

117TH CONGRESS
2D SESSION

H. R. 5497

AN ACT

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,*

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 2022” or the “BURMA Act of 2022”.

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. Certification requirement for removal of certain persons from the list
of specially designated nationals and blocked persons.

Sec. 204. Sanctions and policy coordination for Burma.

Sec. 205. Support for greater United Nations action with respect to Burma.

Sec. 206. 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.

TITLE V—STATUTORY PAY-AS-YOU-GO ACT

Sec. 501. Determination of budgetary effects.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

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

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

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

13 (A) Murder.

14 (B) Forced transfer of population.

15 (C) Torture.

16 (D) Extermination.

17 (E) Enslavement.

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

20 (G) Enforced disappearance of persons.

21 (H) Persecution against any identifiable
22 group or collectivity on political, racial, na-
23 tional, ethnic, cultural, religious, gender, or
24 other grounds that are universally recognized as
25 impermissible under international law.

1 (I) Imprisonment or other severe depriva-
2 tion of physical liberty in violation of funda-
3 mental rules of international law.

4 (3) EXECUTIVE ORDER 14014.—The term “Ex-
5 ecutive Order 14014” means Executive Order 14014
6 (86 Fed. Reg. 9429; relating to blocking property
7 with respect to the situation in Burma).

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

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

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

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

3 **SEC. 101. FINDINGS.**

4 Congress makes the following findings:

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

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

20 (3) Despite some improvements with respect for
21 human rights and fundamental freedoms beginning
22 in 2010, and the establishment of a quasi-civilian
23 government following credible elections in 2015,
24 Burma's military leaders have, since 2016, overseen
25 an increase in restrictions to freedom of expression

1 (including for members of the press), freedom of
2 peaceful assembly, freedom of association, and free-
3 dom of religion or belief.

4 (4) On August 25, 2017, Burmese military and
5 security forces launched a genocidal military cam-
6 paign against Rohingya, resulting in a mass exodus
7 of some 750,000 Rohingya from Burma's Rakhine
8 State into Bangladesh, where they remain. The mili-
9 tary has since taken no steps to improve conditions
10 for Rohingya still in Rakhine State, who remain at
11 high risk of genocide and other atrocities, or to cre-
12 ate conditions conducive to the voluntary return of
13 Rohingya refugees and other internally displaced
14 persons (IDPs).

15 (5) The Burmese military has also engaged in
16 renewed violence with other ethnic minority groups
17 across the country. The military has continued to
18 commit atrocities in Chin, Kachin, Kayah, and
19 Shan. Fighting in northern Burma has forced more
20 than 100,000 people from their homes and into
21 camps for internally displaced persons. The Burmese
22 military continues to heavily proscribe humanitarian
23 and media access to conflict-affected populations
24 across the country.

1 (6) With more nearly \$470,000,000 in humani-
2 tarian assistance in response to the crisis in fiscal
3 year 2021, the United States is the largest humani-
4 tarian donor to populations in need as a result of
5 conflicts in Burma. In May 2021, the United States
6 announced nearly \$155,000,000 in additional hu-
7 manitarian assistance to meet the urgent needs of
8 Rohingya refugees and host communities in Ban-
9 gladesh and people affected by ongoing violence in
10 Burma’s Rakhine, Kachin, Shan, and Chin states.
11 In September 2021, the United States provided
12 nearly \$180,000,000 in additional critical humani-
13 tarian assistance to the people of Burma, bringing
14 the total fiscal year 2021 to more than
15 \$434,000,000.

16 (7) Both government- and military-initiated in-
17 vestigations into human rights abuses in Burma in-
18 volving violence between ethnic minorities and Bur-
19 mese security forces have failed to yield credible re-
20 sults or hold perpetrators accountable.

21 (8) In its report dated September 17, 2018, the
22 United Nations Independent International Fact-
23 Finding Mission on Myanmar concluded, on reason-
24 able grounds, that the factors allowing inference of
25 “genocidal intent” are present with respect to the

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

17 (9) On December 13, 2018, the United States
18 House of Representatives passed House Resolution
19 1091 (115th Congress), which expressed the sense of
20 the House that “the atrocities committed against the
21 Rohingya by the Burmese military and security
22 forces since August 2017 constitute crimes against
23 humanity and genocide” and called upon the Sec-
24 retary of State to review the available evidence and
25 make a similar determination.

1 (10) In a subsequent report dated August 5,
2 2019, the United Nations Independent International
3 Fact-Finding Mission on Myanmar found that the
4 Burmese military’s economic interests “enable its
5 conduct” and that it benefits from and supports ex-
6 tractive industry businesses operating in conflict-af-
7 fected areas in northern Burma, including natural
8 resources, particularly oil and gas, minerals and
9 gems and argued that “through controlling its own
10 business empire, the Tatmadaw can evade the ac-
11 countability and oversight that normally arise from
12 civilian oversight of military budgets”. The report
13 called for the United Nations and individual govern-
14 ments to place targeted sanctions on all senior offi-
15 cials in the Burmese military as well as their eco-
16 nomic interests, especially Myanma Economic Hold-
17 ings Limited and Myanmar Economic Corporation.

18 (11) On February 1, 2021, the Burmese mili-
19 tary conducted a coup d’état, declaring a year-long
20 state of emergency and detaining State Counsellor
21 Aung San Suu Kyi, President Win Myint, and doz-
22 ens of other government officials and elected mem-
23 bers of parliament, thus derailing Burma’s transi-
24 tion to democracy and disregarding the will of the
25 people of Burma as expressed in the November 2020

1 general elections, which were determined to be cred-
2 ible by international and national observers.

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

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

15 (A) used lethal force on peaceful protestors
16 on multiple occasions, killing more than 1,500
17 people, including more than 100 children;

18 (B) detained more than 10,000 peaceful
19 protestors, participants in the Civil Disobe-
20 dience Movement, labor leaders, government of-
21 ficials and elected members of parliament,
22 members of the media, and others, according to
23 the Assistance Association for Political Pris-
24 oners;

1 (C) issued laws and directives used to fur-
2 ther impede fundamental freedoms, including
3 freedom of expression (including for members
4 of the press), freedom of peaceful assembly, and
5 freedom of association; and

6 (D) imposed restrictions on the internet
7 and telecommunications.

8 (14) According to the UNHCR, more than
9 440,000 people have been internally displaced since
10 the coup, while an estimated 39,000 have sought ref-
11 uge in neighboring countries. Nevertheless, the Bur-
12 mese military continues to block humanitarian as-
13 sistance to populations in need. According to the
14 World Health Organization, the military has carried
15 out more than 286 attacks on health care entities
16 since the coup and killed at least 30 health workers.
17 Dozens more have been arbitrarily detained, and
18 hundreds have warrants out for their arrest. The
19 military continued such attacks even as they inhib-
20 ited efforts to combat a devastating third wave of
21 COVID–19. The brutality of the Burmese military
22 was on full display on March 27, 2021, Armed
23 Forces Day, when, after threatening on state tele-
24 vision to shoot protesters in the head, security forces
25 killed more than 150 people.

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

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

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

21 (A) multiple high-ranking individuals and
22 their family members, including the Com-
23 mander-in-Chief of the Burmese military, Min
24 Aung Hlaing, Burma's Chief of Police, Than
25 Hlaing, and the Bureau of Special Operations

1 commander, Lieutenant General Aung Soe, and
2 over 35 other individuals;

3 (B) state-owned and military controlled
4 companies, including Myanmar Economic Hold-
5 ings Public Company, Ltd., Myanmar Economic
6 Corporation, Ltd., Myanmar Economic Hold-
7 ings Ltd., Myanmar Ruby Enterprise, Myanmar
8 Imperial Jade Co., Ltd., and Myanmar Gems
9 Enterprise; and

10 (C) other corporate entities, Burmese mili-
11 tary units, and Burmese military entities, in-
12 cluding the military regime’s State Administra-
13 tive Council.

14 (18) The United States has also implemented
15 new restrictions on exports and reexports to Burma
16 pursuant to Executive Order 14014; and

17 (19) On April 24, 2021, the Association of
18 Southeast Asian Nations (ASEAN) agreed to a five-
19 point consensus which called for an “immediate ces-
20 sation of violence”, “constructive dialogue among all
21 parties”, the appointment of an ASEAN special
22 envoy, the provision of humanitarian assistance
23 through ASEAN’s AHA Centre, and a visit by the
24 ASEAN special envoy to Burma. Except for the ap-
25 pointment of the Special Envoy in August 2021, the

1 other elements of the ASEAN consensus remain
2 unimplemented due to obstruction by the Burmese
3 military.

4 (20) On March 21, 2022, Secretary of State
5 Antony Blinken announced that the United States
6 had concluded that “members of the Burmese mili-
7 tary committed genocide and crimes against human-
8 ity against Rohingya”.

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;

24 (5) to assist in the establishment of a fully
25 democratic, civilian-led, inclusive, and representative

1 political system that includes free, fair, credible, and
2 democratic elections in which all people of Burma,
3 including all ethnic and religious minorities, can par-
4 ticipate in the political process at all levels including
5 the right to vote and to run for elected office;

6 (6) to support legal reforms that ensure protec-
7 tion for the civil and political rights of all individuals
8 in Burma, including reforms to laws that criminalize
9 the exercise of human rights and fundamental free-
10 doms, and strengthening respect for and protection
11 of human rights, including freedom of religion or be-
12 lief;

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

15 (8) to strengthen Burma's civilian governmental
16 institutions, including support for greater trans-
17 parency and accountability once the military is no
18 longer in power;

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

21 (10) to promote national reconciliation and the
22 conclusion and credible implementation of a nation-
23 wide cease-fire agreement, followed by a peace proc-
24 ess that is inclusive of ethnic Rohingya, Shan,
25 Rakhine, Kachin, Chin, Karenni, and Karen, and

1 other ethnic groups and leads to the development of
2 a political system that effectively addresses natural
3 resource governance, revenue-sharing, land rights,
4 and constitutional change enabling inclusive peace;

5 (11) to ensure the protection and non-
6 refoulement of refugees fleeing Burma to neigh-
7 boring countries and prioritize efforts to create a
8 conducive environment and meaningfully address
9 long-standing structural challenges that undermine
10 the safety and rights of Rohingya in Rakhine State
11 as well as members of other ethnic and religious mi-
12 norities in Burma, including by promoting the cre-
13 ation of conditions for the dignified, safe, sustain-
14 able, and voluntary return of refugees in Ban-
15 gladesh, Thailand, and in the surrounding region
16 when conditions allow;

17 (12) to support an immediate end to restric-
18 tions that hinder the freedom of movement of mem-
19 bers of ethnic minorities throughout the country, in-
20 cluding Rohingya, and an end to any and all policies
21 and practices designed to forcibly segregate
22 Rohingya, and providing humanitarian support for
23 all internally displaced persons in Burma;

24 (13) to support unfettered access for humani-
25 tarian actors, media, and human rights mechanisms,

1 including those established by the United Nations
2 Human Rights Council and the United Nations Gen-
3 eral Assembly, to all relevant areas of Burma, in-
4 cluding Rakhine, Chin, Kachin, Shan, and Kayin
5 States, as well as Sagaing and Magway regions;

6 (14) to call for accountability through inde-
7 pendent, credible investigations and prosecutions for
8 any potential genocide, war crimes, and crimes
9 against humanity, including those involving sexual
10 and gender-based violence and violence against chil-
11 dren, perpetrated against ethnic or religious minori-
12 ties, including Rohingya, by members of the military
13 and security forces of Burma, and other armed
14 groups;

15 (15) to encourage reforms toward the military,
16 security, and police forces operating under civilian
17 control and being held accountable in civilian courts
18 for human rights abuses, corruption, and other
19 abuses of power;

20 (16) to promote broad-based, inclusive economic
21 development and fostering healthy and resilient com-
22 munities;

23 (17) to combat corruption and illegal economic
24 activity, including that which involves the military
25 and its close allies; and

1 (18) to promote responsible international and
2 regional engagement;

3 (19) to support and advance the strategy of
4 calibrated engagement, impose targeted sanctions
5 with respect to the Burmese military's economic in-
6 terests and major sources of income for the Burmese
7 military, including with respect to—

8 (A) officials in Burma, including the Com-
9 mander in Chief of the Armed Forces of
10 Burma, Min Aung Hlaing, and all individuals
11 described in paragraphs (1), (2), and (3) of sec-
12 tion 202(a), under the authorities provided by
13 title II, Executive Order 14014, and the Global
14 Magnitsky Human Rights Accountability Act
15 (subtitle F of title XII of Public Law 114–328;
16 22 U.S.C. 2656 note);

17 (B) enterprises owned or controlled by the
18 Burmese military, including the Myanmar Eco-
19 nomic Corporation, Union of Myanmar Eco-
20 nomic Holding, Ltd., and all other entities de-
21 scribed in section 202(a)(4), under the authori-
22 ties provided by title II, the Burmese Freedom
23 and Democracy Act of 2003 (Public Law 108–
24 61; 50 U.S.C. 1701 note), the Tom Lantos
25 Block Burmese JADE (Junta's Anti-Demo-

1 cratic Efforts) Act of 2008 (Public Law 110–
2 286; 50 U.S.C. 1701 note), other relevant stat-
3 utory authorities, and Executive Order 14014;
4 and

5 (C) state-owned economic enterprises if—

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

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

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

1 **TITLE II—SANCTIONS, IMPORT**
2 **RESTRICTIONS, AND POLICY**
3 **COORDINATION WITH RE-**
4 **SPECT TO BURMA**

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 in the defense sector of
15 the Burmese economy;

16 (2) is responsible for, complicit in, or has di-
17 rectly and knowingly engaged in—

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

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

22 (C) actions or policies that prohibit, limit,
23 or penalize the exercise of freedom of expression
24 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) is a senior leader of—

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

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

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

17 (4) knowingly operates—

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

23 (B) any entity controlled in whole or in
24 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 a person described, or a person
23 that has engaged in the activity described, as the
24 case may be, 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.—Beginning on the
12 date that is 60 days after the date of the enactment of
13 this Act, the President may impose the sanctions described
14 in subsection (d) with respect to the Myanmar Oil and Gas
15 Enterprise if imposing such sanctions would—

16 (1) reduce the ability of the Burmese military
17 to engage in the activities described in subpara-
18 graphs (A) through (D) of subsection (a)(2);

19 (2) bring benefits to the people of Burma that
20 exceed the potential negative impacts of the sanc-
21 tions on the humanitarian and economic outlook of
22 the people of Burma; and

23 (3) be in the national interest of the United
24 States.

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

4 (1) PROPERTY BLOCKING.—Notwithstanding
5 the requirements of section 202 of the International
6 Emergency Economic Powers Act (50 U.S.C. 1701),
7 the President may exercise of all powers granted to
8 the President by that Act to the extent necessary to
9 block and prohibit all transactions in all property
10 and interests in property of the foreign person if
11 such property and interests in property are in the
12 United States, come within the United States, or are
13 or come within the possession or control of a United
14 States person.

15 (2) FOREIGN EXCHANGE.—The President may,
16 pursuant to such regulations as the President may
17 prescribe, prohibit any transactions in foreign ex-
18 change that are subject to the jurisdiction of the
19 United States and in which the foreign person has
20 any interest.

21 (3) VISAS, ADMISSION, OR PAROLE.—

22 (A) IN GENERAL.—An alien who the Sec-
23 retary of State or the Secretary of Homeland
24 Security (or a designee of one of such Secre-

1 taries) knows, or has reason to believe, is de-
2 scribed in subsection (a) is—

- 3 (i) inadmissible to the United States;
4 (ii) ineligible for a visa or other docu-
5 mentation to enter the United States; and
6 (iii) otherwise ineligible to be admitted
7 or paroled into the United States or to re-
8 ceive any other benefit under the Immigra-
9 tion and Nationality Act (8 U.S.C. 1101 et
10 seq.).

11 (B) CURRENT VISAS REVOKED.—

12 (i) IN GENERAL.—The issuing con-
13 sular officer, the Secretary of State, or the
14 Secretary of Homeland Security (or a des-
15 ignee of one of such Secretaries) shall, in
16 accordance with section 221(i) of the Im-
17 migration and Nationality Act (8 U.S.C.
18 1201(i)), revoke any visa or other entry
19 documentation issued to an alien described
20 in clause (i) regardless of when the visa or
21 other entry documentation is issued.

22 (ii) EFFECT OF REVOCATION.—A rev-
23 ocation under subclause (i)—

24 (I) shall take effect immediately;

25 and

1 (II) shall automatically cancel
2 any other valid visa or entry docu-
3 mentation that is in the alien's pos-
4 session.

5 (e) EXCEPTIONS.—

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

11 (2) EXCEPTION TO COMPLY WITH INTER-
12 NATIONAL OBLIGATIONS.—Sanctions under sub-
13 section (d)(3) shall not apply with respect to the ad-
14 mission of an alien if admitting or paroling the alien
15 into the United States is necessary to permit the
16 United States to comply with the Agreement regard-
17 ing the Headquarters of the United Nations, signed
18 at Lake Success June 26, 1947, and entered into
19 force November 21, 1947, between the United Na-
20 tions and the United States, or other applicable
21 international obligations.

22 (3) EXCEPTION RELATING TO IMPORTATION OF
23 GOODS.—

24 (A) IN GENERAL.—The authorities and re-
25 quirements to impose sanctions under this sec-

tion shall not include the authority or requirement to impose sanctions on the importation of goods.

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

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

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

(B) the provision of humanitarian assistance to the people of Burma;

(C) financial transactions relating to humanitarian assistance or for humanitarian purposes in Burma; or

(D) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes in Burma.

(f) WAIVER.—

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

10 (g) IMPLEMENTATION; PENALTIES.—

11 (1) IMPLEMENTATION.—The President may ex-
12 ercise all authorities provided to the President under
13 sections 203 and 205 of the International Emer-
14 gency Economic Powers Act (50 U.S.C. 1702 and
15 1704) to carry out this subtitle.

16 (2) PENALTIES.—The penalties provided for in
17 subsections (b) and (c) of section 206 of the Inter-
18 national Emergency Economic Powers Act (50
19 U.S.C. 1705) shall apply to a person that violates,
20 attempts to violate, conspires to violate, or causes a
21 violation of regulations promulgated under section
22 403(b) to carry out paragraph (1)(A) to the same
23 extent that such penalties apply to a person that
24 commits an unlawful act described in section 206(a)
25 of that Act.

1 (h) REPORT.—Not later than 60 days after the date
2 of the enactment of this Act and annually thereafter for
3 8 years, the Secretary of the Treasury, in consultation
4 with the Secretary of State and the heads of other United
5 States Government agencies, as appropriate, shall submit
6 to the appropriate congressional committees a report
7 that—

8 (1) sets forth the plan of the Department of the
9 Treasury for ensuring that property blocked pursu-
10 ant to subsection (a) or Executive Order 14014 re-
11 mains blocked;

12 (2) describes the primary sources of income to
13 which the Burmese military has access and that the
14 United States has been unable to reach using sanc-
15 tions authorities;

16 (3) makes recommendations for how the sources
17 of income described in paragraph (2) can be reduced
18 or blocked;

19 (4) evaluates the implications of imposing sanc-
20 tions on the Burmese-government owned Myanmar
21 Oil and Gas Enterprise, including a determination
22 with respect to the extent to which sanctions on
23 Myanmar Oil and Gas Enterprise would advance the
24 interests of the United States in Burma; and

1 (5) assesses the impact of the sanctions im-
2 posed pursuant to the authorities under this Act on
3 the Burmese people and the Burmese military.

4 **SEC. 203. CERTIFICATION REQUIREMENT FOR REMOVAL**
5 **OF CERTAIN PERSONS FROM THE LIST OF**
6 **SPECIALLY DESIGNATED NATIONALS AND**
7 **BLOCKED PERSONS.**

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

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

22 (c) CERTIFICATION DESCRIBED.—A certification de-
23 scribed in this subsection, with respect to a person de-
24 scribed in subsection (b), is a certification that the person
25 has not knowingly assisted in, sponsored, or provided fi-

1 nancial, material, or technological support for, or financial
 2 or other services to or in support of—

3 (1) terrorism or a terrorist organization;

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

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

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

12 (d) FORM.—A certification described in subsection
 13 (c) shall be submitted in unclassified form but may include
 14 a classified annex.

15 **SEC. 204. SANCTIONS AND POLICY COORDINATION FOR**
 16 **BURMA.**

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

22 (b) CENTRAL OBJECTIVE.—The Special Coordinator
 23 should develop a comprehensive strategy for the implemen-
 24 tation of the full range of United States diplomatic capa-
 25 bilities, including the provisions of this Act, to promote

1 human rights and the restoration of civilian government
2 in Burma.

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

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

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

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

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

1 (A) identifying opportunities to coordinate
2 with and exert pressure on the governments of
3 the People’s Republic of China and the Russian
4 Federation to support multilateral action
5 against the Burmese military;

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

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

22 (D) encouraging the National Unity Gov-
23 ernment to incorporate accountability mecha-
24 nisms in relation to the atrocities against
25 Rohingya and other ethnic groups, to take fur-

1 ther steps to make its leadership and member-
2 ship ethnically diverse, and to incorporate
3 measures to enhance ethnic reconciliation and
4 national unity into its policy agenda;

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

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

15 (5) providing timely input for reporting on the
16 impacts of the implementation of section 202 on the
17 Burmese military and the people of Burma.

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

1 **SEC. 205. 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 (3) The United Nations Secretariat and the
19 United Nations Security Council should take con-
20 crete steps to address the coup and ongoing crisis in
21 Burma consistent with the UN General Assembly
22 resolution 75/287, “The situation in Myanmar,”
23 which was adopted on June 18, 2021.

24 (b) SUPPORT FOR GREATER ACTION.—The President
25 shall direct the United States Permanent Representative
26 to the United Nations to use the voice, vote, and influence

1 of the United States to spur greater action by the United
2 Nations and the United Nations Security Council with re-
3 spect to Burma by—

4 (1) pushing the United Nations Security Coun-
5 cil to consider a resolution condemning the February
6 1, 2021, coup and calling on the Burmese military
7 to cease its violence against the people of Burma
8 and release without preconditions the journalists,
9 pro-democracy activists, and political officials that it
10 has unjustly detained;

11 (2) pushing the United Nations Security Coun-
12 cil to consider a resolution that immediately imposes
13 a global arms embargo against Burma to ensure
14 that the Burmese military is not able to obtain
15 weapons and munitions from other nations to fur-
16 ther harm, murder, and oppress the people of
17 Burma;

18 (3) pushing the United Nations and other
19 United Nations authorities to cut off assistance to
20 the Government of Burma while providing humani-
21 tarian assistance directly to the people of Burma
22 through UN bodies and civil society organizations,
23 particularly such organizations working with ethnic
24 minorities that have been adversely affected by the
25 coup and the Burmese military's violent crackdown;

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

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

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

15 **SEC. 206. SUNSET.**

16 (a) IN GENERAL.—The authority to impose sanctions
17 and the sanctions imposed under this title shall terminate
18 on the date that is 8 years after the date of the enactment
19 of this Act.

20 (b) CERTIFICATION FOR EARLY SUNSET OF SANC-
21 TIONS.—Sanctions imposed under this subtitle may be re-
22 moved before the date specified in subsection (a), if the
23 President submits to the appropriate congressional com-
24 mittees a certification that—

1 (1) the Burmese military has released all polit-
2 ical prisoners taken into custody on or after Feb-
3 ruary 1, 2021, or is providing legal recourse to those
4 that remain in custody;

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

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

9 (4) the 2008 constitution of Burma has been
10 amended or replaced to place the Burmese military
11 under civilian oversight and ensure that the Bur-
12 mese military no longer automatically receives 25
13 percent of seats in Burma's state, regional, and na-
14 tional Hluttaws.

15 **TITLE III—HUMANITARIAN AS-**
16 **SISTANCE AND CIVIL SOCI-**
17 **ETY SUPPORT WITH RESPECT**
18 **TO BURMA**

19 **SEC. 301. SUPPORT TO CIVIL SOCIETY AND INDEPENDENT**
20 **MEDIA.**

21 (a) **AUTHORIZATION TO PROVIDE SUPPORT.**—The
22 Secretary of State and the Administrator of the United
23 States Agency for International Development are author-
24 ized to provide support to civil society in Burma, Ban-

1 gladesh, Thailand, and the surrounding region, including
2 by—

3 (1) ensuring the safety of democracy activists,
4 civil society leaders, independent media, participants
5 in the Civil Disobedience Movement, and government
6 defectors exercising their fundamental rights by—

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

9 (B) providing access to secure channels for
10 communication;

11 (C) assisting individuals forced to flee from
12 Burma and take shelter in neighboring coun-
13 tries, including in ensuring protection assist-
14 ance and non-refoulement; and

15 (D) providing funding to organizations
16 that equip activists, civil society organizations,
17 and independent media with consistent, long-
18 term technical support on physical and digital
19 security in local languages;

20 (2) supporting democracy activists in their ef-
21 forts to promote freedom, democracy, and human
22 rights in Burma, by—

23 (A) providing aid and training to democ-
24 racy activists in Burma;

1 (B) providing aid to individuals and groups
2 conducting democracy programming outside of
3 Burma targeted at a peaceful transition to con-
4 stitutional democracy inside Burma;

5 (C) providing aid and assistance to inde-
6 pendent media outlets and journalists and
7 groups working to protect internet freedom and
8 maintain independent media;

9 (D) expanding radio and television broad-
10 casting into Burma; and

11 (E) providing financial support to civil so-
12 ciety organizations and nongovernmental orga-
13 nizations led by members of ethnic and religious
14 minority groups within Burma and its cross-
15 border regions;

16 (3) assisting ethnic minority groups and civil
17 society in Burma to further prospects for justice,
18 reconciliation, and sustainable peace; and

19 (4) promoting ethnic minority inclusion and
20 participation in political processes in Burma.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated \$50,000,000 to carry
23 out the provisions of this section for each of fiscal years
24 2023 through 2027.

1 **SEC. 302. HUMANITARIAN ASSISTANCE AND RECONCILI-**
2 **ATION.**

3 (a) AUTHORIZATION TO PROVIDE HUMANITARIAN
4 ASSISTANCE.—The Secretary of State and the Adminis-
5 trator of the United States Agency for International De-
6 velopment are authorized to provide humanitarian assist-
7 ance and reconciliation activities for ethnic groups and
8 civil society organizations in Burma, Bangladesh, Thai-
9 land, and the surrounding region, including—

10 (1) assistance for victims of violence by the
11 Burmese military, including Rohingya and individ-
12 uals from other ethnic minorities displaced or other-
13 wise affected by conflict, in Burma, Bangladesh,
14 Thailand, and the surrounding region;

15 (2) support for voluntary resettlement or repa-
16 triation of displaced individuals in Burma, upon the
17 conclusion of genuine agreements developed and ne-
18 gotiated with the involvement and consultation of
19 the displaced individuals and if resettlement or repa-
20 triation is safe, voluntary, and dignified;

21 (3) support for the promotion of ethnic and re-
22 ligious tolerance, improving social cohesion, com-
23 bating gender-based violence, increasing the engage-
24 ment of women in peacebuilding, and mitigating
25 human rights violations and abuses against children;

26 (4) support for—

1 (A) primary, secondary, and tertiary edu-
2 cation for displaced children living in areas of
3 Burma affected by conflict; and

4 (B) refugee camps in the surrounding re-
5 gion and opportunities to access to higher edu-
6 cation in Bangladesh and Thailand;

7 (5) capacity-building support—

8 (A) to ensure that displaced individuals are
9 consulted and participate in decision-making
10 processes affecting the displaced individuals;
11 and

12 (B) for the creation of mechanisms to fa-
13 cilitate the participation of displaced individuals
14 in such processes; and

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

18 (A) international aid partners such as
19 agencies of the United Nations;

20 (B) the International Committee of the
21 Red Cross; and

22 (C) cross-border aid.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated \$220,500,000 to carry
25 out the provisions of this section for fiscal year 2023.

1 **SEC. 303. AUTHORIZATION OF ASSISTANCE FOR BURMA PO-**
2 **LITICAL PRISONERS.**

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

5 (1) the freedom of expression, including for
6 members of the press, is an inalienable right and
7 should be upheld and protected in Burma and every-
8 where;

9 (2) the Burmese military must immediately
10 cease the arbitrary arrest, detention, imprisonment,
11 and physical attacks of journalists, which have cre-
12 ated a climate of fear and self-censorship among
13 local journalists;

14 (3) the Government of Burma should repeal or
15 amend all laws that violate the right to freedom of
16 expression, peaceful assembly, or association, and
17 ensure that laws such as the Telecommunications
18 Law of 2013 and the Unlawful Associations Act of
19 1908, and laws relating to the right to peaceful as-
20 sembly all comply with Burma's human rights obli-
21 gations;

22 (4) all prisoners of conscience and political pris-
23 oners in Burma should be unconditionally and im-
24 mediately released;

1 (5) the Burmese military should immediately
2 and unconditionally release Danny Fenster and
3 other journalists unjustly detained for their work;

4 (6) the Government of Burma must imme-
5 diately drop defamation charges against all individ-
6 uals unjustly detained, including the three Kachin
7 activists, Lum Zawng, Nang Pu, and Zau Jet, who
8 led a peaceful rally in Myitkyina, the capital of
9 Kachin State in April 2018, and that the prosecu-
10 tion of Lum Zawng, Nang Pu, and Zau Jet is an
11 attempt by Burmese authorities to intimidate, har-
12 ass, and silence community leaders and human
13 rights defenders who speak out about military
14 abuses and their impact on civilian populations; and

15 (7) the United States Government should use
16 all diplomatic tools to seek the unconditional and im-
17 mediate release of all prisoners of conscience and po-
18 litical prisoners in Burma.

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

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

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

7 (3) support for efforts to repeal or amend laws
8 that are used to imprison individuals as prisoners of
9 conscience or political prisoners;

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

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

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

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

4 (C) to provide recommendations to the
5 Government of Burma for the repeal or amend-
6 ment of all such laws.

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

10 **TITLE IV—ACCOUNTABILITY** 11 **FOR HUMAN RIGHTS ABUSES**

12 **SEC. 401. REPORT ON ACCOUNTABILITY FOR WAR CRIMES,** 13 **CRIMES AGAINST HUMANITY, AND GENOCIDE** 14 **IN BURMA.**

15 (a) STATEMENT OF POLICY.—It is the policy of the
16 United States—

17 (1) to continue the support of ongoing mecha-
18 nisms and special procedures of the United Nations
19 Human Rights Council, including the United Na-
20 tions Independent Investigative Mechanism for
21 Myanmar and the Special Rapporteur on the situa-
22 tion of human rights in Myanmar; and

23 (2) to refute the credibility and impartiality of
24 efforts sponsored by the Government of Burma, such
25 as the Independent Commission of Enquiry, unless

1 the United States Ambassador at Large for Global
2 Criminal Justice determines the efforts to be cred-
3 ible and impartial and notifies the appropriate con-
4 gressional committees in writing and in unclassified
5 form regarding that determination.

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

12 (1) evaluates the persecution of Rohingya in
13 Burma by the Burmese military;

14 (2) after consulting with the Atrocity Early
15 Warning Task Force, or any successor entity or of-
16 fice, provides a detailed description of any proposed
17 atrocity prevention response recommended by the
18 Task Force as it relates to Burma;

19 (3) summarizes any atrocity crimes committed
20 against Rohingya or members of other ethnic minor-
21 ity groups in Burma between 2012 and the date of
22 the submission of the report;

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

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

4 (6) includes an assessment on which events that
5 took place in the state of Rakhine in Burma, start-
6 ing on August 25, 2017, constitute war crimes,
7 crimes against humanity, or genocide; and

8 (7) includes a determination with respect to
9 whether events that took place during or after the
10 coup of February 1, 2021, in any state in Burma
11 constitute war crimes or crimes against humanity.

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

14 (1) A description of—

15 (A) credible evidence of events that may
16 constitute war crimes, crimes against humanity,
17 or genocide committed by the Burmese military
18 against Rohingya and members of other ethnic
19 minority groups, including the identities of any
20 other actors involved in the events;

21 (B) the role of the civilian government in
22 the commission of any events described in sub-
23 paragraph (A);

1 (C) credible evidence of events of war
2 crimes, crimes against humanity, or genocide
3 committed by other armed groups in Burma;

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

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

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

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

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

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

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

17 (ii) Burmese, Bangladeshi, foreign,
18 and international nongovernmental organi-
19 zations;

20 (iii) the Independent Investigative
21 Mechanism for Myanmar; and

22 (iv) other entities engaged in inves-
23 tigative activities with respect to war
24 crimes, crimes against humanity, and
25 genocide in Burma.

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

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

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

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

20 (d) PROTECTION OF WITNESSES AND EVIDENCE.—
21 The Secretary of State shall seek to ensure that the identi-
22 fication of witnesses and physical evidence used for the
23 report required by this section are not publicly disclosed
24 in a manner that might place witnesses at risk of harm

1 or encourage the destruction of evidence by the military
2 or government of Burma.

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

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

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

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

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

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

18 **SEC. 402. AUTHORIZATION TO PROVIDE TECHNICAL AS-**
19 **SISTANCE FOR EFFORTS AGAINST HUMAN**
20 **RIGHTS ABUSES.**

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

24 (1) identify suspected perpetrators of war
25 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—STATUTORY PAY-AS-**
19 **YOU-GO ACT**

20 **SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.**

21 The budgetary effects of this Act, for the purpose of
22 complying with the Statutory Pay-As-You-Go Act of 2010,
23 shall be determined by reference to the latest statement
24 titled “Budgetary Effects of PAYGO Legislation” for this
25 Act, submitted for printing in the Congressional Record

- 1 by the Chairman of the Committee on the Budget of the
- 2 House of Representatives, provided that such statement
- 3 has been submitted prior to the vote on passage.

Passed the House of Representatives April 6, 2022.

Attest:

Clerk.

117TH CONGRESS
2D SESSION

H. R. 5497

AN ACT

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.