

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, April 25, 2013, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled "Whistleblowers and Job Safety: Are Protections Adequate to Build a Safer Workplace?"

For further information regarding this meeting, please contact Larry Smar of the committee staff on (202) 224-9243.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Thursday, April 25, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to markup the nomination of Thomas E. Perez, to be Secretary of Labor.

For further information regarding this meeting, please contact the Committee at (202) 224-5375.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 22, 2013, at 10 a.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing entitled "The Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744."

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

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that Anna Henderson, a fellow on my staff, have privileges on the floor during today's session.

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

STANDING WITH THE PEOPLE OF  
KENYA

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 42, S. Res. 90.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 90) standing with the people of Kenya following their national and local elections on March 4, 2013, and urging a peaceful and credible resolution of electoral disputes in the courts.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Com-

mittee on Foreign Relations with an amendment and an amendment to the preamble and an amendment to the title.

(Strike all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

S. RES. 90

Whereas the Governments of the United States and Kenya have long shared a strong bilateral partnership, and Kenya plays a critically important role as a cornerstone of stability in East Africa and as a valued ally of the United States;

Whereas Kenya's disputed 2007 presidential election threatened the country's stability and its democratic trajectory, triggering an explosion of violence that resulted in the deaths of some 1,140 civilians and displaced nearly 600,000, some of whom have still not returned home;

Whereas a mediation effort by former United Nations Secretary-General Kofi Annan and an African Union Panel of Eminent African Personalities, supported by the United States, led to the signing of the National Accord on February 28, 2008, which led to a series of constitutional, electoral, and institutional reforms to address underlying causes of the crisis;

Whereas, as part of that reform process, the citizens of Kenya participated in a national referendum in August 2010, approving a new constitution that mandated significant institutional and structural changes to the government;

Whereas those constitutional changes have led to important reforms in the judicial sector and the electoral system in Kenya that aim to build greater public confidence in government institutions, and which demonstrate meaningful progress;

Whereas Kenya's Independent Commission of Inquiry into the Post-Election Violence (the "Waki Commission") concluded from its investigation in 2008 that there had been "no serious effort by any government" to punish perpetrators of previous incidents of ethnic and political violence, leading to a culture of impunity that contributed to the crisis that followed the 2007 elections, and, since then, despite laudable judicial reforms, few perpetrators or organizers of that violence have been held accountable for their crimes in Kenyan courts;

Whereas, based on the findings of the Waki Commission, mediator Kofi Annan submitted a list of key suspects to the Office of the Prosecutor of the International Criminal Court (ICC) in 2009, and several have been subsequently charged at the ICC with crimes against humanity;

Whereas the Department of State's 2011 Human Rights Report on Kenya notes, "Widespread impunity at all levels of government continued to be a serious problem. The government took only limited action against security forces suspected of unlawful killings, and impunity in cases of corruption was common. Although the government took action in some cases to prosecute officials who committed abuses, impunity . . . was pervasive";

Whereas President Barack Obama's Strategy on Sub-Saharan Africa, released in June 2012, states that the United States will not stand by while actors ". . . manipulate the fairness and integrity of democratic processes, and we will stand in steady partnership with those who are committed to the principles of equality, justice and the rule of law";

Whereas, in a February 2013 message to the people of Kenya, President Obama highlighted the power Kenyan communities have to reject intimidation and violence surrounding the upcoming election, resolve disputes in the courts as opposed to the streets, and "move forward towards prosperity and opportunity that unleashes the extraordinary talents of your people";

Whereas, five years after Kenya's post-election crisis, the country held its first general

elections under the new constitution on March 4, 2013, which were largely peaceful;

Whereas Kenya's presidential candidates and their political parties committed themselves to a peaceful electoral process, and to resolving any resulting disputes through the judicial process;

Whereas the Kenyan Supreme Court ruled on March 30, 2013, that Uhuru Kenyatta was validly elected, and his opponents pledged to respect and honor the decision of the Court;

Whereas the White House issued a statement on March 30, 2013, stating, "The electoral process and the peaceful adjudication of disputes in the Kenyan legal system are testaments to the progress Kenya has made in strengthening its democratic institutions, and the desire of the Kenyan people to move their country forward. Now is the time for Kenyans to come together to fully implement the political, institutional, and accountability reforms envisioned in the Kenyan constitution. . . . We welcome and wish to underscore the importance of Kenya's commitment to uphold its international obligations, including those with respect to international justice."; and

Whereas in his inauguration speech on April 9, 2013, President Kenyatta said, "I will lead all Kenyans – those who voted for me – and those who voted for our competitors – towards a national prosperity that is firmly rooted in a rich and abiding peace in which unity can ultimately be realized. . . . Indeed, national unity will only be possible if we deal decisively with some of the issues that continue to hinder our progress. Achieving peace and strengthening unity will be the goal of my Government. This work begins now. We welcome all Kenyans to hold us to account."; Now, therefore, be it

Resolved,

That the Senate—

(1) congratulates the people of Kenya on their commitment to peaceful elections, as demonstrated on March 4, 2013;

(2) calls on Kenyans to come together to fully implement political, institutional, and accountability reforms envisioned in the Kenyan constitution;

(3) calls on the people of Kenya to continue their efforts to end intimidation, impunity, and violence;

(4) notes that many of the underlying grievances that have underpinned ethnic divisions and fueled the 2007-2008 violence remain largely unaddressed;

(5) affirms that accountability for the 2007-2008 post-election violence is a critical element to ensure Kenya's democracy, peace, and long-term stability;

(6) calls on the Government of Kenya to respect commitments to seek justice for the victims of political violence, including by honoring its obligations under the Rome Statute to cooperate fully with the International Criminal Court with regard to the three cases that remain before the Court slated to go to trial in 2013;

(7) calls on the Government of Kenya to ensure the International Criminal Court witnesses are fully protected and not subject to interference but afforded the protections they deserve to ensure justice is served;

(8) recognizes that, while the Government of Kenya has made important progress since the 2007 election, aspects of the Kenyan reform agenda specified in the National Accord and 2010 constitution remain unfinished, particularly with regard to police reform, devolution, land reform, and security;

(9) encourages the people and Government of Kenya to support ongoing implementation of constitutional reforms, rule of law, the establishment of county level government and efforts to strengthen governance, security, and judicial institutions that respect the dignity and rights of all the people of Kenya and ensure protection for judges;

(10) supports the devolution process in order to enable constitutional reform to be fully implemented;

(11) encourages the Government of Kenya to respect and protect the freedom of civil society organizations and activists which have historically led the process of political reform in Kenya;

(12) expresses hope that newly elected members of government will herald a new generation of responsible leadership in Kenya; and

(13) reaffirms that the people of the United States will continue to stand with the people of Kenya in support of democracy, partnership, and peace.

Mr. WYDEN. Mr. President, I further ask that the committee-reported amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the committee-reported title amendment be agreed to; and the motions to reconsider be made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment to the resolution was agreed to.

The resolution (S. Res. 90), as amended, was agreed to.

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

#### S. RES. 90

Whereas the Governments of the United States and Kenya have long shared a strong bilateral partnership, and Kenya plays a critically important role as a cornerstone of stability in East Africa and as a valued ally of the United States;

Whereas Kenya's disputed 2007 presidential election threatened the country's stability and its democratic trajectory, triggering an explosion of violence that resulted in the deaths of some 1,140 civilians and displaced nearly 600,000, some of whom have still not returned home;

Whereas a mediation effort by former United Nations Secretary-General Kofi Annan and an African Union Panel of Eminent African Personalities, supported by the United States, led to the signing of the National Accord on February 28, 2008, which led to a series of constitutional, electoral, and institutional reforms to address underlying causes of the crisis;

Whereas as part of that reform process, the citizens of Kenya participated in a national referendum in August 2010, approving a new constitution that mandated significant institutional and structural changes to the government;

Whereas those constitutional changes have led to important reforms in the judicial sector and the electoral system in Kenya that aim to build greater public confidence in government institutions, and which demonstrate meaningful progress;

Whereas Kenya's Independent Commission of Inquiry into the Post-Election Violence (the "Waki Commission") concluded from its investigation in 2008 that there had been "no serious effort by any government" to punish perpetrators of previous incidents of ethnic and political violence, leading to a culture of impunity that contributed to the crisis that followed the 2007 elections, and, since then, despite laudable judicial reforms, few per-

petrators or organizers of that violence have been held accountable for their crimes in Kenyan courts;

Whereas based on the findings of the Waki Commission, mediator Kofi Annan submitted a list of key suspects to the Office of the Prosecutor of the International Criminal Court (ICC) in 2009, and several have been subsequently charged at the ICC with crimes against humanity;

Whereas the Department of State's 2011 Human Rights Report on Kenya notes, "Widespread impunity at all levels of government continued to be a serious problem. The government took only limited action against security forces suspected of unlawful killings, and impunity in cases of corruption was common. Although the government took action in some cases to prosecute officials who committed abuses, impunity . . . was pervasive";

Whereas President Barack Obama's Strategy on Sub-Saharan Africa, released in June 2012, states that the United States will not stand by while actors ". . . manipulate the fairness and integrity of democratic processes, and we will stand in steady partnership with those who are committed to the principles of equality, justice and the rule of law";

Whereas, in a February 2013 message to the people of Kenya, President Obama highlighted the power Kenyan communities have to reject intimidation and violence surrounding the upcoming election, resolve disputes in the courts as opposed to the streets, and "move forward towards prosperity and opportunity that unleashes the extraordinary talents of your people";

Whereas five years after Kenya's post-election crisis, the country held its first general elections under the new constitution on March 4, 2013, which were largely peaceful;

Whereas Kenya's presidential candidates and their political parties committed themselves to a peaceful electoral process, and to resolving any resulting disputes through the judicial process;

Whereas the Kenyan Supreme Court ruled on March 30, 2013, that Uhuru Kenyatta was validly elected, and his opponents pledged to respect and honor the decision of the Court;

Whereas the White House issued a statement on March 30, 2013, stating, "The electoral process and the peaceful adjudication of disputes in the Kenyan legal system are testaments to the progress Kenya has made in strengthening its democratic institutions, and the desire of the Kenyan people to move their country forward. Now is the time for Kenyans to come together to fully implement the political, institutional, and accountability reforms envisioned in the Kenyan constitution. . . . We welcome and wish to underscore the importance of Kenya's commitment to uphold its international obligations, including those with respect to international justice."; and

Whereas in his inauguration speech on April 9, 2013, President Kenyatta said, "I will lead all Kenyans – those who voted for me – and those who voted for our competitors – towards a national prosperity that is firmly rooted in a rich and abiding peace in which unity can ultimately be realized. . . . Indeed, national unity will only be possible if we deal decisively with some of the issues that continue to hinder our progress. Achieving peace and strengthening unity will be the goal of my Government. This work begins now. We welcome all Kenyans to hold us to account."; Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the people of Kenya on their commitment to peaceful elections, as demonstrated on March 4, 2013;

(2) calls on Kenyans to come together to fully implement political, institutional, and

accountability reforms envisioned in the Kenyan constitution;

(3) calls on the people of Kenya to continue their efforts to end intimidation, impunity, and violence;

(4) notes that many of the underlying grievances that have underpinned ethnic divisions and fueled the 2007–2008 violence remain largely unaddressed;

(5) affirms that accountability for the 2007–2008 post-election violence is a critical element to ensure Kenya's democracy, peace, and long-term stability;

(6) calls on the Government of Kenya to respect commitments to seek justice for the victims of political violence, including by honoring its obligations under the Rome Statute to cooperate fully with the International Criminal Court with regard to the three cases that remain before the Court slated to go to trial in 2013;

(7) calls on the Government of Kenya to ensure the International Criminal Court witnesses are fully protected and not subject to interference but afforded the protections they deserve to ensure justice is served;

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(9) encourages the people and Government of Kenya to support ongoing implementation of constitutional reforms, rule of law, the establishment of county level government and efforts to strengthen governance, security, and judicial institutions that respect the dignity and rights of all the people of Kenya and ensure protection for judges;

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(11) encourages the Government of Kenya to respect and protect the freedom of civil society organizations and activists which have historically led the process of political reform in Kenya;

(12) expresses hope that newly elected members of government will herald a new generation of responsible leadership in Kenya; and

(13) reaffirms that the people of the United States will continue to stand with the people of Kenya in support of democracy, partnership, and peace.

Attest:

The committee-reported title amendment was agreed to, as follows:

Amend the title so as to read: "A resolution congratulating the people of Kenya on their commitment to peaceful elections, as demonstrated on March 4, 2013, and calling on Kenyans to come together to continue to implement political, institutional, and accountability reforms envisioned in the Kenyan constitution.".

#### DISCHARGE AND REFERRAL—S. 437

Mr. WYDEN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 437, and the bill be referred to the Committee on Banking.

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