

Suspend the Rules And Pass the Bill, H. R. 390, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

115TH CONGRESS
1ST SESSION

H. R. 390

To provide for emergency 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 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

A BILL

To provide for emergency 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.

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

11 (2) According to the Department of State's an-
12 nual reports on international religious freedom, the
13 number of Christians living in Iraq has dropped
14 from an estimated 800,000 to 1,400,000 in 2002 to
15 fewer than 250,000 in 2015, and the number of
16 Yezidis living in Iraq has dropped from 500,000 in
17 2013 to 350,000 to 400,000 in 2015.

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

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

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

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

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

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

1 (2) FOREIGN TERRORIST ORGANIZATION.—The
2 term “foreign terrorist organization” mean an orga-
3 nization designated by the Secretary of State as a
4 foreign terrorist organization pursuant to section
5 219(a) of the Immigration and Nationality Act (8
6 U.S.C. 1189(a)).

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

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

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

21 **SEC. 4. STATEMENT OF POLICY.**

22 It is the policy of the United States to ensure that
23 assistance for humanitarian, stabilization, and recovery
24 needs of individuals who are or were nationals and resi-
25 dents of Iraq or Syria, and of communities from those

1 countries, is directed toward those individuals and commu-
2 nities with the greatest need, including those individuals
3 from communities of religious and ethnic minorities, and
4 communities of religious and ethnic minorities, that have
5 been identified as being at risk of persecution, forced mi-
6 gration, acts of genocide, crimes against humanity, or war
7 crimes.

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

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

21 (1) The conduct of criminal investigations.

22 (2) The development of indigenous investigative
23 and judicial skills, including by partnering, directly
24 mentoring, and providing equipment and infrastruc-
25 ture where necessary, for the purpose of effectively

1 adjudicating cases consistent with due process and
2 respect for the rule of law.

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

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

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

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

1 (c) CONSULTATION.—In carrying out subsection (a),
2 the Secretary of State shall consult with and consider
3 credible information from entities described in such sub-
4 section.

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

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

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

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

24 (B) who are members of other religious or
25 ethnic minority groups in Iraq or Syria and are

1 identified by the Secretary of State as per-
2 secuted groups.

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

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

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

1 (b) ADDITIONAL CONSULTATION.—In carrying out
2 subsection (a), the Secretary of State shall consult with,
3 and consider credible information from, individuals de-
4 scribed in paragraphs (1) and (2) of such subsection and
5 entities described in paragraph (4) of such subsection.

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

15 **SEC. 7. REPORTS.**

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

20 (1) A detailed description of the efforts taken,
21 and efforts proposed to be taken, to implement the
22 provisions of this Act.

23 (2) An assessment of the feasibility and advis-
24 ability of prosecuting individuals for whom credible
25 evidence exists of having committed acts of genocide,

1 crimes against humanity, or war crimes in Iraq since
2 January 2014 or Syria since March 2011 in domes-
3 tic courts in Iraq, hybrid courts, and international-
4 ized domestic courts, and of the measures needed to
5 ensure effective criminal investigations of such indi-
6 viduals, and to effectively collect and preserve evi-
7 dence, and preserve the chain of evidence, for pros-
8 ecution.

9 (3) Recommendations for legislative remedies
10 and administrative actions to facilitate implementa-
11 tion of this Act.

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

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

16 No additional funds are authorized to be appro-
17 priated to carry out this Act. This Act shall be carried
18 out using amounts otherwise authorized.

Amend the title so as to read: “A bill 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.”.