

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4140
OFFERED BY MR. MEEKS OF NEW YORK

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Burma Genocide Ac-
3 countability and Protection Act” or the “Burma GAP
4 Act”.

5 SEC. 2. FINDINGS.

6 Congress finds the following:

7 (1) In its report dated September 17, 2018, the
8 United Nations Independent International Fact-
9 Finding Mission on Myanmar (FFM) found that im-
10 punity was a “root cause of continued human rights
11 violations in Myanmar” that “has significantly and
12 demonstrably contributed to the validation of deeply
13 oppressive and discriminatory conduct, enabled re-
14 currence of human rights violations and atrocity
15 crimes, and emboldened perpetrators and silenced
16 victims”, and concluded that “ensuring account-
17 ability for crimes” was “the key to disrupting pat-

1 terms of oppression and cycles of violence” as well as
2 a legal obligation for Burma.

3 (2) On December 13, 2018, the United States
4 House of Representatives passed H. Res. 1091, by
5 an overwhelming majority of 394 to 1, expressing
6 the sense of the House of Representatives that
7 atrocities committed against Rohingya by members
8 of the Burma military and security forces since Au-
9 gust 2017 constitute crimes against humanity and
10 genocide.

11 (3) On September 16, 2019, the FFM reported
12 that it “has reasonable grounds to conclude that the
13 evidence that infers genocidal intent on the part of
14 the state, identified in its last report, has strength-
15 ened that there is a serious risk that genocidal ac-
16 tions may occur or recur”.

17 (4) On February 1, 2021, the Burma military
18 conducted a coup d’état, derailing Burma’s transi-
19 tion to democracy and disregarding the will of the
20 people of Burma.

21 (5) Since the February 2021 military coup, the
22 Burma military and certain local armed groups have
23 continued to commit crimes and abuses against
24 Rohingya. In Rakhine state, over 600,000 Rohingya,
25 including at least 130,000 confined in internally dis-

1 placed persons (IDP) camps face heightened risks.
2 The military continues to target Rohingya with laws
3 and policies that criminalize the exercise of human
4 rights, as well as with arbitrary arrest and deten-
5 tion, torture, sexual violence, and murder.

6 (6) On March 21, 2022, Secretary of State
7 Antony Blinken announced the Secretary had deter-
8 mined that “members of the Burmese military com-
9 mitted genocide and crimes against humanity
10 against Rohingya”.

11 (7) The United States has been the leading
12 contributor of humanitarian assistance in response
13 to the Rohingya crisis.

14 (8) The United Nations High Commissioner for
15 Human Rights said in a June 2023 report that the
16 Burma military’s restrictions on aid access by local
17 and international organizations seeking to respond
18 to Cyclone Mocha in Rakhine state in May 2023
19 may amount to gross violations of international
20 human rights law, and serious violations of inter-
21 national humanitarian law.

22 (9) According to the World Food Program, over
23 15 percent of young children in the Rohingya ref-
24 ugee camps in Bangladesh are suffering from mal-
25 nutrition. The World Food Program estimates that

1 it needs another \$83,000,000 in funding to maintain
2 full rations and meet the basic minimum nutritional
3 needs of refugees through May 2026.

4 (10) Funding cuts and rising commodity prices
5 have exacerbated protection concerns for Rohingya
6 refugees in Bangladesh, especially with respect to
7 gender-based violence and child protection, wors-
8 ening health outcomes and fueling unsafe and irreg-
9 ular migration throughout the surrounding region.

10 (11) Combined with rising food insecurity,
11 Rohingya are increasingly unsafe in Bangladesh as
12 a result of growing competition between armed and
13 criminal groups in the refugee camps. These factors
14 have driven thousands of Rohingya to flee to mari-
15 time Southeast Asia by boat only to face obstacles
16 from regional navies and growing resentment from
17 local populations.

18 (12) The long, systemic denial of the exercise of
19 certain rights, including education, freedoms of ex-
20 pression, movement, and rights related to nationality
21 have had enduring effects on many Rohingya per-
22 sons' mental and physical well-being and perpetuate
23 the risk of future genocidal violence until these root
24 causes are addressed.

1 **SEC. 3. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to uphold Article I of the Convention on the
4 Prevention and Punishment of the Crime of Geno-
5 cide, to which the United States is a party, to pre-
6 vent the crime of genocide and punish its perpetra-
7 tors;

8 (2) to prevent and end atrocities committed
9 against Rohingya by addressing the root causes of
10 the genocide and crimes against humanity com-
11 mitted against them, holding the perpetrators of
12 these crimes accountable, supporting solutions to re-
13 spect the human rights and uphold the dignity of
14 Rohingya, and to ensure Rohingya involvement and
15 representation in decision making and implementa-
16 tion processes to address these needs;

17 (3) to support the empowerment of Rohingya
18 civilian leadership in diaspora communities, refugee
19 camps in Bangladesh, and inside Burma through
20 consultation and collaboration with Rohingya com-
21 munity representatives;

22 (4) to provide holistic support to the Rohingya
23 community to overcome decades of systematic perse-
24 cution and discrimination and to best support the
25 desires of all communities in Burma to achieve last-
26 ing peace and an inclusive, Federal democracy in-

1 cluding through credible transitional justice proc-
2 esses;

3 (5) to collaborate with other countries to pursue
4 and implement coordinated, comprehensive, and sus-
5 tained measures for upholding the dignity and pro-
6 tecting the human rights of Rohingya;

7 (6) to engage in a coordinated manner with the
8 United Nations High Commissioner for Refugees
9 other relevant United Nations agencies, govern-
10 ments, and intergovernmental entities to establish
11 protocols and respond to protection concerns and to
12 prevent and protect Rohingya from further atroc-
13 ities; and

14 (7) to isolate the Burma military junta dip-
15 lomatically and economically until such time that
16 there is a return to civilian rule in Burma.

17 **SEC. 4. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the United States has a moral and legal re-
20 sponsibility to prevent and punish genocide, includ-
21 ing against Rohingya;

22 (2) the Secretary of State's determination in
23 March 2022 that genocide and crimes against hu-
24 manity have been committed against Rohingya by
25 members of the Burma military should lead to sup-

1 port for Rohingya to overcome decades of systemic
2 persecution, marginalization, and violence;

3 (3) the Rohingya crisis and the broader Burma
4 crisis must be addressed simultaneously to ensure
5 that history does not repeat itself;

6 (4) the United States should work with other
7 donor nations to ensure that Rohingya refugees in
8 refugee camps in Bangladesh receive a ration suffi-
9 cient to meet the humanitarian minimum standards
10 for food and nutrition needs;

11 (5) the United States should encourage other
12 countries to contribute additional assistance and fol-
13 low United States leadership in protecting Rohingya
14 through humanitarian assistance, political and eco-
15 nomic empowerment, accountability for genocide,
16 crimes against humanity, and any other inter-
17 national crimes committed by the Burma military
18 and other armed groups in Burma, as well as sup-
19 porting the voluntary resettlement or eventual safe
20 repatriation of Rohingya refugees to Burma when
21 conditions allow; and

22 (6) the United States should continue not to
23 recognize the Burma military junta as the legitimate
24 political representative of the Burmese people given

1 the genocide, crimes against humanity, and coup
2 that it has perpetrated.

3 **SEC. 5. UNITED STATES SPECIAL REPRESENTATIVE AND**
4 **POLICY COORDINATOR FOR BURMA.**

5 (a) IN GENERAL.—In the absence of a United States
6 Ambassador to Burma, the Secretary of State is author-
7 ized to appoint a career Foreign Service Officer of Senior
8 Foreign Service rank as Special Representative and Policy
9 Coordinator for Burma.

10 (b) DUTIES.—The Special Representative shall—

11 (1) promote a comprehensive international ef-
12 fort, including multilateral sanctions, direct dialogue
13 with all parties, including democracy advocates, and
14 support for nongovernmental organizations operating
15 in Burma and neighboring countries, designed to re-
16 store civilian democratic governance to Burma and
17 address the urgent humanitarian needs in the re-
18 gion;

19 (2) consult broadly, including with the Govern-
20 ments of Thailand, Bangladesh, India, the Republic
21 of Korea, Japan, the member states of ASEAN, the
22 European Union, and other nations to coordinate
23 policies toward Burma;

24 (3) assist efforts by the United Nations Special
25 Envoy to secure the release of all political prisoners

1 in Burma and to promote dialogue among all par-
2 ties, including leaders of Burma's democracy move-
3 ment;

4 (4) consult with Congress on policies relevant to
5 Burma and the future and welfare of all the Bur-
6 mese people, including refugees;

7 (5) coordinate multilateral sanctions efforts
8 against Burma among United States allies and part-
9 ners; and

10 (6) support protection, humanitarian assistance,
11 and accountability efforts for Rohingya and other
12 Burmese ethnic minorities in Burma and the sur-
13 rounding region.

14 (c) SUNSET.—This section shall terminate on the
15 date that is 5 years after the date of the enactment of
16 this Act.

17 **SEC. 6. SUPPORT FOR PROTECTION EFFORTS AND DURA-**
18 **BLE SOLUTIONS WITH RESPECT TO**
19 **ROHINGYA.**

20 (a) IN GENERAL.—The Secretary of State, in con-
21 sultation with the Special Representative (if so designated
22 under section 5(a)), should support efforts to protect
23 Rohingya and prevent further atrocities against Rohingya
24 and other Burmese ethnic minorities.

1 (b) PROTECTION EFFORTS.—In carrying out sub-
2 section (a), the Secretary should seek to engage in crisis
3 response efforts and efforts to maximize the safety, secu-
4 rity, and well-being of Rohingya in Burma and throughout
5 South Asia and Southeast Asia, by—

6 (1) supporting Rohingya refugees access to
7 international protection as well as international asy-
8 lum and refugee mechanisms, and preventing indefi-
9 nite detention and nonrefoulement;

10 (2) facilitating greater access for Rohingya fac-
11 ing ongoing abuse, including human trafficking and
12 gender-based violence, to appropriate legal support
13 services;

14 (3) supporting a monitoring mechanism, rapid
15 response team, legal assistance, and communication
16 mechanisms to overcome military-imposed internet
17 and telecommunication restrictions for Rohingya liv-
18 ing in Burma;

19 (4) working with other governments in the re-
20 gion to strengthen regional mechanisms and overall
21 coordination on lifesaving search and rescue, safe
22 disembarkation, effective receiving and comprehen-
23 sive assistance for Rohingya refugees;

24 (5) supporting host communities to facilitate a
25 safer, more supportive, and welcoming environment

1 for Rohingya refugees through the provision of tech-
2 nical assistance and cooperation with local organiza-
3 tions and governments; and

4 (6) engaging the Government of Bangladesh
5 and the international community to establish the
6 necessary mechanisms for Rohingya refugees to file
7 protection claims, and seek accountability by—

8 (A) improving Rohingya refugees ability to
9 access justice within Bangladesh through legal
10 aid, simplifying the process for filing cases, fa-
11 cilitating the access of lawyers involved in inter-
12 national legal proceedings involving Rohingya,
13 and enabling Rohingya to travel abroad to par-
14 ticipate in legal proceedings in other courts;

15 (B) supporting enhanced coordination
16 among Bangladesh security forces on investiga-
17 tions and accountability;

18 (C) supporting training for Bangladesh's
19 Armed Police Battalion (APBn) and any other
20 units providing security for Rohingya refugee
21 camps on humanitarian protection principles
22 and community safety; and

23 (D) encouraging the Government of Ban-
24 gladesh and other host governments to allow
25 safe houses for Rohingya human rights activ-

1 ists, as well as defectors, insider witnesses to
2 atrocities against Rohingya and other refugees
3 facing imminent threats.

4 (c) PROMOTING DURABLE SOLUTIONS.—In carrying
5 out subsection (a), the Secretary should seek to promote
6 durable solutions with respect to Rohingya by—

7 (1) supporting the inclusion of Rohingya across
8 various sectors in Burma;

9 (2) facilitating training and capacity building
10 on atrocity prevention for the National Unity Gov-
11 ernment (NUG), the National Unity Consultative
12 Council (NUCC), the Committee Representing
13 Pyidaungsu Hluttaw (CRPH), ethnic armed organi-
14 zations, and other political stakeholders;

15 (3) in consultation with Rohingya community
16 representatives, including women and civil society
17 leaders, collaborating with and supporting key non-
18 military stakeholders to take preparatory steps for—

19 (A) ensuring the safe and voluntary return
20 of Rohingya, which should include those individ-
21 uals displaced in the 1990s or born as inter-
22 nally displaced persons or refugees to their
23 places of origin in Burma;

1 (B) restoring and protecting Rohingyas
2 rights and providing them full and equal citi-
3 zenship;

4 (C) recognizing Rohingya as an official
5 ethnic group in Burma, and securing equal so-
6 cial and political power sharing under a Federal
7 democratic Constitution;

8 (D) promoting convenings and engagement
9 among Rohingya, non state actors, civil society
10 groups, and other key stakeholders in Rakhine
11 state to promote trust building and reconcili-
12 ation;

13 (E) including Rohingya across administra-
14 tion and governance mechanisms of Burma, in-
15 cluding Rakhine state; and

16 (F) developing a comprehensive transi-
17 tional justice strategy;

18 (4) working with United States allies and part-
19 ners to broaden resettlement programs and sup-
20 porting the voluntary resettlement of the most vul-
21 nerable individuals within Rohingya populations, as
22 well as defectors, deserters, and insider witnesses
23 participating in justice processes; and

24 (5) supporting repatriation of Rohingya refu-
25 gees only when conditions are conducive for a safe,

1 voluntary, and sustainable return with full rights re-
2 stored.

3 **SEC. 7. HUMANITARIAN ASSISTANCE AND SUPPORT FOR**
4 **ROHINGYA REFUGEES AND INTERNALLY DIS-**
5 **PLACED PERSONS.**

6 (a) IN GENERAL.—The Secretary of State, in con-
7 sultation with the Special Representative (if so designated
8 under section 5(a)) and other relevant United States Gov-
9 ernment agencies, should continue to provide assistance
10 to Rohingya refugees, internally displaced persons, and
11 host communities receiving such refugees and persons.

12 (b) ACTIVITIES SUPPORTED.—Assistance provided
13 under subsection (a) shall include the following:

14 (1) Protection programming, including interven-
15 tions focused on Rohingya civil society leaders,
16 human rights activists, and others threatened by
17 armed groups.

18 (2) Support for Rohingya civil society and com-
19 munity-based organizations, including diplomatic en-
20 gagement to encourage the Government of Ban-
21 gladesh to allow the operation of Rohingya-led civil
22 society and community-based organizations in the
23 refugee camps in Bangladesh.

24 (3) Programs to prevent and respond to gender-
25 based violence, trafficking, forced marriage, as well

1 as specialized training programs for vulnerable
2 groups.

3 (4) Support for education, including higher edu-
4 cation, for Rohingya refugees in Bangladesh.

5 (5) Support for displaced Rohingya to access
6 livelihoods through vocational training and volunteer
7 programs organized by international organizations
8 and nongovernmental organizations.

9 (6) Support for meeting basic needs, including
10 food, nutrition, health care, protection, shelter,
11 water, sanitation, and hygiene support.

12 (7) Support to Rohingya in Burma, refugee
13 camps in Bangladesh, and the diaspora to preserve
14 Rohingya culture, history, and memory.

15 **SEC. 8. PROMOTING ACCOUNTABILITY FOR GENOCIDE AND**
16 **CRIMES AGAINST HUMANITY COMMITTED**
17 **AGAINST ROHINGYA IN BURMA.**

18 (a) IN GENERAL.—The Secretary of State, in con-
19 sultation with the Special Representative (if so designated
20 under section 5(a)) and other relevant United States Gov-
21 ernment agencies, should take the actions described in
22 subsection (b) to promote accountability for genocide and
23 crimes against humanity committed against Rohingya in
24 Burma.

1 (b) ACTIONS DESCRIBED.—The actions described in
2 this subsection are the following:

3 (1) Support comprehensive justice and account-
4 ability for genocide and crimes against humanity
5 committed against Rohingya, including through con-
6 sultation with and participation by the Rohingya
7 community.

8 (2) Support for the efforts of entities, including
9 the Independent Investigative Mechanism for
10 Myanmar, in their work to safely collect and pre-
11 serve evidence of genocide and crimes against hu-
12 manity committed against Rohingya, including
13 through open-source research and by cultivating in-
14 sider, defector, deserter, and survivor witnesses, and
15 to develop the chain of evidence, for potential use in
16 prosecutions in domestic, hybrid, and international
17 courts.

18 (3) Provide assistance, particularly financial
19 and technical assistance, to efforts led by Rohingya
20 to monitor and document evidence to lead, assist, or
21 inform other investigative mechanisms and justice
22 processes.

23 (4) Encourage the development of an intergov-
24 ernmental fund to support reparative justice for
25 Rohingya victims and survivors and identify sources

1 of funding from foreign governments and within the
2 United States Government that have already been
3 appropriated.

4 (5) Engage with Burma's civilian leadership
5 and any subsequent democratic leadership in Burma
6 to officially acknowledge genocide and crimes against
7 humanity committed by members of the Burma mili-
8 tary, restore Rohingya's citizenship and equal rights
9 in Burma, and ensure compensation by the Govern-
10 ment of Burma and restitution for their land and
11 property, and by providing support, including tech-
12 nical and financial assistance, for efforts to memori-
13 alize genocide and crimes against humanity in
14 Burma, particularly those efforts led by the affected
15 communities.

16 (6) Provide support for institutional reform and
17 other guarantees of nonrecurrence by civilian leader-
18 ship in Burma, including the security sector, legisla-
19 ture, and education system, and the inclusion and
20 equal participation of Rohingya in all areas of ad-
21 ministration and governance, under an eventual
22 Federal democratic system.

23 (7) Use convening authority to directly bring
24 together various ethnic groups and other related
25 stakeholders in Burma to promote truth, justice,

1 nonrecurrence, and reconciliation, to support facilita-
2 tion of related efforts by civilian leadership in
3 Burma, and to provide both technical and financial
4 support to entities, especially the civil society of
5 Burma, to implement work aimed at strengthening
6 rule of law and initiatives aimed at atrocity preven-
7 tion.

8 **SEC. 9. REPORT.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, and annually thereafter
11 for 5 years, the Secretary of State, in consultation with
12 the Special Representative (if so designated under section
13 5(a)), shall submit to the appropriate congressional com-
14 mittees a report that includes—

15 (1) a description of and an assessment of the
16 effectiveness of the efforts of the United States Gov-
17 ernment, during the year prior to the submission of
18 such report, to—

19 (A) identify and respond to atrocity risk
20 factors that concern Rohingya;

21 (B) deter future atrocities against
22 Rohingya and other Burmese ethnic minorities;

23 (C) respond to the need for humanitarian
24 assistance for and protection of Rohingya and
25 other Burmese ethnic minorities;

1 (D) document the nature of and responsi-
2 bility for atrocity crimes committed against
3 Rohingya and other Burmese ethnic minorities;
4 and

5 (E) promote justice and accountability for
6 atrocity crimes committed against Rohingya
7 and other Burmese ethnic minorities;

8 (2) a detailed description of the actions taken
9 pursuant to sections 6, 7, and 8;

10 (3) an assessment of the effect of the actions
11 described in paragraph (2) on the advancement of
12 the policies described in section 3;

13 (4) a list of activities and programs initiated
14 pursuant to this Act;

15 (5) the number of Rohingya refugees resettled
16 in the United States in the year preceding the sub-
17 mission of such report, segmented by the country
18 from which such refugees were resettled;

19 (6) the number of Rohingya refugees resettled
20 in countries other than the United States in the year
21 preceding the submission of such report;

22 (7) a description of any new challenges facing
23 Rohingya in Burma or in refugee camps in the year
24 preceding the submission of such report, including

1 an assessment of early warning indicators and risk
2 factors for atrocities; and

3 (8) a list of recommendations to facilitate the
4 implementation of this Act and advance the policies
5 described in section 3, which may include rec-
6 ommended—

7 (A) legislative action;

8 (B) administrative action; and

9 (C) provision of additional resources.

10 (b) REPORT FORM.—

11 (1) CLASSIFICATION.—The report required
12 under subsection (a) shall be submitted in unclassi-
13 fied form and may contain a classified annex.

14 (2) PUBLIC AVAILABILITY OF INFORMATION.—

15 Not later than 45 days after the date on which the
16 appropriate congressional committees received such
17 report, the unclassified portion of such report shall
18 be made publicly available on the website of the De-
19 partment of State.

20 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) SPECIFIC AUTHORIZATIONS OF APPROPRIA-
22 TIONS.—For each of fiscal years 2026 through 2030,
23 there are authorized to be appropriated—

24 (1) \$5,000,000 for the Department of State to
25 support atrocity crime investigations, documentation,

1 and casework, transitional justice and accountability
2 mechanisms, witness protection measures, and tech-
3 nical support related to Rohingya and other Bur-
4 mese ethnic minorities; and

5 (2) \$4,000,000 to support programs that cap-
6 ture, analyze, and make widely available evidence of
7 the ongoing atrocities against the people of Burma
8 through the documentation, verification, and dis-
9 semination of open-source evidence.

10 (b) IN GENERAL.—Provisions under this Act shall be
11 carried out using amounts otherwise authorized to be ap-
12 propriated.

13 **SEC. 11. DEFINITIONS.**

14 In this Act:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Foreign Affairs of
19 the House of Representatives; and

20 (B) the Committee on Foreign Relations of
21 the Senate.

22 (2) GENOCIDE.—The term “genocide” means
23 any offense described in section 1091(a) of title 18,
24 United States Code.

1 (3) SPECIAL REPRESENTATIVE.—The term
2 “Special Representative” means the United States
3 Special Representative and Policy Coordinator for
4 Burma designated by the President pursuant to sec-
5 tion 5(a).

6 (4) BURMA MILITARY JUNTA.—The term
7 “Burma military junta” means the State Adminis-
8 trative Council of Burma or any successor to such
9 entity.

