

116TH CONGRESS  
1ST SESSION

# H. R. 4392

To direct the President to withdraw the application of the duty-free treatment with respect to Burma under the Generalized System of Preferences program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2019

Mr. SHERMAN (for himself and Mrs. WAGNER) introduced the following bill;  
which was referred to the Committee on Ways and Means

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## A BILL

To direct the President to withdraw the application of the duty-free treatment with respect to Burma under the Generalized System of Preferences program, 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 “Allowing for the Safe  
5 Return of Rohingyas to Burma Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Since August 2017, the Burmese military,  
2           the Tatmadaw, has engaged in a brutal crackdown  
3           on the Rohingya population in the northern Rakhine  
4           state of Burma (formerly Myanmar).

5           (2) Before the 2017 crisis, an estimated  
6           1,000,000 Rohingya people lived in the Rakhine  
7           state.

8           (3) As a result of the brutal crackdown of  
9           2017, 740,000 Rohingyas have fled to Bangladesh  
10          and another 127,000 Rohingya fled to camps for in-  
11          ternally displaced persons (IDPs) in the central  
12          Rakhine state.

13          (4) Bangladesh was already enduring a humani-  
14          tarian crisis as a result of approximately 287,000  
15          Rohingya refugees fleeing Burma during earlier  
16          crackdowns by the Burmese military in 2012 and  
17          2016.

18          (5) In March 2019, the United Nations Office  
19          for the Coordination of Humanitarian Affairs esti-  
20          mated there were 909,000 registered Rohingya in  
21          Bangladeshi refugee camps.

22          (6) On March 5, 2019, the United States Agen-  
23          cy for International Development reported that the  
24          United States has contributed more than  
25          \$494,000,000 to Bangladesh since August 2017 in

1 order to help Bangladesh cope with the influx of  
2 Rohingya refugees.

3 (7) The U.S. Secretary of State has called the  
4 Burmese security forces attacks on the Rohingya an  
5 “ethnic cleansing” but has yet to recognize them as  
6 a crime against humanity or genocide.

7 (8) On December 13, 2018, the United States  
8 House of Representatives passed House Resolution  
9 1091, which expressed the sense of the House that  
10 “the atrocities committed against the Rohingya by  
11 the Burmese military and security forces since Au-  
12 gust 2017 constitute crimes against humanity and  
13 genocide” and called upon the Secretary of State to  
14 review the available evidence and make a similar de-  
15 termination.

16 (9) The United Nations Human Rights Coun-  
17 cil’s Independent International Fact-Finding Mission  
18 on Myanmar (the Mission) concluded in August  
19 2018 and August 2019 reports that “there is suffi-  
20 cient information to warrant the investigation and  
21 prosecution” of Tatmadaw officials to determine  
22 their “liability for genocide” and also found that a  
23 “pervasive culture of impunity at the domestic  
24 level,” which led the Mission to conclude that “the

1       impetus for accountability must come from the inter-  
2       national community”.

3           (10) The ability of Rohingyas to leave Ban-  
4       gladesh to return home is impeded by many factors,  
5       not least of which: the lack of Burmese citizenship  
6       for the Rohingya minority, that the homes of the  
7       Rohingya were largely destroyed in the 2017 vio-  
8       lence, and that Rohingya still fear the ongoing vio-  
9       lence due to the civil war and military officers who  
10      act with impunity against the local civilian popu-  
11      lation.

12          (11) In 2016, after a 27-year suspension pe-  
13      riod, the Generalized System of Preferences (GSP)  
14      program for Burma was re-instated, and Burma was  
15      designated as a least-developed beneficiary devel-  
16      oping country under the program.

17          (12) Just one year after having the GSP pro-  
18      gram reinstated, Burma’s GSP-eligible exports to  
19      the United States were valued at \$93,900,000, the  
20      second highest value for least-developed beneficiary  
21      developing countries after Cambodia.

1 **SEC. 3. WITHDRAWAL OF DESIGNATION OF BURMA UNDER**  
2 **THE GENERALIZED SYSTEM OF PREF-**  
3 **ERENCES PROGRAM.**

4 (a) IN GENERAL.—Not later than 90 days after the  
5 date of the enactment of this Act, the President shall with-  
6 draw the application of the duty-free treatment under title  
7 V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) with  
8 respect to Burma.

9 (b) CERTIFICATION.—The President may reinstate  
10 the application of duty-free treatment under title V of the  
11 Trade Act of 1974 (19 U.S.C. 2461 et seq.) with respect  
12 to Burma after the date on which the authority of sub-  
13 section (a) is exercised only if the President submits to  
14 the appropriate congressional committees a certification  
15 that contains a determination of the President that the  
16 Government of Burma—

17 (1) allows for the safe, voluntary, and dignified  
18 return of Rohingya refugees;

19 (2) has taken the necessary steps to provide  
20 Burmese citizenship to such Rohingya refugees; and

21 (3) has addressed the root causes of the crisis  
22 in Rakhine State.

23 **SEC. 4. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
24 **FINED.**

25 In this Act, the term “appropriate congressional com-  
26 mittees” means—

1           (1) the congressional defense committees (as  
2       such term is defined in section 101 of title 10,  
3       United States Code);

4           (2) the Committee on Foreign Affairs, the Per-  
5       manent Select Committee on Intelligence, and the  
6       Committee on Ways and Means of the House of  
7       Representatives; and

8           (3) the Committee on Foreign Relations, the  
9       Select Committee on Intelligence, and the Com-  
10      mittee on Finance of the Senate.

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