

104TH CONGRESS  
2D SESSION

# H. R. 2892

To impose sanctions on Burma, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1996

Mr. ROHRBACHER (for himself, Mr. ROYCE, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, the Judiciary, Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To impose sanctions on Burma, 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 “Burma Freedom and  
5       Democracy Act of 1995”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

8               (1) Since 1962 Burma has been ruled by a mili-  
9       tary dictatorship.

1           (2) As part of a crackdown against the Bur-  
2           mese pro-democracy movement, the State Law and  
3           Order Restoration Council (SLORC) was established  
4           by the military dictatorship in 1988.

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

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

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

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

22          (7) Currently the United States has suspended  
23          economic aid to Burma, placed an embargo on arms  
24          sales to Burma, denied trade preferences under title

1 V of the Trade Act of 1974 to Burma, and decerti-  
2 fied Burma as a narcotics cooperating country.

3 (8) On April 30, 1994, the Foreign Relations  
4 Authorization Act, Fiscal Years 1994 and 1995  
5 (Public Law 103–236), placed Burma on the list of  
6 international “outlaw” states that includes Libya,  
7 North Korea, and Iraq and which is set forth in sec-  
8 tion 307 of the Foreign Assistance Act of 1961 (22  
9 U.S.C. 2227(a)), thus mandating that voluntary  
10 United States funding for any United Nations agen-  
11 cy will be automatically reduced if the agency con-  
12 ducts programs in Burma.

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

19 (10) On July 25, 1994, the House of Rep-  
20 resentatives adopted House Resolution 471, which  
21 urged the Burmese regime to transfer power to  
22 democratically elected leaders of Burma and to re-  
23 spect human rights.

24 (11) On June 28, 1995, the House of Rep-  
25 resentatives agreed to an amendment to House Bill

1 1868, which prohibited funds for international nar-  
2 cotics control or crop substitution assistance for the  
3 Burmese regime.

4 (12) In early 1995 the SLORC conducted a  
5 military campaign against ethnic minorities, many of  
6 whom are Christian, along the border between  
7 Burma and Thailand, including the headquarters of  
8 the Democratic Alliance of Burma at Mannerplaw.

9 (13) On July 10, 1995, after six years of un-  
10 lawful detention, the SLORC released Nobel Peace  
11 Prize winner Daw Aung San Suu Kyi, the leader of  
12 the NLD.

13 (14) Since the release of Daw Aung San Suu  
14 Kyi, the SLORC has rejected her efforts to establish  
15 a timetable for dialogue and national reconciliation  
16 and has denied the NLD a meaningful role in a  
17 credible political process.

18 (15) The 1995 Human Rights Watch World  
19 Report states that Muslims in the Arakan State are  
20 subject to forced relocations, forced labor, and reli-  
21 gious persecution.

22 (16) On December 19, 1995, the House of Rep-  
23 resentatives adopted House Resolution 274, which  
24 calls on the Burmese regime to begin a political dia-  
25 logue with democratically elected leaders of Burma,

1 release political prisoners, guarantee respect for  
2 basic human rights, and restore civilian and demo-  
3 cratic rule to the people of Burma.

4 **SEC. 3. DECLARATIONS OF POLICY.**

5 (a) IN GENERAL.—The Congress declares that it is  
6 the policy of the United States—

7 (1) to support actively the prompt transition  
8 from a military dictatorship to a democratic govern-  
9 ment in Burma;

10 (2) to encourage the State Law and Order Res-  
11 toration Council (SLORC) to immediately and un-  
12 conditionally release all political prisoners and allow  
13 them to participate in the political process;

14 (3) to recognize the individuals who won the  
15 1990 democratic election as the legitimate represent-  
16 atives of the Burmese people;

17 (4) to expand contact between the democrat-  
18 ically elected leaders of Burma and the United  
19 States mission in Rangoon in order to facilitate the  
20 democratic process in Burma;

21 (5) to encourage the SLORC and friendly gov-  
22 ernments to permit democratically elected leaders of  
23 Burma to travel freely;

24 (6) to provide humanitarian assistance to dis-  
25 placed persons inside Burma and to refugees from

1 Burma along the border between Burma and Thai-  
2 land;

3 (7) to further expand trade sanctions against  
4 Burma not later than 180 days after the date of the  
5 enactment of this Act unless a process of political  
6 reconciliation, characterized by a substantial and  
7 sustained dialogue between the SLORC and Daw  
8 Aung San Suu Kyi and other elected leaders of the  
9 National League for Democracy, is established; and

10 (8) to encourage friendly nations to adopt trade  
11 policies similar to the trade policies established by  
12 this Act.

13 (b) COOPERATION WITH BURMA RELATING TO  
14 COUNTERNARCOTICS ACTIVITIES.—The Congress declares  
15 that—

16 (1) cooperation with Burma relating to  
17 counternarcotics activities should be limited to im-  
18 proving the capability of Burma to detect and con-  
19 fiscate narcotics at the international airport in Ran-  
20 goon and at the coastal port facilities in Burma;

21 (2) such cooperation with Burma should be ini-  
22 tiated only after the President has certified in writ-  
23 ing to the Congress that such counternarcotics ac-  
24 tivities are fully consistent with United States

1 human rights concerns in Burma and are vital to  
2 United States interests; and

3 (3) multilateral cooperation with Burma relat-  
4 ing to counternarcotics activities should not contrib-  
5 ute to violations of internationally recognized human  
6 rights in Burma.

7 **SEC. 4. SANCTIONS.**

8 (a) **IN GENERAL.**—Until such time as the President  
9 determines and certifies to the appropriate congressional  
10 committees that an elected government of Burma has been  
11 allowed to take power as result of the 1990 election or  
12 by new free and fair elections—

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

15 (2) the appropriate Government officials may  
16 apply the sanctions described in subsection (c)  
17 against Burma.

18 (b) **MANDATORY SANCTIONS.**—

19 (1) **INVESTMENT SANCTION.**—

20 (A) **IN GENERAL.**—United States nationals  
21 shall not make any investment in Burma.

22 (B) **EFFECTIVE DATE.**—The prohibition  
23 contained in subparagraph (A) shall not apply  
24 to investments initiated on or before January  
25 25, 1996.

1           (C) REGULATORY AUTHORITY.—The Presi-  
2           dent shall issue such regulations, licenses, or  
3           orders as are necessary to carry out this para-  
4           graph.

5           (2) UNITED STATES ASSISTANCE.—United  
6           States assistance shall not be provided for Burma.

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

12          (4) PROMOTION OF TRADE OR OTHER COMMERCIAL  
13          ACTIVITY.—None of the funds appropriated or  
14          otherwise available to any Federal department or  
15          agency shall be obligated or expended for the pur-  
16          pose of promoting trade or other commercial activity  
17          between the United States and Burma.

18          (5) ADMISSION TO UNITED STATES OF BUR-  
19          MESE NATIONALS.—(A) Except as provided in sub-  
20          paragraph (B), any Burmese national who formu-  
21          lates, implements, or benefits from policies which  
22          hinder the transition of Burma to a democratic  
23          country, as determined by the Attorney General, and  
24          any member of the immediate family of such a na-



1 tional, shall be ineligible to receive a visa and shall  
2 be excluded from admission into the United States.

3 (B) The Attorney General may waive the appli-  
4 cation of subparagraph (A) with respect to any indi-  
5 vidual.

6 (6) ADMISSION TO UNITED STATES OF MEM-  
7 BERS OF SLORC MILITARY OR POLICE FORCES.—(A)  
8 Except as provided in subparagraph (B), any mem-  
9 ber, officer, or employee of any military or police  
10 force of the Burmese military regime, known as the  
11 State Law and Order Restoration Council (SLORC),  
12 as determined by the Attorney General, shall be in-  
13 eligible to receive a visa and shall be excluded from  
14 admission into the United States.

15 (B) The Attorney General may waive the appli-  
16 cation of subparagraph (A) with respect to any indi-  
17 vidual.

18 (7) ADMISSION TO UNITED STATES OF CERTAIN  
19 OFFICIALS OF THE GOVERNMENT OF BURMA AND  
20 BURMESE CITIZENS.—(A) Except as provided in  
21 subparagraph (B), any official of the Burmese mili-  
22 tary regime, known as the State Law and Order  
23 Restoration Council (SLORC), or any citizen of  
24 Burma who the Attorney General determines has  
25 committed acts which constitute the essential ele-

1       ments of a violation under chapter 113A of title 18,  
2       United States Code (relating to the Convention  
3       Against Torture and Other Cruel Inhuman or De-  
4       grading Treatment or Punishment) shall be ineli-  
5       gible to receive a visa and shall be excluded from ad-  
6       mission into the United States.

7               (B) The Attorney General may waive the appli-  
8       cation of subparagraph (A) with respect to any indi-  
9       vidual.

10       (c) DISCRETIONARY SANCTIONS.—

11               (1) TRAVEL TO BURMA.—

12                       (A) TRANSPORTATION TO OR FROM  
13       BURMA.—The President is authorized to pro-  
14       hibit or limit any transaction by a United  
15       States person relating to transportation to or  
16       from Burma, the provision of transportation to  
17       or from the United States by any vessel or air-  
18       craft of Burmese registration, or the sale in the  
19       United States by any person holding authority  
20       under the Federal Aviation Act of any transpor-  
21       tation by air which includes any stop in Burma.

22                       (B) TOURISM IN BURMA.—Notwithstand-  
23       ing any other provision of law, the President is  
24       authorized to prohibit the use of funds by any

1           agency of the Government of the United States  
2           to promote tourism in Burma.

3           (2) DIPLOMATIC REPRESENTATION.—The Con-  
4           gress urges the President not to accept diplomatic  
5           representation from Burma at a level higher than  
6           the level of diplomatic representation of the United  
7           States in Burma.

8           (3) CONTRIBUTIONS TO INTERNATIONAL FI-  
9           NANCIAL INSTITUTIONS.—

10           (A) WITHHOLDING.—The President is au-  
11           thorized to withhold from each international fi-  
12           nancial institution that funds activities in  
13           Burma (other than emergency humanitarian ac-  
14           tivities described in subparagraph (B)) an  
15           amount equal to the United States propor-  
16           tionate share of that funding.

17           (B) EMERGENCY HUMANITARIAN ACTIVI-  
18           TIES.—

19           (i) IN GENERAL.—Subject to clause  
20           (ii), the emergency humanitarian activities  
21           described in this subparagraph are activi-  
22           ties to alleviate human suffering caused by  
23           natural disasters such as floods, storms,  
24           famine, and earthquakes.

1 (ii) ADDITIONAL ACTIVITIES.—Activi-  
2 ties other than activities described in  
3 clause (i) shall be considered to be emer-  
4 gency humanitarian activities for purposes  
5 of this subparagraph if the President—

6 (I) determines that such addi-  
7 tional activities support the interests  
8 of the United States; and

9 (II) transmits such determination  
10 in writing to the appropriate congres-  
11 sional committees.

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

13 Not later than 90 days after the date of enactment  
14 of this Act, the Secretary of Labor, in consultation with  
15 the Secretary of State, shall submit a report to the appro-  
16 priate congressional committees on—

17 (1) Burmese compliance with international  
18 labor standards including the use of forced labor,  
19 child labor, slave labor, and involuntary prison labor  
20 by the junta;

21 (2) the degree to which foreign investment in  
22 Burma contributes to violations of fundamental  
23 worker rights;

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

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

3 **SEC. 6. REPORT ON ENVIRONMENTAL DEGRADATION IN**  
4 **BURMA.**

5 Not later than 90 days after the date of enactment  
6 of this Act, the Secretary of State, in consultation with  
7 the heads of other appropriate Federal agencies, shall pre-  
8 pare and submit to the appropriate congressional commit-  
9 tees a report on the exploitation of resources and the deg-  
10 radation of the environment in Burma, including—

11 (1) a discussion of the export of timber by  
12 Burma, especially teak; and

13 (2) a discussion of the specific progress on co-  
14 operation by Burma with nonprofit nongovernmental  
15 organizations that are concerned with ecological con-  
16 servation, management, and training programs.

17 **SEC. 7. REPORT ON STRATEGY SUPPORTING DEMOCRATIC**  
18 **TRANSITION IN BURMA.**

19 Not later than 120 days after the date of enactment  
20 of this Act, the Secretary of State, in consultation with  
21 the heads of other appropriate Federal agencies, shall pre-  
22 pare and submit to the appropriate congressional commit-  
23 tees a report containing a strategy to restore democracy  
24 to Burma consistent with the declarations of policy con-  
25 tained in section 3 of this Act.

1 **SEC. 8. DEFINITIONS.**

2 As used in this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—The term “appropriate congressional com-  
5 mittees” means—

6 (A) the Committee on Appropriations and  
7 the Committee on International Relations of the  
8 House of Representatives; and

9 (B) the Committee on Appropriations and  
10 the Committee on Foreign Relations of the Sen-  
11 ate.

12 (2) BURMESE ENTITY.—The term “Burmese  
13 entity” means—

14 (A) a corporation, partnership, or other  
15 business association or entity organized in  
16 Burma; or

17 (B) a branch, office, agency, or sole propri-  
18 etorship in Burma of a person that resides or  
19 is organized outside of Burma.

20 (3) CONTROLLED BURMESE ENTITY.—The term  
21 “controlled Burmese entity” means—

22 (A) a corporation, partnership, or other  
23 business association or entity organized in  
24 Burma and owned or controlled, directly or in-  
25 directly, by a United States national; or

1 (B) a branch, office, agency, or sole propri-  
2 etorship in Burma of a United States national.

3 (4) INTERNATIONAL FINANCIAL INSTITU-  
4 TIONS.—The term “international financial institu-  
5 tions” includes the International Bank for Recon-  
6 struction and Development, the International Devel-  
7 opment Association, the Asian Development Bank,  
8 and the International Monetary Fund.

9 (5) INVESTMENT.—The term “investment in  
10 Burma”—

11 (A) includes any contribution or commit-  
12 ment, for any period of time, of funds, commod-  
13 ities, services, patents, processes, or techniques,  
14 to the Government of Burma, or to any person  
15 or entity in Burma for purposes of financial  
16 gain, in the form of—

17 (i) a loan or loans;

18 (ii) the purchase of a share of owner-  
19 ship;

20 (iii) participation in royalties, earn-  
21 ings, or profits; or

22 (iv) the furnishing of commodities or  
23 services pursuant to a lease or other con-  
24 tract; and

25 (B) does not include—

1 (i) the reinvestment of profits gen-  
2 erated by a controlled Burmese entity into  
3 the same entity;

4 (ii) contributions of money or other  
5 assets to the extent such contributions are  
6 necessary to enable a controlled Burmese  
7 entity—

8 (I) to fulfill contractual commit-  
9 ments signed before January 25,  
10 1996; or

11 (II) to operate in an economically  
12 sound manner, without expanding its  
13 operations; or

14 (iii) any activity in Burma by any  
15 United States nongovernmental organiza-  
16 tion or any United States private voluntary  
17 organization to—

18 (I) monitor human rights in  
19 Burma;

20 (II) monitor labor practices in  
21 Burma; or

22 (III) monitor and conduct eco-  
23 logical conservation, management, or  
24 training programs.



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

7           (7) UNITED STATES NATIONAL.—The term  
8           “United States national” means—

9                   (A) a natural person who is a citizen of the  
10                  United States or who owes permanent alle-  
11                  giance to the United States or is an alien ad-  
12                  mitted for permanent residence in the United  
13                  States, as defined in section 101(a)(20) of the  
14                  Immigration and Nationality Act;

15                   (B) a corporation, partnership, or other  
16                  business association which is organized under  
17                  the laws of the United States, the District of  
18                  Columbia, or any commonwealth, territory, or  
19                  possession of the United States; or

20                   (C) any other corporation, partnership, or  
21                  other business association that is owned or con-  
22                  trolled by persons described in subparagraph  
23                  (A) or entities described in subparagraph (B).

○

HR 2892 IH—2