

116TH CONGRESS
2D SESSION

H. R. 8744

To require a determination as to whether crimes committed against the Rohingya in Burma amount to genocide.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2020

Mr. LEVIN of Michigan (for himself, Mr. CHABOT, Mr. ENGEL, and Mr. TRONE) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require a determination as to whether crimes committed against the Rohingya in Burma amount to genocide.

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 “Rohingya Genocide
5 Determination Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since August 25, 2017, 740,000 Rohingya
9 have fled northern Rakhine State to neighboring
10 Bangladesh to escape a systematic campaign of

1 atrocities by Burma’s military and security forces,
2 and three years later, conditions are still not condu-
3 cive to the safe, voluntary, and dignified return of
4 the Rohingya to Burma.

5 (2) On November 23, 2017, the United States
6 Holocaust Museum and Fortify Rights released a re-
7 port entitled “They Tried to Kill Us All”, docu-
8 menting widespread and systematic atrocities com-
9 mitted against Rohingya civilians at the hands of
10 Burmese “security forces, civilian perpetrators, and
11 militants” and highlighting “growing evidence of
12 genocide.”

13 (3) According to the Department of State’s Au-
14 gust 24, 2018, report entitled “Documentation of
15 Atrocities in Northern Rakhine State,” violence com-
16 mitted by the Burmese military against the
17 Rohingya, including from August to October 2017,
18 was not only “extreme, large-scale, widespread, and
19 seemingly geared toward both terrorizing the popu-
20 lation and driving out the Rohingya residents,” but
21 also “well-planned and coordinated”.

22 (4) On August 28, 2018, the United States
23 Ambassador to the United Nations told the United
24 Nations Security Council that the Department of
25 State report’s findings were “consistent with” those

1 in an August 27, 2018, report by the Independent
2 International Fact-Finding Mission on Myanmar
3 (IIFMM) which urged that top Burmese military
4 officials be investigated and prosecuted for genocide.

5 (5) On September 12, 2018, the IIFMM re-
6 ported, “The crimes in Rakhine State, and the man-
7 ner in which they were perpetrated, are similar in
8 nature, gravity and scope to those that have allowed
9 genocidal intent to be established in other con-
10 texts.”.

11 (6) The Public International Law & Policy
12 Group (PILPG), whose investigation informed the
13 Department of State’s August 2018 report, pub-
14 lished in December 2018 its Factual Findings &
15 Legal Analysis Report, which concluded that “there
16 are reasonable grounds to believe that genocide was
17 committed against the Rohingya in Myanmar’s
18 northern Rakhine State”.

19 (7) According to the PILPG report, “The scale
20 and severity of the attacks and abuses—particularly
21 the mass killings and accompanying brutality
22 against children, women, pregnant women, the elder-
23 ly, religious leaders, and persons fleeing into Ban-
24 gladesh—suggest that, in the minds of the perpetra-

1 tors, the goal was not just to expel, but also to ex-
2 terminate the Rohingya.”.

3 (8) On December 13, 2018, the House of Rep-
4 representatives agreed to H. Res. 1091, which states
5 that “it is the sense of the House of Representatives
6 that . . . the atrocities committed against the
7 Rohingya by the Burmese military and security
8 forces since August 2017 constitute crimes against
9 humanity and genocide”.

10 (9) On September 16, 2019, the IIFFMM re-
11 ported that it “has reasonable grounds to conclude
12 that the evidence that infers genocidal intent on the
13 part of the State, identified in its last report, has
14 strengthened that there is a serious risk that geno-
15 cidal actions may occur or recur”.

16 (10) The IIFFMM also recognized in its Sep-
17 tember 16, 2019, report that Burma’s military and
18 security forces have committed abuses against mi-
19 nority groups other than the Rohingya: “All the eth-
20 nic minority communities that the Mission inves-
21 tigated,” including ethnic groups in Rakhine, Chin,
22 Kayin, Kachin, and Shan States, “have been de-
23 prived of justice for the serious human rights viola-
24 tions perpetrated against them.”.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that the atrocities com-
3 mitted against the Rohingya by the Burmese military and
4 security forces constitute genocide.

5 **SEC. 4. EVALUATION OF ATTACKS AGAINST ROHINGYA IN**
6 **BURMA.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of State,
9 after consultation with the heads of other United States
10 Government agencies represented on the Atrocity Early
11 Warning Task Force and representatives of human rights
12 organizations, as appropriate, shall submit to the appro-
13 priate congressional committees an evaluation of the per-
14 secution of, including attacks against, the Rohingya in
15 Burma by Burmese military and security forces, including
16 whether the situation constitutes genocide (as defined in
17 section 1091 of title 18, United States Code), and a de-
18 tailed description of any proposed atrocities prevention re-
19 sponse recommended by the Atrocity Early Warning Task
20 Force.

21 (b) FORM.—The evaluation required under sub-
22 section (a) shall be submitted in unclassified form and
23 posted to the Department of State website, but may in-
24 clude a classified annex as necessary.

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

4 (1) the Committee on Foreign Relations, the
5 Committee on Armed Services, and the Committee
6 on Appropriations of the Senate; and

7 (2) and the Committee on Foreign Affairs, the
8 Committee on Armed Services, and the Committee
9 on Appropriations of the House of Representatives.

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