

110TH CONGRESS
1ST SESSION

S. 2172

To impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2007

Mr. McCAIN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in 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 “Saffron Revolution
5 Support Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Beginning on August 19, 2007, hundreds of
2 thousands of citizens of Burma, including thousands
3 of Buddhist monks and students, participated in
4 peaceful demonstrations against rapidly deteriorating
5 living conditions and the violent and repressive
6 policies of the State Peace and Development
7 Council (SPDC), the ruling military junta in Burma,
8 to—

9 (A) demand the release of all political pris-
10 oners, including Nobel Peace Prize laureate
11 Aung San Suu Kyi; and

12 (B) urge the SPDC to engage in meaning-
13 ful dialogue to pursue national reconciliation.

14 (2) The SPDC, in a display of brutal barba-
15 rism, violently confronted unarmed demonstrators,
16 killing, injuring, and imprisoning citizens, including
17 several thousand Buddhist monks, and continued to
18 forcefully restrict peaceful forms of public expres-
19 sion.

20 (3) The Department of State's 2006 Reports on
21 Human Rights Practices found that the SPDC—

22 (A) routinely restricts freedoms of speech,
23 press, assembly, association, religion, and move-
24 ment;

25 (B) traffics in persons;

1 (C) discriminates against women and eth-
2 nic minorities;

3 (D) forcibly recruits child soldiers and
4 child labor; and

5 (E) commits other serious violations of
6 human rights, including extrajudicial killings,
7 custodial deaths, disappearances, rape, torture,
8 abuse of prisoners and detainees, and the im-
9 prisonment of citizens arbitrarily for political
10 motives.

11 (4) Aung San Suu Kyi has been arbitrarily im-
12 prisoned or held under house arrest for more than
13 12 years.

14 (5) The President announced on September 25,
15 2007, that the United States would tighten economic
16 sanctions against Burma, and block property and in-
17 terests in property of certain senior leaders of the
18 SPDC, individuals who provide financial backing for
19 the SPDC, and individuals responsible for violations
20 of human rights and for impeding the transition to
21 democracy in Burma.

22 (6) The President also announced on Sep-
23 tember 25, 2007, that the United States would im-
24 pose an expanded visa ban on individuals—

1 (A) responsible for violations of human
2 rights; and

3 (B) who aid, abet, or benefit from the
4 SPDC's efforts to impede the efforts of the peo-
5 ple of Burma to transition to democracy and
6 ensure respect for human dignity.

7 (7) The Total Oil Corporation of France and
8 the Chevron Corporation of the United States own
9 a significant stake in Burma's Yadana natural gas
10 field and pipeline and generate millions of dollars in
11 revenue that help the repressive junta government
12 maintain its grasp on power.

13 (8) Burma is home to approximately 60 percent
14 of the world's native teak reserves. More than one
15 quarter of the world's internationally traded teak
16 originates from Burma, and hardwood sales, mainly
17 of teak, represent more than 11 percent of Burma's
18 official foreign exchange earnings.

19 (9) Burma officially exports tens of millions of
20 dollars worth of rubies, sapphires, pearls, jade, and
21 other precious stones each year and the SPDC owns
22 a majority stake in all mining operations within the
23 borders of Burma.

24 (10) On October 11, 2007, the United Nations
25 Security Council, with the consent of China, issued

1 a statement condemning the violence in Burma, urg-
2 ing the release of all political prisoners, and calling
3 on the SPDC to enter into a United Nations-medi-
4 ated dialogue with its political opposition.

5 (11) The leaders of the SPDC will have a
6 greater incentive to cooperate with diplomatic efforts
7 by the United Nations, the Association of Southeast
8 Asian Nations, and China if they come under tar-
9 geted economic pressure that denies them access to
10 personal wealth and sources of revenue.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAY-
14 ABLE-THROUGH ACCOUNT.—The terms “account”,
15 “correspondent account”, and “payable-through ac-
16 count” have the meanings given the terms in section
17 5318A(e)(1) of title 31, United States Code.

18 (2) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means the Committee on Foreign Relations
21 of the Senate and the Committee on Foreign Affairs
22 of the House of Representatives.

23 (3) PERSON.—The term “person” means—

24 (A) an individual, corporation, company,
25 business association, partnership, society, trust,

1 any other nongovernmental entity, organization,
2 or group; and

3 (B) any successor, subunit, or subsidiary
4 of any person described in subparagraph (A).

5 (4) SPDC.—The term “SPDC” means the
6 State Peace and Development Council.

7 (5) UNITED STATES PERSON.—The term
8 “United States person” means—

9 (A) an individual who is a citizen of the
10 United States or who owes permanent alle-
11 giance to the United States; and

12 (B) a person that is organized under the
13 laws of the United States, any State or terri-
14 tory thereof, or the District of Columbia, if in-
15 dividuals described in subparagraph (A) own,
16 directly or indirectly, more than 50 percent of
17 the outstanding capital stock or other beneficial
18 interest in such entity.

19 **SEC. 4. STATEMENT OF POLICY.**

20 It is the policy of the United States to—

21 (1) condemn the continued repression carried
22 out by the SPDC;

23 (2) support the legitimate democratic aspira-
24 tions of the people of Burma;

1 (3) provide all appropriate support and assist-
2 ance to aid a transition to democracy in Burma; and

3 (4) hold accountable individuals responsible for
4 the repression of peaceful political activity in
5 Burma.

6 **SEC. 5. SANCTIONS.**

7 (a) LIST OF OFFICIALS OF THE SPDC.—

8 (1) IN GENERAL.—Not later than 30 days after
9 the date of the enactment of this Act, the President
10 shall submit to the appropriate congressional com-
11 mittees a list of—

12 (A) officials of the SPDC who play or have
13 played a direct and substantial role in the re-
14 pression of peaceful political activity in Burma
15 or in the commission of other human rights
16 abuses, including any current or former officials
17 of the security services and judicial institutions
18 of the SPDC; and

19 (B) any other Burmese persons who pro-
20 vide substantial economic and political support
21 for the SPDC.

22 (2) UPDATES.—The President shall regularly
23 update and submit the list required by paragraph
24 (1).

25 (b) SANCTIONS.—

1 (1) VISA BAN.—A person included on the list
2 required under subsection (a) shall be ineligible for
3 a visa to enter the United States.

4 (2) FINANCIAL SANCTIONS.—

5 (A) BLOCKED PROPERTY.—No property or
6 interest in property belonging to a person de-
7 scribed in subparagraph (C) may be trans-
8 ferred, paid, exported, withdrawn, or otherwise
9 dealt with, if—

10 (i) the property is located in the
11 United States or within the possession or
12 control of a United States person, includ-
13 ing the overseas branch of a United States
14 person; or

15 (ii) after the date of the enactment of
16 this Act, the property comes within the
17 possession or control of a United States
18 person.

19 (B) FINANCIAL TRANSACTIONS.—No
20 United States person may engage in a financial
21 transaction with a person described in subpara-
22 graph (C).

23 (C) PERSON DESCRIBED.—A person de-
24 scribed in this subparagraph is one of the fol-
25 lowing:

1 (i) The SPDC.

2 (ii) A person included on the list re-
3 quired under subsection (a).

4 (iii) An immediate family member of a
5 person included on the list required under
6 subsection (a), if the President determines
7 that the person included on the list—

8 (I) for purposes of subparagraph
9 (A), effectively controls the property;
10 or

11 (II) for purposes of subpara-
12 graph (B), would benefit from a fi-
13 nancial transaction.

14 (c) AUTHORITY FOR ADDITIONAL BANKING SANC-
15 TIONS.—

16 (1) IN GENERAL.—The Secretary of the Treas-
17 ury may, in consultation with the Secretary of State,
18 the Attorney General of the United States, and the
19 Chairman of the Board of Governors of the Federal
20 Reserve System, prohibit or impose conditions on
21 the opening or maintaining in the United States of
22 a correspondent account or payable-through account
23 by any financial institution (as that term is defined
24 in section 5312 of title 31, United States Code) or
25 financial agency that is organized under the laws of

1 a State, territory, or possession of the United
2 States, for or on behalf of a foreign banking institu-
3 tion, if the Secretary determines that the account
4 might be used—

5 (A) by a foreign banking institution that
6 holds property or an interest in property be-
7 longing to a person on the list required under
8 subsection (a); or

9 (B) to conduct a transaction on behalf of
10 a person on the list required under subsection
11 (a).

12 (2) **AUTHORITY TO DEFINE TERMS.**—The Sec-
13 retary of the Treasury may, by regulation, further
14 define the terms used in paragraph (1) for purposes
15 of this section, as the Secretary deems appropriate.

16 (d) **TERMINATION OF SANCTIONS.**—The sanctions
17 imposed under subsection (b) or (c) shall apply until the
18 President determines and certifies to the appropriate con-
19 gressional committees that the SPDC has—

20 (1) unconditionally released all political pris-
21 oners, including Aung San Suu Kyi and other mem-
22 bers of the National League for Democracy;

23 (2) entered into a substantive dialogue with
24 democratic forces led by the National League for
25 Democracy and the ethnic minorities of Burma on

1 transitioning to democratic government under the
2 rule of law; and

3 (3) allowed humanitarian access to populations
4 affected by armed conflict in all regions of Burma.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as may be
7 necessary to carry out this section.

8 **SEC. 6. PROHIBITION ON IMPORTATION OF BURMESE**
9 **GEMS, HARDWOODS, AND OTHER ITEMS.**

10 Section 3(a)(1) of the Burmese Freedom and Democ-
11 racy Act of 2003 (50 U.S.C. 1701 note) is amended by
12 striking “a product of Burma.” and inserting “produced,
13 mined, manufactured, grown, or assembled in Burma, in-
14 cluding—

15 “(A) any gemstone or rough unfinished ge-
16 ological material mined or extracted from
17 Burma, whether imported as a loose item or as
18 a component of a finished piece of jewelry; and

19 “(B) any teak or other hardwood timber,
20 regardless of the country in which such hard-
21 wood timber is milled, sawn, or otherwise proc-
22 essed, whether imported in unprocessed form or
23 as a part or component of finished furniture or
24 another wood item.”.

1 **SEC. 7. PROHIBITION ON INVESTMENT BY UNITED STATES**
2 **PERSONS IN BURMA.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law, no United States person may invest in Burma.

5 (b) **APPLICABILITY.**—The prohibition on investment
6 under subsection (a) includes a prohibition on—

7 (1) investments in Burma based on investment
8 agreements reached prior to May 20, 1997;

9 (2) approval or other facilitation by a United
10 States person of an investment by a foreign person
11 if the investment would violate the prohibition in
12 subsection (a) if made by a United States person;
13 and

14 (3) payments to the SPDC by a United States
15 person related to divesting assets in Burma to com-
16 ply with subsection (a).

17 (c) **PENALTIES.**—The Secretary of the Treasury may
18 impose a penalty under section 206 of the International
19 Emergency Economic Powers Act (50 U.S.C. 1705) on a
20 United States person that violates the prohibition under
21 subsection (a).

22 **SEC. 8. GRANTS TO ESTABLISH DATABASE OF HUMAN**
23 **RIGHTS ABUSES.**

24 The Secretary of State may award grants to non-
25 governmental organizations, universities, and other orga-
26 nizations to establish a searchable Internet database that

1 contains evidence of human rights abuses carried out by
2 the SPDC or persons associated with the SPDC.

3 **SEC. 9. SUPPORT FOR DEMOCRACY IN BURMA.**

4 (a) IN GENERAL.—The President is authorized to
5 use all available resources to assist Burmese democracy
6 activists who are dedicated to nonviolent opposition to the
7 SPDC in their efforts to promote freedom, democracy, and
8 human rights in Burma.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated \$20,000,000 to the Sec-
11 retary of State for each of the fiscal years 2008 and 2009
12 for the following purposes:

13 (1) Aid to democracy activists in Burma.

14 (2) Aid to individuals and groups conducting
15 democracy programming outside of Burma targeted
16 at a transition to democracy inside Burma.

17 (3) The expansion of radio and television broad-
18 casting into Burma.

19 (4) Support for individuals and groups com-
20 piling evidence of—

21 (A) the SPDC's efforts to repress peaceful
22 political activity; and

23 (B) the commission of other human rights
24 abuses by the SPDC.

1 **SEC. 10. SENSE OF CONGRESS ON USE OF INTELLIGENCE**
2 **ASSETS.**

3 It is the sense of Congress that the Director of Na-
4 tional Intelligence should utilize appropriate intelligence
5 resources to identify persons responsible for—

6 (1) the crackdown sponsored by the SPDC
7 against peaceful protestors that began August 19,
8 2007; and

9 (2) ongoing gross abuses of human rights
10 against civilians in Burma.

11 **SEC. 11. REPORT ON MILITARY AID TO BURMA.**

12 (a) **IN GENERAL.**—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of State
14 shall submit to the appropriate congressional committees
15 a report containing a list of countries that provide military
16 aid to Burma and describing the military aid provided by
17 each such country.

18 (b) **MILITARY AID DEFINED.**—For the purposes of
19 this section, the term “military aid” includes—

20 (1) the provision of weapons, military vehicles,
21 and military aircraft;

22 (2) the provision of military training; and

23 (3) conducting joint military exercises.

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form but may include
3 a classified annex.

○