

117TH CONGRESS
2D SESSION

S. 4240

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Justice for Victims
3 of War Crimes Act”.

4 **SEC. 2. WAR CRIMES.**

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

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

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

11 “(1) the offense occurs in whole or in part with-
12 in the United States; or

13 “(2) regardless of where the offense occurs—

14 “(A) the victim or offender is—

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

18 “(ii) a member of the Armed Forces
19 of the United States, regardless of nation-
20 ality; or

21 “(B) the offender is present in the United
22 States, regardless of the nationality of the vic-
23 tim or offender.”; and

24 (2) by adding at the end the following:

25 “(e) NONAPPLICABILITY OF CERTAIN LIMITA-
26 TIONS.—In the case of an offense described in subsection

1 (a) and further described in subsections (c)(1) and (c)(3),
2 an indictment may be found or an information may be
3 instituted at any time without limitation.

4 “(f) CERTIFICATION REQUIREMENT.—

5 “(1) IN GENERAL.—No prosecution for an of-
6 fense described in subsection (a) shall be undertaken
7 by the United States except on written certification
8 of the Attorney General, the Deputy Attorney Gen-
9 eral, or an Assistant Attorney General, which func-
10 tion of approving prosecutions may not be delegated,
11 that a prosecution by the United States is in the
12 public interest and necessary to secure substantial
13 justice.

14 “(2) OFFENDER PRESENT IN UNITED
15 STATES.—For an offense for which jurisdiction ex-
16 ists under subsection (b)(2)(B) (and does not exist
17 under any other provision of subsection (b)), the
18 written certification required under paragraph (1) of
19 this subsection that a prosecution by the United
20 States is in the public interest and necessary to se-
21 cure substantial justice shall be made by the Attor-
22 ney General or the Deputy Attorney General, which
23 function may not be delegated. In issuing such cer-
24 tification, the same official shall weigh and consider,
25 among other relevant factors—

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

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

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

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

17 “(i) RULES OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed as—

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

1 “(2) consent by the United States to any asser-
2 tion or exercise of jurisdiction by any international,
3 hybrid, or foreign court.”.

Passed the Senate December 21, 2022.

Attest:

Secretary.

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