr. JOHANNIS, Mr. KAUFMAN, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1622. Mr. KERRY (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1623. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1624. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1625. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1626. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.