

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORELLE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

## BURMA UNIFIED THROUGH RIGOROUS MILITARY ACCOUNTABILITY ACT OF 2022

Mr. MEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5497) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5497

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) SHORT TITLE.—This Act may be cited as the “Burma Unified through Rigorous Military Accountability Act of 2022” or the “BURMA Act of 2022”.

(b) TABLE OF CONTENTS.—The table of contents of 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 perpetration 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.

### SEC. 2. DEFINITIONS.

In this Act:

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

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

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

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

(A) Murder.

(B) Forced transfer of population.

(C) Torture.

(D) Extermination.

(E) Enslavement.

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

(G) Enforced disappearance of persons.

(H) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

(I) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.

(3) **EXECUTIVE ORDER 14014.**—The term “Executive Order 14014” means Executive Order 14014 (86 Fed. Reg. 9429; relating to blocking property with respect to the situation in Burma).

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

(5) **TRANSITIONAL JUSTICE.**—The term “transitional justice” means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes, or employed by the international community through international justice mechanisms, to redress past or ongoing atrocities and to promote long-term, sustainable peace.

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

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

##### SEC. 101. FINDINGS.

Congress makes the following findings:

(1) Since 1988, the United States policy of principled engagement has fostered positive democratic reforms in Burma, with elections in 2010, 2015, and 2020, helping to bring about the partial transition to civilian rule and with the latter 2 elections resulting in resounding electoral victories for the National League for Democracy.

(2) That democratic transition remained incomplete, with the military retaining significant power and independence from civilian control following the 2015 elections, including through control of 25 percent of parliamentary seats, a de facto veto over constitutional reform, authority over multiple government ministries, and the ability to operate with impunity and no civilian oversight.

(3) Despite some improvements with respect for human rights and fundamental freedoms beginning in 2010, and the establishment of a quasi-civilian government following credible elections in 2015, Burma’s military leaders have, since 2016, overseen an increase in restrictions to freedom of expression (including for members of the press), freedom of peaceful assembly, freedom of association, and freedom of religion or belief.

(4) On August 25, 2017, Burmese military and security forces launched a genocidal

military campaign against Rohingya, resulting in a mass exodus of some 750,000 Rohingya from Burma’s Rakhine State into Bangladesh, where they remain. The military has since taken no steps to improve conditions for Rohingya still in Rakhine State, who remain at high risk of genocide and other atrocities, or to create conditions conducive to the voluntary return of Rohingya refugees and other internally displaced persons (IDPs).

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

(6) With more than \$470,000,000 in humanitarian assistance in response to the crisis in fiscal year 2021, the United States is the largest humanitarian donor to populations in need as a result of conflicts in Burma. In May 2021, the United States announced nearly \$155,000,000 in additional humanitarian assistance to meet the urgent needs of Rohingya refugees and host communities in Bangladesh and people affected by ongoing violence in Burma’s Rakhine, Kachin, Shan, and Chin states. In September 2021, the United States provided nearly \$180,000,000 in additional critical humanitarian assistance to the people of Burma, bringing the total fiscal year 2021 to more than \$434,000,000.

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

(8) In its report dated September 17, 2018, the United Nations Independent International Fact-Finding Mission on Myanmar concluded, on reasonable grounds, that the factors allowing inference of “genocidal intent” are present with respect to the attacks against Rohingya in Rakhine State, and acts by Burmese security forces against Rohingya in Rakhine State and other ethnic minorities in Kachin and Shan States amount to “crimes against humanity” and “war crimes”. The Independent International Fact-Finding Mission on Myanmar established by the United Nations Human Rights Council recommended that the United Nations Security Council “should ensure accountability for crimes under international law committed in Myanmar, preferably by referring the situation to the International Criminal Court or alternatively by creating an ad hoc international criminal tribunal”. The Mission also recommended the imposition of targeted economic sanctions, including an arms embargo on Burma.

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

(10) In a subsequent report dated August 5, 2019, the United Nations Independent International Fact-Finding Mission on Myanmar found that the Burmese military’s economic interests “enable its conduct” and that it benefits from and supports extractive industries operating in conflict-affected areas in northern Burma, including natural resources, particularly oil and gas, minerals

and gems and argued that “through controlling its own business empire, the Tatmadaw can evade the accountability and oversight that normally arise from civilian oversight of military budgets”. The report called for the United Nations and individual governments to place targeted sanctions on all senior officials in the Burmese military as well as their economic interests, especially Myanma Economic Holdings Limited and Myanmar Economic Corporation.

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

(12) Following the coup, some ousted members of parliament established the Committee Representing the Pyidaungsu Hluttaw, which subsequently released the Federal Democracy Charter in March 2021 and established the National Unity Government in April 2021. In June 2021, the National Unity Government included ethnic minorities and women among its cabinet and released a policy paper outlining pledges to Rohingya and calling for “justice and reparations” for the community.

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

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

(B) detained more than 10,000 peaceful protestors, participants in the Civil Disobedience Movement, labor leaders, government officials and elected members of parliament, members of the media, and others, according to the Assistance Association for Political Prisoners;

(C) issued laws and directives used to further impede fundamental freedoms, including freedom of expression (including for members of the press), freedom of peaceful assembly, and freedom of association; and

(D) imposed restrictions on the internet and telecommunications.

(14) According to the UNHCR, more than 440,000 people have been internally displaced since the coup, while an estimated 39,000 have sought refuge in neighboring countries. Nevertheless, the Burmese military continues to block humanitarian assistance to populations in need. According to the World Health Organization, the military has carried out more than 286 attacks on health care entities since the coup and killed at least 30 health workers. Dozens more have been arbitrarily detained, and hundreds have warrants out for their arrest. The military continued such attacks even as they inhibited efforts to combat a devastating third wave of COVID-19. The brutality of the Burmese military was on full display on March 27, 2021, Armed Forces Day, when, after threatening on state television to shoot protesters in the head, security forces killed more than 150 people.

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

(16) On February 11, 2021, President Biden issued Executive Order 14014 in response to the coup d'état, authorizing sanctions against the Burmese military, its economic interests, and other perpetrators of the coup.

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

(A) multiple high-ranking individuals and their family members, including the Commander-in-Chief of the Burmese military, Min Aung Hlaing, Burma's Chief of Police, Than Hlaing, and the Bureau of Special Operations commander, Lieutenant General Aung Soe, and over 35 other individuals;

(B) state-owned and military controlled companies, including Myanma Economic Holdings Public Company, Ltd., Myanmar Economic Corporation, Ltd., Myanmar Economic Holdings Ltd., Myanmar Ruby Enterprise, Myanmar Imperial Jade Co., Ltd., and Myanma Gems Enterprise; and

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

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

(19) On April 24, 2021, the Association of Southeast Asian Nations (ASEAN) agreed to a five-point consensus which called for an “immediate cessation of violence”, “constructive dialogue among all parties”, the appointment of an ASEAN special envoy, the provision of humanitarian assistance through ASEAN's AHA Centre, and a visit by the ASEAN special envoy to Burma. Except for the appointment of the Special Envoy in August 2021, the other elements of the ASEAN consensus remain unimplemented due to obstruction by the Burmese military.

(20) On March 21, 2022, Secretary of State Antony Blinken announced that the United States had concluded that “members of the Burmese military committed genocide and crimes against humanity against Rohingya”.

#### SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

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

(2) to pursue a strategy of calibrated engagement, which is essential to support the establishment of a peaceful, prosperous, and democratic Burma that includes respect for the human rights of all individuals regardless of ethnicity and religion;

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

(4) to support constitutional reforms that ensure civilian governance and oversight over the military;

(5) to assist in the establishment of a fully democratic, civilian-led, inclusive, and representative political system that includes free, fair, credible, and democratic elections in which all people of Burma, including all ethnic and religious minorities, can participate in the political process at all levels including the right to vote and to run for elected office;

(6) to support legal reforms that ensure protection for the civil and political rights of all individuals in Burma, including reforms to laws that criminalize the exercise of human rights and fundamental freedoms, and strengthening respect for and protection of human rights, including freedom of religion or belief;

(7) to seek the unconditional release of all prisoners of conscience and political prisoners in Burma;

(8) to strengthen Burma's civilian governmental institutions, including support for greater transparency and accountability once the military is no longer in power;

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

(10) to promote national reconciliation and the conclusion and credible implementation of a nationwide cease-fire agreement, followed by a peace process that is inclusive of ethnic Rohingya, Shan, Rakhine, Kachin, Chin, Karenni, and Karen, and other ethnic groups and leads to the development of a political system that effectively addresses natural resource governance, revenue-sharing, land rights, and constitutional change enabling inclusive peace;

(11) to ensure the protection and non-refoulement of refugees fleeing Burma to neighboring countries and prioritize efforts to create a conducive environment and meaningfully address long-standing structural challenges that undermine the safety and rights of Rohingya in Rakhine State as well as members of other ethnic and religious minorities in Burma, including by promoting the creation of conditions for the dignified, safe, sustainable, and voluntary return of refugees in Bangladesh, Thailand, and in the surrounding region when conditions allow;

(12) to support an immediate end to restrictions that hinder the freedom of movement of members of ethnic minorities throughout the country, including Rohingya, and an end to any and all policies and practices designed to forcibly segregate Rohingya, and providing humanitarian support for all internally displaced persons in Burma;

(13) to support unfettered access for humanitarian actors, media, and human rights mechanisms, including those established by the United Nations Human Rights Council and the United Nations General Assembly, to all relevant areas of Burma, including Rakhine, Chin, Kachin, Shan, and Kayah States, as well as Sagaing and Magway regions;

(14) to call for accountability through independent, credible investigations and prosecutions for any potential genocide, war crimes, and crimes against humanity, including those involving sexual and gender-based violence and violence against children, perpetrated against ethnic or religious minorities, including Rohingya, by members of the military and security forces of Burma, and other armed groups;

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

(16) to promote broad-based, inclusive economic development and fostering healthy and resilient communities;

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

(18) to promote responsible international and regional engagement;

(19) to support and advance the strategy of calibrated engagement, impose targeted sanctions with respect to the Burmese military's economic interests and major sources of income for the Burmese military, including with respect to—

(A) officials in Burma, including the Commander in Chief of the Armed Forces of Burma, Min Aung Hlaing, and all individuals described in paragraphs (1), (2), and (3) of section 202(a), under the authorities provided by title II, Executive Order 14014, and the Global Magnitsky Human Rights Accountability

Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note);

(B) enterprises owned or controlled by the Burmese military, including the Myanmar Economic Corporation, Union of Myanmar Economic Holding, Ltd., and all other entities described in section 202(a)(4), under the authorities provided by title II, the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note), the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110-286; 50 U.S.C. 1701 note), other relevant statutory authorities, and Executive Order 14014; and

(C) state-owned economic enterprises if—

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

(ii) the imposition of sanctions would not cause disproportionate harm to the people of Burma, the restoration of a civilian government in Burma, or the national interest of the United States; and

(20) to ensure that any sanctions imposed with respect to entities or individuals are carefully targeted to maximize impact on the military and security forces of Burma and its economic interests while minimizing impact on the people of Burma, recognizing the calls from the people of Burma for the United States to take action against the sources of income for the military and security forces of Burma.

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

### SEC. 201. DEFINITIONS.

In this subtitle:

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

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

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

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

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

(5) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

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

(7) **PERSON.**—The term “person” means an individual or entity.

(8) **SUPPORT.**—The term “support”, with respect to the Burmese military, means to knowingly have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of the Burmese military.

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

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence;

(B) an entity organized under the laws of the United States or any jurisdiction within

the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

### SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES AND PERPETRATION OF A COUP IN BURMA.

(a) **MANDATORY SANCTIONS.**—Not later than 30 days after the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to any foreign person that the President determines—

(1) knowingly operates in the defense sector of the Burmese economy;

(2) is responsible for, complicit in, or has directly and knowingly engaged in—

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

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

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

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

(3) is a senior leader of—

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

(B) the State Administration Council, the military-appointed cabinet at the level of Deputy Minister or higher, or a military-appointed minister of a Burmese state or region; or

(C) an entity that has, or whose members have, engaged in any activity described in paragraph (2);

(4) knowingly operates—

(A) any entity that is a state-owned economic enterprise under Burmese law (other than the entity specified in subsection (c)) that benefits the Burmese military, including the Myanmar Gems Enterprise; or

(B) any entity controlled in whole or in part by an entity described in subparagraph (A), or a successor to such an entity, that benefits the Burmese military;

(5) knowingly and materially violates, attempts to violate, conspires to violate, or has caused or attempted to cause a violation of any license, order, regulation, or prohibition contained in or issued pursuant to Executive Order 14014 or this Act;

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

(7) knowingly facilitates a significant transaction or transactions for or on behalf of a person described, or a person that has engaged in the activity described, as the case may be, in any of paragraphs (1) through (6);

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

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

(b) **ADDITIONAL MEASURE RELATING TO FACILITATION OF TRANSACTIONS.**—The Secretary of the Treasury shall, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by a foreign financial institution that the President determines has, on or after the date of the enactment of this Act, knowingly conducted

or facilitated a significant transaction or transactions on behalf of a foreign person described in subsection (a).

(c) **DISCRETIONARY SANCTIONS.**—Beginning on the date that is 60 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (d) with respect to the Myanmar Oil and Gas Enterprise if imposing such sanctions would—

(1) reduce the ability of the Burmese military to engage in the activities described in subparagraphs (A) through (D) of subsection (a)(2);

(2) bring benefits to the people of Burma that exceed the potential negative impacts of the sanctions on the humanitarian and economic outlook of the people of Burma; and

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

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

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

(2) **FOREIGN EXCHANGE.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(3) **VISAS, ADMISSION, OR PAROLE.**—

(A) **IN GENERAL.**—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, is described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible for a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) **CURRENT VISAS REVOKED.**—

(i) **IN GENERAL.**—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in clause (i) regardless of when the visa or other entry documentation is issued.

(ii) **EFFECT OF REVOCATION.**—A revocation under subclause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(e) **EXCEPTIONS.**—

(1) **EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.**—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) **EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.**—Sanctions under subsection (d)(3) shall not apply with respect to the admission of an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed

at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions under this section 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) IN GENERAL.—The President may, on a case-by-case basis and for periods not to exceed 180 days each, waive the application of sanctions or restrictions imposed with respect to a foreign person under this section if the President certifies to the appropriate congressional committees not later than 15 days before such waiver is to take effect that the waiver is vital to the national security interests of the United States.

(g) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

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

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

(1) sets forth the plan of the Department of the Treasury for ensuring that property blocked pursuant to subsection (a) or Executive Order 14014 remains blocked;

(2) describes the primary sources of income to which the Burmese military has access and that the United States has been unable to reach using sanctions authorities;

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

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

(5) assesses the impact of the sanctions imposed pursuant to the authorities under this Act on the Burmese people and the Burmese military.

#### **SEC. 203. CERTIFICATION REQUIREMENT FOR REMOVAL OF CERTAIN PERSONS FROM THE LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS.**

(a) IN GENERAL.—On or after the date of the enactment of this Act, the President may not remove a person described in subsection (b) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly referred to as the “SDN list”) until the President submits to the appropriate congressional committees a certification described in subsection (c) with respect to the person.

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

(c) CERTIFICATION DESCRIBED.—A certification described in this subsection, with respect to a person described in subsection (b), is a certification that the person has not knowingly assisted in, sponsored, or provided financial, material, or technological support for, or financial or other services to or in support of—

(1) terrorism or a terrorist organization;

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

(3) a significant transnational criminal organization under Executive Order 13581 (50 U.S.C. note; relating to blocking property of transnational criminal organizations); or

(4) any other person on the SDN list.

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

#### **SEC. 204. SANCTIONS AND POLICY COORDINATION FOR BURMA.**

(a) IN GENERAL.—The Secretary of State may designate an official of the Department of State to serve as the United States Special Coordinator for Burmese Democracy (in this section referred to as the “Special Coordinator”).

(b) CENTRAL OBJECTIVE.—The Special Coordinator should develop a comprehensive strategy for the implementation of the full range of United States diplomatic capabilities, including the provisions of this Act, to promote human rights and the restoration of civilian government in Burma.

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

(1) coordinating the sanctions policies of the United States under section 202 with relevant bureaus and offices within the Department of State, other relevant United States Government agencies, and international financial institutions;

(2) conducting relevant research and vetting of entities and individuals that may be subject to sanctions under section 202 and coordinate with other United States Government agencies and international financial intelligence units to assist in efforts to enforce anti-money laundering and anti-corruption laws and regulations;

(3) promoting a comprehensive international effort to impose and enforce multilateral sanctions with respect to Burma;

(4) coordinating with and supporting inter-agency United States Government efforts, including efforts of the United States Ambassador to Burma, the United States Ambassador to ASEAN, and the United States

Permanent Representative to the United Nations, relating to—

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

(B) working with like-minded partners to impose a coordinated arms embargo on the Burmese military and targeted sanctions on the economic interests of the Burmese military, including through the introduction and adoption of a United Nations Security Council resolution;

(C) engaging in direct dialogue with Burmese civil society, democracy advocates, ethnic minority representative groups, and organizations or groups representing the protest movement and the officials elected in 2020, such as the Committee Representing the Pyidaungsu Hluttaw, the National Unity Government, the National Unity Consultative Council, and their designated representatives;

(D) encouraging the National Unity Government to incorporate accountability mechanisms in relation to the atrocities against Rohingya and other ethnic groups, to take further steps to make its leadership and membership ethnically diverse, and to incorporate measures to enhance ethnic reconciliation and national unity into its policy agenda;

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

(F) supporting nongovernmental organizations operating in Burma and neighboring countries working to restore civilian democratic rule to Burma and to address the urgent humanitarian needs of the people of Burma; and

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

(d) DEADLINE.—If the Secretary of State has not designated the Special Coordinator by the date that is 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report detailing the reasons for not doing so.

#### **SEC. 205. SUPPORT FOR GREATER UNITED NATIONS ACTION WITH RESPECT TO BURMA.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

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

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

(3) The United Nations Secretariat and the United Nations Security Council should take concrete steps to address the coup and ongoing crisis in Burma consistent with the UN General Assembly resolution 75/287, “The situation in Myanmar,” which was adopted on June 18, 2021.

(b) **SUPPORT FOR GREATER ACTION.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to spur greater action by the United Nations and the United Nations Security Council with respect to Burma by—

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

(2) pushing the United Nations Security Council to consider a resolution that immediately imposes a global arms embargo against Burma to ensure that the Burmese military is not able to obtain weapons and munitions from other nations to further harm, murder, and oppress the people of Burma;

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

(4) objecting to the appointment of representatives to the United Nations and United Nations bodies such as the Human Rights Council that are sanctioned by the Burmese military;

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

(6) spurring the United Nations Security Council to consider multilateral sanctions against the Burmese military for its atrocities against Rohingya and individuals of other ethnic and religious minorities, its coup, and the crimes against humanity it has and continues to commit in the coup's aftermath.

#### **SEC. 206. SUNSET.**

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

(b) **CERTIFICATION FOR EARLY SUNSET OF SANCTIONS.**—Sanctions imposed under this subtitle may be removed before the date specified in subsection (a), if the President submits to the appropriate congressional committees a certification that—

(1) the Burmese military has released all political prisoners taken into custody on or after February 1, 2021, or is providing legal recourse to those that remain in custody;

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

(3) all legal charges against those winning election in November 2020 are dropped; and

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

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

#### **SEC. 301. SUPPORT TO CIVIL SOCIETY AND INDEPENDENT MEDIA.**

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

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

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

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

(B) providing access to secure channels for communication;

(C) assisting individuals forced to flee from Burma and take shelter in neighboring countries, including in ensuring protection assistance and non-refoulement; and

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

(2) supporting democracy activists in their efforts to promote freedom, democracy, and human rights in Burma, by—

(A) providing aid and training to democracy activists in Burma;

(B) providing aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma;

(C) providing aid and assistance to independent media outlets and journalists and groups working to protect internet freedom and maintain independent media;

(D) expanding radio and television broadcasting into Burma; and

(E) providing financial support to civil society organizations and nongovernmental organizations led by members of ethnic and religious minority groups within Burma and its cross-border regions;

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

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

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

#### **SEC. 302. HUMANITARIAN ASSISTANCE AND RECONCILIATION.**

(a) **AUTHORIZATION TO PROVIDE HUMANITARIAN ASSISTANCE.**—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide humanitarian assistance and reconciliation activities for ethnic groups and civil society organizations in Burma, Bangladesh, Thailand, and the surrounding region, including—

(1) assistance for victims of violence by the Burmese military, including Rohingya and individuals from other ethnic minorities displaced or otherwise affected by conflict, in Burma, Bangladesh, Thailand, and the surrounding region;

(2) support for voluntary resettlement or repatriation of displaced individuals in Burma, upon the conclusion of genuine agreements developed and negotiated with the involvement and consultation of the displaced individuals and if resettlement or repatriation is safe, voluntary, and dignified;

(3) support for the promotion of ethnic and religious tolerance, improving social cohesion, combating gender-based violence, increasing the engagement of women in peacebuilding, and mitigating human rights violations and abuses against children;

(4) support for—

(A) primary, secondary, and tertiary education for displaced children living in areas of Burma affected by conflict; and

(B) refugee camps in the surrounding region and opportunities to access to higher education in Bangladesh and Thailand;

(5) capacity-building support—

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

(B) for the creation of mechanisms to facilitate the participation of displaced individuals in such processes; and

(6) increased humanitarian aid to Burma to address the dire humanitarian situation that has uprooted 170,000 people through—

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

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

(C) cross-border aid.

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

#### **SEC. 303. AUTHORIZATION OF ASSISTANCE FOR BURMA POLITICAL PRISONERS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the freedom of expression, including for members of the press, is an inalienable right and should be upheld and protected in Burma and everywhere;

(2) the Burmese military must immediately cease the arbitrary arrest, detention, imprisonment, and physical attacks of journalists, which have created a climate of fear and self-censorship among local journalists;

(3) the Government of Burma should repeal or amend all laws that violate the right to freedom of expression, peaceful assembly, or association, and ensure that laws such as the Telecommunications Law of 2013 and the Unlawful Associations Act of 1908, and laws relating to the right to peaceful assembly all comply with Burma's human rights obligations;

(4) all prisoners of conscience and political prisoners in Burma should be unconditionally and immediately released;

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

(6) the Government of Burma must immediately drop defamation charges against all individuals unjustly detained, including the three Kachin activists, Lum Zawng, Nang Pu, and Zau Jet, who led a peaceful rally in Myitkyina, the capital of Kachin State in April 2018, and that the prosecution of Lum Zawng, Nang Pu, and Zau Jet is an attempt by Burmese authorities to intimidate, harass, and silence community leaders and human rights defenders who speak out about military abuses and their impact on civilian populations; and

(7) the United States Government should use all diplomatic tools to seek the unconditional and immediate release of all prisoners of conscience and political prisoners in Burma.

(b) **POLITICAL PRISONERS ASSISTANCE.**—The Secretary of State is authorized to continue to provide assistance to civil society organizations in Burma that work to secure the release of and support prisoners of conscience and political prisoners in Burma, including—

(1) support for the documentation of human rights violations with respect to prisoners of conscience and political prisoners;

(2) support for advocacy in Burma to raise awareness of issues relating to prisoners of conscience and political prisoners;

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

(4) support for health, including mental health, and post-incarceration assistance in gaining access to education and employment

opportunities or other forms of reparation to enable former prisoners of conscience and political prisoners to resume normal lives; and

(5) the creation, in consultation with former political prisoners and prisoners of conscience, their families, and their representatives, of an independent prisoner review mechanism in Burma—

(A) to review the cases of individuals who may have been charged or deprived of their liberty for peacefully exercising their human rights;

(B) to review all laws used to arrest, prosecute, and punish individuals as political prisoners and prisoners of conscience; and

(C) to provide recommendations to the Government of Burma for the repeal or amendment of all such laws.

(c) **TERMINATION.**—The authority to provide assistance under this section shall terminate on the date that is 8 years after the date of the enactment of this Act.

#### **TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES**

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

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

(1) to continue the support of ongoing mechanisms and special procedures of the United Nations Human Rights Council, including the United Nations Independent Investigative Mechanism for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar; and

(2) to refute the credibility and impartiality of efforts sponsored by the Government of Burma, such as the Independent Commission of Enquiry, unless the United States Ambassador at Large for Global Criminal Justice determines the efforts to be credible and impartial and notifies the appropriate congressional committees in writing and in unclassified form regarding that determination.

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

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

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

(3) summarizes any atrocity crimes committed against Rohingya or members of other ethnic minority groups in Burma between 2012 and the date of the submission of the report;

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

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

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

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

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

(1) A description of—

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

(B) the role of the civilian government in the commission of any events described in subparagraph (A);

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

(D) attacks on health workers, health facilities, health transport, or patients and, to the extent possible, the identities of any individuals who engaged in or organized such attacks in Burma; and

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

(2) In consultation with the Administrator of the United States Agency for International Development, the Attorney General, and heads of any other appropriate United States Government agencies, as appropriate, a description and assessment of the effectiveness of any efforts undertaken by the United States to promote accountability for war crimes, crimes against humanity, and genocide perpetrated against Rohingya by the Burmese military, the government of the Rakhine State, pro-government militias, or other armed groups operating in the Rakhine State, including efforts—

(A) to train civilian investigators, within and outside of Burma and Bangladesh, to document, investigate, develop findings of, identify, and locate alleged perpetrators of war crimes, crimes against humanity, or genocide in Burma;

(B) to promote and prepare for a transitional justice mechanism for the perpetrators of war crimes, crimes against humanity, and genocide occurring in the Rakhine State in 2017; and

(C) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Burma, including by—

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

(ii) Burmese, Bangladeshi, foreign, and international nongovernmental organizations;

(iii) the Independent Investigative Mechanism for Myanmar; and

(iv) other entities engaged in investigative activities with respect to war crimes, crimes against humanity, and genocide in Burma.

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

(A) a discussion of the use of universal jurisdiction or of legal cases brought against Burma by other countries at the International Court of Justice regarding any atrocity crimes perpetrated in Burma;

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

(C) consultation regarding transitional justice mechanisms with representatives of Rohingya and individuals from other ethnic minority groups who have suffered human rights violations and abuses.

(d) **PROTECTION OF WITNESSES AND EVIDENCE.**—The Secretary of State shall seek to ensure that the identification of witnesses and physical evidence used for the report re-

quired by this section are not publicly disclosed in a manner that might place witnesses at risk of harm or encourage the destruction of evidence by the military or government of Burma.

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

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

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

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

##### **SEC. 402. AUTHORIZATION TO PROVIDE TECHNICAL ASSISTANCE FOR EFFORTS AGAINST HUMAN RIGHTS ABUSES.**

(a) **IN GENERAL.**—The Secretary of State is authorized to provide assistance to support appropriate civilian or international entities that—

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

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

(3) conduct criminal investigations of such crimes; and

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

(b) **AUTHORIZATION FOR TRANSITIONAL JUSTICE MECHANISMS.**—The Secretary of State, taking into account any relevant findings in the report submitted under section 402, is authorized to provide support for the establishment and operation of transitional justice mechanisms, including a hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Burma.

#### **TITLE V—STATUTORY PAY-AS-YOU-GO ACT**

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

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentlewoman from New York (Ms. TENNEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5497, as amended.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.



□ 1230

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5497, the BURMA Act of 2022, which I have introduced, alongside Representative STEVE CHABOT, the ranking member of the Asia, the Pacific, Central Asia, and Nonproliferation Subcommittee, who I want to thank for working in a bipartisan way.

I also want to thank Foreign Affairs Committee Ranking Member MICHAEL MCCAUL for working with me in a bipartisan way on this very important and very timely bill.

Mr. Speaker, democracy is under severe strain across the globe, and the current crisis in Burma is a stark reminder of this challenge.

It has been just over a year since the Burmese military staged an illegal and illegitimate coup d'etat, seizing control of the Union Government and detaining a broad cross section of democratically elected civilian leaders. As the military upended Burma's fragile transition to democracy, it began a widespread suppression of fundamental freedoms.

Over the past 14 months, the military's brutal and senseless violence has resulted in more than 1,700 people killed, including over 100 children. Thousands have been unjustly detained, and nearly half a million people have been displaced by the military's violence.

Congress cannot, cannot and must not, stand idly by as the military brutally kills its people. As the war in Ukraine has reminded us, America must stand up with freedom-loving people everywhere.

The Burmese people have courageously resisted the military's repression and violence. They have organized a civil disobedience movement to erode the military's ability to govern. A shadow government, the National Unity Government, has emerged to restore democratic civilian rule. All they are asking of us is that the world come to their aid and their cause.

The Biden administration has taken critical steps to stand with the Burmese people, and I want to commend Secretary Blinken's formal determination last month that the Burmese military committed genocide and crimes against humanity against Rohingyas, something that was long, long overdue, and which I advocated for in this current bill.

But now it is Congress' turn to act. The important resolutions, statements of condemnation, and letters of solidarity this body has sent over the past 14 months are important, but not sufficient. The people of Burma need us to do more. Frankly, the Burmese military's gross abuses demand that we do more.

H.R. 5497 is a comprehensive, bipartisan bill that holds the Burmese military accountable through targeted sanctions, puts pressure on the junta by urging greater action at the United

Nations, and calling for a Special Coordinator for Burmese Democracy.

It authorizes humanitarian assistance for the hundreds of thousands of Burmese citizens that have been internally displaced or fled across the border. It calls on the State Department to document the genocide and the crimes against humanity committed against Rohingyas and other Burmese ethnic minorities.

The same military leaders which perpetuated a genocide against Rohingyas are now using the same tactics to unleash unprecedented bloodshed across the entire country. We must end the impunity of the Burmese military and make it harder for it to enact its brutality.

And to every member of the Burmese ruling elite that does not support the pathway taken by General Min Aung Hlaing, let me say to you loud and clear: Now is the time for you to think about your country's future and defect, defect, because the Burmese people and the international community will remember which side you stood on.

The economic and diplomatic pressure that this bill applies is essential to changing the junta's calculus and forcing it to the negotiating table. By passing this legislation, we will take a meaningful step, not just to stand up with the Burmese people, but also to help bring this crisis to an end.

Therefore, before this bill becomes law, I look forward to working with my colleagues in a bipartisan way to refine the sanctions in this bill so that they remain relevant and effective.

Thus, I urge my colleagues to support this measure so that we can move it one step closer to the President's desk.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, April 5, 2022.

Hon. GREGORY MEEKS,  
Chairman, Committee on Foreign Affairs,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5497, the BURMA Act of 2022. In order to permit H.R. 5497 to proceed expeditiously to the House Floor, I agree to forgo formal consideration of the bill.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 5497 in light of our mutual understanding that, by foregoing formal consideration of H.R. 5497 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward with regard to any matters in the Committee's jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation that involves the Committee's jurisdiction and request your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the

Congressional Record during Floor consideration of H.R. 5497.

Sincerely,

MAXINE WATERS,  
Chairwoman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, April 5, 2022.

Hon. MAXINE WATERS,  
Committee on Financial Services,  
House of Representatives, Washington, DC.

DEAR CHAIRWOMAN WATERS: I am writing to you concerning H.R. 5497, the BURMA Act of 2022, as amended. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Financial Services under House Rule X, and that your Committee will forgo action on H.R. 5497 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I also acknowledge that your Committee will be appropriately consulted and involved as this or similar legislation moves forward, and will support the appointment of Committee on Financial Services conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

GREGORY W. MEEKS,  
Chairman.

Ms. TENNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is an honor for me to represent New York's 22nd Congressional District, which is home to generations of Burmese refugees, dating back to the first family arriving in the early 2000s, and where nearly 5,000 Burmese refugees reside.

On February 1 of last year, Burma's military seized power in a violent coup, ending 5 years of flawed, but promising, democracy, dragging Burma back into a brutal military rule.

Over the last year, the world has watched in horror as the military targeted innocent Burmese men, women, and children. The latest estimates indicate that over 1,700 people have been murdered and more than 13,000 arrested by the junta.

In the face of this violence and repression, the resilience of the people of Burma is no less than inspiring. The legislation we are considering today is an important step forward in standing with the people of Burma and holding their perpetrators accountable.

The BURMA Act will impose mandatory sanctions on the military regime, as well as entities that continue to support it.

While the White House has begun to take steps to reimpose the sanctions regime that the former Democratic administration prematurely lifted, it is time that the Burmese military is again sanctioned as a matter of law, especially now that the United States

has finally recognized that their crimes against the Rohingya amount to genocide.

Now, more than ever, I urge all to remain committed to the people of Burma's quest for democracy, for peace, and freedom, and to oppose this affront to human dignity.

I thank Chairman MEEKS and Congressman CHABOT for championing this legislation, and I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I don't think I have any further speakers, so I reserve the balance of my time.

Ms. TENNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America stands as free people against dictators and despots. It is part of our values, and it is an important signal to the world that the United States stands firm against autocrats, whether in Burma or Russia.

Last Friday, China's Foreign Minister, Wang Yi, showed the world how true this is. He met with his counterpart from the Burmese junta regime and said that the Chinese Communist Party would back the Tatmadaw "no matter how the situation changes."

We are at a critical point in history. Authoritarian regimes like China are partnering with their autocratic allies around the world to make the globe less free; to undermine human dignity and individual freedom; and to oppress those who stand up and have the courage to speak out as the Burmese people have. It is sickening, and it is one more reason why this legislation is so timely.

It is critical that America stands united in supporting the people of Burma and championing their fundamental human rights in the face of military oppression. I will continue to be a voice for this community as we fight to oppose this affront to the people of Burma's dignity and freedom and quest for peace.

I, once again, urge my colleagues to support this measure. I yield back the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume for the purpose of closing.

Mr. Speaker, Congress must do more to address this crisis in Burma, and H.R. 5497, the BURMA Act of 2021, will do just that. It will take concrete steps to hold the Burmese military accountable for its coup and for the perpetration of gross human rights violations and other unspeakable atrocities.

This bill, Mr. Speaker, sends a strong and unequivocal message that there are severe consequences for subverting democracy, and that the United States of America stands firmly with the Burmese people in their struggle for human rights and their democracy.

Mr. Speaker, I hope all of my colleagues, all 435 of us, will join me in supporting this bill, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 5497, the BURMA Act which is impor-

tant legislation to support the courageous people of Burma as they struggle to wrest democracy from the hands of their authoritarian military.

On February 1, 2021, after a decade of promising democratic reforms in Burma, the Burmese military (also known as the Tatmadaw) seized control of the civilian government, declared a state of emergency, and unlawfully detained State Councilor Aung San Suu Kyi, President Win Myint, and many Members of Parliament. In response, the people of Burma took to the streets to demand the restoration of civilian rule, only to be met with the Tatmadaw's brutal campaign of repression, involving extrajudicial executions, mass arrests and disappearances, and other authoritarian tactics.

H.R. 5497 is legislation to hold the Tatmadaw accountable for their human rights abuses by authorizing targeted sanctions against the Burmese military and its affiliated entities. These sanctions will deprive the Tatmadaw of the resources they need to continue their violent suppression of the Burmese people. H.R. 5497 also provides much-needed funds to support pro-democracy civil society groups in Burma and alleviate the severe humanitarian crisis caused by the Tatmadaw's violence and mismanagement of the economy.

I'm pleased that this legislation advances many of the goals outlined in H. Res. 896, a resolution I introduced on the one-year anniversary of the coup to condemn the Burmese military's human rights abuses. My resolution calls for tough sanctions against the Tatmadaw, robust humanitarian assistance for the Burmese people, and increased efforts to hold the Tatmadaw accountable for atrocities.

At a time when democracy is being threatened around the world, it's imperative that the United States join with the courageous people of Burma who are fighting to restore democracy in their country. By passing H.R. 5497, Congress will demonstrate our solidarity with the Burmese people, and I urge all my colleagues to support this bill and vote yes.

Mr. CHABOT. Mr. Speaker, as the Ranking Member of the Asia-Pacific Subcommittee, I rise today in support of H.R. 5497, the BURMA Act, bipartisan legislation Chairman MEEKS and I introduced last year in response to the coup in Burma. And I want to thank Ranking Member McCaul and Ms. TENNEY and all those who have supported this legislation on both sides of the aisle.

As everyone who follows the situation in Burma knows, on February 1, 2021 the Burmese military perpetrated a coup against the civilian government, detained its elected leaders and set up a junta.

This is by no means the first time the generals have seized power but this time the response has been different. The people of Burma, in all walks of life have courageously stood up against the military with peaceful protests, mass strikes, and other civil disobedience.

The military's response has been predictable—they initiated a crackdown that continues today. They've killed over seventeen hundred people and imprisoned thousands more. This repression has pushed the country into civil war, essentially, as the generals stubbornly refuse to restore democracy.

Let me be clear, this coup is a blatant violation of the rights of the Burmese people. Self-government and self-determination are rights

of all people around the world, not a gift from a small handful of elites who pretend to be entitled to rule over their fellow citizens. The generals cannot simply back out of democracy when it no longer serves their purposes. It's a right that's owed to the people of Burma.

In response to the coup, Chairman MEEKS and I introduced this BURMA Act. Briefly recapping the history of this legislation, in September 2017, the Burmese military began a genocidal campaign to permanently drive the Rohingya out of Burma which resulted in over 700,000 Rohingya refugees fleeing from Rakhine State, Burma into neighboring Bangladesh. They remain there today without any meaningful hope of returning home.

This campaign consisted of widespread, systematic, and premeditated human rights abuses, including barbaric killings, gang rapes, and the burning of around 400 Rohingya villages. According to a partial State Department report on these atrocities, about half of the Rohingya surveyed said they personally witnessed a rape while about 80 percent witnessed killings and the destruction of villages.

In response to these atrocities, Ranking Member Eliot Engel and I wrote the original BURMA Act which would have imposed sanctions on the military, and deployed several other tools to address longstanding concerns with Burma. While the legislation passed in the House several times, the Senate failed to take it up.

Last year, in response to the coup, Chairman MEEKS and I updated the BURMA Act to provide some measure of accountability for both the genocide in 2017 and this year's coup, and to reflect the sanctions the Biden Administration has already imposed on the Burmese military. The new version of the legislation will levy stronger sanctions against the military, and provide additional assistance to the people of Burma.

I would specifically like to point out that this legislation deals specifically with accountability for the crimes committed against the Rohingya, and has for the last several years required the State Department to determine whether this was a genocide. I'm pleased that last month Secretary Blinken took this step, and declared officially and on behalf of the United States what many of us have known for some time that the crimes were indeed a genocide. This decision is one we can all support—and probably one of the few things this Administration has done that I can really get behind.

As the coup and its aftermath continue to drag on, we must use this determination to renew focus on the situation in Burma and intensify our efforts to see that the Burmese Military comes to terms with the fact that the people have chosen a different path. The BURMA Act would go a long way in that effort, so I would urge my colleagues to support its passage.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 5497, "Burma Unified through Rigorous Military Accountability Act of 2021" or BURMA Act.

The purpose of this bill is 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.

The legislation condemns the actions taken by the Burmese military during its coup on February 1, 2021 and its aftermath.



The BURMA Act:

Authorizes sanctions on individuals and entities who helped stage the February 1 coup d'etat and are responsible for the subsequent repression of fundamental freedoms, human rights abuses, use of indiscriminate violence towards civilians, and other gross atrocities.

Prohibits the import of precious and semi-precious gemstones from Burma into the United States.

Authorizes a new position at the State Department, a Special Coordinator for Burmese Democracy, to promote an international effort to impose and enforce multilateral sanctions on Burma and coordinate United States Government interagency efforts on Burma.

Authorizes support to civil society and for humanitarian assistance in Burma, Bangladesh, Thailand, and the surrounding region.

Calls for the Department of State to make a genocide determination with regard to the persecution of the Rohingya.

Calls for the United States to pressure the United Nations to take more decisive action with regards to Burma.

By authorizing targeted sanctions against the Burmese military, the Burmese Administrative Council and affiliated entities, the bill holds accountable those responsible for the perpetration of the coup and the ensuing atrocities that have claimed over a thousand lives.

It has been a little over a year since the Burmese military staged its illegal and illegitimate coup, reversing years of reform and Burma's fragile transition to democracy.

The military regime has killed more than 1,728 people since February of 2021, including around 100 children, and illegally detained more than 13,084 people.

The violence toward its own citizens has displaced roughly 400,000 people within the country.

This brings the estimated total of internally displaced persons to 776,000 and of refugees and asylum-seekers in neighboring countries to more than 1 million.

People in Myanmar desperately need food, clean water and protection to survive.

The BURMA Act would address these gaps by funding humanitarian assistance and addressing issues in Myanmar including human rights violations, displacement, and armed conflict.

Having previously lived under military rule and authoritarianism for decades, the people of Myanmar responded to the coup with courage and resistance.

Democracy activists flooded the streets, formed a shadow government, and carried out a massive civil disobedience movement to shut down the machinery of the state.

The tragedy underway in Myanmar epitomizes the battle between democracy and authoritarianism.

However, the people of Myanmar have not received much support from the international community, in efforts to condemn this coup the United States must act now by expanding targeted sanctions to halt this.

The toll on the people of Burma has been truly staggering, under the military's harsh rule, no one is safe from violence, arbitrary detainment, military attack, and infringements on human rights.

I am optimistic that we will pass the BURMA Act to apply economic pressure, provide humanitarian support, and redouble diplomatic efforts against the military junta.

The people of Burma can no longer afford to wait, so neither should we.

I ask my colleagues to join me in voting for H.R. 5497 because these people who have survived crimes against humanity, discrimination, gender-based violence and forced displacement in Myanmar need the humanitarian assistance this bill would provide.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 5497, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### UKRAINE INVASION WAR CRIMES DETERRENCE AND ACCOUNTABILITY ACT

Mr. MEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7276) to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and any other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7276

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ukraine Invasion War Crimes Deterrence and Accountability Act".

#### SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) in its premeditated, unprovoked, unjustified, and unlawful full-scale invasion of Ukraine that commenced on February 24, 2022, the military of the Government of the Russian Federation under the direction of President Vladimir Putin has committed war crimes that include but are not limited to—

(A) the deliberate targeting of civilians and injuring or killing of noncombatants;

(B) the deliberate targeting and attacking of hospitals, schools, and other non-military buildings dedicated to religion, art, science, or charitable purposes, such as the bombing of a theater in Mariupol that served as a shelter for noncombatants and had the word "children" written clearly in the Russian language outside;

(C) the indiscriminate bombardment of undefended dwellings and buildings;

(D) the wanton destruction of property not justified by military necessity;

(E) unlawful civilian deportations;

(F) the taking of hostages; and

(G) rape, or sexual assault or abuse;

(2) the use of chemical weapons by the Government of the Russian Federation in Ukraine would constitute a war crime, and engaging in any military preparations to use chemical weapons or to develop, produce, stockpile, or retain chemical weapons is prohibited by the Chemical Weapons Convention, to which the Russian Federation is a signatory;

(3) Vladimir Putin has a long record of committing acts of aggression, systematic

abuses of human rights, and acts that constitute war crimes or other atrocities both at home and abroad, and the brutality and scale of these actions, including in the Russian Federation republic of Chechnya, Georgia, Syria, and Ukraine, demonstrate the extent to which his regime is willing to flout international norms and values in the pursuit of its objectives;

(4) Vladimir Putin has previously sanctioned the use of chemical weapons at home and abroad, including in the poisonings of Russian spy turned double agent Sergei Skripal and his daughter Yulia and leading Russian opposition figure Aleksey Navalny, and aided and abetted the use of chemical weapons by President Bashar al-Assad in Syria; and

(5) in 2014, the Government of the Russian Federation initiated its unprovoked war of aggression against Ukraine which resulted in its illegal occupation of Crimea, the unrecognized declaration of independence by the so-called "Donetsk People's Republic" and "Luhansk People's Republic" by Russia-backed proxies, and numerous human rights violations and deaths of civilians in Ukraine.

#### SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine that began on February 24, 2022, for use in appropriate domestic, foreign, and international courts and tribunals prosecuting those responsible for such crimes;

(2) to help deter the commission of war crimes and other atrocities in Ukraine by publicizing to the maximum possible extent, including among Russian and other foreign military commanders and troops in Ukraine, efforts to identify and prosecute those responsible for the commission of war crimes during the full-scale Russian invasion of Ukraine that began on February 24, 2022; and

(3) to continue efforts to identify, deter, and pursue accountability for war crimes and other atrocities committed around the world and by other perpetrators, and to leverage international cooperation and best practices in this regard with respect to the current situation in Ukraine.

#### SEC. 4. REPORT ON UNITED STATES EFFORTS.

Not later than 90 days after the date of the enactment of this Act, and consistent with the protection of intelligence sources and methods, the President shall submit to the appropriate congressional committees a report, which may include a classified annex, describing in detail the following:

(1) United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, including a description of—

(A) the respective roles of various agencies, departments, and offices, and the inter-agency mechanism established for the coordination of such efforts;

(B) the types of information and evidence that are being collected, analyzed, and preserved to help identify those responsible for the commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022; and

(C) steps taken to coordinate with, and support the work of, allies, partners, international institutions and organizations, and nongovernmental organizations in such efforts.

(2) Media, public diplomacy, and information operations to make Russian military commanders, troops, political leaders and the Russian people aware of efforts to identify and prosecute those responsible for the