

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**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 IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. CARDIN

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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 with recommendations  
14 to improve policies, programs, resources, and tools  
15 related to atrocity prevention and response;

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

20           (6) operate with regular consultation and par-  
21 ticipation of designated interagency representatives  
22 of relevant Federal agencies, executive departments,  
23 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 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 bor-  
14                   ders; 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  
18           to identify, prevent, address, and respond to the  
19           drivers of atrocities and violent conflict as part of  
20           the United States' humanitarian, development, and  
21           strategic interests; 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  
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 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  
16 civil society, including human rights defenders  
17 and others working to help prevent and respond  
18 to 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 **FFLICT 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 Direc-  
20 tor of National Intelligence and relevant civil  
21 society organizations, instruction on recognizing  
22 patterns of escalation and early warning signs  
23 of potential atrocities or violence, including gen-  
24 der-based violence, and methods of preventing  
25 and responding to atrocities, including conflict

1 assessment methods, peacebuilding, mediation  
2 for prevention, early action and response, and  
3 appropriate 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  
9 to the Committee on Foreign Affairs of the House of Rep-  
10 resentatives and the Committee on Foreign Relations of  
11 the Senate a report, with a classified annex if necessary,  
12 that includes—

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  
19 and violence against religious and other minori-  
20 ties, based on United States and locally identi-  
21 fied indicators, including an analysis of capaci-  
22 ties and constraints for interagency detection,  
23 early warning and response, information-shar-  
24 ing, contingency 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 transitional  
7 justice measures and the legal, procedural, and  
8 resource constraints faced by the Department  
9 of State and the United States Agency for  
10 International Development throughout respec-  
11 tive budgeting, strategic planning, and manage-  
12 ment cycles to support conflict and atrocities  
13 prevention activities in countries identified to be  
14 at risk of atrocities;

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

22 (E) countries and regions at risk of atroc-  
23 ities, including a description of most likely  
24 pathways to violence, specific risk factors, and  
25 at-risk 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  
5 4;

6 (2) recommendations to ensure shared responsi-  
7 bility by—

8 (A) enhancing multilateral mechanisms for  
9 preventing atrocities, including strengthening  
10 the role of international organizations and  
11 international financial institutions in conflict  
12 prevention, mitigation, and response; and

13 (B) strengthening regional organizations;

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

17 (4) identification of the Federal departments  
18 and agencies and civil society, academic, and non-  
19 governmental organizations and institutions con-  
20 sulted for preparation of such report.

21 (b) CONSIDERATION OF RECOMMENDATIONS.—The  
22 preparation of the report required by subsection (a) shall  
23 include a consideration of analysis, reporting, and policy  
24 recommendations to prevent and respond to atrocities pro-



1 duced by civil society, academic, and other nongovern-  
2 mental organizations and institutions.

3 **SEC. 6. DEFINITIONS.**

4 In this Act—

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

8 (2) the term “atrocities” means war crimes,  
9 crimes against humanity, or genocide;

10 (3) the term “transitional justice” means the  
11 range of judicial, nonjudicial, formal, informal, re-  
12 tributive, and restorative measures employed by  
13 countries transitioning out of armed conflict or re-  
14 pressive regimes to redress legacies of atrocities and  
15 to promote long-term, sustainable peace; and

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

19 **SEC. 7. RULE OF CONSTRUCTION.**

20 Nothing in this Act shall be construed as authorizing  
21 the use of military force.