

115TH CONGRESS
1ST SESSION

S. 1158

To help prevent acts of genocide and other atrocity crimes, which threaten national and international security, by enhancing United States Government capacities to prevent, mitigate, and respond to such crises.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2017

Mr. CARDIN (for himself, Mr. YOUNG, Mr. TILLIS, Mr. DURBIN, Mr. RUBIO, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. BLUMENTHAL, Ms. WARREN, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. FRANKEN, Mr. PETERS, Mr. COONS, Ms. STABENOW, Mr. BOOKER, Mr. MARKEY, Mr. BROWN, Ms. BALDWIN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To help prevent acts of genocide and other atrocity crimes, which threaten national and international security, by enhancing United States Government capacities to prevent, mitigate, and respond to such crises.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Elie Wiesel Genocide and Atrocities Prevention Act of
6 2017”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Statement of policy regarding genocide and other atrocity crimes prevention.
- Sec. 5. Mass Atrocities Task Force.
- Sec. 6. Training of Foreign Service officers in conflict and atrocity crimes prevention.
- Sec. 7. Report of the Director of National Intelligence.
- Sec. 8. Complex Crises Fund.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) The nature of genocide and other atrocity
 6 crimes, including war crimes, crimes against human-
 7 ity, and ethnic cleansing, includes shocking acts of
 8 violence perpetrated by governments and non-state
 9 actors, which have killed millions of civilians and
 10 other innocent individuals.

11 (2) The commitment to prevent acts of genocide
 12 and other atrocity crimes has been a centerpiece of
 13 policy by consecutive administrations of the United
 14 States Government.

15 (3) The United States was the first country in
 16 the world to sign the Convention on the Prevention
 17 and Punishment of the Crime of Genocide, signed at
 18 Paris December 9, 1948, and President Ronald
 19 Reagan signed implementing legislation allowing the

1 United States to become a party to the Convention
2 on November 25, 1988.

3 (4) In the 2006 National Security Strategy,
4 President George W. Bush highlighted the “moral
5 imperative that states take action to prevent and
6 punish genocide”.

7 (5) In 2008, the bipartisan Genocide Prevention
8 Task Force, which was co-chaired by former Sec-
9 retary of Defense William Cohen and former Sec-
10 retary of State Madeleine Albright—

11 (A) stated “genocide and mass atrocities
12 also threaten core U.S. national interests”; and

13 (B) recommended the creation of “a new
14 standing interagency mechanism for analysis of
15 threats [of genocide and other mass atrocities]
16 and coordination of appropriate preventive ac-
17 tion”.

18 (6) In December 2010, the Senate unanimously
19 passed Senate Concurrent Resolution 71, which rec-
20 ognized the United States “national interest in help-
21 ing to prevent and mitigate acts of genocide and
22 other mass atrocities against civilians, and sup-
23 porting and encouraging efforts to develop a whole
24 of government approach to prevent and mitigate
25 such acts”.

1 (7) In 2012, President Obama, in Presidential
2 Study Directive 10, which ordered the creation of
3 the Atrocities Prevention Board, stated that he
4 would ensure that the United States Government
5 has the required structures, tools, and mechanisms
6 to better prevent and respond to atrocity crimes.

7 (8) In February 2014, James Clapper, the
8 former Director of National Intelligence, stated in
9 his annual national security threat assessment to
10 Congress—

11 (A) “The overall risk of mass atrocities
12 worldwide will probably increase in 2014 and
13 beyond.”;

14 (B) “Many countries at risk of mass atroc-
15 ities will likely be open to influence to prevent
16 or mitigate them.”; and

17 (C) “Much of the world will almost cer-
18 tainly turn to the United States for leadership
19 to prevent and respond to mass atrocities.”.

20 (9) In February 2016, former Director of Na-
21 tional Intelligence Clapper stated, in his annual na-
22 tional security threat assessment to Congress,
23 “Risks of atrocities, large-scale violence, and regime-
24 threatening instability will remain elevated in
25 2016.”.

(10) The United States can strengthen its atrocity crimes prevention and peacebuilding efforts by—

(A) supporting civil society which serves a central role in promoting nonviolent conflict resolution and supporting early warning;

(B) enhancing cooperation and understanding among ethnic and religious groups, communities, and factions;

(C) working with the international community to ensure shared responsibility by enhancing multilateral and regional mechanisms that seek to prevent genocide and other atrocity crimes;

(D) promoting effective accountability mechanisms to deter individuals and entities that may incite or commit genocide or other atrocity crimes; and

(E) implementing policies that hold accountable individuals and entities that incite or commit genocide or other atrocity crimes.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATROCITY CRIMES; MASS ATROCITIES.—The terms “atrocity crimes” and “mass atrocities” mean

1 large scale and deliberate acts of violence against ci-
2 vilians and include genocide, war crimes, crimes
3 against humanity, and ethnic cleansing.

4 (2) GENOCIDE.—The term “genocide” has the
5 meaning given the term in section 1091(a) of title
6 18, United States Code.

7 (3) PEACEBUILDING.—The term
8 “peacebuilding” means nonviolent activities designed
9 to prevent conflict through—

10 (A) addressing root causes of violence;

11 (B) promoting sustainable peace;

12 (C) delegitimizing violence as a dispute
13 resolution strategy;

14 (D) building capacity within society to
15 peacefully manage disputes, including the ca-
16 pacity of governments to address citizen griev-
17 ances; and

18 (E) reducing vulnerability to triggers that
19 may spark violence.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of State.

22 (5) WAR CRIME.—The term “war crime” has
23 the meaning given the term in section 2441(c) of
24 title 18, United States Code.

1 **SEC. 4. STATEMENT OF POLICY REGARDING GENOCIDE**
2 **AND OTHER ATROCITY CRIMES PREVENTION.**

3 It is the policy of the United States—

4 (1) to regard the prevention of genocide and
5 other atrocity crimes as a core national security in-
6 terest and a core moral responsibility;

7 (2) to mitigate threats to United States security
8 by addressing the root causes of insecurity and vio-
9 lent conflict to prevent—

10 (A) the mass slaughter of civilians;

11 (B) conditions that prompt internal dis-
12 placement and the flow of refugees across bor-
13 ders; and

14 (C) other violence that wreaks havoc on re-
15 gional stability and livelihoods;

16 (3) to enhance our Nation's capacity to identify,
17 prevent, address, and respond to the drivers of
18 atrocity crimes and violent conflict as part of our
19 humanitarian, development, and strategic interests;

20 (4) to pursue a Government-wide strategy to
21 prevent and respond to the risk of genocide and
22 other atrocity crimes by—

23 (A) strengthening the diplomatic, risk
24 analysis and monitoring, strategic planning,
25 early warning, and response capacities of the
26 United States Government;

1 (B) improving the use of foreign assistance
2 to respond early, effectively, and urgently in
3 order to address the root causes and drivers of
4 violence, systemic patterns of human rights
5 abuses, and atrocity crimes;

6 (C) strengthening diplomatic response and
7 the use of foreign assistance to support transi-
8 tional justice measures, including criminal ac-
9 countability, for past atrocity crimes;

10 (D) supporting international atrocity
11 crimes prevention, conflict prevention, peace-
12 keeping, and peacebuilding mechanisms;

13 (E) supporting and strengthening local
14 civil society, including human rights defenders
15 and others working to help prevent and respond
16 to atrocity crimes, and protecting their ability
17 to receive support from and partner with civil
18 society at large; and

19 (F) promoting financial transparency and
20 enhancing anti-corruption initiatives as part of
21 addressing a root cause of insecurity; and

22 (5) to employ a variety of unilateral, bilateral,
23 and multilateral means to prevent and respond to
24 conflicts and atrocity crimes by—

1 (A) placing a high priority on timely, pre-
2 ventive diplomatic efforts; and

3 (B) exercising a leadership role in pro-
4 moting international efforts to end crises peace-
5 fully.

6 **SEC. 5. MASS ATROCITIES TASK FORCE.**

7 (a) ESTABLISHMENT.—The President shall instruct
8 the Secretary to establish a Mass Atrocities Task Force
9 (referred to in this section as the “Task Force”) with the
10 mandate—

11 (1) to strengthen the Department of State’s ef-
12 forts at atrocity prevention and response; and

13 (2) to assist other departments and agencies in
14 their efforts to do the same.

15 (b) LEADERSHIP.—The Under Secretary of State for
16 Civilian Security, Democracy, and Human Rights, or an-
17 other position of equivalent rank, shall serve as the Chair
18 of the Task Force and shall report to the Secretary.

19 (c) RESPONSIBILITIES.—Under the direction of the
20 Chair, the Task Force shall—

21 (1) meet regularly to ensure that atrocity
22 crimes and the risk of atrocity crimes throughout
23 the world are adequately considered and addressed;

24 (2) facilitate the development and execution of
25 policies and tools to enhance the capacity of the

1 United States to prevent and respond to atrocity
2 crimes worldwide;

3 (3) monitor developments throughout the world
4 that heighten the risk of atrocity crimes;

5 (4) analyze and closely review specific atrocity
6 crimes threats or situations of heightened concern;

7 (5) identify any gaps in United States foreign
8 policy concerning regions or particular countries re-
9 lated to atrocity crimes prevention and response;

10 (6) incorporate lessons learned from past
11 United States Government efforts to prevent and re-
12 spond to atrocity crimes;

13 (7) provide the Secretary with recommendations
14 and potential improvements to policies, programs,
15 resources, and tools related to atrocity crimes pre-
16 vention and response;

17 (8) coordinate the Department of State's en-
18 gagement in interagency processes led by the Na-
19 tional Security Council that share the Task Force's
20 objectives;

21 (9) conduct outreach, including consultations,
22 not less frequently than biannually, with representa-
23 tives of nongovernmental organizations dedicated to
24 atrocity crimes prevention and response and other
25 appropriate parties—

1 (A) to receive assistance for the Task
2 Force's efforts to address emerging atrocity
3 crimes threats or situations and develop new or
4 improved policies and tools; and

5 (B) to provide an appropriate public un-
6 derstanding of the work of the Task Force;

7 (10) in carrying out paragraphs (1) through
8 (9), focus on particular ways for the United States
9 Government to develop, strengthen, and enhance its
10 capabilities to—

11 (A) monitor, receive early warning of, and
12 coordinate responses to potential atrocity
13 crimes;

14 (B) deter and isolate perpetrators of atroc-
15 ity crimes through all available authorities;

16 (C) promote criminal accountability and
17 deny impunity for perpetrators of atrocity
18 crimes within the United States and throughout
19 the world;

20 (D) engage allies and partners, including
21 the United Nations Office on Genocide Preven-
22 tion and the Responsibility to Protect and other
23 multilateral and regional institutions, to build
24 capacities and mobilize action for preventing
25 and responding to atrocity crimes;

1 (E) encourage the deployment of civilian
2 advisors to prevent and respond to atrocity
3 crimes;

4 (F) increase capacity and develop doctrine
5 for the United States foreign service, civil serv-
6 ice, armed services, development professionals,
7 and other actors to engage in the full spectrum
8 of atrocity crimes prevention and response ac-
9 tivities;

10 (G) develop and implement tailored foreign
11 assistance programs that address and mitigate
12 the risks of atrocity crimes;

13 (H) ensure intelligence collection, analysis,
14 and sharing of appropriate information; and

15 (I) address any other issues that the Task
16 Force determines to be appropriate; and

17 (11) in carrying out paragraphs (1) through
18 (9), receive support from—

19 (A) the Bureau of Conflict and Stabiliza-
20 tion Operations;

21 (B) the Office of Global Criminal Justice;

22 (C) the Bureau of Democracy, Human
23 Rights and Labor;

24 (D) the Bureau of International Narcotics
25 and Law Enforcement Affairs;

1 (E) the Bureau of International Organiza-
2 tion Affairs; and

3 (F) other bureaus and offices of the De-
4 partment of State, as appropriate.

5 (d) COMPOSITION.—The Task Force shall—

6 (1) seek to ensure that its efforts complement
7 and support interagency processes led by the Na-
8 tional Security Council that share the Task Force’s
9 objectives; and

10 (2) operate with regular consultation and par-
11 ticipation of designated representatives, at the As-
12 sistant Secretary level or higher, of—

13 (A) the Department of State;

14 (B) the United States Agency for Inter-
15 national Development;

16 (C) the Department of Defense;

17 (D) the Department of Justice;

18 (E) the Department of the Treasury;

19 (F) the Department of Homeland Security;

20 (G) the Central Intelligence Agency;

21 (H) the Office of the Director of National
22 Intelligence;

23 (I) the United States Mission to the
24 United Nations;

25 (J) the Federal Bureau of Investigation;

1 (K) the National Security Council; and

2 (L) such other executive departments,
3 agencies, or offices as the Chair may designate.

4 (e) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, and every 3 years thereafter
6 for the following 6 years, the Secretary, in consultation
7 with the Task Force, shall submit an unclassified report,
8 with a classified annex if necessary, to the Committee on
9 Foreign Relations of the Senate, the Committee on Appro-
10 priations of the Senate, the Committee on Foreign Affairs
11 of the House of Representatives, and the Committee on
12 Appropriations of the House of Representatives that in-
13 cludes—

14 (1) a review, in consultation with the represent-
15 atives listed in subsection (d), consisting of—

16 (A) an evaluation of the efficacy of current
17 efforts based on United States and locally iden-
18 tified indicators, including capacities and con-
19 straints for Government-wide detection, early
20 warning and response, information-sharing,
21 contingency planning, and coordination of ef-
22 forts to prevent and respond to situations of
23 atrocity crimes and other mass violence, such as
24 gender-based violence;

1 (B) an assessment of the funding expended
2 by relevant Federal agencies on atrocity crimes
3 prevention activities, including transitional jus-
4 tice measures and the legal, procedural, and re-
5 source constraints faced by the Department of
6 State and the United States Agency for Inter-
7 national Development throughout respective
8 budgeting, strategic planning, and management
9 cycles to support conflict and atrocity crimes
10 prevention activities in countries identified to be
11 at risk of atrocity crimes;

12 (C) current annual global assessments of
13 sources of instability, conflict, and atrocity
14 crimes;

15 (D) recommendations to further strength-
16 en United States capabilities described in sub-
17 paragraph (A); and

18 (E) consideration of analysis, reporting,
19 and policy recommendations to prevent and re-
20 spond to atrocity crimes produced by civil soci-
21 ety, academic, and other nongovernmental orga-
22 nizations and institutions;

23 (2) recommendations to ensure shared responsi-
24 bility by—

1 (A) enhancing multilateral mechanisms for
2 preventing atrocity crimes, including strength-
3 ening the role of international organizations
4 and international financial institutions in con-
5 flict prevention, mitigation, and response; and

6 (B) strengthening regional organizations;
7 and

8 (3) the implementation status of the rec-
9 ommendations contained in the review described in
10 paragraph (1).

11 (f) MATERIALS AND BRIEFINGS.—The Chair and
12 members of the Task Force shall, annually (or more often
13 as appropriate)—

14 (1) provide briefings to the Committee on For-
15 eign Relations of the Senate and the Committee on
16 Foreign Affairs of the House of Representatives and
17 the Committee on Foreign Affairs of the House of
18 Representatives; and

19 (2) provide briefings and materials, as appro-
20 priate, to the relevant congressional committees.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as may be
23 necessary for fiscal years 2018, 2019, and 2020 to carry
24 out this section.

1 **SEC. 6. TRAINING OF FOREIGN SERVICE OFFICERS IN CON-**
2 **FLICT AND ATROCITY CRIMES PREVENTION.**

3 Section 708(a) of the Foreign Service Act of 1980
4 (22 U.S.C. 4028(a)) is amended—

5 (1) in paragraph (2), by striking “and” at the
6 end;

7 (2) in paragraph (3), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(4) instruction on recognizing patterns of es-
11 calation and early warning signs of potential atrocity
12 crimes or violence, including gender-based violence,
13 and methods of conflict assessment, peacebuilding,
14 mediation for prevention, early action and response,
15 and transitional justice measures to address atrocity
16 crimes.”.

17 **SEC. 7. REPORT OF THE DIRECTOR OF NATIONAL INTEL-**
18 **LIGENCE.**

19 The Director of National Intelligence is encouraged
20 to include, in his or her annual (or more often as appro-
21 priate) unclassified testimony, accompanied by a classified
22 annex, if necessary, to Congress on threats to United
23 States national security—

24 (1) a review of countries and regions at risk of
25 atrocity crimes; and

1 (2) whenever possible, specific mention of coun-
2 tries and regions at immediate risk of atrocity
3 crimes, including most likely pathways to violence,
4 specific risk factors, potential groups of perpetra-
5 tors, and at-risk target groups.

6 **SEC. 8. COMPLEX CRISES FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States a fund, which shall be
9 known as the “Complex Crises Fund” (referred to in this
10 section as the “Fund”), to enable the Secretary of State
11 and the Administrator of the United States Agency for
12 International Development to support programs and ac-
13 tivities to prevent or respond to emerging or unforeseen
14 foreign challenges and complex crises overseas, including
15 potential atrocity crimes.

16 (b) PURPOSES OF ASSISTANCE.—Notwithstanding
17 any other provision of law, except section 620M of the
18 Foreign Assistance Act of 1961 (22 U.S.C. 2378d),
19 amounts in the Fund may be used to carry out the provi-
20 sions of the Foreign Assistance Act of 1961 (22 U.S.C.
21 2151 et seq.) to support programs and activities that—

22 (1) mitigate or respond to emerging or unfore-
23 seen complex crises, including urgent humanitarian,
24 political, social, justice, or economic challenges that
25 threaten stability in any country or region;

1 (2) prevent, counter, and respond to the rise of
2 violent conflict and instability, including atrocity
3 crimes; or

4 (3) advance the consolidation of peace and de-
5 mocracy.

6 (c) LIMITATIONS.—

7 (1) IN GENERAL.—Amounts in the Fund may
8 not be expended for lethal assistance or to respond
9 to natural disasters.

10 (2) ADMINISTRATIVE EXPENSES.—Not more
11 than 5 percent of the amounts in the Fund may be
12 used for administrative expenses.

13 (d) CONGRESSIONAL NOTIFICATION.—Not later than
14 5 days before amounts from the Fund are obligated, the
15 Secretary of State or the Administrator of the United
16 States Agency for International Development, as appro-
17 priate, shall submit notification of such obligation to—

18 (1) the Committee on Foreign Relations of the
19 Senate;

20 (2) the Committee on Appropriations of the
21 Senate;

22 (3) the Committee on Foreign Affairs of the
23 House of Representatives; and

24 (4) the Committee on Appropriations of the
25 House of Representatives.

1 (e) WAIVER.—The notification requirement under
2 subsection (d) may be waived if—

3 (1) failure to do so would pose a substantial
4 risk to human health or welfare; and

5 (2) the congressional committees set forth in
6 subsection (d)—

7 (A) are notified not later than 3 days after
8 an obligation of funds; and

9 (B) are provided with an explanation of
10 the emergency circumstances that necessitated
11 the waiver.

○