

112TH CONGRESS
2D SESSION

H. R. 6382

To hold war crimes suspects and Nazi war criminals accountable by encouraging foreign governments to more efficiently prosecute, extradite, deport, or accept for deportation such war crimes suspects and Nazi war criminals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2012

Mr. ISRAEL (for himself and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To hold war crimes suspects and Nazi war criminals accountable by encouraging foreign governments to more efficiently prosecute, extradite, deport, or accept for deportation such war crimes suspects and Nazi war criminals, 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 “War Crimes Account-
5 ability Act of 2012”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) the United States should actively encourage
2 prosecution of war crimes suspects and Nazi war
3 criminals;

4 (2) the Simon Wiesenthal Center should be
5 commended for its historic work in bringing to light
6 the atrocities of the Holocaust and in advancing jus-
7 tice for Nazi war criminals through Operation: Last
8 Chance;

9 (3) the pursuit and prosecution of war crimes
10 suspects and Nazi war criminals—from the crimes
11 of the Nazi era to the most recent conflicts in
12 Sudan—is critical to maintenance of the rule of law
13 globally; and

14 (4) pursuit of war crimes suspects includes en-
15 forcement of an arrest warrant issued by an inter-
16 national tribunal against war crimes suspects in-
17 dicted by such international tribunal, including war
18 crimes suspects visiting a foreign country.

1 **SEC. 3. IDENTIFICATION OF COUNTRIES FAILING TO CO-**
2 **OPERATE SATISFACTORILY WITH RELEVANT**
3 **JURISDICTIONS IN EXTRADITING OR DE-**
4 **PORTING WAR CRIMES SUSPECTS OR NAZI**
5 **WAR CRIMINALS.**

6 (a) REPORT.—The President shall submit to Con-
7 gress for each of fiscal years 2013 through 2017 a report
8 that identifies each country that is failing to—

9 (1) cooperate satisfactorily with relevant juris-
10 dictions in extraditing or deporting war crimes sus-
11 pects or Nazi war criminals to the jurisdiction in
12 which such war crimes suspects or Nazi war crimi-
13 nals, as the case may be, have been indicted or con-
14 victed;

15 (2) enforce arrest warrants issued by an inter-
16 national tribunal against war crimes suspects in-
17 dicted by such international tribunal, including war
18 crimes suspects visiting a foreign country;

19 (3) accept Nazi war criminals deported from
20 the United States; or

21 (4) effectively prosecute war crimes suspects or
22 Nazi war criminals within such country's jurisdic-
23 tion, including Nazi war criminals who resided in the
24 United States and were deported from or extradited
25 by the United States or left the United States volun-
26 tarily.

1 (b) MATTERS TO BE INCLUDED.—Each such report
2 shall include detailed information regarding the war
3 crimes suspects and Nazi war criminals described in sub-
4 section (a).

5 (c) FORM.—Each such report, and the identification
6 of each country in such report, shall be submitted in an
7 unclassified form, but may contain a classified annex if
8 necessary.

9 **SEC. 4. PROHIBITION ON GOVERNMENT-TO-GOVERNMENT**
10 **SALES OF DEFENSE ARTICLES UNDER THE**
11 **ARMS EXPORT CONTROL ACT TO COUNTRIES**
12 **IDENTIFIED UNDER SECTION 3.**

13 (a) PROHIBITION.—For each country identified in
14 the report under section 3 for a fiscal year, the President
15 may not issue a letter of offer to sell defense articles under
16 the Arms Export Control Act (22 U.S.C. 2751 et seq.)
17 for \$7,000,000 or more to such country for the subsequent
18 fiscal year pursuant to section 36(b) of such Act (22
19 U.S.C. 2776(b)).

20 (b) WAIVER.—The President may waive the prohibi-
21 tion in subsection (a) for any fiscal year in which a letter
22 of offer may be issued by the United States Government
23 if the President determines and certifies to Congress that
24 it is in the national security interest of the United States
25 to do so.

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) NAZI WAR CRIMINAL.—The term “Nazi war
4 criminal” means any person accused of or indicted
5 for ordering, inciting, assisting, or otherwise partici-
6 pating in the persecution of any person because of
7 race, religion, national origin, or political opinion
8 during the period beginning on March 23, 1933, and
9 ending on May 8, 1945, under the direction of, or
10 in association with—

11 (A) the Nazi government of Germany;

12 (B) any government in any area occupied
13 by the military forces of the Nazi government
14 of Germany;

15 (C) any government established with the
16 assistance or cooperation of the Nazi govern-
17 ment of Germany; or

18 (D) any government which was an ally of
19 the Nazi government of Germany.

20 (2) WAR CRIMES SUSPECT.—The term “war
21 crimes suspect” means any person accused by an
22 international tribunal of planning, ordering, assist-
23 ing, aiding and abetting, committing, or otherwise
24 participating in, including through command respon-
25 sibility, war crimes, crimes against humanity, geno-

1 cide or other serious violations of human rights, or
2 who attempted or conspired to do so.

3 **SEC. 6. EFFECTIVE DATE.**

4 This Act shall take effect on the date that is 90 days
5 after the date of the enactment of this Act.

