

Manager's Substitute Amendment

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. SHAHEEN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Syria Detainee and
5 Displaced Persons Act”.

6 **SEC. 2. MODIFICATION OF ESTABLISHMENT OF COORDI-**
7 **NATOR FOR DETAINED ISIS MEMBERS AND**
8 **RELEVANT POPULATIONS IN SYRIA.**

9 (a) DEFINITIONS.—In this section:

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 subsection (d).

1 (b) SENSE OF CONGRESS.—

2 It is the sense of Congress that—

3 (A) ISIS detainees held by the Syrian
4 Democratic Forces and ISIS-affiliated individ-
5 uals located within displaced persons camps in
6 Syria pose a significant and growing humani-
7 tarian challenge and security threat to the re-
8 gion;

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

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

20 (D) the United States should work closely
21 with international allies and partners to facili-
22 tate the repatriation and reintegration efforts
23 required to provide a long-term solution for
24 such camps and prevent the resurgence of ISIS;
25 and

1 (E) if left unaddressed, such camps will
2 continue to be drivers of instability that jeop-
3 ardize the long-term prospects for peace and
4 stability in the region.

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

7 (1) ISIS-affiliated individuals located within
8 displacement camps in Syria, and other inhabitants
9 of displacement camps in Syria, be repatriated and,
10 where appropriate, prosecuted, or where possible, re-
11 integrated into their country of origin, consistent
12 with all relevant domestic laws and applicable inter-
13 national laws prohibiting refoulement; and

14 (2) the camps will be closed as soon as is prac-
15 ticable.

16 (d) MODIFICATION OF ESTABLISHMENT OF COORDI-
17 NATOR FOR DETAINED ISIS MEMBERS AND RELEVANT
18 DISPLACED POPULATIONS IN SYRIA.—Section 1224 of the
19 National Defense Authorization Act for Fiscal Year 2020
20 (Public Law 116–92; 133 Stat. 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, matters related to
10 ISIS members who are in the custody of the Syrian
11 Democratic Forces and other relevant displaced pop-
12 ulations in Syria, including—

13 “(A) by engaging foreign partners to sup-
14 port the repatriation and disposition of such in-
15 dividuals, including by encouraging foreign
16 partners to repatriate, transfer, investigate, and
17 prosecute such ISIS members, and share intel-
18 ligence;

19 “(B) coordination of all multilateral and
20 international engagements led by the Depart-
21 ment of State and other agencies that are re-
22 lated to the current and future handling, deten-
23 tion, and prosecution of such ISIS members;

24 “(C) the funding and coordination of the
25 provision of technical and other assistance to

1 foreign countries to aid in the successful inves-
2 tigation and prosecution of such ISIS members,
3 as appropriate, in accordance with relevant do-
4 mestic laws, international humanitarian law,
5 and other internationally recognized human
6 rights and rule of law standards;

7 “(D) coordination of all multilateral and
8 international engagements related to humani-
9 tarian access and provision of basic services to,
10 and freedom of movement and security and safe
11 return of, displaced persons at camps or facili-
12 ties in Syria that hold family members of such
13 ISIS members;

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

16 “(F) any other matter the President con-
17 siders relevant.

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

1 the date on which such individual no longer serves
2 as the Senior Coordinator.”;

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

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

7 (5) in subsection (e), by striking “January 31,
8 2021” and inserting “January 31, 2024”;

9 (6) in subsection (f)—

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

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

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

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

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

21 “(A) the Department of State;

22 “(B) the Department of Defense;

23 “(C) the Department of the Treasury;

24 “(D) the Department of Justice;

1 “(E) the United States Agency for Inter-
2 national Development;

3 “(F) the Office of the Director of National
4 Intelligence; and

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

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

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

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of State, in coordination with the Secretary of
14 Defense, the Director of National Intelligence, the
15 Secretary of the Treasury, the Administrator of the
16 United States Agency for International Develop-
17 ment, and the Attorney General, shall submit to the
18 appropriate committees of Congress an interagency
19 strategy with respect to ISIS-affiliated individuals
20 and ISIS-related detainee and other displaced per-
21 sons camps in Syria.

22 (2) ELEMENTS.—The strategy required by
23 paragraph (1) shall include—

24 (A) methods to address—

1 (i) disengagement from and preven-
2 tion of recruitment into violence, violent
3 extremism, and other illicit activity in such
4 camps;

5 (ii) efforts to encourage and facilitate
6 repatriation and, as appropriate, investiga-
7 tion and prosecution of foreign nationals
8 from such camps, consistent with all rel-
9 evant domestic and applicable international
10 laws;

11 (iii) the return and reintegration of
12 displaced Syrian and Iraqi women and
13 children into their communities of origin;

14 (iv) international engagement to de-
15 velop processes for repatriation and re-
16 integration of foreign nationals from such
17 camps;

18 (v) contingency plans for the reloca-
19 tion of detained and displaced persons who
20 are not able to be repatriated from such
21 camps;

22 (vi) efforts to improve the humani-
23 tarian conditions in such camps, including
24 through the delivery of medicine, psycho-

1 social support, clothing, education, and im-
2 proved housing; and

3 (vii) assessed humanitarian and secu-
4 rity needs of all camps and detainment fa-
5 cilities based on prioritization of such
6 camps and facilities most at risk of hu-
7 manitarian crises, external attacks, or in-
8 ternal violence;

9 (B) an assessment of—

10 (i) rehabilitation centers in northeast
11 Syria, including humanitarian conditions
12 and processes for admittance and efforts to
13 improve both humanitarian conditions and
14 admittance processes for such centers and
15 camps, as well as on the prevention of
16 youth radicalization; and

17 (ii) processes for being sent to, and
18 resources directed towards, rehabilitation
19 centers and programs in countries that re-
20 ceive returned ISIS affiliated individuals,
21 with a focus on the prevention of
22 radicalization of minor children;

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

1 (i) security conditions, including by
2 training of personnel and through con-
3 struction; and

4 (ii) humanitarian conditions;

5 (D) a framework for measuring progress of
6 humanitarian, security, and repatriation efforts
7 with the goal of closing such camps; and

8 (E) any other matter the Secretary of
9 State considers appropriate.

10 (3) FORM.—The strategy required by para-
11 graph (1) shall be submitted in unclassified form but
12 may include a classified annex that is transmitted
13 separately.

14 (f) ANNUAL INTERAGENCY REPORT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, and not
17 less frequently than annually thereafter through
18 January 31, 2024, the Senior Coordinator, in co-
19 ordination with the relevant agencies, shall submit to
20 the appropriate committees of Congress a detailed
21 report that includes the following:

22 (A) A detailed description of the facilities
23 and camps where detained ISIS members, and
24 families with perceived ISIS affiliation, are
25 being held and housed, including—

1 (i) a description of the security and
2 management of such facilities and camps

3 (ii) an assessment of resources re-
4 quired for the security of such facilities
5 and camps; and

6 (iii) an assessment of the adherence
7 by the operators of such facilities and
8 camps to international humanitarian law
9 standards; and

10 (iv) an assessment of children held
11 within such facilities and camps that may
12 be used as part of smuggling operations to
13 evade security at the facilities and camps.

14 (B) A description of all efforts undertaken
15 by, and the resources needed for, the United
16 States Government to address deficits in the
17 humanitarian environment and security of such
18 facilities and camps.

19 (C) A description of all multilateral and
20 international engagements related to humani-
21 tarian access and provision of basic services to,
22 and freedom of movement and security and safe
23 return of, displaced persons at camps or facili-
24 ties in Iraq, Syria, and any other area affected
25 by ISIS activity, including a description of—

1 (i) support for efforts by the Syrian
2 Democratic Forces to facilitate the return
3 and reintegration of displaced people from
4 Iraq and Syria;

5 (ii) repatriation efforts with respect to
6 displaced women and children and male
7 children aging into adults while held in
8 these facilities and camps;

9 (iii) any current or future potential
10 threat to United States national security
11 interests posed by detained ISIS members
12 or displaced families, including an analysis
13 of the al-Hol camp and annexes; and

14 (iv) United States Government plans
15 and strategies to respond to any threat
16 identified under clause (iii).

17 (D) The number of individuals repatriated
18 from the custody of the Syrian Democratic
19 Forces.

20 (E) An analysis of factors on the ground
21 in Syria and Iraq that may result in the unin-
22 tended release of detained or displaced ISIS
23 members, and an assessment of any measures
24 available to mitigate such releases.

1 (F) A detailed description of efforts to en-
2 courage the final disposition and security of de-
3 tained or displaced ISIS members with other
4 countries and international organizations.

5 (G) A description of foreign repatriation
6 and rehabilitation programs deemed successful
7 systems to model, and an analysis of the long-
8 term results of such programs.

9 (H) A description of the manner in which
10 the United States Government communicates
11 regarding repatriation and disposition efforts
12 with the families of United States citizens be-
13 lieved to have been victims of a criminal act by
14 a detained or displaced ISIS member, in ac-
15 cordance with section 503(c) of the Victims'
16 Rights and Restitution Act of 1990 (34 U.S.C.
17 20141(c)) and section 3771 of title 18, United
18 States Code.

19 (I) An analysis of all efforts between the
20 United States and partner countries within the
21 Global Coalition to Defeat ISIS or other coun-
22 tries to share intelligence or related information
23 that may aid in resolving the final disposition
24 of ISIS members, and any obstacles that may
25 hinder such efforts.

1 (J) Any other matter the Coordinator con-
2 siders appropriate.

3 (2) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form but may
5 include a classified annex that is transmitted sepa-
6 rately.

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

10 (1) to limit the authority of any Federal agency
11 to independently carry out the authorized functions
12 of such agency; or

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