

108TH CONGRESS  
1ST SESSION

# S. 1215

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## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The State Peace and Development Council  
4 (SPDC) has failed to transfer power to the National  
5 League for Democracy (NLD) whose parliamentar-  
6 ians won an overwhelming victory in the 1990 elec-  
7 tions in Burma.

8 (2) The SPDC has failed to enter into meaning-  
9 ful, political dialogue with the NLD and ethnic mi-  
10 norities and has dismissed the efforts of United Na-  
11 tions Special Envoy Razali bin Ismail to further  
12 such dialogue.

13 (3) According to the State Department's "Re-  
14 port to the Congress Regarding Conditions in  
15 Burma and U.S. Policy Toward Burma" dated  
16 March 28, 2003, the SPDC has become "more  
17 confrontational" in its exchanges with the NLD.

18 (4) On May 30, 2003, the SPDC, threatened by  
19 continued support for the NLD throughout Burma,  
20 brutally attacked NLD supporters, killed and in-  
21 jured scores of civilians, and arrested democracy ad-  
22 vocate Aung San Suu Kyi and other activists.

23 (5) The SPDC continues egregious human  
24 rights violations against Burmese citizens, uses rape  
25 as a weapon of intimidation and torture against

1 women, and forcibly conscripts child-soldiers for the  
2 use in fighting indigenous ethnic groups.

3 (6) The SPDC has demonstrably failed to co-  
4 operate with the United States in stopping the flood  
5 of heroin and methamphetamines being grown, re-  
6 fined, manufactured, and transported in areas under  
7 the control of the SPDC serving to flood the region  
8 and much of the world with these illicit drugs.

9 (7) The SPDC provides safety, security, and  
10 engages in business dealings with narcotics traf-  
11 fickers under indictment by United States authori-  
12 ties, and other producers and traffickers of nar-  
13 cotics.

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

1           (9) The SPDC has integrated the Burmese  
 2           military and its surrogates into all facets of the  
 3           economy effectively destroying any free enterprise  
 4           system.

5           (10) Investment in Burmese companies and  
 6           purchases from them serve to provide the SPDC  
 7           with currency that is used to finance its instruments  
 8           of terror and repression against the Burmese people.

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

17          (12) The policy of the United States, as articu-  
 18          lated by the President on April 24, 2003, is to offi-  
 19          cially recognize the NLD as the legitimate represent-  
 20          ative of the Burmese people as determined by the  
 21          1990 election.

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

24          (a) GENERAL BAN.—

1           (1) IN GENERAL.—Notwithstanding any other  
2           provision of law and except as provided in section 9,  
3           until such time as the President determines and cer-  
4           tifies to Congress that Burma has met the condi-  
5           tions described in paragraph (3), no article may be  
6           imported into the United States that is produced,  
7           mined, manufactured, grown, or assembled in  
8           Burma.

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

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

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

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

22                 (D) the Myanmar Economic Corporation  
23                 (MEC) or any company in which the MEC has  
24                 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 the terms of section 706  
 9 of the Foreign Relations Authorization Act,  
 10 Fiscal Year 2003 (Public Law 107-228),  
 11 Burma has not failed demonstrably to make  
 12 substantial efforts to adhere to its obligations  
 13 under international counternarcotics agree-  
 14 ments and to take other effective counter-  
 15 narcotics measures, including the arrest and ex-  
 16 tradition of all individuals under indictment in  
 17 the United States for narcotics trafficking, and  
 18 concrete and measurable actions to stem the  
 19 flow of illicit drug money into Burma's banking  
 20 system and economic enterprises and to stop  
 21 the manufacture and export of  
 22 methamphetamines.

23 (4) APPROPRIATE CONGRESSIONAL COMMIT-  
 24 TEES.—In this Act, the term “appropriate congres-  
 25 sional committees” means the Committee on Foreign

1 Relations, the Committee on Finance, and the Com-  
 2 mittee on Appropriations of the Senate and the  
 3 Committee on International Relations, the Com-  
 4 mittee on Ways and Means, and the Committee on  
 5 Appropriations of the House of Representatives.

6 (b) WAIVER AUTHORITIES.—

7 (1) IN GENERAL.—The President may waive  
 8 the prohibitions described in this section for any or  
 9 all products imported from Burma to the United  
 10 States if the President determines and notifies the  
 11 appropriate congressional committees that to do so  
 12 is in the vital national security interest of the United  
 13 States.

14 (2) INTERNATIONAL OBLIGATIONS.—The Presi-  
 15 dent may waive any provision of this Act found to  
 16 be in violation of any international obligations of the  
 17 United States pursuant to any final ruling relating  
 18 to Burma under the dispute settlement procedures  
 19 of the World Trade Organization.

20 **SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN**  
 21 **THE UNITED STATES.**

22 Not later than 60 days after the date of enactment  
 23 of this Act, the Secretary of the Treasury shall direct, and  
 24 promulgate regulations to the same, that any United  
 25 States financial institution holding funds belonging to the



1 SPDC or the assets of those individuals who hold senior  
 2 positions in the SPDC or its political arm, the Union Soli-  
 3 darity Development Association, shall promptly report  
 4 those assets to the Office of Foreign Assets Control. The  
 5 Secretary of the Treasury may take such action as may  
 6 be necessary to secure such assets or funds.

7 **SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITU-**  
 8 **TIONS.**

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

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

17 (a) IN GENERAL.—

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

22 (2) UPDATES.—The Secretary of State shall co-  
 23 ordinate on a biannual basis with representatives of  
 24 the European Union to ensure that an individual  
 25 who is banned from obtaining a visa by the Euro-

1 pean Union for the reasons described in paragraph  
 2 (1) is also banned from receiving a visa from the  
 3 United States.

4 (b) PUBLICATION.—The Secretary of State shall post  
 5 on the Department of State’s website the names of individ-  
 6 uals whose entry into the United States is banned under  
 7 subsection (a).

8 **SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINA-**  
 9 **TION OF INFORMATION.**

10 (a) IN GENERAL.—Congress encourages the Sec-  
 11 retary of State to highlight the abysmal record of the  
 12 SPDC to the international community and use all appro-  
 13 priate fora, including the Association of Southeast Asian  
 14 Nations Regional Forum and Asian Nations Regional  
 15 Forum, to encourage other states to restrict financial re-  
 16 sources to the SPDC and Burmese companies while offer-  
 17 ing political recognition and support to Burma’s demo-  
 18 cratic movement including the National League for De-  
 19 mocracy and Burma’s ethnic groups.

20 (b) UNITED STATES EMBASSY.—The United States  
 21 embassy in Rangoon shall take all steps necessary to pro-  
 22 vide access of information and United States policy deci-  
 23 sions to media organs not under the control of the ruling  
 24 military regime.

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 appropriate con-  
12 gressional committees a comprehensive report on its  
13 short- and long-term programs and activities to sup-  
14 port democracy activists in Burma, including a list  
15 of constraints on such programming.

16 (2) REPORT ON RESOURCES.—Not later than 6  
17 months after the date of enactment of this Act, the  
18 Secretary of State shall provide the appropriate con-  
19 gressional committees a report identifying resources  
20 that will be necessary for the reconstruction of  
21 Burma, after the SPDC is removed from power,  
22 including—

23 (A) the formation of democratic institu-  
24 tions;

25 (B) establishing the rule of law;

26 (C) establishing freedom of the press;

1 (D) providing for the successful reintegration of military officers and personnel into Bur-  
2 mese society; and

3 (E) providing health, educational, and eco-  
4 nomic development.

5 (3) REPORT ON TRADE SANCTIONS.—Not later  
6 than 90 days before the date that the import restric-  
7 tions contained in section 3(a)(1) are to expire, the  
8 Secretary of State, in consultation with the United  
9 States Trade Representative and other appropriate  
10 agencies, shall submit to the appropriate congres-  
11 sional committees, a report on—

12 (A) conditions in Burma, including human  
13 rights violations, arrest and detention of democ-  
14 racy activists, forced and child labor, and the  
15 status of dialogue between the SPDC and the  
16 NLD and ethnic minorities;

17 (B) bilateral and multilateral measures un-  
18 dertaken by the United States Government and  
19 other governments to promote human rights  
20 and democracy in Burma; and

21 (C) the impact and effectiveness of the  
22 provisions of this Act in furthering the policy  
23 objectives of the United States toward Burma.  
24

1 **SEC. 9. DURATION OF SANCTIONS.**

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

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

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

12 (2) **RESOLUTION BY CONGRESS.**—The import  
 13 restrictions contained in section 3(a)(1) may be re-  
 14 newed annually for a 1-year period if, prior to the  
 15 anniversary of the date of enactment of this Act,  
 16 and each year thereafter, a renewal resolution is en-  
 17 acted into law in accordance with subsection (c).

18 (c) **RENEWAL RESOLUTIONS.**—

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

26 (2) **PROCEDURES.**—

1 (A) IN GENERAL.—A renewal resolution—  
 2 (i) may be introduced in either House  
 3 of Congress by any member of such House  
 4 at any time within the 90-day period be-  
 5 fore the expiration of the import restric-  
 6 tions contained in section 3(a)(1); and  
 7 (ii) the provisions of subparagraph  
 8 (B) shall apply.

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

Passed the Senate June 11, 2003.

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

**S. 1215**

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**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.