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:

SEC. 12. LIMITATION ON SECURITY ASSISTANCE AND SECURITY COOPERATION.

(a) LIMITATION ON MILITARY AND SECURITY SECTOR COOPERATION.—Except as provided in subsection (b) or subsection (c), for the 8-year period beginning on the date of the enactment of this Act, the United States may not provide security assistance or engage in security cooperation with the military or security forces of Burma until the date on which the Secretary of State certifies to the appropriate congressional committees with respect to security assistance, as such term is defined in section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)), or, in consultation with the Secretary of Defense, with respect to security cooperation programs and activities of the Department of Defense, as such term is defined in section 301 of title 10, United States Code, as applicable, that the military and security forces of Burma have demonstrated significant progress in abiding by international human rights standards and are undertaking
meaningful and significant security sector reform, including reforms that enhance transparency and accountability, to prevent future abuses, such as—

(1) the Burmese military and security forces adhere to international humanitarian law, demonstrate significant progress in abiding by international standards for human rights, and pledge to stop future human rights abuses;

(2) the Burmese military and security forces support efforts to carry out meaningful and comprehensive investigations of alleged abuses and are taking steps to hold accountable those members of such military and security forces responsible for human rights abuses;

(3) the Government of Burma, including the military and security forces, allow immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in the State of Rakhine;

(4) the Government of Burma, including the military and security forces, cooperates with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to ensure the protection of displaced persons and the
safe, voluntary, and dignified return of refugees and internally displaced persons;

(5) the Burmese military and security forces cease their attacks against ethnic minority groups and constructively participate in the conclusion of a credible, nationwide ceasefire agreement, political accommodation, and constitutional change, including the restoration of the citizenship of the Rohingya;

(6) the Government of Burma, including the military and security forces, defines a transparent plan with a timeline for professionalizing the military and security forces and includes a process by which the military withdraws from private-sector business enterprises and ceases involvement in the illegal trade in natural resources and narcotics; or

(7) the Government of Burma establishes effective civilian control over the finances of its military and security forces, including by ensuring that the military does not have access to off-budget income and that military expenditures are subject to adequate civilian oversight.

(b) EXCEPTIONS.—

(1) CERTAIN EXISTING AUTHORITIES.—The Secretary of Defense shall retain the authority granted by section 1253 of the Carl Levin and How-
ard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (22 U.S.C. 2151 note) and is authorized to provide the Government of Burma with assistance necessary to make available the activities described in subsection (a) of such section.

(2) HOSPITALITY.—The Secretary of State and the United States Agency for International Development may provide assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to provide hospitality during research, dialogues, meetings, or other activities by the parties attending the Union Peace Conference 21st Century Panglong or related processes seeking inclusive, sustainable reconciliation.

(e) MILITARY REFORM.—The certification required under subsection (a) shall include a written justification in unclassified form that may contain a classified annex describing the Burmese military’s efforts to implement reforms, end impunity for human rights abuses, and increase transparency and accountability.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense and the
Secretary of State shall submit to the appropriate congressional committees a report, in unclassified form with a classified annex, on the strategy and plans for military-to-military engagement between the United States Armed Forces and the military and security forces of Burma.

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

(A) A description and assessment of the Government of Burma’s strategy for security sector reform, including plans to withdraw the military from owning or controlling private-sector business entities and end involvement in the illicit trade in jade and other natural resources, reforms to end corruption and illicit drug trafficking, and constitutional reforms to ensure civilian control.

(B) A list of ongoing military activities conducted by the United States Government with the Government of Burma, and a description of the United States strategy for future military-military engagements between the United States and Burma’s military and security forces, including the military of Burma, the Burma Police Force, and armed ethnic groups.
(C) An assessment of the progress of the military and security forces of Burma towards developing a framework to implement human right reforms, including—

(i) cooperation with civilian authorities to investigate and prosecute cases of serious, credible, or gross human rights abuses;

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

(iii) a description of the elements of the military-to-military engagement between the United States and Burma that promote such implementation.

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

(E) An assessment of the Burmese’s military recruitment and use of children as soldiers.
(F) An assessment of the Burmese’s military’s use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

e) WAIVER.—

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

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

(B) a certification, including a justification, that the waiver is in the national interest of the United States; and

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