

AMENDMENT TO H.R. 5665
OFFERED BY MR. CHABOT OF OHIO

Page 3, strike lines 6 through 8 and insert the following:

1 (1) Addressing the genocide against Muslims in
2 the Xinjiang Uyghur Autonomous Region, People's
3 Republic of China being committed at the behest of
4 the Chinese Communist Party and the genocide in
5 Rakhine State, Burma committed by the Burmese
6 military.

Page 3, after line 8, insert the following (and redesignate subsequent paragraphs accordingly):

7 (2) Organizing messaging campaigns to raise
8 awareness regarding the ongoing genocide in the
9 Xinjiang Uyghur Autonomous Region, particularly
10 by—

11 (A) providing resources to United States
12 embassies regarding the genocide;

13 (B) engaging in public diplomacy to raise
14 awareness of the regarding the genocide;

15 (C) engaging with civil society and faith-
16 based organizations, particularly in Islamic

1 countries, to raise awareness regarding the
2 genocide;

3 (D) documenting the genocide, including
4 by documenting the stories of affected Uyghurs;
5 and

6 (E) drawing attention to the involuntary
7 refolement of Uyghurs to the People's Repub-
8 lic of China.

Page 4, after line 2, insert the following:

9 (d) LIMITATION.—The Office may not carry out any
10 activities other than the activities relating to the purposes
11 listed in subsection (b) and the consultations listed in sub-
12 section (c).

Add at the end the following:

13 **SEC. 4. REPORT ON ISLAMOPHOBIA IN THE PEOPLE'S RE-**
14 **PUBLIC OF CHINA.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Office to Monitor and Combat
17 Islamophobia (established pursuant to section 64(a) of the
18 State Department Basic Authorities Act of 1956 (as
19 added by section 2 of this Act)) shall submit to the appro-
20 priate congressional committees a report on instances of
21 Islamophobia in the People's Republic of China, especially
22 perpetrated by the Chinese Communist Party, and the role

1 of Islamophobia in the crimes against humanity and geno-
2 cide being committed against Uyghurs and other ethnic
3 minorities in the Xinjiang Uyghur Autonomous Region.

4 **SEC. 5. REPORT ON IMPORTANCE OF THE XINJIANG**
5 **UYGHUR AUTONOMOUS REGION TO THE SUC-**
6 **CESS OF THE PEOPLE'S REPUBLIC OF CHI-**
7 **NA'S "ONE BELT, ONE ROAD INITIATIVE".**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Office to Monitor and Combat
10 Islamophobia (established pursuant to section 64(a) of the
11 State Department Basic Authorities Act of 1956 (as
12 added by section 2 of this Act)) shall submit to the appro-
13 priate congressional committee a report on the importance
14 of the Xinjiang Uyghur Autonomous Region to the success
15 of the People's Republic of China's "One Belt, One Road
16 Initiative".

17 **SEC. 6. REPORT ON ACCOUNTABILITY FOR WAR CRIMES,**
18 **CRIMES AGAINST HUMANITY, AND GENOCIDE**
19 **IN BURMA.**

20 (a) STATEMENT OF POLICY.—It is the policy of the
21 United States—

22 (1) to continue the support of ongoing mecha-
23 nisms and special procedures of the United Nations
24 Human Rights Council, including the United Na-
25 tions Independent Investigative Mechanism for

1 Myanmar and the Special Rapporteur on the situa-
2 tion of human rights in Myanmar; and

3 (2) to refute the credibility and impartiality of
4 efforts sponsored by the Government of Burma, such
5 as the Independent Commission of Enquiry, unless
6 the United States Ambassador at Large for Global
7 Criminal Justice determines the efforts to be cred-
8 ible and impartial and notifies the appropriate con-
9 gressional committees in writing and in unclassified
10 form regarding that determination.

11 (b) REPORT REQUIRED.—Not later than 90 days
12 after the date of the enactment of this Act, the Secretary
13 of State, after consultation with the heads of other United
14 States Government agencies and representatives of human
15 rights organizations, as appropriate, shall submit to the
16 appropriate congressional committees a report that—

17 (1) evaluates the persecution of Rohingya in
18 Burma by the Burmese military;

19 (2) after consulting with the Atrocity Early
20 Warning Task Force, or any successor entity or of-
21 fice, provides a detailed description of any proposed
22 atrocity prevention response recommended by the
23 Task Force as it relates to Burma;

24 (3) summarizes any atrocity crimes committed
25 against Rohingya or members of other ethnic minor-

1 ity groups in Burma between 2012 and the date of
2 the submission of the report;

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

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

8 (6) includes a determination with respect to
9 whether—

10 (A) the events that took place in the state
11 of Rakhine in Burma, starting on August 25,
12 2017, constitute war crimes, crimes against hu-
13 manity, or genocide; and

14 (B) events that took place during or after
15 the coup of February 1, 2021, in any state in
16 Burma constitute war crimes or crimes against
17 humanity.

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

20 (1) A description of—

21 (A) credible evidence of events that may
22 constitute war crimes, crimes against humanity,
23 or genocide committed by the Burmese military
24 against Rohingya and members of other ethnic

1 minority groups, including the identities of any
2 other actors involved in the events;

3 (B) the role of the civilian government in
4 the commission of any events described in sub-
5 paragraph (A);

6 (C) credible evidence of events of war
7 crimes, crimes against humanity, or genocide
8 committed by other armed groups in Burma;

9 (D) attacks on health workers, health fa-
10 cilities, health transport, or patients and, to the
11 extent possible, the identities of any individuals
12 who engaged in or organized such attacks in
13 Burma; and

14 (E) to the extent possible, the conventional
15 and unconventional weapons used for any
16 events or attacks described in this paragraph
17 and the sources of such weapons.

18 (2) In consultation with the Administrator of
19 the United States Agency for International Develop-
20 ment, the Attorney General, and heads of any other
21 appropriate United States Government agencies, as
22 appropriate, a description and assessment of the ef-
23 fectiveness of any efforts undertaken by the United
24 States to promote accountability for war crimes,
25 crimes against humanity, and genocide perpetrated

1 against Rohingya by the Burmese military, the gov-
2 ernment of the Rakhine State, pro-government mili-
3 tias, or other armed groups operating in the
4 Rakhine State, including efforts—

5 (A) to train civilian investigators, within
6 and outside of Burma and Bangladesh, to docu-
7 ment, investigate, develop findings of, identify,
8 and locate alleged perpetrators of war crimes,
9 crimes against humanity, or genocide in Burma;

10 (B) to promote and prepare for a transi-
11 tional justice mechanism for the perpetrators of
12 war crimes, crimes against humanity, and geno-
13 cide occurring in the Rakhine State in 2017;
14 and

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

18 (i) providing support for ethnic
19 Rohingya, Shan, Rakhine, Kachin, Chin,
20 and Kayin and other ethnic minorities;

21 (ii) Burmese, Bangladeshi, foreign,
22 and international nongovernmental organi-
23 zations;

24 (iii) the Independent Investigative
25 Mechanism for Myanmar; and

1 (iv) other entities engaged in inves-
2 tigative activities with respect to war
3 crimes, crimes against humanity, and
4 genocide in Burma.

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

9 (A) a discussion of the use of universal ju-
10 risdiction or of legal cases brought against
11 Burma by other countries at the International
12 Court of Justice regarding any atrocity crimes
13 perpetrated in Burma;

14 (B) recommendations for any transitional
15 justice mechanism the United States should
16 support, the reason the mechanism should be
17 supported, and the type of support that should
18 be offered; and

19 (C) consultation regarding transitional jus-
20 tice mechanisms with representatives of
21 Rohingya and individuals from other ethnic mi-
22 nority groups who have suffered human rights
23 violations and abuses.

24 (d) PROTECTION OF WITNESSES AND EVIDENCE.—

25 The Secretary of State shall seek to ensure that the identi-

1 fication of witnesses and physical evidence used for the
2 report required by this section are not publicly disclosed
3 in a manner that might place witnesses at risk of harm
4 or encourage the destruction of evidence by the military
5 or Government of Burma.

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

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

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

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

16 (1) the Committee on Foreign Relations and
17 the Committee on Armed Services of the Senate; and

18 (2) the Committee on Foreign Affairs and the
19 Committee on Armed Services of the House of Rep-
20 resentatives.

1 **SEC. 7. AUTHORIZATION TO PROVIDE TECHNICAL ASSIST-**
2 **ANCE FOR EFFORTS AGAINST HUMAN**
3 **RIGHTS ABUSES.**

4 (a) **IN GENERAL.**—The Secretary of State is author-
5 ized to provide assistance to support appropriate civilian
6 or international entities that—

7 (1) identify suspected perpetrators of war
8 crimes, crimes against humanity, and genocide;

9 (2) collect, document, and protect evidence of
10 crimes and preserving the chain of custody for such
11 evidence;

12 (3) conduct criminal investigations of such
13 crimes; and

14 (4) support investigations conducted by other
15 countries, and by entities mandated by the United
16 Nations, such as the Independent Investigative
17 Mechanism for Myanmar.

18 (b) **AUTHORIZATION FOR TRANSITIONAL JUSTICE**
19 **MECHANISMS.**—The Secretary of State, taking into ac-
20 count any relevant findings in the report submitted under
21 section 6, is authorized to provide support for the estab-
22 lishment and operation of transitional justice mechanisms,
23 including a hybrid tribunal, to prosecute individuals sus-
24 pected of committing war crimes, crimes against human-
25 ity, or genocide in Burma.

1 **SEC. 8. SUNSET.**

2 This Act, and the amendments made by this Act,
3 shall terminate on the date that is 5 years after the date
4 of the enactment of this Act.

5 **SEC. 9. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
6 **FINED.**

7 Except as otherwise provided, in this Act, the term
8 “appropriate congressional committees” means—

- 9 (1) the Committee on Foreign Relations of the
10 Senate; and
11 (2) the Committee on Foreign Affairs of the
12 House of Representatives.

