

108TH CONGRESS
1ST SESSION

H. R. 2330

IN THE SENATE OF THE UNITED STATES

JULY 15, 2003

Received

AN ACT

To sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

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 “Burmese Freedom and
5 Democracy Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The State Peace and Development Council
9 (SPDC) has failed to transfer power to the National
10 League for Democracy (NLD) whose parliamentar-
11 ians won an overwhelming victory in the 1990 elec-
12 tions in Burma.

13 (2) The SPDC has failed to enter into meaning-
14 ful, political dialogue with the NLD and ethnic mi-
15 norities and has dismissed the efforts of United Na-
16 tions Special Envoy Razali bin Ismail to further
17 such dialogue.

18 (3) According to the State Department’s “Re-
19 port to the Congress Regarding Conditions in
20 Burma and U.S. Policy Toward Burma” dated
21 March 28, 2003, the SPDC has become “more
22 confrontational” in its exchanges with the NLD.

23 (4) On May 30, 2003, the SPDC, threatened by
24 continued support for the NLD throughout Burma,
25 brutally attacked NLD supporters, killed and in-

1 jured scores of civilians, and arrested democracy ad-
2 vocate Aung San Suu Kyi and other activists.

3 (5) The SPDC continues egregious human
4 rights violations against Burmese citizens, uses rape
5 as a weapon of intimidation and torture against
6 women, and forcibly conscripts child-soldiers for the
7 use in fighting indigenous ethnic groups.

8 (6) The SPDC is engaged in ethnic cleansing
9 against minorities within Burma, including the
10 Karen, Karenni, and Shan people, which constitutes
11 a crime against humanity and has directly led to
12 more than 600,000 internally displaced people living
13 within Burma and more than 130,000 people from
14 Burma living in refugee camps along the Thai-
15 Burma border.

16 (7) The ethnic cleansing campaign of the SPDC
17 is in sharp contrast to the traditional peaceful coex-
18 istence in Burma of Buddhists, Muslims, Christians,
19 and people of traditional beliefs.

20 (8) The SPDC has demonstrably failed to co-
21 operate with the United States in stopping the flood
22 of heroin and methamphetamines being grown, re-
23 fined, manufactured, and transported in areas under
24 the control of the SPDC serving to flood the region
25 and much of the world with these illicit drugs.

1 (9) The SPDC provides safety, security, and
2 engages in business dealings with narcotics traf-
3 fickers under indictment by United States authori-
4 ties, and other producers and traffickers of nar-
5 cotics.

6 (10) The International Labor Organization
7 (ILO), for the first time in its 82-year history,
8 adopted in 2000, a resolution recommending that
9 governments, employers, and workers organizations
10 take appropriate measures to ensure that their rela-
11 tions with the SPDC do not abet the government-
12 sponsored system of forced, compulsory, or slave
13 labor in Burma, and that other international bodies
14 reconsider any cooperation they may be engaged in
15 with Burma and, if appropriate, cease as soon as
16 possible any activity that could abet the practice of
17 forced, compulsory, or slave labor.

18 (11) The SPDC has integrated the Burmese
19 military and its surrogates into all facets of the
20 economy effectively destroying any free enterprise
21 system.

22 (12) Investment in Burmese companies and
23 purchases from them serve to provide the SPDC
24 with currency that is used to finance its instruments
25 of terror and repression against the Burmese people.

1 (13) On April 15, 2003, the American Apparel
2 and Footwear Association expressed its “strong sup-
3 port for a full and immediate ban on U.S. textiles,
4 apparel and footwear imports from Burma” and
5 called upon the United States Government to “im-
6 pose an outright ban on U.S. imports” of these
7 items until Burma demonstrates respect for basic
8 human and labor rights of its citizens.

9 (14) The policy of the United States, as articu-
10 lated by the President on April 24, 2003, is to offi-
11 cially recognize the NLD as the legitimate represent-
12 ative of the Burmese people as determined by the
13 1990 election.

14 (15) The United States must work closely with
15 other nations, including Thailand, a close ally of the
16 United States, to highlight attention to the SPDC’s
17 systematic abuses of human rights in Burma, to en-
18 sure that nongovernmental organizations promoting
19 human rights and political freedom in Burma are al-
20 lowed to operate freely and without harassment, and
21 to craft a multilateral sanctions regime against
22 Burma in order to pressure the SPDC to meet the
23 conditions identified in section 3(a)(3) of this Act.

1 **SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILI-**
2 **TARY REGIME OF BURMA.**

3 (a) GENERAL BAN.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, until such time as the President de-
6 termines and certifies to Congress that Burma has
7 met the conditions described in paragraph (3), be-
8 ginning 30 days after the date of the enactment of
9 this Act, the President shall ban the importation of
10 any article that is a product of Burma.

11 (2) BAN ON IMPORTS FROM CERTAIN COMPA-
12 NIES.—The import restrictions contained in para-
13 graph (1) shall apply to, among other entities—

14 (A) the SPDC, any ministry of the SPDC,
15 a member of the SPDC or an immediate family
16 member of such member;

17 (B) known narcotics traffickers from
18 Burma or an immediate family member of such
19 narcotics trafficker;

20 (C) the Union of Myanmar Economics
21 Holdings Incorporated (UMEHI) or any com-
22 pany in which the UMEHI has a fiduciary in-
23 terest;

24 (D) the Myanmar Economic Corporation
25 (MEC) or any company in which the MEC has
26 a fiduciary interest;

1 (E) the Union Solidarity and Development
2 Association (USDA); and

3 (F) any successor entity for the SPDC,
4 UMEHI, MEC, or USDA.

5 (3) CONDITIONS DESCRIBED.—The conditions
6 described in this paragraph are the following:

7 (A) The SPDC has made substantial and
8 measurable progress to end violations of inter-
9 nationally recognized human rights including
10 rape, and the Secretary of State, after consulta-
11 tion with the ILO Secretary General and rel-
12 evant nongovernmental organizations, reports to
13 the appropriate congressional committees that
14 the SPDC no longer systematically violates
15 workers rights, including the use of forced and
16 child labor, and conscription of child-soldiers.

17 (B) The SPDC has made measurable and
18 substantial progress toward implementing a
19 democratic government including—

20 (i) releasing all political prisoners;

21 (ii) allowing freedom of speech and
22 the press;

23 (iii) allowing freedom of association;

24 (iv) permitting the peaceful exercise of
25 religion; and

1 (v) bringing to a conclusion an agree-
2 ment between the SPDC and the demo-
3 cratic forces led by the NLD and Burma's
4 ethnic nationalities on the transfer of
5 power to a civilian government accountable
6 to the Burmese people through democratic
7 elections under the rule of law.

8 (C) Pursuant to section 706(2) of the For-
9 eign Relations Authorization Act, Fiscal Year
10 2003 (Public Law 107-228), Burma has not
11 been designated as a country that has failed de-
12 monstrably to make substantial efforts to ad-
13 here to its obligations under international coun-
14 ternarcotics agreements and to take other effec-
15 tive counternarcotics measures, including, but
16 not limited to (i) the arrest and extradition of
17 all individuals under indictment in the United
18 States for narcotics trafficking, (ii) concrete
19 and measurable actions to stem the flow of il-
20 licit drug money into Burma's banking system
21 and economic enterprises, and (iii) actions to
22 stop the manufacture and export of
23 methamphetamines.

24 (4) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—In this subsection, the term “appropriate

1 congressional committees” means the Committees on
2 Foreign Relations and Appropriations of the Senate
3 and the Committees on International Relations and
4 Appropriations of the House of Representatives.

5 (b) WAIVER AUTHORITIES.—The President may
6 waive the prohibitions described in this section for any or
7 all articles that are a product of Burma if the President
8 determines and notifies the Committees on Appropria-
9 tions, Finance, and Foreign Relations of the Senate and
10 the Committees on Appropriations, International Rela-
11 tions, and Ways and Means of the House of Representa-
12 tives that to do so is in the national interest of the United
13 States.

14 **SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN**
15 **THE UNITED STATES.**

16 (a) REPORTING REQUIREMENT.—Not later than 60
17 days after the date of enactment of this Act, the President
18 shall take such action as is necessary to direct, and pro-
19 mulgate regulations to the same, that any United States
20 financial institution holding funds belonging to the SPDC
21 or the assets of those individuals who hold senior positions
22 in the SPDC or its political arm, the Union Solidarity De-
23 velopment Association, shall promptly report those funds
24 or assets to the Office of Foreign Assets Control.

1 (b) ADDITIONAL AUTHORITY.—The President may
2 take such action as may be necessary to impose a sanc-
3 tions regime to freeze such funds or assets, subject to such
4 terms and conditions as the President determines to be
5 appropriate.

6 (c) DELEGATION.—The President may delegate the
7 duties and authorities under this section to such Federal
8 officers or other officials as the President deems appro-
9 priate.

10 **SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITU-**
11 **TIONS.**

12 The Secretary of the Treasury shall instruct the
13 United States executive director to each appropriate inter-
14 national financial institution in which the United States
15 participates, to oppose, and vote against the extension by
16 such institution of any loan or financial or technical assist-
17 ance to Burma until such time as the conditions described
18 in section 3(a)(3) are met.

19 **SEC. 6. EXPANSION OF VISA BAN.**

20 (a) IN GENERAL.—

21 (1) VISA BAN.—The President is authorized to
22 deny visas and entry to the former and present lead-
23 ership of the SPDC or the Union Solidarity Develop-
24 ment Association.

1 **SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.**

2 (a) IN GENERAL.—The President is authorized to
3 use all available resources to assist Burmese democracy
4 activists dedicated to nonviolent opposition to the regime
5 in their efforts to promote freedom, democracy, and
6 human rights in Burma, including a listing of constraints
7 on such programming.

8 (b) REPORTS.—

9 (1) FIRST REPORT.—Not later than 3 months
10 after the date of enactment of this Act, the Sec-
11 retary of State shall provide the Committees on Ap-
12 propriations and Foreign Relations of the Senate
13 and the Committees on Appropriations and Inter-
14 national Relations of the House of Representatives
15 a comprehensive report on its short- and long-term
16 programs and activities to support democracy activ-
17 ists in Burma, including a list of constraints on such
18 programming.

19 (2) REPORT ON RESOURCES.—Not later than 6
20 months after the date of enactment of this Act, the
21 Secretary of State shall provide the Committees on
22 Appropriations and Foreign Relations of the Senate
23 and the Committees on Appropriations and Inter-
24 national Relations of the House of Representatives
25 a report identifying resources that will be necessary

1 for the reconstruction of Burma, after the SPDC is
2 removed from power, including—

3 (A) the formation of democratic institu-
4 tions;

5 (B) establishing the rule of law;

6 (C) establishing freedom of the press;

7 (D) providing for the successful reinte-
8 gration of military officers and personnel into Bur-
9 mese society; and

10 (E) providing health, educational, and eco-
11 nomic development.

12 (3) REPORT ON TRADE SANCTIONS.—Not later
13 than 90 days before the date on which the import
14 restrictions contained in section 3(a)(1) are to ex-
15 pire, the Secretary of State, in consultation with the
16 United States Trade Representative and the heads
17 of appropriate agencies, shall submit to the Commit-
18 tees on Appropriations, Finance, and Foreign Rela-
19 tions of the Senate, and the Committees on Appro-
20 priations, International Relations, and Ways and
21 Means of the House of Representatives, a report
22 on—

23 (A) bilateral and multilateral measures un-
24 dertaken by the United States Government and

1 other governments to promote human rights
2 and democracy in Burma;

3 (B) the extent to which actions related to
4 trade with Burma taken pursuant to this Act
5 have been effective in—

6 (i) improving conditions in Burma, in-
7 cluding human rights violations, arrest and
8 detention of democracy activists, forced
9 and child labor, and the status of dialogue
10 between the SPDC and the NLD and eth-
11 nic minorities;

12 (ii) furthering the policy objections of
13 the United States toward Burma; and,

14 (C) the impact of actions relating to trade
15 take pursuant to this Act on other national se-
16 curity, economic, and foreign policy interests of
17 the United States, including relations with
18 countries friendly to the United States.

19 **SEC. 9. DURATION OF SANCTIONS.**

20 (a) **TERMINATION BY REQUEST FROM DEMOCRATIC**
21 **BURMA.**—The President may terminate any provision in
22 this Act upon the request of a democratically elected gov-
23 ernment in Burma, provided that all the conditions in sec-
24 tion 3(a)(3) have been met.

25 (b) **CONTINUATION OF IMPORT SANCTIONS.**—

1 (1) EXPIRATION.—The import restrictions con-
2 tained in section 3(a)(1) shall expire 1 year from the
3 date of enactment of this Act unless renewed under
4 paragraph (2) of this section.

5 (2) RESOLUTION BY CONGRESS.—The import
6 restrictions contained in section 3(a)(1) may be re-
7 newed annually for a 1-year period if, prior to the
8 anniversary of the date of enactment of this Act,
9 and each year thereafter, a renewal resolution is en-
10 acted into law in accordance with subsection (c).

11 (3) LIMITATION.—The import restrictions con-
12 tained in section 3(a)(1) may be renewed for a max-
13 imum of three years from the date of the enactment
14 of this Act.

15 (c) RENEWAL RESOLUTIONS.—

16 (1) IN GENERAL.—For purposes of this section,
17 the term “renewal resolution” means a joint resolu-
18 tion of the 2 Houses of Congress, the sole matter
19 after the resolving clause of which is as follows:
20 “That Congress approves the renewal of the import
21 restrictions contained in section 3(a)(1) of the Bur-
22 mese Freedom and Democracy Act of 2003.”

23 (2) PROCEDURES.—

24 (A) IN GENERAL.—A renewal resolution—

1 (i) may be introduced in either House
2 of Congress by any member of such House
3 at any time within the 90-day period be-
4 fore the expiration of the import restric-
5 tions contained in section 3(a)(1); and

6 (ii) the provisions of subparagraph
7 (B) shall apply.

8 (B) EXPEDITED CONSIDERATION.—The
9 provisions of section 152(b), (c), (d), (e), and
10 (f) of the Trade Act of 1974 (19 U.S.C. 2192
11 (b), (c), (d), (e), and (f)) apply to a renewal
12 resolution under this Act as if such resolution
13 were a resolution described in section 152(a) of
14 the Trade Act of 1974.

Passed the House of Representatives July 15, 2003.

Attest:

JEFF TRANDAHL,

Clerk.