

117TH CONGRESS
1ST SESSION

S. 2937

To authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2021

Mr. CARDIN (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KAINE, Mr. MERKLEY, Mr. MARKEY, Ms. ROSEN, Mrs. MURRAY, Mr. PETERS, Ms. KLOBUCHAR, Mr. PADILLA, Mr. WYDEN, Mr. LUJÁN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) BURMESE MILITARY.—The term “Burmese
 6 military”—

7 (A) means to the Armed Forces of Burma,
 8 including the army, navy, and air force; and

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

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

17 (A) Murder.

18 (B) Forced transfer of population.

19 (C) Torture.

20 (D) Extermination.

21 (E) Enslavement.

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

24 (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 depriva-
7 tion 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 **SEC. 3. FINDINGS.**

5 Congress makes the following findings:

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

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

21 (3) Despite some improvements with respect for
22 human rights and fundamental freedoms beginning
23 in 2010, and the establishment of a quasi-civilian
24 government following credible elections in 2015,
25 Burma’s military and civilian leaders have, since

1 2016, overseen an increase in restrictions to freedom
2 of expression (including for members of the press),
3 freedom of peaceful assembly, freedom of associa-
4 tion, and freedom of religion or belief. In 2017, Bur-
5 mese authorities oversaw a genocide against
6 Rohingya, which caused almost 1,000,000 Rohingya
7 to seek refuge in neighboring Bangladesh.

8 (4) On February 1, 2021, the Burmese military
9 conducted a coup d'état, declaring a year-long state
10 of emergency and detaining State Counsellor Aung
11 San Suu Kyi, President Win Myint, and dozens of
12 other government officials and elected members of
13 parliament, thus derailing Burma's transition to de-
14 mocracy and disregarding the will of the people of
15 Burma as expressed in the November 2020 elections,
16 which were determined to be credible by inter-
17 national and national observers.

18 (5) Following the coup, some ousted members
19 of parliament established the Committee Rep-
20 resenting the Pyidaungsu Hluttaw, which subse-
21 quently released the Federal Democracy Charter in
22 March 2021 and established the National Unity
23 Government in April 2021. In June 2021, the Na-
24 tional Unity Government included ethnic minorities
25 and women among its cabinet and released a policy

1 paper outlining pledges to Rohingya and calling for
2 “justice and reparations” for the community.

3 (6) Since the coup on February 1, 2021, the
4 Burmese military has—

5 (A) used lethal force on peaceful protestors
6 on multiple occasions, killing more than 1,100
7 people, including more than 50 children;

8 (B) detained more than 4,000 peaceful
9 protestors, participants in the Civil Disobe-
10 dience Movement, labor leaders, government of-
11 ficials and elected members of parliament,
12 members of the media, and others, according to
13 the Assistance Association for Political Pris-
14 oners;

15 (C) issued laws and directives that could
16 be used to further impede fundamental free-
17 doms, including freedom of expression (includ-
18 ing for members of the press), freedom of
19 peaceful assembly, and freedom of association;
20 and

21 (D) imposed restrictions on the internet
22 and telecommunications.

23 (7) More than 230,000 people have been inter-
24 nally displaced since the coup, while thousands of
25 others have sought refuge in neighboring countries,

1 and the Burmese military continues to block human-
2 itarian assistance to populations in need. According
3 to the World Health Organization, the military has
4 carried out more than 250 attacks on health care
5 entities since the coup and killed at least 18 health
6 workers. Dozens more have been arbitrarily detained
7 and hundreds have warrants out for their arrest.
8 The military has continued such attacks even as
9 they inhibit efforts to combat a devastating third
10 wave of COVID–19. The brutality of the Burmese
11 military was on full display on March 27, 2021,
12 Armed Forces Day, when, after threatening on state
13 television to shoot protesters in the head, security
14 forces killed more than 150 people.

15 (8) The coup represents a continuation of a
16 long pattern of violent and anti-democratic behavior
17 by the military that stretches back decades, with the
18 military having previously taken over Burma in
19 coups d'état in 1962 and 1988, and having ignored
20 the results of the 1990 elections, and a long history
21 of violently repressing protest movements, including
22 killing and imprisoning thousands of peaceful
23 protestors during pro-democracy demonstrations in
24 1988 and 2007.

1 (9) The military also has a long history of vio-
2 lent repression of ethnic and religious minorities. On
3 August 25, 2017, Burmese military and security
4 forces launched a genocidal military campaign
5 against Rohingya, resulting in a mass exodus of
6 some 750,000 Rohingya from Burma's Rakhine
7 State into Bangladesh, where they remain. The Gov-
8 ernment of Burma has since taken no steps to im-
9 prove conditions for Rohingya still in Rakhine State,
10 who remain at high risk of genocide and other atroc-
11 ities, or to create conditions conducive to the return
12 of Rohingya refugees.

13 (10) The Burmese military has also engaged in
14 renewed violence with other ethnic minority groups
15 across the country. Since 2018, fighting between the
16 Burmese military and the Arakan Army has dis-
17 placed more than 220,000 people in Rakhine and
18 Chin States, including more than 130,000 Rohingya
19 confined to camps since 2012. The military has con-
20 tinued to commit atrocities in Kachin and Shan
21 States that a 2019 report by Amnesty International
22 described as "relentless and ruthless". Fighting in
23 northern Burma has forced more than 100,000 peo-
24 ple from their homes and into camps for internally
25 displaced persons. The Government of Burma con-

1 continues to heavily proscribe humanitarian and media
2 access to conflict-affected populations across the
3 country.

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

17 (12) Both government- and military-initiated
18 investigations into human rights abuses in Burma
19 involving violence between ethnic minorities and
20 Burmese security forces have failed to yield credible
21 results or hold perpetrators accountable.

22 (13) In its report dated September 17, 2018,
23 the United Nations Independent International Fact-
24 Finding Mission on Myanmar concluded, on reason-
25 able grounds, that the factors allowing inference of

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

18 (14) In a subsequent report dated August 5,
19 2019, the United Nations Independent International
20 Fact-Finding Mission on Myanmar found that the
21 Burmese military’s economic interests “enable its
22 conduct” and that it benefits from and supports ex-
23 tractive industry businesses operating in conflict-af-
24 fected areas in northern Burma, including natural
25 resources, particularly oil and gas, minerals and

1 gems and argued that “through controlling its own
2 business empire, the Tatmadaw can evade the ac-
3 countability and oversight that normally arise from
4 civilian oversight of military budgets”. The report
5 called for the United Nations and individual govern-
6 ments to place targeted sanctions on all senior offi-
7 cials in the Burmese military as well as their eco-
8 nomic interests, especially Myanma Economic Hold-
9 ings Limited and Myanmar Economic Corporation.

10 (15) On February 11, 2021, President Biden
11 issued Executive Order 14014 in response to the
12 coup d’état, authorizing sanctions against the Bur-
13 mese military, its economic interests, and other per-
14 petrators of the coup.

15 (16) Since the issuance of Executive Order
16 14014, the Department of the Treasury has imposed
17 sanctions with respect to—

18 (A) multiple high-ranking individuals and
19 their family members, including the Com-
20 mander-in-Chief of the Burmese military, Min
21 Aung Hlaing;

22 (B) state-owned and military controlled
23 companies, including Myanmar Ruby Enter-
24 prise, Myanmar Imperial Jade Co., Ltd., and
25 Cancri (Gems and Jewellery) Co., Ltd; and

1 (C) other corporate entities and Burmese
2 military entities, including the military regime's
3 State Administrative Council.

4 (17) Pursuant to Executive Order 14014, the
5 United States has also implemented new restrictions
6 on exports and reexports to Burma.

7 (18) On March 22, 2021, the United States
8 designated Burma's Chief of Police, Than Hlaing,
9 and the Bureau of Special Operations commander,
10 Lieutenant General Aung Soe, for the imposition of
11 sanctions pursuant to Executive Order 14014. The
12 United States further designated 2 army units, the
13 33rd and 77th Light Infantry Divisions, for the im-
14 position of sanctions pursuant to Executive Order
15 14014, for being responsible for or complicit in, or
16 having directly or indirectly engaged or attempted to
17 engage in, actions or policies that prohibit, limit, or
18 penalize the exercise of freedom of expression or as-
19 sembly by people in Burma.

20 (19) On March 25, 2021, the United States
21 designated 2 entities linked to the coup leaders,
22 Myanma Economic Holdings Public Company Lim-
23 ited and Myanmar Economic Corporation Limited.
24 Those entities are the 2 largest military holding
25 companies in Burma, and all shares in those entities

1 are held and managed by current or former mem-
2 bers of Burmese military regiments or units, or or-
3 ganizations led by former members of such regi-
4 ments or units.

5 (20) On April 8, 2021, the United States des-
6 ignated Myanma Gems Enterprise, a Burmese state-
7 owned entity that is responsible for all gemstone ac-
8 tivities in Burma, for the imposition of sanctions
9 pursuant to Executive Order 14014. Gemstones are
10 a key economic resource for the Burmese military
11 regime.

12 (21) On May 17, 2021, the United States des-
13 ignated 16 individuals and one entity connected to
14 Burma's military regime, including 13 key members
15 of the Burmese military and 3 adult children of pre-
16 viously designated Burmese military officials, for the
17 imposition of sanctions pursuant to Executive Order
18 14014.

19 (22) On July 2, 2021, the United States added
20 the following 4 entities to the Entity List set forth
21 in Supplement No. 4 to part 744 of title 15, Code
22 of Federal Regulations, in response to the February
23 1, 2021, military coup in Burma:

24 (A) King Royal Technologies Co., Ltd., a
25 telecommunications company that provides sat-

1 elite communications services in support of the
2 Burmese military.

3 (B) Wanbao Mining and its 2 subsidiaries,
4 Myanmar Wanbao Mining Copper, Ltd., and
5 Myanmar Yang Tse Copper, Ltd., copper min-
6 ing companies that have revenue-sharing agree-
7 ments with Myanmar Economic Holdings Lim-
8 ited.

9 (23) Myanmar Economic Holdings Limited was
10 added to the Entity List in March 2021. Myanmar
11 Economic Holdings Limited provides revenue for
12 Burma's Ministry of Defense, an entity responsible
13 for the military coup that was also added to the En-
14 tity List in March 2021. Additionally, three of the
15 newly added entities, Wanbao Mining and its 2 sub-
16 sidiaries, have long been reportedly linked to abuses
17 of labor rights and human rights.

18 (24) On July 2, 2021, the United States des-
19 ignated 22 individuals connected to Burma's mili-
20 tary regime for the imposition of sanctions pursuant
21 to Executive Order 14014. Among the individuals so
22 designated were 7 key members of the Burmese mili-
23 tary, which continues to repress the pro-democracy
24 movement in the country and use lethal force
25 against the people of Burma, including children and

1 members of ethnic minority groups. The other 15 in-
2 dividuals are the spouses or adult children of pre-
3 viously designated senior Burmese military officials
4 whose financial networks have contributed to mili-
5 tary officials' ill-gotten gains.

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

8 **SEC. 101. STATEMENT OF POLICY.**

9 It is the policy of the United States—

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

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

17 (3) to ensure that the objectives guiding such a
18 strategy include—

19 (A) restoring to power a civilian govern-
20 ment that reflects the will of the people of
21 Burma;

22 (B) supporting constitutional reforms, en-
23 suring civilian governance and oversight over
24 the military, including reforms—

1 (i) to the provisions reserving 25 per-
2 cent of parliamentary seats for appoint-
3 ments by the military, which provides the
4 military with veto power over constitutional
5 amendments; and

6 (ii) to provisions granting the military
7 control over the Ministry of Defense, the
8 Ministry of Border Affairs, and the Min-
9 istry of Home Affairs;

10 (C) assisting in the establishment of a fully
11 democratic, civilian-led, pluralistic, and rep-
12 resentative political system that includes free,
13 fair, credible, and democratic elections in which
14 all people of Burma, including all ethnic minori-
15 ties, can participate in the political process at
16 all levels including the right to vote and to run
17 for elected office;

18 (D) supporting legal reforms that ensure
19 protection for the civil and political rights of all
20 individuals in Burma, including reforms to laws
21 that criminalize the exercise of human rights
22 and fundamental freedoms, and strengthening
23 respect for and protection of human rights, in-
24 cluding freedom of religion or belief;

1 (E) securing the unconditional release of
2 all prisoners of conscience and political pris-
3 oners in Burma;

4 (F) strengthening Burma's civilian govern-
5 mental institutions, including support for great-
6 er transparency and accountability once the
7 military is no longer in power;

8 (G) empowering and resourcing local com-
9 munities, civil society organizations, and inde-
10 pendent media;

11 (H) promoting national reconciliation and
12 the conclusion and credible implementation of a
13 nationwide cease-fire agreement, followed by a
14 peace process that is inclusive of ethnic
15 Rohingya, Shan, Rakhine, Kachin, Chin, and
16 Kayin, and other ethnic groups and leads to the
17 development of a political system that effec-
18 tively addresses natural resource governance,
19 revenue-sharing, land rights, and constitutional
20 change enabling inclusive peace;

21 (I) ensuring the protection and non-
22 refoulement of refugees fleeing Burma to neigh-
23 boring countries and prioritizing efforts to cre-
24 ate a conducive environment and meaningfully
25 address long-standing structural challenges that

1 undermine the safety and rights of Rohingya in
2 Rakhine State as well as members of other eth-
3 nic and religious minorities in Burma, including
4 by creating conditions for the dignified, safe,
5 sustainable, and voluntary return of refugees in
6 Bangladesh, Thailand, and in the surrounding
7 region, and offering compensation or restitution
8 to those who do not want to return;

9 (J) supporting an immediate end to re-
10 strictions that hinder the freedom of movement
11 of members of ethnic minorities throughout the
12 country, including Rohingya, and an end to any
13 and all policies and practices designed to fore-
14 ibly segregate Rohingya, and providing humani-
15 tarian support for all internally displaced per-
16 sons in Burma;

17 (K) ensuring humanitarian actors, media,
18 and human rights mechanisms, including those
19 established by the United Nations Human
20 Rights Council and the United Nations General
21 Assembly, have full and unhindered humani-
22 tarian access to all relevant areas of Burma, in-
23 cluding Rakhine, Chin, Kachin, Shan, and
24 Kayin States;

1 (L) ensuring accountability through inde-
2 pendent, credible international investigations
3 for any potential genocide, war crimes, and
4 crimes against humanity, including those involv-
5 ing sexual and gender-based violence and vio-
6 lence against children, perpetrated against eth-
7 nic minorities, including Rohingya, by members
8 of the military and security forces of Burma,
9 and other armed groups involved in conflict;

10 (M) ensuring the military, security, and
11 police forces operate under civilian control and
12 are held accountable in civilian courts for
13 human rights abuses, corruption, and other
14 abuses of power;

15 (N) promoting broad-based, inclusive eco-
16 nomic development and fostering healthy and
17 resilient communities;

18 (O) combating corruption and illegal eco-
19 nomic activity, including that which involves the
20 military and its close allies; and

21 (P) promoting responsible international
22 and regional engagement;

23 (4) to support and advance the strategy of cali-
24 brated engagement, impose targeted sanctions with
25 respect to the Burmese military's economic interests

1 and major sources of income for the Burmese mili-
2 tary, including with respect to—

3 (A) officials in Burma, including the Com-
4 mander in Chief of the Armed Forces of
5 Burma, Min Aung Hlaing, and all individuals
6 described in paragraphs (1), (2), and (3) of sec-
7 tion 202(a), under the authorities provided by
8 title II, Executive Order 14014, and the Global
9 Magnitsky Human Rights Accountability Act
10 (subtitle F of title XII of Public Law 114–328;
11 22 U.S.C. 2656 note);

12 (B) enterprises owned or controlled by the
13 Burmese military, including the Myanmar Eco-
14 nomic Corporation, Union of Myanmar Eco-
15 nomic Holding, Ltd., and all other entities de-
16 scribed in section 202(a)(4), under the authori-
17 ties provided by title II, the Burmese Freedom
18 and Democracy Act of 2003 (Public Law 108–
19 61; 50 U.S.C. 1701 note), the Tom Lantos
20 Block Burmese JADE (Junta’s Anti-Demo-
21 cratic Efforts) Act of 2008 (Public Law 110–
22 286; 50 U.S.C. 1701 note), other relevant stat-
23 utory authorities, and Executive Order 14014;
24 and

1 (C) state-owned economic enterprises if the
2 Secretary of the Treasury or other competent
3 authority determines that—

4 (i) there is a substantial risk of the
5 Burmese military accessing the accounts of
6 such an enterprise; and

7 (ii) the imposition of sanctions would
8 not cause disproportionate harm to the
9 people of Burma, the restoration of a civil-
10 ian government in Burma, or the national
11 interest of the United States; and

12 (5) to ensure that any sanctions imposed with
13 respect to entities or individuals are carefully tar-
14 geted to maximize impact on the military and secu-
15 rity forces of Burma and its economic interests while
16 minimizing impact on the people of Burma, recog-
17 nizing the calls from the people of Burma for the
18 United States to take action against the sources of
19 income for the military and security forces of
20 Burma.

1 **TITLE II—SANCTIONS AND IM-**
 2 **PORT RESTRICTIONS WITH**
 3 **RESPECT TO BURMA**

4 **Subtitle A—Imposition of Sanctions**

5 **SEC. 201. DEFINITIONS.**

6 In this subtitle:

7 (1) **ADMITTED; ALIEN.**—The terms “admitted”
 8 and “alien” have the meanings given those terms in
 9 section 101 of the Immigration and Nationality Act
 10 (8 U.S.C. 1101).

11 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
 12 **TEES.**—The term “appropriate congressional com-
 13 mittees” means—

14 (A) the Committee on Foreign Relations
 15 and the Committee on Banking, Housing, and
 16 Urban Affairs of the Senate; and

17 (B) the Committee on Foreign Affairs and
 18 the Committee on Financial Services of the
 19 House of Representatives.

20 (3) **CORRESPONDENT ACCOUNT; PAYABLE-**
 21 **THROUGH ACCOUNT.**—The terms “correspondent ac-
 22 count” and “payable-through account” have the
 23 meanings given those terms in section 5318A of title
 24 31, United States Code.

1 (4) FOREIGN FINANCIAL INSTITUTION.—The
 2 term “foreign financial institution” has the meaning
 3 of that term as determined by the Secretary of the
 4 Treasury by regulation.

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

8 (6) KNOWINGLY.—The term “knowingly”, with
 9 respect to conduct, a circumstance, or a result,
 10 means that a person has actual knowledge, or should
 11 have known, of the conduct, the circumstance, or the
 12 result.

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

15 (8) SUPPORT.—The term “support”, with re-
 16 spect to the Burmese military, means to knowingly
 17 have materially assisted, sponsored, or provided fi-
 18 nancial, material, or technological support for, or
 19 goods or services to or in support of the Burmese
 20 military.

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

23 (A) a United States citizen or an alien law-
 24 fully admitted to the United States for perma-
 25 nent residence;

1 (B) an entity organized under the laws of
 2 the United States or any jurisdiction within the
 3 United States, including a foreign branch of
 4 such an entity; or

5 (C) any person in the United States.

6 **SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO**
 7 **HUMAN RIGHTS ABUSES AND PERPETRATION**
 8 **OF A COUP IN BURMA.**

9 (a) MANDATORY SANCTIONS.—Not later than 30
 10 days after the enactment of this Act, the President shall
 11 impose the sanctions described in subsection (d) with re-
 12 spect to any foreign person that the President deter-
 13 mines—

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

16 (2) is responsible for or complicit in, or has di-
 17 rectly or indirectly and knowingly engaged or at-
 18 tempted to engage in—

19 (A) actions or policies that undermine
 20 democratic processes or institutions in Burma;

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

23 (C) actions or policies that prohibit, limit,
 24 or penalize the exercise of freedom of expression
 25 or assembly by people in Burma, or that limit

1 access to print, online, or broadcast media in
2 Burma; or

3 (D) the arbitrary detention or torture of
4 any person in Burma or other serious human
5 rights abuse in Burma;

6 (3) to knowingly be or have been a senior leader
7 or official of—

8 (A) the Burmese military or security forces
9 of Burma, or any successor entity to any of
10 such forces;

11 (B) the State Administration Council, the
12 military-appointed cabinet at the level of Dep-
13 uty Minister or higher, or a military-appointed
14 minister of a Burmese state or region; or

15 (C) an entity that has, or whose members
16 have, engaged in any activity described in para-
17 graph (2);

18 (4) knowingly operates—

19 (A) any entity that is a state-owned eco-
20 nomic enterprise under Burmese law (other
21 than the entity specified in subsection (c)) that
22 benefits the Burmese military, including the
23 Myanma Gems Enterprise; or

24 (B) any entity controlled in whole or in
25 part by an entity described in subparagraph

1 (A), or a successor to such an entity, that bene-
2 fits the Burmese military;

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

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

10 (7) knowingly facilitates a significant trans-
11 action or transactions for or on behalf of a person
12 described, or a person that has engaged in the activ-
13 ity described, as the case may be, in any of para-
14 graphs (1) through (6);

15 (8) to be owned or controlled by, or to have
16 acted for or on behalf of, directly or indirectly, a
17 person described, or a person that has engaged in
18 the activity described, as the case may be, in any of
19 paragraphs (1) through (6); or

20 (9) to have knowingly and materially assisted,
21 sponsored, or provided financial, material, or techno-
22 logical support for, or goods or services to or in sup-
23 port of, a person described, or a person that has en-
24 gaged in the activity described, as the case may be,
25 in any of paragraphs (1) through (6).

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

11 (c) DISCRETIONARY SANCTIONS.—

12 (1) IN GENERAL.—Beginning on the date that
 13 is 60 days after the date of the enactment of this
 14 Act, the President may impose the sanctions de-
 15 scribed in subsection (d) with respect to the
 16 Myanma Oil and Gas Enterprise if the President de-
 17 termines and certifies to the appropriate congres-
 18 sional committees, not later than 30 days before im-
 19 posing such sanctions, that imposing sanctions with
 20 respect to the Myanma Oil and Gas Enterprise—

21 (A) would reduce the ability of the Bur-
 22 mese military to engage in the activities de-
 23 scribed in subparagraphs (A) through (D) of
 24 subsection (a)(2);

1 (B) would bring benefits to the people of
2 Burma that exceed the potential negative im-
3 pacts of the sanctions on the humanitarian and
4 economic outlook of the people of Burma; and
5 (C) is in the national interest of the
6 United States.

7 (2) LICENSES.—The Secretary of the Treasury
8 may grant a license to allow the Myanma Oil and
9 Gas Enterprise and a joint venture in which the
10 Myanma Oil and Gas Enterprise participates to con-
11 tinue operating in a manner that does not provide
12 revenue or other economic benefits to the Burmese
13 military or members of the Burmese military.

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

17 (1) PROPERTY BLOCKING.—Notwithstanding
18 the requirements of section 202 of the International
19 Emergency Economic Powers Act (50 U.S.C. 1701),
20 the President may exercise of all powers granted to
21 the President by that Act to the extent necessary to
22 block and prohibit all transactions in all property
23 and interests in property of the foreign person if
24 such property and interests in property are in the
25 United States, come within the United States, or are

1 or come within the possession or control of a United
2 States person.

3 (2) FOREIGN EXCHANGE.—The President may,
4 pursuant to such regulations as the President may
5 prescribe, prohibit any transactions in foreign ex-
6 change that are subject to the jurisdiction of the
7 United States and in which the foreign person has
8 any interest.

9 (3) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
10 SION, OR PAROLE.—

11 (A) IN GENERAL.—An alien described in
12 subsection (a) is—

13 (i) inadmissible to the United States;

14 (ii) ineligible for a visa or travel to the
15 United States; and

16 (iii) otherwise ineligible to be admitted
17 or paroled into the United States or to re-
18 ceive any other benefit under the Immigra-
19 tion and Nationality Act (8 U.S.C. 1101 et
20 seq.).

21 (B) CURRENT VISAS REVOKED.—

22 (i) IN GENERAL.—The visa or other
23 documentation issued to an alien described
24 in subsection (a) shall be revoked, regard-

1 less of when such visa or other documenta-
2 tion is or was issued.

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

9 (e) EXCEPTIONS.—

10 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
11 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
12 TIES.—Sanctions under this section shall not apply
13 to any authorized intelligence, law enforcement, or
14 national security activities of the United States.

15 (2) EXCEPTION TO COMPLY WITH UNITED NA-
16 TIONS HEADQUARTERS AGREEMENT.—Sanctions
17 under subsection (d)(3) shall not apply with respect
18 to the admission of an alien to the United States if
19 the admission of the alien is necessary to permit the
20 United States to comply with the Agreement regard-
21 ing the Headquarters of the United Nations, signed
22 at Lake Success June 26, 1947, and entered into
23 force November 21, 1947, between the United Na-
24 tions and the United States, the Convention on Con-
25 sular Relations, done at Vienna April 24, 1963, and

1 entered into force March 19, 1967, or other applica-
2 ble international obligations.

3 (f) WAIVER.—

4 (1) IN GENERAL.—The President may, on a
5 case-by-case basis and for periods not to exceed 180
6 days each, waive the application of sanctions or re-
7 strictions imposed with respect to a foreign person
8 under this section if the President certifies to the
9 appropriate congressional committees not later than
10 15 days before such waiver is to take effect that the
11 waiver is vital to the national security interests of
12 the United States.

13 (2) SUNSET.—The authority to issue a waiver
14 under paragraph (1) shall terminate on the date
15 that is 2 years after the date of enactment of this
16 Act.

17 (g) IMPLEMENTATION; PENALTIES.—

18 (1) IMPLEMENTATION.—The President may ex-
19 ercise all authorities provided to the President under
20 sections 203 and 205 of the International Emer-
21 gency Economic Powers Act (50 U.S.C. 1702 and
22 1704) to carry out this subtitle.

23 (2) PENALTIES.—A person that violates, at-
24 tempts to violate, conspires to violate, or causes a
25 violation of this subtitle or any regulation, license, or

1 order issued to carry out this subtitle shall be sub-
2 ject to the penalties set forth in subsections (b) and
3 (c) of section 206 of the International Emergency
4 Economic Powers Act (50 U.S.C. 1705) to the same
5 extent as a person that commits an unlawful act de-
6 scribed in subsection (a) of that section.

7 (h) REPORT.—Not later than 60 days after the date
8 of the enactment of this Act, the Secretary of the Treas-
9 ury, in consultation with the Secretary of State and the
10 heads of other United States Government agencies, as ap-
11 propriate, shall submit to the appropriate congressional
12 committees a report that—

13 (1) sets forth the plan of the Department of the
14 Treasury for ensuring that property blocked pursu-
15 ant to subsection (a) or Executive Order 14014 re-
16 mains blocked;

17 (2) describes the primary sources of income to
18 which the Burmese military has access and that the
19 United States has been unable to reach using sanc-
20 tions authorities;

21 (3) makes recommendations for how the sources
22 of income described in paragraph (2) can be reduced
23 or blocked; and

24 (4) evaluates the implications of imposing sanc-
25 tions on the Burmese-government owned Myanmar

1 Oil and Gas Enterprise, including a determination
2 with respect to the extent to which sanctions on
3 Myanmar Oil and Gas Enterprise would advance the
4 interests of the United States in Burma.

5 **SEC. 203. AUTHORIZATION TO PROHIBIT IMPORTS FROM**
6 **THE BURMESE GEMSTONE SECTOR.**

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

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

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

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

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

20 (4) the 2008 Constitution of Burma has been
21 amended or replaced to place the Burmese military
22 under civilian oversight and the Burmese military no
23 longer automatically receives 25 percent of seats in
24 Burma’s state, regional, and national Hluttaws;

1 (5) that the gemstone sector of Burma is free
 2 from the influence of the Burmese military and that
 3 none of the entities described in section 202(a) hold
 4 gemstone permits;

5 (6) Burma has been re-admitted to the Extrac-
 6 tive Industries Transparency Initiative;

7 (7) all entities participating in the gemstone
 8 sector in Burma have publicly disclosed their bene-
 9 ficial ownership consistent with requirements set
 10 forth in the guidelines of the Extractive Industries
 11 Transparency Initiative;

12 (8) the licensing and permitting process is con-
 13 ducted in a transparent and open manner, with con-
 14 tracts disclosed publicly; and

15 (9) the Myanmar Gems Enterprise no longer
 16 acts as both a regulator and commercial partner in
 17 mining enterprises.

18 **SEC. 204. CERTIFICATION REQUIREMENT FOR REMOVAL**
 19 **OF CERTAIN PERSONS FROM THE LIST OF**
 20 **SPECIALLY DESIGNATED NATIONALS AND**
 21 **BLOCKED PERSONS.**

22 (a) IN GENERAL.—On or after the date of the enact-
 23 ment of this Act, the President may not remove a person
 24 described in subsection (b) from the list of specially des-
 25 ignated nationals and blocked persons maintained by the

1 Office of Foreign Assets Control of the Department of the
2 Treasury (commonly referred to as the “SDN list”) until
3 the President submits to the appropriate congressional
4 committees a certification described in subsection (c) with
5 respect to the person.

6 (b) PERSONS DESCRIBED.—A person described in
7 this subsection is a foreign person included in the SDN
8 list for violations of part 525 of title 31, Code of Federal
9 Regulations, or any other regulations imposing sanctions
10 on or related to Burma.

11 (c) CERTIFICATION DESCRIBED.—A certification de-
12 scribed in this subsection, with respect to a person de-
13 scribed in subsection (b), is a certification that the person
14 has not knowingly assisted in, sponsored, or provided fi-
15 nancial, material, or technological support for, or financial
16 or other services to or in support of—

17 (1) terrorism or a terrorist organization;

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

21 (3) a significant transnational criminal organi-
22 zation under Executive Order 13581 (50 U.S.C.
23 1701 note; relating to blocking property of
24 transnational criminal organizations); or

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

1 (d) FORM.—A certification described in subsection
 2 (c) shall be submitted in unclassified form but may include
 3 a classified annex.

4 **SEC. 205. SUNSET.**

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

8 (b) CONTINUATION IN EFFECT OF SANCTIONS.—
 9 Sanctions imposed under this subtitle on or before the
 10 date specified in subsection (a), and in effect as of such
 11 date, shall remain in effect until the date on which the
 12 President submits to the appropriate congressional com-
 13 mittees a certification that—

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

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

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

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

1 **Subtitle B—Coordination of**
2 **Sanctions**

3 **SEC. 211. SANCTIONS AND POLICY COORDINATION FOR**
4 **BURMA.**

5 (a) IN GENERAL.—The Secretary of State may des-
6 ignate an official of the Department of State to serve as
7 the United States Special Coordinator for Burmese De-
8 mocracy (in this section referred to as the “Special Coordi-
9 nator”).

10 (b) CENTRAL OBJECTIVE.—The Special Coordinator
11 should develop a comprehensive strategy for the implemen-
12 tation of the full range of United States diplomatic capa-
13 bilities, including the provisions of this Act, to promote
14 human rights and the restoration of civilian government
15 in Burma.

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

18 (1) coordinating the sanctions policies of the
19 United States under section 202 with relevant bu-
20 reaus and offices within the Department of State,
21 other relevant United States Government agencies,
22 and international financial institutions;

23 (2) conducting relevant research and vetting of
24 entities and individuals that may be subject to sanc-
25 tions under section 202 and coordinate with other

1 United States Government agencies and inter-
2 national financial intelligence units to assist in ef-
3 forts to enforce anti-money laundering and anti-cor-
4 ruption laws and regulations;

5 (3) promoting a comprehensive international ef-
6 fort to impose and enforce multilateral sanctions
7 with respect to Burma;

8 (4) coordinating with and supporting inter-
9 agency United States Government efforts, including
10 efforts of the United States Ambassador to Burma
11 and the United States Permanent Representative to
12 the United Nations, relating to—

13 (A) identifying opportunities to coordinate
14 with and exert pressure on the governments of
15 the People's Republic of China and the Russian
16 Federation to support multilateral action
17 against the Burmese military;

18 (B) working with like-minded partners to
19 impose a coordinated arms embargo on the
20 Burmese military and targeted sanctions on the
21 economic interests of the Burmese military, in-
22 cluding through the introduction and adoption
23 of a United Nations Security Council resolu-
24 tion;

1 (C) engaging in direct dialogue with Bur-
2 mese civil society, democracy advocates, ethnic
3 minority representative groups, and organiza-
4 tions or groups representing the protest move-
5 ment and the officials elected in 2020, such as
6 the Committee Representing the Pyidaungsu
7 Hluttaw, the National Unity Government, the
8 National Unity Consultative Council, and their
9 designated representatives;

10 (D) encouraging the National Unity Gov-
11 ernment to incorporate accountability mecha-
12 nisms in relation to the atrocities against
13 Rohingya and other ethnic groups, to take fur-
14 ther steps to make its leadership and member-
15 ship ethnically diverse, and to incorporate
16 measures to enhance ethnic reconciliation and
17 national unity into its policy agenda;

18 (E) assisting efforts by the relevant United
19 Nations Special Envoys and Special
20 Rapporteurs to secure the release of all political
21 prisoners in Burma, promote respect for human
22 rights, and encourage dialogue; and

23 (F) supporting nongovernmental organiza-
24 tions operating in Burma and neighboring
25 countries working to restore civilian democratic

1 rule to Burma and to address the urgent hu-
 2 manitarian needs of the people of Burma; and
 3 (5) providing timely input for reporting on the
 4 impacts of the implementation of sections 202 and
 5 203 on the Burmese military and the people of
 6 Burma.

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

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

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

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

23 (A) supporting safe houses for those under
 24 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 is an inalienable
 24 right;

1 (2) the Government of Burma must imme-
2 diately drop defamation charges against all individ-
3 uals unjustly detained, including the 3 Kachin activ-
4 ists, Lum Zawng, Nang Pu, and Zau Jet, who led
5 a peaceful rally in Mytkyina, the capital of Kachin
6 State in April 2018, and that the prosecution of
7 Lum Zawng, Nang Pu, and Zau Jet is an attempt
8 by Burmese authorities to intimidate, harass, and si-
9 lence community leaders and human rights defend-
10 ers who speak out about military abuses and their
11 impact on civilian populations;

12 (3) freedom of expression, including for mem-
13 bers of the press, is a human right and should be
14 upheld and protected in Burma and everywhere, and
15 Burmese authorities must immediately cease the ar-
16 bitrary arrest, detention, imprisonment, and physical
17 attacks of journalists, which have created a climate
18 of fear and self-censorship among local journalists;
19 and

20 (4) the Burmese military should immediately
21 and unconditionally release Danny Fester and other
22 journalists unjustly detained for their work.

23 (b) STATEMENT OF POLICY.—It is the policy of the
24 United States that—

1 (1) all prisoners of conscience and political pris-
2 oners in Burma should be unconditionally and im-
3 mediately released;

4 (2) all diplomatic tools of the United States
5 should be invoked to ensure that all prisoners of
6 conscience and political prisoners in Burma are re-
7 leased; and

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 (c) POLITICAL PRISONERS ASSISTANCE.—The Sec-
17 retary of State is authorized to continue to provide assist-
18 ance to civil society organizations in Burma that work to
19 secure the release of and support prisoners of conscience
20 and political prisoners in Burma, including—

21 (1) support for the documentation of human
22 rights violations with respect to prisoners of con-
23 science and political prisoners;

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

4 (3) support for efforts to repeal or amend laws
5 that are used to imprison individuals as prisoners of
6 conscience or political prisoners;

7 (4) support for health, including mental health,
8 and post-incarceration assistance in gaining access
9 to education and employment opportunities or other
10 forms of reparation to enable former prisoners of
11 conscience and political prisoners to resume normal
12 lives; and

13 (5) the creation, in consultation with former po-
14 litical prisoners and prisoners of conscience, their
15 families, and their representatives, of an inde-
16 pendent prisoner review mechanism in Burma—

17 (A) to review the cases of individuals who
18 may have been charged or deprived of their lib-
19 erty for peacefully exercising their human
20 rights;

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

1 (C) to provide recommendations to the
 2 Government of Burma for the repeal or amend-
 3 ment of all such laws.

4 (d) TERMINATION.—The authority to provide assist-
 5 ance under this section shall terminate on the date that
 6 is 8 years after the date of the enactment of this Act.

7 **TITLE IV—ACCOUNTABILITY** 8 **FOR HUMAN RIGHTS ABUSES**

9 **SEC. 401. EVALUATION OF ATTACKS AGAINST ROHINGYA IN** 10 **BURMA.**

11 (a) IN GENERAL.—Not later than 90 days after the
 12 date of the enactment of this Act, the Secretary of State,
 13 after consultation with the heads of other United States
 14 Government agencies represented on the Atrocity Early
 15 Warning Task Force and representatives of human rights
 16 organizations, as appropriate, shall submit to the appro-
 17 priate congressional committees an evaluation of the per-
 18 secution of, including attacks against, Rohingya in Burma
 19 by the Burmese military, including—

20 (1) an assessment of whether the situation con-
 21 stitutes genocide (as defined in section 1091 of title
 22 18, United States Code); and

23 (2) a detailed description of any proposed atroc-
 24 ities prevention response recommended by the Atroc-
 25 ity Early Warning Task Force.

1 (b) FORM.—

2 (1) IN GENERAL.—The evaluation required by
3 subsection (a) shall be submitted in unclassified
4 form, but may include a classified annex as nec-
5 essary.

6 (2) PUBLICATION OF UNCLASSIFIED POR-
7 TION.—The unclassified portion of the evaluation re-
8 quired by subsection (a) shall be posted on a publicly
9 available internet website of the Department of
10 State.

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

14 (1) the Committee on Foreign Relations and
15 the Committee on Armed Services of the Senate; and

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

19 **SEC. 402. REPORT ON ACCOUNTABILITY FOR WAR CRIMES,**
20 **CRIMES AGAINST HUMANITY, AND GENOCIDE**
21 **IN BURMA.**

22 (a) STATEMENT OF POLICY.—It is the policy of the
23 United States—

24 (1) to continue the support of ongoing mecha-
25 nisms and special procedures of the United Nations

1 Human Rights Council, including the United Na-
2 tions Independent Investigative Mechanism for
3 Myanmar and the Special Rapporteur on the situa-
4 tion of human rights in Myanmar; and

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

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

19 (1) 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;

24 (2) 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 (3) describes any potential transitional justice
4 mechanisms for Burma;

5 (4) provides an analysis of whether the reports
6 summarized under paragraph (2) amount to war
7 crimes, crimes against humanity, or genocide; and

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

10 (A) the persecution of, including attacks
11 against, Rohingya in Burma by the Burmese
12 military constitutes genocide; and

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

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

19 (1) A description of—

20 (A) credible evidence of events that may
21 constitute war crimes, crimes against humanity,
22 or genocide committed by the Burmese military
23 against Rohingya and members of other ethnic
24 minority groups, including the identities of any
25 other actors involved in the events;

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

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

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

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

16 (2) In consultation with the Administrator of
17 the United States Agency for International Develop-
18 ment, the Attorney General, and heads of any other
19 appropriate United States Government agencies, as
20 appropriate, a description and assessment of the ef-
21 fectiveness of any efforts undertaken by the United
22 States to promote accountability for any atrocity
23 crimes perpetrated against Rohingya by the Bur-
24 mese military, the government of the Rakhine State,

1 pro-government militias, or other armed groups op-
 2 erating in the Rakhine State, including efforts—

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

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

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

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

19 (ii) Burmese, Bangladeshi, foreign,
 20 and international nongovernmental organi-
 21 zations;

22 (iii) the Independent Investigative
 23 Mechanism for Myanmar; and

24 (iv) other entities engaged in inves-
 25 tigative activities with respect to war

1 crimes, crimes against humanity, and
2 genocide in Burma.

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

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

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

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

22 (d) PROTECTION OF WITNESSES AND EVIDENCE.—
23 The Secretary of State shall seek to ensure that the identi-
24 fication of witnesses and physical evidence used for the
25 report required by this section are not publicly disclosed

1 in a manner that might place witnesses at risk of harm
 2 or encourage the destruction of evidence by the military
 3 or government of Burma.

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

5 (1) FORM.—The report required by subsection

6 (b) shall be submitted in unclassified form but may
 7 include a classified annex.

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

11 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
 12 FINED.—In this section, the term “appropriate congres-
 13 sional committees” means the Committee on Foreign Re-
 14 lations of the Senate and the Committee on Foreign Af-
 15 fairs of the House of Representatives.

16 **SEC. 403. AUTHORIZATION TO PROVIDE TECHNICAL AS-**
 17 **SISTANCE FOR EFFORTS AGAINST HUMAN**
 18 **RIGHTS ABUSES.**

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

22 (1) identify suspected perpetrators of war
 23 crimes, crimes against humanity, and genocide;

1 (2) collect, document, and protect evidence of
2 crimes and preserving the chain of custody for such
3 evidence;

4 (3) conduct criminal investigations of such
5 crimes; and

6 (4) support investigations conducted by other
7 countries, and by entities mandated by the United
8 Nations, such as the Independent Investigative
9 Mechanism for Myanmar.

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

18 **TITLE V—UNITED NATIONS** 19 **ACTION**

20 **SEC. 501. SUPPORT FOR GREATER UNITED NATIONS AC-** 21 **TION WITH RESPECT TO BURMA.**

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

24 (1) the United Nations Security Council has
25 not taken adequate steps to condemn the February

1 1, 2021, coup in Burma, pressure the Burmese mili-
2 tary to cease its violence against civilians, or secure
3 the release of those unjustly detained; and

4 (2) countries, such as the People's Republic of
5 China and the Russian Federation, that are directly
6 or indirectly shielding the Burmese military from
7 international scrutiny and action, should be obliged
8 to endure the reputational damage of doing so by
9 taking public votes on resolutions related to Burma
10 that apply greater pressure on the Burmese military
11 to restore Burma to its democratic path.

12 (b) SUPPORT FOR GREATER ACTION.—The President
13 shall direct the United States Permanent Representative
14 to the United Nations to use the voice, vote, and influence
15 of the United States to spur greater action by the United
16 Nations and the United Nations Security Council with re-
17 spect to Burma by—

18 (1) pushing the United Nations Security Coun-
19 cil to consider a resolution condemning the February
20 1, 2021, coup and calling on the Burmese military
21 to cease its violence against the people of Burma
22 and release without preconditions the journalists,
23 pro-democracy activists, and political officials that it
24 has unjustly detained;

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

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

16 (4) objecting to the appointment of representa-
17 tives to the United Nations and United Nations bod-
18 ies such as the Human Rights Council that are
19 sanctioned by the Burmese military;

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

23 (6) spurring the United Nations Security Coun-
24 cil to consider multilateral sanctions against the
25 Burmese military for its atrocities against Rohingya

1 and individuals of other ethnic and religious minori-
2 ties, its coup, and the crimes against humanity it
3 has and continues to commit in the coup's after-
4 math.

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