

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5497  
OFFERED BY MR. MEEKS OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Burma Unified through Rigorous Military Accountability  
4 Act of 2021” or the “BURMA Act of 2021”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

**TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA**

Sec. 101. Findings.  
Sec. 102. Statement of policy.

**TITLE II—SANCTIONS, IMPORT RESTRICTIONS, AND POLICY  
COORDINATION WITH RESPECT TO BURMA**

Sec. 201. Definitions.  
Sec. 202. Imposition of sanctions with respect to human rights abuses and per-  
petration of a coup in Burma.  
Sec. 203. Authorization to prohibit imports from the Burmese gemstone sector.  
Sec. 204. Certification requirement for removal of certain persons from the list  
of specially designated nationals and blocked persons.  
Sec. 205. Sanctions and policy coordination for Burma.  
Sec. 206. Support for greater United Nations action with respect to Burma.  
Sec. 207. Sunset.

**TITLE III—HUMANITARIAN ASSISTANCE AND CIVIL SOCIETY  
SUPPORT WITH RESPECT TO BURMA**

Sec. 301. Support to civil society and independent media.  
Sec. 302. Humanitarian assistance and reconciliation.  
Sec. 303. Authorization of assistance for Burma political prisoners.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES

Sec. 401. Report on accountability for war crimes, crimes against humanity, and genocide in Burma.

Sec. 402. Authorization to provide technical assistance for efforts against human rights abuses.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **BURMESE MILITARY.**—The term “Burmese  
4 military”—

5 (A) means the Armed Forces of Burma,  
6 including the army, navy, and air force; and

7 (B) includes security services under the  
8 control of the Armed Forces of Burma such as  
9 the police and border guards.

10 (2) **CRIMES AGAINST HUMANITY.**—The term  
11 “crimes against humanity” includes the following,  
12 when committed as part of a widespread or system-  
13 atic attack directed against any civilian population,  
14 with knowledge of the attack:

15 (A) Murder.

16 (B) Forced transfer of population.

17 (C) Torture.

18 (D) Extermination.

19 (E) Enslavement.

20 (F) Rape, sexual slavery, or any other  
21 form of sexual violence of comparable severity.

22 (G) Enforced disappearance of persons.

1 (H) Persecution against any identifiable  
2 group or collectivity on political, racial, na-  
3 tional, ethnic, cultural, religious, gender, or  
4 other grounds that are universally recognized as  
5 impermissible under international law.

6 (I) Imprisonment or other severe depriv-  
7 ation of physical liberty in violation of funda-  
8 mental rules of international law.

9 (3) EXECUTIVE ORDER 14014.—The term “Ex-  
10 ecutive Order 14014” means Executive Order 14014  
11 (86 Fed. Reg. 9429; relating to blocking property  
12 with respect to the situation in Burma).

13 (4) GENOCIDE.—The term “genocide” means  
14 any offense described in section 1091(a) of title 18,  
15 United States Code.

16 (5) TRANSITIONAL JUSTICE.—The term “tran-  
17 sitional justice” means the range of judicial, non-  
18 judicial, formal, informal, retributive, and restorative  
19 measures employed by countries transitioning out of  
20 armed conflict or repressive regimes, or employed by  
21 the international community through international  
22 justice mechanisms, to redress past or ongoing  
23 atrocities and to promote long-term, sustainable  
24 peace.

1           (6) WAR CRIME.—The term “war crime” has  
2           the meaning given the term in section 2441(c) of  
3           title 18, United States Code.

4           **TITLE I—MATTERS RELATING**  
5           **TO THE CONFLICT IN BURMA**

6           **SEC. 101. FINDINGS.**

7           Congress makes the following findings:

8           (1) Since 1988, the United States policy of  
9           principled engagement has fostered positive demo-  
10          cratic reforms in Burma, with elections in 2010,  
11          2015, and 2020, helping to bring about the partial  
12          transition to civilian rule and with the latter 2 elec-  
13          tions resulting in resounding electoral victories for  
14          the National League for Democracy.

15          (2) That democratic transition remained incom-  
16          plete, with the military retaining significant power  
17          and independence from civilian control following the  
18          2015 elections, including through control of 25 per-  
19          cent of parliamentary seats, a de facto veto over con-  
20          stitutional reform, authority over multiple govern-  
21          ment ministries, and the ability to operate with im-  
22          punity and no civilian oversight.

23          (3) Despite some improvements with respect for  
24          human rights and fundamental freedoms beginning  
25          in 2010, and the establishment of a quasi-civilian

1 government following credible elections in 2015,  
2 Burma's military and civilian leaders have, since  
3 2016, overseen an increase in restrictions to freedom  
4 of expression (including for members of the press),  
5 freedom of peaceful assembly, freedom of associa-  
6 tion, and freedom of religion or belief.

7 (4) On August 25, 2017, Burmese military and  
8 security forces launched a genocidal military cam-  
9 paign against Rohingya, resulting in a mass exodus  
10 of some 750,000 Rohingya from Burma's Rakhine  
11 State into Bangladesh, where they remain. The Gov-  
12 ernment of Burma has since taken no steps to im-  
13 prove conditions for Rohingya still in Rakhine State,  
14 who remain at high risk of genocide and other atroc-  
15 ities, or to create conditions conducive to the return  
16 of Rohingya refugees.

17 (5) The Burmese military has also engaged in  
18 renewed violence with other ethnic minority groups  
19 across the country. Since 2018, fighting between the  
20 Burmese military and the Arakan Army has dis-  
21 placed more than 220,000 people in Rakhine and  
22 Chin States, including more than 130,000 Rohingya  
23 confined to camps since 2012. The military has con-  
24 tinued to commit atrocities in Kachin and Shan  
25 States that a 2019 report by Amnesty International

1 described as “relentless and ruthless”. Fighting in  
2 northern Burma has forced more than 100,000 peo-  
3 ple from their homes and into camps for internally  
4 displaced persons. The Government of Burma con-  
5 tinues to heavily proscribe humanitarian and media  
6 access to conflict-affected populations across the  
7 country.

8 (6) With more than \$500,000,000 in humani-  
9 tarian assistance provided to Burma and Ban-  
10 gladesh in 2020 alone, the United States is the larg-  
11 est humanitarian donor to populations in need as a  
12 result of conflicts in Burma. In May 2021, the  
13 United States announced nearly \$155,000,000 in  
14 additional humanitarian assistance to meet the ur-  
15 gent needs of Rohingya refugees and host commu-  
16 nities in Bangladesh and people affected by ongoing  
17 violence in Burma’s Rakhine, Kachin, Shan, and  
18 Chin states. In August 2021, the United States pro-  
19 vided \$50,000,000 in critical humanitarian assist-  
20 ance to the people of Burma.

21 (7) Both government- and military-initiated in-  
22 vestigations into human rights abuses in Burma in-  
23 volving violence between ethnic minorities and Bur-  
24 mese security forces have failed to yield credible re-  
25 sults or hold perpetrators accountable.

1           (8) In its report dated September 17, 2018, the  
2           United Nations Independent International Fact-  
3           Finding Mission on Myanmar concluded, on reason-  
4           able grounds, that the factors allowing inference of  
5           “genocidal intent” are present with respect to the  
6           attacks against Rohingya in Rakhine State, and acts  
7           by Burmese security forces against Rohingya in  
8           Rakhine State and other ethnic minorities in Kachin  
9           and Shan States amount to “crimes against human-  
10          ity” and “war crimes”. The Independent Inter-  
11          national Fact-Finding Mission on Myanmar estab-  
12          lished by the United Nations Human Rights Council  
13          recommended that the United Nations Security  
14          Council “should ensure accountability for crimes  
15          under international law committed in Myanmar,  
16          preferably by referring the situation to the Inter-  
17          national Criminal Court or alternatively by creating  
18          an ad hoc international criminal tribunal”. The Mis-  
19          sion also recommended the imposition of targeted  
20          economic sanctions, including an arms embargo on  
21          Burma.

22          (9) On December 13, 2018, the United States  
23          House of Representatives passed House Resolution  
24          1091 (115th Congress), which expressed the sense of  
25          the House that “the atrocities committed against the

1       Rohingya by the Burmese military and security  
2       forces since August 2017 constitute crimes against  
3       humanity and genocide” and called upon the Sec-  
4       retary of State to review the available evidence and  
5       make a similar determination.

6           (10) In a subsequent report dated August 5,  
7       2019, the United Nations Independent International  
8       Fact-Finding Mission on Myanmar found that the  
9       Burmese military’s economic interests “enable its  
10      conduct” and that it benefits from and supports ex-  
11      tractive industry businesses operating in conflict-af-  
12      fected areas in northern Burma, including natural  
13      resources, particularly oil and gas, minerals and  
14      gems and argued that “through controlling its own  
15      business empire, the Tatmadaw can evade the ac-  
16      countability and oversight that normally arise from  
17      civilian oversight of military budgets”. The report  
18      called for the United Nations and individual govern-  
19      ments to place targeted sanctions on all senior offi-  
20      cials in the Burmese military as well as their eco-  
21      nomic interests, especially Myanma Economic Hold-  
22      ings Limited and Myanmar Economic Corporation.

23           (11) On February 1, 2021, the Burmese mili-  
24      tary conducted a coup d’état, declaring a year-long  
25      state of emergency and detaining State Counsellor



1 Aung San Suu Kyi, President Win Myint, and doz-  
2 ens of other government officials and elected mem-  
3 bers of parliament, thus derailing Burma’s transi-  
4 tion to democracy and disregarding the will of the  
5 people of Burma as expressed in the November 2020  
6 elections, which were determined to be credible by  
7 international and national observers.

8 (12) Following the coup, some ousted members  
9 of parliament established the Committee Rep-  
10 resenting the Pyidaungsu Hluttaw, which subse-  
11 quently released the Federal Democracy Charter in  
12 March 2021 and established the National Unity  
13 Government in April 2021. In June 2021, the Na-  
14 tional Unity Government included ethnic minorities  
15 and women among its cabinet and released a policy  
16 paper outlining pledges to Rohingya and calling for  
17 “justice and reparations” for the community.

18 (13) Since the coup on February 1, 2021, the  
19 Burmese military has—

20 (A) used lethal force on peaceful protestors  
21 on multiple occasions, killing more than 1,100  
22 people, including more than 50 children;

23 (B) detained more than 8,800 peaceful  
24 protestors, participants in the Civil Disobe-  
25 dience Movement, labor leaders, government of-

1 officials and elected members of parliament,  
2 members of the media, and others, according to  
3 the Assistance Association for Political Pris-  
4 oners;

5 (C) issued laws and directives that could  
6 be used to further impede fundamental free-  
7 doms, including freedom of expression (includ-  
8 ing for members of the press), freedom of  
9 peaceful assembly, and freedom of association;  
10 and

11 (D) imposed restrictions on the internet  
12 and telecommunications.

13 (14) According to the UNHCR, more than  
14 208,000 people have been internally displaced since  
15 the coup, while an estimated 22,000 have sought ref-  
16 uge in neighboring countries. Nevertheless, the Bur-  
17 mese military continues to block humanitarian as-  
18 sistance to populations in need. According to the  
19 World Health Organization, the military has carried  
20 out more than 250 attacks on health care entities  
21 since the coup and killed at least 18 health workers.  
22 Dozens more have been arbitrarily detained, and  
23 hundreds have warrants out for their arrest. The  
24 military continued such attacks even as they inhib-  
25 ited efforts to combat a devastating third wave of

1 COVID–19. The brutality of the Burmese military  
2 was on full display on March 27, 2021, Armed  
3 Forces Day, when, after threatening on state tele-  
4 vision to shoot protesters in the head, security forces  
5 killed more than 150 people.

6 (15) The coup represents a continuation of a  
7 long pattern of violent and anti-democratic behavior  
8 by the military that stretches back decades, with the  
9 military having previously taken over Burma in  
10 coups d'état in 1962 and 1988, and having ignored  
11 the results of the 1990 elections, and a long history  
12 of violently repressing protest movements, including  
13 killing and imprisoning thousands of peaceful  
14 protestors during pro-democracy demonstrations in  
15 1988 and 2007.

16 (16) On February 11, 2021, President Biden  
17 issued Executive Order 14014 in response to the  
18 coup d'état, authorizing sanctions against the Bur-  
19 mese military, its economic interests, and other per-  
20 petrators of the coup.

21 (17) Since the issuance of Executive Order  
22 14014, President Biden has taken several steps to  
23 impose costs on the Burmese military and its leader-  
24 ship, including by designating or otherwise imposing  
25 targeted sanctions with respect to—

1 (A) multiple high-ranking individuals and  
2 their family members, including the Com-  
3 mander-in-Chief of the Burmese military, Min  
4 Aung Hlaing, Burma’s Chief of Police, Than  
5 Hlaing, and the Bureau of Special Operations  
6 commander, Lieutenant General Aung Soe, and  
7 over 35 other individuals;

8 (B) state-owned and military controlled  
9 companies, including Myanmar Economic Hold-  
10 ings Public Company, Ltd., Myanmar Economic  
11 Corporation, Ltd., Myanmar Economic Hold-  
12 ings Ltd., Myanmar Ruby Enterprise, Myanmar  
13 Imperial Jade Co., Ltd., and Myanmar Gems  
14 Enterprise; and

15 (C) other corporate entities, Burmese mili-  
16 tary units, and Burmese military entities, in-  
17 cluding the military regime’s State Administra-  
18 tive Council.

19 (18) Pursuant to Executive Order 14014, the  
20 United States has also implemented new restrictions  
21 on exports and reexports to Burma; and

22 (19) On April 24, 2021, the Association of  
23 Southeast Asian Nations (ASEAN) agreed to a five-  
24 point consensus which called for an “immediate ces-  
25 sation of violence”, “constructive dialogue among all

1 parties”, the appointment of an ASEAN special  
2 envoy, the provision of humanitarian assistance  
3 through ASEAN’s AHA Centre, and a visit by the  
4 ASEAN special envoy to Burma. Except for the ap-  
5 pointment of the Special Envoy in August 2021, the  
6 other elements of the ASEAN consensus remain  
7 unimplemented due to obstruction by the Burmese  
8 military.

9 **SEC. 102. STATEMENT OF POLICY.**

10 It is the policy of the United States—

11 (1) to support genuine democracy, peace, and  
12 national reconciliation in Burma;

13 (2) to pursue a strategy of calibrated engage-  
14 ment, which is essential to support the establishment  
15 of a peaceful, prosperous, and democratic Burma  
16 that includes respect for the human rights of all in-  
17 dividuals regardless of ethnicity and religion;

18 (3) to seek the restoration to power of a civilian  
19 government that reflects the will of the people of  
20 Burma;

21 (4) to support constitutional reforms that en-  
22 sure civilian governance and oversight over the mili-  
23 tary, including reforms—

24 (A) to the provisions reserving 25 percent  
25 of parliamentary seats for appointments by the

1 military, which provides the military with veto  
2 power over constitutional amendments; and

3 (B) to provisions granting the military con-  
4 trol over the Ministry of Defense, the Ministry  
5 of Border Affairs, and the Ministry of Home  
6 Affairs;

7 (5) to assist in the establishment of a fully  
8 democratic, civilian-led, pluralistic, and representa-  
9 tive political system that includes free, fair, credible,  
10 and democratic elections in which all people of  
11 Burma, including all ethnic minorities, can partici-  
12 pate in the political process at all levels including  
13 the right to vote and to run for elected office;

14 (6) to support legal reforms that ensure protec-  
15 tion for the civil and political rights of all individuals  
16 in Burma, including reforms to laws that criminalize  
17 the exercise of human rights and fundamental free-  
18 doms, and strengthening respect for and protection  
19 of human rights, including freedom of religion or be-  
20 lief;

21 (7) to seek the unconditional release of all pris-  
22 oners of conscience and political prisoners in Burma;

23 (8) to strengthen Burma's civilian governmental  
24 institutions, including support for greater trans-

1       parency and accountability once the military is no  
2       longer in power;

3           (9) to empower and resource local communities,  
4       civil society organizations, and independent media;

5           (10) to promote national reconciliation and the  
6       conclusion and credible implementation of a nation-  
7       wide cease-fire agreement, followed by a peace proc-  
8       ess that is inclusive of ethnic Rohingya, Shan,  
9       Rakhine, Kachin, Chin, and Kayin, and other ethnic  
10      groups and leads to the development of a political  
11      system that effectively addresses natural resource  
12      governance, revenue-sharing, land rights, and con-  
13      stitutional change enabling inclusive peace;

14          (11) to ensure the protection and non-  
15      refoulement of refugees fleeing Burma to neigh-  
16      boring countries and prioritize efforts to create a  
17      conducive environment and meaningfully address  
18      long-standing structural challenges that undermine  
19      the safety and rights of Rohingya in Rakhine State  
20      as well as members of other ethnic and religious mi-  
21      norities in Burma, including by promoting the cre-  
22      ation of conditions for the dignified, safe, sustain-  
23      able, and voluntary return of refugees in Ban-  
24      gladesh, Thailand, and in the surrounding region;

1           (12) to support an immediate end to restric-  
2           tions that hinder the freedom of movement of mem-  
3           bers of ethnic minorities throughout the country, in-  
4           cluding Rohingya, and an end to any and all policies  
5           and practices designed to forcibly segregate  
6           Rohingya, and providing humanitarian support for  
7           all internally displaced persons in Burma;

8           (13) to support unfettered access for humani-  
9           tarian actors, media, and human rights mechanisms,  
10          including those established by the United Nations  
11          Human Rights Council and the United Nations Gen-  
12          eral Assembly, to all relevant areas of Burma, in-  
13          cluding Rakhine, Chin, Kachin, Shan, and Kayin  
14          States;

15          (14) to call for accountability through inde-  
16          pendent, credible international investigations for any  
17          potential genocide, war crimes, and crimes against  
18          humanity, including those involving sexual and gen-  
19          der-based violence and violence against children, per-  
20          petrated against ethnic minorities, including  
21          Rohingya, by members of the military and security  
22          forces of Burma, and other armed groups involved  
23          in conflict;

24          (15) to encourage reforms toward the military,  
25          security, and police forces operating under civilian



1 control and being held accountable in civilian courts  
2 for human rights abuses, corruption, and other  
3 abuses of power;

4 (16) to promote broad-based, inclusive economic  
5 development and fostering healthy and resilient com-  
6 munities;

7 (17) to combat corruption and illegal economic  
8 activity, including that which involves the military  
9 and its close allies; and

10 (18) to promote responsible international and  
11 regional engagement;

12 (19) to support and advance the strategy of  
13 calibrated engagement, impose targeted sanctions  
14 with respect to the Burmese military's economic in-  
15 terests and major sources of income for the Burmese  
16 military, including with respect to—

17 (A) officials in Burma, including the Com-  
18 mander in Chief of the Armed Forces of  
19 Burma, Min Aung Hlaing, and all individuals  
20 described in paragraphs (1), (2), and (3) of sec-  
21 tion 202(a), under the authorities provided by  
22 title II, Executive Order 14014, and the Global  
23 Magnitsky Human Rights Accountability Act  
24 (subtitle F of title XII of Public Law 114–328;  
25 22 U.S.C. 2656 note);

1 (B) enterprises owned or controlled by the  
2 Burmese military, including the Myanmar Eco-  
3 nomic Corporation, Union of Myanmar Eco-  
4 nomic Holding, Ltd., and all other entities de-  
5 scribed in section 202(a)(4), under the authori-  
6 ties provided by title II, the Burmese Freedom  
7 and Democracy Act of 2003 (Public Law 108-  
8 61; 50 U.S.C. 1701 note), the Tom Lantos  
9 Block Burmese JADE (Junta's Anti-Demo-  
10 cratic Efforts) Act of 2008 (Public Law 110-  
11 286; 50 U.S.C. 1701 note), other relevant stat-  
12 utory authorities, and Executive Order 14014;  
13 and

14 (C) state-owned economic enterprises if the  
15 Secretary of the Treasury or other competent  
16 authority determines that—

17 (i) there is a substantial risk of the  
18 Burmese military accessing the accounts of  
19 such an enterprise; and

20 (ii) the imposition of sanctions would  
21 not cause disproportionate harm to the  
22 people of Burma, the restoration of a civil-  
23 ian government in Burma, or the national  
24 interest of the United States; and

1           (20) to ensure that any sanctions imposed with  
2       respect to entities or individuals are carefully tar-  
3       geted to maximize impact on the military and secu-  
4       rity forces of Burma and its economic interests while  
5       minimizing impact on the people of Burma, recog-  
6       nizing the calls from the people of Burma for the  
7       United States to take action against the sources of  
8       income for the military and security forces of  
9       Burma.

10 **TITLE II—SANCTIONS, IMPORT**  
11 **RESTRICTIONS, AND POLICY**  
12 **COORDINATION WITH RE-**  
13 **SPECT TO BURMA**

14 **SEC. 201. DEFINITIONS.**

15       In this subtitle:

16           (1) ADMITTED; ALIEN.—The terms “admitted”  
17       and “alien” have the meanings given those terms in  
18       section 101 of the Immigration and Nationality Act  
19       (8 U.S.C. 1101).

20           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
21       TEES.—The term “appropriate congressional com-  
22       mittees” means—

23           (A) the Committee on Foreign Relations  
24       and the Committee on Banking, Housing, and  
25       Urban Affairs of the Senate; and

1 (B) the Committee on Foreign Affairs and  
2 the Committee on Financial Services of the  
3 House of Representatives.

4 (3) CORRESPONDENT ACCOUNT; PAYABLE-  
5 THROUGH ACCOUNT.—The terms “correspondent ac-  
6 count” and “payable-through account” have the  
7 meanings given those terms in section 5318A of title  
8 31, United States Code.

9 (4) FOREIGN FINANCIAL INSTITUTION.—The  
10 term “foreign financial institution” has the meaning  
11 of that term as determined by the Secretary of the  
12 Treasury by regulation.

13 (5) FOREIGN PERSON.—The term “foreign per-  
14 son” means a person that is not a United States  
15 person.

16 (6) KNOWINGLY.—The term “knowingly”, with  
17 respect to conduct, a circumstance, or a result,  
18 means that a person has actual knowledge, or should  
19 have known, of the conduct, the circumstance, or the  
20 result.

21 (7) PERSON.—The term “person” means an in-  
22 dividual or entity.

23 (8) SUPPORT.—The term “support”, with re-  
24 spect to the Burmese military, means to knowingly  
25 have materially assisted, sponsored, or provided fi-

1       nancial, material, or technological support for, or  
2       goods or services to or in support of the Burmese  
3       military.

4               (9) UNITED STATES PERSON.—The term  
5       “United States person” means—

6               (A) a United States citizen or an alien law-  
7       fully admitted to the United States for perma-  
8       nent residence;

9               (B) an entity organized under the laws of  
10       the United States or any jurisdiction within the  
11       United States, including a foreign branch of  
12       such an entity; or

13              (C) any person in the United States.

14 **SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
15 **HUMAN RIGHTS ABUSES AND PERPETRATION**  
16 **OF A COUP IN BURMA.**

17       (a) MANDATORY SANCTIONS.—Not later than 30  
18       days after the enactment of this Act, the President shall  
19       impose the sanctions described in subsection (d) with re-  
20       spect to any foreign person that the President deter-  
21       mines—

22              (1) knowingly operates or operated in the de-  
23       fense sector of the Burmese economy;

24              (2) is responsible for or complicit in, or has di-  
25       rectly or indirectly and knowingly engaged in—

1 (A) actions or policies that undermine  
2 democratic processes or institutions in Burma;

3 (B) actions or policies that threaten the  
4 peace, security, or stability of Burma;

5 (C) actions or policies that prohibit, limit,  
6 or penalize the exercise of freedom of expression  
7 or assembly by people in Burma, or that limit  
8 access to print, online, or broadcast media in  
9 Burma; or

10 (D) the arbitrary detention or torture of  
11 any person in Burma or other serious human  
12 rights abuse in Burma;

13 (3) to knowingly be or have been a senior leader  
14 or official of—

15 (A) the Burmese military or security forces  
16 of Burma, or any successor entity to any of  
17 such forces;

18 (B) the State Administration Council, the  
19 military-appointed cabinet at the level of Dep-  
20 uty Minister or higher, or a military-appointed  
21 minister of a Burmese state or region; or

22 (C) an entity that has, or whose members  
23 have, engaged in any activity described in para-  
24 graph (2);

25 (4) knowingly operates—

1 (A) any entity that is a state-owned eco-  
2 nomic enterprise under Burmese law (other  
3 than the entity specified in subsection (c)) that  
4 benefits the Burmese military, including the  
5 Myanma Gems Enterprise; or

6 (B) any entity controlled in whole or in  
7 part by an entity described in subparagraph  
8 (A), or a successor to such an entity, that bene-  
9 fits the Burmese military;

10 (5) knowingly and materially violates, attempts  
11 to violate, conspires to violate, or has caused or at-  
12 tempted to cause a violation of any license, order,  
13 regulation, or prohibition contained in or issued pur-  
14 suant to Executive Order 14014 or this Act;

15 (6) to be an adult family member of any person  
16 described in any of paragraphs (1) through (5);

17 (7) knowingly facilitates a significant trans-  
18 action or transactions for or on behalf of a person  
19 described, or a person that has engaged in the activ-  
20 ity described, as the case may be, in any of para-  
21 graphs (1) through (6);

22 (8) to be owned or controlled by, or to have  
23 acted for or on behalf of, directly or indirectly, a  
24 person described, or a person that has engaged in

1 the activity described, as the case may be, in any of  
2 paragraphs (1) through (6); or

3 (9) to have knowingly and materially assisted,  
4 sponsored, or provided financial, material, or techno-  
5 logical support for a person described, or a person  
6 that has engaged in the activity described, as the  
7 case may be, in any of paragraphs (1) through (6).

8 (b) ADDITIONAL MEASURE RELATING TO FACILITA-  
9 TION OF TRANSACTIONS.—The Secretary of the Treasury  
10 shall, in consultation with the Secretary of State, prohibit  
11 or impose strict conditions on the opening or maintaining  
12 in the United States of a correspondent account or pay-  
13 able-through account by a foreign financial institution  
14 that the President determines has, on or after the date  
15 of the enactment of this Act, knowingly conducted or fa-  
16 cilitated a significant transaction or transactions on behalf  
17 of a foreign person described in subsection (a).

18 (c) DISCRETIONARY SANCTIONS.—

19 (1) IN GENERAL.—Beginning on the date that  
20 is 60 days after the date of the enactment of this  
21 Act, the President may impose the sanctions de-  
22 scribed in subsection (d) with respect to the  
23 Myanma Oil and Gas Enterprise if the President de-  
24 termines and certifies to the appropriate congres-  
25 sional committees, not later than 30 days before im-



1       posing such sanctions, that imposing sanctions with  
2       respect to the Myanmar Oil and Gas Enterprise—

3               (A) would reduce the ability of the Bur-  
4       mese military to engage in the activities de-  
5       scribed in subparagraphs (A) through (D) of  
6       subsection (a)(2);

7               (B) would bring benefits to the people of  
8       Burma that exceed the potential negative im-  
9       pacts of the sanctions on the humanitarian and  
10      economic outlook of the people of Burma; and

11              (C) is in the national interest of the  
12      United States.

13              (2) LICENSES.—The Secretary of the Treasury  
14      may grant a license to allow the Myanmar Oil and  
15      Gas Enterprise and a joint venture in which the  
16      Myanmar Oil and Gas Enterprise participates to con-  
17      tinue operating in a manner that does not provide  
18      revenue or other economic benefits to the Burmese  
19      military or members of the Burmese military.

20              (d) SANCTIONS DESCRIBED.—The sanctions that  
21      may be imposed with respect to a foreign person described  
22      in subsection (a) or (c) are the following:

23              (1) PROPERTY BLOCKING.—Notwithstanding  
24      the requirements of section 202 of the International  
25      Emergency Economic Powers Act (50 U.S.C. 1701),

1 the President may exercise of all powers granted to  
2 the President by that Act to the extent necessary to  
3 block and prohibit all transactions in all property  
4 and interests in property of the foreign person if  
5 such property and interests in property are in the  
6 United States, come within the United States, or are  
7 or come within the possession or control of a United  
8 States person.

9 (2) FOREIGN EXCHANGE.—The President may,  
10 pursuant to such regulations as the President may  
11 prescribe, prohibit any transactions in foreign ex-  
12 change that are subject to the jurisdiction of the  
13 United States and in which the foreign person has  
14 any interest.

15 (3) ALIENS INADMISSIBLE FOR VISAS, ADMIS-  
16 SION, OR PAROLE.—

17 (A) IN GENERAL.—An alien described in  
18 subsection (a) is—

19 (i) inadmissible to the United States;

20 (ii) ineligible for a visa or travel to the  
21 United States; and

22 (iii) otherwise ineligible to be admitted  
23 or paroled into the United States or to re-  
24 ceive any other benefit under the Immigra-

1                   tion and Nationality Act (8 U.S.C. 1101 et  
2                   seq.).

3                   (B) CURRENT VISAS REVOKED.—

4                   (i) IN GENERAL.—The visa or other  
5                   documentation issued to an alien described  
6                   in subsection (a) shall be revoked, regard-  
7                   less of when such visa or other documenta-  
8                   tion is or was issued.

9                   (ii) EFFECT OF REVOCATION.—A visa  
10                  or other entry documentation revoked  
11                  under clause (i) shall, in accordance with  
12                  section 221(i) of the Immigration and Na-  
13                  tionality Act (8 U.S.C. 1201(i)), no longer  
14                  be valid for travel to the United States.

15               (e) EXCEPTIONS.—

16               (1) EXCEPTION FOR INTELLIGENCE, LAW EN-  
17               FORCEMENT, AND NATIONAL SECURITY ACTIVI-  
18               TIES.—Sanctions under this section shall not apply  
19               to any authorized intelligence, law enforcement, or  
20               national security activities of the United States.

21               (2) EXCEPTION TO COMPLY WITH UNITED NA-  
22               TIONS HEADQUARTERS AGREEMENT.—Sanctions  
23               under subsection (d)(3) shall not apply with respect  
24               to the admission of an alien to the United States if  
25               the admission of the alien is necessary to permit the

1 United States to comply with the Agreement regard-  
2 ing the Headquarters of the United Nations, signed  
3 at Lake Success June 26, 1947, and entered into  
4 force November 21, 1947, between the United Na-  
5 tions and the United States, the Convention on Con-  
6 sular Relations, done at Vienna April 24, 1963, and  
7 entered into force March 19, 1967, or other applica-  
8 ble international obligations.

9 (3) EXCEPTION RELATING TO IMPORTATION OF  
10 GOODS.—

11 (A) IN GENERAL.—The authorities and re-  
12 quirements to impose sanctions under this sec-  
13 tion shall not include the authority or require-  
14 ment to impose sanctions on the importation of  
15 goods.

16 (B) GOOD DEFINED.—In this paragraph,  
17 the term “good” means any article, natural or  
18 man-made substance, material, supply, or man-  
19 ufactured product, including inspection and test  
20 equipment, and excluding technical data.

21 (4) EXCEPTION RELATING TO THE PROVISION  
22 OF HUMANITARIAN ASSISTANCE.—Sanctions under  
23 this section may not be imposed with respect to  
24 transactions or the facilitation of transactions for—

1 (A) the sale of agricultural commodities,  
2 food, medicine, or medical devices to Burma;

3 (B) the provision of humanitarian assist-  
4 ance to the people of Burma;

5 (C) financial transactions relating to hu-  
6 manitarian assistance or for humanitarian pur-  
7 poses in Burma; or

8 (D) transporting goods or services that are  
9 necessary to carry out operations relating to  
10 humanitarian assistance or humanitarian pur-  
11 poses in Burma.

12 (f) WAIVER.—

13 (1) IN GENERAL.—The President may, on a  
14 case-by-case basis and for periods not to exceed 180  
15 days each, waive the application of sanctions or re-  
16 strictions imposed with respect to a foreign person  
17 under this section if the President certifies to the  
18 appropriate congressional committees not later than  
19 15 days before such waiver is to take effect that the  
20 waiver is vital to the national security interests of  
21 the United States.

22 (2) SUNSET.—The authority to issue a waiver  
23 under paragraph (1) shall terminate on the date  
24 that is 2 years after the date of enactment of this  
25 Act.

1 (g) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President may ex-  
3 ercise all authorities provided to the President under  
4 sections 203 and 205 of the International Emer-  
5 gency Economic Powers Act (50 U.S.C. 1702 and  
6 1704) to carry out this subtitle.

7 (2) PENALTIES.—A person that violates, at-  
8 tempts to violate, conspires to violate, or causes a  
9 violation of this subtitle or any regulation, license, or  
10 order issued to carry out this subtitle shall be sub-  
11 ject to the penalties set forth in subsections (b) and  
12 (c) of section 206 of the International Emergency  
13 Economic Powers Act (50 U.S.C. 1705) to the same  
14 extent as a person that commits an unlawful act de-  
15 scribed in subsection (a) of that section.

16 (h) REPORT.—Not later than 60 days after the date  
17 of the enactment of this Act and annually thereafter for  
18 8 years, the Secretary of the Treasury, in consultation  
19 with the Secretary of State and the heads of other United  
20 States Government agencies, as appropriate, shall submit  
21 to the appropriate congressional committees a report  
22 that—

23 (1) sets forth the plan of the Department of the  
24 Treasury for ensuring that property blocked pursu-

1 ant to subsection (a) or Executive Order 14014 re-  
2 mains blocked;

3 (2) describes the primary sources of income to  
4 which the Burmese military has access and that the  
5 United States has been unable to reach using sanc-  
6 tions authorities;

7 (3) makes recommendations for how the sources  
8 of income described in paragraph (2) can be reduced  
9 or blocked;

10 (4) evaluates the implications of imposing sanc-  
11 tions on the Burmese-government owned Myanmar  
12 Oil and Gas Enterprise, including a determination  
13 with respect to the extent to which sanctions on  
14 Myanmar Oil and Gas Enterprise would advance the  
15 interests of the United States in Burma; and

16 (5) assesses the impact of the sanctions im-  
17 posed pursuant to the authorities under this Act on  
18 the Burmese people and the Burmese military.

19 **SEC. 203. AUTHORIZATION TO PROHIBIT IMPORTS FROM**  
20 **THE BURMESE GEMSTONE SECTOR.**

21 (a) IN GENERAL.—The President may prohibit all  
22 imports of precious and semi-precious gemstones from  
23 Burma into the United States.

1 (b) TERMINATION.—This section shall terminate on  
2 the date on which the President submits to the appro-  
3 priate congressional committees a certification that—

4 (1) the Burmese military has released all polit-  
5 ical prisoners taken into custody on or after Feb-  
6 ruary 1, 2021;

7 (2) the elected government has been reinstated  
8 or new free and fair elections have been held;

9 (3) all legal charges against those winning elec-  
10 tion in November 2020 are dropped;

11 (4) the 2008 Constitution of Burma has been  
12 amended or replaced to place the Burmese military  
13 under civilian oversight and the Burmese military no  
14 longer automatically receives 25 percent of seats in  
15 Burma’s state, regional, and national Hluttaws;

16 (5) that the gemstone sector of Burma is free  
17 from the influence of the Burmese military and that  
18 none of the entities described in section 202(a) hold  
19 gemstone permits;

20 (6) the licensing and permitting process is con-  
21 ducted in a transparent and open manner, with con-  
22 tracts disclosed publicly; and

23 (7) the Myanmar Gems Enterprise no longer  
24 acts as both a regulator and commercial partner in  
25 mining enterprises.



1 **SEC. 204. CERTIFICATION REQUIREMENT FOR REMOVAL**  
2 **OF CERTAIN PERSONS FROM THE LIST OF**  
3 **SPECIALLY DESIGNATED NATIONALS AND**  
4 **BLOCKED PERSONS.**

5 (a) **IN GENERAL.**—On or after the date of the enact-  
6 ment of this Act, the President may not remove a person  
7 described in subsection (b) from the list of specially des-  
8 ignated nationals and blocked persons maintained by the  
9 Office of Foreign Assets Control of the Department of the  
10 Treasury (commonly referred to as the “SDN list”) until  
11 the President submits to the appropriate congressional  
12 committees a certification described in subsection (c) with  
13 respect to the person.

14 (b) **PERSONS DESCRIBED.**—A person described in  
15 this subsection is a foreign person included in the SDN  
16 list for violations of part 525 of title 31, Code of Federal  
17 Regulations, or any other regulations imposing sanctions  
18 on or related to Burma.

19 (c) **CERTIFICATION DESCRIBED.**—A certification de-  
20 scribed in this subsection, with respect to a person de-  
21 scribed in subsection (b), is a certification that the person  
22 has not knowingly assisted in, sponsored, or provided fi-  
23 nancial, material, or technological support for, or financial  
24 or other services to or in support of—

25 (1) terrorism or a terrorist organization;

1           (2) a significant foreign narcotics trafficker (as  
2       defined in section 808 of the Foreign Narcotics  
3       Kingpin Designation Act (21 U.S.C. 1907));

4           (3) a significant transnational criminal organi-  
5       zation under Executive Order 13581 (50 U.S.C.  
6       1701 note; relating to blocking property of  
7       transnational criminal organizations); or

8           (4) any other person on the SDN list.

9       (d) FORM.—A certification described in subsection  
10   (c) shall be submitted in unclassified form but may include  
11   a classified annex.

12   **SEC. 205. SANCTIONS AND POLICY COORDINATION FOR**  
13                           **BURMA.**

14       (a) IN GENERAL.—The Secretary of State may des-  
15   ignate an official of the Department of State to serve as  
16   the United States Special Coordinator for Burmese De-  
17   mocracy (in this section referred to as the “Special Coordi-  
18   nator”).

19       (b) CENTRAL OBJECTIVE.—The Special Coordinator  
20   should develop a comprehensive strategy for the implemen-  
21   tation of the full range of United States diplomatic capa-  
22   bilities, including the provisions of this Act, to promote  
23   human rights and the restoration of civilian government  
24   in Burma.

1 (c) DUTIES AND RESPONSIBILITIES.—The Special  
2 Coordinator should, as appropriate, assist in—

3 (1) coordinating the sanctions policies of the  
4 United States under section 202 with relevant bu-  
5 reaus and offices within the Department of State,  
6 other relevant United States Government agencies,  
7 and international financial institutions;

8 (2) conducting relevant research and vetting of  
9 entities and individuals that may be subject to sanc-  
10 tions under section 202 and coordinate with other  
11 United States Government agencies and inter-  
12 national financial intelligence units to assist in ef-  
13 forts to enforce anti-money laundering and anti-cor-  
14 ruption laws and regulations;

15 (3) promoting a comprehensive international ef-  
16 fort to impose and enforce multilateral sanctions  
17 with respect to Burma;

18 (4) coordinating with and supporting inter-  
19 agency United States Government efforts, including  
20 efforts of the United States Ambassador to Burma,  
21 the United States Ambassador to ASEAN, and the  
22 United States Permanent Representative to the  
23 United Nations, relating to—

24 (A) identifying opportunities to coordinate  
25 with and exert pressure on the governments of

1 the People's Republic of China and the Russian  
2 Federation to support multilateral action  
3 against the Burmese military;

4 (B) working with like-minded partners to  
5 impose a coordinated arms embargo on the  
6 Burmese military and targeted sanctions on the  
7 economic interests of the Burmese military, in-  
8 cluding through the introduction and adoption  
9 of a United Nations Security Council resolu-  
10 tion;

11 (C) engaging in direct dialogue with Bur-  
12 mese civil society, democracy advocates, ethnic  
13 minority representative groups, and organiza-  
14 tions or groups representing the protest move-  
15 ment and the officials elected in 2020, such as  
16 the Committee Representing the Pyidaungsu  
17 Hluttaw, the National Unity Government, the  
18 National Unity Consultative Council, and their  
19 designated representatives;

20 (D) encouraging the National Unity Gov-  
21 ernment to incorporate accountability mecha-  
22 nisms in relation to the atrocities against  
23 Rohingya and other ethnic groups, to take fur-  
24 ther steps to make its leadership and member-  
25 ship ethnically diverse, and to incorporate

1 measures to enhance ethnic reconciliation and  
2 national unity into its policy agenda;

3 (E) assisting efforts by the relevant United  
4 Nations Special Envoys and Special  
5 Rapporteurs to secure the release of all political  
6 prisoners in Burma, promote respect for human  
7 rights, and encourage dialogue; and

8 (F) supporting nongovernmental organiza-  
9 tions operating in Burma and neighboring  
10 countries working to restore civilian democratic  
11 rule to Burma and to address the urgent hu-  
12 manitarian needs of the people of Burma; and

13 (5) providing timely input for reporting on the  
14 impacts of the implementation of sections 202 and  
15 203 on the Burmese military and the people of  
16 Burma.

17 (d) DEADLINE.—If the Secretary of State has not  
18 designated the Special Coordinator by the date that is 180  
19 days after the date of the enactment of this Act, the Sec-  
20 retary shall submit to the Committee on Foreign Affairs  
21 of the House of Representatives and the Committee on  
22 Foreign Relations of the Senate a report detailing the rea-  
23 sons for not doing so.

1 **SEC. 206. SUPPORT FOR GREATER UNITED NATIONS AC-**  
2 **TION WITH RESPECT TO BURMA.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

5 (1) the United Nations Security Council has  
6 not taken adequate steps to condemn the February  
7 1, 2021, coup in Burma, pressure the Burmese mili-  
8 tary to cease its violence against civilians, or secure  
9 the release of those unjustly detained; and

10 (2) countries, such as the People’s Republic of  
11 China and the Russian Federation, that are directly  
12 or indirectly shielding the Burmese military from  
13 international scrutiny and action, should be obliged  
14 to endure the reputational damage of doing so by  
15 taking public votes on resolutions related to Burma  
16 that apply greater pressure on the Burmese military  
17 to restore Burma to its democratic path.

18 (b) SUPPORT FOR GREATER ACTION.—The President  
19 shall direct the United States Permanent Representative  
20 to the United Nations to use the voice, vote, and influence  
21 of the United States to spur greater action by the United  
22 Nations and the United Nations Security Council with re-  
23 spect to Burma by—

24 (1) pushing the United Nations Security Coun-  
25 cil to consider a resolution condemning the February  
26 1, 2021, coup and calling on the Burmese military

1 to cease its violence against the people of Burma  
2 and release without preconditions the journalists,  
3 pro-democracy activists, and political officials that it  
4 has unjustly detained;

5 (2) pushing the United Nations Security Coun-  
6 cil to consider a resolution that immediately imposes  
7 a global arms embargo against Burma to ensure  
8 that the Burmese military is not able to obtain  
9 weapons and munitions from other nations to fur-  
10 ther harm, murder, and oppress the people of  
11 Burma;

12 (3) pushing the United Nations and other  
13 United Nations authorities to cut off assistance to  
14 the Government of Burma while providing humani-  
15 tarian assistance directly to the people of Burma  
16 through civil society organizations, particularly such  
17 organizations working with ethnic minorities that  
18 have been adversely affected by the coup and the  
19 Burmese military's violent crackdown;

20 (4) objecting to the appointment of representa-  
21 tives to the United Nations and United Nations bod-  
22 ies such as the Human Rights Council that are  
23 sanctioned by the Burmese military;

1           (5) working to ensure the Burmese military is  
2 not recognized as the legitimate government of  
3 Burma in any United Nations body; and

4           (6) spurring the United Nations Security Coun-  
5 cil to consider multilateral sanctions against the  
6 Burmese military for its atrocities against Rohingya  
7 and individuals of other ethnic and religious minori-  
8 ties, its coup, and the crimes against humanity it  
9 has and continues to commit in the coup's after-  
10 math.

11 **SEC. 207. SUNSET.**

12       (a) IN GENERAL.—The authority to impose sanctions  
13 under this title shall terminate on the date that is 8 years  
14 after the date of the enactment of this Act.

15       (b) CONTINUATION IN EFFECT OF SANCTIONS.—  
16 Sanctions imposed under this subtitle on or before the  
17 date specified in subsection (a), and in effect as of such  
18 date, shall remain in effect until the date on which the  
19 President submits to the appropriate congressional com-  
20 mittees a certification that—

21           (1) the Burmese military has released all polit-  
22 ical prisoners taken into custody on or after Feb-  
23 ruary 1, 2021;

24           (2) the elected government has been reinstated  
25 or new free and fair elections have been held;



1 (3) all legal charges against those winning elec-  
2 tion in November 2020 are dropped; and

3 (4) the 2008 Constitution of Burma has been  
4 amended or replaced to place the Burmese military  
5 under civilian oversight and the Burmese military no  
6 longer automatically receives 25 percent of seats in  
7 Burma's state, regional, and national Hluttaws.

8 **TITLE III—HUMANITARIAN AS-**  
9 **SISTANCE AND CIVIL SOCI-**  
10 **ETY SUPPORT WITH RESPECT**  
11 **TO BURMA**

12 **SEC. 301. SUPPORT TO CIVIL SOCIETY AND INDEPENDENT**  
13 **MEDIA.**

14 (a) **AUTHORIZATION TO PROVIDE SUPPORT.**—The  
15 Secretary of State and the Administrator of the United  
16 States Agency for International Development are author-  
17 ized to provide support to civil society in Burma, Ban-  
18 gladesh, Thailand, and the surrounding region, including  
19 by—

20 (1) ensuring the safety of democracy activists,  
21 civil society leaders, independent media, participants  
22 in the Civil Disobedience Movement, and government  
23 defectors exercising their fundamental rights by—

24 (A) supporting safe houses for those under  
25 threat of arbitrary arrest or detention;

1 (B) providing access to secure channels for  
2 communication;

3 (C) assisting individuals forced to flee from  
4 Burma and take shelter in neighboring coun-  
5 tries, including in ensuring protection assist-  
6 ance and non-refoulement; and

7 (D) providing funding to organizations  
8 that equip activists, civil society organizations,  
9 and independent media with consistent, long-  
10 term technical support on physical and digital  
11 security in local languages;

12 (2) supporting democracy activists in their ef-  
13 forts to promote freedom, democracy, and human  
14 rights in Burma, by—

15 (A) providing aid and training to democ-  
16 racy activists in Burma;

17 (B) providing aid to individuals and groups  
18 conducting democracy programming outside of  
19 Burma targeted at a peaceful transition to con-  
20 stitutional democracy inside Burma;

21 (C) providing aid and assistance to inde-  
22 pendent media outlets and journalists and  
23 groups working to protect internet freedom and  
24 maintain independent media;

1 (D) expanding radio and television broad-  
2 casting into Burma; and

3 (E) providing financial support to civil so-  
4 ciety organizations and nongovernmental orga-  
5 nizations led by members of ethnic and religious  
6 minority groups within Burma and its cross-  
7 border regions;

8 (3) assisting ethnic minority groups and civil  
9 society in Burma to further prospects for justice,  
10 reconciliation, and sustainable peace; and

11 (4) promoting ethnic minority inclusion and  
12 participation in political processes in Burma.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated \$50,000,000 to carry  
15 out the provisions of this section for each of fiscal years  
16 2022 through 2027.

17 **SEC. 302. HUMANITARIAN ASSISTANCE AND RECONCILI-**  
18 **ATION.**

19 (a) AUTHORIZATION TO PROVIDE HUMANITARIAN  
20 ASSISTANCE.—The Secretary of State and the Adminis-  
21 trator of the United States Agency for International De-  
22 velopment are authorized to provide humanitarian assist-  
23 ance and reconciliation activities for ethnic groups and  
24 civil society organizations in Burma, Bangladesh, Thai-  
25 land, and the surrounding region, including—

1           (1) assistance for victims of violence by the  
2           Burmese military, including Rohingya and individ-  
3           uals from other ethnic minorities displaced or other-  
4           wise affected by conflict, in Burma, Bangladesh,  
5           Thailand, and the surrounding region;

6           (2) support for voluntary resettlement or repa-  
7           triation of displaced individuals in Burma, upon the  
8           conclusion of genuine agreements developed and ne-  
9           gotiated with the involvement and consultation of  
10          the displaced individuals and if resettlement or repa-  
11          triation is safe, voluntary, and dignified;

12          (3) support for the promotion of ethnic and re-  
13          ligious tolerance, improving social cohesion, com-  
14          bating gender-based violence, increasing the engage-  
15          ment of women in peacebuilding, and mitigating  
16          human rights violations and abuses against children;

17          (4) support for—

18                (A) primary, secondary, and tertiary edu-  
19                cation for displaced children living in areas of  
20                Burma affected by conflict; and

21                (B) refugee camps in the surrounding re-  
22                gion and opportunities to access to higher edu-  
23                cation in Bangladesh and Thailand;

24          (5) capacity-building support—

1 (A) to ensure that displaced individuals are  
2 consulted and participate in decision-making  
3 processes affecting the displaced individuals;  
4 and

5 (B) for the creation of mechanisms to fa-  
6 cilitate the participation of displaced individuals  
7 in such processes; and

8 (6) increased humanitarian aid to Burma to ad-  
9 dress the dire humanitarian situation that has up-  
10 rooted 170,000 people through—

11 (A) international aid partners such as  
12 agencies of the United Nations;

13 (B) the International Committee of the  
14 Red Cross; and

15 (C) cross-border aid.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated \$220,500,000 to carry  
18 out the provisions of this section for fiscal year 2022.

19 **SEC. 303. AUTHORIZATION OF ASSISTANCE FOR BURMA PO-**  
20 **LITICAL PRISONERS.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that—

23 (1) the freedom of expression, including for  
24 members of the press, is an inalienable right and

1 should be upheld and protected in Burma and every-  
2 where;

3 (2) the Burmese military must immediately  
4 cease the arbitrary arrest, detention, imprisonment,  
5 and physical attacks of journalists, which have cre-  
6 ated a climate of fear and self-censorship among  
7 local journalists;

8 (3) the Government of Burma should repeal or  
9 amend all laws that violate the right to freedom of  
10 expression, peaceful assembly, or association, and  
11 ensure that laws such as the Telecommunications  
12 Law of 2013 and the Unlawful Associations Act of  
13 1908, and laws relating to the right to peaceful as-  
14 sembly all comply with Burma's human rights obli-  
15 gations;

16 (4) all prisoners of conscience and political pris-  
17 oners in Burma should be unconditionally and im-  
18 mediately released;

19 (5) the Burmese military should immediately  
20 and unconditionally release Danny Fenster and  
21 other journalists unjustly detained for their work;

22 (6) the Government of Burma must imme-  
23 diately drop defamation charges against all individ-  
24 uals unjustly detained, including the three Kachin  
25 activists, Lum Zawng, Nang Pu, and Zau Jet, who

1 led a peaceful rally in Mytkyina, the capital of  
2 Kachin State in April 2018, and that the prosecu-  
3 tion of Lum Zawng, Nang Pu, and Zau Jet is an  
4 attempt by Burmese authorities to intimidate, har-  
5 ass, and silence community leaders and human  
6 rights defenders who speak out about military  
7 abuses and their impact on civilian populations; and

8 (7) the United States Government should use  
9 all diplomatic tools to seek the unconditional and im-  
10 mediate release of all prisoners of conscience and po-  
11 litical prisoners in Burma.

12 (b) POLITICAL PRISONERS ASSISTANCE.—The Sec-  
13 retary of State is authorized to continue to provide assist-  
14 ance to civil society organizations in Burma that work to  
15 secure the release of and support prisoners of conscience  
16 and political prisoners in Burma, including—

17 (1) support for the documentation of human  
18 rights violations with respect to prisoners of con-  
19 science and political prisoners;

20 (2) support for advocacy in Burma to raise  
21 awareness of issues relating to prisoners of con-  
22 science and political prisoners;

23 (3) support for efforts to repeal or amend laws  
24 that are used to imprison individuals as prisoners of  
25 conscience or political prisoners;

1           (4) support for health, including mental health,  
2           and post-incarceration assistance in gaining access  
3           to education and employment opportunities or other  
4           forms of reparation to enable former prisoners of  
5           conscience and political prisoners to resume normal  
6           lives; and

7           (5) the creation, in consultation with former po-  
8           litical prisoners and prisoners of conscience, their  
9           families, and their representatives, of an inde-  
10          pendent prisoner review mechanism in Burma—

11           (A) to review the cases of individuals who  
12           may have been charged or deprived of their lib-  
13           erty for peacefully exercising their human  
14           rights;

15           (B) to review all laws used to arrest, pros-  
16           ecute, and punish individuals as political pris-  
17           oners and prisoners of conscience; and

18           (C) to provide recommendations to the  
19           Government of Burma for the repeal or amend-  
20           ment of all such laws.

21          (c) TERMINATION.—The authority to provide assist-  
22          ance under this section shall terminate on the date that  
23          is 8 years after the date of the enactment of this Act.



1           **TITLE IV—ACCOUNTABILITY**  
2           **FOR HUMAN RIGHTS ABUSES**

3   **SEC. 401. REPORT ON ACCOUNTABILITY FOR WAR CRIMES,**  
4                   **CRIMES AGAINST HUMANITY, AND GENOCIDE**  
5                   **IN BURMA.**

6           (a) STATEMENT OF POLICY.—It is the policy of the  
7 United States—

8                   (1) to continue the support of ongoing mecha-  
9 nisms and special procedures of the United Nations  
10 Human Rights Council, including the United Na-  
11 tions Independent Investigative Mechanism for  
12 Myanmar and the Special Rapporteur on the situa-  
13 tion of human rights in Myanmar; and

14                   (2) to refute the credibility and impartiality of  
15 efforts sponsored by the Government of Burma, such  
16 as the Independent Commission of Enquiry, unless  
17 the United States Ambassador at Large for Global  
18 Criminal Justice determines the efforts to be cred-  
19 ible and impartial and notifies the appropriate con-  
20 gressional committees in writing and in unclassified  
21 form regarding that determination.

22           (b) REPORT REQUIRED.—Not later than 90 days  
23 after the date of the enactment of this Act, the Secretary  
24 of State, after consultation with the heads of other United  
25 States Government agencies and representatives of human

1 rights organizations, as appropriate, shall submit to the  
2 appropriate congressional committees a report that—

3 (1) evaluates the persecution of Rohingya in  
4 Burma by the Burmese military;

5 (2) after consulting with the Atrocity Early  
6 Warning Task Force, or any successor entity or of-  
7 fice, provides a detailed description of any proposed  
8 atrocity prevention response recommended by the  
9 Task Force as it relates to Burma;

10 (3) summarizes any atrocity crimes committed  
11 against Rohingya or members of other ethnic minor-  
12 ity groups in Burma between 2012 and the date of  
13 the submission of the report;

14 (4) describes any potential transitional justice  
15 mechanisms for Burma;

16 (5) provides an analysis of whether the reports  
17 summarized under paragraph (3) amount to war  
18 crimes, crimes against humanity, or genocide; and

19 (6) includes a determination with respect to  
20 whether—

21 (A) the events that took place in the state  
22 of Rakhine in Burma, starting on August 25,  
23 2017, constitute war crimes, crimes against hu-  
24 manity, or genocide; and

1 (B) events that took place during or after  
2 the coup of February 1, 2021, in any state in  
3 Burma constitute war crimes or crimes against  
4 humanity.

5 (c) ELEMENTS.—The report required by subsection  
6 (b) shall include the following:

7 (1) A description of—

8 (A) credible evidence of events that may  
9 constitute war crimes, crimes against humanity,  
10 or genocide committed by the Burmese military  
11 against Rohingya and members of other ethnic  
12 minority groups, including the identities of any  
13 other actors involved in the events;

14 (B) the role of the civilian government in  
15 the commission of any events described in sub-  
16 paragraph (A);

17 (C) credible evidence of events of war  
18 crimes, crimes against humanity, or genocide  
19 committed by other armed groups in Burma;

20 (D) attacks on health workers, health fa-  
21 cilities, health transport, or patients and, to the  
22 extent possible, the identities of any individuals  
23 who engaged in or organized such attacks in  
24 Burma; and

1 (E) to the extent possible, the conventional  
2 and unconventional weapons used for any  
3 events or attacks described in this paragraph  
4 and the sources of such weapons.

5 (2) In consultation with the Administrator of  
6 the United States Agency for International Develop-  
7 ment, the Attorney General, and heads of any other  
8 appropriate United States Government agencies, as  
9 appropriate, a description and assessment of the ef-  
10 fectiveness of any efforts undertaken by the United  
11 States to promote accountability for war crimes,  
12 crimes against humanity, and genocide perpetrated  
13 against Rohingya by the Burmese military, the gov-  
14 ernment of the Rakhine State, pro-government mili-  
15 tias, or other armed groups operating in the  
16 Rakhine State, including efforts—

17 (A) to train civilian investigators, within  
18 and outside of Burma and Bangladesh, to docu-  
19 ment, investigate, develop findings of, identify,  
20 and locate alleged perpetrators of war crimes,  
21 crimes against humanity, or genocide in Burma;

22 (B) to promote and prepare for a transi-  
23 tional justice mechanism for the perpetrators of  
24 war crimes, crimes against humanity, and geno-

1           eide occurring in the Rakhine State in 2017;  
2           and

3           (C) to document, collect, preserve, and pro-  
4           tect evidence of war crimes, crimes against hu-  
5           manity, and genocide in Burma, including by—

6           (i) providing support for ethnic  
7           Rohingya, Shan, Rakhine, Kachin, Chin,  
8           and Kayin and other ethnic minorities;

9           (ii) Burmese, Bangladeshi, foreign,  
10          and international nongovernmental organi-  
11          zations;

12          (iii) the Independent Investigative  
13          Mechanism for Myanmar; and

14          (iv) other entities engaged in inves-  
15          tigative activities with respect to war  
16          crimes, crimes against humanity, and  
17          genocide in Burma.

18          (3) A detailed study of the feasibility and desir-  
19          ability of a transitional justice mechanism for  
20          Burma, such as an international tribunal, a hybrid  
21          tribunal, or other options, that includes—

22          (A) a discussion of the use of universal ju-  
23          risdiction or of legal cases brought against  
24          Burma by other countries at the International

1 Court of Justice regarding any atrocity crimes  
2 perpetrated in Burma;

3 (B) recommendations for any transitional  
4 justice mechanism the United States should  
5 support, the reason the mechanism should be  
6 supported, and the type of support that should  
7 be offered; and

8 (C) consultation regarding transitional jus-  
9 tice mechanisms with representatives of  
10 Rohingya and individuals from other ethnic mi-  
11 nority groups who have suffered human rights  
12 violations and abuses.

13 (d) PROTECTION OF WITNESSES AND EVIDENCE.—  
14 The Secretary of State shall seek to ensure that the identi-  
15 fication of witnesses and physical evidence used for the  
16 report required by this section are not publicly disclosed  
17 in a manner that might place witnesses at risk of harm  
18 or encourage the destruction of evidence by the military  
19 or government of Burma.

20 (e) FORM OF REPORT; PUBLIC AVAILABILITY.—

21 (1) FORM.—The report required by subsection  
22 (b) shall be submitted in unclassified form but may  
23 include a classified annex.

1           (2) PUBLIC AVAILABILITY.—The unclassified  
2           portion of the report required by subsection (b) shall  
3           be posted on a publicly available internet website.

4           (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
5           FINED.—In this section, the term “appropriate congres-  
6           sional committees” means—

7           (1) the Committee on Foreign Relations and  
8           the Committee on Armed Services of the Senate; and

9           (2) the Committee on Foreign Affairs and the  
10          Committee on Armed Services of the House of Rep-  
11          resentatives.

12       **SEC. 402. AUTHORIZATION TO PROVIDE TECHNICAL AS-**  
13                               **SISTANCE FOR EFFORTS AGAINST HUMAN**  
14                               **RIGHTS ABUSES.**

15          (a) IN GENERAL.—The Secretary of State is author-  
16          ized to provide assistance to support appropriate civilian  
17          or international entities that—

18               (1) identify suspected perpetrators of war  
19               crimes, crimes against humanity, and genocide;

20               (2) collect, document, and protect evidence of  
21               crimes and preserving the chain of custody for such  
22               evidence;

23               (3) conduct criminal investigations of such  
24               crimes; and

1           (4) support investigations conducted by other  
2           countries, and by entities mandated by the United  
3           Nations, such as the Independent Investigative  
4           Mechanism for Myanmar.

5           (b) AUTHORIZATION FOR TRANSITIONAL JUSTICE  
6 MECHANISMS.—The Secretary of State, taking into ac-  
7 count any relevant findings in the report submitted under  
8 section 402, is authorized to provide support for the estab-  
9 lishment and operation of transitional justice mechanisms,  
10 including a hybrid tribunal, to prosecute individuals sus-  
11 pected of committing war crimes, crimes against human-  
12 ity, or genocide in Burma.

