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H. R. 8936

To provide protection, support, and humanitarian assistance to Rohingya refugees and internally displaced people as well as promote accountability and a path out of genocide and crimes against humanity for Rohingya.

IN THE HOUSE OF REPRESENTATIVES

JULY 5, 2024

Mr. MEEKS introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide protection, support, and humanitarian assistance to Rohingya refugees and internally displaced people as well as promote accountability and a path out of genocide and crimes against humanity for Rohingya.

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 Accountability and Protection Act” or “Rohingya GAP
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) In its report dated September 17, 2018, the
2 United Nations Independent International Fact-
3 Finding Mission on Myanmar (FFM) found that im-
4 punity was a “root cause of continued human rights
5 violations in Myanmar” that “has significantly and
6 demonstrably contributed to the validation of deeply
7 oppressive and discriminatory conduct, enabled re-
8 currence of human rights violations and atrocity
9 crimes, and emboldened perpetrators and silenced
10 victims,” and concluded that “ensuring account-
11 ability for crimes” was “the key to disrupting pat-
12 terns of oppression and cycles of violence” as well as
13 a legal obligation for Burma.

14 (2) On December 13, 2018, the U.S. House of
15 Representatives passed H. Res. 1091, by an over-
16 whelming majority of 394 to 1, expressing the sense
17 of the House of Representatives that atrocities com-
18 mitted against Rohingya by members of the Burma
19 military and security forces since August 2017 con-
20 stitute crimes against humanity and genocide.

21 (3) On September 16, 2019, the FFM reported
22 that it “has reasonable grounds to conclude that the
23 evidence that infers genocidal intent on the part of
24 the State, identified in its last report, has strength-

1 ened that there is a serious risk that genocidal ac-
2 tions may occur or recur”.

3 (4) On February 1, 2021, the Burma military
4 conducted a coup d’état, derailing Burma’s transi-
5 tion to democracy and disregarding the will of the
6 people of Burma.

7 (5) Since the February 2021 military coup, the
8 Burma military and certain local armed groups have
9 continued to commit crimes and abuses against
10 Rohingya. In Rakhine State, over 600,000
11 Rohingya, including at least 130,000 confined in in-
12 ternally displaced persons (IDP) camps face height-
13 ened risks. The military continues to target
14 Rohingya with laws and policies that criminalize the
15 exercise of human rights, as well as with arbitrary
16 arrest and detention, torture, sexual violence, and
17 murder.

18 (6) On March 21, 2022, Secretary of State
19 Antony Blinken announced the Secretary had deter-
20 mined that “members of the Burmese military com-
21 mitted genocide and crimes against humanity
22 against Rohingya”.

23 (7) The United States is the leading contributor
24 of humanitarian assistance in response to the
25 Rohingya crisis. Since 2017, the United States Gov-

1 ernment has provided nearly \$2.4 billion in response
2 to the Rohingya crisis, including \$1.9 billion to as-
3 sist Rohingya refugees and host communities in
4 Bangladesh. The United Kingdom and Japan, the
5 other leading contributors of humanitarian assist-
6 ance to the Rohingya crisis, have provided nearly
7 \$479 million and \$220 million respectively to sup-
8 port Rohingya refugees in Bangladesh.

9 (8) The United Nations High Commissioner for
10 Human Rights said in a June 2023 report that the
11 Burma military’s restrictions on aid access by local
12 and international organizations seeking to respond
13 to Cyclone Mocha in Rakhine State in May 2023
14 may amount to gross violations of international
15 human rights law, and serious violations of inter-
16 national humanitarian law.

17 (9) According to the World Food Program,
18 since it was forced to cut food rations in March and
19 May 2023, food insecurity has increased for
20 Rohingya refugees in Bangladesh, “with a stag-
21 gering 90 per cent of the population lacking access
22 to an adequate diet and over 15 percent of young
23 children suffering from malnutrition”. The World
24 Food Program estimates that it needs another \$38

1 million in funding to fully restore a ration to meet
2 the basic minimum nutritional needs of refugees.

3 (10) Funding cuts and rising commodity prices
4 have exacerbated protection concerns for Rohingya
5 refugees in Bangladesh, especially with respect to
6 gender-based violence and child protection, wors-
7 ening health outcomes and fueling unsafe and irreg-
8 ular migration throughout the surrounding region.

9 (11) Combined with rising food insecurity,
10 Rohingya are increasingly unsafe in Bangladesh as
11 a result of growing competition between armed and
12 criminal groups in the refugee camps. These factors
13 have driven thousands of Rohingya to flee to mari-
14 time Southeast Asia by boat only to face obstacles
15 from regional navies and growing resentment from
16 local populations.

17 (12) The long, systemic denial of the exercise of
18 certain rights, including education, freedoms of ex-
19 pression, movement, and rights related to nationality
20 have had enduring effects on many Rohingya per-
21 sons' mental and physical well-being and perpetuate
22 the risk of future genocidal violence until these root
23 causes are addressed.

24 **SEC. 3. STATEMENT OF POLICY.**

25 It is the policy of the United States—

1 (1) to uphold Article I of the Convention on the
2 Prevention and Punishment of the Crime of Geno-
3 cide, to which the United States is a party, to pre-
4 vent the crime of genocide and punish its perpetra-
5 tors;

6 (2) to prevent and end atrocities committed
7 against Rohingya by addressing the root causes of
8 the genocide committed against them, holding the
9 perpetrators of these crimes accountable, supporting
10 solutions to respect the human rights and uphold the
11 dignity of Rohingya, and to ensure Rohingya in-
12 volvement and representation in decision making and
13 implementation processes to address these needs;

14 (3) to support the empowerment of Rohingya
15 civilian leadership in diaspora communities, refugee
16 camps in Bangladesh, and inside Burma through
17 consultation and collaboration with Rohingya com-
18 munity representatives;

19 (4) to provide holistic support to the Rohingya
20 community to overcome decades of systematic perse-
21 cution and discrimination and to best support the
22 desires of all communities in Burma to achieve last-
23 ing peace and an inclusive, Federal democracy in-
24 cluding through credible transitional justice proc-
25 esses;

1 (5) to collaborate with other countries to pursue
2 and implement coordinated, comprehensive, and sus-
3 tained measures for upholding the dignity and pro-
4 tecting the human rights of Rohingya; and

5 (6) to engage in a coordinated manner with the
6 United Nations High Commissioner for Refugees
7 other relevant United Nations agencies, govern-
8 ments, and intergovernmental entities to establish
9 protocols and respond to protection concerns and to
10 prevent and protect Rohingya from further atroc-
11 ities.

12 **SEC. 4. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) the United States has a moral and legal re-
15 sponsibility to prevent and punish genocide, includ-
16 ing against Rohingya;

17 (2) the Secretary of State’s determination of
18 genocide and crimes against humanity against
19 Rohingya by members of the Burma military in
20 March 2022 was historic and should serve as a clar-
21 ion call to support Rohingya to overcome decades of
22 systemic persecution, marginalization, and violence;

23 (3) the Rohingya crisis and the broader Burma
24 crisis must be addressed simultaneously, not in se-
25 quence; and

1 (4) the United States should encourage other
2 countries to contribute additional assistance and fol-
3 low United States leadership in protecting Rohingya
4 through humanitarian assistance, political and eco-
5 nomic empowerment, accountability for genocide,
6 crimes against humanity, and any other inter-
7 national crimes committed by the Burma military
8 and other armed groups in Burma, and supporting
9 the voluntary resettlement or eventual safe repatri-
10 ation of Rohingya refugees to Burma when condi-
11 tions allow.

12 **SEC. 5. UNITED STATES SPECIAL COORDINATOR FOR**
13 **ROHINGYA ATROCITIES PREVENTION AND**
14 **RESPONSE.**

15 (a) **IN GENERAL.**—The President is authorized to
16 designate an official of the Department of State at the
17 Under Secretary level to serve as the United States Spe-
18 cial Coordinator for Rohingya Atrocities Prevention and
19 Response for a two-year period that may be renewed by
20 the President. The official so appointed may continue to
21 serve in the official’s capacity at the Under Secretary level.

22 (b) **DUTIES.**—The Special Coordinator shall assist
23 in—

24 (1) coordinating the policies of the United
25 States regarding Rohingya with relevant bureaus

1 and offices within the Department of State and
2 other relevant United States Government agencies;
3 and

4 (2) diplomatically engaging with foreign govern-
5 ments and international organizations to advance
6 international coordination and cooperation to sup-
7 port Rohingya.

8 **SEC. 6. SUPPORT FOR PROTECTION EFFORTS AND DURA-**
9 **BLE SOLUTIONS WITH RESPECT TO**
10 **ROHINGYA.**

11 (a) IN GENERAL.—The Secretary of State and the
12 Administrator of the United States Agency for Inter-
13 national Development should, in consultation with the
14 Special Coordinator (if so designated), support efforts to
15 protect Rohingya and prevent further atrocities against
16 Rohingya.

17 (b) PROTECTION EFFORTS.—In carrying out sub-
18 section (a), the Secretary and Administrator should seek
19 to engage in crisis response efforts and efforts to maximize
20 the safety, security, and well-being of Rohingya in Burma
21 and throughout South Asia and Southeast Asia, by—

22 (1) supporting Rohingya refugees' access to
23 international protection as well as international asy-
24 lum and refugee mechanisms, and preventing indefi-
25 nite detention and non-refoulement;

1 (2) ensuring Rohingya facing ongoing abuse, in-
2 cluding human trafficking and gender-based vio-
3 lence, have access to a range of legal support serv-
4 ices, including protection case management and legal
5 and health support;

6 (3) supporting a monitoring mechanism, rapid
7 response team, legal assistance, and communication
8 mechanisms to overcome military-imposed internet
9 and telecommunication restrictions for Rohingya liv-
10 ing in Burma;

11 (4) working with governments in the region to
12 strengthen regional mechanisms and overall coordi-
13 nation on lifesaving search and rescue, safe disem-
14 barkation, effective receiving and comprehensive as-
15 sistance for Rohingya refugees;

16 (5) supporting host communities to facilitate a
17 safer, more supportive, and welcoming environment
18 for Rohingya refugees through the provision of tech-
19 nical assistance and cooperation with local organiza-
20 tions and governments;

21 (6) engaging the Government of Bangladesh to
22 establish the necessary mechanisms for Rohingya
23 refugees to file protection claims, and seek account-
24 ability by—

1 (A) improving Rohingya refugees' ability to
2 access justice within Bangladesh through legal
3 aid, simplifying the process for filing cases, fa-
4 cilitating the access of lawyers involved in inter-
5 national legal proceedings involving Rohingya,
6 and enabling Rohingya to travel abroad to par-
7 ticipate in legal proceedings in other courts;

8 (B) supporting enhanced coordination
9 among Bangladesh security forces on investiga-
10 tions and accountability;

11 (C) supporting training for Bangladesh's
12 Armed Police Battalion (APBn) and any other
13 units providing security for Rohingya refugee
14 camps on humanitarian protection principles
15 and community safety; and

16 (D) encouraging the Government of Ban-
17 gladesh and other host governments to allow
18 safe houses for Rohingya human rights defend-
19 ers, as well as defectors, insider witnesses to
20 atrocities against Rohingya and other refugees
21 facing imminent threats;

22 (c) PROMOTING DURABLE SOLUTIONS.—In carrying
23 out subsection (a), the Secretary and Administrator
24 should seek to promote durable solutions with respect to
25 Rohingya by—

1 (1) supporting the inclusion of Rohingya across
2 various sectors in Burma and facilitating training
3 and capacity building on atrocity prevention for the
4 National Unity Government (NUG), the National
5 Unity Consultative Council (NUCC), the Committee
6 Representing Pyidaungsu Hluttaw (CRPH), ethnic
7 armed organizations, and other political stake-
8 holders;

9 (2) in consultation with Rohingya community
10 representatives, including women and civil society
11 leaders, collaborating with and supporting key non-
12 military stakeholders to take preparatory steps for—

13 (A) ensuring the safe and voluntary return
14 of Rohingya, which should include those individ-
15 uals displaced in the 1990s or born as inter-
16 nally displaced persons or refugees to their
17 places of origin in Burma;

18 (B) restoring and protecting Rohingyas’
19 rights and providing them full and equal citi-
20 zenship;

21 (C) recognizing Rohingya as an official
22 ethnic group in Burma, and securing equal so-
23 cial and political power-sharing under a Federal
24 democratic constitution;

1 (D) promoting convenings and engagement
2 among Rohingya, non-state actors, civil society
3 groups, and other key stakeholders in Rakhine
4 State to promote trust-building and reconcili-
5 ation;

6 (E) including Rohingya across administra-
7 tion and governance mechanisms of Burma, in-
8 cluding Rakhine State; and

9 (F) developing a comprehensive transi-
10 tional justice strategy;

11 (3) working with United States allies and part-
12 ners to broaden resettlement programs and sup-
13 porting the voluntary resettlement of the most vul-
14 nerable individuals within Rohingya populations, as
15 well as defectors, deserters, and insider witnesses
16 participating in justice processes; and

17 (4) supporting repatriation of Rohingya refu-
18 gees only when conditions are conducive for a safe,
19 voluntary, and sustainable return with full rights re-
20 stored.

21 **SEC. 7. HUMANITARIAN ASSISTANCE AND SUPPORT FOR**
22 **ROHINGYA REFUGEES AND INTERNALLY DIS-**
23 **PLACED PERSONS.**

24 (a) IN GENERAL.—The Secretary of State and the
25 Administrator of the United States Agency for Inter-

1 national Development, in consultation with the Special Co-
2 ordinator (if so designated) and other relevant United
3 States Government agencies, should continue to provide
4 assistance to Rohingya refugees, internally displaced per-
5 sons, and host communities receiving such refugees and
6 persons.

7 (b) ACTIVITIES SUPPORTED.—Assistance provided
8 under subsection (a) shall include the following:

9 (1) Protection programming, including interven-
10 tions focused on Rohingya civil society leaders,
11 human rights defenders, and others threatened by
12 armed groups.

13 (2) Support—

14 (A) to Rohingya civil society and commu-
15 nity-based organizations so they can represent
16 themselves.

17 (B) and diplomatic engagement to encour-
18 age the Government of Bangladesh to allow the
19 operation of Rohingya-led civil society and com-
20 munity-based organizations in the refugee
21 camps in Bangladesh.

22 (3) Programs to prevent and respond to gender-
23 based violence, trafficking, forced marriage, as well
24 as specialized training programs for vulnerable
25 groups.

1 (4) Support for education, including higher edu-
2 cation, for Rohingya refugees in Bangladesh.

3 (5) Support for displaced Rohingya to access
4 livelihoods through vocational training and volunteer
5 programs organized by international organizations
6 and nongovernmental organizations.

7 (6) Support for meeting basic needs, including
8 food, nutrition, healthcare, protection, shelter, water,
9 sanitation, and hygiene support;

10 (7) Support to Rohingya in Burma, refugee
11 camps in Bangladesh, and the diaspora to preserve
12 Rohingya culture, history, and memory.

13 **SEC. 8. PROMOTING ACCOUNTABILITY FOR GENOCIDE AND**
14 **CRIMES AGAINST HUMANITY COMMITTED**
15 **AGAINST ROHINGYA IN BURMA.**

16 (a) IN GENERAL.—The Secretary of State and the
17 Administrator of the United States Agency for Inter-
18 national Development, in consultation with the Special Co-
19 ordinator (if so designated) and other relevant United
20 States Government agencies, should take the actions de-
21 scribed in subsection (b) to promote accountability for
22 genocide and crimes against humanity committed against
23 Rohingya in Burma.

24 (b) ACTIONS DESCRIBED.—The actions described in
25 this subsection are the following:

1 (1) Support comprehensive justice and account-
2 ability for genocide and crimes against humanity
3 committed against Rohingya, including through con-
4 sultation with and participation by the Rohingya
5 community.

6 (2) Support for the efforts of entities, including
7 the Independent Investigative Mechanism for
8 Myanmar, in their work to safely collect and pre-
9 serve evidence of genocide and crimes against hu-
10 manity committed against Rohingya, including
11 through open-source research and by cultivating in-
12 sider, defector, deserter, and survivor witnesses, and
13 to develop the chain of evidence, for potential use in
14 prosecutions in domestic, hybrid, and international
15 courts.

16 (3) Provide assistance, particularly financial
17 and technical assistance, to efforts led by Rohingya
18 to monitor and document evidence to lead, assist, or
19 inform other investigative mechanisms and justice
20 processes.

21 (4) Encourage development of an intergovern-
22 mental fund to support reparative justice for
23 Rohingya victims and survivors and identifying
24 sources of funding among other States and within

1 the United States Government that have already
2 been appropriated.

3 (5) Support and monitor an effective remedy
4 and reparations process for Rohingya, especially by
5 engaging with Burma's civilian leadership and any
6 subsequent democratic leadership in Burma to offi-
7 cially acknowledge genocide and crimes against hu-
8 manity committed by members of the Burma mili-
9 tary, restore Rohingya's citizenship and equal rights
10 in Burma, and ensure compensation by the Govern-
11 ment of Burma and restitution for their land and
12 property, and by providing support, including tech-
13 nical and financial assistance, for efforts to memori-
14 alize genocide and crimes against humanity in
15 Burma, particularly those efforts led by the affected
16 communities.

17 (6) Provide support for institutional reform and
18 other guarantees of non-recurrence by civilian lead-
19 ership in Burma, including the security sector, legis-
20 lature, and education system, and the inclusion and
21 equal participation of Rohingya in all areas of ad-
22 ministration and governance, under an eventual
23 Federal democratic system.

24 (7) Use convening authority to directly bring
25 together various ethnic groups and other related

1 stakeholders in Burma to promote truth, justice,
2 non-recurrence, and reconciliation, to support facili-
3 tation of related efforts by civilian leadership in
4 Burma, and to provide both technical and financial
5 support to entities, especially the civil society of
6 Burma, to implement work aimed at strengthening
7 rule of law and initiatives aimed at atrocity and
8 genocide prevention.

9 **SEC. 9. REPORT.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, and annually thereafter
12 for 5 years, the Secretary of State and the Administrator
13 of the United States Agency for International Develop-
14 ment shall submit to the appropriate congressional com-
15 mittees a report that includes—

16 (1) a description of and an assessment of the
17 effectiveness of the efforts of the United States Gov-
18 ernment, during the year prior to the submission of
19 such report, to—

20 (A) identify and respond to atrocity risk
21 factors that concern Rohingya;

22 (B) deter future atrocities against
23 Rohingya;

24 (C) respond to the need for humanitarian
25 assistance for and protection of Rohingya;

1 (D) document the nature of and responsi-
2 bility for atrocity crimes committed against
3 Rohingya; and

4 (E) promote justice and accountability for
5 atrocity crimes committed against Rohingya;

6 (2) a detailed description of the actions taken
7 pursuant to sections 6, 7, and 8;

8 (3) an assessment of the effect of the actions
9 described in paragraph (2) on the advancement of
10 the policies described in section 3;

11 (4) a list of activities and programs initiated
12 pursuant to this Act;

13 (5) the number of Rohingya refugees resettled
14 in the United States in the year preceding the sub-
15 mission of such report, segmented by the country
16 from which such refugees were resettled;

17 (6) the number of Rohingya refugees resettled
18 in countries other than the United States in the year
19 preceding the submission of such report;

20 (7) a description of any new challenges facing
21 Rohingya in Burma or in refugee camps in the year
22 preceding the submission of such report, including
23 an assessment of early warning indicators and risk
24 factors for atrocities; and

1 (8) a list of recommendations to facilitate the
2 implementation of this Act and advance the policies
3 described in section 3, which may include rec-
4 ommended—

5 (A) legislative action;

6 (B) administrative action; and

7 (C) provision of additional resources.

8 (b) REPORT FORM.—

9 (1) CLASSIFICATION.—The report required
10 under subsection (a) shall be submitted in unclassi-
11 fied form and may contain a classified annex.

12 (2) PUBLIC AVAILABILITY OF INFORMATION.—

13 Not later than 45 days after the date on which the
14 appropriate congressional committees received such
15 report, the unclassified portion of such report shall
16 be made publicly available on the website of the De-
17 partment of State.

18 **SEC. 10. SCHOLARSHIPS.**

19 (a) IN GENERAL.—Subject to the availability of ap-
20 propriations, for each of fiscal years 2025 through 2030,
21 the Secretary of State should distribute to Rohingya who
22 do not live in Burma not fewer than 50 scholarships to
23 attend an institution of higher education in the United
24 States.

1 (b) SCHOLARSHIP DEFINED.—In this section, the
2 term “scholarship” means financial assistance for—

3 (1) tuition and fees required to attend an edu-
4 cational institution, in full or in part;

5 (2) books, supplies, and equipment required for
6 a course at an educational institution;

7 (3) living expenses at an educational institution;
8 and

9 (4) travel expenses to, from, and within the
10 United States for the purpose of attending an insti-
11 tution of higher education.

12 **SEC. 11. AUTHORIZATION TO ENSURE SUFFICIENT RA-**
13 **TIONS.**

14 The Administrator of the United States Agency for
15 International Development and the Secretary of State are
16 authorized to ensure that Rohingya refugees in refugee
17 camps in Bangladesh receive a ration sufficient to meet
18 the humanitarian minimum standards for food and nutri-
19 tion needs.

20 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) GENERAL AUTHORIZATIONS.—For each of fiscal
22 years 2025 through 2030, there are authorized to be ap-
23 propriated, from amounts made available to carry out the
24 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq),

1 such sums as may be necessary to carry out sections 6,
2 7, and 8 of this Act.

3 (b) SPECIFIC AUTHORIZATIONS OF APPROPRIA-
4 TIONS.—For each of fiscal years 2025 through 2029,
5 there are authorized to be appropriated—

6 (1) \$10,000,000 for the Department of State to
7 support atrocity crime investigations, documentation,
8 and casework, transitional justice and accountability
9 mechanisms, witness protection measures, and tech-
10 nical support related to Rohingya; and

11 (2) \$8,000,000 for the Conflict Observatory of
12 the Department of State’s Bureau of Conflict and
13 Stabilization Operations to establish and support a
14 Burma-focused conflict observatory program that
15 captures, analyzes, and makes widely available evi-
16 dence of the ongoing atrocities in Burma through
17 the documentation, verification, and dissemination of
18 open-source evidence regarding the actions of the
19 Burma military.

20 **SEC. 13. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Foreign Affairs of
2 the House of Representatives; and

3 (B) the Committee on Foreign Relations of
4 the Senate.

5 (2) SPECIAL COORDINATOR.—The term “Spe-
6 cial Coordinator” means the United States Special
7 Coordinator for Rohingya Atrocities Prevention and
8 Response designated by the President pursuant to
9 section 5(a).

10 (3) GENOCIDE.—The term “genocide” means
11 any offense described in section 1091(a) of title 18,
12 United States Code.

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

○