

118TH CONGRESS
1ST SESSION

S. 356

To amend the National Defense Authorization Act for Fiscal Year 2020 to modify the establishment of a coordinator for detained ISIS members and relevant displaced populations in Syria, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mrs. SHAHEEN (for herself, Mr. GRAHAM, Mr. MENENDEZ, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the National Defense Authorization Act for Fiscal Year 2020 to modify the establishment of a coordinator for detained ISIS members and relevant displaced populations in Syria, 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 “Syria Detainee and
5 Displaced Persons Act”.

1 **SEC. 2. MODIFICATION OF ESTABLISHMENT OF COORDI-**
2 **NATOR FOR DETAINED ISIS MEMBERS AND**
3 **RELEVANT POPULATIONS IN SYRIA.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—The term “appropriate committees of Con-
7 gress” means—

8 (A) the Committee on Armed Services, the
9 Committee on Foreign Relations, the Com-
10 mittee on the Judiciary, the Committee on
11 Banking, Housing, and Urban Affairs, the Se-
12 lect Committee on Intelligence, the Committee
13 on Appropriations, and the Committee on
14 Homeland Security and Governmental Affairs
15 of the Senate; and

16 (B) the Committee on Armed Services, the
17 Committee on Foreign Affairs, the Committee
18 on the Judiciary, the Committee on Financial
19 Services, the Permanent Select Committee on
20 Intelligence, the Committee on Appropriations,
21 and the Committee on Homeland Security of
22 the House of Representatives.

23 (2) ISIS MEMBER.—The term “ISIS member”
24 means a person who was part of, or substantially
25 supported, the Islamic State in Iraq and Syria.

1 (3) SENIOR COORDINATOR.—The term “Senior
2 Coordinator” means the coordinator for detained
3 ISIS members and relevant displaced populations in
4 Syria designated under subsection (a) of section
5 1224 of the National Defense Authorization Act for
6 Fiscal Year 2020 (Public Law 116–92; 133 Stat.
7 1642), as amended by subsection (d).

8 (b) SENSE OF CONGRESS.—

9 It is the sense of Congress that—

10 (A) ISIS detainees held by the Syrian
11 Democratic Forces and ISIS-affiliated individ-
12 uals located within displaced persons camps in
13 Syria pose a significant and growing humani-
14 tarian challenge and security threat to the re-
15 gion;

16 (B) the vast majority of individuals held in
17 displaced persons camps in Syria are women
18 and children, approximately 50 percent of
19 whom are under the age of 12 at the al-Hol
20 camp, and they face significant threats of vio-
21 lence and radicalization, as well as lacking ac-
22 cess to adequate sanitation and health care fa-
23 cilities;

1 (C) there is an urgent need to seek a sus-
2 tainable solution to such camps through repa-
3 triation and reintegration of the inhabitants;

4 (D) the United States should work closely
5 with international allies and partners to facili-
6 tate the repatriation and reintegration efforts
7 required to provide a long-term solution for
8 such camps and prevent the resurgence of ISIS;
9 and

10 (E) if left unaddressed, such camps will
11 continue to be drivers of instability that jeop-
12 ardize the long-term prospects for peace and
13 stability in the region.

14 (c) STATEMENT OF POLICY.—It is the policy of the
15 United States that—

16 (1) ISIS-affiliated individuals located within
17 displacement camps in Syria, and other inhabitants
18 of displacement camps in Syria, be repatriated and,
19 where appropriate, prosecuted, or where possible, re-
20 integrated into their country of origin, consistent
21 with all relevant domestic laws and applicable inter-
22 national laws prohibiting refoulement; and

23 (2) the camps will be closed as soon as is prac-
24 ticable.

1 (d) MODIFICATION OF ESTABLISHMENT OF COORDI-
2 NATOR FOR DETAINED ISIS MEMBERS AND RELEVANT
3 DISPLACED POPULATIONS IN SYRIA.—Section 1224 of the
4 National Defense Authorization Act for Fiscal Year 2020
5 (Public Law 116–92; 133 Stat. 1642) is amended—

6 (1) by striking subsection (a);

7 (2) by amending subsection (b) to read as fol-
8 lows:

9 “(a) DESIGNATION.—

10 “(1) IN GENERAL.—The President, in consulta-
11 tion with the Secretary of Defense, the Secretary of
12 State, the Director of National Intelligence, the Sec-
13 retary of the Treasury, the Administrator of the
14 United States Agency for International Develop-
15 ment, and the Attorney General, shall designate an
16 existing official to serve within the executive branch
17 as senior-level coordinator to coordinate, in conjunc-
18 tion with other relevant agencies, matters related to
19 ISIS members who are in the custody of the Syrian
20 Democratic Forces and other relevant displaced pop-
21 ulations in Syria, including—

22 “(A) by engaging foreign partners to sup-
23 port the repatriation and disposition of such in-
24 dividuals, including by encouraging foreign
25 partners to repatriate, transfer, investigate, and

1 prosecute such ISIS members, and share infor-
2 mation;

3 “(B) coordination of all multilateral and
4 international engagements led by the Depart-
5 ment of State and other agencies that are re-
6 lated to the current and future handling, deten-
7 tion, and prosecution of such ISIS members;

8 “(C) the funding and coordination of the
9 provision of technical and other assistance to
10 foreign countries to aid in the successful inves-
11 tigation and prosecution of such ISIS members,
12 as appropriate, in accordance with relevant do-
13 mestic laws, international humanitarian law,
14 and other internationally recognized human
15 rights and rule of law standards;

16 “(D) coordination of all multilateral and
17 international engagements related to humani-
18 tarian access and provision of basic services to,
19 and freedom of movement and security and safe
20 return of, displaced persons at camps or facili-
21 ties in Syria that hold family members of such
22 ISIS members;

23 “(E) coordination with relevant agencies
24 on matters described in this section; and

1 “(F) any other matter the President con-
2 siders relevant.

3 “(2) RULE OF CONSTRUCTION.—If, on the date
4 of the enactment of the Syria Detainee and Dis-
5 placed Persons Act, an individual has already been
6 designated, consistent with the requirements and re-
7 sponsibilities described in paragraph (1), the re-
8 quirements under that paragraph shall be considered
9 to be satisfied with respect to such individual until
10 the date on which such individual no longer serves
11 as the Senior Coordinator.”;

12 (3) in subsection (c), by striking “subsection
13 (b)” and inserting “subsection (a)”;

14 (4) in subsection (d), by striking “subsection
15 (b)” and inserting “subsection (a)”;

16 (5) in subsection (e), by striking “January 31,
17 2021” and inserting “January 31, 2025”;

18 (6) in subsection (f)—

19 (A) by redesignating paragraph (2) as
20 paragraph (3);

21 (B) by inserting after paragraph (1) the
22 following new paragraph (2):

23 “(2) SENIOR COORDINATOR.—The term ‘Senior
24 Coordinator’ means the individual designated under
25 subsection (a).”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(4) RELEVANT AGENCIES.—The term ‘relevant
4 agencies’ means—

5 “(A) the Department of State;

6 “(B) the Department of Defense;

7 “(C) the Department of the Treasury;

8 “(D) the Department of Justice;

9 “(E) the United States Agency for Inter-
10 national Development;

11 “(F) the Office of the Director of National
12 Intelligence; and

13 “(G) any other agency the President con-
14 siders relevant.”; and

15 (7) by redesignating subsections (c) through (f)
16 as subsections (b) through (e), respectively.

17 (e) STRATEGY ON ISIS-RELATED DETAINEE AND
18 DISPLACEMENT CAMPS IN SYRIA.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of State, in coordination with the Secretary of
22 Defense, the Director of National Intelligence, the
23 Secretary of the Treasury, the Administrator of the
24 United States Agency for International Develop-
25 ment, and the Attorney General, shall submit to the

1 appropriate committees of Congress an interagency
2 strategy with respect to ISIS-affiliated individuals
3 and ISIS-related detainee and other displaced per-
4 sons camps in Syria.

5 (2) ELEMENTS.—The strategy required by
6 paragraph (1) shall include—

7 (A) methods to address—

8 (i) disengagement from and preven-
9 tion of recruitment into violence, violent
10 extremism, and other illicit activity in such
11 camps;

12 (ii) efforts to encourage and facilitate
13 repatriation and, as appropriate, investiga-
14 tion and prosecution of foreign nationals
15 from such camps, consistent with all rel-
16 evant domestic and applicable international
17 laws;

18 (iii) the return and reintegration of
19 displaced Syrian and Iraqi women and
20 children into their communities of origin;

21 (iv) international engagement to de-
22 velop processes for repatriation and re-
23 integration of foreign nationals from such
24 camps;

1 (v) contingency plans for the reloca-
2 tion of detained and displaced persons who
3 are not able to be repatriated from such
4 camps;

5 (vi) efforts to improve the humani-
6 tarian conditions in such camps, including
7 through the delivery of medicine, psycho-
8 social support, clothing, education, and im-
9 proved housing; and

10 (vii) assessed humanitarian and secu-
11 rity needs of all camps and detainment fa-
12 cilities based on prioritization of such
13 camps and facilities most at risk of hu-
14 manitarian crises, external attacks, or in-
15 ternal violence;

16 (B) an assessment of—

17 (i) rehabilitation centers in northeast
18 Syria, including humanitarian conditions
19 and processes for admittance and efforts to
20 improve both humanitarian conditions and
21 admittance processes for such centers and
22 camps, as well as on the prevention of
23 youth radicalization; and

24 (ii) processes for being sent to, and
25 resources directed towards, rehabilitation

1 centers and programs in countries that re-
2 ceive returned ISIS affiliated individuals,
3 with a focus on the prevention of
4 radicalization of minor children;

5 (C) a plan to improve, in such camps—

6 (i) security conditions, including by
7 training of personnel and through con-
8 struction; and

9 (ii) humanitarian conditions;

10 (D) a framework for measuring progress of
11 humanitarian, security, and repatriation efforts
12 with the goal of closing such camps; and

13 (E) any other matter the Secretary of
14 State considers appropriate.

15 (3) FORM.—The strategy required by para-
16 graph (1) shall be submitted in unclassified form but
17 may include a classified annex that is transmitted
18 separately.

19 (f) ANNUAL INTERAGENCY REPORT.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, and not
22 less frequently than annually thereafter through
23 January 31, 2025, the Senior Coordinator, in co-
24 ordination with the relevant agencies, shall submit to

1 the appropriate committees of Congress a detailed
2 report that includes the following:

3 (A) A detailed description of the facilities
4 and camps where detained ISIS members, and
5 families with perceived ISIS affiliation, are
6 being held and housed, including—

7 (i) a description of the security and
8 management of such facilities and camps;

9 (ii) an assessment of resources re-
10 quired for the security of such facilities
11 and camps;

12 (iii) an assessment of the adherence
13 by the operators of such facilities and
14 camps to international humanitarian law
15 standards; and

16 (iv) an assessment of children held
17 within such facilities and camps that may
18 be used as part of smuggling operations to
19 evade security at the facilities and camps.

20 (B) A description of all efforts undertaken
21 by, and the resources needed for, the United
22 States Government to address deficits in the
23 humanitarian environment and security of such
24 facilities and camps.

1 (C) A description of all multilateral and
2 international engagements related to humani-
3 tarian access and provision of basic services to,
4 and freedom of movement and security and safe
5 return of, displaced persons at camps or facili-
6 ties in Iraq, Syria, and any other area affected
7 by ISIS activity, including a description of—

8 (i) support for efforts by the Syrian
9 Democratic Forces to facilitate the return
10 and reintegration of displaced people from
11 Iraq and Syria;

12 (ii) repatriation efforts with respect to
13 displaced women and children and male
14 children aging into adults while held in
15 these facilities and camps;

16 (iii) any current or future potential
17 threat to United States national security
18 interests posed by detained ISIS members
19 or displaced families, including an analysis
20 of the al-Hol camp and annexes; and

21 (iv) United States Government plans
22 and strategies to respond to any threat
23 identified under clause (iii).

1 (D) The number of individuals repatriated
2 from the custody of the Syrian Democratic
3 Forces.

4 (E) An analysis of factors on the ground
5 in Syria and Iraq that may result in the unin-
6 tended release of detained or displaced ISIS
7 members, and an assessment of any measures
8 available to mitigate such releases.

9 (F) A detailed description of efforts to en-
10 courage the final disposition and security of de-
11 tained or displaced ISIS members with other
12 countries and international organizations.

13 (G) A description of foreign repatriation
14 and rehabilitation programs deemed successful
15 systems to model, and an analysis of the long-
16 term results of such programs.

17 (H) A description of the manner in which
18 the United States Government communicates
19 regarding repatriation and disposition efforts
20 with the families of United States citizens be-
21 lieved to have been victims of a criminal act by
22 a detained or displaced ISIS member, in ac-
23 cordance with section 503(c) of the Victims'
24 Rights and Restitution Act of 1990 (34 U.S.C.

1 20141(c)) and section 3771 of title 18, United
2 States Code.

3 (I) An analysis of all efforts between the
4 United States and partner countries within the
5 Global Coalition to Defeat ISIS or other coun-
6 tries to share related information that may aid
7 in resolving the final disposition of ISIS mem-
8 bers, and any obstacles that may hinder such
9 efforts.

10 (J) Any other matter the Coordinator con-
11 siders appropriate.

12 (2) FORM.—The report required by paragraph
13 (1) shall be submitted in unclassified form but may
14 include a classified annex that is transmitted sepa-
15 rately.

16 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion, or an amendment made by this section, may be con-
18 strued—

19 (1) to limit the authority of any Federal agency
20 to independently carry out the authorized functions
21 of such agency; or

22 (2) to impair or otherwise affect the activities
23 performed by that agency as granted by law.

○