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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017”.

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) According to the Department of State’s annual reports on international religious freedom, the number of Christians living in Iraq has dropped from an estimated 800,000 to 1.4 million in 2002 to fewer than 250,000 in 2015, and the number of Yezidis living in Iraq has dropped from 500,000 in 2013 to 350,000 to 400,000 in 2015.

(3) The annual reports on international religious freedom further suggest that Christian communities living in Syria, which had accounted for between 8 and 10 percent of Syria’s total population in 2010, are now “considerably” smaller as a result of the civil war, and that the population of approxi-
mately 80,000 Yezidis in 2010 may now be larger because of refugees from Iraq.

(4) Local communities and entities have sought to mitigate the impact of violence directed against religious and ethnic minorities in Iraq and Syria, including the Chaldean Catholic Archdiocese of Erbil (Kurdistan Region of Iraq), which has used private funds to provide assistance to internally displaced Christians, Yezidis, and Muslims throughout the greater Erbil region, while growing needs and diminishing resources have made it increasingly difficult to continue these efforts.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMIT-TEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representa-tives; and

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

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

(3) HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS.—The term “humanitarian, stabilization, and recovery needs”, with respect to an individual, includes water, sanitation, hygiene, food security and nutrition, shelter and housing, reconstruction, medical, education, and psychosocial needs.

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

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

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to ensure that assistance for humanitarian, stabilization, and recovery
needs of individuals who are or were nationals and residents of Iraq or Syria, and of communities from those countries, is directed toward those individuals and communities with the greatest need, including those individuals from communities of religious and ethnic minorities, and communities of religious and ethnic minorities, that have been identified as being at risk of persecution, forced migration, acts of genocide, crimes against humanity, or war crimes.

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

(a) Assistance.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance, as necessary and appropriate to support the efforts of entities, including nongovernmental organizations with expertise in international criminal investigations and law, to undertake the following activities to address crimes of genocide, crimes against humanity, or war crimes, and their constituent crimes, in Iraq since January 2014:

(1) The conduct of criminal investigations.

(2) The development of indigenous investigative and judicial skills, including by partnering, directly
mentoring, and providing equipment and infrastructure where necessary, for the purpose of effectively adjudicating cases consistent with due process and respect for the rule of law.

(3) The collection and preservation of evidence and the chain of evidence, including for use in prosecutions in domestic courts, hybrid courts, and internationalized domestic courts, consistent with the activities described in subsection (b).

(b) ACTIONS BY FOREIGN GOVERNMENTS.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries—

(1) to include in appropriate security databases and security screening procedures of such countries information to identify individuals who are suspected to have committed crimes of genocide, crimes against humanity, or war crimes, and their constituent crimes, in Iraq or Syria, including individuals who are suspected to be members of foreign terrorist organizations operating in Iraq or Syria; and
(2) to prosecute such individuals for acts of genocide, crimes against humanity, or war crimes, as appropriate.

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

SEC. 6. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.

(a) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary of Defense, the Administrator of the United States Agency for International Development, and Director of National Intelligence, shall seek to identify the following:

(1) The threats of persecution and other early-warning indicators of genocide, crimes against humanity, and war crimes against individuals—

(A) who are or were nationals and residents of Iraq or Syria, are members of religious or ethnic minority groups in such countries, and with respect to which the Secretary of State has determined ISIS has committed acts
of genocide, crimes against humanity, or war

crimes since January 2014; or

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

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

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

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

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

e) ASSISTANCE.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance as necessary and appropriate, to support entities described in subsection (a)(4) that the Secretary and Administrator determine have access, and are capable of effectively managing and delivering such assistance, to the individuals described in paragraphs (1) and (2) of such subsection.

SEC. 7. REPORTS.

(a) IMPLEMENTATION REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the following:

(1) A detailed description of the efforts taken, and efforts proposed to be taken, to implement the provisions of this Act.
(2) An assessment of the feasibility and advisability of prosecuting individuals for whom credible evidence exists of having committed acts of genocide, crimes against humanity, or war crimes in Iraq since January 2014 or Syria since March 2011 in domestic courts in Iraq, hybrid courts, and internationalized domestic courts, and of the measures needed to ensure effective criminal investigations of such individuals, and to effectively collect and preserve evidence, and preserve the chain of evidence, for prosecution.

(3) Recommendations for legislative remedies and administrative actions to facilitate implementation of this Act.

(b) FORM.—The report required under this section shall be submitted in unclassified form, but may contain a classified annex if necessary.
SEC. 8. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise authorized.

Passed the House of Representatives June 6, 2017.

Attest:

Clerk.
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