

104TH CONGRESS  
1ST SESSION

# S. 1511

To impose sanctions on Burma.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 29, 1995

Mr. McCONNELL (for himself, Mr. MOYNIHAN, Mr. D'AMATO, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To impose sanctions on Burma.

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 “Burma Freedom and  
5 Democracy Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since 1962, Burma has been ruled by a  
9 military dictatorship.

10 (2) As part of a crackdown against the Bur-  
11 mese pro-democracy movement, the State Law and

1 Order Restoration Council (SLORC) was established  
2 by the military dictatorship in 1988.

3 (3) On May 27, 1990 the people of Burma  
4 voted overwhelmingly in a free election for Daw  
5 Aung San Suu Kyi and the National League for De-  
6 mocracy (NLD).

7 (4) Despite numerous pledges, the SLORC has  
8 failed to honor the results of the 1990 elections.

9 (5) The United States has not sent an ambas-  
10 sador to Rangoon in protest of the failure of the  
11 SLORC to honor the 1990 elections and the contin-  
12 ued human rights abuses suffered by the Burmese  
13 people.

14 (6) In response to the massacre of thousands of  
15 Burmese participating in peaceful democratic dem-  
16 onstrations, Congress adopted a provision as part of  
17 the Customs and Trade Act of 1990 requiring the  
18 President to impose appropriate economic sanctions  
19 on Burma.

20 (7) Currently the United States has suspended  
21 economic aid to Burma, placed an embargo on arms  
22 sales, denied GSP trade preferences, and decertified  
23 Burma as a narcotics cooperating country.

24 (8) On April 30, 1994, the Foreign Relations  
25 Authorization Act, Fiscal Years 1994 and 1995

1 (Public Law 103–236), placed Burma on the list of  
2 international “outlaw” states that includes Libya,  
3 North Korea, and Iraq and which is set forth in sec-  
4 tion 307 of the Foreign Assistance Act of 1961 (22  
5 U.S.C. 2227(a)), thus mandating that voluntary  
6 United States funding for any United Nations agen-  
7 cy will be automatically reduced if the agency con-  
8 ducts programs in Burma.

9 (9) On July 15, 1994 the Senate adopted Sen-  
10 ate Resolution 234 calling on the Administration to  
11 encourage members of the Association of Southeast  
12 Asian Nations (ASEAN) to work with the United  
13 States to achieve the transfer of power to the win-  
14 ners of Burma’s 1990 democratic election.

15 (10) On July 10, 1995 after six years of unlaw-  
16 ful detention, the SLORC released Nobel Peace  
17 Prize winner Daw Aung San Suu Kyi, the leader of  
18 the NLD.

19 (11) Since the release of Daw Aung San Suu  
20 Kyi, SLORC has rejected her efforts to establish a  
21 timetable for dialogue and national reconciliation  
22 and has denied the NLD a meaningful role in a  
23 credible political process.

1 **SEC. 3. DECLARATION OF POLICY.**

2 Congress declares that it is the policy of the United  
3 States—

4 (1) to support actively the prompt transition  
5 from a military dictatorship to a democratic govern-  
6 ment in Burma;

7 (2) to encourage the State Law and Order Res-  
8 toration Committee to immediately and uncondition-  
9 ally release all political prisoners and allow them to  
10 participate in the political process;

11 (3) to recognize the individuals who won the  
12 1990 democratic election as the legitimate represent-  
13 atives of the Burmese people; and

14 (4) to expand contact with the democratically  
15 elected leaders of Burma through the United States  
16 mission in Rangoon in order to facilitate the demo-  
17 cratic process in Burma.

18 **SEC. 4. SANCTIONS.**

19 (a) PROHIBITION.—Until such time as the President  
20 determines and certifies to the appropriate congressional  
21 committees that an elected government of Burma has been  
22 allowed to take power—

23 (1) the sanctions described in subsection (b)  
24 shall be imposed on Burma; and

1           (2) the appropriate Government officials may  
2           apply the sanctions described in subsection (c)  
3           against Burma.

4           (b) MANDATORY SANCTIONS.—

5           (1) INVESTMENT SANCTION.—United States na-  
6           tionals shall not make any investment in Burma.

7           (2) UNITED STATES ASSISTANCE.—United  
8           States assistance for Burma is prohibited.

9           (3) MULTILATERAL ASSISTANCE.—The Sec-  
10          retary of the Treasury shall instruct the United  
11          States executive director of each financial institution  
12          to vote against any loan or other utilization of the  
13          funds of the respective bank to or for Burma.

14          (4) ADMISSION TO UNITED STATES.—Except as  
15          required by treaty obligations, any Burmese national  
16          who formulates, implements, or benefits from poli-  
17          cies which hinder the transition of Burma to a  
18          democratic country, and any member of the imme-  
19          diate family of such national, shall be ineligible to  
20          receive a visa and shall be excluded from admission  
21          into the United States.

22          (c) DISCRETIONARY SANCTIONS.—

23          (1) IMPORT SANCTIONS.—The President is au-  
24          thorized to prohibit the importation into the United

1 States of articles which are produced, manufactured,  
2 grown, or extracted in Burma.

3 (2) BAN ON TRAVEL TO BURMA.—The Sec-  
4 retary of State may prohibit the use of United  
5 States passports for travel to Burma, except for  
6 travel by United States officials.

7 (3) DIPLOMATIC REPRESENTATION.—The  
8 President is urged not to accept diplomatic represen-  
9 tation from Burma at a level greater than the level  
10 of diplomatic representation accorded the United  
11 States in Burma.

12 (4) CONTRIBUTIONS TO INTERNATIONAL FI-  
13 NANCIAL INSTITUTIONS.—The President is author-  
14 ized to withhold from each international organization  
15 that funds activities in Burma other than humani-  
16 tarian activities an amount equal to the United  
17 States proportionate share of that funding.

18 **SEC. 5. REPORT ON BURMESE LABOR PRACTICES.**

19 Not later than 90 days after the date of enactment  
20 of this Act, the Secretary of Labor, in consultation with  
21 the Secretary of State, shall submit a report to the appro-  
22 priate congressional committees on—

23 (1) Burmese compliance with international  
24 labor standards including the use of forced labor,

1 child labor, slave labor, and involuntary prison labor  
2 by the junta;

3 (2) the degree to which foreign investment in  
4 Burma contributes to violations of fundamental  
5 worker rights;

6 (3) labor practices in support of Burma's for-  
7 eign tourist industry; and

8 (4) efforts by the United States to end viola-  
9 tions of fundamental labor rights in Burma.

10 **SEC. 6. DEFINITIONS.**

11 As used in this Act:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
13 **TEES.**—The term “appropriate congressional com-  
14 mittees” means the Committee on Appropriations  
15 and the Committee on Foreign Relations of the Sen-  
16 ate and the Committee on Appropriations and the  
17 Committee on International Relations of the House  
18 of Representatives.

19 (2) **INTERNATIONAL FINANCIAL INSTITU-**  
20 **TIONS.**—The term “international financial institu-  
21 tions” includes the International Bank for Recon-  
22 struction and Development, the International Devel-  
23 opment Association, the Asian Development Bank,  
24 and the International Monetary Fund.

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

5                   (A) a loan or loans;

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

7                   (C) participation in royalties, earnings, or  
8           profits; and

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

11          (4) UNITED STATES ASSISTANCE.—The term  
12          “United States assistance” means assistance of any  
13          kind which is provided by grant, sale, loan, lease,  
14          credit, guaranty, or insurance, or by any other  
15          means, by any agency or instrumentality of the  
16          United States Government to any foreign country.

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