

Calendar No. 489115TH CONGRESS
2^D 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, Mr. WYDEN, Mr. MERKLEY, Mr. CASEY, Mr. BENNET, Ms. COLLINS, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. MURPHY, Mr. NELSON, Mr. REED, Mr. KING, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 27, 2018

Reported by Mr. CORKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
 8 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 pre-
 vention.

Sec. 5. Mass Atrocities Task Force.

Sec. 6. Training of Foreign Service officers in conflict and atrocity crimes pre-
 vention.

Sec. 7. Report of the Director of National Intelligence.

Sec. 8. Complex Crises Fund.

9 **SEC. 2. FINDINGS.**

10 Congress makes the following findings:

11 (1) The nature of genocide and other atrocity
 12 crimes, including war crimes, crimes against human-
 13 ity, and ethnic cleansing, includes shocking acts of
 14 violence perpetrated by governments and non-state
 15 actors, which have killed millions of civilians and
 16 other innocent individuals.

17 (2) The commitment to prevent acts of genocide
 18 and other atrocity crimes has been a centerpiece of
 19 policy by consecutive administrations of the United
 20 States Government.

1 (3) The United States was the first country in
2 the world to sign the Convention on the Prevention
3 and Punishment of the Crime of Genocide, signed at
4 Paris December 9, 1948, and President Ronald
5 Reagan signed implementing legislation allowing the
6 United States to become a party to the Convention
7 on November 25, 1988.

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

12 (5) In 2008, the bipartisan Genocide Prevention
13 Task Force, which was co-chaired by former Sec-
14 retary of Defense William Cohen and former Sec-
15 retary of State Madeleine Albright—

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

18 (B) recommended the creation of “a new
19 standing interagency mechanism for analysis of
20 threats [of genocide and other mass atrocities]
21 and coordination of appropriate preventive ac-
22 tion”.

23 (6) In December 2010, the Senate unanimously
24 passed Senate Concurrent Resolution 71, which rec-
25 ognized the United States “national interest in help-

1 ing to prevent and mitigate acts of genocide and
2 other mass atrocities against civilians, and sup-
3 porting and encouraging efforts to develop a whole
4 of government approach to prevent and mitigate
5 such acts”.

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

12 (8) In February 2014, James Clapper, the
13 former Director of National Intelligence, stated in
14 his annual national security threat assessment to
15 Congress—

16 (A) “The overall risk of mass atrocities
17 worldwide will probably increase in 2014 and
18 beyond.”;

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

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

1 (9) In February 2016, former Director of Na-
2 tional Intelligence Clapper stated, in his annual na-
3 tional security threat assessment to Congress,
4 “Risks of atrocities, large-scale violence, and regime-
5 threatening instability will remain elevated in
6 2016.”.

7 (10) The United States can strengthen its
8 atrocities prevention and peacebuilding efforts
9 by—

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

13 (B) enhancing cooperation and under-
14 standing among ethnic and religious groups,
15 communities, and factions;

16 (C) working with the international commu-
17 nity to ensure shared responsibility by enhance-
18 ing multilateral and regional mechanisms that
19 seek to prevent genocide and other atrocities
20 crimes;

21 (D) promoting effective accountability
22 mechanisms to deter individuals and entities
23 that may incite or commit genocide or other
24 atrocities crimes; and

1 (~~E~~) implementing policies that hold ac-
 2 countable individuals and entities that incite or
 3 commit genocide or other atrocity crimes.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **ATROCITY CRIMES; MASS ATROCITIES.**—The
 7 terms “atrocity crimes” and “mass atrocities” mean
 8 large scale and deliberate acts of violence against ci-
 9 vilians and include genocide, war crimes, crimes
 10 against humanity, and ethnic cleansing.

11 (2) **GENOCIDE.**—The term “genocide” has the
 12 meaning given the term in section 1091(a) of title
 13 18, United States Code.

14 (3) **PEACEBUILDING.**—The term
 15 “peacebuilding” means nonviolent activities designed
 16 to prevent conflict through—

17 (A) addressing root causes of violence;

18 (B) promoting sustainable peace;

19 (C) delegitimizing violence as a dispute
 20 resolution strategy;

21 (D) building capacity within society to
 22 peacefully manage disputes, including the ca-
 23 pacity of governments to address citizen griev-
 24 ances; and

1 (E) reducing vulnerability to triggers that
2 may spark violence.

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

5 (5) WAR CRIME.—The term “war crime” has
6 the meaning given the term in section 2441(e) of
7 title 18, United States Code.

8 **SEC. 4. STATEMENT OF POLICY REGARDING GENOCIDE**
9 **AND OTHER ATROCITY CRIMES PREVENTION.**

10 It is the policy of the United States—

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

14 (2) to mitigate threats to United States security
15 by addressing the root causes of insecurity and vio-
16 lent conflict to prevent—

17 (A) the mass slaughter of civilians;

18 (B) conditions that prompt internal dis-
19 placement and the flow of refugees across bor-
20 ders; and

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

23 (3) to enhance our Nation’s capacity to identify,
24 prevent, address, and respond to the drivers of

1 atrocity crimes and violent conflict as part of our
2 humanitarian, development, and strategic interests;

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

6 (A) strengthening the diplomatic, risk
7 analysis and monitoring, strategic planning,
8 early warning, and response capacities of the
9 United States Government;

10 (B) improving the use of foreign assistance
11 to respond early, effectively, and urgently in
12 order to address the root causes and drivers of
13 violence, systemic patterns of human rights
14 abuses, and atrocity crimes;

15 (C) strengthening diplomatic response and
16 the use of foreign assistance to support transi-
17 tional justice measures, including criminal ac-
18 countability, for past atrocity crimes;

19 (D) supporting international atrocity
20 crimes prevention, conflict prevention, peace-
21 keeping, and peacebuilding mechanisms;

22 (E) supporting and strengthening local
23 civil society, including human rights defenders
24 and others working to help prevent and respond
25 to atrocity crimes, and protecting their ability

1 to receive support from and partner with civil
2 society at large; and

3 ~~(F)~~ promoting financial transparency and
4 enhancing anti-corruption initiatives as part of
5 addressing a root cause of insecurity; and

6 ~~(5)~~ to employ a variety of unilateral, bilateral,
7 and multilateral means to prevent and respond to
8 conflicts and atrocity crimes by—

9 ~~(A)~~ placing a high priority on timely, pre-
10 ventive diplomatic efforts; and

11 ~~(B)~~ exercising a leadership role in pro-
12 moting international efforts to end crises peace-
13 fully.

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

15 ~~(a) ESTABLISHMENT.~~—The President shall instruct
16 the Secretary to establish a Mass Atrocities Task Force
17 (referred to in this section as the “Task Force”) with the
18 mandate—

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

21 ~~(2)~~ to assist other departments and agencies in
22 their efforts to do the same.

23 ~~(b) LEADERSHIP.~~—The Under Secretary of State for
24 Civilian Security, Democracy, and Human Rights, or an-

1 other position of equivalent rank, shall serve as the Chair
2 of the Task Force and shall report to the Secretary.

3 (c) RESPONSIBILITIES.—Under the direction of the
4 Chair, the Task Force shall—

5 (1) meet regularly to ensure that atrocity
6 crimes and the risk of atrocity crimes throughout
7 the world are adequately considered and addressed;

8 (2) facilitate the development and execution of
9 policies and tools to enhance the capacity of the
10 United States to prevent and respond to atrocity
11 crimes worldwide;

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

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

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

19 (6) incorporate lessons learned from past
20 United States Government efforts to prevent and re-
21 spond to atrocity crimes;

22 (7) provide the Secretary with recommendations
23 and potential improvements to policies, programs,
24 resources, and tools related to atrocity crimes pre-
25 vention and response;

1 (8) coordinate the Department of State's en-
2 gagement in interagency processes led by the Na-
3 tional Security Council that share the Task Force's
4 objectives;

5 (9) conduct outreach, including consultations,
6 not less frequently than biannually, with representa-
7 tives of nongovernmental organizations dedicated to
8 atrocities prevention and response and other
9 appropriate parties—

10 (A) to receive assistance for the Task
11 Force's efforts to address emerging atrocities
12 threats or situations and develop new or
13 improved policies and tools; and

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

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

20 (A) monitor, receive early warning of, and
21 coordinate responses to potential atrocities
22 crimes;

23 (B) deter and isolate perpetrators of atroci-
24 ties crimes through all available authorities;

1 (C) promote criminal accountability and
2 deny impunity for perpetrators of atrocity
3 crimes within the United States and throughout
4 the world;

5 (D) engage allies and partners, including
6 the United Nations Office on Genocide Preven-
7 tion and the Responsibility to Protect and other
8 multilateral and regional institutions, to build
9 capacities and mobilize action for preventing
10 and responding to atrocity crimes;

11 (E) encourage the deployment of civilian
12 advisors to prevent and respond to atrocity
13 crimes;

14 (F) increase capacity and develop doctrine
15 for the United States foreign service, civil serv-
16 ice, armed services, development professionals,
17 and other actors to engage in the full spectrum
18 of atrocity crimes prevention and response ac-
19 tivities;

20 (G) develop and implement tailored foreign
21 assistance programs that address and mitigate
22 the risks of atrocity crimes;

23 (H) ensure intelligence collection, analysis,
24 and sharing of appropriate information; and

1 ~~(I)~~ address any other issues that the Task
2 Force determines to be appropriate; and

3 ~~(11)~~ in carrying out paragraphs ~~(1)~~ through
4 ~~(9)~~, receive support from—

5 ~~(A)~~ the Bureau of Conflict and Stabiliza-
6 tion Operations;

7 ~~(B)~~ the Office of Global Criminal Justice;

8 ~~(C)~~ the Bureau of Democracy, Human
9 Rights and Labor;

10 ~~(D)~~ the Bureau of International Narcotics
11 and Law Enforcement Affairs;

12 ~~(E)~~ the Bureau of International Organiza-
13 tion Affairs; and

14 ~~(F)~~ other bureaus and offices of the De-
15 partment of State, as appropriate.

16 ~~(d)~~ COMPOSITION.—The Task Force shall—

17 ~~(1)~~ seek to ensure that its efforts complement
18 and support interagency processes led by the Na-
19 tional Security Council that share the Task Force's
20 objectives; and

21 ~~(2)~~ operate with regular consultation and par-
22 ticipation of designated representatives, at the As-
23 sistant Secretary level or higher, of—

24 ~~(A)~~ the Department of State;

- 1 (B) the United States Agency for Inter-
2 national Development;
- 3 (C) the Department of Defense;
- 4 (D) the Department of Justice;
- 5 (E) the Department of the Treasury;
- 6 (F) the Department of Homeland Security;
- 7 (G) the Central Intelligence Agency;
- 8 (H) the Office of the Director of National
9 Intelligence;
- 10 (I) the United States Mission to the
11 United Nations;
- 12 (J) the Federal Bureau of Investigation;
- 13 (K) the National Security Council; and
- 14 (L) such other executive departments,
15 agencies, or offices as the Chair may designate.
- 16 (e) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, and every 3 years thereafter
18 for the following 6 years, the Secretary, in consultation
19 with the Task Force, shall submit an unclassified report,
20 with a classified annex if necessary, to the Committee on
21 Foreign Relations of the Senate, the Committee on Appro-
22 priations of the Senate, the Committee on Foreign Affairs
23 of the House of Representatives, and the Committee on
24 Appropriations of the House of Representatives that in-
25 cludes—

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

3 (A) an evaluation of the efficacy of current
4 efforts based on United States and locally iden-
5 tified indicators, including capacities and con-
6 straints for Government-wide detection, early
7 warning and response, information-sharing,
8 contingency planning, and coordination of ef-
9 forts to prevent and respond to situations of
10 atrocious crimes and other mass violence, such as
11 gender-based violence;

12 (B) an assessment of the funding expended
13 by relevant Federal agencies on atrocious crimes
14 prevention activities, including transitional jus-
15 tice measures and the legal, procedural, and re-
16 source constraints faced by the Department of
17 State and the United States Agency for Inter-
18 national Development throughout respective
19 budgeting, strategic planning, and management
20 cycles to support conflict and atrocious crimes
21 prevention activities in countries identified to be
22 at risk of atrocious crimes;

23 (C) current annual global assessments of
24 sources of instability, conflict, and atrocious
25 crimes;

1 ~~(D)~~ recommendations to further strength-
 2 en United States capabilities described in sub-
 3 paragraph ~~(A)~~; and

4 ~~(E)~~ consideration of analysis, reporting,
 5 and policy recommendations to prevent and re-
 6 spond to atrocity crimes produced by civil soci-
 7 ety, academic, and other nongovernmental orga-
 8 nizations and institutions;

9 ~~(2)~~ recommendations to ensure shared responsi-
 10 bility by—

11 ~~(A)~~ enhancing multilateral mechanisms for
 12 preventing atrocity crimes, including strength-
 13 ening the role of international organizations
 14 and international financial institutions in con-
 15 flict prevention, mitigation, and response; and

16 ~~(B)~~ strengthening regional organizations;
 17 and

18 ~~(3)~~ the implementation status of the rec-
 19 ommendations contained in the review described in
 20 paragraph ~~(1)~~.

21 ~~(f)~~ MATERIALS AND BRIEFINGS.—The Chair and
 22 members of the Task Force shall, annually (or more often
 23 as appropriate)—

24 ~~(1)~~ provide briefings to the Committee on For-
 25 eign Relations of the Senate and the Committee on

1 Foreign Affairs of the House of Representatives and
2 the Committee on Foreign Affairs of the House of
3 Representatives; and

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

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as may be
8 necessary for fiscal years 2018, 2019, and 2020 to carry
9 out this section.

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

12 Section 708(a) of the Foreign Service Act of 1980
13 (~~22~~ U.S.C. 4028(a)) is amended—

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

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

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

19 “(4) instruction on recognizing patterns of es-
20 calation and early warning signs of potential atrocity
21 crimes or violence, including gender-based violence,
22 and methods of conflict assessment, peacebuilding,
23 mediation for prevention, early action and response,
24 and transitional justice measures to address atrocity
25 crimes.”.

1 **SEC. 7. REPORT OF THE DIRECTOR OF NATIONAL INTEL-**
2 **LIGENCE.**

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

8 (1) a review of countries and regions at risk of
9 atrocity crimes; and

10 (2) whenever possible, specific mention of coun-
11 tries and regions at immediate risk of atrocity
12 crimes, including most likely pathways to violence,
13 specific risk factors, potential groups of perpetra-
14 tors, and at-risk target groups.

15 **SEC. 8. COMPLEX CRISES FUND.**

16 (a) **ESTABLISHMENT.**—There is established in the
17 Treasury of the United States a fund, which shall be
18 known as the “Complex Crises Fund” (referred to in this
19 section as the “Fund”), to enable the Secretary of State
20 and the Administrator of the United States Agency for
21 International Development to support programs and ac-
22 tivities to prevent or respond to emerging or unforeseen
23 foreign challenges and complex crises overseas, including
24 potential atrocity crimes.

25 (b) **PURPOSES OF ASSISTANCE.**—Notwithstanding
26 any other provision of law, except section 620M of the

1 Foreign Assistance Act of 1961 (22 U.S.C. 2378d),
 2 amounts in the Fund may be used to carry out the provi-
 3 sions of the Foreign Assistance Act of 1961 (22 U.S.C.
 4 2151 et seq.) to support programs and activities that—

5 (1) mitigate or respond to emerging or unfore-
 6 seen complex crises, including urgent humanitarian,
 7 political, social, justice, or economic challenges that
 8 threaten stability in any country or region;

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

12 (3) advance the consolidation of peace and de-
 13 mocracy.

14 (e) LIMITATIONS.—

15 (1) IN GENERAL.—Amounts in the Fund may
 16 not be expended for lethal assistance or to respond
 17 to natural disasters.

18 (2) ADMINISTRATIVE EXPENSES.—Not more
 19 than 5 percent of the amounts in the Fund may be
 20 used for administrative expenses.

21 (d) CONGRESSIONAL NOTIFICATION.—Not later than
 22 5 days before amounts from the Fund are obligated, the
 23 Secretary of State or the Administrator of the United
 24 States Agency for International Development, as appro-
 25 priate, shall submit notification of such obligation to—

1 (1) the Committee on Foreign Relations of the
2 Senate;

3 (2) the Committee on Appropriations of the
4 Senate;

5 (3) the Committee on Foreign Affairs of the
6 House of Representatives; and

7 (4) the Committee on Appropriations of the
8 House of Representatives.

9 (c) WAIVER.—The notification requirement under
10 subsection (d) may be waived if—

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

13 (2) the congressional committees set forth in
14 subsection (d)—

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

17 (B) are provided with an explanation of
18 the emergency circumstances that necessitated
19 the waiver.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Elie Wiesel Genocide*
22 *and Atrocities Prevention Act of 2018”.*

23 **SEC. 2. SENSE OF CONGRESS.**

24 *It is the sense of Congress that the United States Gov-*
25 *ernment’s efforts at atrocity prevention and response*

1 *through interagency coordination, such as the Atrocities*
2 *Prevention Board (referred to in this Act as the “Board”)*
3 *or successor entity are critically important, and that appro-*
4 *priate officials of the United States Government should—*

5 (1) *meet regularly to monitor developments*
6 *throughout the world that heighten the risk of atroc-*
7 *ities;*

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

11 (3) *facilitate the development and implementa-*
12 *tion of policies to enhance the capacity of the United*
13 *States to prevent and respond to atrocities worldwide;*

14 (4) *provide the President with recommendations*
15 *to improve policies, programs, resources, and tools re-*
16 *lated to atrocity prevention and response;*

17 (5) *conduct outreach, including consultations,*
18 *not less frequently than biannually, with representa-*
19 *tives of nongovernmental organizations and civil soci-*
20 *ety dedicated to atrocity prevention and response;*

21 (6) *operate with regular consultation and par-*
22 *ticipation of designated interagency representatives of*
23 *relevant Federal agencies, executive departments, or*
24 *offices; and*

1 (7) *ensure resources are made available for the*
2 *policies, programs, and tools related to atrocity pre-*
3 *vention and response.*

4 **SEC. 3. STATEMENT OF POLICY.**

5 *It shall be the policy of the United States to—*

6 (1) *regard the prevention of genocide and other*
7 *atrocities as in its national security interests;*

8 (2) *work with partners and allies to address the*
9 *root causes of insecurity and violent conflict to pre-*
10 *vent—*

11 (A) *the mass slaughter of civilians;*

12 (B) *conditions that prompt internal dis-*
13 *placement and the flow of refugees across borders;*
14 *and*

15 (C) *other violence that wreaks havoc on re-*
16 *gional stability and civilian populations;*

17 (3) *enhance the capacity of the United States to*
18 *identify, prevent, address, and respond to the drivers*
19 *of atrocities and violent conflict as part of the United*
20 *States' humanitarian, development, and strategic in-*
21 *terests; and*

22 (4) *pursue a Government-wide strategy to pre-*
23 *vent and respond to the risk of genocide and other*
24 *atrocities by—*

1 (A) strengthening the diplomatic, risk anal-
2 ysis and monitoring, strategic planning, early
3 warning, and response capacities of the Govern-
4 ment;

5 (B) improving the use of foreign assistance
6 to respond early, effectively, and urgently in
7 order to address the root causes and drivers of
8 violence, and systemic patterns of human rights
9 abuses and atrocities;

10 (C) strengthening diplomatic response and
11 the effective use of foreign assistance to support
12 appropriate transitional justice measures, in-
13 cluding criminal accountability, for past atroc-
14 ities;

15 (D) supporting and strengthening local civil
16 society, including human rights defenders and
17 others working to help prevent and respond to
18 atrocities;

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

22 (F) employing a variety of unilateral, bilat-
23 eral, and multilateral means to prevent and re-
24 spond to conflicts and atrocities by—

- 1 (i) placing a high priority on timely,
2 preventive diplomatic efforts; and
3 (ii) exercising a leadership role in pro-
4 moting international efforts to end crises
5 and prevent atrocities.

6 **SEC. 4. TRAINING OF FOREIGN SERVICE OFFICERS IN CON-**
7 **FLICT AND ATROCITIES PREVENTION.**

8 Section 708 of the Foreign Service Act of 1980 (22
9 U.S.C. 4028) is amended in subsection (a)(1)—

10 (1) in subparagraph (B), by striking “and” at
11 the end;

12 (2) in subparagraph (C), by striking the period
13 at the end and inserting “; and”; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(D) for Foreign Service Officers who will
17 be assigned to a country experiencing or at risk
18 of mass atrocities, as determined by the Sec-
19 retary of State, in consultation with the Director
20 of National Intelligence and relevant civil society
21 organizations, instruction on recognizing pat-
22 terns of escalation and early warning signs of
23 potential atrocities or violence, including gender-
24 based violence, and methods of preventing and
25 responding to atrocities, including conflict as-

1 *assessment methods, peacebuilding, mediation for*
2 *prevention, early action and response, and ap-*
3 *propriate transitional justice measures to ad-*
4 *dress atrocities.”.*

5 **SEC. 5. REPORTS.**

6 *(a) IN GENERAL.—Not later than 180 days after the*
7 *date of the enactment of this Act and annually thereafter*
8 *for the following six years, the President shall transmit to*
9 *the Committee on Foreign Affairs of the House of Represent-*
10 *atives and the Committee on Foreign Relations of the Sen-*
11 *ate a report, with a classified annex if necessary, that in-*
12 *cludes—*

13 *(1) a review, in consultation with appropriate*
14 *interagency representatives, consisting of a detailed*
15 *description of—*

16 *(A) current efforts to prevent and respond*
17 *to situations of genocide, atrocities, and other*
18 *mass violence, such as gender-based violence and*
19 *violence against religious and other minorities,*
20 *based on United States and locally identified in-*
21 *dicators, including an analysis of capacities and*
22 *constraints for interagency detection, early*
23 *warning and response, information-sharing, con-*
24 *tingency planning, and coordination;*

1 (B) recommendations to further strengthen
2 United States capabilities described in subpara-
3 graph (A);

4 (C) funding expended by relevant Federal
5 departments and agencies on atrocities preven-
6 tion activities, including appropriate transi-
7 tional justice measures and the legal, procedural,
8 and resource constraints faced by the Depart-
9 ment of State and the United States Agency for
10 International Development throughout respective
11 budgeting, strategic planning, and management
12 cycles to support conflict and atrocities preven-
13 tion activities in countries identified to be at
14 risk of atrocities;

15 (D) a current global assessment of sources of
16 instability, conflict, and atrocities, the outcomes
17 and findings of such assessments and, where rel-
18 evant, a review of activities, and the efficacy of
19 such activities, that the Board or successor entity
20 undertook to respond to sources of instability,
21 conflict, and atrocities;

22 (E) countries and regions at risk of atroc-
23 ities, including a description of most likely path-
24 ways to violence, specific risk factors, and at-risk
25 target groups; and

1 (F) the atrocities prevention training for
2 Foreign Service officers authorized under sub-
3 paragraph (D) of section 708(a)(1) of the For-
4 eign Service Act of 1980, as added by section 4;
5 (2) recommendations to ensure shared responsi-
6 bility by—

7 (A) enhancing multilateral mechanisms for
8 preventing atrocities, including strengthening the
9 role of international organizations and inter-
10 national financial institutions in conflict pre-
11 vention, mitigation, and response; and

12 (B) strengthening regional organizations;

13 (3) the implementation status of the rec-
14 ommendations contained in the previous review re-
15 quired by this section; and

16 (4) identification of the Federal departments and
17 agencies and civil society, academic, and nongovern-
18 mental organizations and institutions consulted for
19 preparation of such report.

20 (b) *CONSIDERATION OF RECOMMENDATIONS.*—The
21 preparation of the report required by subsection (a) shall
22 include a consideration of analysis, reporting, and policy
23 recommendations to prevent and respond to atrocities pro-
24 duced by civil society, academic, and other nongovern-
25 mental organizations and institutions.

1 **SEC. 6. DEFINITIONS.**

2 *In this Act—*

3 (1) *the term “genocide” means an offense under*
4 *subsection (a) of section 1091 of title 18, United*
5 *States Code;*

6 (2) *the term “atrocities” means war crimes,*
7 *crimes against humanity, or genocide;*

8 (3) *the term “transitional justice” means the*
9 *range of judicial, nonjudicial, formal, informal, re-*
10 *tributive, and restorative measures employed by coun-*
11 *tries transitioning out of armed conflict or repressive*
12 *regimes to redress legacies of atrocities and to pro-*
13 *mote long-term, sustainable peace; and*

14 (4) *the term “war crime” has the meaning given*
15 *the term in section 2441(c) of title 18, United States*
16 *Code.*

17 **SEC. 7. RULE OF CONSTRUCTION.**

18 *Nothing in this Act shall be construed as authorizing*
19 *the use of military force.*

Calendar No. 489

115TH CONGRESS
2^D SESSION

S. 1158

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.

JUNE 27, 2018

Reported with an amendment