

BURMA HUMAN RIGHTS AND DEMOCRACY ACT OF 2014

MARKUP

BEFORE THE
SUBCOMMITTEE ON ASIA AND THE PACIFIC
OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

ON

H.R. 4377

SEPTEMBER 9, 2014

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BURMA HUMAN RIGHTS AND DEMOCRACY ACT OF 2014

TUESDAY, SEPTEMBER 9, 2014

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 2 o'clock p.m., in room 2172 Rayburn House Office Building, Hon. Steve Chabot (chairman of the subcommittee) presiding.

Mr. CHABOT. The committee will come to order. Pursuant to notice, I call up H.R. 4377, Burma Human Rights and Democracy Act of 2014, for purposes of markup and move its recommendation to the full committee. Without objection, the bill is considered as read and open for amendment at any point.

I now recognize myself to speak on the bill. Since 2011, we have witnessed U.S. policy toward Burma undergo a discernible shift. During this time, the subcommittee has held a number of hearings to examine this policy change, as well as express our concerns regarding the ongoing human rights abuses inside Burma. Last year, the administration decided to apply a more forward leaning engagement strategy with Burma, but did so based on unfulfilled promises from the Burmese Government. Most notably, this included the administration's decision to initiate direct military engagement with the Burmese military as well as a Fiscal Year 2015 request for international military and education training assistance.

I think we all agree that the Burma we see today is much different than the one we knew only a few years ago. Most will argue that Burma's sudden and unexpected democratic changes which opened its frontier to the world was indeed incredible. Nobel Peace Prize winner Aung San Suu Kyi's election to Parliament brought much hope, as did the regime's actions to release nearly 30,000 prisoners, 1,071 of which were political prisoners.

However, the political and social situation in Burma has taken a sharp turn for the worse. And I am very troubled by its current trajectory. The civil unrest between the Buddhist majority and Muslim minority is threatening the progression of Burma's future political reforms. Nearly 140,000 Rohingya have been displaced by violent attacks and now live in concentration camp like conditions. Last year, the United States Special Rapporteur called the situation "a profound crisis." Since that time, the Burmese Government

has taken few, if any, steps to forge a peaceful, harmonious, and prosperous future for the Rakhine State.

Even the U.S. Holocaust Memorial Museum Center for the Prevention of Genocide is now tracking Burma. With al-Qaeda's leader Zawahiri's recent call for operations to expand into Burma, we have to fear for the future stability of the country and its government's unwillingness to do anything about it. The Obama administration has been very generous toward the Thein Sein government. The list of gestures is long and includes trade and investment negotiations to allow Burma's military to observe the largest military exercise in the world, Cobra Gold.

However, providing assistance to Burma's military despite the military being a perpetrator of human rights abuses against Rohingya and other ethnic minorities, its failure to sever ties with North Korea, and its lack of commitment to reforms that will ensure civilian oversight of its armed forces. It is hasty and careless.

The Burmese military still uses rape as a weapon of war and has more recently shown its refusal to allow for further democratic reforms to Burma's Constitution. In addition, there has recently been a serious clamp down on press freedoms. The July sentencing of five journalists to 10 years in prison and hard labor for reporting about an alleged government chemical weapons factory is outrageous. A country that sentences its citizens to hard labor for reporting a very worrisome weapons program likely run by the military is no burgeoning democratic state. It is an authoritarian regime under the guise of reform pretenses.

U.S. State Department officials were given no assurances that security assistance would ultimately help the Burmese people rather than provide legitimacy to one of the most oppressive military organizations in the world. They failed to provide an outline and strategy for how future engagement will progress and have stated that civil society groups support this assistance when, in fact, they do not. That is why I introduced H.R. 4377, the Burma Human Rights Act of 2014, along with my colleague, Congressman Joe Crowley, who is also with us here this afternoon. This legislation will ensure that U.S. security assistance is not provided to the Burmese military until Congress receives assurances that both the Burmese Government and military have taken the appropriate actions to end human rights abuses, actively supporting democratic reforms, appropriately addressing the resettlement in humanitarian situation of displaced persons, and are taking steps to allow for civilian control.

H.R. 4377 restricts security assistance to Burma for international military and education training, military financing assistance, assistance to military units or personnel for demining programs, the sales of defense articles or defense services, extensions of credits, and guarantees of loans under the Arms Export Control Act, and any license for the export of defense articles or services to the armed forces, police intelligence, or other internal security forces in Burma.

At the same time, H.R. 4377 notes Congress' support of the Defense Institute of International Legal Studies training on civil military relations and human rights to Burmese authorities as well as the support of disaster assistance to Burma. The bill requires the

Secretary of State to submit to Congress a report on the strategy for engagement with Burma's military, a description of Burma's reform efforts, an assessment of the Burmese military's human rights record, steps taken by the Burmese military to implement transparency and accountability measures, and an outline of all ongoing activities conducted between the U.S. and the Burmese military.

As we witness a deterioration of human rights and political stability in Burma, I believe the administration needs to reassess its strategy going forward. It is time to give the Burmese Government the opportunity to show that it is genuinely committed to reform. H.R. 4377 puts the necessary restrictions in place to limit the injudicious and premature decision to engage with Burma's military. It is a critical piece of legislation that will help ensure reform efforts in Burma to continue in such a way that all the people of Burma are supported. By linking military engagement with continued reforms, it promotes freedom and democracy and pins responsibility on the Burmese military to show that it is committed to reform efforts.

As of today, this has been severely lacking and I would urge my colleagues to support this legislation. I yield back the balance of my time. And I would recognize the acting ranking member of the committee, Ms. Gabbard for 5 minutes.

[H.R. 4377 follows:]

113TH CONGRESS
2D 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 disproportion-
23 ate 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 (II) 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.

Ms. GABBARD. Thank you, Mr. Chairman, and thank you also to Congressman Crowley for your work on this bill and support for human rights in Burma. Your description for why this bill is necessary and what you hope to accomplish makes a very strong case for how it has been supported in a bipartisan way.

For many years, the U.S. Congress and this committee have stood strongly behind Burma's democracy movement in fighting to bring an end to one of the world's most brutal military regimes. And there can be no doubt that the Burmese military has committed some of the world's most heinous crimes. That includes attacks on ethnic minority villages, the use of rape as a weapon of war, and the shooting of activists in cold blood on the streets. That is why Congress passed legislation authorizing tough sanctions on Burma and it is why we need to be concerned about Burma today.

The fact is that many of the issues in Burma continue. There are many areas where expected progress has been stalled and in key areas, progress already accomplished is rolling back. For example, this government released many political prisoners who are democracy activists. But since the beginning of this year, the arrest of prisoners has begun again with renewed vigor. Those who were released were done so only conditionally, meaning their sentences are still hanging over their heads. The military continues to maintain its veto power over political life in Burma. Burma is operating under a Constitution that empowers the military over its people. In fact, the Congress passed a resolution strongly condemning this constitutional referendum when it took place.

Now is not the time for the United States to embrace a military that has not shown even an interest in change. We have worked for the release of political prisoners and an end to attacks on ethnic minorities, but these things are not happening today. In fact, the continued partnership with North Korea goes directly against what is in the best interests of the United States. I support this legislation and urge its adoption. I yield back.

Mr. CHABOT. The gentlelady yields back. Thank you very much. I am pleased that our colleague from New York, Mr. Crowley, a former member of the committee, is with us today. And without objection we will recognize him to speak next on this side. At this time, I will recognize Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much and I have worked for 25 years, actually 26 years now on Burma issues and we were so joyous just a short time ago that it looked like we had turned the corner and that things would be getting better for the people of Burma and that a relationship with the United States would be beneficial to our people, but a huge benefit to the people in Burma. Unfortunately, that euphoria is now giving way to disappointment.

This legislation today that we are submitting is a warning to the Government of Burma creating the facade of democratic reform is not enough. Creating the facade of democratic reform while maintaining a high level of repression, especially brutally and violently, committing acts of suppression against ethnic and tribal peoples like the Karens and the Karennis and others. This is totally unacceptable and will take us back to the bad old days when Burma was the pariah of the world.

We are aware of the continuous and the continuing murders and attacks on these ethnic peoples along the border. We are also aware that the minority of Muslims, the government is standing aside and letting them be brutally murdered by various forces in that part of Burma.

This legislation is a clear statement that the Government of Burma ignores at its own peril. We are moving to stop military support for the Burmese military. If human rights keeps getting worse in Burma, the people of Burma will pay a dear price. And the people of that region will pay a dear price from what we thought would be a more open system that is hooked into the economy in that part of the world and would have been beneficial to everyone. These steps that have been taken are certainly not enough because what we are seeing now is a slide back even to steps that didn't go far enough, but now we are sliding back into repression and dictatorship. And unfortunately, with that will come a slide into a hostile relationship with the United States and those other Western countries.

So I would hope that the people who are in a decision-making position in Burma pay close attention because want to have a good relationship with them. We want to have a relationship with the people of Burma that will be beneficial to them and positive in nature for that whole region of the world. Unfortunately, decisions made to continue the type of attacks and repression that the Burmese leadership are permitting on the ethnic groups as well as the elimination of freedom, personal freedoms, and individual rights among the Burmese people as well, this is going to lead into a historic disaster in that it will be a reversal from going forward and instead drag Burma again down into the pits. Thank you very much, Mr. Chairman.

Mr. CHABOT. Thank you very much. The gentleman's time has expired. I would now like to recognize the gentleman from New York, the principal co-sponsor of the legislation and thank him for his leadership on the bill. Our staff worked very closely on this and a lot of the language in here was at the suggestion, the assistance, the help, and the leadership of the gentleman from New York. So thank you very much and you are recognized for 5 minutes.

Mr. CROWLEY. Thank you, Mr. Chairman, thank you for letting me participate as well. I served 12 years on this committee and I miss this room more than I thought I would, so it is good to be back. And thank you for yielding me the time. I also want to thank Ranking Member Faleomavaega, although not here today, and very ably served this afternoon substituted by my good friend, Tulsi Gabbard from Hawaii.

This is a bipartisan piece of legislation and in that spirit I want to say I deeply appreciate, Mr. Chairman, your support and your bringing this before the subcommittee today. You have been a true champion for freedom and democracy for the Burmese people in holding hearings on this issue and helping bring attention and raise awareness and I am deeply appreciative of that and I thank you for that.

I am here as the lead Democrat on this issue and the reason I have been so drawn to this issue is because I believe it is the right thing to do. Over the past few years, we have seen some progress

on some issues in Burma, some that we have all taken joy and pride in seeing take place. I vocally supported the administration's policy of action for action. I was eager as Democratic House member to support that policy, but I am concerned about a number of issues and I am very uneasy about those who are proposing that the U.S. military move ahead quickly to embrace the military that has not yet reformed enough.

I am also very uneasy about the fact that the United States is considered a further relaxing of pressure, even though core issues have stalled and are ongoing in an unaddressed way and in fact in many respects are moving backwards as the chairman and others have indicated. That includes the fact that the opposition leader in Burma cannot serve as president of Burma.

I have to say I have never heard of an election being considered free and fair if the opposition candidate is barred from serving as a leader in the Constitution. That is not free. That is not fair period. I am also concerned about the situation with respect to the media in Burma, the recent arrest of journalists and sentencing them to 10 years with hard labor is not consistent with actions of a democratic country.

Similarly, ongoing attacks on minority groups like the Kachin and the Shan are inconsistent with a democratic system. They simply are not. The world is also concerned about the Rohingya and other Muslims. These are men, women, children and infants who are for all practical purposes locked up in camps and denied healthcare and adequate nutrition. What is going on there should hit the conscience of all those concerned with human rights. I don't care what your religion is or what your background is, no one should be denied food and healthcare. On top of all of this, the number of political prisoners in Burma has increased since the beginning of this year. These are just some of the other reasons that this legislation makes sense. If the Burmese authorities want to have a more advanced relationship with the United States and a relaxed one as well with our military, it cannot be an exchange for just open-ended promises of change somewhere down the line. It should be linked to the concrete reforms that we expect of civilian rule. I am okay with limited bills training, as I have said that before, but only if that training shows results. Anything beyond that is staged and is premature.

So I once again appeal to the Government of Burma. It is about 15 months before the 2015 elections. Make it clear right here and now that these elections will be free and they will be fair, truly free and truly fair. Most importantly, amend the Constitution. Make sure that Aung San Suu Kyi is eligible to serve as president, if elected. Give Burma's ethnic peoples a voice in the future of their country. The whole world knows this isn't as simple as it sounds. The Constitution was initially adopted through a sham referendum which led to the current government. The current government and party completely dominate the constitutional amendment process because 25 percent of the Parliament is controlled by the military.

So let us not pretend that this is a democratic process. It is a process dominated by the same powers that wrote the undemocratic Constitution in the first place. That is why it needs to change so the people of Burma have the chance to determine their

own destiny. I urge passage of the chairman's bill and once again, thank him as well as the Democrats and Republicans on this committee for moving it forward. And I yield back the balance of my time.

Mr. CHABOT. Thank you very much. I think it was well said. And does the gentleman from California seek recognition?

Mr. SHERMAN. Yes, briefly.

Mr. CHABOT. The gentleman is recognized.

Mr. SHERMAN. I have this brilliant speech in favor of the bill. Unfortunately, my brilliant colleagues of both parties have already said everything I was going to say and accordingly, I yield back.

Mr. CHABOT. Thank you. I understand there is no one else on this side who seeks recognition at this time. Excellent.

Are there any amendments to the bill? Hearing no amendments, the question occurs on the motion to report the bill favorably. All in favor say aye.

Those opposed, say no.

In the opinion of the Chair, the ayes have it. The motion is approved and the bill is reported favorably.

Without objection, the bill be reported favorably to the full committee and I want to thank our members and staff for all their assistance and cooperation on today's markup. The subcommittee stands adjourned. Thank you very much.

[Whereupon, at 2:20 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Asia and the Pacific
Steve Chabot (R-OH), Chairman

September 2, 2014

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Asia and the Pacific, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.foreignaffairs.house.gov>):

DATE: Tuesday, September 9, 2014

TIME: 2:00 p.m.

MARKUP OF: H.R. 4377, To place conditions on assistance to the Government of Burma.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Asia & the Pacific MARKUP

Day Tuesday Date September 9, 2014 Room 2172

Starting Time 2:00 p.m. Ending Time 2:30 p.m.

Recesses ☐ (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Steve Chabot (R-OH)

Check all of the following that apply:

Open Session ☒

Electronically Recorded (taped) ☒

Executive (closed) Session ☐

Stenographic Record ☒

Televised ☒

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 4377 To place conditions on assistance to the Government of Burma

COMMITTEE MEMBERS PRESENT:

Rep. Tulsi Gabbard (D-HI), Rep. Dana Rohrabacher (R-CA), Rep. Brad Sherman (D-CA)

NON-COMMITTEE MEMBERS PRESENT:

Rep. Joseph Crowley (D-NY)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. George Holding (R-NC) Statement for the Record

Rep. Gerald Connolly (D-VA) Statement for the Record

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

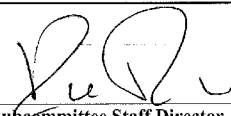
RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

<u>Subject</u>	<u>Yeas</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
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TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 2:20 p.m.


Subcommittee Staff Director

9/9/14 Subcommittee on Asia & the Pacific Markup Summary

H.R. 4377, The Burma Human Rights and Democracy Act of 2014

The Chair called up the bill for consideration by the Subcommittee

No Amendment in the Nature of a Substitute was offered

H.R. 4377 was agreed to by voice vote and was ordered favorably reported to the Full Committee by unanimous consent.

The Committee adjourned.

STATEMENT FOR THE RECORD FROM THE HONORABLE GEORGE HOLDING (NC-13)

SUBCOMMITTEE ON ASIA AND THE PACIFIC, U.S. HOUSE OF REPRESENTATIVES

“MARKUP OF: H.R. 4377”

September 9, 2014

Opening Statement:

Thank you Mr. Chairman.

Your relentless effort to examine the administration's relationship with Burma and in specific our mil-to-mil relationship with the Burmese military deserves commendation.

In this subcommittee, we have heard about the administration's seemingly rapid warming of relations with the Burmese military and the need to step back and truly examine this engagement.

I think the resolution before us today is a necessary step to place a check on the administration and I am proud to cosponsor it.

A key provision of the resolution is the section requiring the government of Burma to take concrete steps towards terminating their military relations with North Korea.

We have heard about the difficult challenge ahead in unwinding the relations between the North Koreans and the Burmese military and the government of Burma must act to completely sever all ties before we should even begin considering expanding – let alone continuing - our mil-to-mil relations.

Again I thank the Chairman for bringing forward this resolution today and urge support for its passage.

I yield back.



Statement for the Record
Submitted by Mr. Connolly of Virginia

H.R. 4377, the Burma Human Rights and Democracy Act of 2014

I want to thank the Chairman for his leadership on this issue and for bringing H.R. 4377, the Burma Human Rights and Democracy Act of 2014, which I am pleased to cosponsor, before this subcommittee. In July, I joined the Chairman and a bipartisan coalition of over 70 of our colleagues in writing to Secretary of State John Kerry expressing concern about the situation in Burma and support for the democratic transition that began in earnest in 2011.

For five decades, the people of Burma knew only the brutal oppression of a despotic military regime. In May 2011, the ruling military junta relinquished power and ushered in what many hoped would be an era of democratic transition and the opening of a once closed society. Without a doubt, Burma started a new chapter in its history in May 2011. The Administration further engaged Burma to encourage continued progress towards democracy, and President Obama became the first sitting president to visit the country in November 2012. While there have been encouraging improvements, to include the release of political prisoners, transparent elections, and anti-corruption initiatives, there have also been some deeply disturbing developments.

Most notably, the continued humanitarian and human rights crisis in the western Rakhine State where the Rohingya, an Islamic ethnic minority, endure the abuse and oppression Burma should have left behind with the military junta. Violence in the region has resulted in almost 140,000 internally displaced persons in Rakhine State, and despite their desperate situation, the Rohingya face restrictions on their movement, occupations and status in society. The plight of the Rohingya and other ethnic minorities in Rakhine State warrants the attention of Congress. For this reason, I am a cosponsor of H.Res. 418, urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma.

The legislation before us today prohibits security assistance funding for Burma in FY2014 and FY2015 if the Secretary of State is unable to assure Congress that reforms are being adopted to address the backsliding on human rights and democracy that we are currently witnessing in Burma. H.R. 4377 requires that Burma make progress in establishing civilian oversight of the armed forces. The use of rape as a weapon of war is unacceptable and must be combatted by any means including an amendment to the Constitution of Burma guaranteeing that civilian control of the military is firmly established and maintained. As is the case with most global bad actors, Burma has a military relationship with North Korea. This is unacceptable if it aspires to participate in world affairs as a responsible democracy, and termination of a military relationship

with Pyongyang is a prerequisite for security assistance under this legislation. Further, the Secretary of State must certify that political opposition and ethnic minorities are afforded space to be full participants in Burmese society. This legislation does take precautions to protect humanitarian and natural disaster response collaboration with Burma to prevent further harming the people we seek to help with this measure.

Again, I thank the Chairman for bringing H.R. 4377, the Burma Human Rights and Democracy Act of 2014, before the subcommittee today. I urge support for this measure as Congress continues to grow its body of work on this pressing issue in Southeast Asia.

