

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1092

To impose sanctions against Burma, and countries assisting Burma, unless Burma observes basic human rights and permits political freedoms.

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## IN THE SENATE OF THE UNITED STATES

JULY 28 (legislative day, JULY 10), 1995

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To impose sanctions against Burma, and countries assisting Burma, unless Burma observes basic human rights and permits political freedoms.

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 “Free Burma Act of  
5 1995”.

6       **SEC. 2. SANCTIONS AGAINST BURMA.**

7       Except as provided in section 4, the following sanc-  
8 tions shall apply to Burma, effective 90 days after the date  
9 of enactment of this Act (or on such other date as is speci-  
10 fied in this section):

1           (1) INVESTMENTS.—No United States national  
2 may make any investment in Burma.

3           (2) UNITED STATES ASSISTANCE.—United  
4 States assistance for Burma is prohibited.

5           (3) TRADE PRIVILEGES.—The President shall  
6 continue the suspension of special trade privileges  
7 pursuant to the Generalized System of Preferences  
8 (GSP), and shall continue the suspension of non-  
9 discriminatory trade treatment (most-favored-nation  
10 status), with respect to Burma.

11          (4) IMPORTATION OF GOODS.—No article which  
12 is produced, manufactured, grown, or extracted in  
13 Burma may be imported into the United States.

14          (5) TRADE AND INVESTMENT TREATIES.—The  
15 United States should continue to suspend carrying  
16 out obligations under bilateral trade and investment  
17 treaties with Burma.

18          (6) TRAVEL RESTRICTIONS.—The Secretary of  
19 State shall prohibit the use of United States pass-  
20 ports for travel to Burma except for travel by  
21 United States diplomatic personnel.

22          (7) DIPLOMATIC REPRESENTATION.—The  
23 President is urged not to accept diplomatic represen-  
24 tation from Burma at a level greater than the level

1 of diplomatic representation accorded the United  
2 States in Burma.

3 (8) FOREIGN ASSISTANCE.—The United States  
4 shall suspend assistance under the Foreign Assist-  
5 ance Act of 1961 and the Arms Export Control Act  
6 to any foreign government which sells or otherwise  
7 transfers arms to the Government of Burma.

8 (9) INTERNATIONAL ORGANIZATIONS CON-  
9 TRIBUTIONS.—The United States shall withhold  
10 from each international organization that funds ac-  
11 tivities in Burma other than humanitarian activities  
12 an amount equal to the United States proportionate  
13 share of that funding.

14 (10) MULTILATERAL ASSISTANCE.—The Sec-  
15 retary of the Treasury shall instruct the United  
16 States executive director of each financial institution  
17 to vote against any loan or other utilization of the  
18 funds of the respective bank to or for Burma.

19 (11) EMINENT PERSONS GROUP.—The Presi-  
20 dent, acting through the United States Permanent  
21 Representative to the United Nations, should urge  
22 the United Nations to establish an eminent persons  
23 group to report on compliance by the Government of  
24 Burma with United Nations resolutions.

1           (12) INTERNATIONAL ARMS EMBARGO.—The  
2           President, acting through the United States Perma-  
3           nent Representative to the United Nations, should  
4           urge the establishment by the United Nations of an  
5           international arms embargo of Burma.

6 **SEC. 3. AGREEMENTS TO IMPOSE SANCTIONS ON BURMA.**

7           (a) NEGOTIATIONS WITH TRADING PARTNERS.—

8           (1) IN GENERAL.—Not later than 15 days after  
9           the date of the enactment of this Act, the President  
10          shall initiate negotiations with all foreign countries  
11          with which the United States trades for the purpose  
12          of entering into agreements with the countries—

13                 (A) to support United States sanctions  
14                 against Burma, and

15                 (B) to cease trade with and investment in  
16          Burma.

17          (2) CERTIFICATION OF NEGOTIATIONS AND  
18          AGREEMENTS.—Not later than 90 days after the  
19          date of the enactment of this Act, the President  
20          shall certify to the Congress each country that—

21                 (A) has failed to enter into an agreement  
22                 described in paragraph (1), or

23                 (B) has entered into such an agreement  
24                 but is not enforcing it.

1           (3) ACTION BY THE PRESIDENT.—Notwith-  
2 standing any other provision of law, if a certification  
3 is made with respect to any country under para-  
4 graph (2) the President shall withdraw—

5           (A) any designation of such country—

6           (i) as a beneficiary developing country  
7 for purposes of title V of the Trade Act of  
8 1974 (19 U.S.C. 2461 et seq.),

9           (ii) as a beneficiary country for pur-  
10 poses of the Caribbean Basin Economic  
11 Recovery Act (19 U.S.C. 2701 et seq.), or

12           (iii) as a beneficiary country for pur-  
13 poses of the Andean Trade Preference Act  
14 (19 U.S.C. 3201 et seq.),

15           (B) from such countries the benefits of any  
16 other special tariff treatment program under  
17 which the special rates of duty apply under col-  
18 umn 1 of the Harmonized Tariff Schedule of  
19 the United States, and

20           (C) most-favored-nation trade treatment  
21 with respect to any such country.

22       (b) APPLICABILITY.—

23           (1) IN GENERAL.—The provisions of this sec-  
24 tion apply to goods entered, or withdrawn from  
25 warehouse for consumption, originating in or im-

1 ported from a country with respect to which an ac-  
2 tion described in subsection (a)(3) has been taken,  
3 during the period beginning on the date that is 15  
4 days after the date of the certification described in  
5 subsection (a)(2) and ending on the date that is 15  
6 days after the earlier of—

7 (A) the date the President certifies to the  
8 Congress that such country has entered into an  
9 agreement described in subsection (a)(1) and is  
10 enforcing the agreement, or

11 (B) the date a certification described in  
12 section 4 is made.

13 (2) RATE OF DUTY DURING PERIOD DESIGNA-  
14 TION IS WITHDRAWN.—During the period described  
15 in paragraph (1), goods entered, or withdrawn from  
16 warehouse for consumption, originating in or im-  
17 ported from a country described in subsection (a)(3)  
18 shall be subject to duty at the rates of duty specified  
19 for such goods under column 2 of the Harmonized  
20 Tariff Schedule of the United States.

21 **SEC. 4. CERTIFICATION.**

22 The sanctions of section 2 shall not apply upon the  
23 determination and certification by the President to the ap-  
24 propriate congressional committees that the following con-  
25 ditions are met:

1           (1) The Government of Burma has uncondition-  
2 ally released all political prisoners, including Aung  
3 San Suu Kyi.

4           (2) The Government of Burma has fully imple-  
5 mented the results of the 1990 elections in Burma,  
6 including the transfer of power to civilian authority,  
7 the protection of basic human rights, and guarantee-  
8 ing the right of Burmese citizens to participate free-  
9 ly in the political process, assuring freedom of  
10 speech and the right of association and assembly.

11           (3) The Government of Burma has imple-  
12 mented an effective counternarcotics effort.

13 **SEC. 5. SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF**  
14 **CHINA.**

15       The Secretary of the Treasury shall instruct the  
16 United States executive director of each multilateral finan-  
17 cial institution to vote against any loan or other utilization  
18 of the facilities of the respective institution to or for the  
19 People's Republic of China until the President determines  
20 and certifies to the appropriate congressional committees  
21 that the People's Republic of China has terminated arms  
22 sales and other arms transfers to Burma.

1 **SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF THAI-**  
2 **LAND.**

3 The President shall withhold all United States assist-  
4 ance to the Government of Thailand until the President  
5 determines and certifies to the appropriate congressional  
6 committees that the Government of Thailand is fully co-  
7 operating in providing support and relief for Burmese  
8 exiles and refugees.

9 **SEC. 7. REPORT.**

10 Not later than 45 days after the date of enactment  
11 of this Act, the President shall submit a report to the ap-  
12 propriate congressional committees on—

13 (1) the chemical and biological weapons capabil-  
14 ity of Burma;

15 (2) a plan to provide United States assistance  
16 in support of the democracy movement active inside  
17 Burma;

18 (3) the treatment by the Government of Thai-  
19 land of Burmese students, refugees, and exiles resi-  
20 dent in Thailand; and

21 (4) the status of arms sales and other arms  
22 transfers to the Government of Burma, including the  
23 amount of expenditures by the Government of  
24 Burma in the acquisition of arms.

25 **SEC. 8. DEFINITIONS.**

26 As used in this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means the Committee on Appropriations  
4           and the Committee on Foreign Relations of the Sen-  
5           ate and the Committee on Appropriations and the  
6           Committee on International Relations of the House  
7           of Representatives.

8           (2) INVESTMENT.—The term “investment” in-  
9           cludes any contribution or commitment of funds,  
10          commodities, services, patents, processes, or tech-  
11          niques, in the form of—

12                   (A) a loan or loans;

13                   (B) the purchase of a share of ownership;

14                   (C) participation in royalties, earnings, or  
15          profits; and

16                   (D) the furnishing of commodities or serv-  
17          ices pursuant to a lease or other contract.

18          (3) HUMANITARIAN ACTIVITIES.—The term  
19          “humanitarian activities” means the provision of  
20          food, medicine, medical supplies, or clothing and  
21          does not include cash transfers.

22          (4) FINANCIAL INSTITUTIONS.—The term “fi-  
23          nancial institutions” includes the International Bank  
24          for Reconstruction and Development, the Inter-  
25          national Development Association, the Asian Devel-

1        opment Bank, and the International Monetary  
2        Fund.

3            (5) UNITED STATES ASSISTANCE.—The term  
4        “United States assistance” means assistance of any  
5        kind which is provided by grant, sale, loan, lease,  
6        credit, guaranty, or insurance, or by any other  
7        means, by any agency or instrumentality of the  
8        United States Government to any foreign country,  
9        including—

10            (A) assistance under the Foreign Assist-  
11            ance Act of 1961 (including programs under  
12            title IV of chapter 2 of part I of the Act);

13            (B) sales, credits, and guaranties under  
14            the Arms Export Control Act (22 U.S.C. 2751  
15            et seq.);

16            (C) sales under title I (7 U.S.C.A. 1701 et  
17            seq.) or III (17 U.S.C.A. 1727 et seq.) and do-  
18            nations under title II (17 U.S.C.A. 1721 et  
19            seq.) of the Agricultural Trade Development  
20            and Assistance Act of 1954 of nonfood com-  
21            modities;

22            (D) other financing programs of the Com-  
23            modity Credit Corporation for export sales of  
24            nonfood commodities; and

1 (E) financing under the Export-Import  
2 Bank Act of 1945 (12 U.S.C.A. 635 et seq.).

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