

Let me remind those who regard the hanging of a noose from a tree in Jena, Louisiana or anywhere else in this country as a harmless act: it is not harmless and it is not just a juvenile prank. It is a frightening and symbolic play for power, as was captured so poignantly by Billie Holiday in her unforgettable rendition of Southern Fruit:

Southern trees bear strange fruit,
Blood on the leaves and blood at the root,
Black bodies swinging in the southern breeze,

Strange fruit hanging from the poplar trees.

While the use of this racist tool continues, we must not forget that over 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan. Nor should we forget that more people died at the hands of lynch mobs than died in the attack on Pearl Harbor (2,333) and died during Hurricane Katrina (1,836) combined.

Mr. Speaker, we must act now to stop the use of this racist and evil symbol of America's bitter waters. I urge my colleagues to join me in supporting this important legislation.

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. 826.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENOCIDE ACCOUNTABILITY ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 888) to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 888

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 "Genocide Accountability Act of 2007".

SEC. 2. GENOCIDE.

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

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

"(2) the alleged offender is 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));

"(3) the alleged offender is 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));

"(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

"(5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) 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 have 5 legislative days to revise and extend their remarks and 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. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and members of the committee, the United Nations approved the Convention on the Prevention and Punishment of the Crime of Genocide in 1948. It was in response to Nazi Germany's policy of systematic murder. The Convention, to which the United States is a signatory, established genocide as an international crime which signatory nations undertake to prevent and punish. It's the duty that we address in the Genocide Accountability Act before us at this moment.

We must remember that genocide affects all humanity, not just the direct victims, and not just the perpetrators, but all those who stand by and by their inaction allow those horrible acts to take place. These are the lessons of the Holocaust, of Cambodia, of Bosnia and, more recently, of Rwanda. In Rwanda, we shrugged our shoulders and waited until 800,000 people were killed before we were willing to call that atrocity by its rightful name, genocide.

Sadly, even after Rwanda, the world has mostly stood by while yet another genocide has unfolded before our eyes. The genocide in Darfur has thus far claimed 200,000 lives, and maybe going up to as many as 400,000 lives. Two and a half million people have been displaced as a result of the conflict in Darfur. Both President Bush and Congress have correctly described the situation in Darfur as genocide.

As history repeats itself in Darfur, it seems that we have to learn to say the right things about these atrocities, but too often we cannot seem to muster the consensus and strength of will in the United States and the international community to make our deeds match our words. Along with an increased United Nations peacekeeping force, and a long-term political agreement among its many factions, we need to explore every avenue available to stop this massacre from continuing and prevent similar ones in the future.

The Genocide Accountability Act is an effort to ensure that our United

States laws provide adequate authority to prosecute acts of genocide. We should not have a situation where perpetrators of genocide are allowed to enter the United States and use this country as a safe haven from prosecution. What an untenable thought.

But under current law, genocide is only a crime if it's committed within the United States or by a United States national outside of the United States. In contrast, the laws of torture, material support for terrorism, terrorism financing, hostage taking, and many other Federal crimes allow for extraterritorial jurisdiction for crimes committed outside the United States by non-United States nationals.

So there's a gap in the law. This has led to real-life consequences. I understand that the Justice Department has identified individuals who have participated in the Rwandan and the Bosnian genocides and who have entered the United States under false pretenses. Under current law, these individuals can be deported but they can't be arrested or prosecuted for committing genocide.

And so we bring to you on the floor today a measure to allow us to do more than send them off to another country, not knowing whether they will ever be prosecuted. This measure will allow us to bring them to justice. Amending our laws to allow for vigorous prosecution of genocide is a first, a small, but very, very important step toward ending the impunity under which those who commit genocide currently operate.

I am so proud of my colleagues on the Judiciary Committee who have worked with us on this: LAMAR SMITH; the floor manager for the Republicans, Mr. FORBES; and many others. We must remember that it cannot be the last step, this measure. If we are going to fulfill our role as the beacon in the world for basic human rights and freedom from persecution, we must continue to develop the humble legislative beginning that we have begun today.

I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 888, the Genocide Accountability Act of 2007. I want to commend Chairman CONYERS and Representatives BERMAN and PENCE, the sponsors of the House version of this legislation, H.R. 2489, for their dedication and commitment to this issue.

Perpetrators of genocide have committed some of the most heinous crimes ever carried out. Genocide is a crime not only against specific victims targeted for extermination, but it is also a crime against humanity. History is replete with horrible images of human suffering, where victims targeted were based on their human characteristics. In the modern era, we have technological advances used for carrying out heinous acts of genocide.

The idea that individuals, hundreds, thousands, and sometimes hundreds of

thousands, are singled out and systematically targeted for extermination offends every person's belief in humanity or the rule of law. In recent decades, we have seen ethnic cleansing during the civil war in the former Yugoslavia, systematic mass killings in other areas, and of course there is the ongoing suffering in Darfur.

S. 888, the Genocide Accountability Act of 2007, expands Federal criminal jurisdiction for prosecution of those responsible for genocide. With this improvement, I hope that Federal prosecutors will be able to prosecute aggressively those heinous criminals. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, it's my pleasure now to yield 4 minutes to the ranking member of the Committee on Judiciary on the Democratic side, Mr. HOWARD BERMAN.

Mr. BERMAN. Mr. Speaker, the House Judiciary Committee has reported an identical House companion to S. 888. That bill is H.R. 2489, and the Judiciary Committee's report for the House bill, Report No. 110-468, should be considered as part of the legislative history on S. 888, as reflecting the intent of the House.

Mr. Speaker, the first legal application of the term genocide came during the Nuremberg trials in 1945. Before then, there wasn't a word in our language to adequately express the brutality and evil that this crime embodies. The purpose of the Genocide Accountability Act is to ensure that no perpetrator of genocide is able to use the United States as a safe haven for prosecution. After the Holocaust, the Genocide Convention was the embodiment of the world's pledge, the promise of "never again." And yet this promise has proven to be one of the world's most unfulfilled.

Not very long ago, genocide was the scourge of Bosnia, and before that, Rwanda. Two years ago, this body passed a resolution acknowledging that the devastation and murderous violence occurring in the Darfur region of Sudan was a genocide. Unfortunately, the genocide in Darfur remains an ongoing crime today. The struggle to prevent and punish genocide has been, and unfortunately will be, winding and long.

The bill we are considering today acknowledges that in some cases the perpetrators of this evil have ended up not just on the doorstep of the United States, but living inside our house. Current law allows us to deport them, but procedural limitations in our laws can keep us from delivering justice for their crimes.

Because current U.S. law lacks an extraterritorial jurisdiction clause for genocide, procedurally the Department of Justice is limited in its ability to charge an individual who is not a U.S. national for involvement in a genocide committed outside the United States, even if the victims include American citizens.

In 1948, the United States was the first nation to sign the Genocide Convention. Twenty years ago, with the Proxmire Act, we added to our criminal code provisions to fulfill the dual obligations of that Convention, to prevent and to punish genocide. S. 888 will strengthen the reach of U.S. laws to prosecute any individuals found in our country who have taken part in acts of genocide, in Darfur or anywhere else.

□ 1530

As the atrocities in Darfur continue, it is imperative that we enact measures in this bill to stand against genocide wherever it occurs and hold fully accountable the perpetrators of genocide who are able to escape justice.

Mr. Speaker, the term "genocide" was first proposed by Ralph Lemkin, a man of Polish-Jewish descent. In 1941 he came to the United States, and on the day of his arrival he gave a speech explaining to an American audience the international responsibility to respond to genocide. I'll paraphrase what he said: If you learned that a mass of women, children and old people was being murdered 100 miles from here, wouldn't you feel compelled to run to their aid? Why then, if the distance were 3,000 miles instead of 100, would you restrain this decision of your heart?

By passing this bill today, we are taking Lemkin's words to heart. We will work to punish and prevent the crime of genocide not just in our own country, but wherever it occurs around the world.

I strongly urge my colleagues to support this legislation.

Mr. FORBES. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise in support of S. 888, the Genocide Accountability Act of 2007. I cosponsored the House version of this legislation because I totally agree, U.S. law should not provide safe haven to those who are committing genocide.

As a result of this bill, prosecutors will be able to target individuals living lawfully in the U.S. who have committed genocide or aided those who have committed these crimes against humanity. I have tremendous respect for all those who have worked to raise awareness of this important issue. Student groups and faith-based organizations, especially from the African American, Jewish and Armenian communities, have done a terrific job of educating their fellow citizens and lawmakers about the crisis and the need to respond.

The world collectively agreed to "never again" allow genocide after the Holocaust and again after the mass murders in Cambodia and Rwanda, and again in Bosnia. Tragically, genocide is again taking place, and the United States must take all reasonable steps to end the killing and ensure the perpetrators of these crimes are brought to justice.

The United States has made a tremendous commitment to the people of Darfur in the form of humanitarian aid and is working hard on diplomatic efforts to end the genocide. But more must be done. We need to stop the killings.

Current U.S. law only makes genocide a crime if it is committed by a U.S. citizen or within the United States. According to the Justice Department, there are individuals who participated in the Rwandan and Bosnian genocides who are living in the United States today that it will be able to prosecute with this legislation.

We will also ensure those who are committing genocide in Sudan today will not be able to look to the United States as their safe haven in the future.

Mr. CONYERS. Mr. Speaker, the chairman of the Crime Subcommittee has played an enormously important role in the measure before us, and I am pleased to recognize Chairman BOBBY SCOTT for 3 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, the slaughtering of individuals simply because they are a member of a certain ethnic or racial group has occurred throughout history, and, regrettably, continues today. As we witnessed, as many as 800,000 of the Tutsi minority, men, women and children, were murdered in Rwanda. Mass violence has occurred against civilians in Bosnia, where up to 8,000 Muslim men and boys were systematically executed.

The obligations of the United States under the Genocide Convention are in the criminal code in title 18 beginning at section 1091. Genocide is defined as having the specific intent to destroy, in whole or in part, a national, ethnic, racial or religious group. The code offers severe punishment for anyone who commits genocide within the United States. The law also makes it a Federal crime for a U.S. national to commit genocide anywhere in the world. Fortunately, there has not been a need to use the law against anyone now covered by it. However, by only covering genocide if it is committed in this country or committed by a U.S. national, we leave a gap which allows non-U.S. persons who commit genocide elsewhere to come to this country with impunity under our laws.

To this end, the Senator from Illinois, Senator DURBIN, and the gentleman from California (Mr. BERMAN) introduced identical legislation designed to amend title 18 of the United States Code to expand jurisdiction of genocide over the following categories of people who have committed genocide outside of the United States: (1) an alien lawfully admitted for permanent residence; (2) a stateless person whose habitual residence is in the United States; or (3) an individual physically present in the United States.

Similar to the legislation before us, many other Federal laws, including

those laws that criminalize torture, allow for the extraterritorial jurisdiction over crimes committed outside the United States by those present in the United States.

Genocide continues to be a threat in the world and we should attack it wherever we find it. In Darfur, we see the tragic replay of suffering and death. Hundreds of thousands of innocent people who have been killed, raped, tortured, or forced to flee, and over 2 million people have been driven from their homes. For them, the commitment of “never again” after the Holocaust rings hollow. The United States should have the ability to prosecute those who find safe haven in the United States for their acts of genocide. The Genocide Accountability Act would end this impunity gap in the genocide law. Therefore, I urge my colleagues to adopt this important legislation.

Mr. FORBES. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, here in Washington, D.C., down the street from this very building is the United States Holocaust Memorial Museum, a museum that serves as a living memorial to the Holocaust and which challenges its visitors and the world in the words written in its charter to: “Confront hatred, prevent genocide, promote human dignity, and strengthen democracy.” All of us serving in Congress take the challenge of those words to heart.

We have the unique ability in this institution to promulgate laws and policies that protect life, preserve liberty and confront genocide. Today, with the passage of the Genocide Accountability Act, in bipartisan numbers, this Congress will discharge that duty to history.

Mr. Speaker, I rise today in support of S. 888, the Genocide Accountability Act. In May of this year, it was my privilege to join my friend, the gentleman from California (Mr. BERMAN) to introduce H.R. 2489, which is the companion of the Senate version of the bill that is being considered today. I would like to commend the gentleman from California whose partnership on this and other legislation demonstrates his deep commitment to human rights and to human dignity and to America’s place in advancing those principles in the world.

This is an important piece of bipartisan legislation simply because it provides America with a real and powerful tool to combat genocide around the world. The need for the Genocide Accountability Act is straightforward. Currently under U.S. law, genocide is only a crime if it is committed within the borders of the United States or by a U.S. national outside the country. Therefore, the Department of Justice is

prevented from prosecuting people who may be in America who have committed genocide, as unthinkable as that might be.

Imagine a scenario where an individual who contributed to genocidal acts in Bosnia, Rwanda, or Sudan, or elsewhere, is determined to be here in America, somehow living under false pretenses or even traveling throughout our country. Under this scenario, the Department of Justice would be prevented under current law from prosecuting that person for genocide in this country. The Genocide Accountability Act closes this loophole. When implemented, it will allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the United States.

Under the scenario I just described, the Department of Justice would be able to prosecute people who are found to be in America and have perpetrated the worst kind of crime against humanity. Giving our law enforcement this type of tool is absolutely necessary in order to make it clear to the world that America will not tolerate genocide or the perpetrators of genocide, and that we will do all we can to hold those accountable who perform these heinous acts.

As Elie Wiesel stated, “Once you bring life into the world, you must protect it. We must protect it by changing the world.”

Mr. Speaker, the Genocide Accountability Act changes the world today in a very small but a profound way, in my judgment. It strengthens the hand of the most powerful free Nation on Earth in fighting and prosecuting those who would commit the crimes of genocide. It is important and necessary, and I encourage my colleagues in the House to support this legislation today so it can be sent to the President for signature.

I want to commend the chairman of the committee, the ranking member and again the gentleman from California (Mr. BERMAN) for his extraordinary leadership on this important and historic measure.

Mr. Speaker, I would like to engage in a colloquy on an issue affecting this legislation with the gentleman from California, Mr. BERMAN.

Our legislation, H.R. 2489, and S. 888 are identical bills, as you know. But during the Crime Subcommittee hearing on H.R. 2489, a witness from the Department of Justice theorized that the changes proposed by this bill might constitute a violation of the ex post facto clauses of article I of the Constitution in some cases. Let me ask you, if this legislation becomes law, Mr. BERMAN, would we be able to use it to prosecute a non-U.S. national taking part in the genocide in Darfur today?

I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for his question and yielding to me and appreciate his comments and partnership on this bill.

In response, I would say that the genocide in Darfur is an ongoing crime. The House recognized it as such over 2 years ago, and there is no question that this crime continues today. We believe that *ex post facto* clearly would not apply in this situation.

Mr. PENCE. I thank the gentleman for clarifying that.

Lastly, going back to that specific hypothesis from the witness from the Department of Justice, if this new law were used to prosecute a perpetrator of a past genocide, the assertion was it may constitute an *ex post facto* violation of the Constitution. Do you agree with that hypothesis?

Mr. BERMAN. The gentleman raises an important issue, and I do not agree with that hypothesis. I think the witness from the Department of Justice was offering a spontaneous and personal opinion, which he was careful to label as such, and not an official interpretation by the Department.

When we crafted this bill, we were careful to write it as narrowly and precisely as possible. We were and remain interested only in changing the circumstances under which certain parties may be charged under the genocide statute. Our intent is to make a procedural alteration to the current law and leave everything else in the statute untouched.

In determining whether or not a law presents a violation of the *ex post facto* clauses of the Constitution, courts have generally considered whether the new law: one, places the defendant at a substantial disadvantage compared to the law as it stood when he committed the crime of which he has been convicted; secondly, changes the definition of the crime; or three, increases the maximum penalty for it. The Genocide Accountability Act doesn’t alter in any way either the elements or the punishment for the crime of genocide.

The underlying notion here is that the defendant should be on notice that his actions constituted a crime. I think it would be very difficult for anyone to argue that the world is not on notice that we consider and have considered for many years genocide a crime. The United States has recognized genocide as a crime for nearly 60 years as a signatory of the Genocide Convention.

Neither do we make any change that would deprive one charged with the crime of any defense that is now available under the law. It is important to add that the Supreme Court has found a key exception to the *ex post facto* rule where changes to a law are procedural in nature.

□ 1545

In numerous decisions, the court has held that where a law involves changes in the procedures by which a criminal case is adjudicated as opposed to changes in the substantive laws of crimes, and I quote that phrase directly, that does not deprive a defendant of substantial legal protections, then it is constitutional.

It is our conclusion that this bill falls within that exception and makes only procedural changes to the law. So it was our intent that this law be used to prosecute perpetrators of genocide who are on notice that their acts constitute a crime wherever it was committed.

Mr. PENCE. I thank the gentleman for his response. I thank him again for his leadership on this issue, to the ranking member Mr. FORBES for his leadership and courtesy today, and to the chairman and ranking member of the full committee. It is important legislation, and I urge all of my colleagues to join us in a strong bipartisan vote against genocide, in favor of the Genocide Accountability Act. It is time we gave the force of American law here at home behind our commitment to end genocide in the world.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize a distinguished member of Judiciary, STEVE COHEN of Tennessee, for such time as he may consume.

Mr. COHEN. Thank you, Mr. Chairman, and Mr. BERMAN for bringing this legislation.

It is obvious we need such a bill, for America should never be a haven for people who commit crimes against mankind. And that is what genocide is, a crime against mankind. It is ironic that God's rightest creature, human beings, are the only species that God created that commits genocide. Animals attack each other out of need for food or for other reasons, but not to destroy and kill an entire other group of animals. Only man, with his ability to think, can create the most unhuman-like crime against mankind, which is the attempt to kill others because of ethnic differences. That is an irony and a shame. And the fact is that we should never be a country that does anything but try to make this world a better place. People should not find America a harbor when they escape from the area, whether it be Darfur or Rwanda or any other place where genocide has been committed.

As a Jewish person, I have known about genocide because we know about the Holocaust and Jewish people have had relatives and possible would-be relatives if our ancestors had not emigrated to this country who would have been victims of this Holocaust or who were. So many of us have been to the Holocaust Museum or Yad Vashem in Jerusalem, or other places or concentration camps and learned.

I would submit that this bill, as the previous bill about nooses, should make a strong statement from this Congress, Mr. Speaker, but to the American people and the educators of this country that what we need in this country is more education about tolerance, more education about the horrors that we have had in the past in history. Because if you don't learn from history, you will repeat it again. And here we are, almost 2008, talking about genocide and nooses and oppressive

tactics used by groups to intimidate religious and ethnic minorities and people of different backgrounds.

I commend the authors for bringing the bill, and it is a bipartisan bill and that is what we need, but there are so many other aspects that we need to look into.

Elie Wiesel, who was cited just recently by a Member on the other side, said that people who hate, hate everyone. People who hate Jews hate blacks, hate Hispanics, hate gays.

We have had hate crimes come up in this Congress that have passed and hopefully we will have a hate crime that passes, because hate in any form, whether it is racial, religious, or sexual orientation is just that, it is hate, and it is un-American and it is something unfortunately unique to humankind that should be stamped out and abolished in this country, and this Congress should not allow it, countenance it, or in any way condone it.

And so I thank the chairman and Mr. BERMAN for their leadership and the other people who have worked on this bill, Mr. FORBES and others, and we should work together in a bipartisan fashion to make this country what it is supposed to be, and that is an area where we can work together and hopefully one day have the Age of Aquarius and a place where we don't have these problems that we have had in the past.

Mr. FORBES. Mr. Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Michigan, Congressman EHLERS.

Mr. EHLERS. I thank the gentleman for yielding. I feel very strongly about this issue, and I want to echo the words of the previous speaker, the gentleman from Tennessee who, of course, because of his background, has a deep historical interest and feeling about genocide.

I have been appalled at the lack of advancement of the nations in dealing with genocide, particularly the current genocide in Darfur. There is no reason in the world that our Nation, coupled with the other nations, could not have stopped this earlier. And because of the niceties of diplomatic relations worldwide, we have not done so. I believe that is a mistake, and I feel very strongly about this. Genocide should not occur. As the gentleman before me commented, that we are the only creatures who deliberately kill large numbers of our own kind. And it is not new. It started with Cain and Abel, the killing of a brother.

We must pursue genocide worldwide. We must insist that it not take place. And we must punish those who commit genocide. There is no reason on God's good Earth that we should permit genocide. And we, along with the other nations, have the power to stop it and we should do so.

So I rise with great gratitude to the sponsors of this bill and those presenting this bill on the floor. This is one small step forward in what we really have to do, and that is to totally and completely outlaw genocide worldwide

and act expeditiously to stop it wherever it occurs.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from Indiana said, this is a small step but a very profound step. You have heard the voices all in almost unanimous agreement supporting this bill. I hope that would be the pleasure of the House.

I would like to yield the balance of my time to the chairman of the committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman, Mr. Speaker.

I want to close by observing that the Judiciary Committee has handled four measures on the floor this afternoon, and I have enjoyed the full, unstinting cooperation of the gentleman from Virginia (Mr. FORBES). I want to thank him very much for it. And I appreciate the kinds of issues that we have handled here on this day in the House of Representatives. They are issues of local and global import that I think reflect in a very complimentary sense upon the things that can be accomplished in the Congress when we put our best efforts and bring our most cooperative spirits to the table. And so I thank all of the speakers on both sides of the aisle.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of S. 888, the Genocide Accountability Act of 2007, introduced by Senator DURBIN. I would like to thank my colleague Representative BERMAN for introducing this resolution in the House, where I am proud to join over 10 of my colleagues as a cosponsor of this important legislation. May I also take this opportunity to thank Chairman CONYERS for his leadership in guiding this legislation through the Judiciary Committee.

Mr. Speaker, it is a tragedy that the 20th century, which excelled in technological innovation and great accomplishments in arts and letters, could also be remembered for events symbolizing man's inhumanity to man. Genocide in Rwanda, the former Yugoslavia, Cambodia, Germany, and the Ottoman Empire, to cite a few examples, showed us the monstrous potential of totalitarian regimes determined to annihilate entire ethnic, racial and religious groups.

Sadly, though the 20th century has been called "the Age of Genocide" by at least one prominent scholar, the crime has already been seen in the new 21st century, with the deplorable situation in Darfur. Over the recent August recess, I led a congressional delegation to Darfur, where, together with two of my colleagues, I had the tragic opportunity to see the plight of the people of Darfur, victims of the systematic annihilation attempt supported by the Government of Sudan.

Not since the Rwandan genocide of 1994 has the world seen such a systematic campaign of displacement, starvation, rape, mass murder, and terror as we are witnessing in Darfur for the last 3 years. At least 400,000 people have been killed in Darfur; more than 2 million innocent civilians have been forced to flee their homes and now live in displaced-persons camps in Sudan or in refugee camps in neighboring Chad; and more than 3.5 million

men, women, and children are completely reliant on international aid for survival. Unless the world stirs from its slumber and takes concerted and decisive action to relieve this suffering, the ongoing genocide in Darfur will stand as one of the blackest marks on human-kind for centuries to come.

In 1948, the United Nations General Assembly adopted the "Convention on the Prevention and Punishment of the Crime of Genocide." As its title suggests, the treaty imposes two core obligations on participating states: first, state parties undertake to prevent genocide; and second, they commit to punish genocide as well as several related acts, such as attempting to commit genocide. The Genocide Convention establishes our core obligations in combating the genocide phenomenon—preventing and punishing Genocide. The document gives the U.N. a broad license to deal with genocide. In addition, individual states are expected to do all they can to prevent genocide. It also gives responsibility to state parties to prosecute the perpetrators of genocide.

In 1987, Congress enacted legislation to bring U.S. law into conformity with the Genocide Convention. The "Proxmire Act" (The Genocide Convention Implementation Act of 1987) is the key U.S. law implementing the Genocide Convention. When read together with other provisions of the federal criminal code concerning conspiracy and complicity, the Proxmire Act addresses the explicit obligation set forth in Article VI of the Genocide Convention concerning prosecution of genocide and related criminal acts in courts of the State where genocide occurs. In addition, the Proxmire Act makes it a federal crime for a U.S. national to commit genocide anywhere.

The proliferation of civil wars accompanied by ethnic cleansing and outright genocide which characterized the end of the 20th century, from Bosnia and Herzegovina to the civil wars in Somalia and Liberia, produced a number of perpetrators of genocidal acts who later ended up on American shores. This revealed a shortcoming in our current laws, under which the United States cannot indict someone for genocide committed outside the United States, even when the victim is an American citizen, unless the perpetrator is a U.S. national.

In contrast, laws on torture, material support for terrorism, terrorism financing, hostage taking, and many other federal crimes allow for extraterritorial jurisdiction for crimes committed outside the United States by non U.S. nationals. In light of this legal gap in our obligations to prosecute perpetrators of genocide, I commend my colleagues Mr. BERMAN and Mr. PENCE for introducing the Genocide Accountability Act., H.R. 2489 in May of 2007.

Mr. Speaker, this legislation would close a legal loophole that prevents the U.S. Justice Department from prosecuting people in our country who have committed genocide. The bill specifically amends Title 18 to establish federal criminal jurisdiction over the crime of genocide wherever the crime is committed. This jurisdiction should be exercised when the alleged offender is present in the United States and he or she will not be vigorously and fairly prosecuted by another court with appropriate jurisdiction.

Many countries have adopted or enforced legislation establishing jurisdiction over certain international crimes, including genocide, wher-

ever committed if the alleged perpetrator is in their territory and any additional requirements are satisfied. This legislation will be a further step toward bring the United States into line with its international obligations, and toward ensuring that no perpetrator of genocide living on U.S. soil can go unpunished.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. CONYERS. 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 Senate bill, S. 888.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 3690

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 "U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007".

SEC. 2. TRANSFER OF PERSONNEL.

(a) TRANSFERS.—

(1) LIBRARY OF CONGRESS POLICE EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

(2) LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

(b) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

(1) DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—

(A) ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee's transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on or before the date such employee becomes 60 years of age.

(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

(B) SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee's transfer date.

(C) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

(D) DEADLINE FOR DETERMINATIONS.—The Chief of the Capitol Police shall complete the determinations required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

(2) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

(B) the date on which the individual—

(i) is 57 years of age or older; and
(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

(3) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

(A) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

(B) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

(i) shall be treated and computed as employee service under subsection 8339 or 8415; but

(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(c) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

(1) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the