



**One Hundred Sixteenth Congress**  
**U.S. House of Representatives**  
**Committee on Foreign Affairs**  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

July 29, 2019

The Honorable Mike Pompeo  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

The Honorable Steven Mnuchin  
Secretary  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

Dear Secretary Pompeo and Secretary Mnuchin:

We were heartened to see the State Department's decision on July 16 to publicly name Min Aung Hlaing and three senior Burmese military officials as responsible for the grave crimes and atrocities committed against the Rohingya community in Rakhine. However, the travel bans against these four individuals and their immediate families—as designated under Section 7031(c) of the FY19 Department of State, Foreign Operations, and Related Programs Act—must not be the extent of U.S. efforts to hold the Tatmadaw and Burmese civilian leadership accountable.

The JADE Act of 2008 already imposes visa bans on members of the Burmese military and their immediate families, the practical effect of the Department's recent designations is negligible. We have been told that the travel ban is being called “the holiday ban” in Burma, indicating the administration's reluctance to impose harsher, more impactful sanctions.

We urge the administration to impose financial sanctions on the individual perpetrators of these grave human rights violations and against the military-owned enterprises that fund these atrocities, as well as to formally designate the crimes perpetrated against the Rohingya community as crimes against humanity--if not genocide.

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We are deeply troubled by the Department's position—as stated in the July 16 special briefing—that “it's really only the military that can do anything about the atrocities committed by the military at this point.” We, too, would prefer circumstances in which the Burmese Government is able to hold the military accountable. This is why we continue to advocate for the restoration of sanctions against military owned enterprises. The ability of any military to fund its activities outside of civilian oversight is corrosive to democracy and exacerbates the lack of impunity with the Tatmadaw may act.

When asked about the lack of legal determination of the crimes perpetrated, a Department official said, “there's no legal obligation to make any of these determinations.” While this statement may be technically accurate, we believe that the Department has a moral obligation to make such a determination. The U.S. House of Representatives overwhelmingly passed H.Res. 1091 in December 2018 calling for these crimes to be called what we believe them to be: genocide. We sent a bipartisan letter on February 15, 2019, urging you to make a clear determination regarding the crimes detailed in the Department's August 2018 summary report, “Documentation of Atrocities in Northern Rakhine State.”

Our efforts to on this issue continue in the recent passage of the Burma United through Rigorous Military Accountability Act (H.R.3190) on July 12 as an amendment to the FY20 National Defense Authorization Act. We urge you to take additional steps, such as those outlined in this bipartisan bill, to further impose financial, trade, and visa restrictions on those responsible for these heinous crimes, to reform the gemstone sector and to prohibit expansion of U.S. military assistance to Burma until meaningful reforms occur.

Sincerely,



ELIOT L. ENGEL  
Chairman



MICHAEL T. McCAUL  
Ranking Member



BRAD SHERMAN  
Chairman  
Subcommittee on Asia, the Pacific,  
and Nonproliferation



TED S. YOHO, D.V.M.  
Ranking Member  
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*Steve Chabot*

STEVE CHABOT  
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