

113TH CONGRESS
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S. 1885

To place conditions on assistance to the Government of Burma.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2013

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. CARDIN, and Mr. CORKER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To place conditions on assistance to the Government of
Burma.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Burma Human Rights
5 and Democracy Act of 2013”.

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

7 (a) LIMITATION.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), no funds authorized to be appropriated or
10 otherwise made available for fiscal year 2014 for the

1 Department of Defense may be made available for
2 assistance to the Government of Burma unless the
3 Secretary of State certifies to the appropriate con-
4 gressional committees that—

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

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

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

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

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

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

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

16 (E) the Burmese military is—

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

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

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

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

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

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

11 (2) EXCEPTION.—The restriction in paragraph
12 (1) does not apply to consultation and basic training
13 on human rights and disaster response for the Bur-
14 mese military, including training for the Burmese
15 military and civilian leadership on international law,
16 civilian control of the military, and justice and ac-
17 countability mechanisms both through the chain of
18 command and civilian authority, except that such
19 consultation and training shall occur in conjunction
20 with engagement with ethnic armed groups and con-
21 ducted in a manner that will not enhance the Bur-
22 mese military’s capabilities against ethnic minorities.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this Act, and an-

1 nually thereafter, the Secretary of Defense, in con-
2 currence with the Secretary of State, shall submit to
3 the appropriate congressional committees a report
4 on the strategy for, and plans and status of, mili-
5 tary-to-military engagement between the United
6 States Armed Forces and the Burmese military.

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

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

16 (B) The United States strategy for the
17 military-to-military relationship between the
18 United States and Burma, including a descrip-
19 tion of how and why such engagements are nec-
20 essary for United States national security.

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

24 (i) an account of violations of human
25 rights and laws of armed conflict by the

1 Burmese military and all paramilitary and
2 security forces under its command, includ-
3 ing against ethnic minority groups;

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

7 (iii) a description of the relationship
8 between progress in the United States-
9 Burma military-to-military relationship
10 and such reforms.

11 (D) An assessment of—

12 (i) any substantial and meaningful
13 steps taken by the Burmese military to im-
14 plement reforms to increase transparency
15 and accountability of the military’s budget
16 and operations and to divest itself from
17 ownership of commercial business; and

18 (ii) the relationship between progress
19 in the United States-Burma military-to-
20 military relationship and such reforms.

21 (E) A list of ongoing military-to-military
22 activities conducted by the United States Gov-
23 ernment and other international donors, includ-
24 ing a description of each such activity.

1 (F) An update on activities that were listed
2 in previous reporting.

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

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

15 (I) A description of the concrete steps the
16 Government of Burma has taken—

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

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

1 (iii) to actively address the resettlement and humanitarian situation of displaced persons.

2 (J) An assessment of the status of the Burmese military's cooperation with civilian authorities to investigate and resolve cases of human rights violations.

3 (3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as necessary.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the congressional defense committees and the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

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