

Union Calendar No. 106

108TH CONGRESS
1ST SESSION

H. R. 2330

[Report No. 108–159, Parts I and II]

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2003

Mr. LANTOS (for himself, Mr. KING of New York, Mr. HYDE, Mr. SMITH of New Jersey, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. ROHRABACHER, Mr. FALEOMAVAEGA, Mr. PITTS, Mr. LEVIN, Mr. SOUDER, Mr. ACKERMAN, Mr. SHERMAN, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. ENGEL, Mr. BLUMENAUER, Mr. SCHIFF, Mr. ANDREWS, Mr. MCGOVERN, Mr. OLVER, Mr. FARR, Mr. EVANS, and Mr. ABERCROMBIE) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and the Judiciary, 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

JUNE 17, 2003

Reported from the Committee on International Relations with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 17, 2003

Referral to the Committees on Ways and Means, Financial Services, and the Judiciary extended for a period ending not later than July 7, 2003

JULY 7, 2003

Referral to the Committees on Ways and Means, Financial Services, and the Judiciary for a period ending not later than July 11, 2003

JULY 11, 2003

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 11, 2003

Additional sponsors: Ms. MCCOLLUM, Mr. KIRK, Mr. DELAHUNT, Mr. BEREUTER, Ms. WATSON, Mr. WEXLER, Ms. SLAUGHTER, Mr. PAYNE, Mr. McNULTY, Mr. BERMAN, Mr. DOGGETT, Mr. NADLER, Mr. SHAYS, Mr. RAHALL, Mr. FRANK of Massachusetts, Mr. WEINER, Ms. WOOLSEY, Ms. BALDWIN, Mr. STARK, Mr. BAIRD, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. FILNER, and Mr. VAN HOLLEN

JULY 11, 2003

Committees on Ways and Means and Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 4, 2003]

A BILL

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*

1 *League for Democracy (NLD) whose parliamentar-*
2 *ians won an overwhelming victory in the 1990 elec-*
3 *tions in Burma.*

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

9 (3) *According to the State Department’s “Report*
10 *to the Congress Regarding Conditions in Burma and*
11 *U.S. Policy Toward Burma” dated March 28, 2003,*
12 *the SPDC has become “more confrontational” in its*
13 *exchanges with the NLD.*

14 (4) *On May 30, 2003, the SPDC, threatened by*
15 *continued support for the NLD throughout Burma,*
16 *brutally attacked NLD supporters, killed and injured*
17 *scores of civilians, and arrested democracy advocate*
18 *Aung San Suu Kyi and other activists.*

19 (5) *The SPDC continues egregious human rights*
20 *violations against Burmese citizens, uses rape as a*
21 *weapon of intimidation and torture against women,*
22 *and forcibly conscripts child-soldiers for the use in*
23 *fighting indigenous ethnic groups.*

24 (6) *The SPDC is engaged in ethnic cleansing*
25 *against minorities within Burma, including the*

1 *Karen, Karenni, and Shan people, which constitutes*
2 *a crime against humanity and has directly led to*
3 *more than 600,000 internally displaced people living*
4 *within Burma and more than 130,000 people from*
5 *Burma living in refugee camps along the Thai-*
6 *Burma border.*

7 *(7) The ethnic cleansing campaign of the SPDC*
8 *is in sharp contrast to the traditional peaceful coex-*
9 *istence in Burma of Buddhists, Muslims, Christians,*
10 *and people of traditional beliefs.*

11 *(8) The SPDC has demonstrably failed to cooper-*
12 *ate with the United States in stopping the flood of*
13 *heroin and methamphetamines being grown, refined,*
14 *manufactured, and transported in areas under the*
15 *control of the SPDC serving to flood the region and*
16 *much of the world with these illicit drugs.*

17 *(9) The SPDC provides safety, security, and en-*
18 *gages in business dealings with narcotics traffickers*
19 *under indictment by United States authorities, and*
20 *other producers and traffickers of narcotics.*

21 *(10) The International Labor Organization*
22 *(ILO), for the first time in its 82-year history, adopt-*
23 *ed in 2000, a resolution recommending that govern-*
24 *ments, employers, and workers organizations take ap-*
25 *propriate measures to ensure that their relations with*

1 *the SPDC do not abet the government-sponsored sys-*
2 *tem of forced, compulsory, or slave labor in Burma,*
3 *and that other international bodies reconsider any co-*
4 *operation they may be engaged in with Burma and,*
5 *if appropriate, cease as soon as possible any activity*
6 *that could abet the practice of forced, compulsory, or*
7 *slave labor.*

8 *(11) The SPDC has integrated the Burmese mili-*
9 *tary and its surrogates into all facets of the economy*
10 *effectively destroying any free enterprise system.*

11 *(12) Investment in Burmese companies and pur-*
12 *chases from them serve to provide the SPDC with cur-*
13 *rency that is used to finance its instruments of terror*
14 *and repression against the Burmese people.*

15 *(13) On April 15, 2003, the American Apparel*
16 *and Footwear Association expressed its “strong sup-*
17 *port for a full and immediate ban on U.S. textiles,*
18 *apparel and footwear imports from Burma” and*
19 *called upon the United States Government to “impose*
20 *an outright ban on U.S. imports” of these items until*
21 *Burma demonstrates respect for basic human and*
22 *labor rights of its citizens.*

23 *(14) The policy of the United States, as articu-*
24 *lated by the President on April 24, 2003, is to offi-*
25 *cially recognize the NLD as the legitimate representa-*

1 *tive of the Burmese people as determined by the 1990*
2 *election.*

3 *(15) The United States must work closely with*
4 *other nations, including Thailand, a close ally of the*
5 *United States, to highlight attention to the SPDC's*
6 *systematic abuses of human rights in Burma, to en-*
7 *sure that nongovernmental organizations promoting*
8 *human rights and political freedom in Burma are al-*
9 *lowed to operate freely and without harassment, and*
10 *to craft a multilateral sanctions regime against*
11 *Burma in order to pressure the SPDC to meet the*
12 *conditions identified in section 3(a)(3) of this Act.*

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

15 *(a) GENERAL BAN.—*

16 *(1) IN GENERAL.—Notwithstanding any other*
17 *provision of law, until such time as the President de-*
18 *termines and certifies to Congress that Burma has*
19 *met the conditions described in paragraph (3), no ar-*
20 *ticle may be imported into the United States that is*
21 *produced, mined, manufactured, grown, or assembled*
22 *in Burma.*

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

1 (A) *the SPDC, any ministry of the SPDC,*
2 *a member of the SPDC or an immediate family*
3 *member of such member;*

4 (B) *known narcotics traffickers from Burma*
5 *or an immediate family member of such nar-*
6 *cotics trafficker;*

7 (C) *the Union of Myanmar Economics*
8 *Holdings Incorporated (UMEHI) or any com-*
9 *pany in which the UMEHI has a fiduciary in-*
10 *terest;*

11 (D) *the Myanmar Economic Corporation*
12 *(MEC) or any company in which the MEC has*
13 *a fiduciary interest;*

14 (E) *the Union Solidarity and Development*
15 *Association (USDA); and*

16 (F) *any successor entity for the SPDC,*
17 *UMEHI, MEC, or USDA.*

18 (3) *CONDITIONS DESCRIBED.—The conditions de-*
19 *scribed in this paragraph are the following:*

20 (A) *The SPDC has made substantial and*
21 *measurable progress to end violations of inter-*
22 *nationally recognized human rights including*
23 *rape, and the Secretary of State, after consulta-*
24 *tion with the ILO Secretary General and rel-*
25 *evant nongovernmental organizations, reports to*

1 *the appropriate congressional committees that*
2 *the SPDC no longer systematically violates*
3 *workers rights, including the use of forced and*
4 *child labor, and conscription of child-soldiers.*

5 *(B) The SPDC has made measurable and*
6 *substantial progress toward implementing a*
7 *democratic government including—*

8 *(i) releasing all political prisoners;*

9 *(ii) allowing freedom of speech and the*
10 *press;*

11 *(iii) allowing freedom of association;*

12 *(iv) permitting the peaceful exercise of*
13 *religion; and*

14 *(v) bringing to a conclusion an agree-*
15 *ment between the SPDC and the democratic*
16 *forces led by the NLD and Burma's ethnic*
17 *nationalities on the transfer of power to a*
18 *civilian government accountable to the Bur-*
19 *mese people through democratic elections*
20 *under the rule of law.*

21 *(C) Pursuant to section 706(2) of the For-*
22 *ign Relations Authorization Act, Fiscal Year*
23 *2003 (Public Law 107-228), Burma has not*
24 *been designated as a country that has failed de-*
25 *monstrably to make substantial efforts to adhere*

1 to its obligations under international counter-
2 narcotics agreements and to take other effective
3 counternarcotics measures, including, but not
4 limited to (i) the arrest and extradition of all in-
5 dividuals under indictment in the United States
6 for narcotics trafficking, (ii) concrete and meas-
7 urable actions to stem the flow of illicit drug
8 money into Burma's banking system and eco-
9 nomic enterprises, and (iii) actions to stop the
10 manufacture and export of methamphetamines.

11 (4) *APPROPRIATE CONGRESSIONAL COMMIT-*
12 *TEES.*—In this subsection, the term “appropriate con-
13 gressional committees” means the Committees on For-
14 eign Relations and Appropriations of the Senate and
15 the Committees on International Relations and Ap-
16 propriations of the House of Representatives.

17 (b) *WAIVER AUTHORITIES.*—The President may waive
18 the prohibitions described in this section for any or all
19 products imported from Burma to the United States if the
20 President determines and notifies the Committees on Appro-
21 priations and Foreign Relations of the Senate and the Com-
22 mittees on Appropriations, International Relations, and
23 Ways and Means of the House of Representatives that to
24 do so is in the national interest of the United States.

1 (c) *DURATION OF TRADE BAN.*—*The President may*
2 *terminate the restrictions contained in this Act upon the*
3 *request of a democratically elected government in Burma,*
4 *provided that all the conditions in subsection (a)(3) have*
5 *been met.*

6 **SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN**
7 **THE UNITED STATES.**

8 *Not later than 60 days after the date of enactment of*
9 *this Act, the Secretary of the Treasury shall direct, and pro-*
10 *mulgate regulations to the same, that any United States*
11 *financial institution holding funds belonging to the SPDC*
12 *or the assets of those individuals who hold senior positions*
13 *in the SPDC or its political arm, the Union Solidarity De-*
14 *velopment Association, shall promptly report those assets to*
15 *the Office of Foreign Assets Control. The Secretary of the*
16 *Treasury may take such action as may be necessary to se-*
17 *cure such assets or funds.*

18 **SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITU-**
19 **TIONS.**

20 *The Secretary of the Treasury shall instruct the United*
21 *States executive director to each appropriate international*
22 *financial institution in which the United States partici-*
23 *pates, to oppose, and vote against the extension by such in-*
24 *stitution of any loan or financial or technical assistance*

1 *to Burma until such time as the conditions described in*
2 *section 3(a)(3) are met.*

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

4 *(a) IN GENERAL.—*

5 *(1) VISA BAN.—The President is authorized to*
6 *deny visas and entry to the former and present lead-*
7 *ership of the SPDC or the Union Solidarity Develop-*
8 *ment Association.*

9 *(2) UPDATES.—The Secretary of State shall co-*
10 *ordinate on a biannual basis with representatives of*
11 *the European Union to allow officials of the United*
12 *States and the European Union to ensure a high de-*
13 *gree of coordination of lists of individuals banned*
14 *from obtaining a visa by the European Union for the*
15 *reason described in paragraph (1) and those banned*
16 *from receiving a visa from the United States.*

17 *(b) PUBLICATION.—The Secretary of State shall post*
18 *on the Department of State’s website the names of individ-*
19 *uals whose entry into the United States is banned under*
20 *subsection (a).*

21 **SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINA-**
22 **TION OF INFORMATION.**

23 *Congress encourages the Secretary of State to highlight*
24 *the abysmal record of the SPDC to the international com-*
25 *munity and use all appropriate fora, including the Associa-*

1 *tion of Southeast Asian Nations Regional Forum and Asian*
2 *Nations Regional Forum, to encourage other states to re-*
3 *strict financial resources to the SPDC and Burmese compa-*
4 *nies while offering political recognition and support to Bur-*
5 *ma's democratic movement including the National League*
6 *for Democracy and Burma's ethnic groups.*

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

8 (a) *IN GENERAL.*—*The President is authorized to use*
9 *all available resources to assist Burmese democracy activ-*
10 *ists dedicated to nonviolent opposition to the regime in their*
11 *efforts to promote freedom, democracy, and human rights*
12 *in Burma, including a listing of constraints on such pro-*
13 *gramming.*

14 (b) *REPORTS.*—

15 (1) *FIRST REPORT.*—*Not later than 3 months*
16 *after the date of enactment of this Act, the Secretary*
17 *of State shall provide the Committees on Appropria-*
18 *tions and Foreign Relations of the Senate and the*
19 *Committees on Appropriations and International Re-*
20 *lations of the House of Representatives a comprehen-*
21 *sive report on its short- and long-term programs and*
22 *activities to support democracy activists in Burma,*
23 *including a list of constraints on such programming.*

24 (2) *REPORT ON RESOURCES.*—*Not later than 6*
25 *months after the date of enactment of this Act, the*

1 *Secretary of State shall provide the Committees on*
2 *Appropriations and Foreign Relations of the Senate*
3 *and the Committees on Appropriations and Inter-*
4 *national Relations of the House of Representatives a*
5 *report identifying resources that will be necessary for*
6 *the reconstruction of Burma, after the SPDC is re-*
7 *moved from power, including—*

8 *(A) the formation of democratic institu-*
9 *tions;*

10 *(B) establishing the rule of law;*

11 *(C) establishing freedom of the press;*

12 *(D) providing for the successful reintegra-*
13 *tion of military officers and personnel into Bur-*
14 *mese society; and*

15 *(E) providing health, educational, and eco-*
16 *nomi c development.*

Union Calendar No. 106

108TH CONGRESS
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H. R. 2330

[Report No. 108–159, Parts I and II]

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