

AMENDMENT TO RULES COMM. PRINT 116-19
OFFERED BY MRS. WAGNER OF MISSOURI

At the appropriate place in subtitle E of title XII,
insert the following:

1 **SEC. 12 ____ . LIMITATION ON SECURITY ASSISTANCE AND**
2 **SECURITY COOPERATION.**

3 (a) LIMITATION ON MILITARY AND SECURITY SEC-
4 TOR COOPERATION.—Except as provided in subsection (b)
5 or subsection (e), for the 8-year period beginning on the
6 date of the enactment of this Act, the United States may
7 not provide security assistance or engage in security co-
8 operation with the military or security forces of Burma
9 until the date on which the Secretary of State certifies
10 to the appropriate congressional committees with respect
11 to security assistance, as such term is defined in section
12 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C.
13 2304(d)), or, in consultation with the Secretary of De-
14 fense, with respect to security cooperation programs and
15 activities of the Department of Defense, as such term is
16 defined in section 301 of title 10, United States Code, as
17 applicable, that the military and security forces of Burma
18 have demonstrated significant progress in abiding by
19 international human rights standards and are undertaking

1 meaningful and significant security sector reform, includ-
2 ing reforms that enhance transparency and accountability,
3 to prevent future abuses, such as—

4 (1) the Burmese military and security forces
5 adhere to international humanitarian law, dem-
6 onstrate significant progress in abiding by inter-
7 national standards for human rights, and pledge to
8 stop future human rights abuses;

9 (2) the Burmese military and security forces
10 support efforts to carry out meaningful and com-
11 prehensive investigations of alleged abuses and are
12 taking steps to hold accountable those members of
13 such military and security forces responsible for
14 human rights abuses;

15 (3) the Government of Burma, including the
16 military and security forces, allow immediate and
17 unfettered humanitarian access to communities in
18 areas affected by conflict, including Rohingya com-
19 munities in the State of Rakhine;

20 (4) the Government of Burma, including the
21 military and security forces, cooperates with the
22 United Nations High Commissioner for Refugees
23 and organizations affiliated with the United Nations
24 to ensure the protection of displaced persons and the

1 safe, voluntary, and dignified return of refugees and
2 internally displaced persons;

3 (5) the Burmese military and security forces
4 cease their attacks against ethnic minority groups
5 and constructively participate in the conclusion of a
6 credible, nationwide ceasefire agreement, political ac-
7 commodation, and constitutional change, including
8 the restoration of the citizenship of the Rohingya;

9 (6) the Government of Burma, including the
10 military and security forces, defines a transparent
11 plan with a timeline for professionalizing the mili-
12 tary and security forces and includes a process by
13 which the military withdraws from private-sector
14 business enterprises and ceases involvement in the il-
15 legal trade in natural resources and narcotics; or

16 (7) the Government of Burma establishes effec-
17 tive civilian control over the finances of its military
18 and security forces, including by ensuring that the
19 military does not have access to off-budget income
20 and that military expenditures are subject to ade-
21 quate civilian oversight.

22 (b) EXCEPTIONS.—

23 (1) CERTAIN EXISTING AUTHORITIES.—The
24 Secretary of Defense shall retain the authority
25 granted by section 1253 of the Carl Levin and How-

1 ard P. “Buck” McKeon National Defense Authoriza-
2 tion Act for Fiscal Year 2015 (22 U.S.C. 2151 note)
3 and is authorized to provide the Government of
4 Burma with assistance necessary to make available
5 the activities described in subsection (a) of such sec-
6 tion.

7 (2) HOSPITALITY.—The Secretary of State and
8 the United States Agency for International Develop-
9 ment may provide assistance authorized under part
10 I of the Foreign Assistance Act of 1961 (22 U.S.C.
11 2151 et seq.) to provide hospitality during research,
12 dialogues, meetings, or other activities by the parties
13 attending the Union Peace Conference 21st Century
14 Panglong or related processes seeking inclusive, sus-
15 tainable reconciliation.

16 (c) MILITARY REFORM.—The certification required
17 under subsection (a) shall include a written justification
18 in unclassified form that may contain a classified annex
19 describing the Burmese military’s efforts to implement re-
20 forms, end impunity for human rights abuses, and in-
21 crease transparency and accountability.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, and an-
25 nually thereafter, the Secretary of Defense and the

1 Secretary of State shall submit to the appropriate
2 congressional committees a report, in unclassified
3 form with a classified annex, on the strategy and
4 plans for military-to-military engagement between
5 the United States Armed Forces and the military
6 and security forces of Burma.

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

9 (A) A description and assessment of the
10 Government of Burma's strategy for security
11 sector reform, including plans to withdraw the
12 military from owning or controlling private-sec-
13 tor business entities and end involvement in the
14 illicit trade in jade and other natural resources,
15 reforms to end corruption and illicit drug traf-
16 ficking, and constitutional reforms to ensure ci-
17 vilian control.

18 (B) A list of ongoing military activities
19 conducted by the United States Government
20 with the Government of Burma, and a descrip-
21 tion of the United States strategy for future
22 military-military engagements between the
23 United States and Burma's military and secu-
24 rity forces, including the military of Burma, the
25 Burma Police Force, and armed ethnic groups.

1 (C) An assessment of the progress of the
2 military and security forces of Burma towards
3 developing a framework to implement human
4 right reforms, including—

5 (i) cooperation with civilian authori-
6 ties to investigate and prosecute cases of
7 serious, credible, or gross human rights
8 abuses;

9 (ii) steps taken to demonstrate respect
10 for and implementation of the laws of war;
11 and

12 (iii) a description of the elements of
13 the military-to-military engagement be-
14 tween the United States and Burma that
15 promote such implementation.

16 (D) An assessment of progress on the
17 peaceful settlement of armed conflicts between
18 the Government of Burma and ethnic minority
19 groups, including actions taken by the military
20 of Burma to adhere to cease-fire agreements,
21 allow for safe and voluntary returns of dis-
22 placed persons to their homes, and withdraw
23 forces from conflict zones.

24 (E) An assessment of the Burmese's mili-
25 tary recruitment and use of children as soldiers.

1 (F) An assessment of the Burmese's mili-
2 tary's use of violence against women, sexual vio-
3 lence, or other gender-based violence as a tool
4 of terror, war, or ethnic cleansing.

5 (e) WAIVER.—

6 (1) IN GENERAL.—The Secretary of State, with
7 respect to security assistance, and the Secretary of
8 Defense in consultation with the Secretary of State,
9 with respect to security cooperation programs and
10 activities of the Department of Defense, may waive
11 on a case-by-case basis the application of the limita-
12 tion under subsection (a) if the Secretary submits to
13 the appropriate congressional committees, not later
14 than 30 days before such waiver enters into effect—

15 (A) a list of the activities and participants
16 to which such waiver would apply;

17 (B) a certification, including a justifica-
18 tion, that the waiver is in the national interest
19 of the United States; and

20 (C) a certification that none of the partici-
21 pants listed pursuant to subparagraph (A) have
22 committed any gross violation of human rights,
23 as such term is defined for purposes of section
24 362 of title 10, United States Code.

