

Section by Section for H.R. _____
The Burma United through Rigorous Military Accountability (BURMA) Act of 2019

Section 1: Short Title

Act may be cited as the “BURMA Act of 2019”

Title I: Matters Relating to the Conflict in Burma

Section 101: Congressional Findings

Outlines the human rights abuses by Burmese military and security forces in Rakhine state after August 25, 2017, including gender-based violence, murder, burning homes and villages, and the exodus of over 740,000 Rohingya to Bangladesh. Notes the lack of civilian control over the military and security forces and the failure of Burma’s internal efforts to address the crisis and hold perpetrators accountable. Notes recommendations from the U.N. Independent International Fact-Finding Mission on Myanmar, including the need for a reputable court to evaluate evidence of “genocidal intent” in Rakhine State, probable “crimes against humanity” and “war crimes” by Burmese security forces against ethnic minorities in Kachin and Shan States; targeted economic sanctions; and an arms embargo on Myanmar. Describes the insufficient conditions for the voluntary and safe repatriation of the Rohingya. Notes extensive restrictions on the media and free speech through the imprisonment of journalists and activists.

Section 102: Statement of Policy

Outlines the policy of the United States to support a complete transition to democracy and genuine national reconciliation in Burma and to do so through calibrated engagement. Guiding principles of U.S. strategy include the promotion of constitutional reforms; development of a representative political system; accountability for human rights abuses against the Rohingya and other ethnic minorities; regularized free and fair elections; professional military, security, and police forces that operate under civilian control; and strengthening respect for and protection of human rights and religious freedom.

Section 103: Sense of Congress on Humanitarian Assistance, Freedom of Movement and Returnee Rights

Calls on the Burmese government to ensure safe and voluntary return of all those displaced from their homes in addition to fully implementing the recommendations of the Advisory Commission on Rakhine State. Calls on the government of Bangladesh to ensure the rights of refugees and that any relocation of refugees be consistent with international humanitarian principles. States that significant and sustained funding is necessary for assistance to all parties involved in helping the Rohingya.

Section 104: Sense of Congress on Press Freedom

Expresses the Sense of Congress that to promote freedom of the press in Burma, the government should reform laws that undermine press freedom, including the colonial-era under which authorities unjustly detained two Reuters journalists.

Section 105: Sense of Congress on Global Magnitsky Human Rights Accountability Act

Section by Section for H.R. _____
The Burma United through Rigorous Military Accountability (BURMA) Act of 2019

Expresses the Sense of Congress that the administration should use authorities under the Global Magnitsky Act to sanction persons in Burma for human rights abuses, significant corruption, etc.

Title II: Assistance and Sanctions with Respect to Burma

Section 201: Authorization for Humanitarian Assistance and Reconciliation

Authorizes \$220,500,000 to be appropriated for fiscal year 2020 for humanitarian assistance.

Section 202: Limitation on Security Assistance and Military and Security Sector Cooperation

Limits United States security assistance and military and security sector cooperation until the Department of State certifies that the Burmese government has held perpetrators accountable and ended impunity for human rights abuses. Includes a report to the appropriate congressional committees with an assessment of the progress the Burmese military has made in developing a framework for human rights, an update on settlement of armed conflicts, and an assessment of the Burmese's military's use of gender-based violence.

Section 203: Imposition of Sanctions with Respect to Certain Foreign Persons

Authorizes financial sanctions and visa restrictions for foreign persons determined by the President to have perpetrated, ordered or directed significant acts of violence or serious human rights abuses in Burma, as well as persons who have failed to investigate such abuses.

Title III: Governance of the Burmese Mining and Gemstone Sector

Section 301: Sense of Congress on the Burmese Mining Sector and the Importation of Burmese Gemstone or Minerals

Findings and Sense of Congress regarding the economic value of the Burmese mining sector, the corruption and exploitation of that sector by the Burmese military, and the efforts of the civilian government of Burma to reform the sector. Notes that U.S. companies have been interested in investing in this sector but have not done so due to reputational concerns. Sense of Congress that the Department of State or the United States Agency for International Development provide technical assistance to reform the gem industry.

Section 302: Responsibility and Transparency in the Mining Sector

Requires the Secretary of State to publish and maintain a list of all entities in Burma that meet the criteria outlined in the Myanmar Extractive Industries Transparency Initiative regarding beneficial ownership and other metrics related to transparency. Expresses a Sense of Congress that U.S. importers should seek to import from entities on this "white list."

Title IV: Accountability for Human Rights Abuses and Strategy for Economic Growth

Section by Section for H.R. _____
The Burma United through Rigorous Military Accountability (BURMA) Act of 2019

Section 401: Determination and Report on Accountability for War Crimes, Crimes against Humanity, and Genocide in Burma

The Secretary of State shall submit a report on credible reports of war crimes, crimes against humanity, genocide, and serious human rights abuses in Burma to the appropriate congressional committees within the first 90 days of the bill's enactment and make determinations regarding what has occurred. The report must include a description of efforts to prepare for a transitional justice process for the perpetrators.

Section 402: Strategy for Promoting Economic Development

State, Treasury, and USAID will submit a plan to appropriate congressional committees detailing a strategy to support sustainable, inclusive and broad-based economic development in Burma. The plan will also include increasing transparency disclosure requirements in key sectors to promote responsible investment.