

115TH CONGRESS
1ST SESSION

H. R. 379

To assist members of the Yazidi and Christian communities residing in
Iraq and Syria, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2017

Mr. HASTINGS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Armed Services, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To assist members of the Yazidi and Christian communities
residing in Iraq and 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 “Justice for Yazidis
5 Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) Preventing genocide and mass atrocities is
9 a national priority of the United States.

1 (2) Atrocities committed by the Islamic State
2 (IS) against Yazidis and other minorities have in-
3 cluded mass murder, crucifixions, beheadings, rape,
4 torture, enslavement, trafficking, and the kidnapping
5 of children.

6 (3) IS engages in, and publicly argues in favor
7 of, the sexual enslavement of Yazidi women and
8 girls.

9 (4) The United Nations Convention on the Pre-
10 vention and Punishment of the Crime of Genocide,
11 signed and ratified by the United States, defines
12 genocide as follows: “any of the following acts com-
13 mitted with the intent to destroy, in whole or in
14 part, a national, ethnical, racial or religious group,
15 as such:

16 “(a) killing members of the group;

17 “(b) causing serious bodily or mental harm to
18 members of the group;

19 “(c) deliberately inflicting on the group condi-
20 tions of life calculated to bring about its physical de-
21 struction in whole or in part;

22 “(d) imposing measures intended to prevent
23 births within the group; and

24 “(e) forcibly transferring children of the group
25 to another group.”.

1 (5) In December 2015, the United States Holo-
2 caust Memorial Museum’s Simon-Skjodt Center for
3 the Prevention of Genocide issued a report titled
4 “‘Our Generation Is Gone—the Islamic State’s Tar-
5 geting of Iraqi Minorities in Ninewa’”, which con-
6 cluded that “IS committed crimes against humanity,
7 war crimes, and ethnic cleansing . . . [and] per-
8 petrated genocide against the Yezidi people”.

9 (6) On December 7, 2015, the United States
10 Commission on International Religious Freedom
11 called on the United States Government “to des-
12 ignate the Christian, Yezidi, Shi’a, Turkmen, and
13 Shabak communities of Iraq and Syria as victims of
14 genocide by ISIL”.

15 (7) On February 3, 2016, the European Par-
16 liament unanimously passed a resolution declaring
17 that IS “is committing genocide against Christians
18 and Yezidis, and other religious and ethnic minori-
19 ties”.

20 (8) On March 14, 2016, the United States
21 House of Representatives passed H. Con. Res. 75,
22 expressing the sense of Congress that the atrocities
23 perpetrated by IS against religious and ethnic mi-
24 norities in Iraq and Syria include war crimes, crimes

1 against humanity, and genocide, by a unanimous
2 vote of 393–0.

3 (9) On March 17, 2016, United States Sec-
4 retary of State John Kerry declared that IS is “re-
5 sponsible for genocide against groups under its con-
6 trol including Yazidis, Christians, and Shiite Mus-
7 lims”.

8 (10) On June 15, 2016, the United Nations
9 Human Rights Council issued the report “They
10 Came to Destroy: ISIS Crimes Against the Yazidis”
11 which stated that IS “has committed the crime of
12 genocide as well as multiple crimes against humanity
13 and war crimes against the Yazidis, thousands of
14 whom are held captive in the Syrian Arab Republic
15 where they are subjected to almost unimaginable
16 horrors”.

17 (11) President Barack Obama established the
18 Atrocities Prevention Board in 2011, and stated
19 that “preventing atrocities and genocide is a core
20 national security interest and a core moral responsi-
21 bility of the United States”.

22 (12) Over 3,200 Yazidi women and children are
23 still being held by IS.

24 (13) The atrocities committed by IS should be
25 investigated through the establishment of a United

1 Nations Ad-hoc Tribunal for the purpose of docu-
2 menting mass graves and prosecuting cases of mass
3 atrocities.

4 (14) It is in the interest of the United States
5 that the United States Armed Forces cooperate with
6 friendly forces in Syria and Iraq for the purpose of
7 securing members of the Yazidi and Christian com-
8 munities being held captive by IS.

9 **SEC. 3. ESTABLISHMENT OF NEW CATEGORY OF REFUGEE**
10 **OF SPECIAL HUMANITARIAN CONCERN.**

11 (a) CLASSIFICATION OF SYRIAN AND IRAQI RELI-
12 GIOUS MINORITIES.—Syrian and Iraqi nationals who are
13 members of a religious minority in their country of ori-
14 gin—

15 (1) shall be classified as refugees of special hu-
16 manitarian concern;

17 (2) shall be eligible for Priority 2 processing
18 under the refugee resettlement priority system; and

19 (3) may apply directly to the United States
20 Refugee Admissions Program for admission to the
21 United States.

22 (b) ELIGIBILITY FOR ADMISSION AS A REFUGEE.—
23 No alien shall be denied the opportunity to apply for ad-
24 mission under this section solely because such alien—

25 (1) qualifies as an immediate relative;

1 (2) is eligible for any other immigrant classi-
2 fication; or

3 (3) was referred to apply for admission to the
4 United States as a refugee by a United States non-
5 profit organization that is exempt from Federal in-
6 come taxes under section 501(c)(3) of the Internal
7 Revenue Code.

8 (c) PERMITTING CERTAIN ALIENS WITHIN CAT-
9 EGORIES TO REAPPLY FOR REFUGEE STATUS.—Each
10 alien described in subsection (a) who after, June 1, 2014,
11 and before the date of the enactment of this Act was de-
12 nied refugee status shall be permitted to reapply for such
13 status. Such an application shall be determined taking
14 into account the application of this Act.

15 (d) PROTECTION OF ALIENS.—In a case in which
16 that the Secretary of State, in consultation with the Sec-
17 retary of Homeland Security, determines that an alien
18 who is described in subsection (a) and who has applied
19 for admission to the United States as a refugee under sec-
20 tion 207 of the Immigration and Nationality Act (8 U.S.C.
21 1157) using the processes established under this section
22 is in imminent danger, the Secretary shall make a reason-
23 able effort to provide such alien with protection or the im-
24 mediate removal from that country.

1 **SEC. 4. EXPEDITED SYSTEM FOR PRIORITY 2 REFUGEE**
2 **PROCESSING.**

3 (a) REPORT.—Not later than 60 days after the date
4 of the enactment of this Act, the Secretary of State, in
5 consultation with the Secretary of Homeland Security,
6 shall submit to the Committee on the Judiciary of the
7 House of Representatives, the Committee on Foreign Af-
8 fairs of the House of Representatives, the Committee on
9 the Judiciary of the Senate, and the Committee on For-
10 eign Relations of the Senate a report containing a plan
11 to expedite the processing of applications for admission
12 to the United States as a refugee under section 207 of
13 the Immigration and Nationality Act (8 U.S.C. 1157) of
14 aliens described in section 3 of this Act, which shall in-
15 clude information relating to—

16 (1) expediting the processing of such refugees
17 for resettlement, including through temporary ex-
18 pansion of the Refugee Corps of United States Citi-
19 zenship and Immigration Services;

20 (2) streamlining existing systems for conducting
21 background and security checks of such aliens; and

22 (3) establishing or expanding facilities to proc-
23 ess such applications at appropriate locations in
24 Dahouk, Iraq, and or near Erbil or Basrah, Iraq,
25 and the processing of such applications in such fa-
26 cilities.

1 (b) EXPEDITED PROCESS.—Not later than 90 days
2 after the date of the enactment of this Act, the Secretary
3 of State, in consultation with the Secretary of Homeland
4 Security, shall implement the plan contained in the report
5 under subsection (a).

6 **SEC. 5. REPORTS.**

7 (a) ANNUAL REPORT.—Not later than 120 days after
8 the date of the enactment of this Act, and annually there-
9 after through 2020, the Secretary of State, in consultation
10 with the Secretary of Homeland Security, shall submit to
11 the Congress an unclassified report, with a classified
12 annex if necessary, which includes—

13 (1) an assessment of the financial, security, and
14 personnel considerations and resources necessary to
15 carry out the provisions of this Act;

16 (2) the number of aliens described in section
17 3(a); and

18 (3) the number of such aliens who have applied
19 for admission to the United States as a refugee
20 under section 207 of the Immigration and Nation-
21 ality Act (8 U.S.C. 1157) using the processes estab-
22 lished under section 3 of this Act.

23 (b) REPORT ON VIDEO-CONFERENCE REFUGEE
24 INTERVIEWS.—Not later than 120 days after the date of
25 the enactment of this Act, the Secretary of Homeland Se-

1 curity, in consultation with the Secretary of State, shall
2 submit to the Congress an unclassified report, with a clas-
3 sified annex if necessary, which includes—

4 (1) the number of aliens who applied for admis-
5 sion as a refugee under section 207 of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1157) in 2014
7 who are awaiting interviews in locations inaccessible
8 to U.S. Citizenship and Immigration Services offi-
9 cers;

10 (2) the number of locations worldwide to which
11 Refugee Corps Officer circuit rides were suspended
12 in 2014 due to security considerations; and

13 (3) a proposal for how to implement interviews
14 via video-conference for aliens who applied for ad-
15 mission the United States as a refugee under section
16 207 of the Immigration and Nationality Act (8
17 U.S.C. 1157), who currently reside in locations
18 where Refugee Corps circuit rides have been sus-
19 pended.

1 **SEC. 6. SECRETARY OF DEFENSE REPORT ON STEPS AND**
2 **PROTOCOL RELATED TO THE RESCUE, CARE,**
3 **AND TREATMENT OF YAZIDI, CHRISTIAN,**
4 **SHABAK, AND TURKMEN CAPTIVES OF THE**
5 **ISLAMIC STATE.**

6 (a) REPORT REQUIRED.—Not later than 60 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the Congress a report con-
9 taining each of the following:

10 (1) A description of any steps the Department
11 of Defense is taking to ensure coordination between
12 the Armed Forces of the United States and local
13 forces in conducting military operations in regions
14 controlled by the Islamic State where religious or
15 minority groups are known or thought to be held
16 captive, in order to incorporate the rescue of such
17 captives as a secondary objective.

18 (2) A description of any protocols that will be
19 put in place by the Department of Defense, includ-
20 ing protocols developed in coordination with the Gov-
21 ernment of Iraq, for the care and treatment of reli-
22 gious or minority groups rescued from captivity
23 under the Islamic State, including any protocol for
24 relocating such groups of captives to safe locations.

1 (b) FORM OF REPORT.—The report required by sub-
2 section (a) shall be submitted in unclassified form, but
3 may include a classified annex.

4 **SEC. 7. PROGRAMS FOR RELIGIOUS MINORITIES AND CRI-**
5 **SIS PREVENTION.**

6 (a) HEALTH CARE AND PSYCHOSOCIAL SUPPORT
7 PROGRAM.—

8 (1) IN GENERAL.—The Secretary of State, in
9 consultation with the Administrator of the United
10 States Agency for International Development, shall
11 establish a program to provide health care and psy-
12 chosocial support for members of the Yazidi, Chris-
13 tian, Shabak, and Turkmen communities displaced
14 by the Islamic State. Such program shall provide
15 mental health and psychosocial support for children
16 from such communities, with a particular focus on
17 providing services to survivors of sexual slavery
18 under the Islamic State.

19 (2) IMPLEMENTATION.—The program estab-
20 lished under paragraph (1) shall provide care in ac-
21 cordance with the Guidelines on Mental Health and
22 Psychosocial Support in Emergency Settings pro-
23 mulgated by the Inter-Agency Standing Committee
24 of the World Health Organization.

1 (b) PSYCHOLOGIST, SOCIAL WORKER, AND PHYSICAL
2 THERAPIST TRAINING PROGRAM.—

3 (1) IN GENERAL.—The Secretary, in consulta-
4 tion with the Administrator, shall establish a pro-
5 gram to provide training with respect to trauma-in-
6 formed care to psychologists, social workers, and
7 physical therapists based in an eligible country. The
8 program shall prioritize providing such training to a
9 psychologist, social worker, or physical therapist who
10 speaks Kurmanji or the Shengali dialect of
11 Kurmanji.

12 (2) ELIGIBLE COUNTRY.—For purposes of the
13 program established under paragraph (1), the term
14 “eligible country” means Iraq, Syria, or any country
15 the Secretary determines to be a host country of
16 Yazidi, Christian, Shabak, or Turkmen refugees who
17 would benefit from the training provided under such
18 program.

19 (c) REPORT.—Not later than 60 days after the date
20 of the enactment of this Act, the Secretary shall submit
21 to the Committee on Foreign Affairs of the House of Rep-
22 resentatives and the Committee on Foreign Relations of
23 the Senate a report describing the progress made toward
24 establishing the programs required under subsections (a)

1 and (b) and the steps planned to complete such establish-
2 ment.

3 (d) TRANSFER OF FUNDING.—Of the unobligated
4 amounts available on the date of the enactment of this
5 Act for the Economic Support Fund established under
6 chapter 4 of part II of the Foreign Assistance Act of 1961
7 (22 U.S.C. 2346 et seq.), \$15,000,000, to be derived from
8 amounts made available for assistance to Egypt, shall be
9 made available to the Secretary until expended for the pro-
10 grams established under subsections (a) and (b).

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