

MARKUP OF VARIOUS MEASURES

HEARING BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS FIRST SESSION

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CONTENTS

	Page
INFORMATION SUBMITTED FOR THE RECORD	
Information submitted for the record	3
BILLS, RESOLUTIONS EN BLOC	
H.R. 5497	10
Amendment in the Nature of a Substitute to H.R. 5497 offered by Mr. Meeks of New York	69
Amendment to the Amendment in the Nature of a Substitute to H.R. 5497 offered by Mr. Perry of Pennsylvania	125
H. Res. 569	126
H. Res. 445	132
Amendment in the Nature of a Substitute to H. Res. 445 offered by Ms. Bass of California	147
H. Res. 720	157
H.R. 4914	187
Amendment in the Nature of a Substitute to H.R. 4914 offered by Mr. McCaul of Texas	202
Amendment to the Amendment in the Nature of a Substitute to H.R. 4914 offered by Mr. Perry of Pennsylvania	224
Amendment to the Amendment in the Nature of a Substitute to H.R. 4914 offered by Mr. Perry of Pennsylvania	228
APPENDIX	
Hearing Notice	232
Hearing Minutes	234
Hearing Attendance	235
STATEMENT FOR THE RECORD	
Statement for the record submitted from Representative Jacobs	236
INFORMATION SUBMITTED FOR THE RECORD	
Information submitted for the record	237
MARKUP SUMMARY	
Markup Summary	251

MARKUP OF VARIOUS MEASURES

Thursday, October 21, 2021

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 1:15 p.m., in room 2172, Rayburn House Office Building, Hon. Gregory Meeks (chairman of the committee) presiding.

Chairman MEEKS [presiding]. The Committee on Foreign Affairs will come to order.

And without objection, the chair is authorized to declare a recess of the committee at any point.

Pursuant to Committee Rule 4, the chair may postpone further proceedings on approving any measure or matter or adopting an amendment.

Without objection, all members will have 5 days to submit statements or extraneous materials on today's business.

To insert statements into the record, please have your staff email the previously circulated address or contact full committee staff.

As a reminder to members joining remotely, please keep your video function on at all times, even when not recognized by the chair.

Members are responsible for muting and unmuting themselves. Consistent with House rules, staff will only mute members, as appropriate, when they are not under recognitions, to eliminate background noise.

I see that we have a quorum.

We are, first, going to do a quick unanimous consent agreement between me and the ranking member.

And I now recognize the ranking member.

Mr. McCAUL. Thank you, Mr. Chairman.

I have a unanimous consent request.

Chairman MEEKS. The ranking member is recognized for the unanimous consent request.

Mr. McCAUL. Thank you, Mr. Chairman.

For purposes of Section 4820(h)(2)(B) of Title 50 of the United States Code, and premised upon the National Interest Determination described therein, I ask unanimous consent that the committee authorize the disclosure of some non-business confidential aggregate data derived from documents provided to the committee by the Department of Commerce on May 18, 2021, regarding export licensing decisions concerning entities on the Entity List. Such authorization does not include the disclosure of the applicants' names, trademarks, or brand names, item descriptions, or ECCN or license numbers. And the Department of Commerce will provide additional

context on the export control licensing process which will be included with the aggregate data being authorized for disclosure.

Chairman MEEKS. So ordered.

And the chairman and ranking member have reached an agreement that the aggregate data contained in these two documents are to be released, consistent with 50 U.S.C. 4820(h)(2)(B)(ii). And I'm placing these documents into the record.

[The information referred to follows:]

Export Control Licensing Decisions for Huawei (November 9, 2020-April 20, 2021)

- Total number of license applications considered: 169
- 113 Approvals (69.3%) \$61,432,330,663 (Value of Licenses)
 - Category 3¹: 7 \$2,014,099,305
 - Category 5²: 1 \$170,000,000
 - AT³: 25 \$14,260,254,443
 - EAR99⁴: 80 \$44,987,976,915
- 48 Returned Without Action⁵ (28.4%) \$29,775,410,958 (Value of Licenses)
 - Category 6: 1 \$1,029,026
 - AT: 6 \$5,700,635,407
 - EAR99: 41 \$24,073,746,525
- 2 Denials (1.2%) \$57,408,002 (Value of Licenses)
 - AT: 1 \$57,408,000
 - EAR99: 1 \$2

¹ This category lists electronic items, such as semiconductors, that can be controlled for national security and military technology purposes.

² This category lists cryptographic information security that can be controlled for national security purposes.

³ Nearly half (12) of these items were various types of semiconductors.

⁴ Nearly half (36) of these items were various types of semiconductors.

⁵ The BIS may return an export license application to the applicant for one of the following reasons: (a) The applicant has requested the application be returned; (b) A License Exception applies; (c) The items are not under Department of Commerce jurisdiction; (d) Required documentation has not been submitted with the application; or (e) The applicant cannot be reached after several attempts to request additional information necessary for processing of the application.

* This disclosure is accompanied by an explanatory annex from the Department of Commerce's Bureau of Industry and Security.

Bureau of Industry and Security (BIS) Explanatory Statement Accompanying Public Disclosure of Certain Aggregate Licensing Data – October 19, 2021 (SBU)

DISCLAIMER: these edits and/or comments are provided as technical drafting assistance only and do not express views on the merits. These edits and/or comments have not been formally cleared through the Commerce Department or the Administration and may not represent Commerce Department or Administration views.

- The Department of Commerce, Bureau of Industry and Security (BIS) honors requests for information protected from disclosure by 1761(h) of the Export Control Reform Act (ECRA) when submitted by the chair or ranking member of a committee or subcommittee of appropriate jurisdiction in accordance with the statute. In response to a request from Ranking Member McCaul, BIS provided two documents prepared for internal tracking containing information responsive to his request on license applications for exports to Huawei and Semiconductor Manufacturing International Corporation (SMIC). These documents covered the period from November 9, 2020 to April 20, 2021, and were concurrently shared with the Chairman’s staff.
- License applications involving Huawei and SMIC are processed under licensing policies developed by the Trump Administration and maintained by the Biden Administration.
 - License applications involving Huawei are processed under a licensing policy developed by the Departments of Commerce, Defense, Energy, and State in response to President Trump’s announcement, following the June 2019 G-20 Summit, that items that “will not impact our National Security”¹ will be approved for Huawei. Additionally, license applications for foreign-produced items controlled by Footnote 1 to the Entity List that are capable of supporting the “development” or “production” of telecom systems, equipment and devices at only below the 5G level (e.g., 4G, 3G, etc.) are reviewed on a case-by-case basis.
 - License applications involving SMIC are processed under a licensing policy, effective December 18, 2020, that imposed a presumption of denial for items uniquely required for production of semiconductors at advanced technology nodes (10 nanometers and below, including extreme ultraviolet technology), and case-by-case review for all other items.
- For a number of reasons, even in aggregate form, the licensing information being authorized for public disclosure is of limited utility if Congress is interested in assessing the actual number of exports destined to Huawei and SMIC.
 - First, the licensing information does not include applications that were in the Intent to Deny process during the time period requested by Ranking Member McCaul. As a result, the number of denials listed in the licensing information is not reflective of the actual denials that have been issued since April 20, 2021.

¹ Excerpt of President Trump tweet after June 2019 G-20 Summit: “At the request of our High Tech companies, and President Xi, I agreed to allow Chinese company Huawei to buy product from them which will not impact our National Security.”

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- Also, the value and quantity of items approved include items that will either not be provided to Huawei at all or not be provided in the authorized quantities. Regarding the former point, because of the expanded Foreign-Produced Direct Product Rule imposed for Huawei, the license data reflects additional Export Control Classification Numbers (ECCNs) and additional value of foreign-produced items that are not destined for Huawei, but that will be used to produce or develop foreign items that go to or are purchased or ordered by Huawei. For example, the data could include authorization for the applicant to reexport or transfer foreign-produced production equipment within the internal supply chain of the applicant to produce items that will be purchased by Huawei. Such equipment was not itself approved for shipment to Huawei, but nonetheless the equipment and its value are included in licensing data related to Huawei because the Foreign-Produced Direct Product Rule applies to such reexports or transfers.
 - In addition, approved license applications do not represent actual shipments. Generally, about one-half of all licenses are utilized.
 - Also, the two internal tracking documents provided to Ranking Member McCaul by BIS include information on applications for exports of equipment that may not be destined to Huawei or SMIC since those entities only have to be a party to the transaction for the Entity List requirements to apply.
- The existence of approved export licenses for Huawei and SMIC is not, by itself, sufficient to draw accurate conclusions about the effectiveness of BIS's licensing policy or to derive meaningful insight into the exports going to these two companies. Furthermore, the public release of aggregate licensing data for certain PRC companies on the Entity List, over an arbitrary snapshot in time, risks politicizing the licensing process and misrepresenting the national security determinations made by the Departments of Commerce, Defense, Energy, and State.

Export Control Licensing Decisions for SMIC (November 9, 2020-April 20, 2021)

- Total number of license applications considered: 206
- 188 Approvals (91.3%) \$41,892,580,680 (Value of Licenses)
 - Category 2¹: 26 \$1,077,161
 - Category 3²: 10 \$203,253,808
 - Category 5³: 3 \$33,184
 - AT⁴: 28 \$6,589,192,935
 - EAR99⁵: 121 \$35,099,023,592
- 17 Returned Without Action⁶ (8.3%) \$1,159,996,615 (Value of Licenses)
 - Category 2: 2 \$2,531,392
 - Category 5: 3 \$14
 - AT: 1 \$4,000
 - EAR99: 11 \$1,157,461,209
- 1 Denial (0.5%) \$57,408,000 (Value of Licenses)
 - AT: 1 \$57,408,000

¹ This category lists material processing items that can be controlled for Chemical and Biological reasons.

² This category lists electronic items, including equipment used in the manufacturing of semiconductors, that can be controlled for Nuclear Non-Proliferation, Anti-Terrorism, and National Security reasons.

³ This category lists information security items, including the servicing of hardware and software, that can be controlled for National Security reasons.

⁴ These items include parts and equipment used to manufacture semiconductors.

⁵ These items include software, gases, chemicals, and parts used to manufacture semiconductors.

⁶ The BIS may return an export license application to the applicant for one of the following reasons: (a) The applicant has requested the application be returned; (b) A License Exception applies; (c) The items are not under Department of Commerce jurisdiction; (d) Required documentation has not been submitted with the application; or (e) The applicant cannot be reached after several attempts to request additional information necessary for processing of the application.

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- The existence of approved export licenses for Huawei and SMIC is not, by itself, sufficient to draw accurate conclusions about the effectiveness of BIS's licensing policy or to derive meaningful insight into the exports going to these two companies. Furthermore, the public release of aggregate licensing data for certain PRC companies on the Entity List, over an arbitrary snapshot in time, risks politicizing the licensing process and misrepresenting the national security determinations made by the Departments of Commerce, Defense, Energy, and State.

Chairman MEEKS. I want to thank the ranking member for his UC request and for working together to get a mutually agreed-upon arrangement.

Now let's move on to the markup.

As members were notified yesterday, we intend to, first, consider four measures and their amendment en bloc. We will, then, move to consider one measure and its amendments separately. Any roll call votes will be postponed until the end of the markup.

Pursuant to notice, for purposes of markup, I now call up the measures and their amendments that were previously circulated to members' offices.

Without objection, they will be considered en bloc, and each measure is considered as read and the amendments to each are considered as read and are agreed to.

And without objection, after remarks, the committee will vote to order the measures favorably reported en bloc, as amended, if amended, and any amendment or amendments to each bill shall be reported as a single amendment in the nature of a substitute.

The measures in the en bloc package are:

H.R. 5497, the BURMA Act of 2021, with a Perry Amendment No. 138.

H.Res. 569, Expressing continued solidarity with the Lebanese people after the devastating explosions at the Port of Beirut on August 4, 2020, and the continued efforts to form a secure, independent, and democratic Lebanon.

H.Res. 445, Condemning all violence and human rights abuses in Ethiopia, and calling on the government of Ethiopia and the government of the State of Eritrea to remove all Eritrean troops from Ethiopia, and for all belligerents in the conflict, including the Ethiopian National Defense Forces, the Tigray People's Liberation Front, and Amhara regional forces, and other armed groups, to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations.

H.Res. 720, Calling for stability and the cessation of violence and condemning ISIS-affiliated terrorist activity in northern Mozambique, including the Cabo Delgado Province, and for other purposes.

And H.R. 5497, the BURMA Act of 2021 with the Perry Amendment No. 369.

[The bill, resolutions, and associated amendments en bloc follow:]

117TH CONGRESS
1ST SESSION

H. R. 5497

To authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2021

Mr. MEEKS (for himself, Mr. CHABOT, Mr. MCCAUL, Mr. BERA, Ms. BASS, Mr. CASTRO of Texas, Ms. OMAR, Mr. FITZPATRICK, Mr. LIEU, Ms. NORTON, Ms. BONAMICI, Mrs. KIM of California, Mr. KRISHNAMOORTHY, Mr. KHANNA, Mr. VARGAS, Ms. TENNEY, Mrs. NAPOLITANO, Ms. LOIS FRANKEL of Florida, Mr. MCGOVERN, Ms. MENG, Mr. MEIJER, Ms. MANNING, Mr. BLUMENAUER, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted 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 2021” or the “BURMA Act of 2021”.

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

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) BURMESE MILITARY.—The term “Burmese
10 military”—

11 (A) means to the Armed Forces of Burma,
12 including the army, navy, and air force; and

13 (B) includes security services under the
14 control of the Armed Forces of Burma such as
15 the police and border guards.

16 (2) CRIMES AGAINST HUMANITY.—The term
17 “crimes against humanity” includes the following,
18 when committed as part of a widespread or system-
19 atic attack directed against any civilian population,
20 with knowledge of the attack:

21 (A) Murder.

22 (B) Forced transfer of population.

23 (C) Torture.

24 (D) Extermination.

25 (E) Enslavement.

1 (F) Rape, sexual slavery, or any other
2 form of sexual violence of comparable severity.

3 (G) Enforced disappearance of persons.

4 (H) Persecution against any identifiable
5 group or collectivity on political, racial, na-
6 tional, ethnic, cultural, religious, gender, or
7 other grounds that are universally recognized as
8 impermissible under international law.

9 (I) Imprisonment or other severe depriva-
10 tion of physical liberty in violation of funda-
11 mental rules of international law.

12 (3) EXECUTIVE ORDER 14014.—The term “Ex-
13 ecutive Order 14014” means Executive Order 14014
14 (86 Fed. Reg. 9429; relating to blocking property
15 with respect to the situation in Burma).

16 (4) GENOCIDE.—The term “genocide” means
17 any offense described in section 1091(a) of title 18,
18 United States Code.

19 (5) TRANSITIONAL JUSTICE.—The term “tran-
20 sitional justice” means the range of judicial, non-
21 judicial, formal, informal, retributive, and restorative
22 measures employed by countries transitioning out of
23 armed conflict or repressive regimes, or employed by
24 the international community through international
25 justice mechanisms, to redress past or ongoing

1 atrocities and to promote long-term, sustainable
2 peace.

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

6 **SEC. 3. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since 1988, the United States policy of
9 principled engagement has fostered positive demo-
10 cratic reforms in Burma, with elections in 2010,
11 2015, and 2020, helping to bring about the partial
12 transition to civilian rule and with the latter 2 elec-
13 tions resulting in resounding electoral victories for
14 the National League for Democracy.

15 (2) That democratic transition remained incom-
16 plete, with the military retaining significant power
17 and independence from civilian control following the
18 2015 elections, including through control of 25 per-
19 cent of parliamentary seats, a de facto veto over con-
20 stitutional reform, authority over multiple govern-
21 ment ministries, and the ability to operate with im-
22 puny and no civilian oversight.

23 (3) Despite some improvements with respect for
24 human rights and fundamental freedoms beginning
25 in 2010, and the establishment of a quasi-civilian

1 government following credible elections in 2015,
2 Burma's military and civilian leaders have, since
3 2016, overseen an increase in restrictions to freedom
4 of expression (including for members of the press),
5 freedom of peaceful assembly, freedom of associa-
6 tion, and freedom of religion or belief. In 2017, Bur-
7 mese authorities oversaw a genocide against
8 Rohingya, which caused almost 1,000,000 Rohingya
9 to seek refuge in neighboring Bangladesh.

10 (4) On February 1, 2021, the Burmese military
11 conducted a coup d'état, declaring a year-long state
12 of emergency and detaining State Counsellor Aung
13 San Suu Kyi, President Win Myint, and dozens of
14 other government officials and elected members of
15 parliament, thus derailing Burma's transition to de-
16 mocracy and disregarding the will of the people of
17 Burma as expressed in the November 2020 elections,
18 which were determined to be credible by inter-
19 national and national observers.

20 (5) Following the coup, some ousted members
21 of parliament established the Committee Rep-
22 resenting the Pyidaungsu Hluttaw, which subse-
23 quently released the Federal Democracy Charter in
24 March 2021 and established the National Unity
25 Government in April 2021. In June 2021, the Na-

1 tional Unity Government included ethnic minorities
2 and women among its cabinet and released a policy
3 paper outlining pledges to Rohingya and calling for
4 “justice and reparations” for the community.

5 (6) Since the coup on February 1, 2021, the
6 Burmese military has—

7 (A) used lethal force on peaceful protestors
8 on multiple occasions, killing more than 1,100
9 people, including more than 50 children;

10 (B) detained more than 4,000 peaceful
11 protestors, participants in the Civil Disobe-
12 dience Movement, labor leaders, government of-
13 ficials and elected members of parliament,
14 members of the media, and others, according to
15 the Assistance Association for Political Pris-
16 oners;

17 (C) issued laws and directives that could
18 be used to further impede fundamental free-
19 doms, including freedom of expression (includ-
20 ing for members of the press), freedom of
21 peaceful assembly, and freedom of association;
22 and

23 (D) imposed restrictions on the internet
24 and telecommunications.

1 (7) More than 230,000 people have been inter-
2 nally displaced since the coup, while thousands of
3 others have sought refuge in neighboring countries,
4 and the Burmese military continues to block human-
5 itarian assistance to populations in need. According
6 to the World Health Organization, the military has
7 carried out more than 250 attacks on health care
8 entities since the coup and killed at least 18 health
9 workers. Dozens more have been arbitrarily detained
10 and hundreds have warrants out for their arrest.
11 The military has continued such attacks even as
12 they inhibit efforts to combat a devastating third
13 wave of COVID-19. The brutality of the Burmese
14 military was on full display on March 27, 2021,
15 Armed Forces Day, when, after threatening on state
16 television to shoot protesters in the head, security
17 forces killed more than 150 people.

18 (8) The coup represents a continuation of a
19 long pattern of violent and anti-democratic behavior
20 by the military that stretches back decades, with the
21 military having previously taken over Burma in
22 coups d'état in 1962 and 1988, and having ignored
23 the results of the 1990 elections, and a long history
24 of violently repressing protest movements, including
25 killing and imprisoning thousands of peaceful

1 protestors during pro-democracy demonstrations in
2 1988 and 2007.

3 (9) The military also has a long history of vio-
4 lent repression of ethnic and religious minorities. On
5 August 25, 2017, Burmese military and security
6 forces launched a genocidal military campaign
7 against Rohingya, resulting in a mass exodus of
8 some 750,000 Rohingya from Burma’s Rakhine
9 State into Bangladesh, where they remain. The Gov-
10 ernment of Burma has since taken no steps to im-
11 prove conditions for Rohingya still in Rakhine State,
12 who remain at high risk of genocide and other atroc-
13 ities, or to create conditions conducive to the return
14 of Rohingya refugees.

15 (10) The Burmese military has also engaged in
16 renewed violence with other ethnic minority groups
17 across the country. Since 2018, fighting between the
18 Burmese military and the Arakan Army has dis-
19 placed more than 220,000 people in Rakhine and
20 Chin States, including more than 130,000 Rohingya
21 confined to camps since 2012. The military has con-
22 tinued to commit atrocities in Kachin and Shan
23 States that a 2019 report by Amnesty International
24 described as “relentless and ruthless”. Fighting in
25 northern Burma has forced more than 100,000 peo-

1 ple from their homes and into camps for internally
2 displaced persons. The Government of Burma con-
3 tinues to heavily proscribe humanitarian and media
4 access to conflict-affected populations across the
5 country.

6 (11) With more than \$500,000,000 in humani-
7 tarian assistance provided to Burma and Ban-
8 gladesh in 2020 alone, the United States is the larg-
9 est humanitarian donor to populations in need as a
10 result of conflicts in Burma. In May 2021, the
11 United States announced nearly \$155,000,000 in
12 additional humanitarian assistance to meet the ur-
13 gent needs of Rohingya refugees and host commu-
14 nities in Bangladesh and people affected by ongoing
15 violence in Burma's Rakhine, Kachin, Shan, and
16 Chin states. In August 2021, the United States pro-
17 vided \$50,000,000 in critical humanitarian assist-
18 ance to the people of Burma.

19 (12) Both government- and military-initiated
20 investigations into human rights abuses in Burma
21 involving violence between ethnic minorities and
22 Burmese security forces have failed to yield credible
23 results or hold perpetrators accountable.

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

1 Finding Mission on Myanmar concluded, on reason-
2 able grounds, that the factors allowing inference of
3 “genocidal intent” are present with respect to the
4 attacks against Rohingya in Rakhine State, and acts
5 by Burmese security forces against Rohingya in
6 Rakhine State and other ethnic minorities in Kachin
7 and Shan States amount to “crimes against human-
8 ity” and “war crimes”. The Independent Inter-
9 national Fact-Finding Mission on Myanmar estab-
10 lished by the United Nations Human Rights Council
11 recommended that the United Nations Security
12 Council “should ensure accountability for crimes
13 under international law committed in Myanmar,
14 preferably by referring the situation to the Inter-
15 national Criminal Court or alternatively by creating
16 an ad hoc international criminal tribunal”. The Mis-
17 sion also recommended the imposition of targeted
18 economic sanctions, including an arms embargo on
19 Burma.

20 (14) In a subsequent report dated August 5,
21 2019, the United Nations Independent International
22 Fact-Finding Mission on Myanmar found that the
23 Burmese military’s economic interests “enable its
24 conduct” and that it benefits from and supports ex-
25 tractive industry businesses operating in conflict-af-

1 fected areas in northern Burma, including natural
2 resources, particularly oil and gas, minerals and
3 gems and argued that “through controlling its own
4 business empire, the Tatmadaw can evade the ac-
5 countability and oversight that normally arise from
6 civilian oversight of military budgets”. The report
7 called for the United Nations and individual govern-
8 ments to place targeted sanctions on all senior offi-
9 cials in the Burmese military as well as their eco-
10 nomic interests, especially Myanma Economic Hold-
11 ings Limited and Myanmar Economic Corporation.

12 (15) On February 11, 2021, President Biden
13 issued Executive Order 14014 in response to the
14 coup d’état, authorizing sanctions against the Bur-
15 mese military, its economic interests, and other per-
16 petrators of the coup.

17 (16) Since the issuance of Executive Order
18 14014, the Department of the Treasury has imposed
19 sanctions with respect to—

20 (A) multiple high-ranking individuals and
21 their family members, including the Com-
22 mander-in-Chief of the Burmese military, Min
23 Aung Hlaing;

24 (B) state-owned and military controlled
25 companies, including Myanmar Ruby Enter-

1 prise, Myanmar Imperial Jade Co., Ltd., and
2 Caneri (Gems and Jewellery) Co., Ltd; and

3 (C) other corporate entities and Burmese
4 military entities, including the military regime's
5 State Administrative Council.

6 (17) Pursuant to Executive Order 14014, the
7 United States has also implemented new restrictions
8 on exports and reexports to Burma.

9 (18) On March 22, 2021, the United States
10 designated Burma's Chief of Police, Than Hlaing,
11 and the Bureau of Special Operations commander,
12 Lieutenant General Aung Soe, for the imposition of
13 sanctions pursuant to Executive Order 14014. The
14 United States further designated 2 army units, the
15 33rd and 77th Light Infantry Divisions, for the im-
16 position of sanctions pursuant to Executive Order
17 14014, for being responsible for or complicit in, or
18 having directly or indirectly engaged or attempted to
19 engage in, actions or policies that prohibit, limit, or
20 penalize the exercise of freedom of expression or as-
21 sembly by people in Burma.

22 (19) On March 25, 2021, the United States
23 designated 2 entities linked to the coup leaders,
24 Myanma Economic Holdings Public Company Lim-
25 ited and Myanmar Economic Corporation Limited.

1 Those entities are the 2 largest military holding
2 companies in Burma, and all shares in those entities
3 are held and managed by current or former mem-
4 bers of Burmese military regiments or units, or or-
5 ganizations led by former members of such regi-
6 ments or units.

7 (20) On April 8, 2021, the United States des-
8 ignated Myanma Gems Enterprise, a Burmese state-
9 owned entity that is responsible for all gemstone ac-
10 tivities in Burma, for the imposition of sanctions
11 pursuant to Executive Order 14014. Gemstones are
12 a key economic resource for the Burmese military
13 regime.

14 (21) On May 17, 2021, the United States des-
15 ignated 16 individuals and one entity connected to
16 Burma's military regime, including 13 key members
17 of the Burmese military and 3 adult children of pre-
18 viously designated Burmese military officials, for the
19 imposition of sanctions pursuant to Executive Order
20 14014.

21 (22) On July 2, 2021, the United States added
22 the following 4 entities to the Entity List set forth
23 in Supplement No. 4 to part 744 of title 15, Code
24 of Federal Regulations, in response to the February
25 1, 2021, military coup in Burma:

1 (A) King Royal Technologies Co., Ltd., a
2 telecommunications company that provides sat-
3 ellite communications services in support of the
4 Burmese military.

5 (B) Wanbao Mining and its 2 subsidiaries,
6 Myanmar Wanbao Mining Copper, Ltd., and
7 Myanmar Yang Tse Copper, Ltd., copper min-
8 ing companies that have revenue-sharing agree-
9 ments with Myanmar Economic Holdings Lim-
10 ited.

11 (23) Myanmar Economic Holdings Limited was
12 added to the Entity List in March 2021. Myanmar
13 Economic Holdings Limited provides revenue for
14 Burma's Ministry of Defense, an entity responsible
15 for the military coup that was also added to the En-
16 tity List in March 2021. Additionally, 3 of the newly
17 added entities, Wanbao Mining and its 2 subsidi-
18 aries, have long been reportedly linked to abuses of
19 labor rights and human rights.

20 (24) On July 2, 2021, the United States des-
21 ignated 22 individuals connected to Burma's mili-
22 tary regime for the imposition of sanctions pursuant
23 to Executive Order 14014. Among the individuals so
24 designated were 7 key members of the Burmese mili-
25 tary, which continues to repress the pro-democracy

1 movement in the country and use lethal force
2 against the people of Burma, including children and
3 members of ethnic minority groups. The other 15 in-
4 dividuals are the spouses or adult children of pre-
5 viously designated senior Burmese military officials
6 whose financial networks have contributed to mili-
7 tary officials' ill-gotten gains.

8 **TITLE I—MATTERS RELATING**
9 **TO THE CONFLICT IN BURMA**

10 **SEC. 101. STATEMENT OF POLICY.**

11 It is the policy of the United States—

12 (1) to support genuine democracy, peace, and
13 national reconciliation in Burma;

14 (2) to pursue a strategy of calibrated engage-
15 ment, which is essential to support the establishment
16 of a peaceful, prosperous, and democratic Burma
17 that includes respect for the human rights of all in-
18 dividuals regardless of ethnicity and religion;

19 (3) to ensure that the objectives guiding such a
20 strategy include—

21 (A) restoring to power a civilian govern-
22 ment that reflects the will of the people of
23 Burma;

1 (B) supporting constitutional reforms, en-
2 suring civilian governance and oversight over
3 the military, including reforms—

4 (i) to the provisions reserving 25 per-
5 cent of parliamentary seats for appoint-
6 ments by the military, which provides the
7 military with veto power over constitutional
8 amendments; and

9 (ii) to provisions granting the military
10 control over the Ministry of Defense, the
11 Ministry of Border Affairs, and the Min-
12 istry of Home Affairs;

13 (C) assisting in the establishment of a fully
14 democratic, civilian-led, pluralistic, and rep-
15 resentative political system that includes free,
16 fair, credible, and democratic elections in which
17 all people of Burma, including all ethnic minori-
18 ties, can participate in the political process at
19 all levels including the right to vote and to run
20 for elected office;

21 (D) supporting legal reforms that ensure
22 protection for the civil and political rights of all
23 individuals in Burma, including reforms to laws
24 that criminalize the exercise of human rights
25 and fundamental freedoms, and strengthening

1 respect for and protection of human rights, in-
2 cluding freedom of religion or belief;

3 (E) securing the unconditional release of
4 all prisoners of conscience and political pris-
5 oners in Burma;

6 (F) strengthening Burma's civilian govern-
7 mental institutions, including support for great-
8 er transparency and accountability once the
9 military is no longer in power;

10 (G) empowering and resourcing local com-
11 munities, civil society organizations, and inde-
12 pendent media;

13 (H) promoting national reconciliation and
14 the conclusion and credible implementation of a
15 nationwide cease-fire agreement, followed by a
16 peace process that is inclusive of ethnic
17 Rohingya, Shan, Rakhine, Kachin, Chin, and
18 Kayin, and other ethnic groups and leads to the
19 development of a political system that effec-
20 tively addresses natural resource governance,
21 revenue-sharing, land rights, and constitutional
22 change enabling inclusive peace;

23 (I) ensuring the protection and non-
24 refolement of refugees fleeing Burma to neigh-
25 boring countries and prioritizing efforts to cre-

1 ate a conducive environment and meaningfully
2 address long-standing structural challenges that
3 undermine the safety and rights of Rohingya in
4 Rakhine State as well as members of other eth-
5 nic and religious minorities in Burma, including
6 by creating conditions for the dignified, safe,
7 sustainable, and voluntary return of refugees in
8 Bangladesh, Thailand, and in the surrounding
9 region, and offering compensation or restitution
10 to those who do not want to return;

11 (J) supporting an immediate end to re-
12 strictions that hinder the freedom of movement
13 of members of ethnic minorities throughout the
14 country, including Rohingya, and an end to any
15 and all policies and practices designed to fore-
16 ibly segregate Rohingya, and providing humani-
17 tarian support for all internally displaced per-
18 sons in Burma;

19 (K) ensuring humanitarian actors, media,
20 and human rights mechanisms, including those
21 established by the United Nations Human
22 Rights Council and the United Nations General
23 Assembly, have full and unhindered humani-
24 tarian access to all relevant areas of Burma, in-

cluding Rakhine, Chin, Kachin, Shan, and
Kayin States;

(L) ensuring accountability through independent, credible international investigations for any potential genocide, war crimes, and crimes against humanity, including those involving sexual and gender-based violence and violence against children, perpetrated against ethnic minorities, including Rohingya, by members of the military and security forces of Burma, and other armed groups involved in conflict;

(M) ensuring the military, security, and police forces operate under civilian control and are held accountable in civilian courts for human rights abuses, corruption, and other abuses of power;

(N) promoting broad-based, inclusive economic development and fostering healthy and resilient communities;

(O) combating corruption and illegal economic activity, including that which involves the military and its close allies; and

(P) promoting responsible international and regional engagement;

1 (4) to support and advance the strategy of cali-
2 brated engagement, impose targeted sanctions with
3 respect to the Burmese military's economic interests
4 and major sources of income for the Burmese mili-
5 tary, including with respect to—

6 (A) officials in Burma, including the Com-
7 mander in Chief of the Armed Forces of
8 Burma, Min Aung Hlaing, and all individuals
9 described in paragraphs (1), (2), and (3) of sec-
10 tion 202(a), under the authorities provided by
11 title II, Executive Order 14014, and the Global
12 Magnitsky Human Rights Accountability Act
13 (subtitle F of title XII of Public Law 114–328;
14 22 U.S.C. 2656 note);

15 (B) enterprises owned or controlled by the
16 Burmese military, including the Myanmar Eco-
17 nomic Corporation, Union of Myanmar Eco-
18 nomic Holding, Ltd., and all other entities de-
19 scribed in section 202(a)(4), under the authori-
20 ties provided by title II, the Burmese Freedom
21 and Democracy Act of 2003 (Public Law 108–
22 61; 50 U.S.C. 1701 note), the Tom Lantos
23 Block Burmese JADE (Junta's Anti-Demo-
24 cratic Efforts) Act of 2008 (Public Law 110–
25 286; 50 U.S.C. 1701 note), other relevant stat-

1 utary authorities, and Executive Order 14014;
2 and

3 (C) state-owned economic enterprises if the
4 Secretary of the Treasury or other competent
5 authority determines that—

6 (i) there is a substantial risk of the
7 Burmese military accessing the accounts of
8 such an enterprise; and

9 (ii) the imposition of sanctions would
10 not cause disproportionate harm to the
11 people of Burma, the restoration of a civil-
12 ian government in Burma, or the national
13 interest of the United States; and

14 (5) to ensure that any sanctions imposed with
15 respect to entities or individuals are carefully tar-
16 geted to maximize impact on the military and secu-
17 rity forces of Burma and its economic interests while
18 minimizing impact on the people of Burma, recog-
19 nizing the calls from the people of Burma for the
20 United States to take action against the sources of
21 income for the military and security forces of
22 Burma.

1 **TITLE II—SANCTIONS AND IM-**
2 **PORT RESTRICTIONS WITH**
3 **RESPECT TO BURMA**

4 **Subtitle A—Imposition of Sanctions**

5 **SEC. 201. DEFINITIONS.**

6 In this subtitle:

7 (1) ADMITTED; ALIEN.—The terms “admitted”
8 and “alien” have the meanings given those terms in
9 section 101 of the Immigration and Nationality Act
10 (8 U.S.C. 1101).

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Relations
15 and the Committee on Banking, Housing, and
16 Urban Affairs of the Senate; and

17 (B) the Committee on Foreign Affairs and
18 the Committee on Financial Services of the
19 House of Representatives.

20 (3) CORRESPONDENT ACCOUNT; PAYABLE-
21 THROUGH ACCOUNT.—The terms “correspondent ac-
22 count” and “payable-through account” have the
23 meanings given those terms in section 5318A of title
24 31, United States Code.

1 (4) FOREIGN FINANCIAL INSTITUTION.—The
2 term “foreign financial institution” has the meaning
3 of that term as determined by the Secretary of the
4 Treasury by regulation.

5 (5) FOREIGN PERSON.—The term “foreign per-
6 son” means a person that is not a United States
7 person.

8 (6) KNOWINGLY.—The term “knowingly”, with
9 respect to conduct, a circumstance, or a result,
10 means that a person has actual knowledge, or should
11 have known, of the conduct, the circumstance, or the
12 result.

13 (7) PERSON.—The term “person” means an in-
14 dividual or entity.

15 (8) SUPPORT.—The term “support”, with re-
16 spect to the Burmese military, means to knowingly
17 have materially assisted, sponsored, or provided fi-
18 nancial, material, or technological support for, or
19 goods or services to or in support of the Burmese
20 military.

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

23 (A) a United States citizen or an alien law-
24 fully admitted to the United States for perma-
25 nent residence;

1 (B) an entity organized under the laws of
 2 the United States or any jurisdiction within the
 3 United States, including a foreign branch of
 4 such an entity; or

5 (C) any person in the United States.

6 **SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO**
 7 **HUMAN RIGHTS ABUSES AND PERPETRATION**
 8 **OF A COUP IN BURMA.**

9 (a) MANDATORY SANCTIONS.—Not later than 30
 10 days after the enactment of this Act, the President shall
 11 impose the sanctions described in subsection (d) with re-
 12 spect to any foreign person that the President deter-
 13 mines—

14 (1) knowingly operates or operated in the de-
 15 fense sector of the Burmese economy;

16 (2) is responsible for or complicit in, or has di-
 17 rectly or indirectly and knowingly engaged or at-
 18 tempted to engage in—

19 (A) actions or policies that undermine
 20 democratic processes or institutions in Burma;

21 (B) actions or policies that threaten the
 22 peace, security, or stability of Burma;

23 (C) actions or policies that prohibit, limit,
 24 or penalize the exercise of freedom of expression
 25 or assembly by people in Burma, or that limit

1 access to print, online, or broadcast media in
2 Burma; or

3 (D) the arbitrary detention or torture of
4 any person in Burma or other serious human
5 rights abuse in Burma;

6 (3) to knowingly be or have been a senior leader
7 or official of—

8 (A) the Burmese military or security forces
9 of Burma, or any successor entity to any of
10 such forces;

11 (B) the State Administration Council, the
12 military-appointed cabinet at the level of Dep-
13 uty Minister or higher, or a military-appointed
14 minister of a Burmese state or region; or

15 (C) an entity that has, or whose members
16 have, engaged in any activity described in para-
17 graph (2);

18 (4) knowingly operates—

19 (A) any entity that is a state-owned eco-
20 nomic enterprise under Burmese law (other
21 than the entity specified in subsection (c)) that
22 benefits the Burmese military, including the
23 Myanma Gems Enterprise; or

24 (B) any entity controlled in whole or in
25 part by an entity described in subparagraph

1 (A), or a successor to such an entity, that bene-
2 fits the Burmese military;

3 (5) knowingly and materially violates, attempts
4 to violate, conspires to violate, or has caused or at-
5 tempted to cause a violation of any license, order,
6 regulation, or prohibition contained in or issued pur-
7 suant to Executive Order 14014 or this Act;

8 (6) to be an adult family member of any person
9 described in any of paragraphs (1) through (5);

10 (7) knowingly facilitates a significant trans-
11 action or transactions for or on behalf of a person
12 described, or a person that has engaged in the activ-
13 ity described, as the case may be, in any of para-
14 graphs (1) through (6);

15 (8) to be owned or controlled by, or to have
16 acted for or on behalf of, directly or indirectly, a
17 person described, or a person that has engaged in
18 the activity described, as the case may be, in any of
19 paragraphs (1) through (6); or

20 (9) to have knowingly and materially assisted,
21 sponsored, or provided financial, material, or techno-
22 logical support for, or goods or services to or in sup-
23 port of, a person described, or a person that has en-
24 gaged in the activity described, as the case may be,
25 in any of paragraphs (1) through (6).

1 (b) ADDITIONAL MEASURE RELATING TO FACILITA-
2 TION OF TRANSACTIONS.—The Secretary of the Treasury
3 shall, in consultation with the Secretary of State, prohibit
4 or impose strict conditions on the opening or maintaining
5 in the United States of a correspondent account or pay-
6 able-through account by a foreign financial institution
7 that the President determines has, on or after the date
8 of the enactment of this Act, knowingly conducted or fa-
9 cilitated a significant transaction or transactions on behalf
10 of a foreign person described in subsection (a).

11 (c) DISCRETIONARY SANCTIONS.—

12 (1) IN GENERAL.—Beginning on the date that
13 is 60 days after the date of the enactment of this
14 Act, the President may impose the sanctions de-
15 scribed in subsection (d) with respect to the
16 Myanma Oil and Gas Enterprise if the President de-
17 termines and certifies to the appropriate congres-
18 sional committees, not later than 30 days before im-
19 posing such sanctions, that imposing sanctions with
20 respect to the Myanma Oil and Gas Enterprise—

21 (A) would reduce the ability of the Bur-
22 mese military to engage in the activities de-
23 scribed in subparagraphs (A) through (D) of
24 subsection (a)(2);

1 (B) would bring benefits to the people of
2 Burma that exceed the potential negative im-
3 pacts of the sanctions on the humanitarian and
4 economic outlook of the people of Burma; and

5 (C) is in the national interest of the
6 United States.

7 (2) LICENSES.—The Secretary of the Treasury
8 may grant a license to allow the Myanma Oil and
9 Gas Enterprise and a joint venture in which the
10 Myanma Oil and Gas Enterprise participates to con-
11 tinue operating in a manner that does not provide
12 revenue or other economic benefits to the Burmese
13 military or members of the Burmese military.

14 (d) SANCTIONS DESCRIBED.—The sanctions that
15 may be imposed with respect to a foreign person described
16 in subsection (a) or (c) are the following:

17 (1) PROPERTY BLOCKING.—Notwithstanding
18 the requirements of section 202 of the International
19 Emergency Economic Powers Act (50 U.S.C. 1701),
20 the President may exercise of all powers granted to
21 the President by that Act to the extent necessary to
22 block and prohibit all transactions in all property
23 and interests in property of the foreign person if
24 such property and interests in property are in the
25 United States, come within the United States, or are

1 or come within the possession or control of a United
2 States person.

3 (2) FOREIGN EXCHANGE.—The President may,
4 pursuant to such regulations as the President may
5 prescribe, prohibit any transactions in foreign ex-
6 change that are subject to the jurisdiction of the
7 United States and in which the foreign person has
8 any interest.

9 (3) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
10 SION, OR PAROLE.—

11 (A) IN GENERAL.—An alien described in
12 subsection (a) is—

13 (i) inadmissible to the United States;

14 (ii) ineligible for a visa or travel to the
15 United States; and

16 (iii) otherwise ineligible to be admitted
17 or paroled into the United States or to re-
18 ceive any other benefit under the Immigra-
19 tion and Nationality Act (8 U.S.C. 1101 et
20 seq.).

21 (B) CURRENT VISAS REVOKED.—

22 (i) IN GENERAL.—The visa or other
23 documentation issued to an alien described
24 in subsection (a) shall be revoked, regard-

1 less of when such visa or other documenta-
 2 tion is or was issued.

3 (ii) EFFECT OF REVOCATION.—A visa
 4 or other entry documentation revoked
 5 under clause (i) shall, in accordance with
 6 section 221(i) of the Immigration and Na-
 7 tionality Act (8 U.S.C. 1201(i)), no longer
 8 be valid for travel to the United States.

9 (e) EXCEPTIONS.—

10 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
 11 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
 12 TIES.—Sanctions under this section shall not apply
 13 to any authorized intelligence, law enforcement, or
 14 national security activities of the United States.

15 (2) EXCEPTION TO COMPLY WITH UNITED NA-
 16 TIONS HEADQUARTERS AGREEMENT.—Sanctions
 17 under subsection (d)(3) shall not apply with respect
 18 to the admission of an alien to the United States if
 19 the admission of the alien is necessary to permit the
 20 United States to comply with the Agreement regard-
 21 ing the Headquarters of the United Nations, signed
 22 at Lake Success June 26, 1947, and entered into
 23 force November 21, 1947, between the United Na-
 24 tions and the United States, the Convention on Con-
 25 sular Relations, done at Vienna April 24, 1963, and

1 entered into force March 19, 1967, or other applica-
2 ble international obligations.

3 (f) WAIVER.—

4 (1) IN GENERAL.—The President may, on a
5 case-by-case basis and for periods not to exceed 180
6 days each, waive the application of sanctions or re-
7 strictions imposed with respect to a foreign person
8 under this section if the President certifies to the
9 appropriate congressional committees not later than
10 15 days before such waiver is to take effect that the
11 waiver is vital to the national security interests of
12 the United States.

13 (2) SUNSET.—The authority to issue a waiver
14 under paragraph (1) shall terminate on the date
15 that is 2 years after the date of enactment of this
16 Act.

17 (g) IMPLEMENTATION; PENALTIES.—

18 (1) IMPLEMENTATION.—The President may ex-
19 ercise all authorities provided to the President under
20 sections 203 and 205 of the International Emer-
21 gency Economic Powers Act (50 U.S.C. 1702 and
22 1704) to carry out this subtitle.

23 (2) PENALTIES.—A person that violates, at-
24 tempts to violate, conspires to violate, or causes a
25 violation of this subtitle or any regulation, license, or

1 order issued to carry out this subtitle shall be sub-
2 ject to the penalties set forth in subsections (b) and
3 (c) of section 206 of the International Emergency
4 Economic Powers Act (50 U.S.C. 1705) to the same
5 extent as a person that commits an unlawful act de-
6 scribed in subsection (a) of that section.

7 (h) REPORT.—Not later than 60 days after the date
8 of the enactment of this Act, the Secretary of the Treas-
9 ury, in consultation with the Secretary of State and the
10 heads of other United States Government agencies, as ap-
11 propriate, shall submit to the appropriate congressional
12 committees a report that—

13 (1) sets forth the plan of the Department of the
14 Treasury for ensuring that property blocked pursu-
15 ant to subsection (a) or Executive Order 14014 re-
16 mains blocked;

17 (2) describes the primary sources of income to
18 which the Burmese military has access and that the
19 United States has been unable to reach using sanc-
20 tions authorities;

21 (3) makes recommendations for how the sources
22 of income described in paragraph (2) can be reduced
23 or blocked; and

24 (4) evaluates the implications of imposing sanc-
25 tions on the Burmese-government owned Myanmar

1 Oil and Gas Enterprise, including a determination
 2 with respect to the extent to which sanctions on
 3 Myanmar Oil and Gas Enterprise would advance the
 4 interests of the United States in Burma.

5 **SEC. 203. AUTHORIZATION TO PROHIBIT IMPORTS FROM**
 6 **THE BURMESE GEMSTONE SECTOR.**

7 (a) IN GENERAL.—The President may prohibit all
 8 imports of precious and semi-precious gemstones from
 9 Burma into the United States.

10 (b) TERMINATION.—This section shall terminate on
 11 the date on which the President submits to the appro-
 12 priate congressional committees a certification that—

13 (1) the Burmese military has released all polit-
 14 ical prisoners taken into custody on or after Feb-
 15 ruary 1, 2021;

16 (2) the elected government has been reinstated
 17 or new free and fair elections have been held;

18 (3) all legal charges against those winning elec-
 19 tion in November 2020 are dropped;

20 (4) the 2008 Constitution of Burma has been
 21 amended or replaced to place the Burmese military
 22 under civilian oversight and the Burmese military no
 23 longer automatically receives 25 percent of seats in
 24 Burma’s state, regional, and national Hluttaws;

1 (5) that the gemstone sector of Burma is free
2 from the influence of the Burmese military and that
3 none of the entities described in section 202(a) hold
4 gemstone permits;

5 (6) Burma has been re-admitted to the Extrac-
6 tive Industries Transparency Initiative;

7 (7) all entities participating in the gemstone
8 sector in Burma have publicly disclosed their bene-
9 ficial ownership consistent with requirements set
10 forth in the guidelines of the Extractive Industries
11 Transparency Initiative;

12 (8) the licensing and permitting process is con-
13 ducted in a transparent and open manner, with con-
14 tracts disclosed publicly; and

15 (9) the Myanma Gems Enterprise no longer
16 acts as both a regulator and commercial partner in
17 mining enterprises.

18 **SEC. 204. CERTIFICATION REQUIREMENT FOR REMOVAL**
19 **OF CERTAIN PERSONS FROM THE LIST OF**
20 **SPECIALLY DESIGNATED NATIONALS AND**
21 **BLOCKED PERSONS.**

22 (a) IN GENERAL.—On or after the date of the enact-
23 ment of this Act, the President may not remove a person
24 described in subsection (b) from the list of specially des-
25 ignated nationals and blocked persons maintained by the

1 Office of Foreign Assets Control of the Department of the
2 Treasury (commonly referred to as the “SDN list”) until
3 the President submits to the appropriate congressional
4 committees a certification described in subsection (c) with
5 respect to the person.

6 (b) PERSONS DESCRIBED.—A person described in
7 this subsection is a foreign person included in the SDN
8 list for violations of part 525 of title 31, Code of Federal
9 Regulations, or any other regulations imposing sanctions
10 on or related to Burma.

11 (c) CERTIFICATION DESCRIBED.—A certification de-
12 scribed in this subsection, with respect to a person de-
13 scribed in subsection (b), is a certification that the person
14 has not knowingly assisted in, sponsored, or provided fi-
15 nancial, material, or technological support for, or financial
16 or other services to or in support of—

17 (1) terrorism or a terrorist organization;

18 (2) a significant foreign narcotics trafficker (as
19 defined in section 808 of the Foreign Narcotics
20 Kingpin Designation Act (21 U.S.C. 1907));

21 (3) a significant transnational criminal organi-
22 zation under Executive Order 13581 (50 U.S.C.
23 1701 note; relating to blocking property of
24 transnational criminal organizations); or

25 (4) any other person on the SDN list.

1 (d) FORM.—A certification described in subsection
2 (c) shall be submitted in unclassified form but may include
3 a classified annex.

4 **SEC. 205. SUNSET.**

5 (a) IN GENERAL.—The authority to impose sanctions
6 under this title shall terminate on the date that is 8 years
7 after the date of the enactment of this Act.

8 (b) CONTINUATION IN EFFECT OF SANCTIONS.—
9 Sanctions imposed under this subtitle on or before the
10 date specified in subsection (a), and in effect as of such
11 date, shall remain in effect until the date on which the
12 President submits to the appropriate congressional com-
13 mittees a certification that—

14 (1) the Burmese military has released all polit-
15 ical prisoners taken into custody on or after Feb-
16 ruary 1, 2021;

17 (2) the elected government has been reinstated
18 or new free and fair elections have been held;

19 (3) all legal charges against those winning elec-
20 tion in November 2020 are dropped; and

21 (4) the 2008 Constitution of Burma has been
22 amended or replaced to place the Burmese military
23 under civilian oversight and the Burmese military no
24 longer automatically receives 25 percent of seats in
25 Burma’s state, regional, and national Hluttaws.

1 **Subtitle B—Coordination of**
2 **Sanctions**

3 **SEC. 211. SANCTIONS AND POLICY COORDINATION FOR**
4 **BURMA.**

5 (a) IN GENERAL.—The Secretary of State may des-
6 ignate an official of the Department of State to serve as
7 the United States Special Coordinator for Burmese De-
8 mocracy (in this section referred to as the “Special Coordi-
9 nator”).

10 (b) CENTRAL OBJECTIVE.—The Special Coordinator
11 should develop a comprehensive strategy for the implemen-
12 tation of the full range of United States diplomatic capa-
13 bilities, including the provisions of this Act, to promote
14 human rights and the restoration of civilian government
15 in Burma.

16 (c) DUTIES AND RESPONSIBILITIES.—The Special
17 Coordinator should, as appropriate, assist in—

18 (1) coordinating the sanctions policies of the
19 United States under section 202 with relevant bu-
20 reaus and offices within the Department of State,
21 other relevant United States Government agencies,
22 and international financial institutions;

23 (2) conducting relevant research and vetting of
24 entities and individuals that may be subject to sanc-
25 tions under section 202 and coordinate with other

1 United States Government agencies and inter-
2 national financial intelligence units to assist in ef-
3 forts to enforce anti-money laundering and anti-cor-
4 ruption laws and regulations;

5 (3) promoting a comprehensive international ef-
6 fort to impose and enforce multilateral sanctions
7 with respect to Burma;

8 (4) coordinating with and supporting inter-
9 agency United States Government efforts, including
10 efforts of the United States Ambassador to Burma
11 and the United States Permanent Representative to
12 the United Nations, relating to—

13 (A) identifying opportunities to coordinate
14 with and exert pressure on the governments of
15 the People’s Republic of China and the Russian
16 Federation to support multilateral action
17 against the Burmese military;

18 (B) working with like-minded partners to
19 impose a coordinated arms embargo on the
20 Burmese military and targeted sanctions on the
21 economic interests of the Burmese military, in-
22 cluding through the introduction and adoption
23 of a United Nations Security Council resolu-
24 tion;

1 (C) engaging in direct dialogue with Bur-
2 mese civil society, democracy advocates, ethnic
3 minority representative groups, and organiza-
4 tions or groups representing the protest move-
5 ment and the officials elected in 2020, such as
6 the Committee Representing the Pyidaungsu
7 Hluttaw, the National Unity Government, the
8 National Unity Consultative Council, and their
9 designated representatives;

10 (D) encouraging the National Unity Gov-
11 ernment to incorporate accountability mecha-
12 nisms in relation to the atrocities against
13 Rohingya and other ethnic groups, to take fur-
14 ther steps to make its leadership and member-
15 ship ethnically diverse, and to incorporate
16 measures to enhance ethnic reconciliation and
17 national unity into its policy agenda;

18 (E) assisting efforts by the relevant United
19 Nations Special Envoys and Special
20 Rapporteurs to secure the release of all political
21 prisoners in Burma, promote respect for human
22 rights, and encourage dialogue; and

23 (F) supporting nongovernmental organiza-
24 tions operating in Burma and neighboring
25 countries working to restore civilian democratic

1 rule to Burma and to address the urgent hu-
2 manitarian needs of the people of Burma; and
3 (5) providing timely input for reporting on the
4 impacts of the implementation of sections 202 and
5 203 on the Burmese military and the people of
6 Burma.

7 **TITLE III—HUMANITARIAN AS-**
8 **SISTANCE AND CIVIL SOCI-**
9 **ETY SUPPORT WITH RESPECT**
10 **TO BURMA**

11 **SEC. 301. SUPPORT TO CIVIL SOCIETY AND INDEPENDENT**
12 **MEDIA.**

13 (a) AUTHORIZATION TO PROVIDE SUPPORT.—The
14 Secretary of State and the Administrator of the United
15 States Agency for International Development are author-
16 ized to provide support to civil society in Burma, Ban-
17 gladesh, Thailand, and the surrounding region, including
18 by—

19 (1) ensuring the safety of democracy activists,
20 civil society leaders, independent media, participants
21 in the Civil Disobedience Movement, and government
22 defectors exercising their fundamental rights by—

23 (A) supporting safe houses for those under
24 threat of arbitrary arrest or detention;

1 (B) providing access to secure channels for
2 communication;

3 (C) assisting individuals forced to flee from
4 Burma and take shelter in neighboring coun-
5 tries, including in ensuring protection assist-
6 ance and non-refoulement; and

7 (D) providing funding to organizations
8 that equip activists, civil society organizations,
9 and independent media with consistent, long-
10 term technical support on physical and digital
11 security in local languages;

12 (2) supporting democracy activists in their ef-
13 forts to promote freedom, democracy, and human
14 rights in Burma, by—

15 (A) providing aid and training to democ-
16 racy activists in Burma;

17 (B) providing aid to individuals and groups
18 conducting democracy programming outside of
19 Burma targeted at a peaceful transition to con-
20 stitutional democracy inside Burma;

21 (C) providing aid and assistance to inde-
22 pendent media outlets and journalists and
23 groups working to protect internet freedom and
24 maintain independent media;

1 (D) expanding radio and television broad-
2 casting into Burma; and

3 (E) providing financial support to civil so-
4 ciety organizations and nongovernmental orga-
5 nizations led by members of ethnic and religious
6 minority groups within Burma and its cross-
7 border regions;

8 (3) assisting ethnic minority groups and civil
9 society in Burma to further prospects for justice,
10 reconciliation, and sustainable peace; and

11 (4) promoting ethnic minority inclusion and
12 participation in political processes in Burma.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated \$50,000,000 to carry
15 out the provisions of this section for each of fiscal years
16 2022 through 2027.

17 **SEC. 302. HUMANITARIAN ASSISTANCE AND RECONCILI-**
18 **ATION.**

19 (a) AUTHORIZATION TO PROVIDE HUMANITARIAN
20 ASSISTANCE.—The Secretary of State and the Adminis-
21 trator of the United States Agency for International De-
22 velopment are authorized to provide humanitarian assist-
23 ance and reconciliation activities for ethnic groups and
24 civil society organizations in Burma, Bangladesh, Thai-
25 land, and the surrounding region, including—

- 1 (1) assistance for victims of violence by the
- 2 Burmese military, including Rohingya and individ-
- 3 uals from other ethnic minorities displaced or other-
- 4 wise affected by conflict, in Burma, Bangladesh,
- 5 Thailand, and the surrounding region;
- 6 (2) support for voluntary resettlement or repa-
- 7 triation of displaced individuals in Burma, upon the
- 8 conclusion of genuine agreements developed and ne-
- 9 gotiated with the involvement and consultation of
- 10 the displaced individuals and if resettlement or repa-
- 11 triation is safe, voluntary, and dignified;
- 12 (3) support for the promotion of ethnic and re-
- 13 ligious tolerance, improving social cohesion, com-
- 14 bating gender-based violence, increasing the engage-
- 15 ment of women in peacebuilding, and mitigating
- 16 human rights violations and abuses against children;
- 17 (4) support for—
- 18 (A) primary, secondary, and tertiary edu-
- 19 cation for displaced children living in areas of
- 20 Burma affected by conflict; and
- 21 (B) refugee camps in the surrounding re-
- 22 gion and opportunities to access to higher edu-
- 23 cation in Bangladesh and Thailand;
- 24 (5) capacity-building support—

1 (A) to ensure that displaced individuals are
 2 consulted and participate in decision-making
 3 processes affecting the displaced individuals;
 4 and

5 (B) for the creation of mechanisms to fa-
 6 cilitate the participation of displaced individuals
 7 in such processes; and

8 (6) increased humanitarian aid to Burma to ad-
 9 dress the dire humanitarian situation that has up-
 10 rooted 170,000 people through—

11 (A) international aid partners such as
 12 agencies of the United Nations;

13 (B) the International Committee of the
 14 Red Cross; and

15 (C) cross-border aid.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 17 are authorized to be appropriated \$220,500,000 to carry
 18 out the provisions of this section for fiscal year 2022.

19 **SEC. 303. AUTHORIZATION OF ASSISTANCE FOR BURMA PO-**
 20 **LITICAL PRISONERS.**

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

23 (1) the freedom of expression is an inalienable
 24 right;

1 (2) the Government of Burma must imme-
2 diately drop defamation charges against all individ-
3 uals unjustly detained, including the 3 Kachin activ-
4 ists, Lum Zawng, Nang Pu, and Zau Jet, who led
5 a peaceful rally in Myitkyina, the capital of Kachin
6 State in April 2018, and that the prosecution of
7 Lum Zawng, Nang Pu, and Zau Jet is an attempt
8 by Burmese authorities to intimidate, harass, and si-
9 lence community leaders and human rights defend-
10 ers who speak out about military abuses and their
11 impact on civilian populations;

12 (3) freedom of expression, including for mem-
13 bers of the press, is a human right and should be
14 upheld and protected in Burma and everywhere, and
15 Burmese authorities must immediately cease the ar-
16 bitrary arrest, detention, imprisonment, and physical
17 attacks of journalists, which have created a climate
18 of fear and self-censorship among local journalists;
19 and

20 (4) the Burmese military should immediately
21 and unconditionally release Danny Fester and other
22 journalists unjustly detained for their work.

23 (b) STATEMENT OF POLICY.—It is the policy of the
24 United States that—

1 (1) all prisoners of conscience and political pris-
2 oners in Burma should be unconditionally and im-
3 mediately released;

4 (2) all diplomatic tools of the United States
5 should be invoked to ensure that all prisoners of
6 conscience and political prisoners in Burma are re-
7 leased; and

8 (3) the Government of Burma should repeal or
9 amend all laws that violate the right to freedom of
10 expression, peaceful assembly, or association, and
11 ensure that laws such as the Telecommunications
12 Law of 2013 and the Unlawful Associations Act of
13 1908, and laws relating to the right to peaceful as-
14 sembly all comply with Burma's human rights obli-
15 gations.

16 (c) POLITICAL PRISONERS ASSISTANCE.—The Sec-
17 retary of State is authorized to continue to provide assist-
18 ance to civil society organizations in Burma that work to
19 secure the release of and support prisoners of conscience
20 and political prisoners in Burma, including—

21 (1) support for the documentation of human
22 rights violations with respect to prisoners of con-
23 science and political prisoners;

1 (2) support for advocacy in Burma to raise
2 awareness of issues relating to prisoners of con-
3 science and political prisoners;

4 (3) support for efforts to repeal or amend laws
5 that are used to imprison individuals as prisoners of
6 conscience or political prisoners;

7 (4) support for health, including mental health,
8 and post-incarceration assistance in gaining access
9 to education and employment opportunities or other
10 forms of reparation to enable former prisoners of
11 conscience and political prisoners to resume normal
12 lives; and

13 (5) the creation, in consultation with former po-
14 litical prisoners and prisoners of conscience, their
15 families, and their representatives, of an inde-
16 pendent prisoner review mechanism in Burma—

17 (A) to review the cases of individuals who
18 may have been charged or deprived of their lib-
19 erty for peacefully exercising their human
20 rights;

21 (B) to review all laws used to arrest, pros-
22 ecute, and punish individuals as political pris-
23 oners and prisoners of conscience; and

1 (C) to provide recommendations to the
 2 Government of Burma for the repeal or amend-
 3 ment of all such laws.

4 **TITLE IV—ACCOUNTABILITY**
 5 **FOR HUMAN RIGHTS ABUSES**

6 **SEC. 401. EVALUATION OF ATTACKS AGAINST ROHINGYA IN**
 7 **BURMA.**

8 (a) IN GENERAL.—Not later than 90 days after the
 9 date of the enactment of this Act, the Secretary of State,
 10 after consultation with the heads of other United States
 11 Government agencies represented on the Atrocity Early
 12 Warning Task Force and representatives of human rights
 13 organizations, as appropriate, shall submit to the appro-
 14 priate congressional committees an evaluation of the per-
 15 secution of, including attacks against, Rohingya in Burma
 16 by the Burmese military, including—

17 (1) an assessment of whether the situation con-
 18 stitutes genocide (as defined in section 1091 of title
 19 18, United States Code); and

20 (2) a detailed description of any proposed atroc-
 21 ities prevention response recommended by the Atroc-
 22 ity Early Warning Task Force.

23 (b) FORM.—

24 (1) IN GENERAL.—The evaluation required by
 25 subsection (a) shall be submitted in unclassified

1 form, but may include a classified annex as nec-
 2 essary.

3 (2) PUBLICATION OF UNCLASSIFIED POR-
 4 TION.—The unclassified portion of the evaluation re-
 5 quired by subsection (a) shall be posted on a publicly
 6 available internet website of the Department of
 7 State.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
 9 FINED.—In this section, the term “appropriate congres-
 10 sional committees” means—

11 (1) the Committee on Foreign Relations and
 12 the Committee on Armed Services of the Senate; and

13 (2) the Committee on Foreign Affairs and the
 14 Committee on Armed Services of the House of Rep-
 15 resentatives.

16 **SEC. 402. REPORT ON ACCOUNTABILITY FOR WAR CRIMES,**
 17 **CRIMES AGAINST HUMANITY, AND GENOCIDE**
 18 **IN BURMA.**

19 (a) STATEMENT OF POLICY.—It is the policy of the
 20 United States—

21 (1) to continue the support of ongoing mecha-
 22 nisms and special procedures of the United Nations
 23 Human Rights Council, including the United Na-
 24 tions Independent Investigative Mechanism for

1 Myanmar and the Special Rapporteur on the situa-
2 tion of human rights in Myanmar; and

3 (2) to refute the credibility and impartiality of
4 efforts sponsored by the Government of Burma, such
5 as the Independent Commission of Enquiry, unless
6 the United States Ambassador at Large for Global
7 Criminal Justice determines the efforts to be cred-
8 ible and impartial and notifies the appropriate con-
9 gressional committees in writing and in unclassified
10 form regarding that determination.

11 (b) REPORT REQUIRED.—Not later than 90 days
12 after the date of the enactment of this Act, the Secretary
13 of State, after consultation with the heads of other United
14 States Government agencies, as appropriate, shall submit
15 to the appropriate congressional committees a report
16 that—

17 (1) after consulting with the Atrocity Early
18 Warning Task Force, or any successor entity or of-
19 fice, provides a detailed description of any proposed
20 atrocity prevention response recommended by the
21 Task Force;

22 (2) summarizes any atrocity crimes committed
23 against Rohingya or members of other ethnic minor-
24 ity groups in Burma between 2012 and the date of
25 the submission of the report;

1 (3) describes any potential transitional justice
2 mechanisms for Burma;

3 (4) provides an analysis of whether the reports
4 summarized under paragraph (2) amount to war
5 crimes, crimes against humanity, or genocide; and

6 (5) includes a determination with respect to
7 whether—

8 (A) the persecution of, including attacks
9 against, Rohingya in Burma by the Burmese
10 military constitutes genocide; and

11 (B) events that took place during or after
12 the coup of February 1, 2021, in any state in
13 Burma constitute war crimes or crimes against
14 humanity.

15 (c) ELEMENTS.—The report required by subsection
16 (b) shall include the following:

17 (1) A description of—

18 (A) credible evidence of events that may
19 constitute war crimes, crimes against humanity,
20 or genocide committed by the Burmese military
21 against Rohingya and members of other ethnic
22 minority groups, including the identities of any
23 other actors involved in the events;

1 (B) the role of the civilian government in
2 the commission of any events described in sub-
3 paragraph (A);

4 (C) credible evidence of events of war
5 crimes, crimes against humanity, or genocide
6 committed by other armed groups in Burma;

7 (D) attacks on health workers, health fa-
8 cilities, health transport, or patients and, to the
9 extent possible, the identities of any individuals
10 who engaged in or organized such attacks in
11 Burma; and

12 (E) to the extent possible, the conventional
13 and unconventional weapons used for any
14 events or attacks described in this paragraph
15 and the sources of such weapons.

16 (2) In consultation with the Administrator of
17 the United States Agency for International Develop-
18 ment, the Attorney General, and heads of any other
19 appropriate United States Government agencies, as
20 appropriate, a description and assessment of the ef-
21 fectiveness of any efforts undertaken by the United
22 States to promote accountability for any atrocity
23 crimes perpetrated against Rohingya by the Bur-
24 mese military, the government of the Rakhine State,

1 pro-government militias, or other armed groups op-
2 erating in the Rakhine State, including efforts—

3 (A) to train civilian investigators, within
4 and outside of Burma and Bangladesh, to docu-
5 ment, investigate, develop findings of, identify,
6 and locate alleged perpetrators of war crimes,
7 crimes against humanity, or genocide in Burma;

8 (B) to promote and prepare for a transi-
9 tional justice mechanism for the perpetrators of
10 war crimes, crimes against humanity, and geno-
11 cide occurring in the Rakhine State in 2017;
12 and

13 (C) to document, collect, preserve, and pro-
14 tect evidence of war crimes, crimes against hu-
15 manity, and genocide in Burma, including by—

16 (i) providing support for ethnic
17 Rohingya, Shan, Rakhine, Kachin, Chin,
18 and Kayin and other ethnic minorities;

19 (ii) Burmese, Bangladeshi, foreign,
20 and international nongovernmental organi-
21 zations;

22 (iii) the Independent Investigative
23 Mechanism for Myanmar; and

24 (iv) other entities engaged in inves-
25 tigative activities with respect to war

1 crimes, crimes against humanity, and
2 genocide in Burma.

3 (3) A detailed study of the feasibility and desir-
4 ability of a transitional justice mechanism for
5 Burma, such as an international tribunal, a hybrid
6 tribunal, or other options, that includes—

7 (A) a discussion of the use of universal ju-
8 risdiction or of legal cases brought against
9 Burma by other countries at the International
10 Court of Justice regarding any atrocity crimes
11 perpetrated in Burma;

12 (B) recommendations for any transitional
13 justice mechanism the United States should
14 support, the reason the mechanism should be
15 supported, and the type of support that should
16 be offered; and

17 (C) consultation regarding transitional jus-
18 tice mechanisms with representatives of
19 Rohingya and individuals from other ethnic mi-
20 nority groups who have suffered human rights
21 violations and abuses.

22 (d) PROTECTION OF WITNESSES AND EVIDENCE.—
23 The Secretary of State shall seek to ensure that the identi-
24 fication of witnesses and physical evidence used for the
25 report required by this section are not publicly disclosed

1 in a manner that might place witnesses at risk of harm
2 or encourage the destruction of evidence by the military
3 or government of Burma.

4 (e) FORM OF REPORT; PUBLIC AVAILABILITY.—

5 (1) FORM.—The report required by subsection

6 (b) shall be submitted in unclassified form but may
7 include a classified annex.

8 (2) PUBLIC AVAILABILITY.—The unclassified
9 portion of the report required by subsection (b) shall
10 be posted on a publicly available internet website.

11 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means the Committee on Foreign Re-
14 lations of the Senate and the Committee on Foreign Af-
15 fairs of the House of Representatives.

16 **SEC. 403. AUTHORIZATION TO PROVIDE TECHNICAL AS-**
17 **SISTANCE FOR EFFORTS AGAINST HUMAN**
18 **RIGHTS ABUSES.**

19 (a) IN GENERAL.—The Secretary of State is author-
20 ized to provide assistance to support appropriate civilian
21 or international entities that—

22 (1) identify suspected perpetrators of war
23 crimes, crimes against humanity, and genocide;

1 (2) collect, document, and protect evidence of
 2 crimes and preserving the chain of custody for such
 3 evidence;

4 (3) conduct criminal investigations of such
 5 crimes; and

6 (4) support investigations conducted by other
 7 countries, and by entities mandated by the United
 8 Nations, such as the Independent Investigative
 9 Mechanism for Myanmar.

10 (b) AUTHORIZATION FOR TRANSITIONAL JUSTICE
 11 MECHANISMS.—The Secretary of State, taking into ac-
 12 count any relevant findings in the report submitted under
 13 section 402, is authorized to provide support for the estab-
 14 lishment and operation of transitional justice mechanisms,
 15 including a hybrid tribunal, to prosecute individuals sus-
 16 pected of committing war crimes, crimes against human-
 17 ity, or genocide in Burma.

18 **TITLE V—UNITED NATIONS** 19 **ACTION**

20 **SEC. 501. SUPPORT FOR GREATER UNITED NATIONS AC-** 21 **TION WITH RESPECT TO BURMA.**

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

24 (1) the United Nations Security Council has
 25 not taken adequate steps to condemn the February

1 1, 2021, coup in Burma, pressure the Burmese mili-
2 tary to cease its violence against civilians, or secure
3 the release of those unjustly detained; and

4 (2) countries, such as the People's Republic of
5 China and the Russian Federation, that are directly
6 or indirectly shielding the Burmese military from
7 international scrutiny and action, should be obliged
8 to endure the reputational damage of doing so by
9 taking public votes on resolutions related to Burma
10 that apply greater pressure on the Burmese military
11 to restore Burma to its democratic path.

12 (b) SUPPORT FOR GREATER ACTION.—The President
13 shall direct the United States Permanent Representative
14 to the United Nations to use the voice, vote, and influence
15 of the United States to spur greater action by the United
16 Nations and the United Nations Security Council with re-
17 spect to Burma by—

18 (1) pushing the United Nations Security Coun-
19 cil to consider a resolution condemning the February
20 1, 2021, coup and calling on the Burmese military
21 to cease its violence against the people of Burma
22 and release without preconditions the journalists,
23 pro-democracy activists, and political officials that it
24 has unjustly detained;

1 (2) pushing the United Nations Security Coun-
2 cil to consider a resolution that immediately imposes
3 a global arms embargo against Burma to ensure
4 that the Burmese military is not able to obtain
5 weapons and munitions from other nations to fur-
6 ther harm, murder, and oppress the people of
7 Burma;

8 (3) pushing the United Nations and other
9 United Nations authorities to cut off assistance to
10 the Government of Burma while providing humani-
11 tarian assistance directly to the people of Burma
12 through civil society organizations, particularly such
13 organizations working with ethnic minorities that
14 have been adversely affected by the coup and the
15 Burmese military's violent crackdown;

16 (4) objecting to the appointment of representa-
17 tives to the United Nations and United Nations bod-
18 ies such as the Human Rights Council that are
19 sanctioned by the Burmese military;

20 (5) working to ensure the Burmese military is
21 not recognized as the legitimate government of
22 Burma in any United Nations body; and

23 (6) spurring the United Nations Security Coun-
24 cil to consider multilateral sanctions against the
25 Burmese military for its atrocities against Rohingya

1 and individuals of other ethnic and religious minori-
2 ties, its coup, and the crimes against humanity it
3 has and continues to commit in the coup's after-
4 math.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5497
OFFERED BY MR. MEEKS OF NEW YORK**

Strike all after the enacting clause and insert the following:

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 2021” or the “BURMA Act of 2021”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

Sec. 101. Findings.

Sec. 102. Statement of policy.

**TITLE II—SANCTIONS, IMPORT RESTRICTIONS, AND POLICY
COORDINATION WITH RESPECT TO BURMA**

Sec. 201. Definitions.

Sec. 202. Imposition of sanctions with respect to human rights abuses and per-
petration of a coup in Burma.

Sec. 203. Authorization to prohibit imports from the Burmese gemstone sector.

Sec. 204. Certification requirement for removal of certain persons from the list
of specially designated nationals and blocked persons.

Sec. 205. Sanctions and policy coordination for Burma.

Sec. 206. Support for greater United Nations action with respect to Burma.

Sec. 207. Sunset.

**TITLE III—HUMANITARIAN ASSISTANCE AND CIVIL SOCIETY
SUPPORT WITH RESPECT TO BURMA**

Sec. 301. Support to civil society and independent media.

Sec. 302. Humanitarian assistance and reconciliation.

Sec. 303. Authorization of assistance for Burma political prisoners.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES

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.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **BURMESE MILITARY.**—The term “Burmese
4 military”—

5 (A) means the Armed Forces of Burma,
6 including the army, navy, and air force; and

7 (B) includes security services under the
8 control of the Armed Forces of Burma such as
9 the police and border guards.

10 (2) **CRIMES AGAINST HUMANITY.**—The term
11 “crimes against humanity” includes the following,
12 when committed as part of a widespread or system-
13 atic attack directed against any civilian population,
14 with knowledge of the attack:

15 (A) Murder.

16 (B) Forced transfer of population.

17 (C) Torture.

18 (D) Extermination.

19 (E) Enslavement.

20 (F) Rape, sexual slavery, or any other
21 form of sexual violence of comparable severity.

22 (G) Enforced disappearance of persons.

1 (H) Persecution against any identifiable
2 group or collectivity on political, racial, na-
3 tional, ethnic, cultural, religious, gender, or
4 other grounds that are universally recognized as
5 impermissible under international law.

6 (I) Imprisonment or other severe depriva-
7 tion of physical liberty in violation of funda-
8 mental rules of international law.

9 (3) EXECUTIVE ORDER 14014.—The term “Ex-
10 ecutive Order 14014” means Executive Order 14014
11 (86 Fed. Reg. 9429; relating to blocking property
12 with respect to the situation in Burma).

13 (4) GENOCIDE.—The term “genocide” means
14 any offense described in section 1091(a) of title 18,
15 United States Code.

16 (5) TRANSITIONAL JUSTICE.—The term “tran-
17 sitional justice” means the range of judicial, non-
18 judicial, formal, informal, retributive, and restorative
19 measures employed by countries transitioning out of
20 armed conflict or repressive regimes, or employed by
21 the international community through international
22 justice mechanisms, to redress past or ongoing
23 atrocities and to promote long-term, sustainable
24 peace.

1 (6) WAR CRIME.—The term “war crime” has
2 the meaning given the term in section 2441(c) of
3 title 18, United States Code.

4 **TITLE I—MATTERS RELATING**
5 **TO THE CONFLICT IN BURMA**

6 **SEC. 101. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since 1988, the United States policy of
9 principled engagement has fostered positive demo-
10 cratic reforms in Burma, with elections in 2010,
11 2015, and 2020, helping to bring about the partial
12 transition to civilian rule and with the latter 2 elec-
13 tions resulting in resounding electoral victories for
14 the National League for Democracy.

15 (2) That democratic transition remained incom-
16 plete, with the military retaining significant power
17 and independence from civilian control following the
18 2015 elections, including through control of 25 per-
19 cent of parliamentary seats, a de facto veto over con-
20 stitutional reform, authority over multiple govern-
21 ment ministries, and the ability to operate with im-
22 punity and no civilian oversight.

23 (3) Despite some improvements with respect for
24 human rights and fundamental freedoms beginning
25 in 2010, and the establishment of a quasi-civilian

1 government following credible elections in 2015,
2 Burma's military and civilian leaders have, since
3 2016, overseen an increase in restrictions to freedom
4 of expression (including for members of the press),
5 freedom of peaceful assembly, freedom of associa-
6 tion, and freedom of religion or belief.

7 (4) On August 25, 2017, Burmese military and
8 security forces launched a genocidal military cam-
9 paign against Rohingya, resulting in a mass exodus
10 of some 750,000 Rohingya from Burma's Rakhine
11 State into Bangladesh, where they remain. The Gov-
12 ernment of Burma has since taken no steps to im-
13 prove conditions for Rohingya still in Rakhine State,
14 who remain at high risk of genocide and other atroc-
15 ities, or to create conditions conducive to the return
16 of Rohingya refugees.

17 (5) The Burmese military has also engaged in
18 renewed violence with other ethnic minority groups
19 across the country. Since 2018, fighting between the
20 Burmese military and the Arakan Army has dis-
21 placed more than 220,000 people in Rakhine and
22 Chin States, including more than 130,000 Rohingya
23 confined to camps since 2012. The military has con-
24 tinued to commit atrocities in Kachin and Shan
25 States that a 2019 report by Amnesty International

1 described as “relentless and ruthless”. Fighting in
2 northern Burma has forced more than 100,000 peo-
3 ple from their homes and into camps for internally
4 displaced persons. The Government of Burma con-
5 tinues to heavily proscribe humanitarian and media
6 access to conflict-affected populations across the
7 country.

8 (6) With more than \$500,000,000 in humani-
9 tarian assistance provided to Burma and Ban-
10 gladesh in 2020 alone, the United States is the larg-
11 est humanitarian donor to populations in need as a
12 result of conflicts in Burma. In May 2021, the
13 United States announced nearly \$155,000,000 in
14 additional humanitarian assistance to meet the ur-
15 gent needs of Rohingya refugees and host commu-
16 nities in Bangladesh and people affected by ongoing
17 violence in Burma’s Rakhine, Kachin, Shan, and
18 Chin states. In August 2021, the United States pro-
19 vided \$50,000,000 in critical humanitarian assist-
20 ance to the people of Burma.

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

1 (8) In its report dated September 17, 2018, the
2 United Nations Independent International Fact-
3 Finding Mission on Myanmar concluded, on reason-
4 able grounds, that the factors allowing inference of
5 “genocidal intent” are present with respect to the
6 attacks against Rohingya in Rakhine State, and acts
7 by Burmese security forces against Rohingya in
8 Rakhine State and other ethnic minorities in Kachin
9 and Shan States amount to “crimes against human-
10 ity” and “war crimes”. The Independent Inter-
11 national Fact-Finding Mission on Myanmar estab-
12 lished by the United Nations Human Rights Council
13 recommended that the United Nations Security
14 Council “should ensure accountability for crimes
15 under international law committed in Myanmar,
16 preferably by referring the situation to the Inter-
17 national Criminal Court or alternatively by creating
18 an ad hoc international criminal tribunal”. The Mis-
19 sion also recommended the imposition of targeted
20 economic sanctions, including an arms embargo on
21 Burma.

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

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

6 (10) In a subsequent report dated August 5,
7 2019, the United Nations Independent International
8 Fact-Finding Mission on Myanmar found that the
9 Burmese military’s economic interests “enable its
10 conduct” and that it benefits from and supports ex-
11 tractive industry businesses operating in conflict-af-
12 fected areas in northern Burma, including natural
13 resources, particularly oil and gas, minerals and
14 gems and argued that “through controlling its own
15 business empire, the Tatmadaw can evade the ac-
16 countability and oversight that normally arise from
17 civilian oversight of military budgets”. The report
18 called for the United Nations and individual govern-
19 ments to place targeted sanctions on all senior offi-
20 cials in the Burmese military as well as their eco-
21 nomic interests, especially Myanma Economic Hold-
22 ings Limited and Myanmar Economic Corporation.

23 (11) On February 1, 2021, the Burmese mili-
24 tary conducted a coup d’état, declaring a year-long
25 state of emergency and detaining State Counsellor

1 Aung San Suu Kyi, President Win Myint, and doz-
2 ens of other government officials and elected mem-
3 bers of parliament, thus derailing Burma's transi-
4 tion to democracy and disregarding the will of the
5 people of Burma as expressed in the November 2020
6 elections, which were determined to be credible by
7 international and national observers.

8 (12) Following the coup, some ousted members
9 of parliament established the Committee Rep-
10 resenting the Pyidaungsu Hluttaw, which subse-
11 quently released the Federal Democracy Charter in
12 March 2021 and established the National Unity
13 Government in April 2021. In June 2021, the Na-
14 tional Unity Government included ethnic minorities
15 and women among its cabinet and released a policy
16 paper outlining pledges to Rohingya and calling for
17 "justice and reparations" for the community.

18 (13) Since the coup on February 1, 2021, the
19 Burmese military has—

20 (A) used lethal force on peaceful protestors
21 on multiple occasions, killing more than 1,100
22 people, including more than 50 children;

23 (B) detained more than 8,800 peaceful
24 protestors, participants in the Civil Disobe-
25 dience Movement, labor leaders, government of-

1 officials and elected members of parliament,
2 members of the media, and others, according to
3 the Assistance Association for Political Pris-
4 oners;

5 (C) issued laws and directives that could
6 be used to further impede fundamental free-
7 doms, including freedom of expression (includ-
8 ing for members of the press), freedom of
9 peaceful assembly, and freedom of association;
10 and

11 (D) imposed restrictions on the internet
12 and telecommunications.

13 (14) According to the UNHCR, more than
14 208,000 people have been internally displaced since
15 the coup, while an estimated 22,000 have sought ref-
16 uge in neighboring countries. Nevertheless, the Bur-
17 mese military continues to block humanitarian as-
18 sistance to populations in need. According to the
19 World Health Organization, the military has carried
20 out more than 250 attacks on health care entities
21 since the coup and killed at least 18 health workers.
22 Dozens more have been arbitrarily detained, and
23 hundreds have warrants out for their arrest. The
24 military continued such attacks even as they inhib-
25 ited efforts to combat a devastating third wave of

1 COVID-19. The brutality of the Burmese military
2 was on full display on March 27, 2021, Armed
3 Forces Day, when, after threatening on state tele-
4 vision to shoot protesters in the head, security forces
5 killed more than 150 people.

6 (15) The coup represents a continuation of a
7 long pattern of violent and anti-democratic behavior
8 by the military that stretches back decades, with the
9 military having previously taken over Burma in
10 coups d'état in 1962 and 1988, and having ignored
11 the results of the 1990 elections, and a long history
12 of violently repressing protest movements, including
13 killing and imprisoning thousands of peaceful
14 protestors during pro-democracy demonstrations in
15 1988 and 2007.

16 (16) On February 11, 2021, President Biden
17 issued Executive Order 14014 in response to the
18 coup d'état, authorizing sanctions against the Bur-
19 mese military, its economic interests, and other per-
20 petrators of the coup.

21 (17) Since the issuance of Executive Order
22 14014, President Biden has taken several steps to
23 impose costs on the Burmese military and its leader-
24 ship, including by designating or otherwise imposing
25 targeted sanctions with respect to—

1 (A) multiple high-ranking individuals and
2 their family members, including the Com-
3 mander-in-Chief of the Burmese military, Min
4 Aung Hlaing, Burma’s Chief of Police, Than
5 Hlaing, and the Bureau of Special Operations
6 commander, Lieutenant General Aung Soe, and
7 over 35 other individuals;

8 (B) state-owned and military controlled
9 companies, including Myanma Economic Hold-
10 ings Public Company, Ltd., Myanmar Economic
11 Corporation, Ltd., Myanmar Economic Hold-
12 ings Ltd., Myanmar Ruby Enterprise, Myanmar
13 Imperial Jade Co., Ltd., and Myanma Gems
14 Enterprise; and

15 (C) other corporate entities, Burmese mili-
16 tary units, and Burmese military entities, in-
17 cluding the military regime’s State Administra-
18 tive Council.

19 (18) Pursuant to Executive Order 14014, the
20 United States has also implemented new restrictions
21 on exports and reexports to Burma; and

22 (19) On April 24, 2021, the Association of
23 Southeast Asian Nations (ASEAN) agreed to a five-
24 point consensus which called for an “immediate ces-
25 sation of violence”, “constructive dialogue among all

1 parties'', the appointment of an ASEAN special
2 envoy, the provision of humanitarian assistance
3 through ASEAN's AHA Centre, and a visit by the
4 ASEAN special envoy to Burma. Except for the ap-
5 pointment of the Special Envoy in August 2021, the
6 other elements of the ASEAN consensus remain
7 unimplemented due to obstruction by the Burmese
8 military.

9 **SEC. 102. STATEMENT OF POLICY.**

10 It is the policy of the United States—

11 (1) to support genuine democracy, peace, and
12 national reconciliation in Burma;

13 (2) to pursue a strategy of calibrated engage-
14 ment, which is essential to support the establishment
15 of a peaceful, prosperous, and democratic Burma
16 that includes respect for the human rights of all in-
17 dividuals regardless of ethnicity and religion;

18 (3) to seek the restoration to power of a civilian
19 government that reflects the will of the people of
20 Burma;

21 (4) to support constitutional reforms that en-
22 sure civilian governance and oversight over the mili-
23 tary, including reforms—

24 (A) to the provisions reserving 25 percent
25 of parliamentary seats for appointments by the

1 military, which provides the military with veto
2 power over constitutional amendments; and

3 (B) to provisions granting the military con-
4 trol over the Ministry of Defense, the Ministry
5 of Border Affairs, and the Ministry of Home
6 Affairs;

7 (5) to assist in the establishment of a fully
8 democratic, civilian-led, pluralistic, and representa-
9 tive political system that includes free, fair, credible,
10 and democratic elections in which all people of
11 Burma, including all ethnic minorities, can partici-
12 pate in the political process at all levels including
13 the right to vote and to run for elected office;

14 (6) to support legal reforms that ensure protec-
15 tion for the civil and political rights of all individuals
16 in Burma, including reforms to laws that criminalize
17 the exercise of human rights and fundamental free-
18 doms, and strengthening respect for and protection
19 of human rights, including freedom of religion or be-
20 lief;

21 (7) to seek the unconditional release of all pris-
22 oners of conscience and political prisoners in Burma;

23 (8) to strengthen Burma's civilian governmental
24 institutions, including support for greater trans-

1 parency and accountability once the military is no
2 longer in power;

3 (9) to empower and resource local communities,
4 civil society organizations, and independent media;

5 (10) to promote national reconciliation and the
6 conclusion and credible implementation of a nation-
7 wide cease-fire agreement, followed by a peace proc-
8 ess that is inclusive of ethnic Rohingya, Shan,
9 Rakhine, Kachin, Chin, and Kayin, and other ethnic
10 groups and leads to the development of a political
11 system that effectively addresses natural resource
12 governance, revenue-sharing, land rights, and con-
13 stitutional change enabling inclusive peace;

14 (11) to ensure the protection and non-
15 refoulement of refugees fleeing Burma to neigh-
16 boring countries and prioritize efforts to create a
17 conducive environment and meaningfully address
18 long-standing structural challenges that undermine
19 the safety and rights of Rohingya in Rakhine State
20 as well as members of other ethnic and religious mi-
21 norities in Burma, including by promoting the cre-
22 ation of conditions for the dignified, safe, sustain-
23 able, and voluntary return of refugees in Ban-
24 gladesh, Thailand, and in the surrounding region;

1 (12) to support an immediate end to restric-
2 tions that hinder the freedom of movement of mem-
3 bers of ethnic minorities throughout the country, in-
4 cluding Rohingya, and an end to any and all policies
5 and practices designed to forcibly segregate
6 Rohingya, and providing humanitarian support for
7 all internally displaced persons in Burma;

8 (13) to support unfettered access for humani-
9 tarian actors, media, and human rights mechanisms,
10 including those established by the United Nations
11 Human Rights Council and the United Nations Gen-
12 eral Assembly, to all relevant areas of Burma, in-
13 cluding Rakhine, Chin, Kachin, Shan, and Kayin
14 States;

15 (14) to call for accountability through inde-
16 pendent, credible international investigations for any
17 potential genocide, war crimes, and crimes against
18 humanity, including those involving sexual and gen-
19 der-based violence and violence against children, per-
20 petrated against ethnic minorities, including
21 Rohingya, by members of the military and security
22 forces of Burma, and other armed groups involved
23 in conflict;

24 (15) to encourage reforms toward the military,
25 security, and police forces operating under civilian

1 control and being held accountable in civilian courts
2 for human rights abuses, corruption, and other
3 abuses of power;

4 (16) to promote broad-based, inclusive economic
5 development and fostering healthy and resilient com-
6 munities;

7 (17) to combat corruption and illegal economic
8 activity, including that which involves the military
9 and its close allies; and

10 (18) to promote responsible international and
11 regional engagement;

12 (19) to support and advance the strategy of
13 calibrated engagement, impose targeted sanctions
14 with respect to the Burmese military's economic in-
15 terests and major sources of income for the Burmese
16 military, including with respect to—

17 (A) officials in Burma, including the Com-
18 mander in Chief of the Armed Forces of
19 Burma, Min Aung Hlaing, and all individuals
20 described in paragraphs (1), (2), and (3) of sec-
21 tion 202(a), under the authorities provided by
22 title II, Executive Order 14014, and the Global
23 Magnitsky Human Rights Accountability Act
24 (subtitle F of title XII of Public Law 114–328;
25 22 U.S.C. 2656 note);

1 (B) enterprises owned or controlled by the
2 Burmese military, including the Myanmar Eco-
3 nomic Corporation, Union of Myanmar Eco-
4 nomic Holding, Ltd., and all other entities de-
5 scribed in section 202(a)(4), under the authori-
6 ties provided by title II, the Burmese Freedom
7 and Democracy Act of 2003 (Public Law 108-
8 61; 50 U.S.C. 1701 note), the Tom Lantos
9 Block Burmese JADE (Junta's Anti-Demo-
10 cratic Efforts) Act of 2008 (Public Law 110-
11 286; 50 U.S.C. 1701 note), other relevant stat-
12 utory authorities, and Executive Order 14014;
13 and

14 (C) state-owned economic enterprises if the
15 Secretary of the Treasury or other competent
16 authority determines that—

17 (i) there is a substantial risk of the
18 Burmese military accessing the accounts of
19 such an enterprise; and

20 (ii) the imposition of sanctions would
21 not cause disproportionate harm to the
22 people of Burma, the restoration of a civil-
23 ian government in Burma, or the national
24 interest of the United States; and

1 (20) to ensure that any sanctions imposed with
2 respect to entities or individuals are carefully tar-
3 geted to maximize impact on the military and secu-
4 rity forces of Burma and its economic interests while
5 minimizing impact on the people of Burma, recog-
6 nizing the calls from the people of Burma for the
7 United States to take action against the sources of
8 income for the military and security forces of
9 Burma.

10 **TITLE II—SANCTIONS, IMPORT**
11 **RESTRICTIONS, AND POLICY**
12 **COORDINATION WITH RE-**
13 **SPECT TO BURMA**

14 **SEC. 201. DEFINITIONS.**

15 In this subtitle:

16 (1) ADMITTED; ALIEN.—The terms “admitted”
17 and “alien” have the meanings given those terms in
18 section 101 of the Immigration and Nationality Act
19 (8 U.S.C. 1101).

20 (2) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Relations
24 and the Committee on Banking, Housing, and
25 Urban Affairs of the Senate; and

1 (B) the Committee on Foreign Affairs and
2 the Committee on Financial Services of the
3 House of Representatives.

4 (3) CORRESPONDENT ACCOUNT; PAYABLE-
5 THROUGH ACCOUNT.—The terms “correspondent ac-
6 count” and “payable-through account” have the
7 meanings given those terms in section 5318A of title
8 31, United States Code.

9 (4) FOREIGN FINANCIAL INSTITUTION.—The
10 term “foreign financial institution” has the meaning
11 of that term as determined by the Secretary of the
12 Treasury by regulation.

13 (5) FOREIGN PERSON.—The term “foreign per-
14 son” means a person that is not a United States
15 person.

16 (6) KNOWINGLY.—The term “knowingly”, with
17 respect to conduct, a circumstance, or a result,
18 means that a person has actual knowledge, or should
19 have known, of the conduct, the circumstance, or the
20 result.

21 (7) PERSON.—The term “person” means an in-
22 dividual or entity.

23 (8) SUPPORT.—The term “support”, with re-
24 spect to the Burmese military, means to knowingly
25 have materially assisted, sponsored, or provided fi-

1 nancial, material, or technological support for, or
2 goods or services to or in support of the Burmese
3 military.

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

6 (A) a United States citizen or an alien law-
7 fully admitted to the United States for perma-
8 nent residence;

9 (B) an entity organized under the laws of
10 the United States or any jurisdiction within the
11 United States, including a foreign branch of
12 such an entity; or

13 (C) any person in the United States.

14 **SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO**
15 **HUMAN RIGHTS ABUSES AND PERPETRATION**
16 **OF A COUP IN BURMA.**

17 (a) MANDATORY SANCTIONS.—Not later than 30
18 days after the enactment of this Act, the President shall
19 impose the sanctions described in subsection (d) with re-
20 spect to any foreign person that the President deter-
21 mines—

22 (1) knowingly operates or operated in the de-
23 fense sector of the Burmese economy;

24 (2) is responsible for or complicit in, or has di-
25 rectly or indirectly and knowingly engaged in—

1 (A) actions or policies that undermine
2 democratic processes or institutions in Burma;

3 (B) actions or policies that threaten the
4 peace, security, or stability of Burma;

5 (C) actions or policies that prohibit, limit,
6 or penalize the exercise of freedom of expression
7 or assembly by people in Burma, or that limit
8 access to print, online, or broadcast media in
9 Burma; or

10 (D) the arbitrary detention or torture of
11 any person in Burma or other serious human
12 rights abuse in Burma;

13 (3) to knowingly be or have been a senior leader
14 or official of—

15 (A) the Burmese military or security forces
16 of Burma, or any successor entity to any of
17 such forces;

18 (B) the State Administration Council, the
19 military-appointed cabinet at the level of Dep-
20 uty Minister or higher, or a military-appointed
21 minister of a Burmese state or region; or

22 (C) an entity that has, or whose members
23 have, engaged in any activity described in para-
24 graph (2);

25 (4) knowingly operates—

1 (A) any entity that is a state-owned eco-
2 nomic enterprise under Burmese law (other
3 than the entity specified in subsection (c)) that
4 benefits the Burmese military, including the
5 Myanma Gems Enterprise; or

6 (B) any entity controlled in whole or in
7 part by an entity described in subparagraph
8 (A), or a successor to such an entity, that bene-
9 fits the Burmese military;

10 (5) knowingly and materially violates, attempts
11 to violate, conspires to violate, or has caused or at-
12 tempted to cause a violation of any license, order,
13 regulation, or prohibition contained in or issued pur-
14 suant to Executive Order 14014 or this Act;

15 (6) to be an adult family member of any person
16 described in any of paragraphs (1) through (5);

17 (7) knowingly facilitates a significant trans-
18 action or transactions for or on behalf of a person
19 described, or a person that has engaged in the activ-
20 ity described, as the case may be, in any of para-
21 graphs (1) through (6);

22 (8) to be owned or controlled by, or to have
23 acted for or on behalf of, directly or indirectly, a
24 person described, or a person that has engaged in

1 the activity described, as the case may be, in any of
2 paragraphs (1) through (6); or

3 (9) to have knowingly and materially assisted,
4 sponsored, or provided financial, material, or techno-
5 logical support for a person described, or a person
6 that has engaged in the activity described, as the
7 case may be, in any of paragraphs (1) through (6).

8 (b) ADDITIONAL MEASURE RELATING TO FACILITA-
9 TION OF TRANSACTIONS.—The Secretary of the Treasury
10 shall, in consultation with the Secretary of State, prohibit
11 or impose strict conditions on the opening or maintaining
12 in the United States of a correspondent account or pay-
13 able-through account by a foreign financial institution
14 that the President determines has, on or after the date
15 of the enactment of this Act, knowingly conducted or fa-
16 cilitated a significant transaction or transactions on behalf
17 of a foreign person described in subsection (a).

18 (c) DISCRETIONARY SANCTIONS.—

19 (1) IN GENERAL.—Beginning on the date that
20 is 60 days after the date of the enactment of this
21 Act, the President may impose the sanctions de-
22 scribed in subsection (d) with respect to the
23 Myanma Oil and Gas Enterprise if the President de-
24 termines and certifies to the appropriate congres-
25 sional committees, not later than 30 days before im-

1 posing such sanctions, that imposing sanctions with
2 respect to the Myanmar Oil and Gas Enterprise—

3 (A) would reduce the ability of the Bur-
4 mese military to engage in the activities de-
5 scribed in subparagraphs (A) through (D) of
6 subsection (a)(2);

7 (B) would bring benefits to the people of
8 Burma that exceed the potential negative im-
9 pacts of the sanctions on the humanitarian and
10 economic outlook of the people of Burma; and

11 (C) is in the national interest of the
12 United States.

13 (2) LICENSES.—The Secretary of the Treasury
14 may grant a license to allow the Myanmar Oil and
15 Gas Enterprise and a joint venture in which the
16 Myanmar Oil and Gas Enterprise participates to con-
17 tinue operating in a manner that does not provide
18 revenue or other economic benefits to the Burmese
19 military or members of the Burmese military.

20 (d) SANCTIONS DESCRIBED.—The sanctions that
21 may be imposed with respect to a foreign person described
22 in subsection (a) or (c) are the following:

23 (1) PROPERTY BLOCKING.—Notwithstanding
24 the requirements of section 202 of the International
25 Emergency Economic Powers Act (50 U.S.C. 1701),

1 the President may exercise of all powers granted to
2 the President by that Act to the extent necessary to
3 block and prohibit all transactions in all property
4 and interests in property of the foreign person if
5 such property and interests in property are in the
6 United States, come within the United States, or are
7 or come within the possession or control of a United
8 States person.

9 (2) FOREIGN EXCHANGE.—The President may,
10 pursuant to such regulations as the President may
11 prescribe, prohibit any transactions in foreign ex-
12 change that are subject to the jurisdiction of the
13 United States and in which the foreign person has
14 any interest.

15 (3) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
16 SION, OR PAROLE.—

17 (A) IN GENERAL.—An alien described in
18 subsection (a) is—

19 (i) inadmissible to the United States;

20 (ii) ineligible for a visa or travel to the
21 United States; and

22 (iii) otherwise ineligible to be admitted
23 or paroled into the United States or to re-
24 ceive any other benefit under the Immigra-

1 tion and Nationality Act (8 U.S.C. 1101 et
2 seq.).

3 (B) CURRENT VISAS REVOKED.—

4 (i) IN GENERAL.—The visa or other
5 documentation issued to an alien described
6 in subsection (a) shall be revoked, regard-
7 less of when such visa or other documenta-
8 tion is or was issued.

9 (ii) EFFECT OF REVOCATION.—A visa
10 or other entry documentation revoked
11 under clause (i) shall, in accordance with
12 section 221(i) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1201(i)), no longer
14 be valid for travel to the United States.

15 (e) EXCEPTIONS.—

16 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
17 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
18 TIES.—Sanctions under this section shall not apply
19 to any authorized intelligence, law enforcement, or
20 national security activities of the United States.

21 (2) EXCEPTION TO COMPLY WITH UNITED NA-
22 TIONS HEADQUARTERS AGREEMENT.—Sanctions
23 under subsection (d)(3) shall not apply with respect
24 to the admission of an alien to the United States if
25 the admission of the alien is necessary to permit the

1 United States to comply with the Agreement regard-
2 ing the Headquarters of the United Nations, signed
3 at Lake Success June 26, 1947, and entered into
4 force November 21, 1947, between the United Na-
5 tions and the United States, the Convention on Con-
6 sular Relations, done at Vienna April 24, 1963, and
7 entered into force March 19, 1967, or other applica-
8 ble international obligations.

9 (3) EXCEPTION RELATING TO IMPORTATION OF
10 GOODS.—

11 (A) IN GENERAL.—The authorities and re-
12 quirements to impose sanctions under this sec-
13 tion shall not include the authority or require-
14 ment to impose sanctions on the importation of
15 goods.

16 (B) GOOD DEFINED.—In this paragraph,
17 the term “good” means any article, natural or
18 man-made substance, material, supply, or man-
19 ufactured product, including inspection and test
20 equipment, and excluding technical data.

21 (4) EXCEPTION RELATING TO THE PROVISION
22 OF HUMANITARIAN ASSISTANCE.—Sanctions under
23 this section may not be imposed with respect to
24 transactions or the facilitation of transactions for—

1 (A) the sale of agricultural commodities,
2 food, medicine, or medical devices to Burma;

3 (B) the provision of humanitarian assist-
4 ance to the people of Burma;

5 (C) financial transactions relating to hu-
6 manitarian assistance or for humanitarian pur-
7 poses in Burma; or

8 (D) transporting goods or services that are
9 necessary to carry out operations relating to
10 humanitarian assistance or humanitarian pur-
11 poses in Burma.

12 (f) WAIVER.—

13 (1) IN GENERAL.—The President may, on a
14 case-by-case basis and for periods not to exceed 180
15 days each, waive the application of sanctions or re-
16 strictions imposed with respect to a foreign person
17 under this section if the President certifies to the
18 appropriate congressional committees not later than
19 15 days before such waiver is to take effect that the
20 waiver is vital to the national security interests of
21 the United States.

22 (2) SUNSET.—The authority to issue a waiver
23 under paragraph (1) shall terminate on the date
24 that is 2 years after the date of enactment of this
25 Act.

1 (g) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President may ex-
3 ercise all authorities provided to the President under
4 sections 203 and 205 of the International Emer-
5 gency Economic Powers Act (50 U.S.C. 1702 and
6 1704) to carry out this subtitle.

7 (2) PENALTIES.—A person that violates, at-
8 tempts to violate, conspires to violate, or causes a
9 violation of this subtitle or any regulation, license, or
10 order issued to carry out this subtitle shall be sub-
11 ject to the penalties set forth in subsections (b) and
12 (c) of section 206 of the International Emergency
13 Economic Powers Act (50 U.S.C. 1705) to the same
14 extent as a person that commits an unlawful act de-
15 scribed in subsection (a) of that section.

16 (h) REPORT.—Not later than 60 days after the date
17 of the enactment of this Act and annually thereafter for
18 8 years, the Secretary of the Treasury, in consultation
19 with the Secretary of State and the heads of other United
20 States Government agencies, as appropriate, shall submit
21 to the appropriate congressional committees a report
22 that—

23 (1) sets forth the plan of the Department of the
24 Treasury for ensuring that property blocked pursu-

1 ant to subsection (a) or Executive Order 14014 re-
2 mains blocked;

3 (2) describes the primary sources of income to
4 which the Burmese military has access and that the
5 United States has been unable to reach using sanc-
6 tions authorities;

7 (3) makes recommendations for how the sources
8 of income described in paragraph (2) can be reduced
9 or blocked;

10 (4) evaluates the implications of imposing sanc-
11 tions on the Burmese-government owned Myanmar
12 Oil and Gas Enterprise, including a determination
13 with respect to the extent to which sanctions on
14 Myanmar Oil and Gas Enterprise would advance the
15 interests of the United States in Burma; and

16 (5) assesses the impact of the sanctions im-
17 posed pursuant to the authorities under this Act on
18 the Burmese people and the Burmese military.

19 **SEC. 203. AUTHORIZATION TO PROHIBIT IMPORTS FROM**
20 **THE BURMESE GEMSTONE SECTOR.**

21 (a) IN GENERAL.—The President may prohibit all
22 imports of precious and semi-precious gemstones from
23 Burma into the United States.

1 (b) TERMINATION.—This section shall terminate on
2 the date on which the President submits to the appro-
3 priate congressional committees a certification that—

4 (1) the Burmese military has released all polit-
5 ical prisoners taken into custody on or after Feb-
6 ruary 1, 2021;

7 (2) the elected government has been reinstated
8 or new free and fair elections have been held;

9 (3) all legal charges against those winning elec-
10 tion in November 2020 are dropped;

11 (4) the 2008 Constitution of Burma has been
12 amended or replaced to place the Burmese military
13 under civilian oversight and the Burmese military no
14 longer automatically receives 25 percent of seats in
15 Burma’s state, regional, and national Hluttaws;

16 (5) that the gemstone sector of Burma is free
17 from the influence of the Burmese military and that
18 none of the entities described in section 202(a) hold
19 gemstone permits;

20 (6) the licensing and permitting process is con-
21 ducted in a transparent and open manner, with con-
22 tracts disclosed publicly; and

23 (7) the Myanma Gems Enterprise no longer
24 acts as both a regulator and commercial partner in
25 mining enterprises.

1 **SEC. 204. CERTIFICATION REQUIREMENT FOR REMOVAL**
2 **OF CERTAIN PERSONS FROM THE LIST OF**
3 **SPECIALLY DESIGNATED NATIONALS AND**
4 **BLOCKED PERSONS.**

5 (a) IN GENERAL.—On or after the date of the enact-
6 ment of this Act, the President may not remove a person
7 described in subsection (b) from the list of specially des-
8 ignated nationals and blocked persons maintained by the
9 Office of Foreign Assets Control of the Department of the
10 Treasury (commonly referred to as the “SDN list”) until
11 the President submits to the appropriate congressional
12 committees a certification described in subsection (c) with
13 respect to the person.

14 (b) PERSONS DESCRIBED.—A person described in
15 this subsection is a foreign person included in the SDN
16 list for violations of part 525 of title 31, Code of Federal
17 Regulations, or any other regulations imposing sanctions
18 on or related to Burma.

19 (c) CERTIFICATION DESCRIBED.—A certification de-
20 scribed in this subsection, with respect to a person de-
21 scribed in subsection (b), is a certification that the person
22 has not knowingly assisted in, sponsored, or provided fi-
23 nancial, material, or technological support for, or financial
24 or other services to or in support of—

25 (1) terrorism or a terrorist organization;

1 (2) a significant foreign narcotics trafficker (as
2 defined in section 808 of the Foreign Narcotics
3 Kingpin Designation Act (21 U.S.C. 1907));

4 (3) a significant transnational criminal organi-
5 zation under Executive Order 13581 (50 U.S.C.
6 1701 note; relating to blocking property of
7 transnational criminal organizations); or

8 (4) any other person on the SDN list.

9 (d) FORM.—A certification described in subsection
10 (e) shall be submitted in unclassified form but may include
11 a classified annex.

12 **SEC. 205. SANCTIONS AND POLICY COORDINATION FOR**
13 **BURMA.**

14 (a) IN GENERAL.—The Secretary of State may des-
15 ignate an official of the Department of State to serve as
16 the United States Special Coordinator for Burmese De-
17 mocracy (in this section referred to as the “Special Coordi-
18 nator”).

19 (b) CENTRAL OBJECTIVE.—The Special Coordinator
20 should develop a comprehensive strategy for the implemen-
21 tation of the full range of United States diplomatic capa-
22 bilities, including the provisions of this Act, to promote
23 human rights and the restoration of civilian government
24 in Burma.

1 (c) DUTIES AND RESPONSIBILITIES.—The Special
2 Coordinator should, as appropriate, assist in—

3 (1) coordinating the sanctions policies of the
4 United States under section 202 with relevant bu-
5 reaus and offices within the Department of State,
6 other relevant United States Government agencies,
7 and international financial institutions;

8 (2) conducting relevant research and vetting of
9 entities and individuals that may be subject to sanc-
10 tions under section 202 and coordinate with other
11 United States Government agencies and inter-
12 national financial intelligence units to assist in ef-
13 forts to enforce anti-money laundering and anti-cor-
14 ruption laws and regulations;

15 (3) promoting a comprehensive international ef-
16 fort to impose and enforce multilateral sanctions
17 with respect to Burma;

18 (4) coordinating with and supporting inter-
19 agency United States Government efforts, including
20 efforts of the United States Ambassador to Burma,
21 the United States Ambassador to ASEAN, and the
22 United States Permanent Representative to the
23 United Nations, relating to—

24 (A) identifying opportunities to coordinate
25 with and exert pressure on the governments of

1 the People's Republic of China and the Russian
2 Federation to support multilateral action
3 against the Burmese military;

4 (B) working with like-minded partners to
5 impose a coordinated arms embargo on the
6 Burmese military and targeted sanctions on the
7 economic interests of the Burmese military, in-
8 cluding through the introduction and adoption
9 of a United Nations Security Council resolu-
10 tion;

11 (C) engaging in direct dialogue with Bur-
12 mese civil society, democracy advocates, ethnic
13 minority representative groups, and organiza-
14 tions or groups representing the protest move-
15 ment and the officials elected in 2020, such as
16 the Committee Representing the Pyidaungsu
17 Hluttaw, the National Unity Government, the
18 National Unity Consultative Council, and their
19 designated representatives;

20 (D) encouraging the National Unity Gov-
21 ernment to incorporate accountability mecha-
22 nisms in relation to the atrocities against
23 Rohingya and other ethnic groups, to take fur-
24 ther steps to make its leadership and member-
25 ship ethnically diverse, and to incorporate

1 measures to enhance ethnic reconciliation and
2 national unity into its policy agenda;

3 (E) assisting efforts by the relevant United
4 Nations Special Envoys and Special
5 Rapporteurs to secure the release of all political
6 prisoners in Burma, promote respect for human
7 rights, and encourage dialogue; and

8 (F) supporting nongovernmental organiza-
9 tions operating in Burma and neighboring
10 countries working to restore civilian democratic
11 rule to Burma and to address the urgent hu-
12 manitarian needs of the people of Burma; and
13 (5) providing timely input for reporting on the
14 impacts of the implementation of sections 202 and
15 203 on the Burmese military and the people of
16 Burma.

17 (d) DEADLINE.—If the Secretary of State has not
18 designated the Special Coordinator by the date that is 180
19 days after the date of the enactment of this Act, the Sec-
20 retary shall submit to the Committee on Foreign Affairs
21 of the House of Representatives and the Committee on
22 Foreign Relations of the Senate a report detailing the rea-
23 sons for not doing so.

1 **SEC. 206. SUPPORT FOR GREATER UNITED NATIONS AC-**
2 **TION WITH RESPECT TO BURMA.**

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

5 (1) the United Nations Security Council has
6 not taken adequate steps to condemn the February
7 1, 2021, coup in Burma, pressure the Burmese mili-
8 tary to cease its violence against civilians, or secure
9 the release of those unjustly detained; and

10 (2) countries, such as the People's Republic of
11 China and the Russian Federation, that are directly
12 or indirectly shielding the Burmese military from
13 international scrutiny and action, should be obliged
14 to endure the reputational damage of doing so by
15 taking public votes on resolutions related to Burma
16 that apply greater pressure on the Burmese military
17 to restore Burma to its democratic path.

18 (b) SUPPORT FOR GREATER ACTION.—The President
19 shall direct the United States Permanent Representative
20 to the United Nations to use the voice, vote, and influence
21 of the United States to spur greater action by the United
22 Nations and the United Nations Security Council with re-
23 spect to Burma by—

24 (1) pushing the United Nations Security Coun-
25 cil to consider a resolution condemning the February
26 1, 2021, coup and calling on the Burmese military

1 to cease its violence against the people of Burma
2 and release without preconditions the journalists,
3 pro-democracy activists, and political officials that it
4 has unjustly detained;

5 (2) pushing the United Nations Security Coun-
6 cil to consider a resolution that immediately imposes
7 a global arms embargo against Burma to ensure
8 that the Burmese military is not able to obtain
9 weapons and munitions from other nations to fur-
10 ther harm, murder, and oppress the people of
11 Burma;

12 (3) pushing the United Nations and other
13 United Nations authorities to cut off assistance to
14 the Government of Burma while providing humani-
15 tarian assistance directly to the people of Burma
16 through civil society organizations, particularly such
17 organizations working with ethnic minorities that
18 have been adversely affected by the coup and the
19 Burmese military's violent crackdown;

20 (4) objecting to the appointment of representa-
21 tives to the United Nations and United Nations bod-
22 ies such as the Human Rights Council that are
23 sanctioned by the Burmese military;

1 (5) working to ensure the Burmese military is
2 not recognized as the legitimate government of
3 Burma in any United Nations body; and

4 (6) spurring the United Nations Security Coun-
5 cil to consider multilateral sanctions against the
6 Burmese military for its atrocities against Rohingya
7 and individuals of other ethnic and religious minori-
8 ties, its coup, and the crimes against humanity it
9 has and continues to commit in the coup's after-
10 math.

11 **SEC. 207. SUNSET.**

12 (a) IN GENERAL.—The authority to impose sanctions
13 under this title shall terminate on the date that is 8 years
14 after the date of the enactment of this Act.

15 (b) CONTINUATION IN EFFECT OF SANCTIONS.—
16 Sanctions imposed under this subtitle on or before the
17 date specified in subsection (a), and in effect as of such
18 date, shall remain in effect until the date on which the
19 President submits to the appropriate congressional com-
20 mittees a certification that—

21 (1) the Burmese military has released all polit-
22 ical prisoners taken into custody on or after Feb-
23 ruary 1, 2021;

24 (2) the elected government has been reinstated
25 or new free and fair elections have been held;

1 (B) providing access to secure channels for
2 communication;

3 (C) assisting individuals forced to flee from
4 Burma and take shelter in neighboring coun-
5 tries, including in ensuring protection assist-
6 ance and non-refoulement; and

7 (D) providing funding to organizations
8 that equip activists, civil society organizations,
9 and independent media with consistent, long-
10 term technical support on physical and digital
11 security in local languages;

12 (2) supporting democracy activists in their ef-
13 forts to promote freedom, democracy, and human
14 rights in Burma, by—

15 (A) providing aid and training to democ-
16 racy activists in Burma;

17 (B) providing aid to individuals and groups
18 conducting democracy programming outside of
19 Burma targeted at a peaceful transition to con-
20 stitutional democracy inside Burma;

21 (C) providing aid and assistance to inde-
22 pendent media outlets and journalists and
23 groups working to protect internet freedom and
24 maintain independent media;

1 (D) expanding radio and television broad-
2 casting into Burma; and

3 (E) providing financial support to civil so-
4 ciety organizations and nongovernmental orga-
5 nizations led by members of ethnic and religious
6 minority groups within Burma and its cross-
7 border regions;

8 (3) assisting ethnic minority groups and civil
9 society in Burma to further prospects for justice,
10 reconciliation, and sustainable peace; and

11 (4) promoting ethnic minority inclusion and
12 participation in political processes in Burma.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated \$50,000,000 to carry
15 out the provisions of this section for each of fiscal years
16 2022 through 2027.

17 **SEC. 302. HUMANITARIAN ASSISTANCE AND RECONCILI-**
18 **ATION.**

19 (a) AUTHORIZATION TO PROVIDE HUMANITARIAN
20 ASSISTANCE.—The Secretary of State and the Adminis-
21 trator of the United States Agency for International De-
22 velopment are authorized to provide humanitarian assist-
23 ance and reconciliation activities for ethnic groups and
24 civil society organizations in Burma, Bangladesh, Thai-
25 land, and the surrounding region, including—

1 (1) assistance for victims of violence by the
2 Burmese military, including Rohingya and individ-
3 uals from other ethnic minorities displaced or other-
4 wise affected by conflict, in Burma, Bangladesh,
5 Thailand, and the surrounding region;

6 (2) support for voluntary resettlement or repa-
7 triation of displaced individuals in Burma, upon the
8 conclusion of genuine agreements developed and ne-
9 gotiated with the involvement and consultation of
10 the displaced individuals and if resettlement or repa-
11 triation is safe, voluntary, and dignified;

12 (3) support for the promotion of ethnic and re-
13 ligious tolerance, improving social cohesion, com-
14 bating gender-based violence, increasing the engage-
15 ment of women in peacebuilding, and mitigating
16 human rights violations and abuses against children;

17 (4) support for—

18 (A) primary, secondary, and tertiary edu-
19 cation for displaced children living in areas of
20 Burma affected by conflict; and

21 (B) refugee camps in the surrounding re-
22 gion and opportunities to access to higher edu-
23 cation in Bangladesh and Thailand;

24 (5) capacity-building support—

1 (A) to ensure that displaced individuals are
2 consulted and participate in decision-making
3 processes affecting the displaced individuals;
4 and

5 (B) for the creation of mechanisms to fa-
6 cilitate the participation of displaced individuals
7 in such processes; and

8 (6) increased humanitarian aid to Burma to ad-
9 dress the dire humanitarian situation that has up-
10 rooted 170,000 people through—

11 (A) international aid partners such as
12 agencies of the United Nations;

13 (B) the International Committee of the
14 Red Cross; and

15 (C) cross-border aid.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated \$220,500,000 to carry
18 out the provisions of this section for fiscal year 2022.

19 **SEC. 303. AUTHORIZATION OF ASSISTANCE FOR BURMA PO-**
20 **LITICAL PRISONERS.**

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

23 (1) the freedom of expression, including for
24 members of the press, is an inalienable right and

1 should be upheld and protected in Burma and every-
2 where;

3 (2) the Burmese military must immediately
4 cease the arbitrary arrest, detention, imprisonment,
5 and physical attacks of journalists, which have cre-
6 ated a climate of fear and self-censorship among
7 local journalists;

8 (3) the Government of Burma should repeal or
9 amend all laws that violate the right to freedom of
10 expression, peaceful assembly, or association, and
11 ensure that laws such as the Telecommunications
12 Law of 2013 and the Unlawful Associations Act of
13 1908, and laws relating to the right to peaceful as-
14 sembly all comply with Burma's human rights obli-
15 gations;

16 (4) all prisoners of conscience and political pris-
17 oners in Burma should be unconditionally and im-
18 mediately released;

19 (5) the Burmese military should immediately
20 and unconditionally release Danny Fenster and
21 other journalists unjustly detained for their work;

22 (6) the Government of Burma must imme-
23 diately drop defamation charges against all individ-
24 uals unjustly detained, including the three Kachin
25 activists, Lum Zawng, Nang Pu, and Zau Jet, who

1 led a peaceful rally in Myittha, the capital of
2 Kachin State in April 2018, and that the prosecu-
3 tion of Lum Zawng, Nang Pu, and Zau Jet is an
4 attempt by Burmese authorities to intimidate, har-
5 ass, and silence community leaders and human
6 rights defenders who speak out about military
7 abuses and their impact on civilian populations; and

8 (7) the United States Government should use
9 all diplomatic tools to seek the unconditional and im-
10 mediate release of all prisoners of conscience and po-
11 litical prisoners in Burma.

12 (b) POLITICAL PRISONERS ASSISTANCE.—The Sec-
13 retary of State is authorized to continue to provide assist-
14 ance to civil society organizations in Burma that work to
15 secure the release of and support prisoners of conscience
16 and political prisoners in Burma, including—

17 (1) support for the documentation of human
18 rights violations with respect to prisoners of con-
19 science and political prisoners;

20 (2) support for advocacy in Burma to raise
21 awareness of issues relating to prisoners of con-
22 science and political prisoners;

23 (3) support for efforts to repeal or amend laws
24 that are used to imprison individuals as prisoners of
25 conscience or political prisoners;

1 (4) support for health, including mental health,
2 and post-incarceration assistance in gaining access
3 to education and employment opportunities or other
4 forms of reparation to enable former prisoners of
5 conscience and political prisoners to resume normal
6 lives; and

7 (5) the creation, in consultation with former po-
8 litical prisoners and prisoners of conscience, their
9 families, and their representatives, of an inde-
10 pendent prisoner review mechanism in Burma—

11 (A) to review the cases of individuals who
12 may have been charged or deprived of their lib-
13 erty for peacefully exercising their human
14 rights;

15 (B) to review all laws used to arrest, pros-
16 ecute, and punish individuals as political pris-
17 oners and prisoners of conscience; and

18 (C) to provide recommendations to the
19 Government of Burma for the repeal or amend-
20 ment of all such laws.

21 (c) TERMINATION.—The authority to provide assist-
22 ance under this section shall terminate on the date that
23 is 8 years after the date of the enactment of this Act.

1 **TITLE IV—ACCOUNTABILITY**
2 **FOR HUMAN RIGHTS ABUSES**

3 **SEC. 401. REPORT ON ACCOUNTABILITY FOR WAR CRIMES,**
4 **CRIMES AGAINST HUMANITY, AND GENOCIDE**
5 **IN BURMA.**

6 (a) STATEMENT OF POLICY.—It is the policy of the
7 United States—

8 (1) to continue the support of ongoing mecha-
9 nisms and special procedures of the United Nations
10 Human Rights Council, including the United Na-
11 tions Independent Investigative Mechanism for
12 Myanmar and the Special Rapporteur on the situa-
13 tion of human rights in Myanmar; and

14 (2) to refute the credibility and impartiality of
15 efforts sponsored by the Government of Burma, such
16 as the Independent Commission of Enquiry, unless
17 the United States Ambassador at Large for Global
18 Criminal Justice determines the efforts to be cred-
19 ible and impartial and notifies the appropriate con-
20 gressional committees in writing and in unclassified
21 form regarding that determination.

22 (b) REPORT REQUIRED.—Not later than 90 days
23 after the date of the enactment of this Act, the Secretary
24 of State, after consultation with the heads of other United
25 States Government agencies and representatives of human

1 rights organizations, as appropriate, shall submit to the
2 appropriate congressional committees a report that—

3 (1) evaluates the persecution of Rohingya in
4 Burma by the Burmese military;

5 (2) after consulting with the Atrocity Early
6 Warning Task Force, or any successor entity or of-
7 fice, provides a detailed description of any proposed
8 atrocity prevention response recommended by the
9 Task Force as it relates to Burma;

10 (3) summarizes any atrocity crimes committed
11 against Rohingya or members of other ethnic minor-
12 ity groups in Burma between 2012 and the date of
13 the submission of the report;

14 (4) describes any potential transitional justice
15 mechanisms for Burma;

16 (5) provides an analysis of whether the reports
17 summarized under paragraph (3) amount to war
18 crimes, crimes against humanity, or genocide; and

19 (6) includes a determination with respect to
20 whether—

21 (A) the events that took place in the state
22 of Rakhine in Burma, starting on August 25,
23 2017, constitute war crimes, crimes against hu-
24 manity, or genocide; and

1 (B) events that took place during or after
2 the coup of February 1, 2021, in any state in
3 Burma constitute war crimes or crimes against
4 humanity.

5 (c) ELEMENTS.—The report required by subsection
6 (b) shall include the following:

7 (1) A description of—

8 (A) credible evidence of events that may
9 constitute war crimes, crimes against humanity,
10 or genocide committed by the Burmese military
11 against Rohingya and members of other ethnic
12 minority groups, including the identities of any
13 other actors involved in the events;

14 (B) the role of the civilian government in
15 the commission of any events described in sub-
16 paragraph (A);

17 (C) credible evidence of events of war
18 crimes, crimes against humanity, or genocide
19 committed by other armed groups in Burma;

20 (D) attacks on health workers, health fa-
21 cilities, health transport, or patients and, to the
22 extent possible, the identities of any individuals
23 who engaged in or organized such attacks in
24 Burma; and

1 (E) to the extent possible, the conventional
2 and unconventional weapons used for any
3 events or attacks described in this paragraph
4 and the sources of such weapons.

5 (2) In consultation with the Administrator of
6 the United States Agency for International Develop-
7 ment, the Attorney General, and heads of any other
8 appropriate United States Government agencies, as
9 appropriate, a description and assessment of the ef-
10 fectiveness of any efforts undertaken by the United
11 States to promote accountability for war crimes,
12 crimes against humanity, and genocide perpetrated
13 against Rohingya by the Burmese military, the gov-
14 ernment of the Rakhine State, pro-government mili-
15 tias, or other armed groups operating in the
16 Rakhine State, including efforts—

17 (A) to train civilian investigators, within
18 and outside of Burma and Bangladesh, to docu-
19 ment, investigate, develop findings of, identify,
20 and locate alleged perpetrators of war crimes,
21 crimes against humanity, or genocide in Burma;

22 (B) to promote and prepare for a transi-
23 tional justice mechanism for the perpetrators of
24 war crimes, crimes against humanity, and geno-

1 cide occurring in the Rakhine State in 2017;
2 and

3 (C) to document, collect, preserve, and pro-
4 tect evidence of war crimes, crimes against hu-
5 manity, and genocide in Burma, including by—

6 (i) providing support for ethnic
7 Rohingya, Shan, Rakhine, Kachin, Chin,
8 and Kayin and other ethnic minorities;

9 (ii) Burmese, Bangladeshi, foreign,
10 and international nongovernmental organi-
11 zations;

12 (iii) the Independent Investigative
13 Mechanism for Myanmar; and

14 (iv) other entities engaged in inves-
15 tigative activities with respect to war
16 crimes, crimes against humanity, and
17 genocide in Burma.

18 (3) A detailed study of the feasibility and desir-
19 ability of a transitional justice mechanism for
20 Burma, such as an international tribunal, a hybrid
21 tribunal, or other options, that includes—

22 (A) a discussion of the use of universal ju-
23 risdiction or of legal cases brought against
24 Burma by other countries at the International

1 Court of Justice regarding any atrocity crimes
2 perpetrated in Burma;

3 (B) recommendations for any transitional
4 justice mechanism the United States should
5 support, the reason the mechanism should be
6 supported, and the type of support that should
7 be offered; and

8 (C) consultation regarding transitional jus-
9 tice mechanisms with representatives of
10 Rohingya and individuals from other ethnic mi-
11 nority groups who have suffered human rights
12 violations and abuses.

13 (d) PROTECTION OF WITNESSES AND EVIDENCE.—
14 The Secretary of State shall seek to ensure that the identi-
15 fication of witnesses and physical evidence used for the
16 report required by this section are not publicly disclosed
17 in a manner that might place witnesses at risk of harm
18 or encourage the destruction of evidence by the military
19 or government of Burma.

20 (e) FORM OF REPORT; PUBLIC AVAILABILITY.—

21 (1) FORM.—The report required by subsection
22 (b) shall be submitted in unclassified form but may
23 include a classified annex.

1 (2) PUBLIC AVAILABILITY.—The unclassified
2 portion of the report required by subsection (b) shall
3 be posted on a publicly available internet website.

4 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the Committee on Foreign Relations and
8 the Committee on Armed Services of the Senate; and

9 (2) the Committee on Foreign Affairs and the
10 Committee on Armed Services of the House of Rep-
11 resentatives.

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—

18 (1) identify suspected perpetrators of war
19 crimes, crimes against humanity, and genocide;

20 (2) collect, document, and protect evidence of
21 crimes and preserving the chain of custody for such
22 evidence;

23 (3) conduct criminal investigations of such
24 crimes; and

1 (4) support investigations conducted by other
2 countries, and by entities mandated by the United
3 Nations, such as the Independent Investigative
4 Mechanism for Myanmar.

5 (b) AUTHORIZATION FOR TRANSITIONAL JUSTICE
6 MECHANISMS.—The Secretary of State, taking into ac-
7 count any relevant findings in the report submitted under
8 section 402, is authorized to provide support for the estab-
9 lishment and operation of transitional justice mechanisms,
10 including a hybrid tribunal, to prosecute individuals sus-
11 pected of committing war crimes, crimes against human-
12 ity, or genocide in Burma.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5497
OFFERED BY MR. PERRY OF PENNSYLVANIA**

Add at the end the following:

1 **TITLE V—STATUTORY PAY-AS-**
2 **YOU-GO ACT**

3 **SEC. ____ . 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.



117TH CONGRESS
1ST SESSION

H. RES. 569

Expressing continued solidarity with the Lebanese people after the devastating explosions at the Port of Beirut on August 4, 2020, and the continued efforts to form a secure, independent, and democratic Lebanon.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2021

Mr. LAHOOD (for himself, Mr. ISSA, Mrs. MILLER of West Virginia, Mr. GRAVES of Louisiana, Mr. KINZINGER, Mr. MOOLENAAR, Mr. LARSEN of Washington, Mr. FITZPATRICK, Mr. JOYCE of Ohio, Mr. RODNEY DAVIS of Illinois, and Mr. CRIST) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing continued solidarity with the Lebanese people after the devastating explosions at the Port of Beirut on August 4, 2020, and the continued efforts to form a secure, independent, and democratic Lebanon.

Whereas the security, sovereignty, independence, and territorial integrity of Lebanon, a pluralistic democracy in the Middle East, is in the interest of the United States and its allies in the region;

Whereas for more than a decade, the United States has provided robust assistance for Lebanon, including training and equipment for the Lebanese Armed Forces (LAF), development assistance through the Economic Support

Fund, funding for schools and hospitals in Lebanon through the American Schools and Hospitals Abroad Program, and funding through the Middle East Partnership Initiative;

Whereas the integrity and independence of the LAF serves a United States national security interest;

Whereas the LAF has a longstanding partnership with the United States military;

Whereas the LAF, as the primary institution entrusted with Lebanon's defense, security, and sovereignty, is an important force to support the safety and security of Lebanon;

Whereas the United Nations Interim Force in Lebanon (UNIFIL) must fully implement its mandate in order to counteract destabilizing forces in Lebanon and help lower tensions at the Lebanon-Israel border;

Whereas, on August 28, 2020, the United Nations Security Council unanimously extended and expanded UNIFIL's mandate and called on the Lebanese Government to facilitate prompt and full access to sites requested by United Nations peacekeepers for investigation, urged freedom of movement and unimpeded access for peacekeepers to all parts of the Blue Line between Lebanon and Israel, and condemned in the strongest terms all attempts to restrict United Nations troop movements and attacks on mission personnel;

Whereas United States support for United States institutions in Lebanon, such as the Lebanese American University and the American University of Beirut, through humanitarian and bilateral economic assistance helps foster democratic ideals and principles throughout Lebanon;

Whereas Lebanon hosts an estimated 1,500,000 refugees, the highest refugee-per-capita ratio in the world, despite challenges within its own social and economic sectors;

Whereas Hezbollah's multipronged circumvention of legitimate government functions has contributed to endemic corruption and rampant mismanagement by parties in Lebanon;

Whereas the mismanagement and corruption has driven Lebanon to the brink of economic collapse, with one of the highest rates of public debt, food insecurity, and hyperinflation in the world;

Whereas Iran undermines Lebanon's sovereignty and its history as a United States partner and democratic actor in the Middle East;

Whereas Iran's terrorist proxy Hezbollah violates United Nations Security Council Resolution 1701 (2006), stokes sectarian violence, destabilizes the Lebanese economy, and supports corruption and violence within Lebanon and seeks to destroy the pursuit of peace throughout the region;

Whereas, on August 4, 2020, 2,750 tons of ammonium nitrate detonated at the Port of Beirut, killing approximately 200 people and injuring thousands more;

Whereas the dangerous and highly explosive material had been unsafely stored at the Port of Beirut since 2014, despite repeated warnings over the threat the stockpile posed to the surrounding civilian population;

Whereas the explosions destroyed vast swaths of infrastructure across Beirut and displaced up to 300,000 people;

Whereas the explosions destroyed or damaged the entire Port of Beirut, through which Lebanon imports the bulk of its

food, including the destruction of approximately 120,000 metric tons of desperately needed food stocks, according to the United Nations;

Whereas the United States Government has longstanding concerns about Hezbollah's use of and influence over the Beirut Port as a transit and storage point for its terrorist enterprise;

Whereas the people of Lebanon across the political spectrum have renewed demands for a meaningful change in Lebanon's political leadership, government accountability, and transparency;

Whereas the need for humanitarian aid and food assistance continues and there is a rise in public protests to support the ongoing needs of the people of Lebanon;

Whereas the country of Lebanon is on the brink of economic collapse and remains in a months-long government formation stalemate; and

Whereas a secure Lebanon with a credible, transparent, government accountable to the Lebanese people and free from Iranian and Hezbollah interference and based on the rule of law and democratic principles is in the interests of the Lebanese people, the United States, and United States partners and allies: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) expresses continued solidarity with the Leb-
3 anese people following the devastating explosions at
4 the Port of Beirut on August 4, 2020, and the con-
5 tinued efforts to form a stable, independent, and
6 democratic Lebanon;

1 (2) calls on the Government of Lebanon to ad-
2 vance the interests of the people of Lebanon by root-
3 ing out corruption in government, executing struc-
4 tural reforms and anticorruption measures, and
5 working with international financial institutions like
6 the International Monetary Fund and World Bank
7 to undertake necessary reforms in order to stabilize
8 the economy;

9 (3) supports the right of the people of Lebanon
10 to engage in peaceful demonstration and assembly to
11 achieve accountability in government, democratic po-
12 litical representation, increased civil rights, and
13 anticorruption reforms;

14 (4) calls on the Government of Lebanon to ad-
15 dress the root causes of instability and mismanage-
16 ment that allowed the tragic August 4 blast to take
17 place, including by responding to calls for account-
18 ability and reform by the people of Lebanon;

19 (5) calls on the Lebanese Government, includ-
20 ing the Lebanese Armed Forces (LAF), to take all
21 appropriate action to fully implement United Na-
22 tions Security Council Resolution 1701 (2006) and
23 any successor resolutions and to secure the safety,
24 freedom of movement, and access for United Nations
25 Interim Force troops in Lebanon;

1 (6) recognizes the LAF as the sole institution
2 entrusted with the defense of the sovereignty of Leb-
3 anon and supports United States partnerships with
4 the LAF to counter terrorist groups such as
5 Hezbollah, ISIS, and al-Qaida in Lebanon;

6 (7) supports United States efforts to provide
7 emergency humanitarian relief in concert with other
8 governments and international partners;

9 (8) affirms that United States assistance should
10 be delivered directly to the Lebanese people through
11 properly vetted channels, organizations, and individ-
12 uals, without risk of diversion to terrorist groups;
13 and

14 (9) calls on the Government of Lebanon to con-
15 duct a credible, impartial, and transparent investiga-
16 tion into the cause of, and responsibility for, the Au-
17 gust 4 explosions, and include impartial inter-
18 national experts as part of the investigation team.

○

117TH CONGRESS
1ST SESSION

H. RES. 445

Condemning all violence and human rights abuses in Ethiopia, and calling on the Government of Ethiopia and the Government of the State of Eritrea to remove all Eritrean troops from Ethiopia, and for all belligerents in the conflict, including the Ethiopian National Defense Forces, the Tigray People's Liberation Front, and Amhara regional forces, and other armed groups to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2021

Ms. BASS (for herself, Mr. SMITH of New Jersey, Mr. MEEKS, and Mr. McCAUL) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning all violence and human rights abuses in Ethiopia, and calling on the Government of Ethiopia and the Government of the State of Eritrea to remove all Eritrean troops from Ethiopia, and for all belligerents in the conflict, including the Ethiopian National Defense Forces, the Tigray People's Liberation Front, and Amhara regional forces, and other armed groups to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations.

Whereas the United States and the Federal Democratic Republic of Ethiopia share an important relationship and more than a century of diplomatic relations;

Whereas Ethiopia is the second most populous country in Africa and plays a key role in advancing security and stability across sub-Saharan Africa, and is a key contributor of uniformed personnel to United Nations peacekeeping missions and to the African Union Mission to Somalia;

Whereas Ethiopia has been beset for nearly a decade by multiple human rights and humanitarian challenges, including targeted ethnic violence, intercommunal conflict, natural disasters, and political unrest;

Whereas tensions between Prime Minister Abiy Ahmed's Prosperity Party and the Tigray People's Liberation Front (TPLF), which was part of the ruling coalition in Ethiopia until late 2019, escalated when the TPLF held elections in the Tigray Region of Ethiopia on September 9, 2020, despite the Federal Government of Ethiopia postponing the 2020 general elections due to the COVID-19 pandemic;

Whereas the TPLF rejected the postponement of general elections and considered the extension of the term of the Federal Government to be unconstitutional, and the Federal Government subsequently deemed the Tigray regional elections illegitimate;

Whereas Ethiopia is undergoing a fragile political transition, with the postponed 2020 general elections originally rescheduled for June 2021, except in the Tigray Region, where elections have yet to be scheduled, and with delayed voter registration processes in multiple regions;

Whereas, in the early hours of November 4, 2020, Prime Minister Abiy Ahmed ordered a military offensive in response to an attack by the TPLF on the Northern Command of the Ethiopian National Defense Forces (ENDF), which evolved into an armed conflict between the ENDF and allied forces on one side, eventually including Eritrean forces, and the TPLF on the other side;

Whereas Prime Minister Abiy Ahmed rejected requests to engage in talks with the TPLF during a meeting in Addis Ababa with former Liberian President Ellen Johnson Sirleaf, former Mozambique President Joaquim Chissano, and former South African President Kgalema Motlanthe, three special envoys appointed by President Cyril Ramaphosa of South Africa, the then-African Union Chairman in November 2020, to mediate in the conflict and broker a solution to the crisis;

Whereas, on November 28, 2020, the Government of Ethiopia claimed victory in the conflict after taking Mekelle, the capital city of the Tigray Region, with Prime Minister Abiy announcing that his forces had “completed and ceased the military operations” and would shift focus to rebuilding the region and providing humanitarian assistance while Federal police apprehend leaders of the TPLF;

Whereas clashes have continued in the Tigray Region, and Ethiopian soldiers, Eritrean forces, and other armed groups have pursued prominent TPLF leaders, notably killing former Minister of Foreign Affairs of Ethiopia Seyoum Mesfin as part of a “stabilizing mission [to] bring to justice [the] perpetrators”;

Whereas the conflict in the Tigray Region has forced more than 63,000 Ethiopians to seek refuge in Sudan, has dis-

placed more than 1,000,000 people internally, and has caused severe shortages of food, water, medical facilities and supplies, and other necessary goods for those who remain in the region;

Whereas during the first few weeks of the conflict, there was a complete shutdown of electricity, banking, internet, and telephone services throughout the Tigray Region by the Government of Ethiopia, with government reports of TPLF forces also destroying communications infrastructure, and subsequent service restorations have been limited;

Whereas in addition to the shutdown of telephone and internet services, which has severely limited the flow of information on the conflict and the humanitarian situation, journalists have been restricted from accessing much of the Tigray Region, several journalists have been arrested and harassed in connection to their coverage of the conflict, and one journalist working for the Tigray Mass Media Agency was killed;

Whereas although the Government of Ethiopia entered into an agreement with the United Nations on November 29, 2020, to facilitate humanitarian access to the Tigray Region, aid agencies report that constraints to access remain;

Whereas, since mid-2020, the Office of the United Nations High Commissioner for Human Rights, Amnesty International, the Ethiopian Human Rights Commission (EHRC), and other credible human rights monitors have reported gross violations of human rights, incidents of ethnic cleansing, rising cases of sexual and gender-based violence, and other atrocities and a rise in ethnic and intercommunal violence in other parts of Ethiopia, in-

cluding in the Amhara, Benishangul-Gumuz, Somali, Afar, Oromia and Southern Nations, Nationalities and People's Region states;

Whereas, on January 27, 2021, the United States Government publicly confirmed that Eritrean Defense Forces (EDF) are participating in the conflict in alliance with the ENDF and called for the immediate withdrawal of all EDF soldiers from the Tigray Region, and credible reports have emerged that EDF soldiers participating in the conflict have attacked civilians, including Eritrean refugees, looted and destroyed homes and religious institutions, and otherwise conducted gross violations of human rights;

Whereas the conflict has disrupted harvests, livelihoods, markets, and supply chains, with food and medical supplies looted and medical facilities targeted and destroyed, and with restrictions and bureaucratic impediments continuing to constrain the humanitarian response and draw the Tigray region closer to famine conditions and a humanitarian disaster;

Whereas an estimated 5,200,000 people in the Tigray Region require immediate humanitarian assistance, including almost 100,000 Eritrean refugees;

Whereas, on February 6, 2021, the United Nations World Food Programme (WFP) announced a new agreement with the Government of Ethiopia to rapidly scale up the deployment of emergency food assistance while improving the process for reviewing and approving requests from United Nations and humanitarian partner agencies;

Whereas, since November 2020, at least eight humanitarian workers, including one employee of the International Res-

cue Committee, three employees of the Danish Refugee Council, and one staff member employed by a USAID partner, were killed while conducting humanitarian operations in the Tigray region, and one more in Benishangul-Gumuz;

Whereas at least one known instance of allied forces operating under the command of the ENDF deliberately targeted a humanitarian aid worker who had declared his status before being accused of providing food and supplies to the TPLF and eventually killed;

Whereas victims of interethnic, intra-ethnic, and intercommunal violence in Ethiopia come from all ethnic groups, and victimizers often come from some of the same groups;

Whereas examples of reported atrocities committed in the Tigray Region include the massacre in the town of Mai Kadra on November 9, 2020, in which, according to estimates from the EHRC, more than 600 Amhara civilians were killed due to what the EHRC Chief Commissioner concluded was “for no reason other than their ethnicity”, and a mass killing of Tigrayans in the city of Axum on November 28–29, 2020, which involved, according to reports from Amnesty International, the systematic killing of “hundreds of unarmed civilians” after Ethiopian and Eritrean troops retook the city;

Whereas, on February 11, 2021, the governing party of the Benishangul-Gumuz state acknowledged that dozens of its mid- and senior-level officials have been complicit in targeted ethnic violence against Amhara, Agaw, and Shinasha;

Whereas, on March 25, 2021, the United Nations Office for the High Commissioner of Human Rights and the EHRC announced that they will conduct a joint “objective, independent investigation” into human rights abuses in the Tigray region for an initial period of three months;

Whereas, in March 2021, President Biden asked Senator Christopher Coons to serve as an emissary to convey the President’s grave concerns to Prime Minister Abiy about the humanitarian crisis and human rights abuses in the Tigray Region and the risk of broader instability in the Horn of Africa;

Whereas, on April 23, 2021, Secretary Blinken announced the appointment of Ambassador Jeffery Feltman as U.S. Special Envoy to the Horn of Africa, to “underscore the Administration’s commitment to lead an international diplomatic effort to address the interlinked political, security, and humanitarian crises in the Horn of Africa”;

Whereas the conflict in the Tigray Region may have led ethnic Tigrayans throughout Ethiopia, as well as those serving with the ENDF in various missions throughout the region, to be suspended from their jobs, redeployed from their forward operating bases, and detained or prevented from leaving the country, and there are reports of surveillance and mass arrests of Ethiopians;

Whereas several opposition political parties say the Government of Ethiopia has restricted their right to peacefully assemble and organize, citing the detention or harassment of some of their local candidates and supporters and efforts to prevent them from opening local offices, and a number of opposition leaders have been jailed since the summer of 2020, with varying degrees of due process violations and procedural delays in their trials, leading

some major opposition parties to threaten to withdraw from the forthcoming general elections;

Whereas the Government of Ethiopia, with the help of allied forces operating in Tigray and other parts of Ethiopia, continue to detain prominent political opponents, some of whom have been charged with terrorism and other crimes;

Whereas the National Election Board of Ethiopia (NEBE) announced on May 15, 2021, that the national elections have been further delayed;

Whereas according to a pre-election assessment conducted by the National Democratic Institute and the International Republican Institute, “significant difficulties, including widespread insecurity and ethnic conflicts, delays in National Election Board of Ethiopia’s (NEBE’s) candidate and voter registration procedures, poor cooperation from some state governments, boycotts and threats of boycotts by several political parties with broad constituencies, as well as the COVID–19 public health crisis, threaten the ability of voters and parties to participate in the process and, thereby, the potential for credible elections.”;

Whereas the Government of Ethiopia designated the TPLF and a group it identified as “Shene” as terrorist organizations in May 2021, further reducing the likelihood of brokering a comprehensive political resolution to the crises that involves all parties to the conflicts;

Whereas, on May 23, 2021, the Department of State announced visa restrictions under the Immigration and Nationality Act on, “current or former Ethiopian or Eritrean government officials, members of the security forces, or other individuals—to include Amhara regional

and irregular forces and members of the Tigray People's Liberation Front (TPLF)—responsible for, or complicit in, undermining resolution of the crisis in Tigray.”;

Whereas the conflicts in the Tigray and Oromia Regions, intercommunal violence in other parts of Ethiopia, and the erosion of political and civic space call into the question of whether the general elections in 2021 can meet the aspirations and expectations of the Ethiopian people and internationally accepted standards for free and fair elections; and

Whereas the conflict in the Tigray Region occurs within the context of complicated regional and global dynamics, including ongoing negotiations between Ethiopia, Egypt, and Sudan over the Grand Ethiopian Renaissance Dam, Ethiopia's rapprochement with Eritrea in 2018, threats posed by the Somalia-based foreign terrorist organization Al-Shabaab, a struggle for influence and power among regional and global actors, an increasingly hostile border disputes between Ethiopia and Sudan over al-Fashaga, and the fragile democratic transition and peace process in Sudan: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) calls for the immediate cessation of hos-
3 tilities in the Tigray Region of Ethiopia and end to
4 violence throughout the Federal Democratic Repub-
5 lic of Ethiopia;

6 (2) calls on the Government of Ethiopia and
7 the Government of the State of Eritrea to fulfill its
8 commitment to immediately and fully withdraw Eri-
9 trean Defense Forces from Ethiopia;

1 (3) condemns in the strongest terms any human
2 rights violations, murder, looting, rape, and other
3 crimes committed by Ethiopian forces, the Eritrean
4 military, or any other forces in the Tigray Region or
5 elsewhere in Ethiopia;

6 (4) strongly disapproves of the escalation of po-
7 litical tensions between the Government of Ethiopia
8 and the Tigray People's Liberation Front (TPLF)
9 into armed conflict;

10 (5) calls for full and unfettered access for hu-
11 manitarian operations and for journalists and dip-
12 lomats seeking access to affected areas throughout
13 Tigray and elsewhere in Ethiopia;

14 (6) calls for the swift and complete restoration
15 of lifesaving medical services, as well as electricity,
16 banking, telephone, and internet services throughout
17 the Tigray Region and other parts of Ethiopia where
18 communications have been restricted;

19 (7) supports the joint investigation of the Office
20 of the United Nations High Commissioner for
21 Human Rights and the Ethiopian Human Rights
22 Commission on human rights violations in the
23 Tigray region;

1 (8) appreciates the willingness of Sudan to wel-
2 come refugees fleeing the conflict in the Tigray Re-
3 gion;

4 (9) urges the Government of Ethiopia to—

5 (A) take tangible steps toward improving
6 humanitarian access in keeping with commit-
7 ments made to the United Nations World Food
8 Programme and Secretary of State Antony
9 Blinken;

10 (B) pursue accountability for human rights
11 abuses and atrocities; and

12 (C) make progress on pursuing a political
13 solution in advance of the planned elections in
14 2021 and other key issues with regard to the
15 conflict in the Tigray Region and threats to re-
16 gional stability;

17 (10) calls on the Government of Ethiopia to—

18 (A) ensure that any apprehensions of bel-
19 ligerents in the conflict are carried out with the
20 least possible use of force and that the rights
21 to which those detained are entitled under Ethi-
22 opian and international law are fully respected;

23 (B) release all opposition leaders, sup-
24 porters, and activists detained on the basis of
25 their political activity and views as well as jour-

1 nalists detained on the basis of their reporting,
2 and respect the rights of freedom of expression
3 of all Ethiopians and political participation,
4 without discrimination based on ethnicity, ide-
5 ology, or political affiliation; and

6 (C) convene a credible and countrywide
7 process of national dialogue and reconciliation
8 inclusive of all nonviolent political parties, eth-
9 nic communities, religious groups, and civil so-
10 ciety organizations in Ethiopia to work toward
11 the sustainable resolution of grievances and
12 chart a democratic and peaceful path forward
13 for the country;

14 (11) urges all parties to the conflict to—

15 (A) cease all hostilities, commit to a polit-
16 ical solution for resolving existing differences,
17 fully comply with international humanitarian
18 law, and refrain from actions that could con-
19 tinue, spread, or escalate the conflict, particu-
20 larly attacks on civilian targets;

21 (B) make demonstrable progress to guar-
22 antee unfettered and immediate humanitarian
23 access, for personnel and supplies, to areas af-
24 fected by the conflict, and take all possible
25 steps to protect the safety of civilians, including

1 refugees, displaced persons, and humanitarian
2 aid workers; and

3 (C) allow for, and cooperate with, inde-
4 pendent and transparent investigations of any
5 alleged human rights abuses committed in the
6 course of the conflict in the Tigray Region and
7 other conflicts across Ethiopia, and hold all per-
8 petrators to account in a credible process; and

9 (12) urges the Secretary of State, the Secretary
10 of the Treasury, and the Administrator of the
11 United States Agency for International Develop-
12 ment, in coordination with the heads of other rel-
13 evant Federal departments and agencies, to—

14 (A) engage at the highest levels with the
15 Government of Ethiopia, the Government of the
16 State of Eritrea, the TPLF, and other parties
17 to the conflict to encourage the immediate and
18 full cessation of hostilities, and the full with-
19 drawal of all Eritrean forces, mitigate the hu-
20 manitarian crisis in the region, and support an
21 inclusive process of national dialogue and rec-
22 onciliation in Ethiopia;

23 (B) maintain close coordination with inter-
24 national allies and multilateral organizations re-
25 garding efforts to address the conflict in the

1 Tigray Region and other regions of Ethiopia,
2 and bring attention to the conflict in inter-
3 national fora, including the United Nations Se-
4 curity Council;

5 (C) immediately establish criteria to end
6 the pause of all remaining nonlife-sustaining as-
7 sistance to Ethiopia and continue to support
8 programming to meet immediate humanitarian
9 needs, including of refugees and internally dis-
10 placed persons, advance nonviolent conflict reso-
11 lution and reconciliation throughout the coun-
12 try, and aid a democratic transition in Ethi-
13 opia;

14 (D) as appropriate, use all diplomatic, de-
15 velopmental, and legal tools to prevent further
16 ethnic-based violence and mass atrocities, in-
17 cluding by nonstate armed groups, and promote
18 competitive multiparty democracy in Ethiopia;

19 (E) continue to take actions that, accord-
20 ing to Secretary of State Blinken on February
21 27, 2021, ensure a “full, independent, inter-
22 national investigation into all reports of human
23 rights violations, abuses, and atrocities” com-
24 mitted in the course of the conflict;

1 (F) urgently determine whether atrocities
2 committed in Tigray amount to war crimes and
3 crimes against humanity; and

4 (G) based on the investigations, impose
5 targeted sanctions and accountability measures
6 on those found responsible for committing
7 human rights abuses and atrocities.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 445
OFFERED BY MS. BASS OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas the United States and the Federal Democratic Republic of Ethiopia share an important relationship, more than a century of diplomatic relations, and a strong connection through diaspora engagement;

Whereas Ethiopia is the second most populous country in Africa and plays a key role in advancing security and stability across sub-Saharan Africa;

Whereas tensions between Prime Minister Abiy Ahmed's Prosperity Party and the Tigray People's Liberation Front (TPLF), which was part of the ruling coalition in Ethiopia until late 2019, escalated when the TPLF held elections in the Tigray Region of Ethiopia on September 9, 2020, despite the Government of Ethiopia postponing the 2020 general elections due to the COVID-19 pandemic;

Whereas the TPLF rejected the postponement of general elections and considered the extension of the term of the Government of Ethiopia to be unconstitutional, and the Government subsequently deemed the Tigray regional elections illegitimate;

Whereas, on November 4, 2020, Prime Minister Abiy Ahmed ordered a military offensive in response to an attack by the TPLF-led forces on the Northern Command of the

Ethiopian National Defense Forces (ENDF), which evolved into an armed conflict between the ENDF, supported by Eritrean Defense Forces and the Amhara regional and irregular forces against TPLF-led forces;

Whereas the Government of Ethiopia refused multiple attempts by the international community including the African Union, Kenya, Sudan, the European Union, and the United States to help broker a negotiated ceasefire and peaceful settlement that includes all parties of the conflict TPLF;

Whereas the Government of Ethiopia declared a unilateral ceasefire on June 28, 2021, while the TPLF continued hostilities and expanded the violence beyond Tigray into the Afar and Amhara regions in mid-July 2021;

Whereas the TPLF forces and Oromo Liberation Army (OLA-“Shene”) have announced a military alliance, with a stated goal of working together against the Government of Ethiopia;

Whereas the Government of Ethiopia designated the TPLF and OLA-“Shene” as terrorist organizations, and Prime Minister Abiy Ahmed announced a general call to arms against the TPLF, further enflaming historical grievances and conflicts rooted in the TPLF’s decades -long political dominance and abuses of power, and complicating a comprehensive political solution to the crises;

Whereas the Government of Ethiopia launched a new offensive against Tigrayan forces in Amhara in October 2021 and fighting continues in other parts of Northern Ethiopia;

Whereas the conflict in the Tigray Region has forced more than 60,000 Ethiopians to seek refuge in Sudan, has dis-

placed more than 2,200,000 people internally in Tigray, and there are an estimated 7,000,000 people in Northern Ethiopia who require emergency food aid and immediate humanitarian assistance, including almost 100,000 Eritrean refugees, and almost 24,000,000 people across Ethiopia need humanitarian assistance;

Whereas in addition to the shutdown of telephone and internet services, which has severely limited the flow of information on the conflict and the humanitarian situation, journalists are restricted from accessing much of the Tigray Region, and several journalists have been arrested and harassed in connection to their coverage of the conflict, including the killing of a journalist working for the Tigray Mass Media Agency;

Whereas the Government of Ethiopia has imposed restrictions and bureaucratic impediments that have severely hampered humanitarian response efforts, including the blockage of some commodities such as fuel, medicine, and medical supplies into Tigray, as well as other access restrictions for aid workers seeking to facilitate and expand humanitarian response efforts;

Whereas the ENDF, Eritrean Defense Forces, Amhara regional and irregular forces, and the TPLF-led forces have been accused of impeding humanitarian operations in Northern Ethiopia, including through damage to infrastructure and health facilities, harassment of aid workers, blockage of transport routes, and looting of aid materials and vehicles;

Whereas the TPLF's expansion of military operations into Amhara and Afar has impeded humanitarian operations in those areas and created additional displacement and

need, and TPLF-led forces have been implicated in looting food stocks and aid supplies in Amhara;

Whereas the Office of the United Nations High Commissioner for Human Rights (OHCHR), Amnesty International, the Ethiopian Human Rights Commission (EHRC), and other credible human rights organizations report that multiple actors have committed human rights violations, including incidents of ethnic cleansing, sexual and gender-based violence and other atrocities during the Tigray conflict, and violence, human rights violations, and incidents of ethnic and intercommunal violence are on the rise throughout Ethiopia, including in the Amhara, Benishangul-Gumuz, Somali, Afar, Oromia and Southern Nations, Nationalities and People's Region states;

Whereas in response to the allegations of atrocities and human rights violations, the OHCHR and EHRC began a joint investigation in March 2021 and announced their findings are scheduled to be published in November;

Whereas at least 23 aid workers, including one employee of the International Rescue Committee, three employees of the Danish Refugee Council, three employees of Medicines Sans Frontiers, and one staff member employed by a USAID partner, were killed while conducting humanitarian operations in Tigray;

Whereas, in September 2021, the Government of Ethiopia expelled seven senior United Nations officials representing the United Nations Children's Fund (UNICEF), OHCHR, and Office for the Coordination of Humanitarian Affairs (OCHA), further hindering already strained humanitarian efforts and continuing a pattern of

harassment and intimidation of humanitarian aid workers;

Whereas, since March 2021, the United States Government has had several high-level engagements with Ethiopian officials to encourage a ceasefire, a political solution to the conflict, and autonomous access for humanitarian workers, including visits by Special Envoy to the Horn of Africa Ambassador Jeffery Feltman, Senator Christopher Coons as a Presidential emissary, USAID Administrator Samantha Powers, and Representative Karen Bass; and

Whereas the continuance and escalation of the conflict, with no apparent political solution in sight, has led the United States Government to restrict certain types of non-humanitarian foreign assistance, impose visa restrictions on those responsible for, or complicit in, undermining a peaceful solution to the crisis, and establish a regime for targeted sanctions against those in the Ethiopian government, the Eritrean Government, the TPLF, and the Amhara regional government who are responsible for the ongoing crisis: Now, therefore, be it

Strike all after the resolving clause and insert the following:

- 1 That the House of Representatives—
- 2 (1) calls for the end of violence in the Federal
- 3 Democratic Republic of Ethiopia and for all combat-
- 4 ants in the conflict in Northern Ethiopia, the ENDF
- 5 and their allied forces, including the Eritrean De-
- 6 fense Forces and Amhara regional and irregular

1 forces, and TPLF-led forces to immediately cease
2 hostilities;

3 (2) condemns in the strongest terms all human
4 rights violations, atrocities, war crimes, acts of eth-
5 nic cleansing, murder, torture, looting, rape, sexual
6 and gender-based violence, and other crimes com-
7 mitted by the ENDF, the Eritrean Defense Forces,
8 the Amhara regional and irregular forces, the
9 TPLF, the OLA, or any other forces in the Tigray
10 Region or elsewhere in Ethiopia;

11 (3) denounces the harassment and intimidation
12 of journalists and aid workers, and the expulsion of
13 senior United Nations officials responsible for sup-
14 porting humanitarian response efforts;

15 (4) calls for immediate, full, and unfettered ac-
16 cess for humanitarian operations, and for journalists
17 and diplomats seeking access to affected areas
18 throughout the conflict area and elsewhere in Ethi-
19 opia;

20 (5) supports the joint investigation of human
21 rights violations in the Tigray region by the Office
22 of the United Nations High Commissioner for
23 Human Rights and the Ethiopian Human Rights
24 Commission and urges full and unfettered access for

1 such investigations, and the expedient release of its
2 findings upon completion of the report;

3 (6) appreciates the willingness of Sudan to wel-
4 come refugees fleeing the conflict in the Tigray Re-
5 gion;

6 (7) urges the Government of Ethiopia to—

7 (A) take tangible steps toward improving
8 humanitarian access and immediately grant ap-
9 propriate approvals to scale up humanitarian
10 assistance in Tigray and other conflict-affected
11 areas;

12 (B) fully investigate and pursue account-
13 ability for all human rights abuses and atroc-
14 ities; and

15 (C) make progress on pursuing a political
16 solution to the crisis, to include releasing un-
17 lawfully detained opposition leaders and sup-
18 porters, activists, and journalists, and con-
19 vening a credible, national dialogue inclusive of
20 all nonviolent political parties, ethnic commu-
21 nities, religious groups, and civil society organi-
22 zations interested in charting a democratic and
23 peaceful path forward and unifying the country;

24 (8) urges all parties to the conflict to—

1 (A) cease all hostilities, commit to a peace-
2 ful political solution for resolving existing dif-
3 ferences, fully comply with international hu-
4 manitarian law of armed conflict, and refrain
5 from actions that could continue, spread, or es-
6 calate the conflict, particularly attacks on civil-
7 ians;

8 (B) immediately grant full and unfettered
9 humanitarian access for personnel and supplies,
10 including necessary commodities like fuel and
11 medicine, to areas affected by the conflict, and
12 take all possible steps to protect the safety of
13 civilians, including refugees, internally displaced
14 persons, and humanitarian aid workers; and

15 (C) cooperate with independent and trans-
16 parent investigations of all alleged human
17 rights abuses and atrocities committed in the
18 course of the conflict in Northern Ethiopia and
19 other conflicts across Ethiopia, and hold all per-
20 petrators to account in a credible process; and

21 (9) urges the Secretary of State, the Secretary
22 of the Treasury, and the Administrator of the
23 United States Agency for International Develop-
24 ment, in coordination with the heads of other rel-

1 evant United States Federal departments and agen-
2 cies, to—

3 (A) engage at the highest levels with the
4 Government of Ethiopia, the Government of
5 Eritrea, the TPLF, and other parties to the
6 conflict to encourage the immediate and full
7 cessation of hostilities, the full withdrawal of all
8 Eritrean forces, mitigation of the humanitarian
9 crisis in the region, and support for an inclusive
10 process of national dialogue and reconciliation
11 in Ethiopia;

12 (B) maintain close coordination with inter-
13 national allies and multilateral organizations re-
14 garding efforts to address the conflict in the
15 Tigray Region and other regions of Ethiopia,
16 and bring attention to the conflict in inter-
17 national and regional fora, including the United
18 Nations Security Council and the African
19 Union respectively;

20 (C) as appropriate, use all diplomatic, de-
21 velopmental, and legal tools to prevent further
22 ethnic-based violence and mass atrocities, in-
23 cluding by nonstate armed groups, and promote
24 competitive multiparty democracy in Ethiopia;

1 (D) continue to take actions that, accord-
2 ing to Secretary of State Blinken on February
3 27, 2021, ensure a “full, independent, inter-
4 national investigation into all reports of human
5 rights violations, abuses, and atrocities” com-
6 mitted during the conflict; and

7 (E) urgently determine whether atrocities
8 committed in Tigray and elsewhere by various
9 parties to the conflict amount to war crimes,
10 crimes against humanity, or genocide, and
11 based on the investigations, impose targeted
12 sanctions and accountability measures on those
13 found responsible for committing gross viola-
14 tions of internationally-recognized human rights
15 atrocities.

Amend the title so as to read: “A resolution Con-
demning all violence and human rights abuses in Ethi-
opia, and calling for all combatants in the conflict in
Northern Ethiopia to cease all hostilities, respect human
rights, allow unfettered humanitarian access, and cooper-
ate with independent investigations of credible atrocity al-
legations.”.



117TH CONGRESS
1ST SESSION

H. RES. 720

Calling for stability and the cessation of violence and condemning ISIS-affiliated terrorist activity in northern Mozambique, including the Cabo Delgado Province, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2021

Ms. JACOBS of California (for herself, Ms. BASS, Mrs. KIM of California, Mr. MEEKS, Mr. MCCAUL, Mr. ALLRED, Mr. LIEU, Ms. OMAR, and Mr. CICILLINE) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling for stability and the cessation of violence and condemning ISIS-affiliated terrorist activity in northern Mozambique, including the Cabo Delgado Province, and for other purposes.

Whereas, in August 2019, Mozambican President Filipe Nyusi, of the Mozambique Liberation Front (FRELIMO), and the Mozambican National Resistance (RENAMO) President Ossufo Momade signed the Peace and Reconciliation Accord in Maputo, ending several years of resurgent armed conflict between RENAMO and FRELIMO before RENAMO's rebel leader Mariano Nhongo was killed by Mozambican forces in October 2021;

Whereas, in October 2017, violent extremists locally known as al-Shabab or Ahlu al-Sunnah wal-Jamaah targeted civilians in the Cabo Delgado Province and eventually took up arms against the Mozambican state, launching an armed insurgency that has had dire consequences for human rights, security, and socioeconomic welfare in the Cabo Delgado Province;

Whereas, since 2017, Ahlu al-Sunnah wal-Jamaah has killed thousands of civilians and brutalized communities in Cabo Delgado Province, including through mass beheadings of men and boys, abductions, including of children who are forced to take up arms, and attacks against transportation, supply convoys, government facilities, and other buildings, such as homes, schools, and hospitals;

Whereas, in 2018, the Cabo Delgado-based violent extremist group reportedly pledged allegiance to the Islamic State in Iraq and Syria (ISIS) and was acknowledged by ISIS as an affiliate in August 2019;

Whereas, on March 10, 2021, the Department of State designated Ahlu al-Sunnah wal-Jamaah, also known as ISIS-Mozambique, as a Foreign Terrorist Organization under the Immigration and Nationality Act, and as Specially Designated Global Terrorists under Executive Order 13224, and identified Tanzanian national Abu Yasir Hassan as the leader of the organization;

Whereas, in late March 2021, ISIS-Mozambique launched a complex attack against the northern Mozambican town of Palma over several days, overwhelming Mozambican forces, killing and abducting dozens of people, and destroying infrastructure, leading TotalEnergies to declare force majeure in relation to its partially United States

Government-financed \$20,000,000 liquified natural gas project near Palma;

Whereas, in May 2021, the United States Holocaust Memorial Museum reported a high risk of new mass killings in Mozambique as part of the Early Warning Project risk assessment for 2020–2021;

Whereas the United States Government announced in March 2021 its segment training of the Mozambican armed forces to help build their counterterrorism capacities, and the European Union announced in July 2021 that it would establish a military training mission in Mozambique;

Whereas, on June 23, 2021, the Southern African Development Community (SADC) heads of state issued a communique approving the deployment of the SADC Standby Force Mission to combat “acts of terrorism and violent extremism in Cabo Delgado”;

Whereas, on July 10, 2021, Mozambican President Filipe Nyusi confirmed that 1,000 Rwandan forces had begun deploying to the Cabo Delgado Province and that a SADC standby force would follow, and on August 8, 2021, Rwandan forces announced they had retaken a strategic provincial port from ISIS-Mozambique;

Whereas grievances fueling terrorist recruitment reportedly include allegations of state corruption and exploitation, including by security forces, and historical socioeconomic and political marginalization of the Cabo Delgado Province and other northern regions, which has constrained development and brought about high rates of poverty, youth unemployment, and socioeconomic inequality;

Whereas international development of northern Mozambique's natural resources has the potential to yield economic benefit to the Cabo Delgado Province's local populations through job creation, increased private investment, and expanded development initiatives, yet in some cases resource development has reportedly displaced local communities and some have been inadequately compensated for lost land, homes, and disrupted livelihoods;

Whereas international human rights monitors have reported human rights violations perpetrated by Mozambican security forces during counterterrorism operations in the Cabo Delgado Province, including arbitrary arrests, abductions, torture of detainees, excessive force against unarmed civilians, intimidation, and extrajudicial killings;

Whereas, as of June 2021, ISIS-Mozambique's attacks and resulting clashes with government forces throughout the Cabo Delgado Province have killed over 3,000 people and displaced nearly 800,000, left 1,300,000 people in need of humanitarian assistance, including approximately 900,000, primarily women and children, in emergency-levels of food insecurity, and in July 2021, the World Food Program warned that insufficient funding could lead to famine in the region;

Whereas the United States, through the United States Agency for International Development, is the single largest donor of humanitarian assistance in Mozambique; and

Whereas, in April 2021, the World Bank approved a \$100,000,000 grant to Mozambique's Agency for Integrated Development of the North for the "restoration of livelihoods and economic opportunities, building of social cohesion, and improving access to basic services as well as the rehabilitation of selected public infrastructure in-

tended to benefit internally displaced persons (IDPs) and host communities in targeted areas of Northern Mozambique”, and has determined Mozambique is eligible for its Prevention and Resilience Allocation, granting potential access of up to \$700,000,000 in additional assistance for similar projects: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns the violence, targeting of civil-
3 ians, and terrorist attacks carried out by ISIS-Mo-
4 zambique in the Cabo Delgado Province;

5 (2) urges the Mozambican Government to—

6 (A) continue to work with international
7 partners to restore security in the Cabo
8 Delgado Province and counter violent extre-
9 mism and terrorism in a manner that
10 prioritizes the protection of civilians and their
11 human rights;

12 (B) take steps to protect children from ab-
13 duction, forced conscription, and other forms of
14 exploitation;

15 (C) ensure humanitarian workers have ac-
16 cess to vulnerable populations in the Cabo
17 Delgado Province, including by reducing bu-
18 reaucratic constraints on travel documents, hu-
19 manitarian aid, and related equipment;

20 (D) hold to account any government offi-
21 cial who sought to disrupt the equitable provi-

1 sion of humanitarian assistance, or who di-
2 verted such assistance, profited from its dis-
3 tribution, or otherwise engage in exploitative or
4 corrupt acts relating to the acquisition or provi-
5 sion of humanitarian aid;

6 (E) work with the international community
7 to document, investigate, and prosecute human
8 rights abuses and other crimes committed by
9 state security forces, militias, terrorists, and
10 other armed actors, and to build government
11 capacities to accomplish such outcomes; and

12 (F) develop comprehensive national strate-
13 gies and implementation plans to address un-
14 derlying social, political, and economic griev-
15 ances of local populations in the Cabo Delgado
16 Province and neighboring provinces;

17 (3) calls on Mozambican community leaders
18 and civil society members in the Cabo Delgado Prov-
19 ince to strengthen local resiliencies and prevent tar-
20 geting and other forms of intercommunal violence
21 and conflict;

22 (4) calls on the United States Government and
23 other donor governments to appropriately coordinate
24 diplomatic, defense, and development resources and
25 continue to expand, where possible, efforts to provide

1 humanitarian assistance, promote good governance,
2 spur economic growth, and build the capacity of the
3 Government of Mozambique to counter terrorism
4 and violent extremism and address conflict through
5 existing programs, such as the Partnership for Re-
6 gional East Africa Counterterrorism (PREACT),
7 and future interagency initiatives, while ensuring re-
8 spect for human rights and protection of civilians;

9 (5) urges the Mozambican Northern Integrated
10 Development Agency to consult with local popu-
11 lations and civil society groups in the Cabo Delgado
12 Province and to ensure transparency and account-
13 ability in the provision of development assistance;
14 and

15 (6) calls on the international donor community
16 to support continued humanitarian assistance, par-
17 ticularly in support of Mozambique's Humanitarian
18 Response Plan and local and national aid organiza-
19 tions providing aid to populations in the Cabo
20 Delgado Province or other conflict-affected areas in
21 Mozambique.

○

Chairman MEEKS. I now recognize myself to speak on the en block package.

I support all of these bipartisan measures. As chair of the House Foreign Affairs Committee, I take seriously this committee's responsibility to identify and respond to human rights abuses taking place around the world. From day one, this committee has worked tirelessly to do just that, whether it be on behalf of the Uyghurs, who face genocide in China; the women, youth, and minority groups of Afghanistan whose futures are at risk under the Taliban; the people who facing crises on multiple fronts throughout Ethiopia or in Cambodia, in Haiti, in Iran, El Salvador, in Russia, in Belarus. You name it, time and again, this committee has, and will continue, to work vigorously to respond to human rights abuses in a swift, forceful, and responsible manner.

The measures being considered today continue this committee's important responsibility for helping those in need of our country's help and support.

I was proud to introduce H.R. 5497, the BURMA Act of 2021, along with Ranking Member McCaul and Representatives Bera and Chabot, chair and ranking member of the Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation, respectively.

And my thanks to Mr. Chabot and Mr. McCaul, in particular, for working with me

[audible malfunction] bipartisan.

Democracy is under threat around the world, and Congress cannot, and must not, stand idly by when a thuggish military blatantly disregards the will of citizens, as happened in Burma in February. This legislation imposes targeted sanctions in response to the illegal and illegitimate coup and the ensuing human rights abuses, which has cost the lives of over a thousand people and displaced thousands more.

We need to support the Burmese people in their struggle for human rights and a path toward democracy. My bill authorizes State and USAID to provide greater civil society and humanitarian support in Burma and surrounding countries. It calls on the State Department to finally make a determination as to whether the repression of the Rohingya constitutes war crimes, crimes against humanity, or genocide; position the United States to step up diplomatic pressure on Burma, and calls for the United Nations to take more decisive action against the military, to send a powerful message.

This bill has been endorsed by over 240 Burmese diaspora and civil society organizations, as well as the National Unity Government. There is overwhelming support for this bill from those fighting for freedom in Burma. Let's show them that we stand in solidarity with the people of Burma.

H.Res. 445, by Representative Bass, chair of the Subcommittee on Africa, Global Health, and Global Human Rights, condemns all violence and human rights abuses throughout Ethiopia, and calls on all combatants to cease hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of atrocities carried out by all sides.

The crisis in northern Ethiopia threatens the fabric and stability of the country and the Greater Horn of Africa. And this resolution

comes at a time when the government of Ethiopia has lost a fresh offensive and airstrikes in recent days.

The United States and the international community continue to implore all parties to the conflict to consider the economic, political, and humanitarian consequences of a conflict that is spiraling out of control. This committee remains deeply troubled by ongoing reports of rampant human abuse, human rights abuses, excessive and targeted ethnic violence, and humanitarian blockages that have caused the death and displacement of so many innocent people.

This important resolution lays out specific steps all stakeholders should take, including the government of Ethiopia, the United States, and other members of the international community, to encourage an end to the conflict, establish a meaningful and inclusive national dialog, and provide humanitarian support for the most vulnerable populations throughout the country.

This resolution is another measure that demonstrates the United States' commitment to bringing an end to this violent and devastating conflict. The humanitarian crisis in northern Ethiopia remains the subject of great attention by this committee, and I'm grateful to my colleague for her work on this resolution.

A resolution by Congresswoman Sara Jacobs condemns the violence targeting of civilians and terrorist attacks carried out by ISIS in Mozambique, in the northern Mozambican Province of Cabo Delgado. I am deeply concerned about the ongoing humanitarian crisis created by relentless and brutal attacks on innocent people, including young children in Cabo Delgado Province, but I am encouraged by the work regional partners, such as Rwanda and South Africa, have done to help quell some of the violent attacks and retake territory from ISIS.

The government of Mozambique must continue to work with the international community to address the widespread displacement, food and security, and economic devastation brought about by the years of long violence in the north. The United States has demonstrated its commitment to support the Mozambican government in this regard, as well as through security sector assistance provided by the Department of State and the Department of Defense.

This resolution calls on the Mozambican government to work with us and the broader international community to help bring an end to the conflict, provide humanitarian support to the vulnerable and displaced populations in Cabo Delgado, and promote human rights and the rule of law, as they work to address instability in the north.

The committee will continue to watch these developments closely, and I am heartened to see colleagues' hard work and dedication to moving this resolution forward.

And finally, H.Res. 569 expresses solidarity for the Lebanese following the devastating explosions at the Port of Beirut on August 4th, 2020, and causing the Lebanese government to investigate the blast, boot out corruption, and work closely with international organizations, like the IMF and the World Bank, to stabilize the economy.

Lebanon continues to struggle with prolonged fiscal challenges and humanitarian needs. And I, along with a number of Members,

have called for a continued U.S. engagement and support to address these crises.

Finally, as tensions on the investigation into the blast rise, it is imperative that we make clear we support the right of the Lebanese people to engage in peaceful demonstration and assembly in order to achieve accountability, democratic political representation, increased civil rights, anti-corruption reforms.

I strongly support all the measures that we are considering today in the en bloc, and I urge all members to do the same.

I now recognize our ranking member, Mr. McCaul of Texas, for his remarks.

Mr. McCAUL. Thank you, Mr. Chairman, for holding this markup. And I also want to thank you for including my Havana Syndrome Attacks Response Act. I really appreciate you working with me on this important bill, and our updated text will be reflected in the ANS I will offer today.

I would also like to thank Mr. LaHood and Mr. Issa for their work on a bipartisan resolution, continued solidarity with the Lebanese people after the devastating explosions at the Port of Beirut last August. Their resolution also highlights Iran's and Hezbollah's destructive, destabilizing activities in Lebanon. And it's important to show bipartisan support for their continued efforts to form a secure, independent, and democratic Lebanon.

I'm proud to be the lead cosponsor on several measures of today's markup: Chairman Meeks' BURMA Act; Representative Jacobs' resolution calling for stability in northern Mozambique and condemning ISIS-affiliated terrorists, and Representative Bass' resolution condemning all violence and human rights abuses in Ethiopia.

Just within the last few days, the fighting in northern Ethiopia has intensified. The humanitarian need is catastrophic. The people are dying of starvation, going days without food, and some have resorted to eating leaves.

The Ethiopian government must allow food, trucks, fuel, and medical supplies to enter Tigray, and response efforts need to expand into the Afar and the Amhara regions. In my assessment, the horrific reports that have emerged, including the discovery of mass graves and the use of rape and starvation as weapons of war, are just the tip of the iceberg of the atrocities that have been committed. Innocent civilians are paying the price of this brutal war, and all sides are guilty. The fighting must stop immediately.

Finally, Mr. Chairman, I want to talk about one measure that is not on today's markup. Our members requested that this committee consider House Resolution 701, a resolution of inquiry to seek specific information on the Biden Administration's withdrawal from Afghanistan. Since mid-August, I have sent the Administration seven letters seeking specific facts and information about the Afghanistan withdrawal and its aftermath. I still have not received any satisfactory responses to my questions.

And as you know, Mr. Chairman, resolutions of inquiry have been a privileged oversight tool for over 200 years. According to the House rule in place since 1879, once filed, they are entitled to a prompt committee markup, and they are a tool regularly used by the minority, including by many House Democrats during the prior Administration.

So, I was disappointed to learn that Democrat leaders quietly threw this centuries-old precedent out the window, protecting the Biden Administration from answering basic questions about their many self-inflicting crises. They did this by burying in a rule that they have quietly and repeatedly extended.

This committee has a long history of prioritizing national security over politics, of working together in a bipartisan fashion. There is bipartisan support for a full and vigorous investigation into what caused the botched withdrawal from Afghanistan.

I appreciate the hearing we had with Secretary Blinken and your request for his dissent cable, Mr. Chairman, and I hope we can do more on this. I wish this resolution could have been included in today's markup. I hope we may be able to consider it in the future.

I ask unanimous consent to submit for today's record the text of the resolution of inquiry introduced by 23 members of this committee on October the 5th.

Chairman MEEKS. Without objection.

[The information referred to follows:]

***** COMMITTEE INSERT 3 *****

Mr. MCCAUL. And thank you, Mr. Chairman. And with that, I yield back the balance of my time.

Chairman MEEKS. Thank you, Mr. Ranking Member.

Let me just quickly respond to the ranking member. I note that the ranking member is raising his resolution of inquiry in his opening remarks, and I really appreciate his desire to conduct oversight on Afghanistan and, in particular, on the withdrawal that unfolded in August 2021.

And this committee will certainly continue to assess those 20 days. But I also hope that we can also acknowledge the strategic failure in Afghanistan wasn't simply about those 20 days in August, but, rather, about the past 20 years of our involvement in the country. And any honest or credible review of the withdrawal and evacuation efforts must also include a broader look at the years of Afghanistan policy.

And I just also want to be clear that this committee will continue its oversight work, work that we began even prior to the President's announcement this past April that the United States would follow through on withdrawal of troops from Afghanistan.

Last, I also think it is important for the record to show that, in this Congress alone, House leadership and this committee have held more than 30 Member or staff-level briefings and hearings, unclassified and classified, with current and former Administration officials, with international organizations and outside experts on Afghanistan. And there are more to come.

And I am compelled to point out to the ranking member's, you know, that I wish it had not happened in the past. It was a failure of Republican leadership to conduct rigorous oversight during the previous Administration, including the deal the former President had with the Taliban.

Let me, also, say that oversight is at the heart of this committee's activities, and moving forward, we will continue our critical oversight function.

So, with that, I now recognize members of the committee by seniority, alternating between Democrats and Republicans, for the purpose of speaking on the en bloc package. If you miss your turn, please let our staff know, and we will come back to you.

I now recognize Representative Brad Sherman for 5 minutes.

Mr. SHERMAN. Thank you.

I support all four of the bills in the en bloc.

Briefly, I commend Mr. LaHood for bringing forth the resolution, so that we can support and stand in solidarity with the Lebanese people and for a secure, independent, and democratic Lebanon.

Chairman MEEKS. You're on mute, Mr. Sherman. You're on mute.

Mr. SHERMAN. Can I be heard?

Mr. LEVIN. Mr. Chairman, I hear him.

Mr. SHERMAN. Can I be heard?

Mr. LEVIN. Yes.

Mr. SHERMAN. Mr. Chairman, can you hear me?

Chairman MEEKS. We cannot hear you, Mr. Sherman. We will come back to you.

We will come back to Mr. Sherman.

Mr. LEVIN. Mr. Chairman, the issue may be in the committee room.

Chairman MEEKS. I yield now to Representative Ted Deutch of Florida, the chair of the Subcommittee on the Middle East, North Africa, and Global Counterterrorism.

Mr. LEVIN. Mr. Chair, we can all hear him.

Mr. SHERMAN. Can I be heard?

Mr. LEVIN. I do not think he can hear any of us.

Chairman MEEKS. As we try to resolve the problems of audio, we will go to Representative Karen Bass, who is here, of California, who is the chair of the Subcommittee on Africa, Global Health, and Global Human Rights.

Ms. BASS. The benefits of being here.

[Laughter.]

Mr. Chairman and Ranking Member McCaul, and African Subcommittee Ranking Member Chris Smith, for helping to lead this bipartisan ANS to H.Res. 445, Condemning all violence and human rights abuses in Ethiopia, and calling for all combatants in the conflict in northern Ethiopia to cease all hostilities, respect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations on all sides.

I recently led a quick trip to Ethiopia, where Representative Jacobs and I met with Prime Minister Abiy and other government officials and civil society, to see how the international community can assist in helping to stop the violence that has killed thousands and left more fleeing their homes. I want to reiterate that I do not believe that there is a military solution to this conflict, and I am concerned the country is fracturing and will only get worse without a national dialog.

I am also concerned that Ethiopia is in danger of sanctions from the Administration, as well as compromising its ability to participate in AGOA, if the violence continues.

While in Ethiopia, I met not only with the Prime Minister and members of the cabinet, but also with the Ethiopia Human Rights Commission, the U.N. Special Envoy for the Horn of Africa, and the Ethiopian Parliament, the International Committee of the Red Cross, YALI Fellows, and the Chamber of Commerce.

Representative Jacobs and I wanted to hear all sides on the issue on the ground and articulate that the only way forward is negotiated peace. No one ethnic group or party can say that they are winning during this conflict. It is bad for people's welfare and the country overall.

This conflict is also hurting the country's economy and negatively affecting the ability to conduct business. It is also having a post-traumatic effect on young people and people in general that are deeply disturbed by the conflict and violence and just want their country to return to peace.

The conflict in the Tigray region alone has forced 60,000 Ethiopians to seek safety in Sudan; 24 million across the country are suffering from food insecurity. Ethiopia has always been a pillar of the continent and a key contributor to advancing peace and security across the region.

While visiting the country, I also urged the government to allow humanitarian assistance into the country, particularly in Tigray, and let workers do their jobs without harassment or threat of violence.

Like some of my colleagues on this committee, I have a large Ethiopian diaspora in my district in California, and I have tried to hear all sides of the situation. And I am fully aware that all stakeholders have a part in contributing to the conflict in the country.

I want to lead this resolution because I want to see a peaceful resolution to this multifaceted conflict that is complicated by ethnicity, politics, history, and a desire for power.

The resolution calls for the immediate cessation of the violence between all combatants in the conflict in Ethiopia. It denounces the harassment and intimidation of journalists and AID workers and the expulsion of senior U.N. officials responsible for supporting humanitarian response efforts. It urges the government of Ethiopia to cooperate with independent and transparent investigations of all human rights abuses and atrocities committed by all sides in the course of the conflict in northern Ethiopia, and immediately granting full and unfettered humanitarian access for personnel and supplies, including necessary commodities like fuel and medicine into areas affected by the conflict.

It is reported that there needs to be as many as 100 trucks a day going into the Tigray region. What we learned while we were there is that less than 10 trucks a day go, but, also, many of the trucks are not returned. And so, the trucks need to be returned from the Tigray region as well.

Mr. Chairman, I would also like to speak on another bipartisan resolution led by my friend from California, Representative Jacobs, H.Res. 720, Calling for stability and the cessation of violence, and condemning the ISIS-affiliated terrorist activity in northern Mozambique. The resolution, among other things, encourages the government of Mozambique to ensure humanitarian workers have access to vulnerable populations where the violence is constant.

And I ask my colleagues to support this resolution and all the other resolutions en bloc.

Thank you, and I yield back.

Chairman MEEKS. The gentlelady yields back.

I now recognize Representative Chris Smith of New Jersey, who is the ranking member of the Subcommittee on Africa, Global Health, and Global Human Rights, for 5 minutes.

Mr. SMITH. Thank you very, very much, Mr. Chairman.

A couple of years ago, August 2018, Karen Bass and I traveled to Ethiopia together; met with Prime Minister Abiy, who was in the beginning of his term. And we were greatly impressed with the leadership he was showing. Obviously, he got the Nobel Peace Prize. And what a difference a couple of years have made.

There are serious problems now in Ethiopia, as we all know, and H.Res. 445, offered by Karen, condemns all violence and human rights abuses in Ethiopia and seeks accountability and, hopefully, reconciliation.

Ethiopia, as we all know, is a great nation dating back thousands of years. Ethiopia is ethnically and religiously diverse, and its diaspora has deeply enriched life in the United States.

It is also of great

[audio malfunction] in the Horn of Africa and as a gateway to eastern and central Africa. It is the source of the Blue Nile, which has brought it into conflict with Egypt. Because of its location and outside significance, it is being targeted by radical Islamists and the Chinese Communist Party. As we speak, Ethiopia is a country on the verge of implosion.

Today's resolution, which has been worked on meticulously by Chairwoman Bass, Chairman Meeks, Ranking Member McCaul, and me, reflects changes that have taken place in Ethiopia since the conflict began in Tigray province in November of last year.

This urgent resolution strives to be evenhanded and recognizes the fact that much of Ethiopia is currently in a profound state of unrest, not simply Tigray. It recognizes all bad actors, not simply singling out the Ethiopian government and the Amhara regional government, but also the Oromo Liberation Army and the Tigrayan People's Liberation Front, or TPLF. The TPLF, of course, governed Ethiopia with a very heavy hand for decades under the strong-arm rule of Prime Minister Meles, and bears an enormous responsibility for the unrest we see unfolding now.

First, because it created a system of ethnic federalism which created regional States divided upon ethnic lines. That has inevitably led to discord and ethnic cleansing.

Second, because the TPLF precipitated the immediate crisis, as the resolution acknowledges, by leading an attack on the northern command of the Ethiopian National Defense Forces.

And third, after the Ethiopian government had declared a unilateral cease-fire, by ignoring it and taking the conflict into Amhara and Afar States.

I would note, parenthetically, back in 2005, I visited with President Meles after he had an egregiously flawed election, and then, introduced the human rights bill to hold him and his government accountable. Don Payne, who was then my ranking member, joined

me in that. And we did, together, get the bill passed in the House. Unfortunately, it died in the Senate.

The resolution also recognizes that, just as each group in Ethiopia has its share of victimizers, each group does have its share of victims, whether from Tigray, Amhara, Oromia, Ogaden, or Afar—the list goes on. This is one of the great tragedies of Ethiopia, inter-ethnic violence as well as intra-ethnic violence. It threatens to shatter this great diverse nation.

Mr. Chairman, according to the World Food Program report issued this month, there are now 1.7 million people facing emergency levels of hunger in the Afar and Amhara regions and over 700,000 in Amhara and 140,000 in Afar being displaced.

H.Res. 445 calls for the cessation of all hostilities, unfettered humanitarian access, and respect of human rights, and calls for independent investigations of credible atrocity allegations.

I also want to express, briefly, my strong support for H.Res. 569, authored by Mr. LaHood, Expressing continued solidarity with the Lebanese people after the devastating explosions in the Port of Beirut on August 4th, 2020, which also resulted in the death of 218 individuals and wounded an estimated 7,000. Some estimates say that one-half of the city of Beirut was damaged.

Accordingly, H.Res. 569 calls on Lebanon to perform a thorough and transparent investigation into the tragedy and hold those responsible accountable. It presses Lebanon to continue efforts to build the rule of law and respect fundamental rights, and it calls for combating terrorist groups like Hezbollah, ISIS, and Al Qaeda. In particular, the resolution is important because it does condemn Hezbollah, which, backed by Iran, is responsible for so much of what afflicts Lebanon and also threatens our good friend and ally, Israel.

I yield back the balance of my time, and I thank you, Mr. Chairman.

Chairman MEEKS. The gentleman's time has expired.

I now recognize Representative Brad Sherman of California for 5 minutes.

Mr. SHERMAN. I rise in support of the en bloc and all four measures included in it.

I commend Mr. LaHood for bringing forward the resolution in support of our solidarity with the Lebanese people and a secure, independent, and democratic Lebanon.

I commend Sara Jacobs for her resolution condemning the ISIS-affiliated terrorist activities in norther Mozambique.

I commend the chairman for so many things, but including his BURMA Act, an act that I have cosponsored not only today, but in prior Congresses. It is tragic to see what is happening in Burma, what the government there calls Myanmar. And we do need to react to twin tragedies. One is the loss of democracy with the Tatmadaw taking over, and it is entirely appropriate, as this resolution provides or as this bill provides, that we stop the importation of precious and semiprecious gemstones; that we create a special coordinator for Burmese democracy; that we work multinationally to impose sanctions on the Myanmar-Burma regime.

But we cannot speak of Burma or Myanmar without also focusing on the Rohingya people. And that is why this bill also calls for

the State Department to issue a genocide determination. The government of Myanmar-Burma must, if it wishes to continue to have international support in exercising sovereignty on the Rakhine State, show that it is willing to defend the people who live there, and have a right to live there. And that certainly includes the Rohingya. It starts by giving them full citizenship documentation and protecting them, rather than exposing them to violence.

And finally, we have the resolution on Ethiopia, on Tigray. What we see there is tragic so far. We see 70 or 80 thousand Tigrayans who have fled to Sudan, and we have to do everything we can to help them. But we see millions of Tigrayans who face death from starvation and attendant diseases. And we see a blockade of Tigray, not even allowing in U.N. food and medicine. The bodies we see in the river are just the tip of the iceberg. We could be seeing millions of deaths.

That is why this bill calls, also, for the State Department to determine whether we are witnesses a genocide in Tigray. This is why the United States must provide the diplomatic tools to move toward a cease-fire, and why we must encourage the African Union and other regional partners to play a role in mediating this crisis.

But first and foremost is the urgent delivery of humanitarian aid. And nothing is more outrageous than the blockade of the trucks trying to get in. We do need to explore bringing in humanitarian by air, whether it be by landing the planes or dropping the aid. But we can only bring in a small portion of the aid that is necessary. We need the trucks.

What is perhaps most outrageous is the Eritrean blockade of the border between Tigray and Sudan. I am reluctant to expose American Armed Forces to risk of their safety at anytime, but the American Navy could interrupt Eritrean commerce on the high seas at anytime, and it would certainly be just to do so, as long as Eritrea blockades humanitarian aid to the people of Tigray.

So, we need to pass this bill now, but we need to look at more forceful actions as well, to make sure that, while we deal with the politics of northern Ethiopia, we at least make sure that we are not witnessing another Rwanda, another near-genocide or genocide, or a mass starvation event.

And for the cross-border terrorism or cross-border interdiction of critically needed humanitarian assistance to be carried out by Eritrean forces is simply outrageous, and there is something we can do about it without undue risk to our forces. I know that.

Chairman MEEKS. The gentleman's time has expired.

Votes have been called on the House floor. I believe we have two votes on the House floor.

So, the committee will stand in recess until after House votes.

[Recess.]

Chairman MEEKS. Committee will now come in session. I now recognize Representative Steve Chabot of Ohio, who's the ranking member of the Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

And it has already been mentioned that we have a number of very good bills before us today, including Mr. Issa and Mr. LaHood's resolution on the worsening situation in Lebanon, and

Ranking Member McCaul's bill on Havana Syndrome and a number of others.

But in the interest of time I'm going to focus my remarks on H.R. 5497, the Burma Act, legislation which you, Mr. Chairman, and I introduced in response to the worsening situation in Burma.

Let me begin with some history about this legislation. Back in September 2017, the Burmese military began a genocidal campaign to permanently drive the Rohingya out of Burma, which resulted in over 700,000 Rohingya refugees fleeing from Rakhine State, Burma, into neighboring Bangladesh. They remain there today without any realistic or meaningful hope at this point at least of returning home.

This campaign consisted of widespread systematic and premeditated human rights abuses, horrific stuff, including barbaric killings, gang rapes, and the burning of around 400 Rohingya villages. According to a partial State Department report on these atrocities, about half of the Rohingya surveyed said that they had personally witnessed a rape, while about 80 percent had witnessed personally killings and the destruction of villages.

In response to these atrocities, then-Ranking Member Eliot Engel and I crafted the predecessor of this legislation, which would have imposed sanctions on the military and deployed several other tools to address longstanding concerns about Burma. While the legislation passed in the House several times, the Senate failed to take it up.

Fast-forward to February 1 of this year, and as everyone here knows, the Burmese military seized control in a coup and detained Aung San Suu Kyi and President (inaudible) several other NLD elected officials, and a significant number of innocent civilians.

The generals have seized power before. But this time, the response has been different. The people of Burma, who come from all walks of life, from students, to doctors, to government workers, to farmers have courageously stood up against the military with peaceful protest and mass strikes and other civil disobedience.

The military's response has been predictably brutal. The crack-down has thus far killed over 1,000 people and left over 7,000 in prison. This repression has pushed the country toward civil war as the generals stubbornly refuse to restore democracy. This coup is a blatant violation of the rights of the Burmese people.

Self-government is not some sort of temporary arrangement or gift from the military, it's a right that's owed to the people of Burma. The generals cannot simply back out of democracy when it no longer serves their purposes.

We updated the Burma Act to provide some measure of accountability for both the genocide back in 2017 and this year's coup, and to reflect the sanctions the Biden Administration has already imposed on the Burmese military. The new version of the legislation will levy stronger sanctions and provide additional assistance to the people of Burma.

Mr. Chairman, this legislation could go a long way toward putting Burma back on the path toward democracy. It's way overdue that we enact legislation to sanction the Burmese military for its many crimes, so I would urge my colleagues to support this critical legislation.

And before I close, I'd like to mention just two other things. First, as I've said many times before, we need to take seriously, very seriously, the challenge of the Chinese Communist Party. And it's clear that the Commerce Department unfortunately isn't acting up to where they need to be.

A few days ago, China, for example, tested a game-changing hypersonic missile. They got the technology from us. So I would like to associate myself with comments of the Ranking Member McCaul.

The PRC is getting more and more dangerous. And we cannot afford to have anyone involved in our national security effort that's not operating at peak performance. To me, it sounds like someone was asleep at the switch, considering that this missile took virtually everybody by surprise.

And like Ranking Member McCaul, I also want to address an item before I close that we are not marking up today, and that's that at the beginning of this month, Mr. McCaul and a lot of us, including myself, introduced H.Res 701, a resolution of inquiry seeking information from the Administration regarding the Afghan withdrawal debacle and the decisionmaking behind this national disgrace.

Such a resolution is supposed to be privileged either here in committee or on the floor. Unfortunately, Speaker Pelosi is so scared of proper oversight of the Biden Administration that the Rules Committee has turned off the privilege for resolutions of inquiry, a privilege that's existed for about 200 years.

We have a constitutional oversight responsibility, this committee does, and on this score the majority is failing to fulfill its duty to the American people. And with that, I yield back.

Chairman MEEKS. The gentleman's time has expired. I now recognize Representative Sara Jacobs of California, who is the Vice Chair of the Subcommittee on International Development, International Organizations, and Global Corporate Social Impact for 5 minutes.

Ms. JACOBS. Well, thank you, Mr. Chair, and thank you for supporting my resolution calling for stability and the cessation of violence in northern Mozambique.

My team and I actually did some research and found out that this is the first time the Committee has marked up legislation on Mozambique since the year 2000, which just so happened to be your resolution, Mr. Chair. So I am proud that we are shining a light on the situation in the country today.

I also want to thank Chairwoman Bass and Congresswoman Kim for partnering with me. This bipartisan resolution not only condemns the violence perpetrated by ISIS Mozambique against civilians and children, but also calls attention to the underlying grievances fueling violent extremism in northern Mozambique, including human rights violations by security forces, steep corruption, and historical socio-economic marginalization on Cabo Delgado.

It urges the government of Mozambique to address the conflict and restore security in a manner that respects civilians and human rights and encourages donor governments to consider this in their support as well.

We need to make sure our approach and the international community's approach is not just through a counterterrorism lens, but is actually taking a comprehensive approach to address the conflict. And this resolution calls on us to do just that.

If we're serious about calling for an end to this violence, we need to get serious about the factors that are driving it. I'm proud to lead this important resolution, and I urge my colleagues to support it.

I'd also like to speak on Chairwoman Bass's resolution on Ethiopia.

I, like many of my colleagues, have been following the devastating conflict and humanitarian crisis in northern Ethiopia that began in Tigray over the past several months, and it's heart-breaking. I recently traveled to Ethiopia with Chairwoman Bass, and I can say that this conflict is extremely complicated with a lot of legitimate historical grievances from all parties.

This resolution takes the important step of recognizing the horrific atrocities taking place and urging for perpetrators to immediately cease violence against civilians.

I'd also like to recognize and condemn the recent military air strikes against Tigray's capital, Mekelle, which has reportedly resulted in the loss of civilian lives, including children. We are also increasingly seeing deteriorating humanitarian situations in both Afar and Amhara, with enduring challenges with humanitarian access and mass internal displacement.

The people of Ethiopia are suffering. Lives are ending needlessly, and the violence must stop. I thank the Chairwoman for her leadership on this issue, and I yield back.

Chairman MEEKS. The gentlelady yields back the balance of her time.

Mr. CONNOLLY. Would the—excuse me, Mr. Chairman. Would the gentlelady yield to me? This is Mr. Connolly.

Ms. JACOBS. Sure.

Mr. CONNOLLY. I thank the gentlelady.

And I certainly support the package in front of us today. I just wanted to respond both to Mr. McCaul and Mr. Chabot and their comments about the privilege resolution with respect to the evacuation of Kabul.

You know, what's sauce for the goose is sauce for the gander. If we're going to do that, we're going to have a resolution that looks at the catastrophic decisions made by the Trump Administration in Doha, Qatar, that led directly to the downfall of Afghanistan's military government and to the release of 5,000 prisoners, including many terrorists.

So there will be such a resolution so that we make sure we're looking at the full context of what happened in Afghanistan, and that we hold everyone who is responsible accountable.

I thank my friend for yielding.

Ms. JACOBS. I yield.

Chairman MEEKS. The gentleman yields back. I now recognize Representative Joe Wilson of South Carolina, who's the ranking member of the Subcommittee on Middle East, North Africa, and Global Counterterrorism for 5 minutes.

Mr. WILSON. Thank you very much, Chairman Greg Meeks and Ranking Member Mike McCaul, for your efforts to bring these bipartisan measures before the Committee today. I support House Resolution 569.

On August 4, 2020, a massive explosion of improperly stored ammonium nitrate at the Port of Beirut killed over 200 individuals and devastated nearby high density housing and infrastructure. I received a call about the explosion from a former staff member who was living in Lebanon, who thankfully was not home in her nearby apartment, which was devastated, at the time of the disaster.

Evidence indicates that officials who were made aware of the improper storage posing a risk well before the explosion occurred. This speaks further to the corruption and negligence in Lebanon as the country spirals further into economic crisis. It is concerning that officials refuse to meet the needs of the Lebanese people calling for transparency, basic human rights, and an end to corruption.

Sadly, the new Lebanese Government does not inspire confidence, especially with Hezbollah increasing dominance over the cabinet and State institutions, including the very vital Lebanese armed forces.

On a visit to Beirut, I have been inspired by meeting so many dedicated patriots of the country. And in my home State of South Carolina, the citizens of Lebanese heritage are valued leaders in business, government, and community service. That's why the people of Lebanon deserve better.

We should support maintaining expanding sanctions against the Iranian-backed Hezbollah and its allies. The Biden Administration greenlighting of the Egyptian pipeline into Lebanon benefiting the brutal Assad regime will do nothing to ease the suffering of the people of Lebanon and will benefit Assad and the Iranian-backed Hezbollah, which threatens Israel with additional rocket attacks.

President Biden should recognize the threat to Israel and America by Hezbollah, Iran, and Assad. I yield back.

Chairman MEEKS. The gentleman yields back. I now recognize Representative Dina Titus of Nevada for 5 minutes.

Ms. TITUS. Thanks so much, Mr. Chairman. Thank you for bringing these bills. I'm a cosponsor of a number of them, and I support the rest.

I want to also thank Chairwoman Bass for her leadership on the House Resolution 445 and thank her for allowing me to work with her on this, because I have a lot of constituents who are interested in this outcome.

Since the Ethiopian conflict began in November 2020, international efforts to quell the violence really have been less than fruitful. And as you have heard from others this week, just proved and showed that the situation is worsening and the violence is escalating.

This serves as a first step, but it cannot be the last, in confronting the brutality that's been perpetuated by all sides in this conflict. I strongly condemn the use of military strikes against civilian population centers throughout the country.

And I hope that the Ethiopian Prime Minister and his allied Eritrean forces, along with representatives from the Tigray People's Liberation Front, will cease the hostilities and come together to

meet at the negotiating table. That's the only way we'll get a solution, is if they're involved in coming up with what works best for all parties.

Even before the start of the recent conflict, Ethiopia was struggling with one of Africa's largest internally displaced populations, and the continued violence throughout the country, along with COVID, have just exasperated the situation.

So along with my colleagues on this committee, I strongly urge the Ethiopian Government to allow humanitarian relief into the country. Let it come in unencumbered. And I hope that we'll see that that is distributed fairly, and that we'll see an end to the hostilities soon.

And I thank you very much for your time. Mr. Chairman, I yield back.

Chairman MEEKS. The gentlelady yields back. I now recognize Representative Scott Perry of Pennsylvania for 5 minutes.

Mr. PERRY. Thank you very much, Chairman Meeks.

I want to echo the remarks made by the ranking member on the resolution of inquiry regarding Afghanistan. I do believe it's an important piece of legislation.

And given the horrific nature of our withdrawal from Afghanistan, a withdrawal so successful that hundreds of Americans are still stranded in that country as far as we know, and of course, billions of dollars in premier military equipment left to what is now a terrorist superState, congressional oversight is absolutely the first thing that is need.

It's absolutely beyond me how there's been nobody in the Biden Administration that's been held accountable for this. And while my good friend from Virginia would like to change history as he always does, we're not going to let him.

We're not going to let anybody just disregard the fact that the Commander in Chief at the time of this occurrence was Joe Biden, not Donald Trump. And Joe Biden had every ability and authority to do whatever he wanted to do regarding that withdrawal, and every failure is one that he owns.

According to the Lugar Center, the House Committee on Foreign Affairs, our committee, has a projected grade of an F for oversight. I do not think anybody's proud of that, but I do think it's a result of zero (inaudible) something the American people should know about.

This committee ranks among the lowest of the low for House committees in relation to its oversight responsibilities. This committee is simply not interested in oversight, and the lack of hearings on Afghanistan in recent weeks has only indicated a dug-in approach to defend this Administration's failure at any cost.

I urge my colleagues on this committee to stop their intransigence and focus on obtaining as much information on the botched withdrawal of Afghanistan. Our veterans deserve answers and accountability, and so do the American people.

In the remaining time, as some of my colleagues on the other side of the aisle refuse to bring up legislation that will effectively counter the existential threat that the People's Republic of China poses to our country, I wish to bring up two pieces of legislation that will effectively keep the PRC in check.

The first is H.R. 5431, the designated the CCP as a transnational organized crime group. Chinese Communist Party is an aggressive criminal organization, and while it's taken far too long, Americans are finally clearly seeing the threat posed by the CCP to the health, security, and prosperity of the United States.

The Community Party of China continues to be heavily involved in drug trafficking, including fentanyl trafficking. They continue to commit an ongoing, grotesque genocide of their very own people, and they continue to lie about the origins of the coronavirus and obstruct international efforts to learn more about that.

The CCP steals up to 600 billion annually in intellectual property. Theft from the United States alone, forced technology transfer accounts for anywhere between 180 billion to 540 billion in lost revenue to our national economy.

On top of all this, they regularly engage in espionage activities. Last year, we arrested two Chinese military agents at the Houston consulate for attempted theft of coronavirus vaccine research. The State Department has since confirmed that the Chinese consulates in more than two dozen US cities are helping Community Party soldiers posing as students spy on our colleagues. We're asleep at the switch here.

My legislation would apply the RICO Act to the CCP and designate them for the top international criminal organization target, or TICOT, list. It is beyond time we've held the CCP accountable for who they are. They are a transnational organized crime organization.

The second bill I wish to discuss today likely has a much better chance of bipartisan consensus, and that is the Taiwan Plus Act. This bill would provide Taiwan with temporary NATO plus status alongside some of our Nation's greatest allies and would foster a strong deterrence posture against an evil CCP regime that has made every indication of their intentions to violate Taiwan's sovereignty.

My hope is that this measured bill will earn bipartisan support. The United States of America will always stand shoulder to shoulder with our friends in Taiwan. With that, I look forward to debating the legislation before us in this markup, and I yield back the balance.

Chairman MEEKS. The gentleman yields back the balance. I will now recognize Representative Kathy Manning of North Carolina, the Vice Chair of the Subcommittee on the Middle East, North Africa, and Global Counterterrorism. But let me ask Ms. Manning whether she would yield 10 seconds to me.

Ms. MANNING. Of course.

Chairman MEEKS. Yes, I just wanted to respond to Mr. Perry. Mr. Perry, I have in front of me the 117th HFAC Afghan engagements. I'm sure to give them to you, but there's 43 occasions of such meetings that we've held in this hearing oversighting Afghanistan.

I yield back to Ms. Manning.

Ms. MANNING. Thank you, Chairman Meeks and Ranking Member McCaul, for your leadership and for the Committee's excellent work on all these important measures.

I am proud to join my colleagues as an original cosponsor of H.R. 5497, the Burma Unified through Rigorous Military Accountability, or BURMA, Act, bipartisan legislation introduced by Chairman Meeks and Congressman Chabot.

This legislation imposes targeted sanctions on military officials responsible for the February 2021 coup, which deposed Burma's democratically elected government. Within days, the world witnessed thousands of citizens pouring out on the streets in protest, calling for an end to military rule and the release of elected leaders, including Aung San Suu Kyi.

They were met with a brutal, violent crackdown. Since February, security forces have killed more than 1100 people and arrested more than 9,000. Many of the junta forces are the same ones responsible for the campaign against the Rohingya Muslims.

Since August 2017, more than 730,000 Rohingya Muslims have fled Burma's Rakhine State to escape the military's large scale assault, with many fleeing to neighboring Bangladesh to escape killings, arson, and other mass atrocities.

Under Burmese law, the Rohingya are denied citizenship and have faced decades of oppression and discrimination. Roughly 600,000 Rohingya Muslims remain in Burma facing dire and worsening humanitarian conditions.

This bill will impose targeted sanctions on the Burmese military, the State administrative council, and affiliates responsible for the coup and the ongoing crackdown in Burma. It will establish a U.S. special coordinator for Burmese democracy to make sure the United States remains at the forefront of helping to promote human rights and restore civilian government in Burma. And it will require State to make a determination about the genocide against the Rohingya.

Additionally, the bill calls for the immediate and unconditional release of Danny Fenster, an American journalist from my hometown of Detroit, who is represented by our colleague, Congressman Andy Levin, and who has been unjustly detained since May, as well as all other journalists unjustly detained. We continue to hope that Danny will be able to come home soon.

Mr. Chairman, this bipartisan bill will crack down on those who threaten democracy and human rights in Burma. This is an important, comprehensive bill to hold accountable those responsible for gross violations of human rights, freedom of assembly, and freedom of the press. And I look forward to seeing it become law.

Thank you, and I yield back.

Chairman MEEKS. The gentlelady yields back. I now recognize Representative Darrell Issa of California for 5 minutes.

Mr. ISSA. Thank you, Mr. Chairman. And I won't use the whole 5 minutes. I want to thank you and Representative Bass and Jacobs and the team and, of course, the ranking member and his team for this thoughtful en bloc package.

Included in it is H.Res 569, and I want to thank you and all the members of the committee and the committee staff for working on such a bipartisan basis to refine a resolution that deals with describing a country on the brink of being a failed State. One in which the United States has made many years of peaceful investment in the Lebanese Armed Forces and other institutions.

Unlike Afghanistan and other nations, Lebanon will not fall from without. If it falls, it will fall from within. It will fall because we failed to fight corruption. We failed to support the law enforcement capabilities and the stabilizing capabilities of the LAF. Additionally, we have made commitments to that country to help them as they continue to battle foreign influence including the influence from Iran.

And, Mr. Chairman, as a member of what is often called the diaspora of Lebanon, I take special pride that Lebanon has been a successful melting pot for many years, but in the last few weeks, we have seen the beginning of sectarian violence, the beginning of the breakdown. So now more than ever, this resolution and the continued support by the United State to the institutions that can curb or head off another terrible civil war has never been more important.

And I know that for all the members of the committee on both sides of the aisle recognizing that as Iran continues to put its thumb on one side of the scale in the Palestinian territories, particularly Gaza, put one side on the scale in Lebanon, put one side on the scale in Syria, now more than ever it is important that this committee say America will put its thumb on the other side of the scale to provide justice for a people who want peace in the region.

And again, I will be supporting the entire en bloc, but I want to thank both you, Chairman and Ranking Member McCaul for your support and leadership and I yield back.

Mr. MEEKS. The gentleman yields back. I now recognize Representative Jim Costa of California for 5 minutes.

Mr. COSTA. Thank you very much, Mr. Chairman. I hope you can hear me clearly. I want to thank you and the committee for this hearing. I support all of these pieces of legislation. I think it is important as you have said repeatedly that the House Foreign Affairs Committee assert itself on issues and challenges facing our country around the world in these resolutions. (inaudible) on record, but obviously there are more that we have to do and to the degree we can do it on a bipartisan basis, we are all, I think, much better off to find or return to a point someday where a lot of our politics end at waters' edge.

I think the Resolution 445 condemning the violence and human rights abuses in Ethiopia, Eritrea, and the combatants and the conflicts in Northern Ethiopia, it is a tragedy what has taken place there, and respect for human rights and unfettered access to allow the United Nations and others to perform humanitarian access and cooperate, and also to investigate the independent efforts to the incredible atrocities that we have heard that have taken place. So I think this resolution is certainly in the right direction.

In addition to that also within the continent of Africa, the situation in Mozambique, I think, concerns many of us who are familiar with the situation. The necessity for stability and cessation of violence in the Cabo Delgado Province is important to recognize, and I want to thank the authors for this effort and in keeping in our efforts to maintain a spotlight and attention on that effort.

And I want to thank the chairman and the ranking member for their efforts on trying to put this together in a bipartisan effort and, clearly, we have a lot to do. This Havana Syndrome, I think,

concerns all of us. American diplomats are where the rubber meets the road around the world to represent our Nation and to do so in a way that allows us to allow the rest of the world that we are engaged in all of these efforts within their countries.

When our diplomats are being singularly singled out in ways in which their health is compromised or their efforts being attacked, we have got to get to the bottom of this. And, clearly, I think it behooves all of us to join together in supporting those Americans who have committed their careers and their livelihoods representing our country around the world.

So with that said, as I have indicated I support these measures and I look forward to continuing to work with the committee on our efforts to ensure that the United States of America lets the rest of the world know that our willingness to provide leadership is consistent and hopefully bipartisan. I yield back the balance of my time and I thank you very much.

Mr. MEEKS. The gentleman yields back. I now recognize Representative Brian Mast of Florida for 5 minutes.

Mr. MAST. Thank you, Mr. Chairman. I appreciate the effort by the chairman, ranking member, and staff to put together this en bloc package. For several important reasons though I must oppose the en bloc package. The two reasons are, one, having to do with the Burma Act and, No. 2, having to do with the failure to include the ROI into this en bloc package.

And I want to start with the Burma Act and something that I believe we need to address moving forward as a committee in many different places. If you look at our ability to get dollars sent to domestic projects here, most of us would kill to be able to get projects funded in our communities, domestically, for three, four, five, six, 7 years on end, to be able to have tens of millions, hundreds of millions of dollars go to projects like that.

But we cannot get that done domestically here, but internationally in the Burma Act, in what has been described just in the last few minutes as a worsening situation and a country on the brink of failure, we are going to, No. 1, give away our negotiating leverage by authorizing appropriations to them for half a decade.

In the shadow of having just raised our Nation's debt limit, we are going to do that. And then you look beyond that and to say why would we give a nation on the brink of failure millions and millions and millions of dollars year after year without evaluating that each year, and I think it would be a fair ask for anything we do that goes to international appropriations that we look at that year over year. That would be not being asleep at the wheel, not putting on auto pilot the same thing that we do domestically with spending.

So that is one of the reasons that I have to oppose this en bloc package. We cannot allow spending like that to be on auto pilot even amid the devastating situation of what is going on within Burma. As it relates to the ROI—and I am always happy to yield to people as folks know in this committee if somebody in here disagrees with making sure that we ensure all documents or all records, communications, correspondence, emails, text messages, instant messages, transcripts, summaries, agendas, notes, diplomatic cables, reports, meeting read-outs—any member of this committee would like to speak against retaining those items as it re-

lates to the withdrawal from Afghanistan, I got 2 minutes here that I am happy to yield to somebody if they want to say we shouldn't be retaining those items.

It is a fair demand from this committee, Mr. Chairman. You mentioned in the opening of your remarks that oversight is at the heart of this committee. If it is at the heart of this committee, then put it at the heart of this committee and let's make sure that we retain those documents for bipartisan purposes.

I have aired my grievances on the en bloc package, but since I have a minute-thirty remaining, I will sit here and wait and see if anybody has a problem with retaining all documents, records, communications, correspondence, emails, transcripts, texts and instant messages, summaries of agendas, notes, diplomatic cables, meeting read-outs, other things as it relates to what happened with the disastrous Afghanistan hostage crisis, Afghanistan withdrawal leaving Americans behind, green cardholders behind, those that aided us for the last couple decades behind.

[Moment of silence.]

Mr. MAST. Mr. Chairman, having sat here for a little bit, I see that nobody seems to have an objection to that. I can commit for myself that I would certainly be willing to stay for as long as it takes to include the ROI into our en bloc package or whatever we would need to do to continue to get that marked up as it is urgent and should be done probably weeks ago, but not done yet to this point. I am certainly happy to commit to staying if you want to get that done yet today. I yield back.

Mr. MEEKS. The gentleman's time has expired. I now recognize Representative David Cicilline of Rhode Island for 5 minutes.

Mr. CICILLINE. Thank you, Chairman Meeks and Ranking Member McCaul, for holding this markup as we consider key legislation across the spectrum of foreign policy challenges facing the United States and its partners around the globe. Once again, the members of this committee have the opportunity to come together to support human rights, the rule of law, and democracy in regions around the world.

In particular, Mr. Chairman, we can join together to support your legislation, H.R. 5497, the Burma Act of 2021, so that we may rightly punish those who have overthrown the will of the Burmese people, and so we may empower our diplomats with the tools they need to build international support for objecting the legitimacy of the Tatmadaw coup.

Since the Tatmadaw overthrew the democratic election of the National Unity Government in February, 1,100 Burmese citizens have been killed, many of them from the Karen and Rohingya peoples that have been targeted because of their religious beliefs. Those resisting to Tatmadaw and protesting on behalf of democratic values and pluralism have faced a violent crackdown that threatens lives and the long-term prospect of human rights and the rule of law in Myanmar.

The Burma Act of 2021 would create sanction regime against the Tatmadaw, the State Administration Council, and other responsible parties that represent a strong, proportionate response to their deliberate sabotaging of Burmese democracy. It would also create a badly needed office within the State Department that will

be tasked with building international support for broader sanctions. The situation at hand requires an international coalition unabashedly opposed to strong U.S. leadership can help build that coalition.

The Tatmadaw may have wrestled control of the Burmese Government away from the people of Myanmar, they may have jailed and killed many that oppose their rule, and while they continue to trample on the will of the Burmese people, resistance strengthens with each passing day. As they continue their reign of terror, the Tatmadaw inadvertently helps build bridges across the diverse peoples of Myanmar, creating a hardened opposition that rejects their illegitimate rule.

I saw firsthand the strength of the Burmese people when I traveled to Burma and Bangladesh in November 2017. There we bore witness to the discrimination, segregation, and horrific violence being committed against the Rohingya community, particularly as we heard firsthand accounts of the savage treatment and brutality that was visited upon the Rohingya community. And today as we bear witness to the Tatmadaw's cruelty we must act, and so I urge my colleagues to join me in enthusiastically supporting H.R. 5497 and the other bills in the en bloc package.

I would also like to spend a moment to speak in support of my colleague Congresswoman Jacobs' resolution, H.Res. 720 calling for stability and cessation of violence in Mozambique. I am proud to cosponsor this bill which calls on the Government of Mozambique to end the violence created by ISIS-Mozambique and provide humanitarian support to those who need it and I thank my colleague for her strong leadership on that piece of legislation.

And with that, Mr. Chairman, I yield back the balance of my time.

Mr. MEEKS. The gentleman yields back. I will now recognize Representative Tim Burchett of Tennessee for 5 minutes.

Mr. BURCHETT. Thank you, Mr. Chairman. It is always a pleasure seeing you. I would really like to stress my support for Ranking Member McCaul's H.Res. 701, the Afghanistan Resolution of Inquiry, and I would like to echo his sentiments. We need to get to the bottom of what happened with the collapse of the Afghan Republic and the catastrophically botched withdrawal from that country.

We need answers and those (inaudible) that my Democratic friends on the Rules Committee have continued to extend the prohibition on resolutions of inquiry becoming privileged resolutions. This is just another example, in my opinion, of slimy, hypocritical D.C. politics, as there are 18 of these resolutions submitted during the first 2 years of the Trump Administration when the Democrats were in the minority.

These resolutions have been a very narrowed and tailored oversight mechanism for 200 years, and I cannot think of any other current issue more important than Afghanistan which warrants thorough congressional oversight. We as elected Members of Congress should be demanding answers from this Administration.

I attended the funeral of Staff Sergeant Ryan Knauss at Arlington a few weeks back, his people are neighbors of mine, his parents and grandparents, and he was one of 6,000 soldiers surged into the

country to clean up the mess that the Biden Administration created. He was also a constituent and one of 13 brave Americans killed during the coordinated attack where ISIS-K bomber detonated his vest outside the Hamid Karzai International Airport in August. It was reported that the bomber was released from prison during the Taliban takeover.

This resolution seeks all materials relating to important questions myself and many other Members of Congress had but most importantly, to me, the resolution seeks all materials relating to the release of violent extremists from prisons in Afghanistan. I want to know what happened and possibly figure out why these prisoners were not secured and transferred to another location. We owe it to the family members of our slain soldiers.

I am proud to support Mr. McCaul's resolution and I urge this committee to take up this important resolution. Thank you, Mr. Chairman. I yield the remainder of my time, sir, and I always appreciate your courtesy and friendship.

Mr. MEEKS. The gentleman's time—the gentleman yields back his time. I now recognize Representative Tim Meijer of Michigan for 5 minutes.

Mr. MEIJER. Thank you, Mr. Chairman and Ranking Member McCaul, for holding this markup today. As we consider the measures today, there remains one top issue of mine for myself and many of my colleagues, as it has been previously stated, and that is the Afghanistan withdrawal and the future of those who were able to evacuate as well as those who were left behind. The Biden Administration's withdrawal was an unmitigated disaster and too many questions remain unanswered.

Since April, a bipartisan group of representatives, myself included, have been imploring this Administration to outline their plan to get Special Immigrant Visa-eligible individuals out and to clear the backlog of applicants who had served alongside our forces throughout the mission in Afghanistan. In June, as the withdrawal deadline approached, we called for the immediate evacuation of these Afghan allies and their families, again while there was still time.

But our calls were ignored until it was too late and in August, the world watched in horror as the devastating consequences of this Administration's inaction unfolded. We have seen very little transparency or accountability from this Administration. House Democratic leadership has helped shield the Administration from responsibility by restricting Republicans' ability to submit resolutions of inquiry, a privileged oversight mechanism that has been in use for over 200 years by the minority party to obtain information from the executive branch. Oversight of the executive branch is Congress's fundamental constitutional prerogative.

We are demanding answers from the Biden Administration on how the withdrawal went so catastrophically wrong so that we can hold those responsible to account and to prevent a similar disaster from ever happening again. I echo the ranking member's call to bring a resolution of inquiry for documents related to the withdrawal up for a vote and urge this committee not to ignore our oversight duties related to Afghanistan.

On a separate note, I am pleased to see that the Burma Act is included in this en bloc. As the representative of a district with a significant Burmese population, I hear frequently about the concerns of my constituents for their family members who are currently suffering at the hands of the Tatmadaw. This bill will impose serious costs on the military regime which continues to commit grave violations of human rights including the unjust detention of American citizens.

The Burma Act will not only prevent the Tatmadaw from accessing assets that are currently supporting its rule, but also send a strong message of support to the Burmese people that we stand with them in their desire for democracy and human rights. With that, Mr. Chairman, I encourage a yes vote and I yield back.

Mr. MEEKS. The gentleman yields back. I now recognize Representative Young Kim of California, who is the vice ranking member of the Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation, for 5 minutes.

Ms. KIM OF CALIFORNIA. Thank you, Chairman Meeks and Ranking Member McCaul. I stand in support of the en bloc being offered today, including Congresswoman Jacobs' resolution on Mozambique which I am proud to co-lead.

The accounts coming out of Cabo Delgado of violent extremists targeting civilians with brutal beheadings, abductions, recruiting child soldiers, and mass killings seriously endangered the stability of Mozambique and the surrounding region. So I join Congresswoman Jacobs in asking this committee to pass this important measure today in condemning the violence by ISIS-Mozambique and urging the government there to work with its regional and civil society partners to restore stability and security while ensuring strong protections for human rights and humanitarian aid distribution.

The measures before this committee are worthy of speedy passage today and I am proud to cosponsor many of them, including Congressman LaHood's important resolution on the Port of Beirut explosion and Ranking Member McCaul's critical legislation to develop a robust United States response to the Havana Syndrome attacks directed at our diplomatic and intelligence personnel. I am also proud to cosponsor Congresswoman Bass' Resolution on the conflict in Ethiopia which has claimed so many lives and subjected hundreds of thousands to famine and increasingly unsafe conditions.

Congress must act now in pressing the Biden Administration to act with more immediacy and transparency to halt the bloodshed in Northern Ethiopia and continue urging all combatants to cease hostilities, respect human rights, and allow unfettered access for humanitarian aid workers. I also call on all sides of this conflict to fully cooperate with independent investigations of credible atrocity allegations and for the Biden Administration to respond to Congress immediately on its progress toward a determination of war crimes, crimes against humanity, or genocide.

Finally, I am glad to be a regional cosponsor on the Burma Act and I thank Chairman Meeks and Congressman Chabot for their leadership on this important initiative to hold a military junta of Myanmar accountable for overthrowing their democratically elected

government. Included in the bill is \$220 million in assistance for the Rohingya refugee population that continues to experience substandard conditions and violence, as well as a requirement for the Biden Administration to determine whether the Burmese military's atrocities against the Rohingya constitute genocide. I am proud to support this measure and ensure our country continues to stand strong as a leader in supporting democratic rule of law and human rights around the world.

Thank you and I yield back.

Mr. MEEKS. The gentlelady yields back. Any other members wish to be recognized?

Hearing no further requests of recognition, the committee will proceed to consider the notice of items en bloc. Pursuant to the previous order, the question occurs on the measures en bloc, as amended, if amended. We are going to take a vote by voice, and all members please unmute your microphones.

All those in favor, say aye.

All those opposed, no.

In the opinion of the chair, the ayes have it. Measures considered en bloc are agreed to and, without objection, the motion to reconsider is laid upon the table.

Pursuant to the previous order of the committee, each measure is ordered favorably reported, as amended, if amended, and each amendment or amendments to each bill shall be reported as a single amendment in the nature of a substitute. Without objection, staff is authorized to make and technical and conforming changes.

Now on to the next item of business. We will be considering separately, the following measure, H.R. 4914, the Havana Syndrome Attacks Response Act.

[The Bill H.R. 4914 follows:]

117TH CONGRESS
1ST SESSION

H. R. 4914

To impose sanctions against foreign persons and foreign governments in response to certain clandestine attacks on United States personnel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2021

Mr. McCAUL (for himself, Ms. SALAZAR, Mr. WILSON of South Carolina, Mr. MEIJER, Mr. JACKSON, Mr. MAST, Mrs. KIM of California, Ms. TENNEY, Mr. GREEN of Tennessee, Ms. MALLIOTAKIS, Mr. FITZPATRICK, Mr. KINZINGER, Mr. CHABOT, Mr. BURCHETT, and Mr. BARR) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose sanctions against foreign persons and foreign governments in response to certain clandestine attacks on United States personnel, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Havana Syndrome At-
5 tacks Response Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) United States personnel have suffered per-
4 sistent brain injuries after being targeted in attacks
5 that have been increasing in number, geographic lo-
6 cation, and audacity.

7 (2) In December 2016, a number of United
8 States Embassy personnel in Havana, Cuba, began
9 to experience the acute and sudden onset of unusual
10 symptoms, usually concurrent with the perceived
11 onset of a loud, directional noise, often accompanied
12 by pain in the ears or the head and a sensation of
13 pressure or vibration.

14 (3) Symptoms, which have been chronic for
15 some personnel, have included dizziness, hearing loss
16 and tinnitus, vertigo, cognitive and motor impair-
17 ment, severe headaches, and insomnia.

18 (4) A panel of experts convened by the Depart-
19 ment of State's Bureau of Medical Services in July
20 2017 to review triage assessments of medically eval-
21 uated personnel from the United States Embassy in
22 Havana came to consensus that the findings were
23 most likely related to neurotrauma from a non-
24 natural source.

1 (5) On August 11, 2017, Secretary of State
2 Rex Tillerson characterized these episodes as “health
3 attacks” against United States personnel in Cuba.

4 (6) On September 29, 2017, the Department of
5 State ordered the departure of non-essential per-
6 sonnel from the United States Embassy in Havana
7 and issued a formal Cuba Travel Warning that stat-
8 ed: “Over the past several months, numerous U.S.
9 Embassy Havana employees have been targeted in
10 specific attacks. These employees have suffered sig-
11 nificant injuries as a consequence of these attacks.”.

12 (7) Other personnel at the United States Con-
13 sulate in Guangzhou, China, reported similar experi-
14 ences beginning in 2017.

15 (8) A 2018 report, published in the Journal of
16 the American Medical Association, based on clinical
17 evaluation of affected personnel from United States
18 Embassy, Havana, stated: “These individuals ap-
19 peared to have sustained injury to widespread brain
20 networks without an associated history of head trau-
21 ma.”.

22 (9) The number and locations of these attacks
23 have significantly expanded and, according to press
24 reporting, as of May 2021 there have been more
25 than 130 possible cases that have occurred in Asia,

1 in Europe, and in the Western Hemisphere, includ-
2 ing within the United States.

3 (10) According to press reporting, these attacks
4 have occurred, among other places, at the homes of
5 United States personnel, at hotels, and on public
6 streets, including in the immediate vicinity of the
7 White House, in Washington, DC.

8 (11) A 2020 report by the National Academy of
9 Sciences (NAS) found that “many of the distinctive
10 and acute signs, symptoms, and observations re-
11 ported by [affected] employees are consistent with
12 the effects of directed, pulsed radio frequency (RF)
13 energy” and that “directed pulsed RF energy . . .
14 appears to be the most plausible mechanism in ex-
15 plaining these cases”.

16 (12) According to the NAS report, “such a sce-
17 nario raises grave concerns about a world with
18 disinhibited malevolent actors and new tools for
19 causing harm to others”.

20 (13) The continuing and expanding scope of
21 these attacks has become a serious security concern
22 that is also undermining the morale of United States
23 personnel, especially those posted at overseas diplo-
24 matic missions.

1 (14) Article 22 of the Vienna Convention on
2 Diplomatic Relations states that “The receiving
3 State is under a special duty to take all appropriate
4 steps to protect the premises of [a foreign] mission
5 against any intrusion or damage and to prevent any
6 disturbance of the peace of the mission or impair-
7 ment of its dignity.”.

8 (15) The Convention on the Prevention and
9 Punishment of Crimes against Internationally Pro-
10 tected Persons, including Diplomatic Agents, to
11 which 180 countries are a party, protects diplomatic
12 personnel from attacks on their persons, accom-
13 modations, or means of transport, and requires all
14 state parties to punish and take measures to prevent
15 such grave crimes.

16 **SEC. 3. STATEMENT OF POLICY.**

17 It is the policy of the United States—

18 (1) to detect, deter, and punish clandestine at-
19 tacks that cause persistent brain injury in United
20 States personnel;

21 (2) to provide appropriate assistance to United
22 States personnel harmed by such attacks;

23 (3) to hold responsible any persons, entities, or
24 governments involved in ordering or carrying out

1 such attacks, including through appropriate sanc-
2 tions and criminal prosecutions;

3 (4) to prioritize research into effective counter-
4 measures to help protect United States personnel
5 from such attacks; and

6 (5) to convey to foreign governments through
7 official contact at the highest levels the gravity of
8 United States concern about such attacks and the
9 seriousness of consequences that may follow should
10 attacks continue.

11 **SEC. 4. IMPOSITION OF SANCTIONS AGAINST FOREIGN**
12 **PERSONS IN RESPONSE TO CERTAIN CLAN-**
13 **DESTINE ATTACKS ON UNITED STATES PER-**
14 **SONNEL.**

15 (a) IMPOSITION OF SANCTIONS.—The President shall
16 impose the sanctions described in subsection (b) with re-
17 spect to any foreign person that the President determines,
18 on or after the date of the enactment of this Act, know-
19 ingly has directed or carried out clandestine attacks on
20 United States personnel that have resulted in brain injury
21 to those personnel.

22 (b) SANCTIONS DESCRIBED.—The sanctions de-
23 scribed in this subsection are the following:

24 (1) BLOCKING OF PROPERTY.—The President
25 shall block, in accordance with the International

1 Emergency Economic Powers Act (50 U.S.C. 1701
2 et seq.), all transactions in all property and interests
3 in property of any person subject to subsection (a)
4 if such property and interests in property are in the
5 United States, come within the United States, or are
6 or come within the possession or control of a United
7 States person.

8 (2) EXCLUSION FROM THE UNITED STATES.—
9 The Secretary of State shall deny a visa to, and the
10 Secretary of Homeland Security shall exclude from
11 the United States, any person subject to subsection
12 (a) that is an alien.

13 (c) PENALTIES.—A person that violates, attempts to
14 violate, conspires to violate, or causes a violation of sub-
15 section (b)(1) or any regulation, license, or order issued
16 to carry out that subsection shall be subject to the pen-
17 alties set forth in subsections (b) and (c) of section 206
18 of the International Emergency Economic Powers Act (50
19 U.S.C. 1705) to the same extent as a person that commits
20 an unlawful act described in subsection (a) of that section.

21 (d) EXCEPTIONS.—

22 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
23 TIES.—Sanctions under this section shall not apply
24 to any activity subject to the reporting requirements
25 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 (2) EXCEPTION TO COMPLY WITH INTER-
4 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
5 MENT ACTIVITIES.—Sanctions under subsection
6 (b)(2) shall not apply with respect to an alien if ad-
7 mitting or paroling the alien into the United States
8 is necessary—

9 (A) to permit the United States to comply
10 with the Agreement regarding the Head-
11 quarters of the United Nations, signed at Lake
12 Success June 26, 1947, and entered into force
13 November 21, 1947, between the United Na-
14 tions and the United States, or other applicable
15 international obligations; or

16 (B) to carry out or assist law enforcement
17 activity in the United States.

18 (3) EXCEPTION RELATING TO IMPORTATION OF
19 GOODS.—

20 (A) IN GENERAL.—The authorities and re-
21 quirements to impose sanctions under this sec-
22 tion shall not include the authority or require-
23 ment to impose sanctions on the importation of
24 goods.

1 (B) GOOD DEFINED.—In this paragraph,
2 the term “good” means any article, natural or
3 man-made substance, material, supply or manu-
4 factured product, including inspection and test
5 equipment, and excluding technical data.

6 (e) DEFINITIONS.—In this section:

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

10 (2) KNOWINGLY.—The term “knowingly” has
11 the meaning given that term in section 14 of the
12 Iran Sanctions Act of 1996 (Public Law 104–172;
13 50 U.S.C. 1701 note).

14 (3) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States; or

19 (B) an entity organized under the laws of
20 the United States or of any jurisdiction within
21 the United States, including a foreign branch of
22 such an entity.

1 **SEC. 5. IMPOSITION OF SANCTIONS AGAINST FOREIGN**
2 **GOVERNMENTS IN RESPONSE TO CERTAIN**
3 **CLANDESTINE ATTACKS ON UNITED STATES**
4 **PERSONNEL.**

5 (a) **PRESIDENTIAL DETERMINATION.**—Whenever
6 persuasive information becomes available to the executive
7 branch indicating the substantial possibility that the gov-
8 ernment of a foreign country has carried out clandestine
9 attacks on United States personnel that have resulted in
10 brain injury to such personnel, the President shall, within
11 60 days after the receipt of such information by the execu-
12 tive branch, determine and report to the appropriate con-
13 gressional committees and leadership whether that govern-
14 ment has carried out clandestine attacks on United States
15 personnel that have resulted in brain injury to such per-
16 sonnel.

17 (b) **IMPOSITION OF SANCTIONS.**—If at any time the
18 President makes a determination pursuant to subsection
19 (a) that a foreign government has carried out clandestine
20 attacks on United States personnel that have resulted in
21 brain injury to such personnel, the President shall impose
22 the following sanctions:

23 (1) **FOREIGN ASSISTANCE.**—The United States
24 Government shall terminate assistance to that coun-
25 try under the Foreign Assistance Act of 1961 (22
26 U.S.C. 2151 et seq.), except for urgent humani-

1 tarian assistance and food or other agricultural com-
2 modities or products.

3 (2) COMMERCIAL EXPORTS.—The United
4 States Government shall restrict—

5 (A) exports, re-exports, and in-country
6 transfers of items to that country pursuant to
7 the Export Control Reform Act of 2018 (50
8 U.S.C. 4801 et seq.); and

9 (B) licenses for a significant range of
10 goods, software, and technology to that country
11 subject to the Export Administration Regula-
12 tions.

13 (3) ARMS SALES.—The United States Govern-
14 ment shall terminate—

15 (A) sales to that country under the Arms
16 Export Control Act (22 U.S.C. 2751 et seq.) of
17 any defense articles, defense services, or design
18 and construction services; and

19 (B) licenses for the export to that country
20 of any item on the United States Munitions
21 List.

22 (4) ARMS SALES FINANCING.—The United
23 States Government shall terminate all foreign mili-
24 tary financing for that country under the Arms Ex-
25 port Control Act (22 U.S.C. 2751 et seq.).

1 (5) DENIAL OF UNITED STATES GOVERNMENT
2 CREDIT OR OTHER FINANCIAL ASSISTANCE.—The
3 United States Government shall deny to that coun-
4 try any credit, credit guarantees, or other financial
5 assistance by any department, agency, or instrumen-
6 tality of the United States Government, including
7 the Export-Import Bank of the United States.

8 (c) REMOVAL OF SANCTIONS.—The President shall
9 remove the sanctions imposed with respect to a country
10 pursuant to this section if the President determines and
11 so certifies to the Congress, after the end of the 12-month
12 period beginning on the date on which sanctions were ini-
13 tially imposed on that country pursuant to subsection (a),
14 that—

15 (1) the government of that country has pro-
16 vided reliable assurances that it will not conduct
17 clandestine attacks on United States personnel; and

18 (2) the executive branch does not have persua-
19 sive information indicating the substantial possibility
20 of a clandestine attack on United States personnel
21 that has resulted in brain injury to such personnel
22 during the preceding six months.

23 (d) DEFINITIONS.—In this section:

24 (1) EXPORT ADMINISTRATION REGULATIONS.—
25 The term “Export Administration Regulations”

1 means the regulations set forth in subchapter C of
2 chapter VII of title 15, Code of Federal Regulations,
3 or successor regulations.

4 (2) UNITED STATES MUNITIONS LIST.—The
5 term “United States Munitions List” means the list
6 of items established and maintained under section
7 38(a)(1) of the Arms Export Control Act (22 U.S.C.
8 2778(a)(1)).

9 **SEC. 6. BRIEFING AND REPORT TO CONGRESS.**

10 (a) BRIEFING.—Not later than 60 days after the date
11 of the enactment of this Act, the President shall provide
12 the appropriate congressional committees and leadership
13 with a briefing covering the contents described in sub-
14 section (c).

15 (b) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the President shall provide
17 the appropriate congressional committees and leadership
18 with a written report covering the contents described in
19 subsection (c), which may include a classified annex.

20 (c) CONTENTS DESCRIBED.—The contents of the
21 briefing and written report described in this subsection in-
22 clude the following:

23 (1) The dates, numbers, and locations of sus-
24 pected clandestine attacks on United States per-
25 sonnel resulting in brain injury.

1 (2) A description of the official roles and re-
2 sponsibilities of United States personnel targeted in
3 such suspected attacks.

4 (3) Information and working hypotheses re-
5 garding the identity of the perpetrators of any such
6 attacks, including an assessment of which foreign
7 states and non-state actors may have the technical
8 capacity to carry out such attacks.

9 (4) Information and working hypotheses re-
10 garding the technical method used to perpetrate
11 such attacks.

12 (5) A description of the process and diagnostic
13 criteria used to screen and identify personnel af-
14 fected by such suspected attacks.

15 (6) Current advisories and other information
16 provided to United States personnel regarding such
17 attacks, including any information about how to rec-
18 ognize, react to, or protect oneself from such at-
19 tacks.

20 (7) A list of foreign persons, entities, or govern-
21 ments sanctioned pursuant to or consistent with this
22 Act.

23 (8) A list of the foreign states that have been
24 démarched regarding such attacks, including the
25 date and the official title of the United States offi-

1 cial delivering, and the foreign official receiving, any
2 such démarche.

3 **SEC. 7. APPROPRIATE CONGRESSIONAL COMMITTEES AND**
4 **LEADERSHIP DEFINED.**

5 In this Act, the term “appropriate congressional com-
6 mittees and leadership” means—

7 (1) the Committee on Foreign Affairs, the Per-
8 manent Select Committee on Intelligence, and the
9 Speaker, the majority leader, and the minority lead-
10 er of the House of Representatives; and

11 (2) the Committee on Foreign Relations, the
12 Select Committee on Intelligence, and the majority
13 and minority leaders of the Senate.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4914
OFFERED BY MR. McCAUL OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Havana Syndrome At-
3 tacks Response Act”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) United States personnel have suffered per-
7 sistent brain injuries after being targeted in attacks
8 that have been increasing in number, geographic lo-
9 cation, and scope.

10 (2) In December 2016, a number of United
11 States Embassy personnel in Havana, Cuba, began
12 to experience the acute and sudden onset of unusual
13 symptoms, usually concurrent with the perceived
14 onset of a loud, directional noise, often accompanied
15 by pain in the ears or the head and a sensation of
16 pressure or vibration.

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18 some personnel, have included dizziness, hearing loss

1 and tinnitus, vertigo, cognitive and motor impair-
2 ment, severe headaches, and insomnia.

3 (4) A panel of experts convened by the Depart-
4 ment of State’s Bureau of Medical Services in July
5 2017 to review triage assessments of medically eval-
6 uated personnel from the United States Embassy in
7 Havana came to consensus that the findings were
8 most likely related to neurotrauma from a non-
9 natural source.

10 (5) On August 11, 2017, Secretary of State
11 Rex Tillerson characterized these episodes as “health
12 attacks” against United States personnel in Cuba.

13 (6) On September 29, 2017, the Department of
14 State ordered the departure of non-essential per-
15 sonnel from the United States Embassy in Havana
16 and issued a formal Cuba Travel Warning that stat-
17 ed: “Over the past several months, numerous U.S.
18 Embassy Havana employees have been targeted in
19 specific attacks. These employees have suffered sig-
20 nificant injuries as a consequence of these attacks.”.

21 (7) Other personnel at the United States Con-
22 sulate in Guangzhou, China, reported similar experi-
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24 (8) A 2018 report, published in the Journal of
25 the American Medical Association, based on clinical

1 evaluation of affected personnel from United States
2 Embassy, Havana, stated: “These individuals ap-
3 peared to have sustained injury to widespread brain
4 networks without an associated history of head trau-
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6 (9) The number and locations of suspected at-
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9 mately 200 possible cases that have occurred in
10 Asia, in Europe, and in the Western Hemisphere, in-
11 cluding within the United States.

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13 tacks have occurred, among other places, at the
14 homes of United States personnel, at hotels, and on
15 public streets, including in the immediate vicinity of
16 the White House, in Washington, D.C.

17 (11) A 2020 report by the National Academy of
18 Sciences (NAS) found that “many of the distinctive
19 and acute signs, symptoms, and observations re-
20 ported by [affected] employees are consistent with
21 the effects of directed, pulsed radio frequency (RF)
22 energy” and that “directed pulsed RF energy . . .
23 appears to be the most plausible mechanism in ex-
24 plaining these cases”.

1 (12) According to the NAS report, “such a sce-
2 nario raises grave concerns about a world with
3 disinhibited malevolent actors and new tools for
4 causing harm to others”.

5 (13) The continuing and expanding scope of
6 these attacks is impacting the security and morale of
7 United States personnel, especially those posted at
8 overseas diplomatic missions.

9 (14) The Convention on the Prevention and
10 Punishment of Crimes against Internationally Pro-
11 tected Persons, including Diplomatic Agents, to
12 which 180 countries are a party, protects diplomatic
13 personnel from attacks on their persons, accom-
14 modations, or means of transport, and requires all
15 state parties to punish and take measures to prevent
16 such grave crimes.

17 (15) On October 8, 2021, President Joseph R.
18 Biden, Jr. stated, “We are bringing to bear the full
19 resources of the U.S. Government to make available
20 first-class medical care to those affected and to get
21 to the bottom of these incidents, including to deter-
22 mine the cause and who is responsible.”.

23 **SEC. 3. STATEMENT OF POLICY.**

24 It is the policy of the United States—

1 (1) to detect, deter, and punish any clandestine
2 attacks that cause persistent brain injury in United
3 States personnel;

4 (2) to provide appropriate assistance to United
5 States personnel harmed by such attacks;

6 (3) to hold responsible any persons, entities, or
7 governments involved in ordering or carrying out
8 such attacks, including through appropriate sanc-
9 tions, criminal prosecutions, or other tools;

10 (4) to prioritize research into effective counter-
11 measures to help protect United States personnel
12 from such attacks; and

13 (5) to convey to foreign governments through
14 official contact at the highest levels the gravity of
15 United States concern about such suspected attacks
16 and the seriousness of consequences for any actors
17 found to be involved.

18 **SEC. 4. IMPOSITION OF SANCTIONS AGAINST FOREIGN**
19 **PERSONS IN RESPONSE TO CERTAIN CLAN-**
20 **DESTINE ATTACKS ON UNITED STATES PER-**
21 **SONNEL.**

22 (a) IMPOSITION OF SANCTIONS.—The President may
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24 spect to any foreign person that the President determines,
25 on or after the date of the enactment of this Act, know-

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2 United States personnel that have resulted in brain injury
3 to those personnel.

4 (b) SANCTIONS DESCRIBED.—The sanctions de-
5 scribed in this subsection are the following:

6 (1) BLOCKING OF PROPERTY.—The President
7 shall block, in accordance with the International
8 Emergency Economic Powers Act (50 U.S.C. 1701
9 et seq.), all transactions in all property and interests
10 in property of any person subject to subsection (a)
11 if such property and interests in property are in the
12 United States, come within the United States, or are
13 or come within the possession or control of a United
14 States person.

15 (2) EXCLUSION FROM THE UNITED STATES.—
16 The Secretary of State shall deny a visa to, and the
17 Secretary of Homeland Security shall exclude from
18 the United States, any person subject to subsection
19 (a) that is an alien.

20 (c) PENALTIES.—A person that violates, attempts to
21 violate, conspires to violate, or causes a violation of sub-
22 section (b)(1) or any regulation, license, or order issued
23 to carry out that subsection shall be subject to the pen-
24 alties set forth in subsections (b) and (c) of section 206
25 of the International Emergency Economic Powers Act (50

1 U.S.C. 1705) to the same extent as a person that commits
2 an unlawful act described in subsection (a) of that section.

3 (d) EXCEPTIONS.—

4 (1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply
5 to any activity subject to the reporting requirements
6 under title V of the National Security Act of 1947
7 (50 U.S.C. 3091 et seq.) or any authorized intel-
8 ligence activities of the United States.

10 (2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
11 MENT ACTIVITIES.—Sanctions under subsection
12 (b)(2) shall not apply with respect to an alien if ad-
13 mitting or paroling the alien into the United States
14 is necessary—

16 (A) to permit the United States to comply
17 with the Agreement regarding the Head-
18 quarters of the United Nations, signed at Lake
19 Success June 26, 1947, and entered into force
20 November 21, 1947, between the United Na-
21 tions and the United States, or other applicable
22 international obligations; or

23 (B) to carry out or assist law enforcement
24 activity in the United States.

1 (3) EXCEPTION RELATING TO IMPORTATION OF
2 GOODS.—

3 (A) IN GENERAL.—The authorities and re-
4 quirements to impose sanctions under this sec-
5 tion shall not include the authority or require-
6 ment to impose sanctions on the importation of
7 goods.

8 (B) GOOD DEFINED.—In this paragraph,
9 the term “good” means any article, natural or
10 man-made substance, material, supply or manu-
11 factured product, including inspection and test
12 equipment, and excluding technical data.

13 (e) DEFINITIONS.—In this section:

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

17 (2) KNOWINGLY.—The term “knowingly” has
18 the meaning given that term in section 14 of the
19 Iran Sanctions Act of 1996 (Public Law 104-172;
20 50 U.S.C. 1701 note).

21 (3) UNITED STATES PERSON.—The term
22 “United States person” means—

23 (A) a United States citizen or an alien law-
24 fully admitted for permanent residence to the
25 United States; or

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States, including a foreign branch of
4 such an entity.

5 **SEC. 5. IMPOSITION OF SANCTIONS AGAINST FOREIGN**
6 **GOVERNMENTS IN RESPONSE TO CERTAIN**
7 **CLANDESTINE ATTACKS ON UNITED STATES**
8 **PERSONNEL.**

9 (a) **PRESIDENTIAL DETERMINATION.**—Whenever
10 persuasive information becomes available to the executive
11 branch supporting an analytical conclusion that the gov-
12 ernment of a foreign country has directed or carried out
13 clandestine attacks on United States personnel that have
14 resulted in brain injury to such personnel, the President
15 shall, not later than 60 days after the receipt of such in-
16 formation by the executive branch, determine and report
17 to the appropriate congressional committees and leader-
18 ship whether that government has directed or carried out
19 clandestine attacks on United States personnel that have
20 resulted in brain injury to such personnel.

21 (b) **IMPOSITION OF SANCTIONS.**—If at any time the
22 President makes a determination pursuant to subsection
23 (a) that the government of a foreign country has directed
24 or carried out clandestine attacks on United States per-

1 sonnel that have resulted in brain injury to such per-
2 sonnel, the President may impose the following sanctions:

3 (1) FOREIGN ASSISTANCE.—The United States
4 Government may terminate assistance to that coun-
5 try under the Foreign Assistance Act of 1961 (22
6 U.S.C. 2151 et seq.), except for urgent humani-
7 tarian assistance and food or other agricultural com-
8 modities or products.

9 (2) COMMERCIAL EXPORTS.—The United
10 States Government may restrict exports, re-exports,
11 and in-country transfers of items requiring licenses
12 under the Export Administration Regulations with
13 respect to that country.

14 (3) ARMS SALES.—The United States Govern-
15 ment may terminate—

16 (A) sales to that country under the Arms
17 Export Control Act (22 U.S.C. 2751 et seq.) of
18 any defense articles, defense services, or design
19 and construction services; and

20 (B) licenses for the export to that country
21 of any item on the United States Munitions
22 List.

23 (4) ARMS SALES FINANCING.—The United
24 States Government may terminate all foreign mili-

1 tary financing for that country under the Arms Ex-
2 port Control Act (22 U.S.C. 2751 et seq.).

3 (5) DENIAL OF UNITED STATES GOVERNMENT
4 CREDIT OR OTHER FINANCIAL ASSISTANCE.—The
5 United States Government may deny to that country
6 any credit, credit guarantees, or other financial as-
7 sistance by any department, agency, or instrumen-
8 tality of the United States Government, including
9 the Export-Import Bank of the United States.

10 (c) REMOVAL OF SANCTIONS.—The President shall
11 remove any sanctions imposed with respect to a country
12 pursuant to this section if the President determines and
13 so certifies to the Congress, after the end of the 12-month
14 period beginning on the date on which sanctions were ini-
15 tially imposed on that country pursuant to subsection (a),
16 that—

17 (1) the government of that country has pro-
18 vided reliable assurances that it will not conduct
19 clandestine attacks on United States personnel; and

20 (2) the executive branch does not have persua-
21 sive information indicating the substantial possibility
22 of a clandestine attack on United States personnel
23 that has resulted in brain injury to such personnel
24 during the preceding six months.

25 (d) DEFINITIONS.—In this section:

1 (1) EXPORT ADMINISTRATION REGULATIONS.—
2 The term “Export Administration Regulations”
3 means the regulations set forth in subchapter C of
4 chapter VII of title 15, Code of Federal Regulations,
5 or successor regulations.

6 (2) UNITED STATES MUNITIONS LIST.—The
7 term “United States Munitions List” means the list
8 of items established and maintained under section
9 38(a)(1) of the Arms Export Control Act (22 U.S.C.
10 2778(a)(1)).

11 **SEC. 6. BRIEFING AND REPORT TO CONGRESS.**

12 (a) BRIEFING.—Not later than 60 days after the date
13 of the enactment of this Act, the President shall provide
14 the appropriate congressional committees and leadership
15 with a briefing covering the contents described in sub-
16 section (c).

17 (b) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the President shall provide
19 the appropriate congressional committees and leadership
20 with a written report covering the contents described in
21 subsection (c), which may include a classified annex.

22 (c) CONTENTS DESCRIBED.—The contents of the
23 briefing and written report described in this subsection in-
24 clude the following:

1 (1) The dates, numbers, and locations of sus-
2 pected clandestine attacks or anomalous health inci-
3 dents on United States personnel resulting in brain
4 injury.

5 (2) A description of the official roles and re-
6 sponsibilities of United States personnel targeted in
7 such suspected attacks or anomalous health inci-
8 dents.

9 (3) Information and working hypotheses re-
10 garding the identity of the perpetrators of any such
11 suspected attacks, including an assessment of which
12 foreign states and non-state actors may have the
13 technical capacity to carry out such attacks.

14 (4) Information and working hypotheses re-
15 garding the technical method used to perpetrate
16 such suspected attacks.

17 (5) A description of the process and diagnostic
18 criteria used to screen and identify personnel af-
19 fected by such suspected attacks or anomalous
20 health incidents.

21 (6) Current advisories and other information
22 provided to United States personnel regarding such
23 suspected attacks or anomalous health incidents, in-
24 cluding any information about how to recognize,

1 react to, or protect oneself from such attacks or
2 anomalous health incidents.

3 (7) A list of the foreign states that have been
4 demarched regarding such suspected attacks or
5 anomalous health incidents, including the date and
6 the official title of the United States official deliv-
7 ering, and the foreign official receiving, any such de-
8 marche.

9 (8) A description of the nature, frequency, and
10 level of United States diplomatic engagements with
11 allied and partner governments to identify and deter
12 foreign persons, entities, or governments responsible
13 for any clandestine attacks against United States
14 personnel.

15 (9) A list of any foreign persons, entities, or
16 governments sanctioned by the United States pursu-
17 ant to or consistent with this Act.

18 (10) A description of any similarly punitive
19 measures or sanctions imposed against those foreign
20 persons, entities, or governments described in para-
21 graph (9) by other governments.

1 **SEC. 7. SENSE OF CONGRESS ON COORDINATION TO INVESTIGATE AND DETER SUSPECTED ATTACKS OR**
2
3 **ANOMALOUS HEALTH INCIDENTS.**

4 It is the sense of Congress that the President
5 should—

6 (1) continue to prioritize among executive
7 branch agencies the collection, analysis, investigation, and sharing of information related to suspected
8 clandestine attacks or anomalous health incidents
9 against United States personnel to determine causes
10 or perpetrators, ensure sufficient care for affected
11 personnel, and deter future threats; and

12 (2) pursue information-sharing and coordination to the fullest extent possible with governments
13 that are allies or partners of the United States
14 about the nature, impact, possible causes of, and responses to suspected clandestine attacks or anomalous health incidents affecting United States personnel.
15
16
17
18
19

20 **SEC. 8. APPROPRIATE CONGRESSIONAL COMMITTEES AND**
21 **LEADERSHIP DEFINED.**

22 In this Act, the term “appropriate congressional committees and leadership” means—
23

24 (1) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, the Committee on
25
26

1 Armed Services, and the Speaker, the majority lead-
2 er, and the minority leader of the House of Rep-
3 resentatives; and

4 (2) the Committee on Foreign Relations, the
5 Select Committee on Intelligence, the Committee on
6 Banking, the Committee on Armed Services, and the
7 majority and minority leaders of the Senate.



Mr. MEEKS. Pursuant to notice for purposes of markup, I now call up H.R. 4914. The Clerk will report the bill.

The CLERK. H.R. 4914. To impose sanctions against foreign persons and foreign governments—

Mr. MEEKS. Without objection, the first reading of the bill is dispensed with and, without objection, the bill shall be considered as read and open to amendment at any point. And, without objection, the McCaul amendment in the nature of a substitute number 42, circulated to members, shall be considered as read and will be treated as original text for purposes of amendment.

At this time, I recognize myself to speak on this measure. In 2016, reports first emerged of anomalous health incidents among U.S. personnel overseas characterized by a concerning array of traumatic brain injury symptoms, now colloquially referred to as Havana Syndrome. Experts, convened by the State Department in 2017, attributed these symptoms to a non-natural source, and the National Academy of Sciences, in 2020, described them as plausible, the result of directed pulsed radio frequency energy.

Since then, these bizarre events have increased in frequency and scope, with recent press reports estimating roughly 200 such suspected attacks against U.S. personnel in multiple locations around the world. Investigations to the nature and cause of these anomalous health incidents continues and President Biden has committed to bring to bear the full resources of the Federal Government to get to the bottom of them. In that effort, he has the full support and partnership of this committee.

But before I go on, let me speak directly to our diplomats and their families who have reported being impacted by suspected attacks of anomalous incidents. We believe you. We lament the harm it has caused to your health, well-being, and careers and will not let this threat to you and your colleagues persist unchallenged.

The ranking member's amendment in the nature of a substitute to H.R. 4914 would make clear that it is the policy of the United States to deter any suspected attacks of this sort, provide assistance to those affected, prioritize research into measures to protect our personnel, and hold accountable anyone responsible for them.

The ANS to the bill would permissibly authorize sanctions against any foreign persons or governments the President determined responsible for any such attacks against U.S. personnel resulting in brain injury, mandate reports to Congress on the nature of and response to any such clandestine attacks or anomalous health incidents, and express the sense of Congress that the executive branch should prioritize coordination to investigate and deter suspected attacks or anomalous health incidents.

Many of you know I am of the mind that sanctions are a powerful foreign tool that should only be deployed carefully, so there is a red line for me that these authorities be permissive and that the executive branch be afforded the flexibility it needs to respond to a still-evolving situation. But it is squarely in the jurisdiction of this committee to be debating and authorizing the appropriate use of foreign (inaudible) ranking member's ANS today.

It is reasonable to have permissive sanction tools ready for consideration when we are dealing with what many increasingly worry could prove to be detrimental physical attacks against our very

own people. I am pleased that this Congress previously passed a Havana Act, recently signed into law, authorizing additional financial support for individuals harmed by anomalous health incidents. This committee must also now be willing to have the hard conversations about diplomatic engagement and foreign policy responses needed to stop such harm. As such, I appreciate the ranking member's willingness to offer the ANS and I support this measure.

Are there any other members who wish to speak on the measure? I yield back the balance of my time.

Mr. McCAUL. Mr. Chairman.

Mr. MEEKS. I recognize the ranking member.

Mr. McCAUL. Mr. Chairman, I want to thank you for working with me on this important bill. You know, around the world, American personnel are being attacked in their homes and hotels and even on public streets. What first started in Havana in late 2016 has now expanded to attacks all around the world, including right here in Washington, DC.

There are hundreds of victims, including children, and recent cases have been reported in Vietnam, Vienna, Berlin, and Bogota. We must find out who is behind these attacks and hold them responsible and we must reassure the people who serve our Nation overseas that we have their backs.

To help deter future harm, Congress needs to call these incidents what they are—attacks. And that is what this measure does. We need to ensure that there will be consequences for those who are responsible and that is why I introduced the Havana Syndrome Attacks Response Act.

My bill we are considering here today, with the Chairman's support, will do just that by authorizing broad sanctions against those who are attacking Americans. It establishes a policy to prevent, punish, and deter these attacks and it requires greater transparency with Congress about what is happening and, most importantly, what the United States is doing in response.

I worked with the chairman and his staff for 2 months to get this legislation to a place where we could get it marked up and passed out of committee on a bipartisan basis and I am pleased that we were able to come to an agreement on this critical issue. And that is why I will be opposing amendments from either side of the aisle that would upset this agreement that we have made, Mr. Chairman. Changing this bipartisan bill will jeopardize its passage in its current form and it could weaken it. Americans are being attacked and they expect us to work together to help them.

So again, I want to thank you, Mr. Chairman, for considering this bill today. It is an important measure and with that I yield back.

Mr. MEEKS. The ranking member yields back. I now recognize Representative Sarah Jacobs of California for 5 minutes.

Ms. JACOBS. Well, thank you, Mr. Chair. And, first, I want to thank the ranking member, Mr. McCaul, for all of your work and efforts to ensure that this pressing issue gets due attention. And while I appreciate and agree with my colleague's concern about the health and well-being of our diplomats overseas, I have to say I disagree with this bill.

It is clear our Foreign Service officers have suffered from distressing neurological symptoms and widespread fear and we need to get to the bottom of what happened here and continue with robust investigations; however, I do think the sanctions authorized by this bill are premature and possibly not the right tools to begin with. By perspectively authorizing the President to impose sanctions against an unspecified entity for reasons we have not been able to fully determine yet, we are tying our hands on properly assessing what would be the appropriate and effective response once we are actually able to review the details.

As we are still dealing with the consequences of the 2001 AUMF that was overly broad, we have to make sure we do not make the same mistake. We are not able to assess the anticipated economic and political implications of sanctions if we do not know who they are targeted against. We cannot ensure this is the right tool when we do not have all the facts and we cannot pair these sanctions with a clear and effective strategy when we do not know what the threat or potential threat actually is.

We need to ensure we are seriously investigating the cause of so much suffering of our diplomats, but this bill is not the answer and, more importantly—sets a bad (inaudible) and for these reasons I oppose and urge my colleagues to do the same. I yield back the balance of my time.

Mr. MEEKS. The gentlelady yields back. I now recognize Representative Chris Smith of New Jersey for 5 minutes.

Not hearing Mr. Smith, I now recognize Representative Joe Wilson of South Carolina for 5 minutes.

Not hearing from Mr. Wilson, I now recognize Representative Abigail Spanberger of Virginia, who is the vice chair of the Subcommittee on Europe, Energy, the Environment and Cyber, for 5 minutes.

Ms. SPANBERGER. Thank you very much, Mr. Chairman. I want to thank the chairman and the ranking member for their work in bringing this bill forward for markup. Addressing the Havana Syndrome attacks deserve the highest level of urgency of Congress and of our government. It is absolutely critical that the U.S. Government provide care of affected personnel, investigate what is going on, and deter and prevent future attacks.

I know that public servants, people who have dedicated their careers to serving and protecting our Nation, are facing the persistent threat of these ongoing attacks and I know people who have been impacted who have experienced these attacks and now face debilitating consequences, a complete change in their lives, and inability to continue in the pursuit of their professional career and we must do everything that we can do to provide them with the assistance they need and prevent more people, public servants, from experiencing what they have gone through.

I have had the pleasure of working with the chairman and the ranking member on this issue before and I am so grateful that we are continuing these efforts today with Representative McCaul's legislation, the Havana Syndrome Attacks Response Act. I thank the ranking member for working with the chair to make important refining edits to this bill and I am proud to support it.

I appreciate that this bill makes it clear that Congress is ready to provide the tools necessary to address these suspected attacks with the highest level of concern and urgency, and I appreciate and I was glad to have and I appreciated that Chair Meeks and Ranking Member McCaul joined my amendment that was included in the House-passed NDAA focused on bolstering the interagency response to these suspected attacks.

Enacting my legislation would help structure and prioritize a robust, whole of government response to Havana Syndrome attacks and the bill we are considering today builds off the steps that Congress has already taken. However, we must keep our legislative and oversight efforts going to ensure that the response of the U.S. Government is well-coordinated, effective, and strong. Anything less would be a dereliction of our duty to protect our Nation and our selfless public servants as they go about the business of protecting us.

I appreciate Ranking Member McCaul's legislative efforts and the chair's commitment on this issue. I look forward to continuing to work closely with this committee, of the Members of Congress in the House and Senate, and the Administration to get right at the heart of this critical issue. Thank you very much, Mr. Chairman. I urge all of my colleagues to vote yes on this bill and I yield back.

Mr. MEEKS. The gentlelady yields back. I now recognize Representative Wagner of Missouri for 5 minutes.

Mrs. WAGNER. I thank you, Mr. Chairman. And I appreciate your willingness to work with the ranking member and all of us to advance H.R. 4914, the Havana Syndrome Attacks Response Act, which I am proud to cosponsor.

The underlying legislation holds Castro's brutal Communist regime accountable for directly attacking U.S. citizens. As many as 200 Americans, primarily individuals serving their country as part of the State Department, Department of Defense, and intelligence community has suffered traumatic brain injuries while stationed in Cuba. Recently, scientific analysis has revealed that the attacks were most likely the result of "directed pulsed radio frequency energy."

This bill punishes the attackers by authorizing the President to sanction those determined to be responsible. It will protect Americans by deterring future attacks. There must be, Mr. Chairman, serious, unambiguous consequences for attacking U.S. citizens. It is both reasonable and prudent for the United States to sanction the individuals responsible for the Havana attacks. Furthermore, it would deter any President from imposing sanctions, and I want to make sure that the tools are available to both the legislative and executive branch moving forward. I urge my colleagues to vote yes and to support the Havana Syndrome Attacks Response Act and I yield back.

Mr. MEEKS. The gentlelady yields back. I now recognize Representative Andy Levin of Michigan for 5 minutes.

Mr. LEVIN. Thank you so much, Mr. Chairman. I support most of the measures that came before us today, and I am grateful to you and the ranking member for your work on them, especially the

situations in Burma and in Tigray, and thank Chairwoman Bass of the Subcommittee on Africa for all that great work.

But I do want to express my concerns about this one measure, H.R. 4914. You know, I share all of my colleagues' alarm regarding the illnesses that have impacted U.S. personnel both at home and abroad and I thank the ranking member for his attention to this really very, very serious matter. We absolutely need to protect the hardworking individuals serving our country and I want us to get to the bottom of these incidents as soon as possible and do whatever is necessary to make sure they do not continue to occur. That being said, this is really a matter of how to make policy. I worry that there is still too many unknowns for us to prepare a thoughtful, effective policy response to these incidents and to craft a successful deterrent if they are, indeed, found to be attacks.

In service to the Americans who serve us in this way around the world and in interest of responsible policymaking, I feel that we ought to have more questions answered before we advance this legislation and I fully support devoting whatever resources are necessary to getting those answers ASAP. Thanks, Mr. Chairman. I yield back.

Mr. MEEKS. The gentleman yields back. I now recognize Representative Joe Wilson of South Carolina for 5 minutes.

I understand Mr. Wilson has some audio problems. We will come back to him.

Mr. WILSON. Mr. Chairman.

Mr. MEEKS. There you go. Mr. Wilson.

Mr. WILSON. All right. Thank you very much, Mr. Chairman. And I am grateful to support H.Res 4914, the Havana Syndrome Attacks Response Act, which has been drafted and introduced by Ranking Member Mike McCaul.

The safety and security of American diplomats and Department of Defense personnel is critical to the success of our missions around the world, to the (inaudible) around the world. This is outrageous. This bill underscores the commitment of Congress to assist victims, research the counter measures and, most importantly, to identify and hold responsible the parties accountable. Thank you to Mr. Chairman Meeks and thank you to Ranking Member Mike McCaul and I yield back.

Mr. MEEKS. The gentleman yields back. I now recognize Representative Joaquin Castro of Texas for 5 minutes.

Mr. CASTRO. Thank you, Chairman. And thank you to the ranking member for working on what is a very important issue that all of us are greatly concerned about.

I have had the opportunity to sit on the House Intelligence Committee now since 2016, and for 2 years at least we have been dealing with this issue. And so I know that, you know, I have had a chance to work with Ranking Member McCaul on different legislation, on cyber and other pieces of legislation, and I know that this is a sincere piece of legislation.

But I am concerned because, you know, I have concerns about prescribing the consequences before we have confirmed the culprits here, and so I feel that this is a bit premature. I know that all of us want to be able to hold these folks accountable, the nations accountable, or whoever it may be that is responsible for harming our

diplomats, but I also think that once we have all of the information in front of us, we will be in a better position to do that. With that I yield back, Chairman.

Mr. MEEKS. The gentleman yields back.

Votes have been called on the House floor, so therefore this committee will go into recess until after the votes are completed on the House floor. We will resume immediately thereafter. The committee is now in recess.

[Whereupon, at 3:42 p.m., the committee recessed, to reconvene at 4:15 p.m., the same day.]

Mr. MEEKS. The committee will come to order. Do any other members wish to speak on the measure?

Hearing no further requests, let's move on to amendments.

For what purpose does the Representative from Pennsylvania, Mr. Perry, seek recognition?

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

[The amendment offered by Mr. Perry follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4914
OFFERED BY MR. PERRY OF PENNSYLVANIA**

Page 11, strike lines 10 through 24 and insert the following:

1 (c) REMOVAL OF SANCTIONS.—The President may
2 not remove any sanctions imposed with respect to a coun-
3 try pursuant to this section except pursuant to an Act of
4 Congress that specifically provides for the removal of such
5 sanctions.



Mr. MEEKS. The Clerk shall distribute the amendment to your staff, virtually, and here in the hearing room.

The CLERK. Mr. Chairman, which number amendment is the gentleman offering?

Mr. PERRY. I have 366 and 367, I believe, so we could do them in order.

Mr. MEEKS. Let's do 366.

The CLERK. Amendment to the amendment in the nature of a substitute to H.R. 4914.

Mr. MEEKS. Everyone receive a copy of the amendment?

The Clerk will please report the amendment.

The CLERK. Perry Amendment Number 366 to the amendment in the nature of a substitute to H.R. 4914. Page 11—

Mr. MEEKS. Without objection, further reading of the amendment will be dispensed with, a point of order reserved, the Representative from Pennsylvania is recognized for 5 minutes in support of the amendment.

Mr. PERRY. Thank you, Mr. Chairman. The current language within the ANS of this bill is weak. A foreign government sanctioned under this bill can have those same sanctions removed by the President if that country promises not to conduct clandestine attacks on U.S. personnel. The absurdity of that is simply breathtaking, as if we are supposed to take Putin's or Xi's word for it that they will stop attacking our personnel. I mean they shouldn't be attacking them in the first place.

The second precondition isn't much better. It places the burden of proof on the executive branch and says if the President doesn't have persuasive information that an attack resulting in brain injury to the U.S. personnel over the last 6 months, that is grounds for vacating the sanctions described in the bill. The sanctions are time-tested IEEPA sanctions including the blocking of property and assets and revocation of visas. Not a single person here wouldn't be in favor of applying those sanctions against a perpetrator of these attacks, I would hope.

I am firmly opposed to creating such an easy litmus test for removing these sanctions. It gives offending countries an opportunity to use these attacks as leverage to extract concessions from the United States at certain points, only to turn around and apologize to have the sanctions removed. Sanctions once implemented should require an enormous about-face in the way the offending country interacts with the United States.

American personnel stationed around the world to include our Foreign Service officers and CIA deserve our full backing and support against those who wish to do them harm. Creating such an easy litmus test for the removal of sanctions is an insult to those who have been attacked and who have endured horrific brain trauma. This amendment would make it clear that one sanction of a foreign government may not see its sanctions removed absent an act of Congress.

This amendment would make it clear to the rest of the world that we will not tolerate any kind of attacks on our personnel and it would also serve as a useful deterrent against future attacks or, if you are so inclined, against anomalous health incidents. A truly tragic aspect of all this is that we have the policy tools to mitigate

the frequency of these attacks while we determine which foreign adversary is behind them. One of those tools is deterrence and its applicability here is both obvious and useful.

In a circumstance in which we are confronting an adversary with advanced technological capabilities, the tightening of the removal of sanctions provisions would still make them think twice about attacking our citizens. The current provision on the removal of sanctions will also be ready—correction—read by foreign adversaries as a total lack of commitment to those who dedicate their lives to the security of our Nation.

This has a broader implication that several of my colleagues apparently do not fully appreciate. If we are unable or, worse, unwilling to aggressively target those inflicting debilitating harm on our citizens that has implications for everyone who commits themselves to the defense and preservation of our republic and that is unacceptable. To me, this is a pretty common-sense provision and to reject it would be to embrace weakness. I urge my colleagues to accept this amendment and I yield back the balance.

Mr. CONNOLLY. Would my friend yield for a question, Mr. Perry?

Mr. MEEKS. Mr. Perry said he has yielded back the balance of his time.

Mr. CONNOLLY. Mr. Chairman, I seek recognition for a question.

Mr. MEEKS. I did not hear you, Mr. Connolly.

The gentleman yielded back the balance of his time. He has no more time. I now recognize myself. I oppose this amendment.

Mr. CONNOLLY. I know. I am seeking—

Mr. MEEKS. I cannot hear you, Mr. Connolly.

I do not hear you, Mr. Connolly.

We will go back. Let me proceed. All right, I recognize myself. I oppose this amendment because it is unnecessary and overly restrictive and I urge my colleagues to do the same. The bill already includes the clear criteria for certifying when any sanctions imposed under the act should be removed. And as I have already stated, sanctions are indeed a powerful foreign policy tool and, in my opinion, it is simply common sense in this still unfolding situation to provide the Administration necessary flexibility in both their imposition and removal.

I yield back the balance of my time. Is there any further debate on the amendment? I recognize Representative Wagner for 5 minutes.

Mrs. WAGNER. I thank you, Mr. Chairman, and I have to stand in strong opposition to Mr. Perry's amendment. The gentleman's amendment adds a sanctions removal requirement that will, in fact, discourage the President from imposing the critical sanctions authorized by the underlying bill. It completely removes the President's authority to lift sanctions without a new, specific act of Congress removing those sanctions. This is well beyond anything ever enacted in U.S. law.

The United States needs to demonstrate its resolve, its strong resolve to protect all Americans by sanctioning those who attacked our personnel in Havana who were serving at the behest of our government in the State Department, the Department of Defense. This amendment all but guarantees that those sanctions will not

be levied, Mr. Chairman. It would deter any President, current or future, from ever imposing the sanctions.

This undermines one of our most valuable foreign policy tools and sets a terrible precedence. I urge my colleagues to protect the integrity and utility of our sanctions system and oppose the gentleman's amendment. I yield back the balance of my time.

Mr. MEEKS. The gentlelady yields back.

Is there any further debate on the amendment?

Hearing no further requests to speak, the question is on the amendment number 366. We are going to take a vote by voice. All members please unmute your microphones.

All those in favor, say aye.

All those opposed, no.

In the opinion of the chair, the noes have it and the amendment is not agreed to. And, without objection, the motion to reconsider is laid upon the table.

For what purpose does the Representative from Pennsylvania, Mr. Perry, seek recognition?

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

[The Amendment offered by Mr. Perry follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4914
OFFERED BY MR. PERRY OF PENNSYLVANIA**

Page 5, line 22, strike “may” and insert “shall”.

Page 10, line 2, strike “may” and insert “shall”.

Page 10, line 4, strike “may” and insert “shall”.

Page 10, line 10, strike “may” and insert “shall”.

Page 10, line 15, strike “may” and insert “shall”.

Page 10, line 24, strike “may” and insert “shall”.

Page 11, line 5, strike “may” and insert “shall”.



Mr. MEEKS. The Clerk shall distribute which, that is 367?

Mr. PERRY. 367. Yes, sir.

Mr. MEEKS. The Clerk shall distribute the amendment to the staff, virtually, and here in the hearing room.

Has everyone received a copy of the amendment?

The Clerk will please report the amendment.

The CLERK. OK. Amendment Number 367, the amendment in the nature of a substitute to H.R. 4914.

Mr. MEEKS. Without objection, further reading of the amendment will be dispensed with, a point of order reserved, and the Representative from Pennsylvania is now recognized for 5 minutes in support of his amendment.

Mr. PERRY. Thank you, Mr. Chairman.

There are instances during committee markups when the underlying bill is stronger than its ANS and this is one of those instances. The way the ANS is written, even if the President determines that these so-called anomalous health incidents are actually being orchestrated by a malign actor, the President is not required to do anything to protect U.S. personnel. In short, this ANS does absolutely nothing.

Let me repeat that again. Even if China or Russia or another American adversary is attacking U.S. personnel and leaving them with debilitating brain trauma, this committee is ready to tell the President of the United States that he or she does not have to react in any way whatsoever. I am not sure if that is not dereliction of duty, but I do not know what it is if that is not.

The underlying bill and the ANS cite an important study on the issue, a 2020 report by the National Academy of Sciences. In that report, the researchers argue that many of the distinctive and acute signs, symptoms, and observations reported by affected employees are consistent with the effects of directed pulsed radio frequency energy and that directed pulsed RF energy appears to be the most plausible mechanism in explaining these cases.

Despite this study, the Biden Administration is refusing to acknowledge the near reality that these are not just random health incidents; they are almost certainly directed attacks from an adversary. What is logically absurd about this ANS given the Administration's position is that countries may be sanctioned for what are essentially random anomalous health incidents. First of all, why on earth would the U.S. Congress waste its time passing a bill to give the President authority he already has? More to the point, why on earth would we waste our time in punishing anomalous health incidents?

An anomalous or irregular health incident could literally mean anything. It is a vacuous expression meant to shield the Administration from any responsibility or accountability in protecting the American people, its first obligation and sacred duty. We have seen time and again that this Administration consistently fails at keeping our citizens safe. For anyone who needs convincing, let me remind you of the hundreds of Americans still stranded in the Taliban's 13th century Islamist theocracy.

With respect to this bill, here is the point. If these Havana Syndrome attacks are truly anomalous health incidents, then there is no purpose for this ANS at all. It simply doesn't make sense. Worse

still, it gives the Administration an easy out. Even if the Biden Administration received enough evidence to prompt them to finally concede that a foreign adversary is attacking U.S. personnel, even in that case they still wouldn't be pressured by Congress to apply sanctions against defending foreign persons and governments.

That is why I have introduced an amendment to strike several instances in this bill where it says the President only may apply sanction, instead directs that the President shall apply sanctions against offending foreign persons and governments. There is bipartisan consensus that these are attacks being conducted by a foreign adversary and if the Biden Administration fails to call out these attacks for what they are, they are providing aid and comfort to our enemies and encouraging future attacks on American personnel.

With that I urge the passage of this amendment and I yield the balance, Mr. Chair.

Mr. MEEKS. The gentleman yields back. I now recognize myself for 5 minutes. I oppose this amendment because it is overly restrictive and unhelpful to the bipartisan work of this committee and I encourage all my colleagues to do the same. As I said before, investigations are ongoing to fully understand the cause of these anomalous health incidents, which I strongly support since we need the best information possible to inform our actions.

So flexibility is key. The executive branch must have latitude to deploy these tools most effectively as the picture becomes clear. These sanctions authorities must be permissive. It is my understanding that H.R. 4914, as introduced, was the only bill put forth in the House during this Congress related to Havana Syndrome that was not originally bipartisan.

But the work of my team, working with Mr. Ranking Member McCaul and Republican staff for over 2 months as Mr. McCaul has stated to negotiate permissive authorities that members from both sides of the aisle can support corrects that anomaly and reflects the proud tradition we have on this committee of putting politics aside when dealing with such serious matters.

This amendment seeks to undo the hard work and focus and work that I really appreciate working with Mr. McCaul in coming to a bipartisan consensus and therefore I oppose it. I yield back the balance of my time.

Is there any further debate on the amendment?

Hearing no further requests to speak, the question is on the Perry amendment number 367. We are going to take a vote by voice. All members please unmute your microphones.

All those in favor, say aye.

All those opposed, no.

In the opinion of the chair, the noes have it and the amendment is not agreed to. And, without objection, the motion to reconsider is laid upon the table.

The question is now on the McCaul amendment in the nature of a substitute number 42. We are going to take a vote by voice. All members, again, please unmute your microphones.

All those in favor, say aye.

All opposed, no.

In the opinion of the chair, the ayes have it. And, without objection, the motion to reconsider is laid upon the table.

The question now is to report H.R. 4914 with the recommendation that the bill do pass, as amended. We are going to take a vote by voice. All members, again, unmute your microphones.

All those in favor, say aye.

All opposed, no.

In the opinion of the chair, the ayes have it. And, without objection, the motion to reconsider is laid upon the table. Without objection, the staff is authorized to make any technical and conforming changes.

This concludes our business today.

Mr. McCAUL. Mr. Chairman, can I make a—just in conclusion, I want to thank all the members. I want to thank you for working with me in a bipartisan way. As you stated that is a tradition of this committee and I intended to fulfill that. And I also want to thank all the members, particularly you, Mr. Chairman, all the members on both sides of the aisle. As you know, I missed the last markup because my wife was at MD Anderson while I was (inaudible) and it was very heartfelt to me to have members on both sides of the aisle contact me wishing her well, and she is well, and for that I am very grateful. I yield back.

Mr. MEEKS. Thank you. And we continue to have your wife in our prayers. We welcome you back. You were missed. You were missed. Mrs. Wagner, Representative Wagner did do a fine job, but there is only one Michael McCaul, and it is indeed, you know, people often do not know what happens behind the scenes and the conversations that we have.

It is a pleasure to have you as a partner working together in the spirit of bipartisanship and trying to move our committee to look forward in the same traditions that we have always done, so it is good to have you as my partner on this Foreign Affairs Committee and I mean that from the bottom of my heart.

This concludes our business today. And I want to thank also all the staff on both sides of the aisle because that is really important. They have worked very hard on this in getting together, so I just want to make sure I acknowledge the staff on both sides of the aisle for all of the work that you have done, as well as all of the members on both sides of the aisle for your contributions and your assistance with today's markup. It is truly an honor to be the chair of this committee. With that this markup is now adjourned.

[Whereupon, at 4:33 p.m., the committee was adjourned.]

APPENDIX

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

Gregory W. Meeks (D-NY), Chair

October 21, 2021

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup and meeting of the Committee on Foreign Affairs to be held in Room 2172 of the Rayburn House Office Building. Members who wish to participate remotely may do so via Cisco WebEx. The markup is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

DATE: Thursday, October 21, 2021

TIME: 1:00 p.m., EDT

MARKUP OF: H.R. 5497, BURMA Act of 2021

H.Res. 569, Expressing continued solidarity with the Lebanese people after the devastating explosions at the Port of Beirut on August 4, 2020, and the continued efforts to form a secure, independent, and democratic Lebanon

H.Res. 445, Condemning all violence and human rights abuses in Ethiopia, and calling on the Government of Ethiopia and the Government of the State of Eritrea to remove all Eritrean troops from Ethiopia, and for all belligerents in the conflict, including the Ethiopian National Defense Forces, the Tigray People's Liberation Front, and Amhara regional forces, and other armed groups to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations

H.Res. 720, Calling for stability and the cessation of violence and condemning ISIS-affiliated terrorist activity in northern Mozambique, including the Cabo Delgado Province, and for other purposes

H.R. 4914, Havana Syndrome Attacks Response Act

By Direction of the Chair

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 FULL COMMITTEE MARKUP

Day Thursday Date 10/21/2021 Room 2172 RHOB

Starting Time 1:14 p.m. Ending Time 4:33 p.m.

Recesses 2 (1:51 to 2:36) (3:42 to 4:14) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Gregory W. Meeks

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. 5497, BURMA Act of 2021; H.Res. 569, Expressing continued solidarity with the Lebanese people after the devastating explosions at the Port of Beirut on August 4, 2020, and the continued efforts to form a secure, independent, and democratic Lebanon; H.Res. 445, Condemning all violence and human rights abuses in Ethiopia, and calling on the Government of Ethiopia and the Government of the State of Eritrea to remove all Eritrean troops from Ethiopia, and for all belligerents in the conflict, including the Ethiopian National Defense Forces, the Tigray People's Liberation Front, and Amhara regional forces, and other armed groups to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations; H.Res. 720, Calling for stability and the cessation of violence and condemning ISIS-affiliated terrorist activity in northern Mozambique, including the Cabo Delgado Province, and for other purposes; H.R. 4914, Havana Syndrome Attacks Response Act

COMMITTEE MEMBERS PRESENT:

See attached.

NON-COMMITTEE MEMBERS PRESENT:

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

SFR - Jacobs

IFR - Meeks (2), Omar (2)

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

The measures considered en bloc were agreed to by voice vote, ordered favorably reported, as amended, if amended, to the House. The measure considered separately was ordered favorably reported, as amended, to the House.

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 4:33 p.m.


Full Committee Hearing Coordinator

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE ATTENDANCE

<i>PRESENT</i>	<i>MEMBER</i>
X	Gregory W. Meeks, NY
X	Brad Sherman, CA
X	Albio Sires, NJ
X	Gerald E. Connolly, VA
X	Theodore E. Deutch, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI
X	Ami Bera, CA
X	Joaquin Castro, TX
X	Dina Titus, NV
X	Ted Lieu, CA
X	Susan Wild, PA
X	Dean Phillips, MN
	Ilhan Omar, MN
X	Colin Allred, TX
X	Andy Levin, MI
X	Abigail Spanberger, VA
X	Chrissy Houlahan, PA
X	Tom Malinowski, NJ
X	Andy Kim, NJ
X	Sara Jacobs, CA
X	Kathy Manning, NC
X	Jim Costa, CA
X	Juan Vargas, CA
	Vicente Gonzalez, TX
X	Brad Schneider, IL

<i>PRESENT</i>	<i>MEMBER</i>
X	Michael T. McCaul, TX
X	Christopher H. Smith, NJ
X	Steve Chabot, OH
X	Joe Wilson, SC
X	Scott Perry, PA
X	Darrell Issa, CA
	Adam Kinzinger, IL
X	Lee Zeldin, NY
X	Ann Wagner, MO
X	Brian J. Mast, FL
X	Brian K. Fitzpatrick, PA
	Ken Buck, CO
X	Tim Burchett, TN
X	Mark Green, TN
X	Andy Barr, KY
X	Greg Steube, FL
X	Dan Meuser, PA
X	Claudia Tenney, NY
X	August Pfluger, TX
X	Nicole Malliotakis, NY
X	Peter Meijer, MI
X	Ronny Jackson, TX
X	Young Kim, CA
X	Maria Elvira Salazar, FL

STATEMENT FOR THE RECORD

**Statement for the Record from Representative Sara Jacobs
Markup of Various Measures
House Foreign Affairs Committee
October 21, 2021**

Thank you, Mr. Chair. While I appreciate and agree with my colleague's concern about the health and wellbeing of our diplomats overseas, I have to say I disagree with this bill. It is clear our foreign service officers have suffered from distressing neurological symptoms and widespread fear. And we clearly need to get to the bottom of what happened here and continue with robust investigations.

However, I do think the sanctions authorized by this bill are premature and possibly not the right tools to begin with. By prospectively authorizing the President to impose sanctions against an unspecified entity for reasons we have not been able to fully determine yet, we are tying our hands on properly assessing what would be the appropriate and effective response once we actually are able to review the details.

We're not able to assess the anticipated economic and political implications of sanctions if we don't know who they are targeted against. We can't ensure this is the right tool when we don't have all the facts. And we can't pair these sanctions with a clear and effective strategy when we don't know what the threat, or potential threat, actually is.

I think we need to ensure we are seriously investigating the cause of so much suffering of our diplomats. But this bill is not the answer and sets a bad precedent for Congress' authority over the use of sanctions. And for these reasons, I oppose, and I urge my colleagues to do the same.

I yield back.

BuzzFeed News

REPORTING TO YOU

SCIENCE

A Declassified State Department Report Says Microwaves Didn't Cause "Havana Syndrome"

A declassified State Department report obtained by BuzzFeed News dismissed the theory that microwave weapons are behind the mysterious neurological injuries in diplomats worldwide.

By Dan Vergano

Last updated on September 30, 2021, at 5:24 p.m. ET

Posted on September 30, 2021, at 12:30 p.m. ET

*BuzzFeed News; Getty Images*

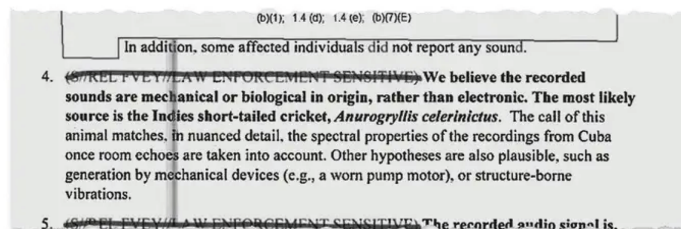
BuzzFeed News

A Declassified State Department Report Says Microwaves

Noises linked to mysterious injuries among US diplomats in Cuba were most likely caused by crickets — not microwave weapons — according to a declassified scientific review commissioned by the US State Department and obtained by BuzzFeed News.

The State Department report was written by the JASON advisory group, an elite scientific board that has reviewed US national security concerns since the Cold War. It was completed in November of 2018, two years after dozens of US diplomats in Cuba and their families reported hearing buzzing noises and then experiencing puzzling neurological injuries, including pain, vertigo, and difficulty concentrating.

The report, obtained by BuzzFeed News via a Freedom of Information Act request, was originally classified as “secret.” It concluded that the sounds accompanying at least eight of the original 21 Havana syndrome incidents were “most likely” caused by insects. That same scientific review also judged it “highly unlikely” that microwaves or ultrasound beams — now widely proposed by US government officials to explain the injuries — were involved in the incidents. And though the report didn’t definitively conclude what caused the injuries themselves, it found that “psychogenic” mass psychology effects may have played a role.



The executive summary finding of the scientific analysis.

State Department

BuzzFeed News

A Declassified State Department Report Says Microwaves

"No plausible single source of energy (neither radio/microwaves nor sonic) can produce *both* the recorded audio/video signals *and* the reported medical effects," the JASON report concluded. "We believe the recorded sounds are mechanical or biological in origin, rather than electronic. The most likely source is the Indies short-tailed cricket."

The report's findings fly in the face of a medical report commissioned by the State Department and published by a National Academies of Sciences panel last year, which found that microwaves were the "most plausible" cause of the symptoms. That panel was not provided with the JASON report as part of its assessment, the NAS told BuzzFeed News.

"We are grateful to the JASON Group for their insight, which while coming to no firm conclusions, has assisted us in our ongoing investigation of these incidents," a State Department spokesperson told BuzzFeed News in an emailed statement. The spokesperson declined to answer questions about why the panel's findings were never made public or provided to the NAS.

"The 2018 JASON report, which was commissioned during the last administration, is not aligned with the Biden-Harris administration's understanding of AHI [anomalous health incidents] and it has not informed our response," said a senior administration official, in a statement sent to BuzzFeed News.

"Because of the acknowledged shortcomings of previous studies, this administration has purposefully established a new panel of experts from across the Intelligence Community, academia, and the private sector with access to the full range of information available to the government to help us determine the cause of these incidents and generate new insights that can help protect our personnel."

The American flag flies over the Embassy of the United States of America for the first time since 1961 in Havana, Cuba on August 14, 2015.

Samuel Corum / Anadolu Agency via Getty Images

From China to Washington, DC, around 200 possible Havana syndrome incidents have been reported worldwide since the initial cases described in the JASON report. More cases have surfaced since US intelligence agencies began conducting a review of what are now called “anomalous health incidents” and after the Defense Department asked its personnel worldwide to report suspected cases in September. In recent weeks, cases have reportedly struck an intelligence officer traveling with CIA director William Burns in India, led Vice President Kamala Harris to delay a trip to Vietnam, and triggered the recall of a CIA station chief in Vienna.

On Tuesday, the US House of Representatives voted 427–0 to pass a “Havana Act” bill compensating CIA and State Department personnel

affected by such incidents. News reports have widely blamed Russian
BuzzFeed News A Declassified State Department Report Says Microwaves

spies randomly targeting CIA and State Department personnel with microwave weapons — and attributed this view to senior US officials.

The cover of the JASON report titled "Acoustic Signals and Physiological Effect on U.S. Diplomats in Cuba."

BuzzFeed News A Declassified State Department Report Says Microwaves

The JASON report provided a far less elaborate explanation. The team was given eight recordings of incidents linked to injuries and performed an extensive analysis of two cellphone video recordings from one patient. After extensive comparison with recordings of various insect species, they concluded with “high confidence” that the sounds in that case came from a particularly loud species of cricket, *Anurogryllis celerinictus*. (Two academic researchers who ran a similar analysis in 2019 using a recording provided by the Associated Press also concluded that the sound was caused by crickets.) The JASON scientists offered another “low confidence” theory that the sounds could have been caused by a nearby concrete vibrating machine with worn bearings.

The review ruled out pulsed microwaves and ultrasound as culprits, in part because the Wi-Fi and other electronics in the house where the noises were first recorded worked fine during the incident. And by calculating the power required for such attacks, they concluded that the noises didn’t correspond to ones generated by microwave or ultrasound frequencies.

But the JASON scientists left open the possibility of some other nefarious attack. “It cannot be ruled out that while the perceived sounds, while not harmful, are introduced by an adversary as deception so as to mask an entirely unrelated mode of causing illness,” the report concludes in its executive summary.

“JASON puts to rest the ‘microwave attack’ theory,” University of Pennsylvania biomedical engineer Kenneth Foster told BuzzFeed News. “While we can’t rule out the idea that somebody might have been trying to harass the US officers, the idea that these were attacks intended to cause injury is supported neither by a smoking gun nor by clearly identified victims.”

The NAS report from last year argued that since microwaves can
BuzzFeed News A Declassified State Department Report Says Microwaves

“most plausible” explanation for the illnesses. The JASON report analyzed the same phenomenon, but dismissed microwaves as an option. “We judge as highly unlikely the notion that pulsed RF [radiofrequency] mimics acoustic signals in both the brain (via the Frey effect) and in electronics,” the report concludes.

NAS panel report chairman David Relman of the Stanford University School of Medicine did not respond to an emailed request for comment on the JASON report from BuzzFeed News.

James Lin, a University of Illinois biomedical engineer who has argued that the microwave explanation for the injuries is very likely, told BuzzFeed News that the recordings of incidents analyzed in the JASON report provided by at least eight victims could not have come from real cases of Havana Syndrome. “A typical sound recorder would not be able to record the ‘microwave sound,’ period,” he said by email, after reviewing the JASON report’s findings.

A mainstay of the national security arena for decades, JASON contains the nation’s brightest technical minds. “This is a high powered group of expert scientists examining this question,” said former Los Alamos National Laboratory chemist Cheryl Rofer. “This appears to be a very thorough scientific analysis, the kind which wasn’t done in the National Academies of Sciences report.”

Similar to a previously undisclosed 2019 CDC report on Havana syndrome, which was first reported this year by BuzzFeed News, the JASON report notes that without baseline medical data on the diplomats prior to the injuries, determining their actual cause is unlikely.

The scientists also noted that, while “the suffering reported by the affected individuals is real,” mass psychology can also trigger

neurological injuries in people. “JASON believes such psychogenic

BuzzFeed News A Declassified State Department Report Says Microwaves

effects may serve to explain important components of the reported injuries.”

Stigma and international politics play a role in why the mass psychology theory hasn’t been taken more seriously in the US. Meanwhile, just this month, the Cuban Academy of Sciences published [a report](#) concluding that mass psychology is the best explanation for the incidents.

While much of the released report is redacted, perhaps due to the reported involvement of CIA agents in some cases, the conclusions are clear, Rofer said.

“What is available in the report is pretty dubious about directed energy weapons,” she said, “and pretty positive about crickets.” ●

UPDATE

September 30, 2021, at 5:24 p.m.

This story has been updated with a statement from a senior administration official.



Dan Vergano is a science reporter for BuzzFeed News and is based in Washington, DC.

Contact [Dan Vergano](#) at dan.vergano@buzzfeed.com.

Got a confidential tip? [Submit it here](#).

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Havana Syndrome or a Case for Eliminating the Implausible

Diplomats in Cuba fell ill. Some suspected a secret weapon. Five years later, a more benign explanation remains



Jonathan Jarry M.Sc. (/oss/articles-by-author/Jonathan-Jarry-M.Sc.) | 9 Oct 2021
Health and Nutrition (/oss/category/article-categories/health-and-nutrition)

f (<http://www.facebook.com/sharer.php?u=https%3A//www.nutrition/havana-implausible&title=Havana%20Syndrome%20or%20a%20Case%20for%20Eliminating%20the%20Implausible>)

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The story of Havana syndrome has acquired mythical qualities in its telling. In late 2016 and early 2017, members of the American embassy in Havana, Cuba, started to report debilitating symptoms and strange occurrences. An incapacitating sound, often coming from a single direction, was heard by some but not others, waking them up in the middle of the night. A sensation of intense pressure was felt in the ear. Vertigo and nausea were some of the early symptoms. Then came the difficulty concentrating, the memory problems, the sleep disturbances in some of the victims. Members of the Canadian embassy were eventually also struck by what was being called an “attack.” Secret sonic weapons and microwave beams were suspected and the story quickly morphed into a devilish espionage novel, with accusations levelled at Cuba, Russia, even China.

Like in a James Bond movie, one country was not enough: soon, similar symptoms began to be reported in Australia, China, Austria, even a suburb of Washington, D.C., and the park south of the White House. U.S. vice-president Kamala Harris' trip to Vietnam was (<https://www.bbc.com/news/world-us-canada-58322593>) delayed earlier this year (<https://www.bbc.com/news/world-us-canada-58322593>) because of an "anomalous health incident" reported there that was strikingly similar to Havana syndrome. A superficial reading of nearly five years of media coverage of these globe-trotting incidents would have you believe an undetected secret weapon has been deployed all over the world and nobody quite knows what it is.

There are many layers to peel back when it comes to the reporting done on Havana syndrome and our first stop should be the name. Naming diseases and syndromes after places, whether in earnest or as a back-handed jibe, poisons the geographic well in people's minds. The "Wuhan flu," the "Indian variant of the coronavirus," even the "Spanish flu" (which had nothing to do with Spain), these names can feed discrimination by demonizing a place and its peoples. But with Havana, unfortunately, I'm not aware of any geographically neutral name. Reports speak of "symptom clusters," of "unexplained events," of "anomalous health incidents," none of which constitute unique nomenclature. So "Havana syndrome" it is for now.

When this ailment resisted easy answers, more and more eccentric explanations began to be considered. Some of them border on science fiction.

The man with the sonic gun

When the spectre of spies is raised, poisons come to mind. Could the diplomats affected by this Havana syndrome have had their food or water spiked or the air they breathe poisoned? Specifically, a (<https://www.medrxiv.org/content/10.1101/19007096v1.abstract>) study funded by the Canadian government (<https://www.medrxiv.org/content/10.1101/19007096v1.abstract>) zeroed in on neurotoxins from pesticides used in Cuba to combat the spread of Zika. The hiccup is that many of the people who lived with the victims and around them showed no symptoms. How could pesticides selectively affect dozens of American and Canadian diplomats but no Cubans, nor any non-diplomats working at those embassies? Or are we to believe that the widespread use of these pesticides *did* cause symptoms in many Cubans but that nobody has come forward, despite the Havana syndrome story making international news for years? Moreover, a (<https://www.nap.edu/catalog/25889>) report (<https://www.nap.edu/catalog/25889>) by the National Academies of Sciences states that the incident was not consistent with acute poisoning by the type of insecticide used in Havana, though it could not rule out chronic exposure as a contributing factor.

If poisons cannot give us solace in cracking this case, the alternatives move us from the quaint territory of Agatha Christie to the realm of speculative fiction. Because the perception of a sudden, loud sound and of pressure against the ear had been reported by many of the affected people, the idea of a covert sonic weapon was considered. Could this device emit infrasounds, meaning sound waves below the threshold of what we can hear (typically below 20 Hz)? Research into so-called sonic cannons has indeed been done, but it seems that (https://www.listennotes.com/podcasts/whatever-remains/the-new-control-bomb-ov_rAN2GKkW/) their operators are as much at risk from their ill effects (https://www.listennotes.com/podcasts/whatever-remains/the-new-control-bomb-ov_rAN2GKkW/) as the intended targets, and these effects are often more annoying than truly harmful. I'd be remiss if I didn't mention the mythological "brown note," a specific infrasound that is thought to trigger instant defecation. When (<https://web.archive.org/web/20160511130630/http://www.discovery.com/tv-shows/mythbusters/mythbusters-database/brown-note/>) the (<https://web.archive.org/web/20160511130630/http://www.discovery.com/tv-shows/mythbusters/mythbusters-database/brown-note/>) *Mythbusters* (<https://web.archive.org/web/20160511130630/http://www.discovery.com/tv-shows/mythbusters/mythbusters-database/brown-note/>) team was given license to test this claim (<https://web.archive.org/web/20160511130630/http://www.discovery.com/tv-shows/mythbusters/mythbusters-database/brown-note/>)

[shows/mythbusters/mythbusters-database/brown-note/](#)) using massive subwoofers specifically modified to play this note with enough vigour, the dreaded discharge did not take place. Even when projected at a deafening 128 decibels (in the [\(https://hearing.health.mil/Prevention/Causes-of-Injury/High-Decibel-Levels\)range of a rock concert](#) ([\(https://hearing.health.mil/Prevention/Causes-of-Injury/High-Decibel-Levels\)\)](#)), the sound could not live up to its myth.

At the other end of the spectrum, above our hearing threshold of 20,000 Hz, we find another potential culprit: ultrasounds. Could the sound waves typically used to see a fetus during pregnancy be weaponized and cause, as has been suggested, damaging acoustic bubbles in the inner ear and brain? The problem is that ultrasounds need close contact to propagate well, hence the use of gel for pregnancy ultrasounds. Over long distances, sound gets weak. It can be easily blocked by walls. To focus a damaging beam of ultrasounds at someone inside a house, an attacker would likely need a gargantuan speaker with massive energy needs. That's hard to square with the idea of a weapon that is both mobile and undetectable.

If the attack was unlikely to come from a sound wave, maybe it came from a light wave, specifically a microwave. Microwaves are lower in frequency than visible light and infrared, but above radio waves on the light spectrum. The U.S. military has conducted research into high-powered microwave weapons, but [\(https://www.nature.com/articles/489198a.pdf\)](#) a 2012 feature article in the journal [\(https://www.nature.com/articles/489198a.pdf\)](#) *Nature* [\(https://www.nature.com/articles/489198a.pdf\)](#) summarized those fifty years of research as “wasted energy,” citing unreliability and the need for imposing pulse generators. When Cheryl Rofer [\(https://foreignpolicy.com/2021/05/10/microwave-attacks-havana-syndrome-scientifically-implausible/\)](#) debunked the microwave theory for [\(https://foreignpolicy.com/2021/05/10/microwave-attacks-havana-syndrome-scientifically-implausible/\)](#) *Foreign Policy* [\(https://foreignpolicy.com/2021/05/10/microwave-attacks-havana-syndrome-scientifically-implausible/\)](#), she imagined a mobile microwave weapon outside a diplomat's house and calculated that to power a simple microwave oven on the go, you would need a 2,200-watt gasoline-powered generator weighing around 50 pounds. To weaponize the beam, you might need another ten pounds or, alternatively, about 200 laptop computer batteries. Portability, if such a weapon even exists, becomes a real issue. Moreover, microwave weapons were often meant to attack equipment, not people, and [\(https://www.buzzfeednews.com/article/danvergano/havana-syndrome-jason-crickets\)no screwed-up electronics were reported](#) [\(https://www.buzzfeednews.com/article/danvergano/havana-syndrome-jason-crickets\)](#) in the vicinity of the victims of the Havana syndrome. Yet a strange phenomenon tied to microwaves has piqued the attention of investigators.

For your ears only

It's called the Frey effect. In 1962, Allan H. Frey published [\(https://journals.physiology.org/doi/abs/10.1152/jappl.1962.17.4.689\)](#) a paper [\(https://journals.physiology.org/doi/abs/10.1152/jappl.1962.17.4.689\)](#) in which he described a situation in which microwaves, which are not sound waves, were heard by humans. His participants could hear these waves as coming from within or right behind their own head. The sound was described as being a buzz, clicking, hiss, or knocking. Ergo, Havana syndrome victims might have been zapped by a secret microwave weapon and the strange sound they heard was the buzzing noise of the Frey effect. But as Professor Kenneth Foster, who has studied the Frey effect, [\(https://www.nytimes.com/interactive/2019/05/15/magazine/diplomat-disorder.html\)](#) told [\(https://www.nytimes.com/interactive/2019/05/15/magazine/diplomat-disorder.html\)](#) *The New York Times* [\(https://www.nytimes.com/interactive/2019/05/15/magazine/diplomat-disorder.html\)](#), “the sound would be so soft that near silence would be needed for a person to detect it.” With the hubbub of Cuba and the everyday noises of modern life, you'd have to crank up the power and end up frying the person's skin in the process. The Frey effect as an explanation for Havana syndrome beggars belief. “You might as well say little green men from Mars were throwing darts of energy,” Foster concluded.

It may be hard to reconcile the improbability of a complex weapon or a simple poison with [a State Department spokesperson](https://youtu.be/02l0YQm1o3s?t=684) (<https://youtu.be/02l0YQm1o3s?t=684>) declaring that “we have never seen this anywhere in the world before.” How could this syndrome be so new and unique and not have a new and unique cause? By appraising the papers published by the doctors who examined the people affected by Havana syndrome, some experts started to see differences between what had been claimed and what had been documented.

From crickets with love

Embassy staff and family members were seen by an ear, nose, and throat specialist at the University of Miami, who saw signs of an [“immaculate concussion.”](https://arstechnica.com/science/2020/12/covert-microwave-weapon-most-plausible-cause-of-cuba-health-attacks/) (<https://arstechnica.com/science/2020/12/covert-microwave-weapon-most-plausible-cause-of-cuba-health-attacks/>) it looked like 16 people had signs of a concussion or a mild traumatic brain injury but without the actual head injury. These 16 individuals were then sent to a brain injury centre at the University of Pennsylvania, along with eight additional cases that subsequently came forward. The [paper](https://jamanetwork.com/journals/jama/fullarticle/2673168) (<https://jamanetwork.com/journals/jama/fullarticle/2673168>) that reported on their findings, published in *JAMA*, speaks to “injury to widespread brain networks.” All of this sounds both alarming and mysterious.

When a medical sociologist and a neurologist (https://link.springer.com/chapter/10.1007%2F978-3-030-40746-9_3) looked into this (https://link.springer.com/chapter/10.1007%2F978-3-030-40746-9_3), however, the case for an unsolvable puzzle started to weaken. The *JAMA* paper assumes exposure to an “unknown energy source,” which was never demonstrated. So much for evidence. The injury to brain networks was actually only seen in three individuals; most had normal findings. The white matter changes seen in those three are apparently common in conditions like depression, migraine, and even aging. The threshold the authors used to declare an impairment was, according to the editor of the journal *Cortex*, (<https://www.sciencedirect.com/science/article/abs/pii/S0010945218303198?via%3Dihub>) “unheard of in clinical practice or research,” (<https://www.sciencedirect.com/science/article/abs/pii/S0010945218303198?via%3Dihub>) leading to just about anybody qualifying as such. As for the University of Miami findings, there was little overlap in symptoms from one diplomat to another, and their asymptomatic housemates, who presumably had been exposed to the same agent, were bizarrely not tested as a control group. Reports had also emerged of some diplomats losing their hearing because of this incident, but it turned out that only two had experienced hearing impairment, which predated their deployment to Cuba.

And that mysterious sound thought to be the Frey effect? Some diplomats managed to record it from inside their house (proving that, at least in those instances, the sound existed outside of their head), and scientists identified the loud noise as [the song of lovelorn Indies short-tailed crickets](https://www.nytimes.com/2019/01/04/science/sonic-attack-cuba-crickets.html) (<https://www.nytimes.com/2019/01/04/science/sonic-attack-cuba-crickets.html>). These crickets are known to experts to make quite the racket: you can hear them, one of them told *The New York Times*, “from inside a diesel truck going 40 miles an hour on the highway.” No wonder diplomats were stirred from their sleep and shaken by the loudness of this foreign sound, especially given the inherent stress of the situation they were in. Because the state of affairs they found themselves in was no picnic.

U.S.-Cuba relations have danced on a hair-trigger for decades. Bizarre assassination schemes were plotted, attempted, and abandoned by American agents to push Cuban president Fidel Castro out of the picture. These plans would hardly be believed if we saw them used in a movie, and some may have been fictional, intentionally leaked to distract from real machinations. One involved a poisoned cigar to create LSD-like symptoms so that Castro would make a spectacle of himself during a public speech. Another bet on his love of scuba diving to lead him to an exploding seashell. Meanwhile, a [truly](https://www.theatlantic.com/international/archive/2018/01/operation-mongoose/549737/) (<https://www.theatlantic.com/international/archive/2018/01/operation-mongoose/549737/>) truly

outlandish plan (<https://www.theatlantic.com/international/archive/2018/01/operation-mongoose/549737/>) involved submarines firing projectiles designed for illumination to serve as a portent —perhaps the Second Coming of Jesus Christ—for the fall of the Communist regime, feeding into Cubans' religious beliefs.

The Cuban intelligence community was also busy. They were harassing American diplomats by disrupting their sleep and deflating their tires. They would enter the diplomats' homes, rearrange furniture, leave cigarette butts in ashtrays, and dump feces and urine on the floor. Family pets were poisoned. The psychological and physical stress of working at the U.S. embassy in Cuba was highlighted by a former official who worked there: "Cuba is considered a high-threat, high-stress post," he (<https://www.propublica.org/article/the-strange-case-of-american-diplomats-in-cuba-as-the-mystery-deepens-so-do-divisions-in-washington>) told (<https://www.propublica.org/article/the-strange-case-of-american-diplomats-in-cuba-as-the-mystery-deepens-so-do-divisions-in-washington>) *ProPublica* (<https://www.propublica.org/article/the-strange-case-of-american-diplomats-in-cuba-as-the-mystery-deepens-so-do-divisions-in-washington>). Diplomats are briefed: "Assume they are always watching." The anticipation of a threat is constant, and these diplomats are part of a tight community with an active rumour mill. The U.S. embassy in Cuba had reopened in July 2015 as part of Obama's rapprochement with the country. When Havana syndrome first manifested itself, Castro had just died and Trump had been elected. The pressure cooker was ready to burst. If something strange were to happen to one U.S. diplomat in Cuba, it could easily lead to a cascade of similar events.

And that is where we arrive at a plausible though maddening explanation.

Horses, zebras, and giraffes

There is a saying in medicine that when you hear hoofbeats behind you, expect a horse, not a zebra. It's routinely taught to remind medical students that exotic diagnoses are rare; common explanations for symptoms should be considered first. Yet the human brain has a tendency to latch onto zebras (or giraffes) when horses might do.

By 2016, (<https://www.dailymail.co.uk/news/article-3459307/Giraffe-house-sickness-hits-town-150-residents-Paignton-say-sound-coming-local-zoo-making-ill.html>) 165 residents living in the vicinity of a zoo in Devonshire, England (<https://www.dailymail.co.uk/news/article-3459307/Giraffe-house-sickness-hits-town-150-residents-Paignton-say-sound-coming-local-zoo-making-ill.html>), had signed a petition accusing the giraffes' enclosure at the zoo of making them sick. How? The year before, biologists had reported that (<https://www.newscientist.com/article/2058123-giraffes-spend-their-evenings-humming-to-each-other/>) giraffes occasionally communicate with each other via barely audible hums (<https://www.newscientist.com/article/2058123-giraffes-spend-their-evenings-humming-to-each-other/>) or low-frequency sound waves. An investigation at the zoo, however, revealed no source of noise. Even the giraffe keepers at the zoo said they had never heard those hums before. But neighbours were sure they could hear a hum and it was coming from the giraffe enclosure.

In 1761, Ben Franklin invented a musical instrument made up of spinning glass discs called a glass armonica. Over the ensuing years, the instrument went from being perceived as a cure-all to being accused of provoking fainting spells, convulsions, even madness. Since then, new technologies like incandescent light bulbs and the telephone have inspired dread in some people. Reading under a light bulb would lead to blindness, went the rumour, and the strain of the telephone would surely cause excitability and giddiness in phone operators.

When constant stress leads to an obsessive anticipation of danger, the pressure cooker has to explode at some point. Common occurrences in life, like a sudden spell of persistent dizziness, can make us seek an external explanation. Something out there is making us sick. The anxiety itself can manifest in a multitude of physical ways. Social contagion spreads the syndrome to the members of our community.

These psychogenic effects—of the brain's anxiety onto the rest of the body—are believed (<https://www.buzzfeednews.com/article/danvergano/havana-syndrome-jason-crickets>) by a scientific board that reported to the State Department (<https://www.buzzfeednews.com/article/danvergano/havana-syndrome-jason-crickets>) to have played an important role in explaining the diplomats' injuries, and a medical sociologist and a neurologist wrote an entire book (summarized in (<https://theconversation.com/havana-syndrome-fits-the-pattern-of-psychosomatic-illness-but-that-doesnt-mean-the-symptoms-arent-real-167275>) this Conversation article (<https://theconversation.com/havana-syndrome-fits-the-pattern-of-psychosomatic-illness-but-that-doesnt-mean-the-symptoms-arent-real-167275>)) on Havana syndrome that explains it as (<https://www.aafp.org/afp/2000/1215/p2655.html>) a mass psychogenic illness (<https://www.aafp.org/afp/2000/1215/p2655.html>). To be abundantly clear, mass psychogenic illnesses are not psychiatric disorders. Affected individuals are not lying. They are healthy and sane, but a perceived trigger leads to illness.

Crickets, dizziness, constant suspicion, all examined by medical specialists falling prey to confirmation bias, leading to debilitating symptoms blamed on extravagant weaponry, and we end up with Havana syndrome. At least, that seems to be the most plausible theory right now. We will never know for sure what truly happened, since thorough baseline data on the affected individuals does not exist to check for changes, and since testimonies were often gathered much later after symptoms started, putting recollections at risk of recall bias.

We've blamed witches, demons, telephones, and giraffes for the aches and pains of everyday life. The Havana syndrome saga may yet be another episode of this blame game. I really feel for the people affected, especially since their personal health is being scrutinized and speculated about under the microscope of media coverage. But I don't think we can rule out the snowball effect of nonspecific symptoms in a high-stress situation with an active rumour mill. These mass suggestion events have punctuated humanity's long history. Microwave weapons? Not so much.

Note: Havana syndrome is a topic brimming with interesting leads and factoids, too many to cram into a single article. If you are interested in a deeper dive on the topic, I recommend a couple of sources. The (<https://www.whateverremainspodcast.com/season-one-sonic-attack>) seven-episode season (<https://www.whateverremainspodcast.com/season-one-sonic-attack>) of the podcast *Whatever Remains* goes into David Bowie's obsession with weaponized noise and a hustling reporter who might have been the first to suggest the term "sonic attack" in relation to Havana syndrome. Robert Baloh and Robert Bartholomew wrote a fantastic book called (<https://www.springer.com/us/book/9783030407452>) *Havana syndrome: Mass psychogenic illness and the real story behind the embassy mystery and hysteria* (<https://www.springer.com/us/book/9783030407452>), in which they contextualize the syndrome in a history of acoustical scares, PTSD, and unwarranted accusations of state terrorism.

Take-home message:

- Havana syndrome is the informal name given to a varied group of nonspecific symptoms experienced first by American diplomats in Havana, Cuba starting in 2016, and later reported in other countries
- A number of possible explanations have been proposed over the years, from poisoning to exposure to insecticides to an attack using a sonic or microwave weapon
- The most likely explanation seems to be that Havana syndrome is a mass psychogenic illness, whereby naturally occurring symptoms like dizziness and headaches are interpreted as possible attacks due to a high-stress environment

@CrackedScience (<https://twitter.com/crackedscience>).

Keywords:

MARKUP SUMMARY

10/21/2021 House Foreign Affairs Committee Markup Summary

The Chair called up the following measures and amendments, previously circulated to Members and considered *en bloc*:

- (1) H.Res. 569, Expressing continued solidarity with the Lebanese people after the devastating explosions at the Port of Beirut on August 4, 2020, and the continued efforts to form a secure, independent, and democratic Lebanon (LaHood)
- (2) H.Res. 445, Condemning all violence and human rights abuses in Ethiopia, and calling on the Government of Ethiopia and the Government of the State of Eritrea to remove all Eritrean troops from Ethiopia, and for all belligerents in the conflict, including the Ethiopian National Defense Forces, the Tigray People's Liberation Front, and Amhara regional forces, and other armed groups to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations (Bass)
 - Bass Amendment in the nature of a substitute #57
- (3) H.Res. 720, Calling for stability and the cessation of violence and condemning ISIS-affiliated terrorist activity in northern Mozambique, including the Cabo Delgado Province, and for other purposes (Jacobs)
- (4) H.R. 5497, BURMA Act of 2021 (Meeks)
 - Meeks Amendment in the nature of a substitute #45
 - Perry Amendment #369 to the Amendment in the nature of a substitute

The measures considered *en bloc* were agreed to by voice vote, ordered favorably reported, as amended, if amended, to the House.

The Chair called up the following measure separately:

- (5) H.R. 4914, Havana Syndrome Attacks Response Act (McCaul) (adopted, voice vote)
 - McCaul Amendment in the nature of a substitute #42 (adopted, voice vote)
 - Perry Amendment #366 to the Amendment in the nature of a substitute (not adopted, voice vote)
 - Perry Amendment #367 to the Amendment in the nature of a substitute (not adopted, voice vote)

The measure considered separately was ordered favorably reported, as amended, to the House.

The Committee adjourned.

All measures can be found [here](#).