

H.R. 390

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2017

Mr. SMITH of New Jersey (for himself, Ms. ESHOO, Mr. MEADOWS, Mr. FORTENBERRY, Mr. SESSIONS, Mr. VARGAS, Mr. LIPINSKI, Mr. FRANKS of Arizona, Mr. PITTENGER, Mr. BILIRAKIS, Mr. HULTGREN, Mr. WEBER of Texas, Mr. TROTT, Mr. DUFFY, Mr. JODY B. HICE of Georgia, Ms. SLAUGHTER, and Mrs. COMSTOCK) introduced the following bill, which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

In the Senate of the United States,

October 11, 2018.

Resolved, That the bill from the House of Representatives (H.R. 390) entitled “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.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Iraq and Syria Genocide*
3 *Relief and Accountability Act of 2018”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds the following:*

6 *(1) The Secretary of State of State declared on*
7 *March 17, 2016, and on August 15, 2017, that Daesh*
8 *(also known as the Islamic State of Iraq and Syria*
9 *or ISIS) is responsible for genocide, crimes against*

1 *humanity, and other atrocity crimes against religious*
2 *and ethnic minority groups in Iraq and Syria, in-*
3 *cluding Christians, Yezidis, and Shia, among other*
4 *religious and ethnic groups.*

5 (2) *According to the Department of State's an-*
6 *annual reports on international religious freedom—*

7 (A) *the number of Christians living in Iraq*
8 *has dropped from an estimated 800,000 to*
9 *1,400,000 in 2002 to fewer than 250,000 in*
10 *2017; and*

11 (B) *the number of Yezidis living in Iraq has*
12 *fluctuated from 500,000 in 2013, to between*
13 *350,000 and 400,000 in 2016, and between*
14 *600,000 and 750,000 in 2017.*

15 (3) *The annual reports on international religious*
16 *freedom further suggest that—*

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

22 (B) *there was a population of approxi-*
23 *mately 80,000 Yezidis before the commencement*
24 *of the conflict in Syria.*

1 (4) *Local communities and entities have sought*
2 *to mitigate the impact of violence directed against re-*
3 *ligious and ethnic minorities in Iraq and Syria, in-*
4 *cluding the Chaldean Catholic Archdiocese of Erbil*
5 *(Kurdistan Region of Iraq), which has used predomi-*
6 *nantly private funds to provide assistance to inter-*
7 *nally displaced Christians, Yezidis, and Muslims*
8 *throughout the greater Erbil region, while significant*
9 *needs and diminishing resources have made it in-*
10 *creasingly difficult to continue these efforts.*

11 **SEC. 3. DEFINITIONS.**

12 *In this Act:*

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

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

18 (B) *the Committee on the Judiciary of the*
19 *Senate;*

20 (C) *the Committee on Homeland Security*
21 *and Governmental Affairs of the Senate;*

22 (D) *the Committee on Appropriations of the*
23 *Senate;*

24 (E) *the Select Committee on Intelligence of*
25 *the Senate;*

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

3 (G) the Committee on the Judiciary of the
4 House of Representatives;

5 (H) the Committee on Homeland Security
6 of the House of Representatives;

7 (I) the Committee on Appropriations of the
8 House of Representatives; and

9 (J) the Permanent Select Committee on In-
10 telligence of the House of Representatives.

11 (2) *FOREIGN TERRORIST ORGANIZATION.*—The
12 term “foreign terrorist organization” mean an orga-
13 nization designated by the Secretary of State as a for-
14 eign terrorist organization pursuant to section 219(a)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1189(a)).

17 (3) *HUMANITARIAN, STABILIZATION, AND RECOV-
18 ERY NEEDS.*—The term “humanitarian, stabilization,
19 and recovery needs”, with respect to an individual,
20 includes water, sanitation, hygiene, food security and
21 nutrition, shelter and housing, reconstruction, med-
22 ical, education, psychosocial needs, and other assist-
23 ance to address basic human needs, including sta-
24 bilization assistance (as defined by the Stabilization
25 Assistance Review in “A Framework for Maximizing

1 *the Effectiveness of U.S. Government Efforts to Sta-*
2 *bilize Conflict-Affected Areas, 2018).*

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

6 (5) *INTERNATIONALIZED DOMESTIC COURT.*—*The*
7 *term “internationalized domestic court” means a do-*
8 *mestic court with the support of international advis-*
9 *ers.*

10 **SEC. 4. STATEMENT OF POLICY.**

11 *It is the policy of the United States to ensure that as-*
12 *sistance for humanitarian, stabilization, and recovery needs*
13 *of individuals who are or were nationals and residents of*
14 *Iraq or Syria, and of communities in and from those coun-*
15 *tries, is directed toward those individuals and communities*
16 *with the greatest need, including those individuals from*
17 *communities of religious and ethnic minorities, and com-*
18 *munities of religious and ethnic minorities, that the Sec-*
19 *retary of State declared were targeted for genocide, crimes*
20 *against humanity, or war crimes, and have been identified*
21 *as being at risk of persecution, forced migration, genocide,*
22 *crimes against humanity, or war crimes.*

1 **SEC. 5. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ**
2 **FOR GENOCIDE, CRIMES AGAINST HUMANITY,**
3 **AND WAR CRIMES.**

4 (a) *ASSISTANCE.*—*The Secretary of State and the Ad-*
5 *ministrator of the United States Agency for International*
6 *Development are authorized to provide assistance, including*
7 *financial and technical assistance, as necessary and appro-*
8 *priate, to support the efforts of entities, including non-*
9 *governmental organizations with expertise in international*
10 *criminal investigations and law, to address genocide,*
11 *crimes against humanity, or war crimes, and their con-*
12 *stituent crimes by ISIS in Iraq by—*

- 13 (1) *conducting criminal investigations;*
14 (2) *developing indigenous investigative and judi-*
15 *cial skills, including by partnering, directly men-*
16 *toring, and providing necessary equipment and infra-*
17 *structure to effectively adjudicating cases consistent*
18 *with due process and respect for the rule of law; and*
19 (3) *collecting and preserving evidence and the*
20 *chain of evidence, including for use in prosecutions in*
21 *domestic courts, hybrid courts, and internationalized*
22 *domestic courts, consistent with the activities de-*
23 *scribed in subsection (b).*

24 (b) *ACTIONS BY FOREIGN GOVERNMENTS.*—*The Sec-*
25 *retary of State, in consultation with the Attorney General,*
26 *the Secretary of Homeland Security, the Director of Na-*

1 tional Intelligence, and the Director of the Federal Bureau
2 of Investigation, shall encourage governments of foreign
3 countries—

4 (1) to include information in appropriate secu-
5 rity databases and security screening procedures of
6 such countries to identify suspected ISIS members for
7 whom credible evidence exists of having committed
8 genocide, crimes against humanity, or war crimes,
9 and their constituent crimes, in Iraq; and

10 (2) to apprehend and prosecute such ISIS mem-
11 bers for genocide, crimes against humanity, or war
12 crimes, as appropriate.

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

16 **SEC. 6. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS**
17 **HUMANITARIAN, STABILIZATION, AND RECOV-**
18 **ERY NEEDS OF CERTAIN PERSONS IN IRAQ**
19 **AND SYRIA.**

20 (a) IDENTIFICATION.—The Secretary of State, in con-
21 sultation with the Secretary of Defense, the Administrator
22 of the United States Agency for International Development,
23 and Director of National Intelligence, shall seek to iden-
24 tify—

1 (1) *threats of persecution and other early-warn-*
2 *ing indicators of genocide, crimes against humanity,*
3 *and war crimes against individuals who are or were*
4 *nationals and residents of Iraq or Syria, are members*
5 *of religious or ethnic minority groups in such coun-*
6 *tries, and against whom the Secretary of State has*
7 *determined ISIS has committed genocide, crimes*
8 *against humanity, or war crimes;*

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

14 (3)(A) *the humanitarian, stabilization, and re-*
15 *covery needs of individuals described in paragraphs*
16 *(1) and (2), including the assistance provided by the*
17 *United States and by the United Nations, respec-*
18 *tively—*

19 (i) *to address the humanitarian, stabiliza-*
20 *tion, and recovery needs of such individuals; and*

21 (ii) *to mitigate the risks of forced migration*
22 *of such individuals; and*

23 (B) *assistance provided through the Funding Fa-*
24 *cility for Immediate Stabilization and Funding Fa-*
25 *cility for Expanded Stabilization; and*

1 (4) to the extent practicable and appropriate—

2 (A) the entities, including faith-based enti-
3 ties, that are providing assistance to address the
4 humanitarian, stabilization, and recovery needs
5 of individuals described in paragraphs (1) and
6 (2); and

7 (B) the extent to which the United States is
8 providing assistance to or through the entities re-
9 ferred to in subparagraph (A).

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

13 (1) individuals described in paragraphs (1) and
14 (2) of such subsection; and

15 (2) the entities described in paragraph (4)(A) of
16 such subsection.

17 (c) **ASSISTANCE.**—The Secretary of State and the Ad-
18 ministrator of the United States Agency for International
19 Development are authorized to provide assistance, including
20 financial and technical assistance as necessary and appro-
21 priate, to support the entities described in subsection
22 (a)(4)(A).

23 **SEC. 7. REPORT.**

24 (a) **IMPLEMENTATION REPORT.**—Not later than 90
25 days after the date of the enactment of this Act, the Sec-

1 *retary of State shall submit a report to the appropriate con-*
2 *gressional committees that includes—*

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

6 (2) *an assessment of—*

7 (A) *the feasibility and advisability of pros-*
8 *ecuting ISIS members for whom credible evi-*
9 *dence exists of having committed genocide,*
10 *crimes against humanity, or war crimes in Iraq,*
11 *including in domestic courts in Iraq, hybrid*
12 *courts, and internationalized domestic courts;*
13 *and*

14 (B) *the measures needed—*

15 (i) *to ensure effective criminal inves-*
16 *tigations of such individuals; and*

17 (ii) *to effectively collect and preserve*
18 *evidence, and preserve the chain of evidence,*
19 *for prosecution; and*

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

23 (b) *FCRM.—The report required under subsection (a)*
24 *shall be submitted in unclassified form, but may contain*
25 *a classified annex, if necessary.*

Amend the title so as to read: “An Act to provide relief for victims of genocide, crimes against humanity, and war crimes who are members of religious and ethnic minority groups in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.”.

Attest:

Secretary.