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Public Law 111–122
111th Congress

An Act

Dec. 22, 2009
[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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Human Rights Enforcement Act of 2009.
28 USC 1 note.

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(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.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

Deadline.
Establishment.

"(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.

Consultation.

"(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. Penalty.

"(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. 8 USC 1182 note.

(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".

Approved December 22, 2009.

LEGISLATIVE HISTORY—S. 1472:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 21, considered and passed Senate.
Dec. 15, considered and passed House.