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H. R. 3030

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 HOUSE OF REPRESENTATIVES

JUNE 22, 2017

Mrs. WAGNER (for herself, Mr. WEBER of Texas, Mr. COHEN, Mr. MESSER, Ms. WILSON of Florida, Ms. TENNEY, Mr. MCGOVERN, Mr. ENGEL, Ms. MCCOLLUM, Mr. KEATING, Mr. SENSENBRENNER, Mr. KHANNA, Mr. PAULSEN, Mr. EVANS, Mr. CROWLEY, Mr. CRIST, Mr. ELLISON, Mr. CARTWRIGHT, Ms. SHEA-PORTER, Mr. COFFMAN, Mrs. WATSON COLEMAN, Mr. SHERMAN, Ms. ROSEN, Mrs. COMSTOCK, Mr. FITZPATRICK, Mr. RASKIN, Mr. THOMAS J. ROONEY of Florida, and Mr. RODNEY DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Permanent Select Committee on Intelligence, 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 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

5 (b) TABLE OF CONTENTS.—The table of contents for
6 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.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

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

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

19 (3) The United States was the first country in
20 the world to sign the Convention on the Prevention
21 and Punishment of the Crime of Genocide, signed at

1 Paris December 9, 1948, and President Ronald
2 Reagan signed implementing legislation allowing the
3 United States to become a party to the Convention
4 on November 25, 1988.

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

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

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

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

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

1 of government approach to prevent and mitigate
2 such acts”.

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

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

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

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

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

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

1 threatening instability will remain elevated in
2 2016.”.

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

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

9 (B) enhancing cooperation and under-
10 standing among ethnic and religious groups,
11 communities, and factions;

12 (C) working with the international commu-
13 nity to ensure shared responsibility by enhanc-
14 ing multilateral and regional mechanisms that
15 seek to prevent genocide and other atrocity
16 crimes;

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

21 (E) implementing policies that hold ac-
22 countable individuals and entities that incite or
23 commit genocide or other atrocity crimes.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ATROCITY CRIMES; MASS ATROCITIES.—The
2 terms “atrocity crimes” and “mass atrocities” mean
3 large scale and deliberate acts of violence against ci-
4 vilians and include genocide, war crimes, crimes
5 against humanity, and ethnic cleansing.

6 (2) GENOCIDE.—The term “genocide” has the
7 meaning given the term in section 1091(a) of title
8 18, United States Code.

9 (3) PEACEBUILDING.—The term “peacebuild-
10 ing” means nonviolent activities designed to prevent
11 conflict through—

12 (A) addressing root causes of violence;

13 (B) promoting sustainable peace;

14 (C) delegitimizing violence as a dispute
15 resolution strategy;

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

20 (E) reducing vulnerability to triggers that
21 may spark violence.

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

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

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

6 It is the policy of the United States—

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

10 (2) to mitigate threats to United States security
11 by addressing the root causes of insecurity and vio-
12 lent conflict to prevent—

13 (A) the mass slaughter of civilians;

14 (B) conditions that prompt internal dis-
15 placement and the flow of refugees across bor-
16 ders; and

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

19 (3) to enhance our Nation’s capacity to identify,
20 prevent, address, and respond to the drivers of
21 atrocity crimes and violent conflict as part of our
22 humanitarian, development, and strategic interests;

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

1 (A) strengthening the diplomatic, risk
2 analysis and monitoring, strategic planning,
3 early warning, and response capacities of the
4 United States Government;

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, systemic patterns of human rights
9 abuses, and atrocity crimes;

10 (C) strengthening diplomatic response and
11 the use of foreign assistance to support transi-
12 tional justice measures, including criminal ac-
13 countability, for past atrocity crimes;

14 (D) supporting international atrocity
15 crimes prevention, conflict prevention, peace-
16 keeping, and peacebuilding mechanisms;

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

23 (F) promoting financial transparency and
24 enhancing anti-corruption initiatives as part of
25 addressing a root cause of insecurity; and

1 (5) to employ a variety of unilateral, bilateral,
2 and multilateral means to prevent and respond to
3 conflicts and atrocity crimes by—

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

6 (B) exercising a leadership role in pro-
7 moting international efforts to end crises peace-
8 fully.

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

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

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

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

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

22 (c) **RESPONSIBILITIES.**—Under the direction of the
23 Chair, the Task Force shall—

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

4 (2) facilitate the development and execution of
5 policies and tools to enhance the capacity of the
6 United States to prevent and respond to atrocity
7 crimes worldwide;

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

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

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

15 (6) incorporate lessons learned from past
16 United States Government efforts to prevent and re-
17 spond to atrocity crimes;

18 (7) provide the Secretary with recommendations
19 and potential improvements to policies, programs,
20 resources, and tools related to atrocity crimes pre-
21 vention and response;

22 (8) coordinate the Department of State's en-
23 gagement in interagency processes led by the Na-
24 tional Security Council that share the Task Force's
25 objectives;

1 (9) conduct outreach, including consultations,
2 not less frequently than biannually, with representa-
3 tives of nongovernmental organizations dedicated to
4 atrocity crimes prevention and response and other
5 appropriate parties—

6 (A) to receive assistance for the Task
7 Force’s efforts to address emerging atrocity
8 crimes threats or situations and develop new or
9 improved policies and tools; and

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

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

16 (A) monitor, receive early warning of, and
17 coordinate responses to potential atrocity
18 crimes;

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

21 (C) promote criminal accountability and
22 deny impunity for perpetrators of atrocity
23 crimes within the United States and throughout
24 the world;

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

7 (E) encourage the deployment of civilian
8 advisors to prevent and respond to atrocity
9 crimes;

10 (F) increase capacity and develop doctrine
11 for the United States Foreign Service, civil
12 service, Armed Forces, development profes-
13 sionals, and other actors to engage in the full
14 spectrum of atrocity crimes prevention and re-
15 sponse activities;

16 (G) develop and implement tailored foreign
17 assistance programs that address and mitigate
18 the risks of atrocity crimes;

19 (H) ensure intelligence collection, analysis,
20 and sharing of appropriate information; and

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

23 (11) in carrying out paragraphs (1) through
24 (9), receive support from—

1 (A) the Bureau of Conflict and Stabiliza-
2 tion Operations;

3 (B) the Office of Global Criminal Justice;

4 (C) the Bureau of Democracy, Human
5 Rights and Labor;

6 (D) the Bureau of International Narcotics
7 and Law Enforcement Affairs;

8 (E) the Bureau of International Organiza-
9 tion Affairs; and

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

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

13 (1) seek to ensure that its efforts complement
14 and support interagency processes led by the Na-
15 tional Security Council that share the Task Force’s
16 objectives; and

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

20 (A) the Department of State;

21 (B) the United States Agency for Inter-
22 national Development;

23 (C) the Department of Defense;

24 (D) the Department of Justice;

25 (E) the Department of the Treasury;

1 (F) the Department of Homeland Security;

2 (G) the Central Intelligence Agency;

3 (H) the Office of the Director of National

4 Intelligence;

5 (I) the United States Mission to the

6 United Nations;

7 (J) the Federal Bureau of Investigation;

8 (K) the National Security Council; and

9 (L) such other executive departments,

10 agencies, or offices as the Chair may designate.

11 (e) REPORT.—Not later than 180 days after the date

12 of the enactment of this Act and every three years there-

13 after for the following six years, the Secretary, in consulta-

14 tion with the Task Force, shall submit an unclassified re-

15 port, with a classified annex if necessary, to the Com-

16 mittee on Foreign Relations of the Senate, the Committee

17 on Appropriations of the Senate, the Committee on For-

18 eign Affairs of the House of Representatives, and the

19 Committee on Appropriations of the House of Representa-

20 tives that includes—

21 (1) a review, in consultation with the represent-

22 atives listed in subsection (d), consisting of—

23 (A) an evaluation of the efficacy of current

24 efforts based on United States and locally iden-

25 tified indicators, including capacities and con-

1 strains for Government-wide detection, early
2 warning and response, information-sharing,
3 contingency planning, and coordination of ef-
4 forts to prevent and respond to situations of
5 atrocities crimes and other mass violence, such as
6 gender-based violence;

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

18 (C) current annual global assessments of
19 sources of instability, conflict, and atrocities
20 crimes;

21 (D) recommendations to further strength-
22 en United States capabilities described in sub-
23 paragraph (A); and

24 (E) consideration of analysis, reporting,
25 and policy recommendations to prevent and re-

1 spond to atrocity crimes produced by civil soci-
2 ety, academic, and other nongovernmental orga-
3 nizations and institutions;

4 (2) recommendations to ensure shared responsi-
5 bility by—

6 (A) enhancing multilateral mechanisms for
7 preventing atrocity crimes, including strength-
8 ening the role of international organizations
9 and international financial institutions in con-
10 flict prevention, mitigation, and response; and

11 (B) strengthening regional organizations;
12 and

13 (3) the implementation status of the rec-
14 ommendations contained in the review described in
15 paragraph (1).

16 (f) MATERIALS AND BRIEFINGS.—The Chair and
17 members of the Task Force shall annually (or more often
18 as appropriate)—

19 (1) provide briefings to the Committee on For-
20 eign Relations of the Senate and the Committee on
21 Foreign Affairs of the House of Representatives;
22 and

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

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary for fiscal years 2018, 2019, and 2020 to carry
4 out this section.

5 **SEC. 6. TRAINING OF FOREIGN SERVICE OFFICERS IN CON-**
6 **Flict AND ATROCITY CRIMES PREVENTION.**

7 Paragraph (1) of section 708(a) of the Foreign Serv-
8 ice Act of 1980 (22 U.S.C. 4028(a)) is amended—

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

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

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

15 “(D) instruction on recognizing patterns of
16 escalation and early warning signs of potential
17 atrocity crimes or violence, including gender-
18 based violence, and methods of conflict assess-
19 ment, peacebuilding, mediation for prevention,
20 early action and response, and transitional jus-
21 tice measures to address atrocity crimes.”.

22 **SEC. 7. REPORT OF THE DIRECTOR OF NATIONAL INTEL-**
23 **LIGENCE.**

24 The Director of National Intelligence is encouraged
25 to include in the Director’s annual (or more often as ap-

1 appropriate) unclassified testimony, accompanied by a classi-
2 fied annex, if necessary, to Congress on threats to United
3 States national security—

4 (1) a review of countries and regions at risk of
5 atrocity crimes; and

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

11 **SEC. 8. COMPLEX CRISES FUND.**

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

21 (b) PURPOSES OF ASSISTANCE.—Notwithstanding
22 any other provision of law, except section 620M of the
23 Foreign Assistance Act of 1961 (22 U.S.C. 2378d),
24 amounts in the Fund may be used to carry out the provi-

1 sions of the Foreign Assistance Act of 1961 (22 U.S.C.
2 2151 et seq.) to support programs and activities that—

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

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

10 (3) advance the consolidation of peace and de-
11 mocracy.

12 (c) LIMITATIONS.—

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

16 (2) ADMINISTRATIVE EXPENSES.—Not more
17 than five percent of the amounts in the Fund may
18 be used for administrative expenses.

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

24 (1) the Committee on Foreign Relations of the
25 Senate;

1 (2) the Committee on Appropriations of the
2 Senate;

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

5 (4) the Committee on Appropriations of the
6 House of Representatives.

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

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

11 (2) the congressional committees set forth in
12 subsection (d)—

13 (A) are notified not later than three days
14 after an obligation of funds; and

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

○