

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.