

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make technical corrections.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CARDIN

Viz:

1 Beginning on page 20, strike line 20 and all that fol-
2 lows through page 28, line 19, and insert the following:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elie Wiesel Genocide
5 and Atrocities Prevention Act of 2018”.

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

7 It is the sense of Congress that the United States
8 Government’s efforts at atrocity prevention and response
9 through interagency coordination, such as the Atrocities
10 Prevention Board (referred to in this Act as the “Board”)
11 or successor entity are critically important, and that ap-

1 appropriate officials of the United States Government
2 should—

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

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

9 (3) facilitate the development and implementa-
10 tion of policies to enhance the capacity of the United
11 States to prevent and respond to atrocities world-
12 wide;

13 (4) provide the President and Congress with
14 recommendations to improve policies, programs, re-
15 sources, and tools related to atrocity prevention and
16 response;

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

21 (6) operate with regular consultation and par-
22 ticipation of designated interagency representatives
23 of relevant Federal agencies, executive departments,
24 or 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 atrocities as in its
7 national interest;

8 (2) work with partners and allies, including to
9 build their capacity, and enhance the capacity of the
10 United States, to identify, prevent, and respond to
11 the causes of atrocities, including insecurity, mass
12 displacement, violent conflict, and other conditions
13 that may lead to such atrocities; and

14 (3) pursue a United States Government-wide
15 strategy to identify, prevent, and respond to the risk
16 of atrocities by—

17 (A) strengthening the diplomatic, risk
18 analysis and monitoring, strategic planning,
19 early warning, and response capacities of the
20 Government;

21 (B) improving the use of foreign assistance
22 to respond early, effectively, and urgently in
23 order to address the causes of atrocities;

24 (C) strengthening diplomatic response and
25 the effective use of foreign assistance to support

1 appropriate transitional justice measures, in-
2 cluding criminal accountability, for past atroc-
3 ities;

4 (D) supporting and strengthening local
5 civil society, including human rights defenders
6 and others working to help prevent and respond
7 to atrocities;

8 (E) promoting financial transparency and
9 enhancing anti-corruption initiatives as part of
10 addressing causes of conditions that may lead
11 to atrocities; and

12 (F) employing a variety of unilateral, bilat-
13 eral, and multilateral means to prevent and re-
14 spond to atrocities by—

15 (i) placing a high priority on timely,
16 preventive diplomatic efforts; and

17 (ii) exercising leadership in promoting
18 international efforts to prevent atrocities.

19 **SEC. 4. TRAINING OF FOREIGN SERVICE OFFICERS IN CON-**
20 **Flict AND ATROCITIES PREVENTION.**

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

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

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

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

5 “(D) for Foreign Service Officers who will
6 be assigned to a country experiencing or at risk
7 of mass atrocities, as determined by the Sec-
8 retary of State, in consultation with the Direc-
9 tor of National Intelligence and relevant civil
10 society organizations, instruction on recognizing
11 patterns of escalation and early warning signs
12 of potential atrocities, and methods of pre-
13 venting and responding to atrocities, including
14 conflict assessment methods, peacebuilding, me-
15 diation for prevention, early action and re-
16 sponse, and appropriate transitional justice
17 measures to address atrocities.”.

18 **SEC. 5. REPORTS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act and annually thereafter
21 for the following six years, the President shall transmit
22 to the Committee on Foreign Affairs and the Committee
23 on Appropriations of the House of Representatives and the
24 Committee on Foreign Relations and the Committee on

1 Appropriations of the Senate a report, with a classified
2 annex if necessary, that includes—

3 (1) a review, in consultation with appropriate
4 interagency representatives, including the Board,
5 consisting of a detailed description of—

6 (A) current efforts to prevent and respond
7 to atrocities, based on United States and locally
8 identified indicators, including an analysis of
9 capacities and constraints for interagency detec-
10 tion, early warning and response, information-
11 sharing, contingency planning, and coordina-
12 tion;

13 (B) recommendations to further strengthen
14 United States capabilities described in subpara-
15 graph (A);

16 (C) funding expended by relevant Federal
17 departments and agencies on atrocities preven-
18 tion activities, including appropriate transitional
19 justice measures and the legal, procedural, and
20 resource constraints faced by the Department
21 of State and the United States Agency for
22 International Development throughout respec-
23 tive budgeting, strategic planning, and manage-
24 ment cycles regarding support for atrocity pre-
25 vention activities;

1 (D) a global assessment of ongoing atroc-
2 ities, including the findings of such assessment
3 and, where relevant, the efficacy of any steps
4 taken by the Board or relevant Federal agency
5 to respond to such atrocities;

6 (E) countries and regions at risk of atroc-
7 ities, including a description of specific risk fac-
8 tors, at-risk groups, and likely scenarios in
9 which atrocities would occur; and

10 (F) the atrocities prevention training for
11 Foreign Service officers authorized under sub-
12 paragraph (D) of section 708(a)(1) of the For-
13 eign Service Act of 1980, as added by section
14 4;

15 (2) recommendations to ensure shared responsi-
16 bility by—

17 (A) enhancing multilateral mechanisms for
18 preventing atrocities, including strengthening
19 the role of international organizations and
20 international financial institutions in conflict
21 prevention, mitigation, and response; and

22 (B) strengthening relevant regional organi-
23 zations;

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

4 (4) identification of the Federal agencies and
5 civil society, academic, and nongovernmental organi-
6 zations and institutions consulted for preparation of
7 such report.

8 (b) **CONSIDERATION OF RECOMMENDATIONS.**—The
9 preparation of the report required by subsection (a) shall
10 include a consideration of analysis, reporting, and policy
11 recommendations to prevent and respond to atrocities pro-
12 duced by civil society, academic, and other nongovern-
13 mental organizations and institutions.

14 (c) **AVAILABILITY TO CONGRESS.**—The report re-
15 quired by subsection (a) shall be made available to all
16 members of Congress.

17 **SEC. 6. DEFINITIONS.**

18 In this Act—

19 (1) the term “genocide” means an offense
20 under subsection (a) of section 1091 of title 18,
21 United States Code;

22 (2) the term “atrocities” means war crimes,
23 crimes against humanity, and genocide;

24 (3) the term “transitional justice” means the
25 range of judicial, nonjudicial, formal, informal, re-

1 tributive, and restorative measures employed by
2 countries transitioning out of armed conflict or re-
3 pressive regimes to redress legacies of atrocities and
4 to promote long-term, sustainable peace; and

5 (4) the term “war crime” has the meaning
6 given the term in section 2441(c) of title 18, United
7 States Code.

8 **SEC. 7. RULE OF CONSTRUCTION.**

9 Nothing in this Act shall be construed as authorizing
10 the use of military force.