

115TH CONGRESS
2D SESSION

S. 1158

AN ACT

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.**

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

4 **SEC. 2. SENSE OF CONGRESS.**

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

12 (1) meet regularly to monitor developments
13 throughout the world that heighten the risk of atroc-
14 ities;

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

18 (3) facilitate the development and implementa-
19 tion of policies to enhance the capacity of the United
20 States to prevent and respond to atrocities world-
21 wide;

22 (4) provide the President and Congress with
23 recommendations to improve policies, programs, re-
24 sources, and tools related to atrocity prevention and
25 response;

1 (5) conduct outreach, including consultations,
2 not less frequently than biannually, with representa-
3 tives of nongovernmental organizations and civil so-
4 ciety dedicated to atrocity prevention and response;

5 (6) operate with regular consultation and par-
6 ticipation of designated interagency representatives
7 of relevant Federal agencies, executive departments,
8 or offices; and

9 (7) ensure resources are made available for the
10 policies, programs, and tools related to atrocity pre-
11 vention and response.

12 **SEC. 3. STATEMENT OF POLICY.**

13 It shall be the policy of the United States to—

14 (1) regard the prevention of atrocities as in its
15 national interest;

16 (2) work with partners and allies, including to
17 build their capacity, and enhance the capacity of the
18 United States, to identify, prevent, and respond to
19 the causes of atrocities, including insecurity, mass
20 displacement, violent conflict, and other conditions
21 that may lead to such atrocities; and

22 (3) pursue a United States Government-wide
23 strategy to identify, prevent, and respond to the risk
24 of atrocities by—

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

5 (B) improving the use of foreign assistance
6 to respond early, effectively, and urgently in
7 order to address the causes of atrocities;

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

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

17 (E) promoting financial transparency and
18 enhancing anti-corruption initiatives as part of
19 addressing causes of conditions that may lead
20 to atrocities; and

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

24 (i) placing a high priority on timely,
25 preventive diplomatic efforts; and

1 (ii) exercising leadership in promoting
2 international efforts to prevent atrocities.

3 **SEC. 4. TRAINING OF FOREIGN SERVICE OFFICERS IN CON-**
4 **FFLICT AND ATROCITIES PREVENTION.**

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

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

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

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

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

1 **SEC. 5. REPORTS.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act and annually thereafter
4 for the following six years, the President shall transmit
5 to the Committee on Foreign Affairs and the Committee
6 on Appropriations of the House of Representatives and the
7 Committee on Foreign Relations and the Committee on
8 Appropriations of the Senate a report, with a classified
9 annex if necessary, that includes—

10 (1) a review, in consultation with appropriate
11 interagency representatives, including the Board,
12 consisting of a detailed description of—

13 (A) current efforts to prevent and respond
14 to atrocities, based on United States and locally
15 identified indicators, including an analysis of
16 capacities and constraints for interagency detec-
17 tion, early warning and response, information-
18 sharing, contingency planning, and coordina-
19 tion;

20 (B) recommendations to further strengthen
21 United States capabilities described in subpara-
22 graph (A);

23 (C) funding expended by relevant Federal
24 departments and agencies on atrocities preven-
25 tion activities, including appropriate transitional
26 justice measures and the legal, procedural, and

1 resource constraints faced by the Department
2 of State and the United States Agency for
3 International Development throughout respec-
4 tive budgeting, strategic planning, and manage-
5 ment cycles regarding support for atrocity pre-
6 vention activities;

7 (D) a global assessment of ongoing atroc-
8 ities, including the findings of such assessment
9 and, where relevant, the efficacy of any steps
10 taken by the Board or relevant Federal agency
11 to respond to such atrocities;

12 (E) countries and regions at risk of atroc-
13 ities, including a description of specific risk fac-
14 tors, at-risk groups, and likely scenarios in
15 which atrocities would occur; and

16 (F) the atrocities prevention training for
17 Foreign Service officers authorized under sub-
18 paragraph (D) of section 708(a)(1) of the For-
19 eign Service Act of 1980, as added by section
20 4;

21 (2) recommendations to ensure shared responsi-
22 bility by—

23 (A) enhancing multilateral mechanisms for
24 preventing atrocities, including strengthening
25 the role of international organizations and

1 international financial institutions in conflict
2 prevention, mitigation, and response; and

3 (B) strengthening relevant regional organi-
4 zations;

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

8 (4) identification of the Federal agencies and
9 civil society, academic, and nongovernmental organi-
10 zations and institutions consulted for preparation of
11 such report.

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

18 (c) AVAILABILITY TO CONGRESS.—The report re-
19 quired by subsection (a) shall be made available to all
20 members of Congress.

21 **SEC. 6. DEFINITIONS.**

22 In this Act—

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

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

3 (3) the term “transitional justice” means the
4 range of judicial, nonjudicial, formal, informal, re-
5 tributive, and restorative measures employed by
6 countries transitioning out of armed conflict or re-
7 pressive regimes to redress legacies of atrocities and
8 to promote long-term, sustainable peace; and

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

12 **SEC. 7. RULE OF CONSTRUCTION.**

13 Nothing in this Act shall be construed as authorizing
14 the use of military force.

Passed the Senate December 12, 2018.

Attest:

Secretary.

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