

116TH CONGRESS  
1ST SESSION

# H. R. 3190

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## AN ACT

To authorize humanitarian assistance and impose sanctions with respect to human rights abuses in Burma, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Burma Unified through Rigorous Military Accountability  
 4 Act of 2019” or the “BURMA Act of 2019”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

- Sec. 101. Statement of policy.
- Sec. 102. Sense of Congress with respect to humanitarian assistance, freedom  
of movement, and rights of returnees.
- Sec. 103. Sense of Congress on freedoms of press and association.
- Sec. 104. Imposition of sanctions for the violation of human rights.

TITLE II—ASSISTANCE AND SANCTIONS WITH RESPECT TO  
BURMA

- Sec. 201. Authorization to provide humanitarian assistance.
- Sec. 202. Imposition of sanctions with respect to human rights abuses in  
Burma.

TITLE III—GOVERNANCE OF THE BURMESE MINING AND  
GEMSTONE SECTORS

- Sec. 301. Sense of Congress on the mining sector of Burma.
- Sec. 302. Guidance relating to responsibility and transparency in the mining  
sector of Burma.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES AND  
STRATEGY FOR ECONOMIC GROWTH

- 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.
- Sec. 403. Strategy for promoting economic development in Burma.

TITLE V—DETERMINATION OF BUDGETARY EFFECTS

- Sec. 501. Determination of budgetary effects.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Foreign Affairs, the  
5                   Committee on Financial Services, and the Com-  
6                   mittee on Armed Services of the House of Rep-  
7                   resentatives; and

8                   (B) the Committee on Foreign Relations,  
9                   the Committee on Banking, and the Committee  
10                  on Armed Services of the Senate.

11          (2) CRIMES AGAINST HUMANITY.—The term  
12          “crimes against humanity” includes, when com-  
13          mitted as part of a widespread or systematic attack  
14          directed against any civilian population, with knowl-  
15          edge of the attack—

16                   (A) murder;

17                   (B) deportation or forcible transfer of pop-  
18                  ulation;

19                   (C) torture;

20                   (D) extermination;

21                   (E) enslavement;

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

24                   (G) persecution against any identifiable  
25                  group or collectivity on political, racial, na-

1 tional, ethnic, cultural, religious, gender, or  
2 other grounds that are universally recognized as  
3 impermissible under international law; and

4 (H) enforced disappearance of persons.

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

8 (4) TRANSITIONAL JUSTICE.—The term “tran-  
9 sitional justice” means the range of judicial, non-  
10 judicial, formal, informal, retributive, and restorative  
11 measures employed by countries transitioning out of  
12 armed conflict or repressive regimes to redress leg-  
13 acies of atrocities and to promote long-term, sustain-  
14 able peace.

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

18 **SEC. 3. FINDINGS.**

19 Congress finds the following:

20 (1) On August 25, 2017, Burmese military and  
21 security forces violently and disproportionately re-  
22 sponded to an attack on security outposts, resulting  
23 in a mass exodus of Rohingya from the Rakhine  
24 State of Burma into Bangladesh, which the Inter-

1 national Organization of Migration called “unprece-  
2 dented in terms of volume and speed”.

3 (2) Between August 2017 and March 2019, in  
4 response to the violence perpetrated by the Burmese  
5 military and security forces, the United Nations esti-  
6 mates more than 740,000 Rohingya, approximately  
7 75 percent of whom are women and children, have  
8 fled to Bangladesh, fearing loss of life, livelihoods,  
9 and shelter. Rohingya have continued to flee Burma  
10 in significant numbers, including in 2019. According  
11 to the United Nations High Commissioner for Refu-  
12 gees, more than 1,400 Rohingya have arrived in  
13 Bangladesh since January 1, 2019.

14 (3) Even after the Burmese military scaled  
15 back attacks against Rohingya in late 2017, security  
16 forces continued to impose restrictions on the basic  
17 freedoms of Rohingya in Rakhine State, including on  
18 freedom of movement. In November 2017, Amnesty  
19 International determined that Rohingya remaining  
20 in Rakhine are “trapped in a vicious system of state-  
21 sponsored, institutionalized discrimination that  
22 amounts to apartheid”.

23 (4) Despite the steps taken toward democracy  
24 in Burma, there exists limited control by the civilian  
25 government over civilian agencies as well as military

1 and security forces that carried out the violence in  
2 Rakhine State. The military and security forces con-  
3 tinue to engage in grave human rights abuses  
4 against ethnic minorities throughout in the country.

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

10 (6) In a public address on October 12, 2017,  
11 State Counsellor Aung San Suu Kyi laid out the fol-  
12 lowing goals for the State of Rakhine:

13 (A) Repatriation of those who have crossed  
14 over to Bangladesh.

15 (B) Effective provision of humanitarian as-  
16 sistance.

17 (C) Resettlement of displaced populations.

18 (D) Economic development and durable  
19 peace.

20 (7) Due to restrictions enforced by the Rakhine  
21 State government and the national military and se-  
22 curity forces, there has been little progress made  
23 since that time and limited ability for the inter-  
24 national community to support, verify, or evaluate  
25 the Government of Burma's efforts. There are also

1 credible reports of Burmese military and security  
2 forces bulldozing numerous villages where violence  
3 occurred, thus destroying physical evidence, and in  
4 some cases, constructing new military installations  
5 on top of the bulldozed villages.

6 (8) On November 22, 2017, former Secretary of  
7 State Rex Tillerson stated that “After a careful and  
8 thorough analysis of available facts, it is clear that  
9 the situation in northern Rakhine state constitutes  
10 ethnic cleansing against the Rohingya. Those re-  
11 sponsible for these atrocities must be held account-  
12 able”. He also said the violence “has a number of  
13 characteristics of certainly crimes against human-  
14 ity”. Despite repeated requests from Members of  
15 Congress, as well as the result of its own investiga-  
16 tion (the executive summary of which was released  
17 on September 17, 2018), the Department has de-  
18 clined to make a determination if the atrocities in  
19 Rakhine State constitute genocide or crimes against  
20 humanity.

21 (9) On December 12, 2017, Wa Lone and  
22 Kyaw Soe Oo, two Reuters reporters covering the  
23 crisis in Rakhine State, were entrapped, arrested,  
24 and charged with violating the Official Secrets Act,  
25 continuing a trend of restricting media and free

1 speech and attempting to thwart coverage of the  
2 events in Rakhine State.

3 (10) Another barrier to the voluntary, safe, dig-  
4 nified and sustainable return of the Rohingya to  
5 Rakhine State is the refusal of the Government of  
6 Burma to reinstate the full citizenship of the  
7 Rohingya, as well as the Government's unwillingness  
8 to consider the repeal of or amendments to the Citi-  
9 zenship Act of 1982 that stripped the Rohingya of  
10 their full citizenship.

11 (11) During 2018, the ongoing conflict in  
12 Burma escalated in Kachin and Shan States, re-  
13 ignited in Karen (Kayin) State, and spread into  
14 Chin and Rakhine States. Along with the increase in  
15 fighting between Burma's security forces and several  
16 ethnic armed organizations, there was a rise in alle-  
17 gations of human rights abuses perpetrated by Bur-  
18 mese security forces in these conflict areas.

19 (12) In April 2018, thousands of civilians fled  
20 fighting between the military and ethnic armed  
21 groups in Kachin State, prompting peaceful dem-  
22 onstrations. In December 2018, three prominent ac-  
23 tivist in Kachin State, Lum Zawng, Nang Pu and  
24 Zau Jet were convicted and sentenced to 6 months  
25 imprisonment for defaming the military.

1           (13) On June 6, 2018, the United Nations Ref-  
2           ugee Agency and the United Nations Development  
3           Programme signed a tripartite Memorandum of Un-  
4           derstanding with Burma. The Office of the United  
5           Nations High Commissioner for Refugees and var-  
6           ious international human rights and international re-  
7           lief agencies agreed that conditions in Rakhine State  
8           are not sufficient for the voluntary, safe, dignified,  
9           and sustainable return of the Rohingya.

10           (14) The United Nations Independent Inter-  
11           national Fact-Finding Mission on Myanmar, the De-  
12           partment of State, and more than a dozen human  
13           rights organizations have reported and documented  
14           a campaign of violence perpetrated by the security  
15           forces of Burma, which indiscriminately fired on and  
16           killed civilians, raped women and girls, and arrested  
17           Rohingya men without any cause or charges. Sat-  
18           ellite images obtained by Amnesty International re-  
19           veal that, out of the approximately 470 villages in  
20           northern Rakhine State, nearly 300 were partially or  
21           completely destroyed by fire since August 25, 2017,  
22           most of which were completely or partially populated  
23           by Rohingya Muslims.

24           (15) In its report of September 17, 2018, the  
25           United Nations Independent International Fact-

1 Finding Mission on Myanmar determined that there  
2 was sufficient evidence of “genocidal intent” in the  
3 attacks against the Rohingya in Rakhine State, and  
4 probable “crimes against humanity” and “war  
5 crimes” in Burmese security forces assaults on eth-  
6 nic minorities in Kachin and Shan States. The Mis-  
7 sion recommended that the United Nations Security  
8 Council “should ensure accountability for crimes  
9 under international law committed in Myanmar,  
10 preferably by referring the situation to the Inter-  
11 national Criminal Court or alternatively by creating  
12 an ad hoc international criminal tribunal”. The Mis-  
13 sion also recommended the imposition of targeted  
14 economic sanctions, including an arms embargo on  
15 Burma.

16 (16) On September 3, 2018, Wa Lone and  
17 Kyaw Soe Oo were convicted and sentenced to seven  
18 years in prison and released as an act of Presi-  
19 dential amnesty on May 6, 2019, after over 500  
20 days in jail. Time Magazine included pictures the  
21 two reporters on the cover of its “Person of the  
22 Year” issue on December 10, 2018, as two of the  
23 “Guardians and the War on Truth”.

24 (17) According to the free-speech organization  
25 Athan, 44 journalists and 142 activists have faced

1 trial since 2016 charged with colonial-era laws used  
2 to stifle dissent, while tightening restrictions on ac-  
3 tivist groups.

4 (18) On September 28, 2018, the United Na-  
5 tions Human Rights Council passed a resolution  
6 that calls for an independent mechanism to collect  
7 and analyze evidence in regard to the serious inter-  
8 national crimes committed in Burma against  
9 Rohingya Muslims and other minorities since 2011.  
10 The resolution requests that the independent mecha-  
11 nism “prepare files in order to facilitate and expe-  
12 dite fair and independent criminal proceedings, in  
13 accordance with international law standards, in na-  
14 tional, regional or international courts or tribunals  
15 that have or may in the future have jurisdiction over  
16 these crimes”.

17 (19) On November 15, 2018, the Government  
18 of Bangladesh and the Government of Burma aban-  
19 doned plans to return more than 2,000 Rohingya to  
20 Rakhine State after it was determined that none  
21 were willing to voluntarily return given the current  
22 conditions in Rakhine State, as well as the Govern-  
23 ment of Burma’s failure to ensure the returnees’  
24 safety, dignity, or sustainability of their livelihoods.

1           (20) A December 2018 report by the Public  
2 Law Interest & Policy group noted that “the de-  
3 struction of their villages, crops, and virtually all in-  
4 frastructure clearly points to a strategy of ensuring  
5 the Rohingya’s permanent removal. The mass  
6 killings and accompanying brutality, including  
7 against children, women, pregnant women, the elder-  
8 ly, and those crossing the border to Bangladesh fur-  
9 ther suggest, however, that, at least in the minds of  
10 some perpetrators, the goal was not only to expel,  
11 but also to exterminate the Rohingya \* \* \*” and  
12 that “there are reasonable grounds to believe that  
13 crimes against humanity, genocide, and war crimes  
14 have been committed against the Rohingya in  
15 Myanmar’s northern Rakhine State”.

16           (21) Despite substantial evidence of widespread  
17 and systematic atrocities committed by Burmese se-  
18 curity forces in Rakhine State, State Counselor  
19 Aung San Suu Kyi and Burma’s Commander-in-  
20 Chief Senior General Min Aung Hlaing continue to  
21 maintain that no such widespread and systematic  
22 atrocities occurred.

23           (22) On December 13, 2018, the United States  
24 House of Representatives passed House Resolution  
25 1091 (115th Congress) which expressed the sense of

1 the House that “the atrocities committed against the  
2 Rohingya by the Burmese military and security  
3 forces since August 2017 constitute crimes against  
4 humanity and genocide” and called upon the Sec-  
5 retary of State to review the available evidence and  
6 make a similar determination.

7 (23) On December 19, 2018, the United Na-  
8 tions Humanitarian Coordinator requested  
9 \$202,000,000 for the 2019 Humanitarian Response  
10 Plan for Burma.

11 (24) The 2019 Joint Response Plan for the  
12 Rohingya Humanitarian Crisis asks the inter-  
13 national community to provide \$20,500,000 in as-  
14 sistance to meet needs in Bangladesh.

15 (25) On May 14, 2019, the United Nations  
16 Fact-Finding Mission on Myanmar urged all coun-  
17 tries to cut off economic ties to Burma’s military-  
18 owned businesses, stating “\* \* \* due to the gravity  
19 of past and continuing violations, attention must be  
20 given to the political, economic and financial ties of  
21 the Myanmar military \* \* \* so we can cut off the  
22 money supply as a means of increasing pressure and  
23 reducing the violence.”.

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

3     **SEC. 101. STATEMENT OF POLICY.**

4         It is the policy of the United States as follows:

5             (1) To support a complete transition to democ-  
6             racy and genuine national reconciliation in Burma,  
7             including accountability for the atrocities committed  
8             by the Burmese military against the Rohingya popu-  
9             lation and other ethnic minorities throughout the  
10            country.

11            (2) To pursue a United States strategy of cali-  
12            brated engagement, which is essential to support the  
13            establishment of a peaceful, prosperous, and demo-  
14            cratic Burma that includes respect for the human  
15            rights of all its people regardless of ethnicity and re-  
16            ligion.

17            (3) To ensure that the guiding principles of  
18            such a strategy include—

19                 (A) supporting legal reforms, removing re-  
20                 maining restrictions on civil and political rights,  
21                 and ensuring civilian governance, including re-  
22                 forms to the current constitutional provision re-  
23                 serving 25 percent of parliamentary seats for  
24                 appointments by the military, which provides

1 the military with veto power over constitutional  
2 amendments;

3 (B) establishing a fully democratic, plural-  
4 istic, and representative political system that in-  
5 cludes free, fair, and democratic elections in  
6 which all people of Burma can vote;

7 (C) promoting national reconciliation and  
8 the conclusion of a nationwide cease-fire agree-  
9 ment, including the development of a political  
10 system that is inclusive of ethnic Rohingya,  
11 Shan, Kachin, Chin, Karen, and other ethnic  
12 groups, measures to address natural resource  
13 governance, revenue-sharing, land rights, and  
14 constitutional change enabling inclusive peace;

15 (D) ensuring accountability through inde-  
16 pendent international investigations of genocide,  
17 war crimes, and crimes against humanity, in-  
18 cluding sexual and gender-based violence, per-  
19 petrated against the Rohingya and other ethnic  
20 minorities by the military and security forces of  
21 Burma, violent extremist groups and other com-  
22 batants involved in the conflict;

23 (E) strengthening Burma's civilian govern-  
24 mental institutions, including support for great-  
25 er transparency and accountability;

1           (F) encouraging the establishment of pro-  
2           fessional military, security, and police forces  
3           that operate under civilian control and are held  
4           accountable for human rights abuses, corrup-  
5           tion, or other abuses of power;

6           (G) combating corruption and illegal eco-  
7           nomic activity, including that which involves the  
8           military and its close allies;

9           (H) empowering local communities, civil  
10          society, and independent media;

11          (I) encouraging the provision of full citi-  
12          zenship for the Rohingya population in Burma,  
13          as well as durable solutions for those displaced  
14          in Bangladesh;

15          (J) promoting responsible international  
16          and regional engagement;

17          (K) strengthening respect for and protec-  
18          tion of human rights and religious freedom; and

19          (L) promoting broad-based, inclusive eco-  
20          nomic development and fostering healthy and  
21          resilient communities.

1 **SEC. 102. SENSE OF CONGRESS WITH RESPECT TO HUMANI-**  
2 **TARIAN ASSISTANCE, FREEDOM OF MOVE-**  
3 **MENT, AND RIGHTS OF RETURNEES.**

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

6 (1) significant and sustained international fund-  
7 ing, from both public and private sources, is nec-  
8 essary to address the medium- and long-term im-  
9 pacts of the crisis in Burma and the impact of the  
10 crisis on Bangladesh; and

11 (2) the United States should make resolving the  
12 Rohingya crisis one of its top priorities in its en-  
13 gagement with regional institutions, such as the As-  
14 sociation of Southeast Asian Nations.

15 (b) RESTORATION OF HUMANITARIAN ACCESS AND  
16 ACCOUNTABILITY IN RAKHINE STATE.—Congress calls on  
17 the Government of Burma, including the Burmese military  
18 and security forces, to ensure full and secure humani-  
19 tarian access to the State of Rakhine and to cooperate  
20 with the ongoing international mechanism set up by the  
21 United Nations Human Rights Council in September  
22 2018 and funded by the United Nations General Assembly  
23 to gather evidence and other information pertaining to al-  
24 legations of crimes against humanity and genocide com-  
25 mitted in Burma.

1 (c) RIGHTS OF REFUGEES, INTERNALLY DISPLACED  
2 PERSONS, AND RETURNEES.—

3 (1) BURMA.—Congress calls on the Government  
4 of Burma to—

5 (A) ensure that Rohinyga in Burma have  
6 freedom of movement;

7 (B) create conditions for return of those  
8 displaced from their homes and implement the  
9 recommendations of the Advisory Commission  
10 on Rakhine State, which includes full and equal  
11 citizenship;

12 (C) work closely with the international  
13 community, including the United Nations High  
14 Commissioner for Refugees, to ensure the dig-  
15 nified, safe, sustainable and voluntary return of  
16 all those displaced from their homes, especially  
17 from Rakhine State, without an unduly high  
18 burden of proof; and

19 (D) offer compensation or restitution to  
20 those refugees who do not want to return to  
21 their homes.

22 (2) BANGLADESH.—Congress calls on the Gov-  
23 ernment of Bangladesh to—

24 (A) ensure that the rights of refugees are  
25 protected, including through allowing them to

1 build more permanent shelters, and ensuring  
2 equal access to healthcare, basic services, edu-  
3 cation and work;

4 (B) work closely with the international  
5 community, including the United Nations High  
6 Commissioner for Refugees, to ensure that any  
7 repatriation or resettlement of refugees be dig-  
8 nified, safe, sustainable and voluntary; and

9 (C) ensure that any relocation or local in-  
10 tegration of refugees in Bangladesh be con-  
11 sistent with international humanitarian prin-  
12 ciples, including freedom of movement, and im-  
13 plemented only through voluntary, fully in-  
14 formed consent.

15 **SEC. 103. SENSE OF CONGRESS ON FREEDOMS OF PRESS**  
16 **AND ASSOCIATION.**

17 It is the sense of Congress that, in order to promote  
18 the freedom of the press and speech, the Government of  
19 Burma should undertake serious legal reforms including  
20 reform of the Official Secrets Act, 1923, the Unlawful As-  
21 sociation Act, 1908, and the Penal Code.

22 **SEC. 104. IMPOSITION OF SANCTIONS FOR THE VIOLATION**  
23 **OF HUMAN RIGHTS.**

24 The President shall impose sanctions—

1           (1) against officials in Burma, including Com-  
2           mander in Chief of the Armed Forces of Myanmar  
3           Min Aung Hlaing, under the Global Magnitsky  
4           Human Rights Accountability Act (22 U.S.C. 2656  
5           note); and

6           (2) against military-owned enterprises, includ-  
7           ing the Myanmar Economic Corporation and Union  
8           of Myanmar Economic Holding, under the Burmese  
9           Freedom and Democracy Act (50 U.S.C. 1701 note),  
10          the Tom Lantos Block Burmese JADE (Junta’s  
11          Anti-Democratic Efforts) Act of 2008 (50 U.S.C.  
12          1701 note), and other relevant statutory authorities.

13       **TITLE        II—ASSISTANCE        AND**  
14       **SANCTIONS       WITH       RESPECT**  
15       **TO BURMA**

16       **SEC. 201. AUTHORIZATION TO PROVIDE HUMANITARIAN AS-**  
17       **SISTANCE.**

18          There is authorized to be appropriated \$220,500,000  
19       for fiscal year 2020 to provide humanitarian assistance  
20       for Burma, Bangladesh, and the surrounding region, in-  
21       cluding for the following purposes:

22           (1) Assisting the victims of the Burmese mili-  
23           tary’s crimes against humanity targeting Rohingya  
24           and other ethnic minorities in Rakhine, Kachin, and

1 Shan States, including those displaced in Burma,  
2 Bangladesh, Thailand, and the surrounding region.

3 (2) Supporting voluntary resettlement or repa-  
4 triation of such displaced persons in Burma, upon  
5 the conclusion of genuine agreements developed and  
6 negotiated with the involvement and consultation of  
7 such displaced persons.

8 (3) Assistance to promote ethnic and religious  
9 tolerance, combat gender-based violence, and support  
10 victims of violence and destruction in Rakhine,  
11 Kachin, and Shan States.

12 (4) Supporting programs to investigate and  
13 document allegations of war crimes, crimes against  
14 humanity, and genocide committed in Burma, in-  
15 cluding gender-based violence.

16 (5) Supporting access to education for children  
17 currently living in refugee camps in the surrounding  
18 region, and access to higher education in Ban-  
19 gladesh.

20 (6) Assisting minority ethnic groups and civil  
21 society in Burma to help sustain cease-fire agree-  
22 ments and further prospects for reconciliation and  
23 sustainable peace.

24 (7) Promoting ethnic minority inclusion and  
25 participation in Burma's political processes.

1 **SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
2 **HUMAN RIGHTS ABUSES IN BURMA.**

3 (a) IN GENERAL.—For the 8-year period beginning  
4 on the date that is 270 days after the date of the enact-  
5 ment of this Act, the President shall impose the sanctions  
6 described in subsection (b) with respect to each foreign  
7 person that the President determines, based on credible  
8 evidence—

9 (1) is a current or former senior official of the  
10 military or security forces of Burma who—

11 (A) knowingly perpetrated, ordered, or oth-  
12 erwise directed serious human rights abuses in  
13 Burma; or

14 (B) has taken significant steps to impede  
15 investigations or prosecutions of alleged serious  
16 human rights abuses, including against the  
17 Rohingya community in Rakhine State;

18 (2) is an entity owned or controlled by any per-  
19 son described in paragraph (1);

20 (3) is an entity, such as the Myanmar Eco-  
21 nomic Cooperation or the Myanmar Economic Hold-  
22 ing Corporation, that is owned or controlled, directly  
23 or indirectly, by the military or security forces of  
24 Burma, including through collective or cooperative  
25 structures, from which one or more persons de-

1 scribed in paragraph (1) derive significant revenue  
2 or financial benefit; or

3 (4) has knowingly—

4 (A) provided significant financial, material,  
5 or technological support—

6 (i) to a foreign person described in  
7 paragraph (1) in furtherance of any of the  
8 acts described in subparagraph (A) or (B)  
9 of such paragraph; or

10 (ii) to any entity owned or controlled  
11 by such person or an immediate family  
12 member of such person; or

13 (B) received significant financial, material,  
14 or technological support from a foreign person  
15 described in paragraph (1) or an entity owned  
16 or controlled by such person or an immediate  
17 family member of such person.

18 (b) SANCTIONS DESCRIBED; EXCEPTIONS.—

19 (1) SANCTIONS.—The sanctions described in  
20 this subsection are the following:

21 (A) ASSET BLOCKING.—Notwithstanding  
22 the requirements of section 202 of the Inter-  
23 national Emergency Economic Powers Act (50  
24 U.S.C. 1701), the exercise of all powers granted  
25 to the President by such Act to the extent nec-

1           essary to block and prohibit all transactions in  
2           all property and interests in property of a for-  
3           eign person the President determines meets one  
4           or more of the criteria described in subsection  
5           (a) if such property and interests in property  
6           are in the United States, come within the  
7           United States, or are or come within the pos-  
8           session or control of a United States person.

9                   (B) ALIENS INADMISSIBLE FOR VISAS, AD-  
10                  MISSION, OR PAROLE.—

11                   (i) VISAS, ADMISSION, OR PAROLE.—A  
12                  foreign person described in subsection (a)  
13                  is—

14                   (I) inadmissible to the United  
15                  States;

16                   (II) ineligible to receive a visa or  
17                  other documentation to enter the  
18                  United States; and

19                   (III) otherwise ineligible to be  
20                  admitted or paroled into the United  
21                  States or to receive any other benefit  
22                  under the Immigration and Nation-  
23                  ality Act (8 U.S.C. 1101 et seq.).

1 (ii) CURRENT VISAS REVOKED.—A  
2 foreign person described in subsection (a)  
3 is subject to the following:

4 (I) Revocation of any visa or  
5 other entry documentation regardless  
6 of when the visa or other entry docu-  
7 mentation is or was issued.

8 (II) A revocation under subclause  
9 (I) shall—

10 (aa) take effect immediately;

11 and

12 (bb) automatically cancel  
13 any other valid visa or entry docu-  
14 mentation that is in the foreign  
15 person's possession.

16 (2) EXCEPTION TO COMPLY WITH UNITED NA-  
17 TIONS HEADQUARTERS AGREEMENT.—Sanctions  
18 under paragraph (1)(B) shall not apply with respect  
19 to an alien if admitting or paroling the alien into the  
20 United States is necessary to permit the United  
21 States to comply with the Agreement regarding the  
22 Headquarters of the United Nations, signed at Lake  
23 Success June 26, 1947, and entered into force No-  
24 vember 21, 1947, between the United Nations and

1 the United States, or other applicable international  
2 obligations.

3 (c) PENALTIES.—Any person that violates, attempts  
4 to violate, conspires to violate, or causes a violation of this  
5 section or any regulation, license, or order issued to carry  
6 out subsection (b) shall be subject to the penalties set  
7 forth in subsections (b) and (c) of section 206 of the Inter-  
8 national Emergency Economic Powers Act (50 U.S.C.  
9 1705) to the same extent as a person that commits an  
10 unlawful act described in subsection (a) of that section.

11 (d) IMPLEMENTATION.—The President may exercise  
12 all authorities provided under sections 203 and 205 of the  
13 International Emergency Economic Powers Act (50  
14 U.S.C. 1702 and 1704) to carry out this section and shall  
15 issue such regulations, licenses, and orders as are nec-  
16 essary to carry out this section.

17 (e) EXCEPTION RELATING TO THE IMPORTATION OF  
18 GOODS.—

19 (1) IN GENERAL.—The authorities and require-  
20 ments to impose sanctions authorized under this Act  
21 shall not include the authority or requirement to im-  
22 pose sanctions on the importation of goods.

23 (2) GOOD DEFINED.—In this subsection, the  
24 term “good” means any article, natural or man-  
25 made substance, material, supply or manufactured

1 product, including inspection and test equipment,  
2 and excluding technical data.

3 (f) WAIVER.—The President may annually waive the  
4 application of sanctions imposed on a foreign person pur-  
5 suant to subsection (a) if the President—

6 (1) determines that a waiver with respect to  
7 such foreign person is in the national interest of the  
8 United States; and

9 (2) not later than the date on which such waiv-  
10 er will take effect, submits to the following commit-  
11 tees notice of and justification for such waiver:

12 (A) The Committee on Foreign Affairs, the  
13 Committee on Appropriations, and the Com-  
14 mittee on Financial Services of the House of  
15 Representatives.

16 (B) The Committee on Foreign Relations,  
17 the Committee on Appropriations, and the  
18 Committee on Banking, Housing, and Urban  
19 Affairs of the Senate.

20 (g) DEFINITIONS.—In this section—

21 (1) ADMITTED; ALIEN.—The terms “admitted”  
22 and “alien” have the meanings given those terms in  
23 section 101 of the Immigration and Nationality Act  
24 (8 U.S.C. 1001).

1           (2) FOREIGN PERSON.—The term “foreign per-  
2           son” means a person that is not a United States  
3           person.

4           (3) KNOWINGLY.—The term “knowingly”  
5           means, with respect to conduct, a circumstance, or  
6           a result, means that a person has actual knowledge,  
7           or should have known, of the conduct, the cir-  
8           cumstance, or the result.

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

11                 (A) a United States citizen, an alien law-  
12                 fully admitted for permanent residence to the  
13                 United States, or any other individual subject  
14                 to the jurisdiction of the United States; or

15                 (B) an entity organized under the laws of  
16                 the United States or of any jurisdiction within  
17                 the United States, including a foreign branch of  
18                 such entity.

19         **TITLE III—GOVERNANCE OF THE**  
20                 **BURMESE MINING AND GEM-**  
21                 **STONE SECTORS**

22         **SEC. 301. SENSE OF CONGRESS ON THE MINING SECTOR OF**  
23                 **BURMA.**

24                 (a) FINDINGS.—Congress finds the following:

1           (1) In 2015, the nongovernmental organization  
2           Global Witness estimated that the value of total pro-  
3           duction of jade in Burma in 2014 was  
4           \$31,000,000,000, almost 48 percent of the official  
5           gross domestic product of Burma. As much as 80  
6           percent of that jade sold is smuggled out of Burma.

7           (2) Burma's military and associated entities, in-  
8           cluding companies owned or controlled by Myanmar  
9           Economic Corporation and Myanmar Economic  
10          Holding Limited, their affiliated companies, and  
11          companies owned or controlled by current and  
12          former senior military officers or their family mem-  
13          bers, are linked to the mining sector, including the  
14          gemstone industry, and benefit financially from  
15          widespread illegal smuggling of jade and rubies from  
16          Burma.

17          (3) Illegal trafficking in precious and  
18          semiprecious stones from Burma, including the trade  
19          in high-value jade and rubies, deprives the people of  
20          Burma and the civilian government of critical rev-  
21          enue and instead benefits military-linked entities,  
22          non-state armed groups, and transnational organized  
23          criminal networks.

1           (4) In 2016, the Government of Burma began  
2 to take steps to reform aspects of the mining sector,  
3 including—

4           (A) improving governance in the gemstone  
5 industry, by temporarily suspending the  
6 issuance or renewal of jade and gemstone min-  
7 ing permits;

8           (B) commissioning an environmental man-  
9 agement plan for some mining areas; and

10          (C) establishing the multi-stakeholder Jade  
11 and Gemstone Support Committee under the  
12 Ministry of Natural Resources and Environ-  
13 mental Conservation to develop recommenda-  
14 tions for a new industry-wide policy and limited  
15 gemstone payment disclosures under the  
16 Myanmar Extractives Industry Transparency  
17 Initiative.

18          (5) In January 2019, the Government of  
19 Burma adopted a new Gemstone Law that does not  
20 adequately address corruption and tax avoidance,  
21 conflicts of interest, or the factors fueling conflict in  
22 Kachin State and other gemstone mining areas.

23          (6) The lifting in October 2016 of United  
24 States sanctions on the importation of jade and  
25 jadeite and rubies from Burma allowed such

1 gemstones to legally enter the United States market,  
2 but some retailers have refrained from sourcing  
3 gemstones of Burmese origin due to governance and  
4 reputational concerns.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that—

7 (1) notwithstanding Burma’s “Trafficking in  
8 Persons” ranking, the President should continue to  
9 provide assistance to Burma, pursuant to the waiver  
10 authority under section 110(d)(4) of the Trafficking  
11 Victims Protection Act of 2000 (22 U.S.C.  
12 7107(d)(4)), in order to re-engage with the Govern-  
13 ment of Burma with respect to the mining sector  
14 and should make available technical, capacity-build-  
15 ing and other assistance through the Department of  
16 State or the United States Agency for International  
17 Development to support the Government of Burma  
18 in efforts to reform the gemstone industry; and

19 (2) companies that seek to import to the United  
20 States gemstones or minerals that may be of Bur-  
21 mese origin or articles of jewelry containing such  
22 gemstones should—

23 (A) obtain such materials exclusively from  
24 entities that satisfy the transparency criteria  
25 described in section section 302(b)(2) or from

1 third parties that can demonstrate that they  
2 sourced the materials from entities that meet  
3 such criteria; and

4 (B) undertake robust due diligence proce-  
5 dures in line with the “Due Diligence Guidance  
6 for Responsible Business Conduct” and “Due  
7 Diligence Guidance for Responsible Supply  
8 Chains of Minerals from Conflict-Affected and  
9 High-Risk Areas” promulgated by the Organi-  
10 zation for Economic Cooperation and Develop-  
11 ment.

12 **SEC. 302. GUIDANCE RELATING TO RESPONSIBILITY AND**  
13 **TRANSPARENCY IN THE MINING SECTOR OF**  
14 **BURMA.**

15 (a) LIST OF PARTICIPATING WHITE-LIST ENTI-  
16 TIES.—Not later than 120 days after the date of the en-  
17 actment of this Act, and annually thereafter until the date  
18 described in subsection (e), the Secretary of State shall  
19 submit to the appropriate congressional committees, and  
20 publish on a publicly available website, a list of each entity  
21 described in subsection (b)(1) that—

22 (1) participates in Burma’s mining sector;

23 (2) publicly discloses beneficial ownership, as  
24 such term is defined for purposes of the Myanmar

1 Extractive Industry Transparency Initiative  
2 (“Myanmar EITI”);

3 (3) is not owned or controlled, either directly or  
4 indirectly, by the Burmese military or security  
5 forces, any current or former senior Burmese mili-  
6 tary officer, or any person sanctioned by the United  
7 States pursuant to any relevant sanctions authority;  
8 and

9 (4) is making significant progress toward meet-  
10 ing the criteria described in subsection (b)(2).

11 (b) ENTITIES AND CRITERIA DESCRIBED.—

12 (1) ENTITIES DESCRIBED.—The entities de-  
13 scribed in this subsection are the following:

14 (A) Entities that produce or process pre-  
15 cious and semiprecious gemstones.

16 (B) Entities that sell or export precious  
17 and semiprecious gemstones from Burma or ar-  
18 ticles of jewelry containing such gemstones.

19 (2) CRITERIA DESCRIBED.—The criteria de-  
20 scribed in this subsection are the following:

21 (A) The entity publicly discloses any politi-  
22 cally exposed persons, officers, directors or ben-  
23 efiticial owners, as defined under the Myanmar  
24 EITI.

1           (B) The entity publicly discloses valid au-  
2           thorization, license, or permit to produce, proc-  
3           ess, sell, or export minerals or gemstones, as  
4           applicable.

5           (C) The entity publicly discloses payments  
6           to the Government of Burma, including tax and  
7           non-tax, license, or royalty payments, and other  
8           payments or contract terms as may be required  
9           under Myanmar EITI standards.

10          (D) The entity undertakes due diligence, in  
11          line with the OECD Due Diligence Guidance  
12          for Responsible Supply Chains of Minerals from  
13          Conflict-Affected and High-Risk Areas, includ-  
14          ing public reporting.

15          (e) PERIODIC UPDATING.—The Secretary shall peri-  
16          odically update the publicly available version of the list de-  
17          scribed in subsection (a) as appropriate.

18          (d) GUIDANCE AND WHITE-LIST ENTITIES.—The  
19          Secretary shall issue guidance for entities in the United  
20          States private sector with respect to the best practices for  
21          supply-chain due diligence that are applicable to importa-  
22          tion of gemstones or minerals that may be of Burmese  
23          origin or articles of jewelry containing such gemstones, in-  
24          cluding with respect to transactions with entities approved  
25          for inclusion in the list published pursuant subsection (a),

1 in order to mitigate potential risks and legal liabilities as-  
2 sociated with the importation of such items.

3 (e) TERMINATION.—The date described in this sec-  
4 tion is the date on which the President certifies to the  
5 appropriate congressional committees that the Govern-  
6 ment of Burma has taken substantial measures to reform  
7 the mining sector in Burma, including the following:

8 (1) Require the mandatory disclosure of pay-  
9 ments, permit and license allocations, project reve-  
10 nues, contracts, and beneficial ownership, including  
11 the identification any politically exposed persons who  
12 are beneficial owners, consistent with the approach  
13 agreed under the Myanmar EITI and with due re-  
14 gard for civil society participation.

15 (2) Separate the commercial, regulatory, and  
16 revenue collection responsibilities within the  
17 Myanmar Gems Enterprise and other key state-  
18 owned enterprises to remove existing conflicts of in-  
19 terest.

20 (3) Monitor and undertake enforcement actions,  
21 as warranted, to ensure that entities—

22 (A) adhere to environmental and social im-  
23 pact assessment and management standards in  
24 accordance with international responsible min-  
25 ing practices, the country's environmental con-

1           servation law, and other applicable laws and  
2           regulations; and

3                   (B) uphold occupational health and safety  
4           standards and codes of conduct that are aligned  
5           with the core labor standards of the Inter-  
6           national Labour Organisation and with domes-  
7           tic law.

8           (4) Address the transparent and fair distribu-  
9           tion of benefits from natural resources, including  
10          through local benefit-sharing.

11          (5) Reform the process for valuation of  
12          gemstones at the mine-site, including developing an  
13          independent valuation system to prevent undervalu-  
14          ation and tax evasion.

15          (6) Require companies bidding for jade and  
16          ruby mining, finishing, or export permits to be inde-  
17          pendently audited upon the request of the Govern-  
18          ment of Burma and making the results of all such  
19          audits public.

20          (7) Establish credible and transparent proce-  
21          dures for permit allocations that are independent  
22          from external influence, including scrutiny of appli-  
23          cants that prevents unscrupulous entities from gain-  
24          ing access to concessions or the right to trade in  
25          minerals or gemstones.

1           (8) Establish effective oversight of state-owned  
2 enterprises operating in such sector, including  
3 through parliamentary oversight or requirements for  
4 independent financial auditing.

5 **TITLE           IV—ACCOUNTABILITY**  
6 **FOR HUMAN RIGHTS ABUSES**  
7 **AND STRATEGY FOR ECO-**  
8 **NOMIC GROWTH**

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

12           (a) IN GENERAL.—Not later than 90 days after the  
13 date of the enactment of this Act, the Secretary of State  
14 shall submit to the appropriate congressional committees  
15 a report that—

16           (1) summarizes credible reports of serious  
17 human rights violations, including war crimes, com-  
18 mitted against the Rohingya or other ethnic minori-  
19 ties in Burma between 2012 and the date of the  
20 submission of the report;

21           (2) describes any potential transitional justice  
22 mechanisms in Burma;

23           (3) provides an analysis of whether the serious  
24 human rights violations summarized pursuant to

1 paragraph (1) amount to war crimes, crimes against  
2 humanity, or genocide; and

3 (4) includes a determination of the Secretary  
4 whether—

5 (A) the events that took place in the state  
6 of Rakhine in Burma, starting on August 25,  
7 2017, constitute war crimes, crimes against hu-  
8 manity, or genocide; or

9 (B) the situation faced by the Rohingya in  
10 Rakhine State, between 2012 and the date of  
11 the submission of the report, amounts to or has  
12 amounted to the crime of apartheid.

13 (b) ELEMENTS.—The report required by subsection  
14 (a) shall also include each of the following:

15 (1) A description of—

16 (A) each incident for which there is cred-  
17 ible evidence that the incident may constitute  
18 war crimes, crimes against humanity, or geno-  
19 cide committed by the Burmese military or se-  
20 curity forces against the Rohingya and other  
21 ethnic minorities, including the identities of any  
22 other actors involved in such incident;

23 (B) the role of the civilian government in  
24 the commission of any such incidents;

1           (C) each incident for which there is cred-  
2           ible evidence that the incident may constitute  
3           war crime, crimes against humanity, or geno-  
4           cide committed by violent extremist groups in  
5           Burma;

6           (D) each attack on health workers, health  
7           facilities, health transport, or patients and, to  
8           the extent possible, the identities of any individ-  
9           uals who engaged in or organized such incidents  
10          in Burma; and

11          (E) to the extent possible, a description of  
12          the conventional and unconventional weapons  
13          used for any such crimes and the sources of  
14          such weapons.

15          (2) A description and assessment, in consulta-  
16          tion with the Administrator of the United States  
17          Agency for International Development, the Attorney  
18          General, and other heads of any other appropriate  
19          Federal departments or agencies, of the effectiveness  
20          of any programs that the United States has already  
21          undertaken to ensure accountability for war crimes,  
22          crimes against humanity, and genocide perpetrated  
23          against the Rohingya by the military and security  
24          forces of Burma, the Rakhine State government,  
25          pro-government militias, and all other armed groups

1 operating fighting in Rakhine, including programs  
2 to—

3 (A) train civilian investigators within and  
4 outside of Burma and Bangladesh on how to  
5 document, investigate, develop findings of, iden-  
6 tify, and locate alleged perpetrators of war  
7 crimes, crimes against humanity, or genocide in  
8 Burma;

9 (B) promote and prepare for a transitional  
10 justice process or processes for the perpetrators  
11 of war crimes, crimes against humanity, and  
12 genocide occurring in the State of Rakhine in  
13 2017; and

14 (C) document, collect, preserve, and pro-  
15 tect evidence of war crimes, crimes against hu-  
16 manity, and genocide in Burma, including by  
17 providing support for Burmese, Bangladeshi,  
18 foreign, and international nongovernmental or-  
19 ganizations, the United Nations Human Rights  
20 Council's investigative team, and other entities  
21 engaged in such investigative activities.

22 (3) A detailed study of the feasibility and desir-  
23 ability of potential transitional justice mechanisms  
24 for Burma, such as an international tribunal, a hy-

1       brid tribunal, or other international options, that in-  
2       cludes—

3               (A) a discussion of the use of universal ju-  
4               risdiction or of legal cases brought against the  
5               country of Burma by other sovereign countries  
6               at the International Court of Justice to address  
7               war crimes, crimes against humanity, and geno-  
8               cide perpetrated in Burma;

9               (B) recommendations on which transitional  
10              justice mechanisms the United States should  
11              support, why such mechanisms should be sup-  
12              ported, and what type of support should be of-  
13              fered; and

14              (C) close consultation regarding transi-  
15              tional justice mechanisms with Rohingya rep-  
16              resentatives and those of other ethnic minorities  
17              who have suffered grave human rights abuses.

18       (c) PROTECTION OF WITNESSES AND EVIDENCE.—  
19       The Secretary of State shall ensure that the identification  
20       of witnesses and physical evidence for purposes of the re-  
21       port required by subsection (a) are not publicly disclosed  
22       in a manner that might place such persons at risk of harm  
23       or encourage the destruction of such evidence by the mili-  
24       tary or Government of Burma.

1 (d) CRIME OF APARTHEID.—In this section, the term  
2 “crime of apartheid” means inhumane acts that—

3 (1) are of a character similar to the acts re-  
4 ferred to in subparagraphs (A) through (H) of sec-  
5 tion 2(2);

6 (2) are committed in the context of an institu-  
7 tionalized regime of systematic oppression and domi-  
8 nation by one racial group over any other racial  
9 group; and

10 (3) are committed with the intention of main-  
11 taining such regime.

12 **SEC. 402. AUTHORIZATION TO PROVIDE TECHNICAL AS-**  
13 **SISTANCE FOR EFFORTS AGAINST HUMAN**  
14 **RIGHTS ABUSES.**

15 (a) IN GENERAL.—The Secretary of State is author-  
16 ized to provide assistance to support appropriate civilian  
17 or international entities that are undertaking the efforts  
18 described in subsection (b) with respect to war crimes,  
19 crimes against humanity, and genocide perpetrated by the  
20 military and security forces of Burma, the Rakhine State  
21 government, pro-government militias, or any other armed  
22 groups fighting in Rakhine State.

23 (b) EFFORTS AGAINST HUMAN RIGHTS ABUSES.—  
24 The efforts described in this subsection are the following:

1           (1) Identifying suspected perpetrators of war  
2 crimes, crimes against humanity, and genocide.

3           (2) Collecting, documenting, and protecting evi-  
4 dence of such crimes and preserve the chain of cus-  
5 tody for such evidence.

6           (3) Conducting criminal investigations.

7           (4) Supporting investigations conducted by  
8 other countries, as appropriate.

9           (c) **AUTHORIZATION FOR TRANSITIONAL JUSTICE**  
10 **MECHANISMS.**—The Secretary of State, taking into ac-  
11 count any relevant findings in the report required by sec-  
12 tion 401(a), is authorized to provide support for the cre-  
13 ation and operation of transitional justice mechanisms, in-  
14 cluding a potential hybrid tribunal, to prosecute individ-  
15 uals suspected of committing war crimes, crimes against  
16 humanity, or genocide in Burma.

17 **SEC. 403. STRATEGY FOR PROMOTING ECONOMIC DEVEL-**  
18 **OPMENT IN BURMA.**

19           (a) **IN GENERAL.**—Not later than 180 days after the  
20 date of the enactment of this Act, the Secretary of State,  
21 the Secretary of the Treasury, and the Administrator of  
22 the United States Agency for International Development  
23 shall jointly submit to the appropriate congressional com-  
24 mittees a strategy to support sustainable, inclusive and  
25 broad-based economic development in Burma, in accord-

1 ance with the priorities of disadvantaged communities in  
2 Burma and in consultation with relevant civil society and  
3 local stakeholders, to improve economic conditions and  
4 government transparency.

5 (b) ELEMENTS.—The strategy required by subsection  
6 (a) to promote sustainable, inclusive and broad-based eco-  
7 nomic development shall include a plan with each of the  
8 following elements:

9 (1) Measures to diversify control over and ac-  
10 cess to participation in key industries and sectors,  
11 including efforts to remove barriers and increase  
12 competition, access, and opportunity in sectors domi-  
13 nated by officials of the Burmese military, former  
14 military officials, and their families, and  
15 businesspeople connected to the military of Burma,  
16 with the goal of eliminating the role of the military  
17 in the economy of Burma.

18 (2) Measures to increase transparency disclo-  
19 sure requirements in key sectors of the economy of  
20 Burma, to promote responsible investment, including  
21 through—

22 (A) efforts to provide technical support to  
23 develop and implement policy reforms related to  
24 public disclosure of the beneficial owners of en-

1           tities in key sectors identified by the Govern-  
2           ment of Burma, specifically by—

3                   (i) working with the Government of  
4                   Burma to require the disclosure of the ulti-  
5                   mate beneficial ownership of entities in the  
6                   mining industry and the publication of  
7                   project revenues, payments, and contract  
8                   terms relating to that industry; and

9                   (ii) ensuring that reforms complement  
10                  the disclosures required to be put in place  
11                  in Burma as a result of its participation in  
12                  the Extractives Industry Transparency Ini-  
13                  tiative; and

14                (B) efforts to promote universal access to  
15                reliable, affordable, energy efficient, and sus-  
16                tainable power, including leveraging United  
17                States assistance to support reforms in the  
18                power sector and electrification projects that in-  
19                crease energy access, in partnership with multi-  
20                lateral organizations and the private sector.

21                (3) Measures to create an enabling environment  
22                for economic growth and opportunity for all ethnic  
23                groups residing in Burma, including through ad-  
24                dressing issues related to land tenure.

1           (4) An identification of needs and opportunities  
2           to provide technical assistance to key ministries, in-  
3           stitutions, and organizations to enact economic re-  
4           forms, including revisions to existing policies on pub-  
5           lic disclosure of beneficial ownership of companies in  
6           key sectors that will allow for identification of those  
7           seeking or securing access to Burma’s most valuable  
8           natural resources.

9           (c) CONSULTATION REQUIRED.—In developing the  
10          strategy required by subsection (a), the Secretary of State  
11          shall consult with appropriate officials of the Government  
12          of Burma, ethnic groups and civil society leaders in  
13          Burma.

14          (d) REPORT ON IMPLEMENTATION.—Not later than  
15          180 days after the date of the submission of the strategy  
16          required by subsection (a), the Secretary of State, the Sec-  
17          retary of the Treasury, and the Administrator of the  
18          United States Agency for International Development shall  
19          jointly submit to the appropriate congressional committees  
20          a report in unclassified form, that may contain a classified  
21          annex, that describes—

22                 (1) the extent to which United States assistance  
23                 and the efforts of the Government of Burma have  
24                 promoted inclusive and enduring economic develop-  
25                 ment in accordance with such strategy; and

1           (2) the efforts undertaken, progress achieved,  
2           and any next steps planned by either the United  
3           States or the Government of Burma with respect  
4           to—

5                   (A) the elements in section 401(b);

6                   (B) the promotion of accountability and  
7                   transparency, including through the collection,  
8                   verification, and publication of beneficial owner-  
9                   ship information related to extractive industries;  
10                  and

11                  (C) the promotion of best practices regard-  
12                  ing—

13                          (i) environmental conservation, man-  
14                          agement, and planning;

15                          (ii) social impact assessments, includ-  
16                          ing social and cultural protection and free,  
17                          prior, and informed consent and meaning-  
18                          ful participation of local populations, par-  
19                          ticularly minority ethnic nationalities; and

20                          (iii) avoidance of displacement of local  
21                          populations without meaningful consulta-  
22                          tion and consent, harm mitigation, and  
23                          compensation.

1     **TITLE V—DETERMINATION OF**  
2             **BUDGETARY EFFECTS**

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

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

           Passed the House of Representatives September 24,  
2019.

Attest:

*Clerk.*



116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3190**

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**AN ACT**

To authorize humanitarian assistance and impose sanctions with respect to human rights abuses in Burma, and for other purposes.