

# **Saffron Revolution Support Act of 2007 (Introduced in Senate)**

S 2172 IS

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**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

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## **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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the `Saffron Revolution Support Act of 2007'.

### **SEC. 2. FINDINGS.**

Congress makes the following findings:

- (1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council (SPDC), the ruling military junta in Burma, to--
  - (A) demand the release of all political prisoners, including Nobel Peace Prize laureate Aung San Suu Kyi; and
  - (B) urge the SPDC to engage in meaningful dialogue to pursue national reconciliation.

(2) The SPDC, in a display of brutal barbarism, violently confronted unarmed demonstrators, killing, injuring, and imprisoning citizens, including several thousand Buddhist monks, and continued to forcefully restrict peaceful forms of public expression.

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

- (A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;
- (B) traffics in persons;
- (C) discriminates against women and ethnic minorities;
- (D) forcibly recruits child soldiers and child labor; and
- (E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

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

(6) The President also announced on September 25, 2007, that the United States would impose an expanded visa ban on individuals--

- (A) responsible for violations of human rights; and
- (B) who aid, abet, or benefit from the SPDC's efforts to impede the efforts of the people of Burma to transition to democracy and ensure respect for human dignity.

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

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

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

(10) On October 11, 2007, the United Nations Security Council, with the consent of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

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

### **SEC. 3. DEFINITIONS.**

In this Act:

- (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT- The terms `account', `correspondent account', and `payable-through account' have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.
- (2) APPROPRIATE CONGRESSIONAL COMMITTEES- The term `appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.
- (3) PERSON- The term `person' means--
  - (A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and
  - (B) any successor, subunit, or subsidiary of any person described in subparagraph (A).
- (4) SPDC- The term `SPDC' means the State Peace and Development Council.
- (5) UNITED STATES PERSON- The term `United States person' means--
  - (A) an individual who is a citizen of the United States or who owes permanent allegiance to the United States; and
  - (B) a person that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if individuals described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

### **SEC. 4. STATEMENT OF POLICY.**

It is the policy of the United States to--

- (1) condemn the continued repression carried out by the SPDC;
- (2) support the legitimate democratic aspirations of the people of Burma;
- (3) provide all appropriate support and assistance to aid a transition to democracy in Burma; and
- (4) hold accountable individuals responsible for the repression of peaceful political activity in Burma.

### **SEC. 5. SANCTIONS.**

(a) List of Officials of the SPDC-

(1) IN GENERAL- Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of--

(A) officials of the SPDC who play or have played a direct and substantial role in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC; and

(B) any other Burmese persons who provide substantial economic and political support for the SPDC.

(2) UPDATES- The President shall regularly update and submit the list required by paragraph (1).

(b) Sanctions-

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

(2) FINANCIAL SANCTIONS-

(A) BLOCKED PROPERTY- No property or interest in property belonging to a person described in subparagraph (C) may be transferred, paid, exported, withdrawn, or otherwise dealt with, if--

(i) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

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

(B) FINANCIAL TRANSACTIONS- No United States person may engage in a financial transaction with a person described in subparagraph (C).

(C) PERSON DESCRIBED- A person described in this subparagraph is one of the following:

(i) The SPDC.

(ii) A person included on the list required under subsection (a).

(iii) An immediate family member of a person included on the list required under subsection (a), if the President determines that the person included on the list--

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

(II) for purposes of subparagraph (B), would benefit from a financial transaction.

(c) Authority for Additional Banking Sanctions-

(1) IN GENERAL- The Secretary of the Treasury may, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, prohibit or impose conditions on the opening or maintaining in the United

States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used--

(A) by a foreign banking institution that holds property or an interest in property belonging to a person on the list required under subsection (a); or

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

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

(d) **Termination of Sanctions-** The sanctions imposed under subsection (b) or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has--

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

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

(e) **Authorization of Appropriations-** There are authorized to be appropriated such sums as may be necessary to carry out this section.

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

Section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended by striking `a product of Burma.' and inserting `produced, mined, manufactured, grown, or assembled in Burma, including--

`(A) any gemstone or rough unfinished geological material mined or extracted from Burma, whether imported as a loose item or as a component of a finished piece of jewelry; and

`(B) any teak or other hardwood timber, regardless of the country in which such hardwood timber is milled, sawn, or otherwise processed, whether imported in unprocessed form or as a part or component of finished furniture or another wood item.'.

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

(a) **In General-** Notwithstanding any other provision of law, no United States person may invest in Burma.

(b) Applicability- The prohibition on investment under subsection (a) includes a prohibition on--

- (1) investments in Burma based on investment agreements reached prior to May 20, 1997;
- (2) approval or other facilitation by a United States person of an investment by a foreign person if the investment would violate the prohibition in subsection (a) if made by a United States person; and
- (3) payments to the SPDC by a United States person related to divesting assets in Burma to comply with subsection (a).

(c) Penalties- The Secretary of the Treasury may impose a penalty under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) on a United States person that violates the prohibition under subsection (a).

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

The Secretary of State may award grants to nongovernmental organizations, universities, and other organizations to establish a searchable Internet database that contains evidence of human rights abuses carried out by the SPDC or persons associated with the SPDC.

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

(a) In General- The President is authorized to use all available resources to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) Authorization of Appropriations- There are authorized to be appropriated \$20,000,000 to the Secretary of State for each of the fiscal years 2008 and 2009 for the following purposes:

- (1) Aid to democracy activists in Burma.
- (2) Aid to individuals and groups conducting democracy programming outside of Burma targeted at a transition to democracy inside Burma.
- (3) The expansion of radio and television broadcasting into Burma.
- (4) Support for individuals and groups compiling evidence of--
  - (A) the SPDC's efforts to repress peaceful political activity; and
  - (B) the commission of other human rights abuses by the SPDC.

## **SEC. 10. SENSE OF CONGRESS ON USE OF INTELLIGENCE ASSETS.**

It is the sense of Congress that the Director of National Intelligence should utilize appropriate intelligence resources to identify persons responsible for--

- (1) the crackdown sponsored by the SPDC against peaceful protestors that began August 19, 2007; and
- (2) ongoing gross abuses of human rights against civilians in Burma.

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

(a) In General- Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing a list of countries that provide military aid to Burma and describing the military aid provided by each such country.

(b) Military Aid Defined- For the purposes of this section, the term `military aid' includes--

- (1) the provision of weapons, military vehicles, and military aircraft;
- (2) the provision of military training; and
- (3) conducting joint military exercises.

(c) Form- The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.