One Hundred Seventeenth Congress
of the
United States of America

AT THE SECOND SESSION

Began and held at the City of Washington on Monday,
the third day of January, two thousand and twenty two

An Act

To amend section 2441 of title 18, United States Code, to broaden the scope
of individuals subject to prosecution for war crimes.

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 “Justice for Victims of War
Crimes Act”.

SEC. 2. WAR CRIMES.

Section 2441 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) JURISDICTION.—There is jurisdiction over an offense
described in subsection (a) if—

“(1) the offense occurs in whole or in part within the
United States; or

“(2) regardless of where the offense occurs—

“(A) the victim or offender is—

“(i) a national of the United States or an alien
lawfully admitted for permanent residence; or

“(ii) a member of the Armed Forces of the United
States, regardless of nationality; or

“(B) the offender is present in the United States,
regardless of the nationality of the victim or offender.”;

and

(2) by adding at the end the following:

“(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—In the case
of an offense described in subsection (a) and further described
in subsections (c)(1) and (c)(3), an indictment may be found or
an information may be instituted at any time without limitation.

“(f) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution for an offense described
in subsection (a) shall be undertaken by the United States
except on written certification of the Attorney General, the
Deputy Attorney General, or an Assistant Attorney General,
which function of approving prosecutions may not be delegated,
that a prosecution by the United States is in the public interest
and necessary to secure substantial justice.

“(2) OFFENDER PRESENT IN UNITED STATES.—For an offense
for which jurisdiction exists under subsection (b)(2)(B) (and
does not exist under any other provision of subsection (b)),
the written certification required under paragraph (1) of this
subsection that a prosecution by the United States is in the
public interest and necessary to secure substantial justice shall
be made by the Attorney General or the Deputy Attorney General, which function may not be delegated. In issuing such certification, the same official shall weigh and consider, among other relevant factors—

(A) whether the alleged offender can be removed from the United States for purposes of prosecution in another jurisdiction; and

(B) potential adverse consequences for nationals, servicemembers, or employees of the United States.

(g) INPUT FROM OTHER AGENCY HEADS.—The Secretary of Defense and Secretary of State may submit to the Attorney General for consideration their views generally regarding potential benefits, or potential adverse consequences for nationals, servicemembers, or employees of the United States, of prosecutions of offenses for which jurisdiction exists under subsection (b)(2)(B).

(h) NO JUDICIAL REVIEW.—Certifications under subsection (f) and input from other agency heads under subsection (g) are not subject to judicial review.

(i) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as—

(1) support for ratification of or accession to the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002; or

(2) consent by the United States to any assertion or exercise of jurisdiction by any international, hybrid, or foreign court."