

National Recording Registry. In 2003, "Kind of Blue" was ranked No. 12 on Rolling Stone magazine's list of the 500 greatest albums of all time.

One reviewer called "Kind of Blue" a defining moment of 20th century music. Ashley Kahn, the author of the book "Kind of Blue: The Making of a Miles Davis Masterpiece," called it "the premier album of its era, jazz or otherwise." Pianist Chick Corea, one of Miles Davis' acolytes, said, "It's one thing to just play a tune or play a program of music, but it's another thing to practically create a new language of music, which is what 'Kind of Blue' did."

As a distinctly American language of music, jazz is rightfully honored by Chairman CONYERS' resolution today. So it is with great pleasure that I join him in supporting this resolution, and I urge our colleagues to support the resolution as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to one of the people who knows a little about this music and who has come a long way from Memphis, Tennessee. He is the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I thank the chairman.

Mr. Speaker, we all start as a tabula rasa in all areas of life. Then we grow, and we have the opportunity to learn. In my fewer number of years here on Earth than the chairman, I have learned quite a bit about jazz myself.

It has been my honor to have friends who have been involved in jazz in Memphis—particularly, the late Phineas Newborn, Jr., who was a great pianist, one of the great jazz pianists of all time. He was a Memphian, and he was known by jazz musicians all over the world as a great jazz pianist. Others have come from Memphis and have gone to New York, which is oftentimes where jazz is played.

Marvin Stamm, a great flugelhorn player, performed with different orchestras throughout the country as a Memphian. He went to North Texas State University for his education where he got a degree in jazz band, which is one of the few places in the world, Mr. SMITH's State, that has jazz band distinction.

In New York, there are Bradley's, Village Vanguard and all of those wonderful places where you historically have been able to hear people like Art Blakey. I was able to see Max Roach in Baltimore once at a jazz festival. I am a fan of Charlie Parker's and of Miles Davis. They are great jazz musicians. I think all musicians respected Miles Davis as one of the greatest influences on their lives regardless of whether they were rockers or whether they were blues musicians or jazz performers.

I thank the chairman for his appreciation of what is a uniquely American

cultural achievement, one that the world holds dear and respects America for. The appreciation of jazz is an art form that is being lost to our students. It is one that needs to be taught in our schools and that needs to be maintained as a living and breathing expression of the American art industry.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute merely to say that I appreciate the gentleman from Tennessee because an earlier jazz started in his State, in Memphis and in Nashville. The roots of it were embedded in the modern jazz of the music that we reaffirm today as a national treasure.

Before I yield back the balance of my time, because I studied music as a young person, I owe these musicians a debt of gratitude because it was they who recommended that I go to law school, so I am grateful to them for helping my career.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House in recognizing the 50th anniversary of Miles Davis' ground breaking recording, Kind of Blue. I would also like to thank Representative CONYERS for his spirited commitment to preserving the American art form known as jazz. I urge my colleagues to support this important resolution.

Mr. Speaker, 50 years ago, Miles Davis brought together six gifted musicians, Bill Evans, Cannonball Adderley, Paul Chambers, John Coltrane, Wynton Kelly, and Jimmy Cobb. These men, who we now revere as jazz legends, under Davis' lead, fashioned the best selling jazz album of all time. It is no wonder that Kind of Blue is ranked as the 12th greatest albums of all time by Rolling Stone Magazine. Selling more than 4 million copies to date, Kind of Blue changed the shape of jazz through the buzz of Davis' trumpet and his focus on musical modes. The album's influence on popular music throughout the years cannot be overstated. Musicians including Quincy Jones, Duane Allman, Q-tip, and Pink Floyd have cited the jazz standards of Kind of Blue as a musical inspiration, and as a musician, I was also inspired by the stylistic melodies of Kind of Blue.

Mr. Speaker, as Kind of Blue continues to introduce listeners around the world to jazz music and the genius of Miles Davis, let us not forget the importance of jazz education and music appreciation.

Mr. CONYERS. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 894.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## HUMAN RIGHTS ENFORCEMENT ACT OF 2009

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the 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.

The Clerk read the title of the bill.

The text of the bill is 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 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”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, Members of the House, S. 1472 is an effort to improve our ability to identify and prosecute human rights abusers. It enhances the Justice Department's efforts to hold perpetrators of atrocities accountable, and it will help ensure that war criminals do not find a safe haven in our country.

This act would combine the two offices in the Justice Department with jurisdiction over human rights to create a new, consolidated human rights

section. It would merge the Office of Special Investigations with the domestic security section, which has jurisdiction over human rights crimes. This would allow more efficiency and effective enforcement in a combination that would improve the use of our resources and that would give one section the necessary expertise and jurisdiction to prosecute or to denaturalize perpetrators of serious human rights crimes. It also amends a section of the Immigration and Nationality Act, and it makes several technical and conforming amendments needed in light of the enactment of other laws.

I commend the authors of this legislation, Senators DICK DURBIN and TOM COBURN, who are the chairman and the ranking member of the Senate Human Rights and the Law Subcommittee, and the ranking member of the Judiciary Committee in the House, Mr. SMITH.

I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, I support S. 1472, the Human Rights Enforcement Act of 2009. This bipartisan legislation was recently passed by unanimous consent in the Senate. The bill is now before this body for consideration.

The first goal of this legislation is to provide technical corrections to the Genocide Accountability Act, which was signed into law by President Bush in 2007.

Before that act passed, genocide was only a violation of Federal criminal law if it was committed within the United States or by a U.S. national outside the United States. The act closed this loophole by allowing the prosecution of non-U.S. nationals found in the United States for genocide perpetrated outside the U.S.

The second goal of this legislation is to create a new section at the Department of Justice to consolidate prosecutorial authority over most Federal criminal and immigration human rights offenses.

Currently, the responsibility for enforcing these statutes rests within the Office of Special Investigations, or OSI; OSI was created in 1979 to hunt down Nazi war criminals who secretly lived in the United States. After discovering war criminals within the U.S., OSI used administrative procedures to denaturalize, deport or remove them. In 1994, Congress statutorily directed OSI to also investigate and denaturalize individuals who participated in genocide, torture or extrajudicial killings.

Right now, OSI does not have prosecution authority. Instead, it works with attorneys and other components of the Department to prosecute those cases in which a violation of Federal criminal law can be shown. This legislation expands OSI's jurisdiction to enable it to prosecute and enforce Federal criminal human rights laws and to consolidate those efforts into one office.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to stand before you today in support of 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.

This bipartisan legislation would make it easier for the Justice Department to hold accountable human rights abusers who seek safe haven in the United States. The end of the 20th century and the beginning of the current 21st century have seen ongoing human rights atrocities all over the globe, such as Burma, Sudan, and Bosnia. While an increasing number of perpetrators of such human rights abuses are held accountable in international or state tribunals, many have escaped accountability for their crimes. Some of these human rights abusers have even fled to the United States.

As a representative of the state of Texas, I understand the urgency of creating an effective mechanism for investigating human rights violators that seek to hide out here in the United States. In a 2008 report, retired five-star General Barry McCaffrey warned of a refugee catastrophe that could greatly affect the state of Texas. General McCaffrey warns that “Mexico is on the edge of abyss” and that “it could become a narco-state in the coming decade.” According to General McCaffrey's report, there could be a surge of millions of refugees crossing the U.S. border. Those millions will almost certainly include individuals who have committed human rights violations in Mexico. And those individuals must be held accountable for their actions.

How the United States treats suspected perpetrators of human rights abuses sends an important message to the world about our commitment to human rights and the rule of law.

The United States has a rich history of protecting human rights and holding violators of such rights accountable. Over 60 years ago, the U.S. led efforts to prosecute Nazi perpetrators at the Nuremberg Trials. The U.S. also supported the prosecution of human rights crimes before the International Criminal Tribunal for the former Yugoslavia, the Special Court of Sierra Leone, and the International Criminal Tribunal for Rwanda. But, the United States must do more. The U.S. must make a stronger effort to hold those human rights violators who have found safe haven in the United States accountable for their atrocities.

The Human Rights Enforcement Act would seek to build on the foundations already laid by creating a section inside the Department of Justice's Criminal Division that would focus entirely on enforcing human rights laws. The bill combines the Office of Special Investigations, whose work includes investigating and denaturalizing human rights offenders and the Domestic Security Section, which has broad jurisdiction over human rights violations. This consolidation allows for the Department of Justice to more effectively utilize law enforcement resources to investigate and, where necessary, prosecute, denaturalize, or deport human rights offenders.

The rule of law and human rights are fundamental American values. In accordance with those values, the United States has a rich history of leading the promotion of human rights worldwide. We have a responsibility to set an

example for the rest of the world by demonstrating our commitment to end human rights atrocities and hold perpetrators accountable.

Mr. Speaker, I strongly encourage all of my colleagues to join me in support of S. 1472.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1472.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### RECOGNIZING A. PHILIP RANDOLPH FOR HIS LIFELONG LEADERSHIP AND WORK TO END DISCRIMINATION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 150) expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 150

Whereas A. Philip Randolph was born April 15, 1889;

Whereas A. Philip Randolph was in New York during the height of the Harlem Renaissance and was a student in politics and economics at City College, which served as the intellectual center of the movement;

Whereas A. Philip Randolph was the co-founder of The Messenger in 1917, a widely read and respected magazine known for its radical persuasion;

Whereas A. Philip Randolph was the leader of the successful movement to organize the Pullman Company (one of the most powerful businesses in the Nation) which led to the formation of the Brotherhood of Sleeping Car Porters (BSCP), an organization that advanced the claims of African-Americans to dignity, respect, and a decent livelihood;

Whereas A. Philip Randolph was selected by the porters at the Pullman Company as a representative because he was a good orator and a tireless fighter for the rights of African-Americans and was dedicated to the porters' cause for over a decade;

Whereas A. Philip Randolph was able to gain an international charter from the American Federation of Labor (now AFL-CIO) after Franklin Roosevelt's New Deal legislation forced the Pullman Company to

negotiate with the Brotherhood, and was able to successfully negotiate the first-ever contract between a company and a black union, in 1937;

Whereas A. Philip Randolph was one of the central figures speaking out for African-American rights during the 1930s and 1940s and focused on labor and employment issues;

Whereas A. Philip Randolph was a leader in the movement challenging discrimination in defense industry jobs and used the threat of a march on Washington as part of an effort to lobby President Roosevelt to sign an executive order banning discrimination within the Government and the defense industries;

Whereas A. Philip Randolph was, in 1947, a leader in the movement to end segregation in the military and called for African-Americans to refuse to register for the draft until these practices were ended and was successful in this effort, which saw President Truman issue an executive order barring discrimination in the military on July 26, 1948;

Whereas A. Philip Randolph was the leading force behind the March on Washington for Jobs and Freedom and worked with many old friends and foes of his earlier labor struggles to ensure the success of the event, which took place on August 28, 1963, drew a crowd of over 250,000 people, and was the occasion of a meeting with President Kennedy and Dr. Martin Luther King, Jr.; and

Whereas A. Philip Randolph died in 1979 as an elder statesman of the civil rights movement, a much admired figure and role model for the young people of this Nation: Now, therefore, be it:

*Resolved*, That it is the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

##### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, I am especially pleased to rise in support of this resolution honoring the life and work of A. Philip Randolph, whom I have had the privilege of meeting and working with indirectly.

I am pleased to be a cosponsor of the resolution with the chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL), who introduced it.

A. Philip Randolph was a towering figure in the movement for social justice in this country, particularly in the fields of labor and civil rights. He is principally noted for his efforts in organizing the Brotherhood of Sleeping Car Porters on trains, porters who were

all African Americans in the middle 20th century and earlier. There were nearly 10,000 of them who had never been unionized before. He was able to do that. Finally, he worked out a contract in 1937 with Pullman, and then went to the AFL-CIO where they were able to gain an international charter. That was his major contribution.

Yet, to me, what was so important was the work that he did with Dr. Martin Luther King, Jr., because it was he who, with Bayard Rustin, organized the march on Washington for jobs and freedom on August 28, 1963. I was a lawyer who was at that march. It was the first one which drew over 200,000 people and which had a great effect on our moving to enact the Civil Rights Act of 1964.

There are books about him, but the story that I like to tell is about the time that he challenged President Roosevelt to end the desegregation in the military and in the military factories, which were the industries that were making war materials. In a historic meeting with President Roosevelt, President Roosevelt acknowledged the validity of his struggle, but then he said something prophetic. He said, Make me do it.

Amazingly, Randolph, after a period of time, assembled a huge number of people to march on Washington. As they got ready to march, word came from the White House that the President would accede to his demand, and he gave an executive order banning racial discrimination in the government and in the factories. That has been told many times over.

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I am indebted to the chairman of the Ways and Means Committee. Randolph worked out of New York and I am hopeful that Chairman RANGEL may have met him and knew him as well.

Mr. Speaker, I reserve the balance of my time and urge support for the resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 150, which recognizes Asa Philip Randolph for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

Mr. Randolph was a leading champion of fairness in the 20th century. He is one of the most well-known trade unionists of his time and he helped found the modern civil rights movement.

Mr. Randolph moved to the Harlem district of New York City in 1911, where he organized black voters in favor of labor rights. In 1917 he co-founded a magazine, The Messenger, calling for more positions for black Americans in the war industry and the Armed Forces.

In 1925, Mr. Randolph organized the Brotherhood of Sleeping Car Porters. This was the first serious effort to form a labor institution for the employees of