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115TH CONGRESS
1ST SESSION**H. R. 390**

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2017

Received; read twice and referred to the Committee on Foreign Relations

SEPTEMBER 19, 2017

Reported by Mr. CORKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**AN ACT**

To provide emergency relief for victims of genocide, crimes against humanity, and war crimes in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Iraq and Syria Geno-
5 cide Emergency Relief and Accountability Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Religious and ethnic minorities in Iraq and
2 Syria are persecuted groups, and the Secretary of
3 State of State declared on March 17, 2016, that
4 Daesh, also known as the Islamic State of Iraq and
5 Syria (ISIS), was responsible for genocide, crimes
6 against humanity, and other atrocity crimes against
7 several of these groups, including Christians and
8 Yezidis.

9 (2) According to the Department of State's an-
10 nual reports on international religious freedom, the
11 number of Christians living in Iraq has dropped
12 from an estimated 800,000 to 1.4 million in 2002 to
13 fewer than 250,000 in 2015, and the number of
14 Yezidis living in Iraq has dropped from 500,000 in
15 2013 to 350,000 to 400,000 in 2015.

16 (3) The annual reports on international reli-
17 gious freedom further suggest that Christian com-
18 munities living in Syria, which had accounted for be-
19 tween 8 and 10 percent of Syria's total population
20 in 2010, are now "considerably" smaller as a result
21 of the civil war, and that the population of approxi-
22 mately 80,000 Yezidis in 2010 may now be larger
23 because of refugees from Iraq.

24 (4) Local communities and entities have sought
25 to mitigate the impact of violence directed against

1 religious and ethnic minorities in Iraq and Syria, in-
2 cluding the Chaldean Catholic Archdiocese of Erbil
3 (Kurdistan Region of Iraq), which has used private
4 funds to provide assistance to internally displaced
5 Christians, Yazidis, and Muslims throughout the
6 greater Erbil region, while growing needs and dimin-
7 ishing resources have made it increasingly difficult
8 to continue these efforts.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
12 **TEES.**—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs, the
15 Committee on the Judiciary, the Committee on
16 Homeland Security, and the Permanent Select
17 Committee on Intelligence of the House of Rep-
18 resentatives; and

19 (B) the Committee on Foreign Relations,
20 the Committee on the Judiciary, the Committee
21 on Homeland Security and Governmental Af-
22 fairs, and the Select Committee on Intelligence
23 of the Senate.

24 (2) **FOREIGN TERRORIST ORGANIZATION.**—The
25 term “foreign terrorist organization” mean an orga-

1 nization designated by the Secretary of State as a
2 foreign terrorist organization pursuant to section
3 219(a) of the Immigration and Nationality Act (8
4 U.S.C. 1189(a)).

5 (3) HUMANITARIAN, STABILIZATION, AND RE-
6 COVERY NEEDS.—The term “humanitarian, sta-
7 bilization, and recovery needs”, with respect to an
8 individual, includes water, sanitation, hygiene, food
9 security and nutrition, shelter and housing, recon-
10 struction, medical, education, and psychosocial
11 needs.

12 (4) HYBRID COURT.—The term “hybrid court”
13 means a court with a combination of domestic and
14 international lawyers, judges, and personnel.

15 (5) INTERNATIONALIZED DOMESTIC COURT.—
16 The term “internationalized domestic court” means
17 a domestic court with the support of international
18 advisers.

19 **SEC. 4. STATEMENT OF POLICY.**

20 It is the policy of the United States to ensure that
21 assistance for humanitarian, stabilization, and recovery
22 needs of individuals who are or were nationals and resi-
23 dents of Iraq or Syria, and of communities from those
24 countries, is directed toward those individuals and commu-
25 nities with the greatest need, including those individuals

1 from communities of religious and ethnic minorities, and
2 communities of religious and ethnic minorities, that have
3 been identified as being at risk of persecution, forced mi-
4 gration, acts of genocide, crimes against humanity, or war
5 crimes.

6 **SEC. 5. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ**
7 **AND SYRIA FOR ACTS OF GENOCIDE, CRIMES**
8 **AGAINST HUMANITY, AND WAR CRIMES.**

9 (a) ASSISTANCE.—The Secretary of State and the
10 Administrator of the United States Agency for Inter-
11 national Development are authorized to provide assist-
12 ance, including financial and technical assistance, as nec-
13 essary and appropriate to support the efforts of entities,
14 including nongovernmental organizations with expertise in
15 international criminal investigations and law, to undertake
16 the following activities to address crimes of genocide,
17 crimes against humanity, or war crimes, and their con-
18 stituent crimes, in Iraq since January 2014:

19 (1) The conduct of criminal investigations:

20 (2) The development of indigenous investigative
21 and judicial skills, including by partnering, directly
22 mentoring, and providing equipment and infrastruc-
23 ture where necessary, for the purpose of effectively
24 adjudicating cases consistent with due process and
25 respect for the rule of law.

1 (3) The collection and preservation of evidence
2 and the chain of evidence, including for use in pros-
3 ecutions in domestic courts, hybrid courts, and inter-
4 nationalized domestic courts, consistent with the ac-
5 tivities described in subsection (b).

6 (b) ACTIONS BY FOREIGN GOVERNMENTS.—The Sec-
7 retary of State, in consultation with the Attorney General,
8 the Secretary of Homeland Security, the Director of Na-
9 tional Intelligence, and the Director of the Federal Bureau
10 of Investigation, shall encourage governments of foreign
11 countries—

12 (1) to include in appropriate security databases
13 and security screening procedures of such countries
14 information to identify individuals who are suspected
15 to have committed crimes of genocide, crimes
16 against humanity, or war crimes, and their con-
17 stituent crimes, in Iraq or Syria, including individ-
18 uals who are suspected to be members of foreign ter-
19 rorist organizations operating in Iraq or Syria; and

20 (2) to prosecute such individuals for acts of
21 genocide, crimes against humanity, or war crimes, as
22 appropriate.

23 (c) CONSULTATION.—In carrying out subsection (a),
24 the Secretary of State shall consult with and consider

1 credible information from entities described in such sub-
2 section.

3 **SEC. 6. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS**
4 **HUMANITARIAN, STABILIZATION, AND RE-**
5 **COVERY NEEDS OF CERTAIN PERSONS IN**
6 **IRAQ AND SYRIA.**

7 (a) IDENTIFICATION.—The Secretary of State, in
8 consultation with the Secretary of Defense, the Adminis-
9 trator of the United States Agency for International De-
10 velopment, and Director of National Intelligence, shall
11 seek to identify the following:

12 (1) The threats of persecution and other early-
13 warning indicators of genocide, crimes against hu-
14 manity, and war crimes against individuals—

15 (A) who are or were nationals and resi-
16 dents of Iraq or Syria, are members of religious
17 or ethnic minority groups in such countries,
18 and with respect to which the Secretary of
19 State has determined ISIS has committed acts
20 of genocide, crimes against humanity, or war
21 crimes since January 2014; or

22 (B) who are members of other religious or
23 ethnic minority groups in Iraq or Syria and are
24 identified by the Secretary of State as per-
25 secuted groups.

1 (2) The religious and ethnic minority groups in
2 Iraq or Syria identified pursuant to paragraph (1)
3 that are at risk of forced migration, within or across
4 the borders of Iraq, Syria, or a country of first asy-
5 lum, and the primary reasons for such risk.

6 (3) The humanitarian, stabilization, and recov-
7 ery needs of individuals described in paragraphs (1)
8 and (2), including the assistance provided by the
9 United States and by the United Nations, respec-
10 tively, to address the humanitarian, stabilization,
11 and recovery needs, and mitigate the risks of forced
12 migration, of individuals described in paragraphs (1)
13 and (2) and assistance provided through the Fund-
14 ing Facility for Immediate Stabilization and Fund-
15 ing Facility for Expanded Stabilization.

16 (4) To the extent practicable and appropriate,
17 the entities, including faith-based entities, that are
18 providing assistance to address the humanitarian,
19 stabilization, and recovery needs of individuals de-
20 scribed in paragraphs (1) and (2) and the extent to
21 which the United States is providing assistance to or
22 through such entities.

23 (b) ADDITIONAL CONSULTATION.—In carrying out
24 subsection (a), the Secretary of State shall consult with,
25 and consider credible information from, individuals de-

1 scribed in paragraphs (1) and (2) of such subsection and
2 entities described in paragraph (4) of such subsection.

3 (c) ASSISTANCE.—The Secretary of State and the
4 Administrator of the United States Agency for Inter-
5 national Development are authorized to provide assist-
6 ance, including financial and technical assistance as nec-
7 essary and appropriate, to support entities described in
8 subsection (a)(4) that the Secretary and Administrator de-
9 termine have access, and are capable of effectively man-
10 aging and delivering such assistance, to the individuals de-
11 scribed in paragraphs (1) and (2) of such subsection.

12 **SEC. 7. REPORTS.**

13 (a) IMPLEMENTATION REPORT.—Not later than 90
14 days after the date of the enactment of this Act, the Sec-
15 retary of State shall submit to the appropriate congres-
16 sional committees a report on the following:

17 (1) A detailed description of the efforts taken,
18 and efforts proposed to be taken, to implement the
19 provisions of this Act.

20 (2) An assessment of the feasibility and advis-
21 ability of prosecuting individuals for whom credible
22 evidence exists of having committed acts of genocide,
23 crimes against humanity, or war crimes in Iraq since
24 January 2014 or Syria since March 2011 in domes-
25 tic courts in Iraq, hybrid courts, and international-

1 ized domestic courts, and of the measures needed to
 2 ensure effective criminal investigations of such indi-
 3 viduals, and to effectively collect and preserve evi-
 4 dence, and preserve the chain of evidence, for pros-
 5 ecution.

6 (3) Recommendations for legislative remedies
 7 and administrative actions to facilitate implementa-
 8 tion of this Act.

9 (b) FORM.—The report required under this section
 10 shall be submitted in unclassified form, but may contain
 11 a classified annex if necessary.

12 **SEC. 8. PROHIBITION ON ADDITIONAL FUNDING.**

13 No additional funds are authorized to be appro-
 14 priated to carry out this Act. This Act shall be carried
 15 out using amounts otherwise authorized.

16 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

17 (a) *SHORT TITLE.*—This Act may be cited as the “Iraq
 18 and Syria Genocide Emergency Relief and Accountability
 19 Act of 2017”.

20 (b) *TABLE OF CONTENTS.*—The table of contents for
 21 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; sense of Congress.

*Sec. 3. Sense of Congress on the urgent need for a political solution to the crisis
 in Syria.*

Sec. 4. Definitions.

Sec. 5. Statement of policy.

*Sec. 6. Actions to promote accountability in Iraq and Syria for acts of genocide,
 crimes against humanity, and war crimes.*

Sec. 7. Identification of and assistance to address humanitarian, stabilization, and recovery needs of certain persons in Iraq and Syria.

Sec. 8. Reports.

Sec. 9. Technical assistance authorized.

Sec. 10. Department of State Rewards for Justice Program.

Sec. 11. Syria Study Group.

Sec. 12. Independent International Commission of Inquiry on the Syrian Arab Republic.

Sec. 13. Prohibition on additional funding.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) *FINDINGS.—Congress finds the following:*

3 (1) *Religious and ethnic minorities in Iraq and*
4 *Syria are persecuted groups. The Secretary of State*
5 *of State declared on March 17, 2016, and August 15,*
6 *2017, that the Islamic State of Iraq and Syria*
7 *(ISIS), is responsible for genocide, crimes against hu-*
8 *manity, and other atrocity crimes against several of*
9 *these groups, including Christians and Yezidis.*

10 (2) *The Independent International Commission*
11 *of Inquiry on the Syrian Arab Republic stated in its*
12 *February 3, 2016, report, “The Government has com-*
13 *mitted the crimes against humanity of extermination,*
14 *murder, rape or other forms of sexual violence, tor-*
15 *ture, imprisonment, enforced disappearance and other*
16 *inhuman acts. Based on the same conduct, war*
17 *crimes have also been committed. Both Jabhat Al-*
18 *Nusra and some anti-Government armed groups have*
19 *committed the war crimes of murder, cruel treatment,*
20 *and torture.”.*

1 (3) *The International Criminal Investigative*
2 *Training Assistance Program and the Office of Over-*
3 *seas Prosecutorial Development Assistance and Train-*
4 *ing of the Department of Justice have provided tech-*
5 *nical assistance to governmental judicial and law en-*
6 *forcement entities in Iraq, including with funding*
7 *support from the Department of State.*

8 (4) *According to the Department of State’s an-*
9 *nuual reports on international religious freedom—*

10 (A) *the number of Christians living in Iraq*
11 *has dropped from an estimated 800,000 to*
12 *1,400,000 in 2002 to fewer than 250,000 in*
13 *2016; and*

14 (B) *the number of Yezidis living in Iraq has*
15 *dropped from 500,000 in 2013 to between*
16 *350,000 and 400,000 in 2016.*

17 (5) *The annual reports on international religious*
18 *freedom also suggest that—*

19 (A) *Christian communities living in Syria,*
20 *which had accounted for between 8 and 10 per-*
21 *cent of Syria’s total population in 2010, are now*
22 *considerably smaller as a result of the civil war;*
23 *and*

1 (B) the population of approximately 80,000
2 Yezidis in 2010 may now be larger because of
3 refugees from Iraq.

4 (6) On December 21, 2016, the United Nations
5 General Assembly adopted a resolution to establish the
6 International, Impartial and Independent Mechanism
7 to Assist in the Investigation and Prosecution of
8 Those Responsible for the Most Serious Crimes under
9 International Law Committed in the Syrian Arab
10 Republic since March 2011.

11 (7) Local communities and entities have sought
12 to mitigate the impact of violence directed against re-
13 ligious and ethnic minorities in Iraq and Syria, in-
14 cluding the Chaldean Catholic Archdiocese of Erbil
15 (Kurdistan Region of Iraq), which has used private
16 funds to provide assistance to internally displaced
17 Christians, Yezidis, and Muslims throughout the
18 greater Erbil region, while growing needs and dimin-
19 ishing resources have made it increasingly difficult to
20 continue these efforts.

21 (b) SENSE OF CONGRESS.—Congress—

22 (1) strongly condemns—

23 (A) the ongoing violence, the use of chemical
24 weapons, targeting of civilian populations with
25 barrel, incendiary, and cluster bombs and SCUD

1 *missiles, and the systematic gross human rights*
2 *violations carried out by the Government of*
3 *Syria and pro-government forces under the di-*
4 *rection of President Bashar al-Assad; and*

5 *(B) all abuses committed by violent extrem-*
6 *ist groups and other combatants involved in the*
7 *civil war in Syria;*

8 *(2) expresses its support for the people of Syria*
9 *seeking democratic change;*

10 *(3) urges all parties to the conflict—*

11 *(A) to immediately halt indiscriminate at-*
12 *tacks on civilians;*

13 *(B) to allow for the delivery of humani-*
14 *tarian and medical assistance; and*

15 *(C) to end sieges of civilian populations;*

16 *(4) calls on the President to support efforts in*
17 *Syria, and on the part of the international commu-*
18 *nity, to ensure accountability for war crimes, crimes*
19 *against humanity, and genocide committed during*
20 *the conflict; and*

21 *(5) supports the request in United Nations Secu-*
22 *rity Council Resolutions 2139 (2014), 2165 (2014),*
23 *and 2191 (2014) for the Secretary-General to regu-*
24 *larly report to the Security Council on the implemen-*
25 *tation of the resolutions, including paragraph 2 of*

1 *Resolution 2139, which “demands that all parties im-*
2 *mediately put an end to all forms of violence [and]*
3 *cease and desist from all violations of international*
4 *humanitarian law and violations and abuses of*
5 *human rights”.*

6 **SEC. 3. SENSE OF CONGRESS ON THE URGENT NEED FOR A**
7 **POLITICAL SOLUTION TO THE CRISIS IN**
8 **SYRIA.**

9 *(a) FINDINGS.—Congress makes the following findings:*

10 *(1) The transnational Salafi-jihadi organiza-*
11 *tions Islamic State in Iraq and Syria (ISIS) and al*
12 *Qaeda are utilizing the conflict in Syria and the ac-*
13 *tions of the Assad regime to recruit and mobilize*
14 *fighter and popular support.*

15 *(2) The crisis in Syria has led to the creation of*
16 *terrorist safe havens controlled by ISIS and al Qaeda,*
17 *along with other extremist groups, which have become*
18 *bases from which to plan, direct, and inspire attacks*
19 *against the United States and its allies and partners.*

20 *(3) The spread of violence perpetuated by the*
21 *civil war in Syria and the flow of refugees is a threat*
22 *to the security of our allies in the Middle East and*
23 *Europe, placing immense domestic and humanitarian*
24 *burdens on Syria’s neighbors, most notably Lebanon,*
25 *Jordan, Turkey, and Iraq.*

1 (4) *The Syrian conflict has allowed Iran’s Is-*
2 *lamic Revolutionary Guard Corps and its proxies to*
3 *increase their influence in parts of Syria and poten-*
4 *tially threaten Israel’s borders.*

5 (5) *The United Nations Security Council resolu-*
6 *tions 2332 (2016), 2268 (2016), and 2139 (2014) call*
7 *for the implementation of a cessation of hostilities in*
8 *Syria and reaffirm the international community’s*
9 *support for the immediate, direct, and uninhibited*
10 *access of humanitarian workers throughout the Syr-*
11 *ian Arab Republic.*

12 (6) *The United Nations High Commissioner for*
13 *Refugees estimates that the Syrian conflict has cre-*
14 *ated over 5,000,000 refugees and 6,300,000 internally*
15 *displaced persons.*

16 (7) *Widespread and systematic attacks on civil-*
17 *ians, schools, hospitals, and other civilian infrastruc-*
18 *ture, in violation of international humanitarian law,*
19 *continue in Syria, in particular as result of the ac-*
20 *tions of the Assad regime and its Russian and Ira-*
21 *nian supporters.*

22 (8) *Amnesty International has documented evi-*
23 *dence of mass human rights abuses of detainees at the*
24 *Assad Regime’s Saydnaya Military Prison, including*
25 *the summary execution by hanging of an estimated*

1 5,000 to 13,000 detainees between September 2011
2 and December 2015.

3 (9) *The regime of Bashar al-Assad has repeat-*
4 *edly blocked civilian access to or diverted humani-*
5 *tarian assistance, including medical supplies, from*
6 *besieged and hard-to-reach areas, in violation of*
7 *United Nations Security Council resolutions.*

8 (10) *The Assad regime is subject to and in viola-*
9 *tion of both United Nations Security Council Resolu-*
10 *tion 2118 (2013) on the Framework for Elimination*
11 *of Syrian Chemical Weapons and United Nations Se-*
12 *curity Council Resolution 2209 (2015) Condemning*
13 *the Use of Chlorine Gas in Syria.*

14 (11) *The Governments of the Russian Federation*
15 *and Iran have supported the Assad regime, perpet-*
16 *uated the conflict, and deployed tactics and strategies*
17 *that have caused grave harm to civilians, including*
18 *their conduct in the siege of eastern Aleppo which*
19 *may constitute war crimes and crimes against hu-*
20 *manity.*

21 (12) *The United States Government has provided*
22 *nearly \$6,000,000,000 since 2011 in humanitarian*
23 *assistance to communities and people directly im-*
24 *pacted by the Syrian conflict, including \$364,000,000*

1 *that will be provided in fiscal year 2017 for refugees*
2 *and other people displaced by the Syrian conflict.*

3 *(13) The United States Armed Forces are lead-*
4 *ing the Global Coalition to Counter ISIS and are de-*
5 *ployed with Coalition allies within the territory of*
6 *Syria and are working by, with, and through local*
7 *Syrian partner forces to defeat ISIS and stabilize ter-*
8 *ritory taken from it.*

9 **(b) SENSE OF CONGRESS.**—*Congress—*

10 *(1) urges all parties to the conflict in Syria, par-*
11 *ticularly the Russian Federation, Iran, and Iranian-*
12 *backed militias, to immediately halt indiscriminate*
13 *attacks, the imposition of starvation sieges, and other*
14 *forms of warfare directed against civilians and civil-*
15 *ian infrastructure;*

16 *(2) strongly urges all parties to the conflict to re-*
17 *spect the safety, security, independence, and impar-*
18 *tiality of humanitarian workers and medical profes-*
19 *sionals, ensuring freedom of movement to deliver aid,*
20 *particularly in areas of Syria controlled by opposi-*
21 *tion forces;*

22 *(3) encourages the President to make it the pol-*
23 *icy of the United States Government to continue to*
24 *coordinate a comprehensive and generous response to*
25 *the humanitarian crisis in Syria, including assist-*

1 *ance and development and protection of human rights*
2 *inside Syria and in the region;*

3 *(4) urges all parties in Syria to support the im-*
4 *mediate and full implementation of United Nations*
5 *Security Council Resolution 2268 (2016), which calls*
6 *for a cessation of hostilities in the conflict, except*
7 *with respect to ISIS and al Qaeda and their affili-*
8 *ated organizations, and to facilitate the provision of*
9 *humanitarian assistance and reconstruction of war-*
10 *affected communities in Syria;*

11 *(5) affirms that the elimination of al Qaeda and*
12 *ISIS safe havens in Syria from which those organiza-*
13 *tions can plan and launch attacks against the United*
14 *States and its partners is a vital national security*
15 *interest of the United States;*

16 *(6) affirms that the stability of key European*
17 *and Middle Eastern partners is vital to the national*
18 *security of the United States, and preventing the Syr-*
19 *ian conflict from undermining that stability is a top*
20 *priority for the United States;*

21 *(7) calls on the international community to con-*
22 *tinue to support neighboring countries and host com-*
23 *munities who are generously supporting refugees and*
24 *internally displaced persons fleeing the conflict in*
25 *Syria;*

1 (8) *calls on the President to continue the active*
2 *participation of the United States Government in a*
3 *robust and effective diplomatic process to achieve a*
4 *political agreement to the Syrian conflict; and*

5 (9) *urges the President to develop and submit to*
6 *the Committees on Foreign Relations and Armed*
7 *Services of the Senate and the Committees on Foreign*
8 *Affairs and Armed Services of the House of Rep-*
9 *resentatives within 90 days a strategy for providing*
10 *long-term stability and security in areas seized from*
11 *ISIS in Syria.*

12 **SEC. 4. DEFINITIONS.**

13 *In this Act:*

14 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
15 *TEES.—The term “appropriate congressional commit-*
16 *tees” means—*

17 (A) *the Committee on Foreign Relations of*
18 *the Senate;*

19 (B) *the Committee on Armed Services of the*
20 *Senate;*

21 (C) *the Committee on Appropriations of the*
22 *Senate;*

23 (D) *the Committee on Foreign Affairs of the*
24 *House of Representatives;*

1 (E) the Committee on Armed Services of the
2 House of Representatives; and

3 (F) the Committee on Appropriations of the
4 House of Representatives.

5 (2) *GENOCIDE*.—The term “genocide” means any
6 offense described in section 1091(a) of title 18, United
7 States Code.

8 (3) *HUMANITARIAN, STABILIZATION, AND RECOV-*
9 *ERY NEEDS*.—The term “humanitarian, stabilization,
10 and recovery needs”, with respect to an individual,
11 includes water, sanitation, hygiene, food security, nu-
12 trition, shelter, housing, reconstruction, medical, edu-
13 cation, and psychosocial needs.

14 (4) *HYBRID TRIBUNAL*.—The term “hybrid tri-
15 bunal” means a temporary criminal tribunal that in-
16 volves a combination of domestic and international
17 lawyers, judges, and other professionals to prosecute
18 individuals suspected of committing war crimes,
19 crimes against humanity, or genocide.

20 (5) *INTERNATIONALIZED DOMESTIC COURT*.—The
21 term “internationalized domestic court” means a do-
22 mestic court with the support of international advis-
23 ers.

24 (6) *TRANSITIONAL JUSTICE*.—The term “transi-
25 tional justice” means the range of judicial, non-

1 *judicial, formal, informal, retributive, and restorative*
2 *measures employed by countries transitioning out of*
3 *armed conflict or repressive regimes—*

4 *(A) to redress legacies of atrocities; and*

5 *(B) to promote long-term, sustainable peace.*

6 (7) *WAR CRIME.*—*The term “war crime” has the*
7 *meaning given the term in section 2441(c) of title 18,*
8 *United States Code.*

9 **SEC. 5. STATEMENT OF POLICY.**

10 *It is the policy of the United States to ensure that as-*
11 *sistance for humanitarian, stabilization, and recovery needs*
12 *of individuals who are or were nationals and residents of*
13 *Iraq or Syria, and of communities from those countries,*
14 *is directed toward those individuals and communities with*
15 *the greatest need, including those individuals from commu-*
16 *nities of religious and ethnic minorities.*

17 **SEC. 6. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ**

18 **AND SYRIA FOR ACTS OF GENOCIDE, CRIMES**

19 **AGAINST HUMANITY, AND WAR CRIMES.**

20 (a) *ASSISTANCE.*—*The Secretary of State and the Ad-*
21 *ministrators of the United States Agency for International*
22 *Development are authorized, in consultation with the gov-*
23 *ernment of Iraq, to provide assistance, including financial*
24 *and technical assistance, as may be necessary and appro-*
25 *priate to support the efforts of entities, including non-*

1 *governmental organizations with expertise in international*
2 *criminal investigations and law, to undertake the following*
3 *activities to address crimes of genocide, crimes against hu-*
4 *manity, or war crimes in Iraq by ISIS since January 2014:*

5 *(1) Conducting criminal investigations.*

6 *(2) Developing indigenous investigative and ju-*
7 *dicial skills, including by partnering, directly men-*
8 *toring, and providing equipment and infrastructure,*
9 *as necessary, to effectively adjudicate cases in accord-*
10 *ance with due process and respect for the rule of law.*

11 *(3) Collecting and preserving evidence and the*
12 *chain of evidence, including for use in prosecutions in*
13 *domestic courts, hybrid tribunals, and international-*
14 *ized domestic courts, consistent with the activities de-*
15 *scribed in subsection (b).*

16 *(b) ACTIONS BY FOREIGN GOVERNMENTS.—The Sec-*
17 *retary of State, in consultation with the Attorney General,*
18 *the Secretary of Homeland Security, the Director of Na-*
19 *tional Intelligence, and the Director of the Federal Bureau*
20 *of Investigation, shall encourage governments of foreign*
21 *countries to include in appropriate security databases and*
22 *security screening procedures of such countries information*
23 *to identify suspected ISIS members for whom credible evi-*
24 *dence exists of having committed acts of genocide, crimes*
25 *against humanity or war crimes in Iraq and Syria since*

1 *January 2014, and to prosecute such individuals for acts*
2 *of genocide, crimes against humanity or war crimes, as ap-*
3 *propriate.*

4 *(c) CONSULTATION.—In carrying out subsection (a),*
5 *the Secretary of State shall consult with, and consider cred-*
6 *ible information from, entities described in such subsection.*

7 **SEC. 7. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS**
8 **HUMANITARIAN, STABILIZATION, AND RECOV-**
9 **ERY NEEDS OF CERTAIN PERSONS IN IRAQ**
10 **AND SYRIA.**

11 *(a) IDENTIFICATION.—The Secretary of State, in con-*
12 *sultation with the Secretary of Defense, the Administrator*
13 *of the United States Agency for International Development,*
14 *and the Director of National Intelligence, shall seek to iden-*
15 *tify—*

16 *(1) the threats of persecution and other early-*
17 *warning indicators of genocide, crimes against hu-*
18 *manity, and war crimes against individuals—*

19 *(A) who are or were nationals and residents*
20 *of Iraq or Syria, are members of a religious or*
21 *ethnic minority group in either such country,*
22 *and against whom ISIS has committed acts of*
23 *genocide, crimes against humanity, or war*
24 *crimes since January 2014, as determined by the*
25 *Secretary of State; or*

1 (B) who are members of another religious or
2 ethnic minority group in Iraq or Syria that the
3 Secretary of State has identified as a persecuted
4 group;

5 (2) the religious and ethnic minority groups in
6 Iraq or Syria identified pursuant to paragraph (1)
7 that are at risk of forced migration within or across
8 the borders of Iraq, Syria, or a country of first asy-
9 lum, and the primary reasons for such risk;

10 (3) the humanitarian, stabilization, and recovery
11 needs of individuals and groups described in para-
12 graphs (1) and (2), including the assistance provided
13 by the United States and by the United Nations, re-
14 spectively, to address the humanitarian, stabilization,
15 and recovery needs, and mitigate the risks of forced
16 migration, of individuals and groups described in
17 paragraphs (1) and (2), and assistance provided
18 through the Funding Facility for Immediate Sta-
19 bilization and Funding Facility for Expanded Sta-
20 bilization; and

21 (4) to the extent practicable and appropriate, the
22 entities, including faith-based entities, that are pro-
23 viding assistance to address the humanitarian, sta-
24 bilization, and recovery needs of individuals and
25 groups described in paragraphs (1) and (2), and the

1 *extent to which the United States is providing assist-*
2 *ance to or through such entities.*

3 **(b) ADDITIONAL CONSULTATION.**—*In carrying out*
4 *subsection (a), the Secretary of State shall consult with, and*
5 *consider credible information from—*

6 *(1) individuals and groups described in para-*
7 *graphs (1) and (2) of such subsection; and*

8 *(2) entities described in paragraph (4) of such*
9 *subsection.*

10 **(c) ASSISTANCE.**—*The Secretary of State and the Ad-*
11 *ministrator of the United States Agency for International*
12 *Development are authorized to provide assistance, including*
13 *financial and technical assistance as necessary and appro-*
14 *priate, to support entities described in subsection (a)(4)*
15 *that the Secretary and the Administrator determine have*
16 *access, and are capable of effectively managing and deliv-*
17 *ering such assistance, to the individuals and groups de-*
18 *scribed in paragraphs (1) and (2) of such subsection.*

19 **SEC. 8. REPORTS.**

20 **(a) IMPLEMENTATION REPORT.**—*Not later than 90*
21 *days after the date of the enactment of this Act, the Sec-*
22 *retary of State shall submit a report to the appropriate con-*
23 *gressional committees that includes—*

1 (1) a detailed description of the efforts taken,
2 and efforts proposed to be taken, to implement the
3 provisions of this Act;

4 (2) an assessment of—

5 (A) the feasibility and advisability of pros-
6 ecuting suspected ISIS members for whom cred-
7 ible evidence exists of having committed acts of
8 genocide, crimes against humanity, or war
9 crimes in Iraq since January 2014, in domestic
10 courts in Iraq, hybrid tribunals, and inter-
11 nationalized domestic courts; and

12 (B) the measures needed—

13 (i) to ensure effective criminal inves-
14 tigations of such individuals; and

15 (ii) to effectively collect and preserve
16 evidence and preserve the chain of evidence,
17 for prosecution;

18 (3) recommendations for legislative remedies and
19 administrative actions to facilitate the implementa-
20 tion of this Act.

21 (b) *SUPPORT FOR THE INVESTIGATION AND PROSECU-*
22 *TION OF WAR CRIMES.*—Not later than 120 days after the
23 date of the enactment of this Act, the Secretary of State
24 shall submit a report to the appropriate congressional com-
25 mittees that includes—

1 (1) *a detailed description of the efforts taken,*
2 *and efforts proposed to be taken, by the Secretary of*
3 *State to implement subsections (a) and (b) of section*
4 *5; and*

5 (2) *an assessment of—*

6 (A) *the feasibility and advisability of pros-*
7 *ecuting suspected ISIS members for whom cred-*
8 *ible evidence exists of having committed genocide,*
9 *crimes against humanity, or war crimes in Iraq*
10 *since January 2014, in domestic courts in Iraq,*
11 *hybrid tribunals, and internationalized domestic*
12 *courts; and*

13 (B) *the capacity building, and other meas-*
14 *ures, needed to ensure effective criminal inves-*
15 *tigations of such individuals.*

16 (c) *REPORT ON ACCOUNTABILITY FOR WAR CRIMES,*
17 *CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.—*

18 (1) *IN GENERAL.—Not later than 90 days after*
19 *the date of the enactment of this Act, the Secretary of*
20 *State shall submit a report to the appropriate con-*
21 *gressional committees on war crimes, crimes against*
22 *humanity, and genocide in Syria. The Secretary of*
23 *State shall submit another such report not later than*
24 *180 days after the Secretary determines that the vio-*
25 *lence in Syria has ceased.*

1 (2) *ELEMENTS.*—*The reports submitted under*
2 *paragraph (1) shall include—*

3 (A) *a description of alleged war crimes,*
4 *crimes against humanity, and genocide per-*
5 *petrated during the civil war in Syria, includ-*
6 *ing—*

7 (i) *incidents that may constitute war*
8 *crimes, crimes against humanity, or geno-*
9 *cide committed by the regime of President*
10 *Bashar al-Assad and all forces fighting on*
11 *its behalf;*

12 (ii) *incidents that may constitute war*
13 *crimes, crimes against humanity, or geno-*
14 *cide committed by violent extremist groups,*
15 *anti-government forces, and any other com-*
16 *batants in the conflict;*

17 (iii) *any incidents that may violate the*
18 *principle of medical neutrality and, if pos-*
19 *sible, the identification of the individual or*
20 *individuals who engaged in or organized*
21 *such incidents; and*

22 (iv) *if possible, a description of the*
23 *conventional and unconventional weapons*
24 *used for such crimes and the origins of such*
25 *weapons; and*

1 (B) a description and assessment by the Of-
2 fice of Global Criminal Justice of the Depart-
3 ment of State, the United States Agency for
4 International Development, the Department of
5 Justice, and other appropriate agencies of pro-
6 grams that the United States Government has
7 undertaken to ensure accountability for war
8 crimes, crimes against humanity, and genocide
9 perpetrated against the people of Syria by the
10 regime of President Bashar al-Assad, violent ex-
11 tremist groups, and other combatants involved in
12 the conflict, including programs—

13 (i) to train investigators within and
14 outside of Syria on documenting, inves-
15 tigating, developing findings of, and identi-
16 fying and locating alleged perpetrators of
17 war crimes, crimes against humanity, or
18 genocide, including—

19 (I) the number of United States
20 Government or contract personnel cur-
21 rently designated to work full-time on
22 such issues; and

23 (II) identifying the authorities
24 and appropriations being used to sup-
25 port such training efforts;

1 (ii) to promote and prepare for a tran-
2 sitional justice process or processes for the
3 perpetrators of war crimes, crimes against
4 humanity, and genocide in Syria beginning
5 in March 2011;

6 (iii) to document, collect, preserve, and
7 protect evidence of war crimes, crimes
8 against humanity, and genocide in Syria,
9 including support for Syrian, foreign, and
10 international nongovernmental organiza-
11 tions, and other entities, including the
12 International, Impartial and Independent
13 Mechanism to Assist in the Investigation
14 and Prosecution of Persons Responsible for
15 the Most Serious Crimes under Inter-
16 national Law Committed in the Syrian
17 Arab Republic since March 2011 and the
18 Independent International Commission of
19 Inquiry on the Syrian Arab Republic; and

20 (iv) to assess the influence of account-
21 ability measures on efforts to reach a nego-
22 tiated settlement to the Syrian conflict dur-
23 ing the reporting period.

24 (3) *FORM.*—The reports required under para-
25 graph (1) may be submitted in unclassified or classi-

1 *fied form, but shall include a publicly available*
2 *annex.*

3 *(d) TRANSITIONAL JUSTICE STUDY.—Not later than*
4 *180 days after the date of the enactment of this Act, the*
5 *Secretary of State (acting through appropriate officials and*
6 *offices, which may include the Office of Global Criminal*
7 *Justice), after consultation with the Department of Justice,*
8 *the United States Agency for International Development,*
9 *and other appropriate Federal agencies, shall—*

10 *(1) complete a study of the feasibility and desir-*
11 *ability of potential transitional justice mechanisms*
12 *for Syria, including a hybrid tribunal, to address*
13 *war crimes, crimes against humanity, and genocide*
14 *perpetrated in Syria beginning in March 2011; and*

15 *(2) submit a detailed report of the results of the*
16 *study conducted under paragraph (1), including rec-*
17 *ommendations on which transitional justice mecha-*
18 *nisms the United States Government should support,*
19 *why such mechanisms should be supported, and what*
20 *type of support should be offered, to—*

21 *(A) the Committee on Foreign Relations of*
22 *the Senate;*

23 *(B) the Committee on Appropriations of the*
24 *Senate;*

1 (C) the Committee on Foreign Affairs of the
2 House of Representatives; and

3 (D) the Committee on Appropriations of the
4 House of Representatives.

5 (e) FORM.—

6 (1) IN GENERAL.—Except as provided in sub-
7 section (c)(3), each report required under this section
8 shall be submitted in unclassified form, but may con-
9 tain a classified annex, if necessary.

10 (2) PROTECTION OF WITNESSES AND EVI-
11 DENCE.—In carrying out this section, the Secretary of
12 State shall take due care to ensure that the identifica-
13 tion of witnesses and physical evidence are not pub-
14 licly disclosed in a manner that might place such per-
15 sons at risk of harm or encourage the destruction of
16 evidence by the Government of Syria, violent extrem-
17 ist groups, anti-government forces, or any other com-
18 batants or participants in the conflict.

19 **SEC. 9. TECHNICAL ASSISTANCE AUTHORIZED.**

20 (a) IN GENERAL.—The Secretary of State (acting
21 through appropriate officials and offices, which may in-
22 clude the Office of Global Criminal Justice), after consulta-
23 tion with the Department of Justice and other appropriate
24 Federal agencies, is authorized to provide appropriate as-
25 sistance to support entities that, with respect to war crimes,

1 *crimes against humanity, and genocide perpetrated by the*
2 *regime of President Bashar al-Assad, all forces fighting on*
3 *its behalf, and all non-state armed groups fighting in the*
4 *country, including violent extremist groups in Syria begin-*
5 *ning in March 2011—*

6 *(1) identify suspected perpetrators of war crimes,*
7 *crimes against humanity, and genocide;*

8 *(2) collect, document, and protect evidence of*
9 *crimes and preserve the chain of custody for such evi-*
10 *dence;*

11 *(3) conduct criminal investigations;*

12 *(4) build Syria's investigative and judicial ca-*
13 *pacities and support prosecutions in the domestic*
14 *courts of Syria, provided that President Bashar al-*
15 *Assad is no longer in power;*

16 *(5) support investigations by third-party states,*
17 *as appropriate; or*

18 *(6) protect witnesses that may be helpful to pros-*
19 *ecutions or other transitional justice mechanisms.*

20 *(b) ADDITIONAL ASSISTANCE.—The Secretary of State,*
21 *after consultation with appropriate Federal agencies and*
22 *the appropriate congressional committees, and taking into*
23 *account the findings of the transitional justice study re-*
24 *quired under section 7(d), is authorized to provide assist-*
25 *ance to support the creation and operation of transitional*

1 *justice mechanisms, including a potential hybrid tribunal,*
2 *to prosecute individuals suspected of committing war*
3 *crimes, crimes against humanity, or genocide in Syria be-*
4 *ginning in March 2011.*

5 (c) *BRIEFING.*—*The Secretary of State shall provide*
6 *detailed, biannual briefings to the appropriate congres-*
7 *sional committees describing the assistance provided to enti-*
8 *ties described in subsection (a).*

9 **SEC. 10. DEPARTMENT OF STATE REWARDS FOR JUSTICE**
10 **PROGRAM.**

11 *Section 36(b)(10) of the State Department Basic Au-*
12 *thorities Act of 1956 (22 U.S.C. 2708 (b)(10)) is amended*
13 *by inserting “(including war crimes, crimes against hu-*
14 *manity, or genocide committed in Syria beginning in*
15 *March 2011)” after “genocide”.*

16 **SEC. 11. SYRIA STUDY GROUP.**

17 (a) *ESTABLISHMENT.*—*There is hereby established a*
18 *working group to be known as the “Syria Study Group”*
19 *(in this section referred to as the “Group”).*

20 (b) *PURPOSE.*—*The purpose of the Group is to exam-*
21 *ine and make recommendations with respect to the military*
22 *and diplomatic strategy of the United States with respect*
23 *to the conflict in Syria.*

24 (c) *COMPOSITION.*—

1 (1) *MEMBERSHIP.*—*The Group shall be composed*
2 *of 8 members, who shall be appointed as follows:*

3 (A) *One member appointed by the chair of*
4 *the Committee on Armed Services of the Senate.*

5 (B) *One member appointed by the ranking*
6 *minority member of the Committee on Armed*
7 *Services of the Senate.*

8 (C) *One member appointed by the chair of*
9 *the Committee on Foreign Relations of the Sen-*
10 *ate.*

11 (D) *One member appointed by the ranking*
12 *minority member of the Committee on Foreign*
13 *Relations of the Senate.*

14 (E) *One member appointed by the chair of*
15 *the Committee on Armed Services of the House*
16 *of Representatives.*

17 (F) *One member appointed by the ranking*
18 *minority member of the Committee on Armed*
19 *Services of the House of Representatives.*

20 (G) *One member appointed by the chair of*
21 *the Committee on Foreign Affairs of the House*
22 *of Representatives.*

23 (H) *One member appointed by the ranking*
24 *minority member of the Committee on Foreign*
25 *Affairs of the House of Representatives.*

1 (2) *CO-CHAIRS.*—

2 (A) *The chair of the Committee on Armed*
3 *Services of the Senate, the chair of the Com-*
4 *mittee on Armed Services of the House of Rep-*
5 *resentatives, the chair of the Committee on For-*
6 *ign Relations of the Senate, and the chair of the*
7 *Committee on Foreign Affairs of the House of*
8 *Representatives shall jointly designate 1 member*
9 *of the Group to serve as co-chair of the Group.*

10 (B) *The ranking minority member of the*
11 *Committee on Armed Services of the Senate, the*
12 *ranking minority member of the Committee on*
13 *Armed Services of the House of Representatives,*
14 *the ranking minority member of the Committee*
15 *on Foreign Relations of the Senate, and the*
16 *ranking minority member of the Committee on*
17 *Foreign Affairs of the House of Representatives*
18 *shall jointly designate 1 member of the Group to*
19 *serve as co-chair of the Group.*

20 (3) *PERIOD OF APPOINTMENT; VACANCIES.*—
21 *Members shall be appointed for the life of the Group.*
22 *Any vacancy in the Group shall be filled in the same*
23 *manner as the original appointment.*

24 (d) *DUTIES.*—

1 (1) *REVIEW.*—*The Group shall review the cur-*
2 *rent situation with respect to the United States mili-*
3 *tary and diplomatic strategy in Syria, including a*
4 *review of current United States objectives in Syria*
5 *and the desired end state in Syria.*

6 (2) *ASSESSMENT AND RECOMMENDATIONS.*—*The*
7 *Group shall—*

8 (A) *conduct a comprehensive assessment of*
9 *the current situation in Syria, its impact on*
10 *neighboring countries, resulting regional and*
11 *geopolitical threats to the United States, and*
12 *current military, diplomatic, and political ef-*
13 *forts to achieve a stable Syria; and*

14 (B) *develop recommendations on a military*
15 *and diplomatic strategy for the United States*
16 *with respect to the conflict in Syria.*

17 (e) *COOPERATION FROM UNITED STATES GOVERN-*
18 *MENT.*—

19 (1) *IN GENERAL.*—*The Group shall receive the*
20 *full and timely cooperation of the Secretary of De-*
21 *fense, the Secretary of State, and the Director of Na-*
22 *tional Intelligence in providing the Group with anal-*
23 *yses, briefings, and other information necessary for*
24 *the discharge of the duties of the Group.*

1 (2) *LIAISON*.—*The Secretary of Defense, the Sec-*
2 *retary of State, and the Director of National Intel-*
3 *ligence shall each designate at least 1 officer or em-*
4 *ployee of their respective organizations to serve as a*
5 *liaison officer to the Group.*

6 (f) *REPORT*.—

7 (1) *FINAL REPORT*.—*Not later than November*
8 *30, 2018, the Group shall submit a report to the*
9 *President, the Secretary of Defense, the Committee on*
10 *Armed Services of the Senate, the Committee on*
11 *Armed Services of the House of Representatives, the*
12 *Committee on Foreign Relations of the Senate, and*
13 *the Committee on Foreign Affairs of the House of*
14 *Representatives that describes the findings, conclu-*
15 *sions, and recommendations of the Group under this*
16 *section, including—*

17 (A) *an assessment of the current security,*
18 *political, humanitarian, and economic situation*
19 *in Syria;*

20 (B) *an assessment of the current participa-*
21 *tion and objectives of various external actors in*
22 *Syria;*

23 (C) *an assessment of the consequences of*
24 *continued conflict in Syria;*

1 (D) recommendations for a resolution of the
2 conflict in Syria, including options for a grad-
3 ual political transition to a post-Assad Syria
4 and actions necessary for reconciliation;

5 (E) a roadmap for a United States and co-
6 alition strategy to reestablish security and gov-
7 ernance in Syria, including recommendations
8 for the synchronization of stabilization, develop-
9 ment, counterterrorism, and reconstruction ef-
10 forts; and

11 (F) any other matters with respect to the
12 conflict in Syria that the Group considers ap-
13 propriate.

14 (2) *INTERIM BRIEFING.*—Not later than June 30,
15 2018, the Group shall provide a briefing to the Com-
16 mittee on Armed Services of the Senate, the Com-
17 mittee on Armed Services of the House of Representa-
18 tives, the Committee on Foreign Relations of the Sen-
19 ate, and the Committee on Foreign Affairs of the
20 House of Representatives on the status of its review
21 and assessment under subsection (d) and a discussion
22 of any interim recommendations developed by the
23 Group as of the date of the briefing.

1 (3) *FORM OF REPORT.*—*The report submitted to*
2 *Congress under paragraph (1) shall be submitted in*
3 *unclassified form, but may include a classified annex.*

4 (g) *FACILITATION.*—*The United States Institute of*
5 *Peace shall take appropriate actions to facilitate the Group*
6 *in the discharge of its duties under this section.*

7 (h) *TERMINATION.*—*The Group shall terminate on the*
8 *date that is 6 months after the date on which the Group*
9 *submits the report required under subsection (f)(1).*

10 **SEC. 12. INDEPENDENT INTERNATIONAL COMMISSION OF**
11 **INQUIRY ON THE SYRIAN ARAB REPUBLIC.**

12 *The Secretary of State, acting through the United*
13 *States Permanent Representative to the United Nations,*
14 *should use the voice, vote, and influence of the United States*
15 *at the United Nations to advocate that the United Nations*
16 *Human Rights Council, while the United States remains*
17 *a member, annually extend the mandate of the Independent*
18 *International Commission of Inquiry in the Syrian Arab*
19 *Republic until the Commission has completed its investiga-*
20 *tion of all alleged violations of international human rights*
21 *laws beginning in March 2011 in the Syrian Arab Repub-*
22 *lic.*

1 **SEC. 13. PROHIBITION ON ADDITIONAL FUNDING.**

2 *No additional funds are authorized to be appropriated*
3 *to carry out this Act. This Act shall be carried out using*
4 *amounts otherwise authorized and appropriated.*

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115TH CONGRESS
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H. R. 390

AN ACT

To provide emergency relief for victims of genocide, crimes against humanity, and war crimes in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.

SEPTEMBER 19, 2017

Reported with an amendment