

117TH CONGRESS  
2D SESSION

# S. 4996

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

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

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## 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”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

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

4                   (A) the Committee on Armed Services, the  
5           Committee on Foreign Relations, the Com-  
6           mittee on the Judiciary, the Committee on  
7           Banking, Housing, and Urban Affairs, the Se-  
8           lect Committee on Intelligence, and the Com-  
9           mittee on Appropriations of the Senate; and

10                   (B) the Committee on Armed Services, the  
11           Committee on Foreign Affairs, the Committee  
12           on the Judiciary, the Committee on Financial  
13           Services, the Permanent Select Committee on  
14           Intelligence, and the Committee on Appropria-  
15           tions of the House of Representatives.

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

19           (3) SENIOR COORDINATOR.—The term “Senior  
20           Coordinator” means the coordinator for detained  
21           ISIS members and relevant displaced populations in  
22           Syria designated under subsection (a) of section  
23           1224 of the National Defense Authorization Act for  
24           Fiscal Year 2020 (Public Law 116–92; 133 Stat.  
25           1642), as amended by section 5.

1 **SEC. 3. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) The Islamic State of Iraq and Syria (ISIS)  
5 rose to power in 2013 and reached its territorial  
6 peak in December 2014.

7 (2) After the territorial defeat of ISIS in 2019,  
8 displacement camps began to house detained alleged  
9 ISIS members and families with perceived ISIS af-  
10 filiation.

11 (3) The al-Hol and Roj displacement camps, lo-  
12 cated in Syria near the Syria-Iraq border, now house  
13 a significant number of individuals affiliated with  
14 ISIS who live alongside other displaced persons.

15 (4) The al-Hol camp currently contains ap-  
16 proximately 56,000 residents—

17 (A) an estimated 80 percent of whom are  
18 women and children; and

19 (B) an estimated 50 percent of whom are  
20 under 12 years of age.

21 (5) The al-Hol camp is severely underdeveloped,  
22 with ragged tents, primitive water and sewage facili-  
23 ties, and few healthcare facilities or safe spaces for  
24 education.

25 (6) International organizations working in the  
26 al-Hol and Roj camps, including Save the Children,

1 Doctors Without Borders, and the Norwegian Ref-  
2 ugee Council, have all expressed concerns about poor  
3 living conditions, criminal behavior, and death  
4 threats against volunteers at the camps.

5 (7) The Syrian Democratic Forces, essential  
6 partners in the ongoing fight to achieve an enduring  
7 defeat of ISIS, and who are responsible for guarding  
8 the al-Hol camp and other similar camps, assert  
9 that they lack the resources to properly secure such  
10 camps.

11 (8) The United States currently has troops de-  
12 ployed in Syria to ensure the enduring defeat of  
13 ISIS and support the Syrian Democratic Forces.

14 (9) In 2021, 90 incidents of violence were re-  
15 ported inside the al-Hol camp. Syrian and Iraqi  
16 camp residents and at least 2 aid workers were  
17 killed during such incidents.

18 (10) Nearly 8,000 of the residents of the al-Hol  
19 camp come from roughly 55 countries other than  
20 Syria or Iraq, but such other countries have been  
21 slow to acknowledge repatriation requests.

22 (11) Learning centers in the camps have closed  
23 because of COVID-19. Lacking formal education,  
24 some of the roughly 28,000 children inside the al-

1 Hol camp are being taught by their mothers and are  
2 potentially being indoctrinated with ISIS ideology.

3 (12) The Syrian Democratic Forces operate 28  
4 prisons that house approximately 12,000 captured  
5 ISIS fighters and supporters.

6 (13) In January 2022, 10 ISIS fighters entered  
7 the Hasakah prison and sought to liberate the ap-  
8 proximately 5,000 ISIS prisoners. After a 10-day  
9 battle, hundreds of ISIS fighters were able to es-  
10 cape, and their whereabouts are still unknown.

11 (14) Beginning approximately on August 25,  
12 2022, and ending approximately on September 18,  
13 2022, Syrian Democratic Forces, supported by  
14 United States troops, conducted an extensive secu-  
15 rity sweep of the al-Hol displaced persons camp, ar-  
16 resting 300 ISIS operatives, confiscating explosives,  
17 and liberating 6 women who had been enslaved by  
18 ISIS, at least 1 of whom had been so enslaved since  
19 she was a child.

20 (15) In April 2022, General Michael “Erik”  
21 Kurilla, Commander of the United States Central  
22 Command, became the first senior official of United  
23 States Armed Forces to inspect the al-Hol camp and  
24 Hasakah prison. General Kurilla has described the  
25 ISIS detainees as “an ISIS army-in-waiting” that

1 “requires a whole-of-government approach focused  
2 on engagement with allies and partners.”

3 (16) The first trial on United States soil of a  
4 major ISIS figure occurred in April 2022. The ISIS  
5 terrorist was sentenced to life in prison for his role  
6 in the kidnapping and murder of James Foley, Peter  
7 Kassig, Steven Sotloff, and Kayla Mueller.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that—

10 (1) ISIS detainees held by the Syrian Demo-  
11 cratic Forces and ISIS-affiliated individuals located  
12 within displaced persons camps in Syria pose a sig-  
13 nificant and growing humanitarian challenge and se-  
14 curity threat to the region;

15 (2) there is an urgent need to seek a sustain-  
16 able solution to such camps through repatriation and  
17 reintegration of the inhabitants;

18 (3) the United States should work closely with  
19 international allies and partners to facilitate the re-  
20 patriation and reintegration efforts required to pro-  
21 vide a long-term solution for such camps and pre-  
22 vent the resurgence of ISIS; and

23 (4) if left unaddressed, such camps will con-  
24 tinue to be drivers of instability that jeopardize the

1 long-term prospects for peace and stability in the re-  
2 gion.

3 **SEC. 4. STATEMENT OF POLICY.**

4 It is the policy of the United States that—

5 (1) ISIS-affiliated individuals located within  
6 displacement camps in Syria, and other inhabitants  
7 of displacement camps in Syria, be repatriated or,  
8 where appropriate, prosecuted, and where possible,  
9 reintegrated into their country of origin, consistent  
10 with all applicable international laws prohibiting  
11 refoulement; and

12 (2) the camps will be closed as soon as is prac-  
13 ticable.

14 **SEC. 5. MODIFICATION OF ESTABLISHMENT OF COORDI-  
15 NATOR FOR DETAINED ISIS MEMBERS AND  
16 RELEVANT DISPLACED POPULATIONS IN  
17 SYRIA.**

18 Section 1224 of the National Defense Authorization  
19 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.  
20 1642) is amended—

21 (1) by striking subsection (a);

22 (2) by amending subsection (b) to read as fol-  
23 lows:

24 “(a) DESIGNATION.—

1           “(1) IN GENERAL.—The President, in consulta-  
2           tion with the Secretary of Defense, the Secretary of  
3           State, the Director of National Intelligence, the Sec-  
4           retary of the Treasury, the Administrator of the  
5           United States Agency for International Develop-  
6           ment, and the Attorney General, shall designate an  
7           existing official to serve within the executive branch  
8           as senior-level coordinator to coordinate, in conjunc-  
9           tion with other relevant agencies, all matters related  
10          to ISIS members who are in the custody of the Syr-  
11          ian Democratic Forces and other relevant displaced  
12          populations in Syria, including—

13                   “(A) the disposition of such individuals, in-  
14                   cluding in all matters related to—

15                           “(i) repatriation, transfer, prosecu-  
16                           tion, and intelligence gathering;

17                           “(ii) all multilateral and international  
18                           engagements led by the Department of  
19                           State and other agencies that are related  
20                           to the current and future handling, deten-  
21                           tion, and prosecution of such ISIS mem-  
22                           bers, including such engagements with the  
23                           International Criminal Police Organization;  
24                           and



1           “(iii) the coordination of the provision  
2           of technical and evidentiary assistance to  
3           foreign countries to aid in the successful  
4           prosecution of such ISIS members, as ap-  
5           propriate, in accordance with international  
6           humanitarian law and other internationally  
7           recognized human rights and rule of law  
8           standards;

9           “(B) all multilateral and international en-  
10          gagements related to humanitarian access and  
11          provision of basic services to, and freedom of  
12          movement and security and safe return of, dis-  
13          placed persons at camps or facilities in Syria  
14          that hold family members of such ISIS mem-  
15          bers;

16          “(C) coordination with relevant agencies  
17          on matters described in this section; and

18          “(D) any other matter the Secretary of  
19          State considers relevant.

20          “(2) RULE OF CONSTRUCTION.—If, on the date  
21          of the enactment of the Syria Detainee and Dis-  
22          placed Persons Act, an individual has already been  
23          designated, consistent with the requirements and re-  
24          sponsibilities described in paragraph (1), the re-  
25          quirements under that paragraph shall be considered

1 to be satisfied with respect to such individual until  
2 the date on which such individual no longer serves  
3 as the Senior Coordinator.”;

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

6 (4) in subsection (e), by striking “January 31,  
7 2021” and inserting “January 31, 2025”;

8 (5) in subsection (f)—

9 (A) by redesignating paragraph (2) as  
10 paragraph (3);

11 (B) by inserting after paragraph (1) the  
12 following new paragraph (2):

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

16 (C) by adding at the end the following new  
17 paragraph:

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

20 “(A) the Department of State;

21 “(B) the Department of Defense;

22 “(C) the Department of the Treasury;

23 “(D) the Department of Justice;

24 “(E) the United States Agency for Inter-  
25 national Development;

1           “(F) the Office of the Director of National  
2 Intelligence; and

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

5           (6) by redesignating subsections (c) through (f)  
6 as subsections (b) through (e), respectively.

7 **SEC. 6. STRATEGY ON ISIS-RELATED DETAINEE AND DIS-**  
8 **PLACEMENT CAMPS IN SYRIA.**

9           (a) IN GENERAL.—Not later than 180 days after the  
10 date of the enactment of this Act, the Secretary of State,  
11 in coordination with the Secretary of Defense, the Director  
12 of National Intelligence, the Secretary of the Treasury, the  
13 Administrator of the United States Agency for Inter-  
14 national Development, and the Attorney General, shall  
15 submit to the appropriate committees of Congress an  
16 interagency strategy with respect to ISIS-affiliated indi-  
17 viduals and ISIS-related detainee and other displaced per-  
18 sons camps in Syria.

19           (b) ELEMENTS.—The strategy required by subsection  
20 (a) shall include—

21           (1) methods to address—

22           (A) disengagement from and prevention of  
23 recruitment into violence, violent extremism,  
24 and other illicit activity in such camps;

1 (B) repatriation and, where appropriate,  
2 prosecution of foreign nationals from such  
3 camps, consistent with all applicable inter-  
4 national laws;

5 (C) the return and reintegration of dis-  
6 placed Syrian and Iraqi women and children  
7 into their communities of origin;

8 (D) international engagement to develop  
9 processes for repatriation and reintegration of  
10 foreign nationals from such camps;

11 (E) contingency plans for the relocation of  
12 detained and displaced persons who are not able  
13 to be repatriated from such camps;

14 (F) efforts to improve the humanitarian  
15 conditions in such camps, including through the  
16 delivery of medicine, psychosocial support,  
17 clothing, education, and improved housing; and

18 (G) assessed humanitarian and security  
19 needs of all camps and detainment facilities  
20 based on prioritization of such camps and facili-  
21 ties most at risk of humanitarian crises, exter-  
22 nal attacks, or internal violence; and

23 (2) a plan to improve, in such camps—

24 (A) security conditions, including by train-  
25 ing of personnel and through construction; and

- 1 (B) humanitarian conditions;
- 2 (3) a framework for measuring progress of hu-
- 3 manitarian, security, and repatriation efforts with
- 4 the goal of closing such camps; and
- 5 (4) any other matter the Secretary of State
- 6 considers appropriate.

7 **SEC. 7. ANNUAL INTERAGENCY REPORT.**

8 (a) IN GENERAL.—Not later than 180 days after the

9 date of the enactment of this Act, and not less frequently

10 than annually thereafter through January 31, 2025, the

11 Senior Coordinator, in coordination with the relevant

12 agencies, shall submit to the appropriate committees of

13 Congress a detailed report that includes the following:

14 (1) A detailed description of the facilities and

15 camps where detained ISIS members, and families

16 with perceived ISIS affiliation, are being held and

17 housed, including—

18 (A) a description of the security and man-

19 agement of such facilities and camps

20 (B) an assessment of resources required

21 for the security of such facilities and camps;

22 and

23 (C) an assessment of the adherence by the

24 operators of such facilities and camps to inter-

25 national humanitarian law standards.

1           (2) A description of all efforts undertaken by  
2 the United States Government to address deficits in  
3 the humanitarian environment and security of such  
4 facilities and camps.

5           (3) A description of all multilateral and inter-  
6 national engagements related to humanitarian access  
7 and provision of basic services to, and freedom of  
8 movement and security and safe return of, displaced  
9 persons at camps or facilities in Iraq, Syria, and any  
10 other area affected by ISIS activity, including a de-  
11 scription of—

12                   (A) support for efforts by the Syrian  
13 Democratic Forces to facilitate the return and  
14 reintegration of displaced people from Iraq and  
15 Syria;

16                   (B) repatriation efforts with respect to dis-  
17 placed women and children;

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

23                   (D) United States Government plans and  
24 strategies to respond to any threat identified  
25 under subparagraph (C).

1           (4) To the greatest extent practicable under the  
2 law and consistent with Department of Justice pol-  
3 icy, an analysis of—

4                   (A) United States efforts to prosecute de-  
5 tained or displaced ISIS members; and

6                   (B) the outcomes of such efforts.

7           (5) A detailed description of any option to expe-  
8 dite prosecution of any detained ISIS member, in-  
9 cluding in a court of competent jurisdiction outside  
10 of the United States.

11           (6) An analysis of factors on the ground in  
12 Syria and Iraq that may result in the unintended re-  
13 lease of detained or displaced ISIS members, and an  
14 assessment of any measures available to mitigate  
15 such releases.

16           (7) A detailed description of efforts to coordi-  
17 nate the disposition and security of detained or dis-  
18 placed ISIS members with other countries and inter-  
19 national organizations, including the International  
20 Criminal Police Organization, to ensure secure  
21 chains of custody and locations of such ISIS mem-  
22 bers.

23           (8) An analysis of the manner in which the  
24 United States Government communicates on such  
25 proposals and efforts with the families of United

1 States citizens believed to have been victims of a  
2 criminal act by a detained or displaced ISIS mem-  
3 ber.

4 (9) An analysis of all efforts between the  
5 United States and partner countries within the  
6 Global Coalition to Defeat ISIS or other countries to  
7 share intelligence or evidence that may aid in the  
8 prosecution of ISIS members, and any legal obsta-  
9 cles that may hinder such efforts.

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

12 (b) FORM.—The report required by subsection (a)  
13 shall be submitted in unclassified form but may include  
14 a classified annex.

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