115TH CONGRESS
1ST SESSION

H. R. ______

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

Mrs. Wagner introduced the following bill; which was referred to the

Committee on ____________________________

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,
3
4 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
5 (a) Short Title.—This Act may be cited as the
6 “Elie Wiesel Genocide and Atrocities Prevention Act of
7 2017”.

June 12, 2017 (12:35 p.m.)
(b) **TABLE OF CONTENTS.**—The table of contents for 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.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

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

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

(3) The United States was the first country in the world to sign the Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris December 9, 1948, and President Ronald Reagan signed implementing legislation allowing the
United States to become a party to the Convention on November 25, 1988.

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

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

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

(B) recommended the creation of “a new standing interagency mechanism for analysis of threats [of genocide and other mass atrocities] and coordination of appropriate preventive action”.

(6) In December 2010, the Senate unanimously passed Senate Concurrent Resolution 71, which recognized the United States “national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts”.

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

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

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

(B) “Many countries at risk of mass atrocities will likely be open to influence to prevent or mitigate them.”; and

(C) “Much of the world will almost certainly turn to the United States for leadership to prevent and respond to mass atrocities.”.

(9) In February 2016, former Director of National Intelligence Clapper stated, in his annual national security threat assessment to Congress, “Risks of atrocities, large-scale violence, and regime-threatening instability will remain elevated in 2016.”.
The United States can strengthen its atrocity crimes prevention and peacebuilding efforts by—

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

(B) enhancing cooperation and understanding among ethnic and religious groups, communities, and factions;

(C) working with the international community to ensure shared responsibility by enhancing multilateral and regional mechanisms that seek to prevent genocide and other atrocity crimes;

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

(E) implementing policies that hold accountable individuals and entities that incite or commit genocide or other atrocity crimes.

SEC. 3. DEFINITIONS.

In this Act:

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

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

(3) PEACEBUILDING.—The term
“peacebuilding” means nonviolent activities designed
to prevent conflict through—

(A) addressing root causes of violence;

(B) promoting sustainable peace;

(C) delegitimizing violence as a dispute
resolution strategy;

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

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

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

(5) WAR CRIME.—The term “war crime” has
the meaning given the term in section 2441(e) of
title 18, United States Code.
SEC. 4. STATEMENT OF POLICY REGARDING GENOCIDE
AND OTHER ATROCITY CRIMES PREVENTION.

It is the policy of the United States—

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

(2) to mitigate threats to United States security
by addressing the root causes of insecurity and vio-

tent conflict to prevent—

(A) the mass slaughter of civilians;

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

(C) other violence that wreaks havoc on re-

gional stability and livelihoods;

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

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

(A) strengthening the diplomatic, risk
analysis and monitoring, strategic planning,
early warning, and response capacities of the
United States Government;
(B) improving the use of foreign assistance
to respond early, effectively, and urgently in
order to address the root causes and drivers of
violence, systemic patterns of human rights
abuses, and atrocity crimes;

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

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

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

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

(5) to employ a variety of unilateral, bilateral,
and multilateral means to prevent and respond to
conflicts and atrocity crimes by—
(A) placing a high priority on timely, preventive diplomatic efforts; and
(B) exercising a leadership role in promoting international efforts to end crises peacefully.

SEC. 5. MASS ATROCITIES TASK FORCE.

(a) Establishment.—The President shall instruct the Secretary to establish a Mass Atrocities Task Force (referred to in this section as the “Task Force”) with the mandate—

(1) to strengthen the Department of State’s efforts at atrocity prevention and response; and
(2) to assist other departments and agencies in their efforts to do the same.

(b) Leadership.—The Under Secretary of State for Civilian Security, Democracy, and Human Rights, or another position of equivalent rank, shall serve as the Chair of the Task Force and shall report to the Secretary.

(c) Responsibilities.—Under the direction of the Chair, the Task Force shall—

(1) meet regularly to ensure that atrocity crimes and the risk of atrocity crimes throughout the world are adequately considered and addressed;
(2) facilitate the development and execution of policies and tools to enhance the capacity of the
United States to prevent and respond to atrocity crimes worldwide;

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

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

(5) identify any gaps in United States foreign policy concerning regions or particular countries related to atrocity crimes prevention and response;

(6) incorporate lessons learned from past United States Government efforts to prevent and respond to atrocity crimes;

(7) provide the Secretary with recommendations and potential improvements to policies, programs, resources, and tools related to atrocity crimes prevention and response;

(8) coordinate the Department of State’s engagement in interagency processes led by the National Security Council that share the Task Force’s objectives;

(9) conduct outreach, including consultations, not less frequently than biannually, with representatives of nongovernmental organizations dedicated to atrocity crimes prevention and response and other appropriate parties—
(A) to receive assistance for the Task Force’s efforts to address emerging atrocity crimes threats or situations and develop new or improved policies and tools; and

(B) to provide an appropriate public understanding of the work of the Task Force;

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

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

(B) deter and isolate perpetrators of atrocity crimes through all available authorities;

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

(D) engage allies and partners, including the United Nations Office on Genocide Prevention and the Responsibility to Protect and other multilateral and regional institutions, to build capacities and mobilize action for preventing and responding to atrocity crimes;
(E) encourage the deployment of civilian advisors to prevent and respond to atrocity crimes;

(F) increase capacity and develop doctrine for the United States Foreign Service, civil service, Armed Forces, development professionals, and other actors to engage in the full spectrum of atrocity crimes prevention and response activities;

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

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

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

(II) in carrying out paragraphs (1) through (9), receive support from—

(A) the Bureau of Conflict and Stabilization Operations;

(B) the Office of Global Criminal Justice;

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

(D) the Bureau of International Narcotics and Law Enforcement Affairs;
(E) the Bureau of International Organization Affairs; and

(F) other bureaus and offices of the Department of State, as appropriate.

(d) COMPOSITION.—The Task Force shall—

(1) seek to ensure that its efforts complement and support interagency processes led by the National Security Council that share the Task Force’s objectives; and

(2) operate with regular consultation and participation of designated representatives, at the Assistant Secretary level or higher, of—

(A) the Department of State;

(B) the United States Agency for International Development;

(C) the Department of Defense;

(D) the Department of Justice;

(E) the Department of the Treasury;

(F) the Department of Homeland Security;

(G) the Central Intelligence Agency;

(H) the Office of the Director of National Intelligence;

(I) the United States Mission to the United Nations;

(J) the Federal Bureau of Investigation;
(K) the National Security Council; and

(L) such other executive departments, agencies, or offices as the Chair may designate.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act and every three years there-after for the following six years, the Secretary, in consultation with the Task Force, shall submit an unclassified report, with a classified annex if necessary, to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes—

(1) a review, in consultation with the representatives listed in subsection (d), consisting of—

(A) an evaluation of the efficacy of current efforts based on United States and locally identified indicators, including capacities and constraints for Government-wide detection, early warning and response, information-sharing, contingency planning, and coordination of efforts to prevent and respond to situations of atrocity crimes and other mass violence, such as gender-based violence;
(B) an assessment of the funding expended by relevant Federal agencies on atrocity crimes prevention activities, including transitional justice measures and the legal, procedural, and resource constraints faced by the Department of State and the United States Agency for International Development throughout respective budgeting, strategic planning, and management cycles to support conflict and atrocity crimes prevention activities in countries identified to be at risk of atrocity crimes;

(C) current annual global assessments of sources of instability, conflict, and atrocity crimes;

(D) recommendations to further strengthen United States capabilities described in subparagraph (A); and

(E) consideration of analysis, reporting, and policy recommendations to prevent and respond to atrocity crimes produced by civil society, academic, and other nongovernmental organizations and institutions;

(2) recommendations to ensure shared responsibility by—
(A) enhancing multilateral mechanisms for preventing atrocity crimes, including strengthening the role of international organizations and international financial institutions in conflict prevention, mitigation, and response; and

(B) strengthening regional organizations; and

(3) the implementation status of the recommendations contained in the review described in paragraph (1).

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

(1) provide briefings to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) provide briefings and materials, as appropriate, to the relevant congressional committees.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2018, 2019, and 2020 to carry out this section.
SEC. 6. TRAINING OF FOREIGN SERVICE OFFICERS IN CONFLICT AND ATROCITY CRIMES PREVENTION.

Paragraph (1) of section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—

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

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

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

“(D) instruction on recognizing patterns of escalation and early warning signs of potential atrocity crimes or violence, including gender-based violence, and methods of conflict assessment, peacebuilding, mediation for prevention, early action and response, and transitional justice measures to address atrocity crimes.”.

SEC. 7. REPORT OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

The Director of National Intelligence is encouraged to include in the Director’s annual (or more often as appropriate) unclassified testimony, accompanied by a classified annex, if necessary, to Congress on threats to United States national security—

(1) a review of countries and regions at risk of atrocity crimes; and
whenever possible, specific mention of countries and regions at immediate risk of atrocity crimes, including most likely pathways to violence, specific risk factors, potential groups of perpetrators, and at-risk target groups.

SEC. 8. COMPLEX CRISES FUND.

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

(b) PURPOSES OF ASSISTANCE.—Notwithstanding any other provision of law, except section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d), amounts in the Fund may be used to carry out the provisions of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to support programs and activities that—

(1) mitigate or respond to emerging or unforeseen complex crises, including urgent humanitarian, political, social, justice, or economic challenges that threaten stability in any country or region;
(2) prevent, counter, and respond to the rise of violent conflict and instability, including atrocity crimes; or

(3) advance the consolidation of peace and democracy.

(c) LIMITATIONS.—

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

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

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

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

(2) the Committee on Appropriations of the Senate;

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

(4) the Committee on Appropriations of the House of Representatives.
(e) WAIVER.—The notification requirement under subsection (d) may be waived if—

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

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

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

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