

113TH CONGRESS
2^D SESSION

H. R. 4377

To place conditions on assistance to the Government of Burma.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2014

Mr. CHABOT (for himself and Mr. CROWLEY) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To place conditions on assistance to the Government of
Burma.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Burma Human Rights
5 and Democracy Act of 2014”.

6 **SEC. 2. ASSISTANCE FOR THE GOVERNMENT OF BURMA.**

7 (a) LIMITATION.—

8 (1) IN GENERAL.—No funds authorized to be
9 appropriated or otherwise made available for fiscal
10 year 2014 or 2015 may be made available for secu-
11 rity assistance described in paragraph (2) to the

1 Government of Burma unless the Secretary of State
2 certifies to the appropriate congressional committees
3 that—

4 (A) the Government of Burma has taken
5 concrete steps toward—

6 (i) establishing civilian oversight of
7 the armed forces;

8 (ii) addressing human rights abuses
9 by the Burmese military, including publicly
10 acknowledging that human rights abuses
11 have been and continue to be committed by
12 the Burmese military, and committing to a
13 zero tolerance policy against such human
14 rights abuses; and

15 (iii) terminating military relations
16 with North Korea;

17 (B) the Government of Burma has taken
18 concrete steps to establish a fair, transparent
19 and inclusive process to amend the Constitution
20 of Burma, including the full participation of the
21 political opposition and all ethnic minority
22 groups, and the constitutional reform process
23 will provide the basis for free, fair, and com-
24 petitive elections in Burma;

1 (C) the Government of Burma has amend-
2 ed its constitution and laws to ensure civilian
3 control of the military and implemented reforms
4 to increase the transparency and accountability
5 of the military's budget and operations, and the
6 Burmese military has taken substantial and
7 meaningful steps to divest itself from ownership
8 of commercial businesses;

9 (D) the Government of Burma is showing
10 meaningful and well-documented efforts to pro-
11 mote peace agreements or political reconcili-
12 ation and equal and fair treatment of all ethnic
13 groups in conflict areas or areas of unrest, and
14 to actively address the resettlement and human-
15 itarian situation of displaced persons; and

16 (E) the Burmese military is—

17 (i) improving its human rights record,
18 as measured by consistent decreases in re-
19 ports of forced labor, indefinite detention,
20 torture, or cruel, inhumane, and degrading
21 treatment of detainees, and use in armed
22 conflict of indiscriminate or dispropor-
23 tionate methods and means of attack;

24 (ii) demonstrating a genuine interest
25 in reform by ceasing attacks against ethnic

1 minority groups in both ceasefire and non-
2 ceasefire areas;

3 (iii) taking steps to withdraw forces
4 from conflict zones, including by halting
5 the use of soldiers in economic develop-
6 ment projects;

7 (iv) adhering to the conditions of
8 ceasefire agreements; and

9 (v) signing and implementing a code
10 of conduct.

11 (2) DEFINITION.—In this subsection, the term
12 “security assistance” means—

13 (A) assistance under chapter 2 (military
14 assistance), chapter 5 (military education and
15 training), or chapter 6 (peacekeeping oper-
16 ations) of part II of the Foreign Assistance Act
17 of 1961;

18 (B) assistance under chapter 8 of part II
19 of the Foreign Assistance Act of 1961, chapter
20 9 of part II of such Act, section 504 of the
21 FREEDOM Support Act, section 23 of the
22 Arms Export Control Act, or the Foreign As-
23 sistance Act of 1961 for demining programs
24 and activities to be carried out by or in con-

1 junction with military units or personnel of a
2 foreign country;

3 (C) sales of defense articles or defense
4 services, extensions of credits (including partici-
5 pations in credits), and guaranties of loans
6 under the Arms Export Control Act; or

7 (D) any license in effect with respect to
8 the export of defense articles or defense services
9 to or for the armed forces, police, intelligence,
10 or other internal security forces of Burma
11 under section 38 of the Arms Export Control
12 Act.

13 (3) APPLICABILITY TO FY 2014 FUNDS.—The
14 limitation on the availability of funds under this sub-
15 section for fiscal year 2014 shall apply with respect
16 to funds that are unobligated as of the date of the
17 enactment of this Act.

18 (4) SENSE OF CONGRESS.—Nothing in this Act
19 should be construed either to prevent participation
20 by Burmese authorities in training on civil-military
21 relations and human rights, as carried out by the
22 Defense Institute of International Legal Studies, or
23 to prevent United States disaster assistance in
24 Burma.

25 (b) REPORT.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of the enactment of this Act, and an-
3 nually thereafter, the Secretary of State shall submit
4 to the appropriate congressional committees a report
5 on the strategy for, and plans and status of, engage-
6 ment between the United States and the Burmese
7 military.

8 (2) ELEMENTS.—The report required under
9 paragraph (1) shall include the following elements:

10 (A) A description and assessment of the
11 Government of Burma’s strategy for security
12 sector reform, an identification and comprehen-
13 sive analysis of those reform elements that the
14 United States Government should support, and
15 a multi-year cost estimate for providing such
16 support.

17 (B) The United States strategy for the re-
18 lationship between the United States and the
19 Burmese military, including a description of
20 how and why such engagements are necessary
21 for United States national security.

22 (C) An assessment of the human rights
23 record of the Burmese military over the past
24 decade, including—

1 (i) an account of violations of human
2 rights and laws of armed conflict by the
3 Burmese military and all paramilitary and
4 security forces under its command, includ-
5 ing against ethnic minority groups;

6 (ii) a description of efforts by the
7 Burmese military to implement human
8 rights reforms; and

9 (iii) a description of progress in the
10 relationship between the United States and
11 the Burmese military and such reforms.

12 (D) An assessment of any substantial and
13 meaningful steps taken by the Burmese military
14 to implement reforms to increase transparency
15 and accountability of the military's budget and
16 operations and to divest itself from ownership
17 of commercial business.

18 (E) A list of ongoing activities conducted
19 by the United States Government and other
20 international donors with the Burmese military,
21 including a description of each such activity.

22 (F) An update on activities that were listed
23 in previous reporting.

1 (G) A list of activities that are planned to
2 occur over the upcoming year, with a written
3 description of each.

4 (H) A description of progress on the peace-
5 ful settlement of armed conflicts between the
6 Government of Burma and ethnic minority
7 groups, including the steps taken by the Bur-
8 mese military to demonstrate respect for
9 ceasefires, laws of armed conflict, and human
10 rights provisions prohibiting rape, torture,
11 forced labor, trafficking, and the use of child
12 soldiers.

13 (I) A description of the concrete steps the
14 Government of Burma has taken—

15 (i) to establish a fair, transparent,
16 and inclusive process to amend the Con-
17 stitution of Burma;

18 (ii) to promote peace agreements or
19 political reconciliation and equal and fair
20 treatment of all ethnic groups in conflict
21 areas or areas of unrest; and

22 (iii) to actively address the resettlement
23 and humanitarian situation of dis-
24 placed persons.

1 (J) An assessment of the status of the
2 Burmese military's cooperation with civilian au-
3 thorities to investigate and resolve cases of
4 human rights violations.

5 (3) FORM.—The report required under para-
6 graph (1) shall be submitted in unclassified form,
7 but may contain a classified annex as necessary.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means the Committee on Foreign Af-
11 fairs of the House of Representatives and the Committee
12 on Foreign Relations of the Senate.

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