

114TH CONGRESS
2D SESSION

S. _____

To help prevent acts of genocide and mass atrocities, which threaten national and international security, by enhancing United States civilian capacities to prevent and mitigate such crises.

IN THE SENATE OF THE UNITED STATES

Mr. CARDIN (for himself, Mr. TILLIS, Mr. MURPHY, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. BROWN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. COONS, Ms. MIKULSKI, Mr. MARKEY, Mr. MERKLEY, Mrs. BOXER, Mr. CASEY, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To help prevent acts of genocide and mass atrocities, which threaten national and international security, by enhancing United States civilian capacities to prevent and mitigate 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 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Genocide and Atrocities Prevention Act of 2016”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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 mass atrocity prevention.
- Sec. 5. Atrocities Prevention Board.
- Sec. 6. Training of Foreign Service officers in conflict and atrocity prevention.
- Sec. 7. Report of the Director of National Intelligence.
- Sec. 8. Complex Crises Fund.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The nature of genocide and mass atrocities,
4 including crimes against humanity, ethnic cleansing,
5 and war crimes, committed globally includes shock-
6 ing acts of violence perpetrated by governments and
7 non-state actors, which have killed millions of civil-
8 ians and other innocent individuals.

9 (2) The commitment to prevent acts of genocide
10 and mass atrocities has been a centerpiece of policy
11 by consecutive administrations of the United States
12 Government.

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

20 (4) In the 2006 National Security Strategy,
21 President George W. Bush highlighted the “moral

1 imperative that states take action to prevent and
2 punish genocide”.

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

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

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

13 (6) In December 2010, the Senate unanimously
14 passed Senate Concurrent Resolution 71, which rec-
15 ognized the United States’ “national interest in
16 helping to prevent and mitigate acts of genocide and
17 other mass atrocities against civilians, and sup-
18 porting and encouraging efforts to develop a whole
19 of government approach to prevent and mitigate
20 such acts”.

21 (7) In 2012, President Obama, in Presidential
22 Study Directive 10, which ordered the creation of
23 the Atrocities Prevention Board, stated that he
24 would ensure that the United States Government

1 has the required structures, tools, and mechanisms
2 to better prevent and respond to mass atrocities.

3 (8) In February 2014, James Clapper, the Di-
4 rector of National Intelligence, stated in his annual
5 national security threat assessment to Congress—

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

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

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

15 (9) The United States can strengthen its atroc-
16 ity prevention and peacebuilding efforts by—

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

20 (B) enhancing cooperation and under-
21 standing among ethnic and religious groups,
22 communities, and factions;

23 (C) working with the international commu-
24 nity to ensure shared responsibility by enhanc-

1 ing multilateral and regional mechanisms that
2 seek to prevent genocide and mass atrocities;

3 (D) promoting effective accountability
4 mechanisms to deter individuals and entities
5 that may incite or commit genocide or mass
6 atrocities; and

7 (E) implementing policies that hold ac-
8 countable individuals and entities that incite or
9 commit genocide or mass atrocities.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) GENOCIDE.—The term “genocide” has the
13 meaning given the term in Article II of the United
14 Nations Convention on the Prevention and Punish-
15 ment of the Crime of Genocide, opened for signature
16 in Paris December 9, 1948.

17 (2) MASS ATROCITY.—The term “mass atroc-
18 ity” means large scale and deliberate acts of violence
19 against civilians and includes crimes against human-
20 ity, ethnic cleansing, and war crimes.

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

24 (A) addressing root causes of violence;

25 (B) promoting sustainable peace;

1 (C) delegitimizing violence as a dispute
2 resolution strategy;

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

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

9 **SEC. 4. STATEMENT OF POLICY REGARDING GENOCIDE**
10 **AND MASS ATROCITY PREVENTION.**

11 It is the policy of the United States—

12 (1) to regard the prevention of mass atrocities
13 and genocide as a core national security interest and
14 a core moral responsibility;

15 (2) to mitigate threats to United States security
16 by addressing the root causes of insecurity and vio-
17 lent conflict to prevent—

18 (A) the mass slaughter of civilians;

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

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

24 (3) to enhance our Nation's capacity to prevent
25 and address the drivers of mass atrocities and vio-

1 lent conflict as part of its humanitarian, develop-
2 ment and strategic interests;

3 (4) to create a Government-wide strategy to
4 prevent and respond to the risk of genocide and
5 mass atrocities by—

6 (A) strengthening the diplomatic, risk
7 analysis and monitoring, strategic planning,
8 early warning, and response capacities of the
9 United States Government;

10 (B) improving the use of foreign assistance
11 to respond early, effectively, and urgently in
12 order to address the root causes and drivers of
13 violence, systemic patterns of human rights
14 abuses, and mass atrocities;

15 (C) supporting international atrocities pre-
16 vention, conflict prevention, peacekeeping, and
17 peacebuilding mechanisms;

18 (D) supporting and strengthening local
19 civil society, including human rights defenders
20 and others working to help prevent and respond
21 to atrocities, and protecting their ability to re-
22 ceive support from and partner with civil soci-
23 ety at large; and

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

4 (5) to employ a variety of unilateral, bilateral,
5 and multilateral means to prevent and respond to
6 conflicts and mass atrocities by—

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

9 (B) exercising a leadership role in pro-
10 moting international efforts to end crises peace-
11 fully.

12 **SEC. 5. ATROCITIES PREVENTION BOARD.**

13 (a) **ESTABLISHMENT.**—The President is authorized
14 to establish an interagency Atrocities Prevention Board
15 (referred to in this section as the “Board”),

16 (b) **LEADERSHIP.**—The President shall appoint a
17 Chair of the Board, who shall—

18 (1) serve on the National Security Council staff
19 with a rank no lower than Senior Director (Chair);
20 and

21 (2) report, through the National Security Advi-
22 sor, to the President.

23 (c) **RESPONSIBILITIES.**—Under the direction of the
24 Chair, the Board, either on its own or through such execu-

1 tive departments and agencies as may be appropriate,
2 shall—

3 (1) meet regularly to ensure that atrocities and
4 the risk of atrocities throughout the world are ade-
5 quately considered and addressed;

6 (2) oversee the development and execution of
7 policies and tools to enhance the capacity of the
8 United States to prevent and respond to atrocities
9 worldwide;

10 (3) monitor developments throughout the world
11 that heighten the risk of atrocities;

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

14 (5) identify any gaps in United States policies
15 concerning regions or particular countries;

16 (6) provide the President with recommendations
17 and potential improvements to policies, programs,
18 resources, and tools related to atrocity prevention
19 and response;

20 (7) conduct outreach, including regular con-
21 sultations with representatives of nongovernmental
22 organizations dedicated to atrocity prevention and
23 response and other appropriate parties—

24 (A) to receive assistance for the Board's
25 efforts to address emerging atrocity threats or

1 situations and develop new or improved policies
2 and tools; and

3 (B) to provide an appropriate public un-
4 derstanding of the work of the Board; and

5 (8) in carrying out paragraphs (1) through (7),
6 focus on particular ways for the United States Gov-
7 ernment to develop, strengthen, and enhance its ca-
8 pabilities to—

9 (A) monitor, receive early warning of, and
10 coordinate responses to potential atrocities;

11 (B) deter and isolate perpetrators of atroc-
12 ities through all available authorities;

13 (C) promote accountability and deny impu-
14 nity for perpetrators of atrocities, within the
15 United States and throughout the world;

16 (D) engage allies and partners, including
17 the United Nations Office on Genocide Preven-
18 tion and the Responsibility to Protect and other
19 multilateral and regional institutions, to build
20 capacities and mobilize action for preventing
21 and responding to atrocities;

22 (E) encourage the deployment of civilian
23 advisors to prevent and respond to atrocities;

24 (F) increase capacity and develop doctrine
25 for the United States foreign service, civil serv-

1 ice, armed services, development professionals,
2 and other actors to engage in the full spectrum
3 of atrocity prevention and response activities;

4 (G) develop and implement tailored foreign
5 assistance programs that address and mitigate
6 the risks of atrocities;

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

9 (I) address any other issues that the
10 Board determines to be appropriate.

11 (d) COMPOSITION.—The Board shall be constituted
12 as an interagency body composed of designated represent-
13 atives, at the Assistant Secretary level or higher, of—

14 (1) the Department of State;

15 (2) the United States Agency for International
16 Development;

17 (3) the Department of Defense;

18 (4) the Department of Justice;

19 (5) the Department of the Treasury;

20 (6) the Department of Homeland Security;

21 (7) the Central Intelligence Agency;

22 (8) the Office of the Director of National Intel-
23 ligence;

24 (9) the United States Mission to the United
25 Nations;

1 (10) the Federal Bureau of Investigation; and

2 (11) such other executive departments, agen-

3 cies, or offices as the Chair may designate.

4 (e) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of State, in
6 consultation with the United States Agency for Inter-
7 national Development, shall submit an unclassified report,
8 with a classified annex if necessary, to the Committee on
9 Foreign Relations of the Senate, the Committee on Appro-
10 priations of the Senate, the Committee on Foreign Affairs
11 of the House of Representatives, and the Committee on
12 Appropriations of the House of Representatives that in-
13 cludes—

14 (1) an interagency review consisting of—

15 (A) an evaluation of the efficacy of current
16 efforts based on United States and locally-iden-
17 tified indicators, including capacities and con-
18 straints for government-wide detection, early
19 warning and response, information-sharing,
20 contingency planning, and coordination of ef-
21 forts to prevent and respond to situations of
22 genocide, mass atrocities, and other mass vio-
23 lence, such as gender-based violence;

24 (B) an assessment of the funding expended
25 by relevant Federal agencies on atrocity preven-

1 tion activities, including the legal, procedural,
2 and resource constraints faced by the Depart-
3 ment of State and the United States Agency for
4 International Development throughout respec-
5 tive budgeting, strategic planning, and manage-
6 ment cycles to support conflict and atrocity pre-
7 vention activities in countries identified to be at
8 risk of atrocities;

9 (C) current annual global assessments of
10 sources of instability, conflict, and mass atroc-
11 ities;

12 (D) recommendations to further strength-
13 en United States capabilities described in sub-
14 paragraph (A); and

15 (E) consideration of analysis, reporting,
16 and policy recommendations to prevent and re-
17 spond to atrocities produced by civil society,
18 academic, and other nongovernmental organiza-
19 tions and institutions;

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

22 (A) enhancing multilateral mechanisms for
23 preventing genocide and atrocities, including
24 strengthening the role of international organiza-
25 tions and international financial institutions in

1 conflict prevention, mitigation, and response;

2 and

3 (B) strengthening regional organizations;

4 and

5 (3) the implementation status of the rec-
6 ommendations contained in the interagency review
7 described in paragraph (1).

8 (f) MATERIALS AND BRIEFINGS.—The Chair and
9 members of the Board shall—

10 (1) provide annual briefings to the Committee
11 on Foreign Relations of the Senate and the Com-
12 mittee on Foreign Affairs of the House of Rep-
13 resentatives; and

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

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as may be
18 necessary for fiscal years 2017, 2018, and 2019 to carry
19 out this section.

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

22 Section 708(a) of the Foreign Service Act of 1980
23 (22 U.S.C. 4028(a)) is amended—

24 (1) in paragraph (2), by striking “and” at the
25 end;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(4) instruction on recognizing patterns of es-
5 calation and early warning signs of potential atroc-
6 ities or violence, including gender-based violence,
7 and methods of conflict assessment, peacebuilding,
8 mediation for prevention, and early action and re-
9 sponse.”.

10 **SEC. 7. REPORT OF THE DIRECTOR OF NATIONAL INTEL-**
11 **LIGENCE.**

12 The Director of National Intelligence should include,
13 in his or her annual testimony to Congress on threats to
14 United States national security—

15 (1) a review of countries and regions at risk of
16 genocide and mass atrocities; and

17 (2) whenever possible, specific mention of coun-
18 tries and regions at immediate risk of genocide and
19 mass atrocities.

20 **SEC. 8. COMPLEX CRISES FUND.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—There is established in the
23 Treasury of the United States a fund, which shall be
24 known as the “Complex Crises Fund” (referred to in
25 this section as the “Fund”), to enable the Adminis-

1 trator of the United States Agency for International
2 Development to support programs and activities to
3 prevent or respond to emerging or unforeseen for-
4 eign challenges and complex crisis overseas, includ-
5 ing potential mass atrocities.

6 (2) TRANSFERS.—Notwithstanding any other
7 provision of law, except section 620M of the Foreign
8 Assistance Act of 1961 (22 U.S.C. 2378d), the Sec-
9 retary of the Treasury shall transfer to the Fund
10 such sums as may be appropriated or otherwise
11 made available for the purposes described in para-
12 graph (1) and to carry out the Foreign Assistance
13 Act of 1961 (22 U.S.C. 2151 et seq.). Amounts
14 transferred to the Fund shall remain available until
15 expended.

16 (b) PURPOSES OF ASSISTANCE.—Amounts in the
17 Fund may be expended—

18 (1) to mitigate or respond to emerging or un-
19 foreseen complex crises, including urgent humani-
20 tarian, political, social, or economic challenges that
21 threaten stability in any country or region;

22 (2) to counter the rise of violent conflict and in-
23 stability; or

24 (3) to advance the consolidation of peace and
25 democracy.

1 (c) LIMITATIONS.—

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

5 (2) ADMINISTRATIVE EXPENSES.—Not more
6 than 5 percent of the amounts in the Fund may be
7 used for administrative expenses.

8 (d) CONGRESSIONAL NOTIFICATION.—Not later than
9 5 days before amounts from the Fund are obligated, the
10 Administrator of the United States Agency for Inter-
11 national Development shall submit notification of such ob-
12 ligation to—

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

15 (2) the Committee on Appropriations of the
16 Senate;

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

19 (4) the Committee on Appropriations of the
20 House of Representatives.

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

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

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

3 (A) are notified not later than 3 days after
4 an obligation of funds; and

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