

110TH CONGRESS
2D SESSION

H. RES. 1341

Providing for the concurrence by the House in the Senate amendments to
H.R. 3890, with amendments.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2008

Mr. BERMAN submitted the following resolution; which was considered and
agreed to

RESOLUTION

Providing for the concurrence by the House in the Senate
amendments to H.R. 3890, with amendments.

1 *Resolved*, That upon the adoption of this resolution
2 the bill (H.R. 3890) entitled “An Act to amend the Bur-
3 mese Freedom and Democracy Act of 2003 to waive the
4 requirement for annual renewal resolutions relating to im-
5 port sanctions, impose import sanctions on Burmese
6 gemstones, expand the number of individuals against
7 whom the visa ban is applicable, expand the blocking of
8 assets and other prohibited activities, and for other pur-
9 poses.”, with the Senate amendment thereto, shall be con-
10 sidered to have been taken from the Speaker’s table to

1 the end that the Senate amendment thereto be, and the
2 same is hereby, agreed to with the following amendments:
3 Strike all after the enacting clause and insert the fol-
4 lowing:

5 **SECTION 1. SHORT TITLE.**

6 This Act may be cited as the “Tom Lantos Block
7 Burmese JADE (Junta’s Anti-Democratic Efforts) Act of
8 2008”.

9 **SEC. 2. FINDINGS.**

10 Congress makes the following findings:

11 (1) Beginning on August 19, 2007, hundreds of
12 thousands of citizens of Burma, including thousands
13 of Buddhist monks and students, participated in
14 peaceful demonstrations against rapidly deterio-
15 rating living conditions and the violent and repres-
16 sive policies of the State Peace and Development
17 Council (SPDC), the ruling military regime in
18 Burma—

19 (A) to demand the release of all political
20 prisoners, including 1991 Nobel Peace Prize
21 winner Aung San Suu Kyi; and

22 (B) to urge the regime to engage in mean-
23 ingful dialogue to pursue national reconcili-
24 ation.

1 (2) The Burmese regime responded to these
2 peaceful protests with a violent crackdown leading to
3 the reported killing of approximately 200 people, in-
4 cluding a Japanese photojournalist, and hundreds of
5 injuries. Human rights groups further estimate that
6 over 2,000 individuals have been detained, arrested,
7 imprisoned, beaten, tortured, or otherwise intimi-
8 dated as part of this crackdown. Burmese military,
9 police, and their affiliates in the Union Solidarity
10 Development Association (USDA) perpetrated al-
11 most all of these abuses. The Burmese regime con-
12 tinues to detain, torture, and otherwise intimidate
13 those individuals whom it believes participated in or
14 led the protests and it has closed down or otherwise
15 limited access to several monasteries and temples
16 that played key roles in the peaceful protests.

17 (3) The Department of State's 2006 Country
18 Reports on Human Rights Practices found that the
19 SPDC—

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

23 (B) traffics in persons;

24 (C) discriminates against women and eth-
25 nic minorities;

1 (D) forcibly recruits child soldiers and
2 child labor; and

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

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

12 (5) In October 2007, President Bush an-
13 nounced a new Executive Order to tighten economic
14 sanctions against Burma and block property and
15 travel to the United States by certain senior leaders
16 of the SPDC, individuals who provide financial back-
17 ing for the SPDC, and individuals responsible for
18 human rights violations and impeding democracy in
19 Burma. Additional names were added in updates
20 done on October 19, 2007, and February 5, 2008.
21 However, only 38 discrete individuals and 13 dis-
22 crete companies have been designated under those
23 sanctions, once aliases and companies with similar
24 names were removed. By contrast, the Australian
25 Government identified more than 400 individuals

1 and entities subject to its sanctions applied in the
2 wake of the 2007 violence. The European Union's
3 regulations to implement sanctions against Burma
4 have identified more than 400 individuals among the
5 leadership of government, the military, and the
6 USDA, along with nearly 1300 state and military-
7 run companies potentially subject to its sanctions.

8 (6) The Burmese regime and its supporters fi-
9 nance their ongoing violations of human rights, un-
10 democratic policies, and military activities in part
11 through financial transactions, travel, and trade in-
12 volving the United States, including the sale of pe-
13 troleum products, gemstones and hardwoods.

14 (7) In 2006, the Burmese regime earned more
15 than \$500 million from oil and gas projects, over
16 \$500 million from sale of hardwoods, and in excess
17 of \$300 million from the sale of rubies and jade. At
18 least \$500 million of the \$2.16 billion earned in
19 2006 from Burma's two natural gas pipelines, one
20 of which is 28 percent owned by a United States
21 company, went to the Burmese regime. The regime
22 has earned smaller amounts from oil and gas explo-
23 ration and non-operational pipelines but United
24 States investors are not involved in those trans-
25 actions. Industry sources estimate that over \$100

1 million annually in Burmese rubies and jade enters
2 the United States. Burma's official statistics report
3 that Burma exported \$500 million in hardwoods in
4 2006 but NGOs estimate the true figure to exceed
5 \$900 million. Reliable statistics on the amount of
6 hardwoods imported into the United States from
7 Burma in the form of finished products are not
8 available, in part due to widespread illegal logging
9 and smuggling.

10 (8) The SPDC seeks to evade the sanctions im-
11 posed in the Burmese Freedom and Democracy Act
12 of 2003. Millions of dollars in gemstones that are
13 exported from Burma ultimately enter the United
14 States, but the Burmese regime attempts to conceal
15 the origin of the gemstones in an effort to evade
16 sanctions. For example, according to gem industry
17 experts, over 90 percent of the world's ruby supply
18 originates in Burma but only 3 percent of the rubies
19 entering the United States are claimed to be of Bur-
20 mese origin. The value of Burmese gemstones is pre-
21 dominantly based on their original quality and geo-
22 logical origin, rather than the labor involved in cut-
23 ting and polishing the gemstones.

24 (9) According to hardwood industry experts,
25 Burma is home to approximately 60 percent of the

1 world's native teak reserves. More than 1/4 of the
2 world's internationally traded teak originates from
3 Burma, and hardwood sales, mainly of teak, rep-
4 resent more than 11 percent of Burma's official for-
5 eign exchange earnings.

6 (10) The SPDC owns a majority stake in vir-
7 tually all enterprises responsible for the extraction
8 and trade of Burmese natural resources, including
9 all mining operations, the Myanmar Timber Enter-
10 prise, the Myanmar Gems Enterprise, the Myanmar
11 Pearl Enterprise, and the Myanmar Oil and Gas En-
12 terprise. Virtually all profits from these enterprises
13 enrich the SPDC.

14 (11) On October 11, 2007, the United Nations
15 Security Council, with the consent of the People's
16 Republic of China, issued a statement condemning
17 the violence in Burma, urging the release of all polit-
18 ical prisoners, and calling on the SPDC to enter into
19 a United Nations-mediated dialogue with its political
20 opposition.

21 (12) The United Nations special envoy Ibrahim
22 Gambari traveled to Burma from September 29,
23 2007, through October 2, 2007, holding meetings
24 with SPDC leader General Than Shwe and democ-
25 racy advocate Aung San Suu Kyi in an effort to pro-

1 mote dialogue between the SPDC and democracy ad-
2 vocates.

3 (13) The leaders of the SPDC will have a
4 greater incentive to cooperate with diplomatic efforts
5 by the United Nations, the Association of Southeast
6 Asian Nations, and the People's Republic of China
7 if they come under targeted economic pressure that
8 denies them access to personal wealth and sources of
9 revenue.

10 (14) On the night of May 2, 2008, through the
11 morning of May 3, 2008, tropical cyclone Nargis
12 struck the coast of Burma, resulting in the deaths
13 of tens of thousands of Burmese.

14 (15) The response to the cyclone by Burma's
15 military leaders illustrates their fundamental lack of
16 concern for the welfare of the Burmese people. The
17 regime did little to warn citizens of the cyclone, did
18 not provide adequate humanitarian assistance to ad-
19 dress basic needs and prevent loss of life, and con-
20 tinues to fail to provide life-protecting and life-sus-
21 taining services to its people.

22 (16) The international community responded
23 immediately to the cyclone and attempted to provide
24 humanitarian assistance. More than 30 disaster as-
25 sessment teams from 18 different nations and the

1 United Nations arrived in the region, but the Bur-
2 mese regime denied them permission to enter the
3 country. Eventually visas were granted to aid work-
4 ers, but the regime continues to severely limit their
5 ability to provide assistance in the affected areas.

6 (17) Despite the devastation caused by Cyclone
7 Nargis, the junta went ahead with its referendum on
8 a constitution drafted by an illegitimate assembly,
9 conducting voting in unaffected areas on May 10,
10 2008, and in portions of the affected Irrawaddy re-
11 gion and Rangoon on May 26, 2008.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAY-
15 ABLE-THROUGH ACCOUNT.—The terms “account”,
16 “correspondent account”, and “payable-through ac-
17 count” have the meanings given the terms in section
18 5318A(e)(1) of title 31, United States Code.

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Foreign Relations of
23 the Senate;

24 (B) the Committee on Finance of the Sen-
25 ate;

1 (C) the Committee on Foreign Affairs of
2 the House of Representatives; and

3 (D) the Committee on Ways and Means of
4 the House of Representatives.

5 (3) ASEAN.—The term “ASEAN” means the
6 Association of Southeast Asian Nations.

7 (4) PERSON.—The term “person” means—

8 (A) an individual, corporation, company,
9 business association, partnership, society, trust,
10 any other nongovernmental entity, organization,
11 or group; and

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

14 (5) SPDC.—The term “SPDC” means the
15 State Peace and Development Council, the ruling
16 military regime in Burma.

17 (6) UNITED STATES PERSON.—The term
18 “United States person” means any United States
19 citizen, permanent resident alien, juridical person or-
20 ganized under the laws of the United States (includ-
21 ing foreign branches), or any person in the United
22 States.

23 **SEC. 4. STATEMENT OF POLICY.**

24 It is the policy of the United States to—

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

3 (2) work with the international community, es-
4 pecially the People’s Republic of China, India, Thai-
5 land, and ASEAN, to foster support for the legiti-
6 mate democratic aspirations of the people of Burma
7 and to coordinate efforts to impose sanctions on
8 those directly responsible for human rights abuses in
9 Burma;

10 (3) provide all appropriate support and assist-
11 ance to aid a peaceful transition to constitutional de-
12 moeracy in Burma;

13 (4) support international efforts to alleviate the
14 suffering of Burmese refugees and address the ur-
15 gent humanitarian needs of the Burmese people; and

16 (5) identify individuals responsible for the re-
17 pression of peaceful political activity in Burma and
18 hold them accountable for their actions.

19 **SEC. 5. SANCTIONS.**

20 (a) VISA BAN.—

21 (1) IN GENERAL.—The following persons shall
22 be ineligible for a visa to travel to the United States:

23 (A) Former and present leaders of the
24 SPDC, the Burmese military, or the USDA.

1 (B) Officials of the SPDC, the Burmese
2 military, or the USDA involved in the repres-
3 sion of peaceful political activity or in other
4 gross violations of human rights in Burma or in
5 the commission of other human rights abuses,
6 including any current or former officials of the
7 security services and judicial institutions of the
8 SPDC.

9 (C) Any other Burmese persons who pro-
10 vide substantial economic and political support
11 for the SPDC, the Burmese military, or the
12 USDA.

13 (D) The immediate family members of any
14 person described in subparagraphs (A) through
15 (C).

16 (2) WAIVER.—The President may waive the
17 visa ban described in paragraph (1) only if the
18 President determines and certifies in writing to Con-
19 gress that travel by the person seeking such a waiver
20 is in the national interests of the United States.

21 (3) RULE OF CONSTRUCTION.—Nothing in this
22 subsection shall be construed to conflict with the
23 provisions of section 694 of the Consolidated Appro-
24 priations Act, 2008 (Public Law 110–161), nor shall
25 this subsection be construed to make ineligible for a

1 visa members of ethnic groups in Burma now or pre-
2 viously opposed to the regime who were forced to
3 provide labor or other support to the Burmese mili-
4 tary and who are otherwise eligible for admission
5 into the United States.

6 (b) FINANCIAL SANCTIONS.—

7 (1) BLOCKED PROPERTY.—No property or in-
8 terest in property belonging to a person described in
9 subsection (a)(1) may be transferred, paid, exported,
10 withdrawn, or otherwise dealt with if—

11 (A) the property is located in the United
12 States or within the possession or control of a
13 United States person, including the overseas
14 branch of a United States person; or

15 (B) the property comes into the possession
16 or control of a United States person after the
17 date of the enactment of this Act.

18 (2) FINANCIAL TRANSACTIONS.—Except with
19 respect to transactions authorized under Executive
20 Orders 13047 (May 20, 1997) and 13310 (July 28,
21 2003), no United States person may engage in a fi-
22 nancial transaction with the SPDC or with a person
23 described in subsection (a)(1).

24 (3) PROHIBITED ACTIVITIES.—Activities pro-
25 hibited by reason of the blocking of property and fi-

1 nancial transactions under this subsection shall in-
2 clude the following:

3 (A) Payments or transfers of any property,
4 or any transactions involving the transfer of
5 anything of economic value by any United
6 States person, including any United States fi-
7 nancial institution and any branch or office of
8 such financial institution that is located outside
9 the United States, to the SPDC or to an indi-
10 vidual described in subsection (a)(1).

11 (B) The export or reexport directly or indi-
12 rectly, of any goods, technology, or services by
13 a United States person to the SPDC, to an in-
14 dividual described in subsection (a)(1) or to any
15 entity owned, controlled, or operated by the
16 SPDC or by an individual described in such
17 subsection.

18 (c) AUTHORITY FOR ADDITIONAL BANKING SANC-
19 TIONS.—

20 (1) IN GENERAL.—The Secretary of the Treas-
21 ury, in consultation with the Secretary of State, the
22 Attorney General of the United States, and the
23 Chairman of the Board of Governors of the Federal
24 Reserve System, may prohibit or impose conditions
25 on the opening or maintaining in the United States

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

9 (A) by a foreign banking institution that
10 holds property or an interest in property be-
11 longing to the SPDC or a person described in
12 subsection (a)(1); or

13 (B) to conduct a transaction on behalf of
14 the SPDC or a person described in subsection
15 (a)(1).

16 (2) AUTHORITY TO DEFINE TERMS.—The Sec-
17 retary of the Treasury may, by regulation, further
18 define the terms used in paragraph (1) for purposes
19 of this section, as the Secretary considers appro-
20 priate.

21 (d) LIST OF SANCTIONED OFFICIALS.—

22 (1) IN GENERAL.—Not later than 120 days
23 after the date of the enactment of this Act, the
24 President shall transmit to the appropriate congres-
25 sional committees a list of—

1 (A) former and present leaders of the
2 SPDC, the Burmese military, and the USDA;

3 (B) officials of the SPDC, the Burmese
4 military, or the USDA involved in the repres-
5 sion of peaceful political activity in Burma or in
6 the commission of other human rights abuses,
7 including any current or former officials of the
8 security services and judicial institutions of the
9 SPDC;

10 (C) any other Burmese persons or entities
11 who provide substantial economic and political
12 support for the SPDC, the Burmese military, or
13 the USDA; and

14 (D) the immediate family members of any
15 person described in subparagraphs (A) through
16 (C) whom the President determines effectively
17 controls property in the United States or has
18 benefitted from a financial transaction with any
19 United States person.

20 (2) CONSIDERATION OF OTHER DATA.—In pre-
21 paring the list required under paragraph (1), the
22 President shall consider the data already obtained by
23 other countries and entities that apply sanctions
24 against Burma, such as the Australian Government
25 and the European Union.

1 (3) UPDATES.—The President shall transmit to
2 the appropriate congressional committees updated
3 lists of the persons described in paragraph (1) as
4 new information becomes available.

5 (4) IDENTIFICATION OF INFORMATION.—The
6 Secretary of State and the Secretary of the Treasury
7 shall devote sufficient resources to the identification
8 of information concerning potential persons to be
9 sanctioned to carry out the purposes described in
10 this Act.

11 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed to prohibit any contract or other
13 financial transaction with any nongovernmental humani-
14 tarian organization in Burma.

15 (f) EXCEPTIONS.—

16 (1) IN GENERAL.—The prohibitions and restric-
17 tions described in subsections (b) and (c) shall not
18 apply to medicine, medical equipment or supplies,
19 food or feed, or any other form of humanitarian as-
20 sistance provided to Burma.

21 (2) REGULATORY EXCEPTIONS.—For the fol-
22 lowing purposes, the Secretary of State may, by reg-
23 ulation, authorize exceptions to the prohibition and
24 restrictions described in subsection (a), and the Sec-
25 retary of the Treasury may, by regulation, authorize

1 exceptions to the prohibitions and restrictions de-
2 scribed in subsections (b) and (c)—

3 (A) to permit the United States and
4 Burma to operate their diplomatic missions,
5 and to permit the United States to conduct
6 other official United States Government busi-
7 ness in Burma;

8 (B) to permit United States citizens to
9 visit Burma; and

10 (C) to permit the United States to comply
11 with the United Nations Headquarters Agree-
12 ment and other applicable international agree-
13 ments.

14 (g) PENALTIES.—Any person who violates any prohi-
15 bition or restriction imposed pursuant to subsection (b)
16 or (c) shall be subject to the penalties under section 6 of
17 the International Emergency Economic Powers Act (50
18 U.S.C. 1705) to the same extent as for a violation under
19 that Act.

20 (h) TERMINATION OF SANCTIONS.—The sanctions
21 imposed under subsection (a), (b), or (c) shall apply until
22 the President determines and certifies to the appropriate
23 congressional committees that the SPDC has—

1 **“SEC. 3A. PROHIBITION ON IMPORTATION OF JADEITE AND**
2 **RUBIES FROM BURMA AND ARTICLES OF**
3 **JEWELRY CONTAINING JADEITE OR RUBIES**
4 **FROM BURMA.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term ‘appropriate congressional com-
8 mittees’ means—

9 “(A) the Committee on Ways and Means
10 and the Committee on Foreign Affairs of the
11 House of Representatives; and

12 “(B) the Committee on Finance and the
13 Committee on Foreign Relations of the Senate.

14 “(2) BURMESE COVERED ARTICLE.—The term
15 ‘Burmese covered article’ means—

16 “(A) jadeite mined or extracted from
17 Burma;

18 “(B) rubies mined or extracted from
19 Burma; or

20 “(C) articles of jewelry containing jadeite
21 described in subparagraph (A) or rubies de-
22 scribed in subparagraph (B).

23 “(3) NON-BURMESE COVERED ARTICLE.—The
24 term ‘non-Burmese covered article’ means—

25 “(A) jadeite mined or extracted from a
26 country other than Burma;

1 “(B) rubies mined or extracted from a
2 country other than Burma; or

3 “(C) articles of jewelry containing jadeite
4 described in subparagraph (A) or rubies de-
5 scribed in subparagraph (B).

6 “(4) JADEITE; RUBIES; ARTICLES OF JEWELRY
7 CONTAINING JADEITE OR RUBIES.—

8 “(A) JADEITE.—The term ‘jadeite’ means
9 any jadeite classifiable under heading 7103 of
10 the Harmonized Tariff Schedule of the United
11 States (in this paragraph referred to as the
12 ‘HTS’).

13 “(B) RUBIES.—The term ‘rubies’ means
14 any rubies classifiable under heading 7103 of
15 the HTS.

16 “(C) ARTICLES OF JEWELRY CONTAINING
17 JADEITE OR RUBIES.—The term ‘articles of
18 jewelry containing jadeite or rubies’ means—

19 “(i) any article of jewelry classifiable
20 under heading 7113 of the HTS that con-
21 tains jadeite or rubies; or

22 “(ii) any article of jadeite or rubies
23 classifiable under heading 7116 of the
24 HTS.

1 “(5) UNITED STATES.—The term ‘United
2 States’, when used in the geographic sense, means
3 the several States, the District of Columbia, and any
4 commonwealth, territory, or possession of the United
5 States.

6 “(b) PROHIBITION ON IMPORTATION OF BURMESE
7 COVERED ARTICLES.—

8 “(1) IN GENERAL.—Notwithstanding any other
9 provision of law, until such time as the President de-
10 termines and certifies to the appropriate congress-
11 sional committees that Burma has met the condi-
12 tions described in section 3(a)(3), beginning 60 days
13 after the date of the enactment of the Tom Lantos
14 Block Burmese JADE (Junta’s Anti-Democratic Ef-
15 forts) Act of 2008, the President shall prohibit the
16 importation into the United States of any Burmese
17 covered article.

18 “(2) REGULATORY AUTHORITY.—The President
19 is authorized to, and shall as necessary, issue such
20 proclamations, regulations, licenses, and orders, and
21 conduct such investigations, as may be necessary to
22 implement the prohibition under paragraph (1).

23 “(3) OTHER ACTIONS.—Beginning on the date
24 of the enactment of this Act, the President shall
25 take all appropriate actions to seek the following:

1 “(A) The issuance of a draft waiver deci-
2 sion by the Council for Trade in Goods of the
3 World Trade Organization granting a waiver of
4 the applicable obligations of the United States
5 under the World Trade Organization with re-
6 spect to the provisions of this section and any
7 measures taken to implement this section.

8 “(B) The adoption of a resolution by the
9 United Nations General Assembly expressing
10 the need to address trade in Burmese covered
11 articles and calling for the creation and imple-
12 mentation of a workable certification scheme for
13 non-Burmese covered articles to prevent the
14 trade in Burmese covered articles.

15 “(c) REQUIREMENTS FOR IMPORTATION OF NON-
16 BURMESE COVERED ARTICLES.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), until such time as the President deter-
19 mines and certifies to the appropriate congressional
20 committees that Burma has met the conditions de-
21 scribed in section 3(a)(3), beginning 60 days after
22 the date of the enactment of the Tom Lantos Block
23 Burmese JADE (Junta’s Anti-Democratic Efforts)
24 Act of 2008, the President shall require as a condi-

1 tion for the importation into the United States of
2 any non-Burmese covered article that—

3 “(A) the exporter of the non-Burmese cov-
4 ered article has implemented measures that
5 have substantially the same effect and achieve
6 the same goals as the measures described in
7 clauses (i) through (iv) of paragraph (2)(B) (or
8 their functional equivalent) to prevent the trade
9 in Burmese covered articles; and

10 “(B) the importer of the non-Burmese cov-
11 ered article agrees—

12 “(i) to maintain a full record of, in
13 the form of reports or otherwise, complete
14 information relating to any act or trans-
15 action related to the purchase, manufac-
16 ture, or shipment of the non-Burmese cov-
17 ered article for a period of not less than 5
18 years from the date of entry of the non-
19 Burmese covered article; and

20 “(ii) to provide the information de-
21 scribed in clause (i) within the custody or
22 control of such person to the relevant
23 United States authorities upon request.

24 “(2) EXCEPTION.—

1 “(A) IN GENERAL.—The President may
2 waive the requirements of paragraph (1) with
3 respect to the importation of non-Burmese cov-
4 ered articles from any country with respect to
5 which the President determines and certifies to
6 the appropriate congressional committees has
7 implemented the measures described in sub-
8 paragraph (B) (or their functional equivalent)
9 to prevent the trade in Burmese covered arti-
10 cles.

11 “(B) MEASURES DESCRIBED.—The meas-
12 ures referred to in subparagraph (A) are the
13 following:

14 “(i) With respect to exportation from
15 the country of jadeite or rubies in rough
16 form, a system of verifiable controls on the
17 jadeite or rubies from mine to exportation
18 demonstrating that the jadeite or rubies
19 were not mined or extracted from Burma,
20 and accompanied by officially-validated
21 documentation certifying the country from
22 which the jadeite or rubies were mined or
23 extracted, total carat weight, and value of
24 the jadeite or rubies.

1 “(ii) With respect to exportation from
2 the country of finished jadeite or polished
3 rubies, a system of verifiable controls on
4 the jadeite or rubies from mine to the
5 place of final finishing of the jadeite or ru-
6 bies demonstrating that the jadeite or ru-
7 bies were not mined or extracted from
8 Burma, and accompanied by officially-vali-
9 dated documentation certifying the country
10 from which the jadeite or rubies were
11 mined or extracted.

12 “(iii) With respect to exportation from
13 the country of articles of jewelry con-
14 taining jadeite or rubies, a system of
15 verifiable controls on the jadeite or rubies
16 from mine to the place of final finishing of
17 the article of jewelry containing jadeite or
18 rubies demonstrating that the jadeite or
19 rubies were not mined or extracted from
20 Burma, and accompanied by officially-vali-
21 dated documentation certifying the country
22 from which the jadeite or rubies were
23 mined or extracted.

24 “(iv) Verifiable recordkeeping by all
25 entities and individuals engaged in mining,

1 importation, and exportation of non-Bur-
2 mese covered articles in the country, and
3 subject to inspection and verification by
4 authorized authorities of the government of
5 the country in accordance with applicable
6 law.

7 “(v) Implementation by the govern-
8 ment of the country of proportionate and
9 dissuasive penalties against any persons
10 who violate laws and regulations designed
11 to prevent trade in Burmese covered arti-
12 cles.

13 “(vi) Full cooperation by the country
14 with the United Nations or other official
15 international organizations that seek to
16 prevent trade in Burmese covered articles.

17 “(3) REGULATORY AUTHORITY.—The President
18 is authorized to, and shall as necessary, issue such
19 proclamations, regulations, licenses, and orders and
20 conduct such investigations, as may be necessary to
21 implement the provisions under paragraphs (1) and
22 (2).

23 “(d) INAPPLICABILITY.—

24 “(1) IN GENERAL.—The requirements of sub-
25 section (b)(1) and subsection (c)(1) shall not apply

1 to Burmese covered articles and non-Burmese cov-
2 ered articles, respectively, that were previously ex-
3 ported from the United States, including those that
4 accompanied an individual outside the United States
5 for personal use, if they are reimported into the
6 United States by the same person, without having
7 been advanced in value or improved in condition by
8 any process or other means while outside the United
9 States.

10 “(2) ADDITIONAL PROVISION.—The require-
11 ments of subsection (c)(1) shall not apply with re-
12 spect to the importation of non-Burmese covered ar-
13 ticles that are imported by or on behalf of an indi-
14 vidual for personal use and accompanying an indi-
15 vidual upon entry into the United States.

16 “(e) ENFORCEMENT.—Burmese covered articles or
17 non-Burmese covered articles that are imported into the
18 United States in violation of any prohibition of this Act
19 or any other provision law shall be subject to all applicable
20 seizure and forfeiture laws and criminal and civil laws of
21 the United States to the same extent as any other violation
22 of the customs laws of the United States.

23 “(f) SENSE OF CONGRESS.—

24 “(1) IN GENERAL.—It is the sense of Congress
25 that the President should take the necessary steps to

1 seek to negotiate an international arrangement—
2 similar to the Kimberley Process Certification
3 Scheme for conflict diamonds—to prevent the trade
4 in Burmese covered articles. Such an international
5 arrangement should create an effective global system
6 of controls and should contain the measures de-
7 scribed in subsection (c)(2)(B) (or their functional
8 equivalent).

9 “(2) KIMBERLEY PROCESS CERTIFICATION
10 SCHEME DEFINED.—In paragraph (1), the term
11 ‘Kimberley Process Certification Scheme’ has the
12 meaning given the term in section 3(6) of the Clean
13 Diamond Trade Act (Public Law 108–19; 19 U.S.C.
14 3902(6)).

15 “(g) REPORT.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of the Tom Lantos
18 Block Burmese JADE (Junta’s Anti-Democratic Ef-
19 ferts) Act of 2008, the President shall transmit to
20 the appropriate congressional committees a report
21 describing what actions the United States has taken
22 during the 60-day period beginning on the date of
23 the enactment of such Act to seek—

24 “(A) the issuance of a draft waiver deci-
25 sion by the Council for Trade in Goods of the

1 World Trade Organization, as specified in sub-
2 section (b)(3)(A);

3 “(B) the adoption of a resolution by the
4 United Nations General Assembly, as specified
5 in subsection (b)(3)(B); and

6 “(C) the negotiation of an international ar-
7 rangement, as specified in subsection (f)(1).

8 “(2) UPDATE.—The President shall make con-
9 tinued efforts to seek the items specified in subpara-
10 graphs (A), (B), and (C) of paragraph (1) and shall
11 promptly update the appropriate congressional com-
12 mittees on subsequent developments with respect to
13 these efforts.

14 “(h) GAO REPORT.—Not later than 14 months after
15 the date of the enactment of the Tom Lantos Block Bur-
16 mese JADE (Junta’s Anti-Democratic Efforts) Act of
17 2008, the Comptroller General of the United States shall
18 submit to the appropriate congressional committees a re-
19 port on the effectiveness of the implementation of this sec-
20 tion. The Comptroller General shall include in the report
21 any recommendations for improving the administration of
22 this Act.”.

23 (b) DURATION OF SANCTIONS.—

24 (1) CONTINUATION OF IMPORT SANCTIONS.—

25 Subsection (b) of section 9 of the Burmese Freedom

1 and Democracy Act of 2003 (Public Law 108–61;
2 50 U.S.C. 1701 note) is amended by adding at the
3 end the following new paragraph:

4 “(4) RULE OF CONSTRUCTION.—For purposes
5 of this subsection, any reference to section 3(a)(1)
6 shall be deemed to include a reference to section 3A
7 (b)(1) and (c)(1).”.

8 (2) RENEWAL RESOLUTIONS.—Subsection (c)
9 of such section is amended by inserting after “sec-
10 tion 3(a)(1)” each place it appears the following:
11 “and section 3A (b)(1) and (c)(1)”.

12 (3) EFFECTIVE DATE.—

13 (A) IN GENERAL.—The amendments made
14 by this subsection take effect on the day after
15 the date of the enactment of 5th renewal reso-
16 lution enacted into law after the date of the en-
17 actment of the Burmese Freedom and Democ-
18 racy Act of 2003, or the date of the enactment
19 of this Act, whichever occurs later.

20 (B) RENEWAL RESOLUTION DEFINED.—In
21 this paragraph, the term “renewal resolution”
22 means a renewal resolution described in section
23 9(e) of the Burmese Freedom and Democracy
24 Act of 2003 that is enacted into law in accord-
25 ance with such section.

1 (c) CONFORMING AMENDMENT.—Section 3(b) of the
2 Burmese Freedom and Democracy Act of 2003 (Public
3 Law 108–61; 50 U.S.C. 1701 note) is amended—

4 (1) by inserting “or section 3A (b)(1) or (c)(1)”
5 after “this section”; and

6 (2) by striking “a product of Burma” and in-
7 serting “subject to such prohibitions”.

8 **SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDI-**
9 **NATOR FOR BURMA.**

10 (a) UNITED STATES SPECIAL REPRESENTATIVE AND
11 POLICY COORDINATOR FOR BURMA.—The President shall
12 appoint a Special Representative and Policy Coordinator
13 for Burma, by and with the advice and consent of the Sen-
14 ate.

15 (b) RANK.—The Special Representative and Policy
16 Coordinator for Burma appointed under subsection (a)
17 shall have the rank of ambassador and shall hold the office
18 at the pleasure of the President. Except for the position
19 of United States Ambassador to the Association of South-
20 east Asian Nations, the Special Representative and Policy
21 Coordinator may not simultaneously hold a separate posi-
22 tion within the executive branch, including the Assistant
23 Secretary of State, the Deputy Assistant Secretary of
24 State, the United States Ambassador to Burma, or the
25 Charge d’affaires to Burma.

1 (c) DUTIES AND RESPONSIBILITIES.—The Special
2 Representative and Policy Coordinator for Burma shall—

3 (1) promote a comprehensive international ef-
4 fort, including multilateral sanctions, direct dialogue
5 with the SPDC and democracy advocates, and sup-
6 port for nongovernmental organizations operating in
7 Burma and neighboring countries, designed to re-
8 store civilian democratic rule to Burma and address
9 the urgent humanitarian needs of the Burmese peo-
10 ple;

11 (2) consult broadly, including with the Govern-
12 ments of the People’s Republic of China, India,
13 Thailand, and Japan, and the member states of
14 ASEAN and the European Union to coordinate poli-
15 cies toward Burma;

16 (3) assist efforts by the United Nations Special
17 Envoy to secure the release of all political prisoners
18 in Burma and to promote dialogue between the
19 SPDC and leaders of Burma’s democracy movement,
20 including Aung San Suu Kyi;

21 (4) consult with Congress on policies relevant to
22 Burma and the future and welfare of all the Bur-
23 mese people, including refugees; and

1 (5) coordinate the imposition of Burma sanc-
2 tions within the United States Government and with
3 the relevant international financial institutions.

4 **SEC. 8. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN**
5 **BURMA.**

6 (a) IN GENERAL.—The President is authorized to as-
7 sist Burmese democracy activists who are dedicated to
8 nonviolent opposition to the SPDC in their efforts to pro-
9 mote freedom, democracy, and human rights in Burma.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated \$5,000,000 to the Sec-
12 retary of State for fiscal year 2008 to—

13 (1) provide aid to democracy activists in
14 Burma;

15 (2) provide aid to individuals and groups con-
16 ducting democracy programming outside of Burma
17 targeted at a peaceful transition to constitutional de-
18 mocracy inside Burma; and

19 (3) expand radio and television broadcasting
20 into Burma.

21 **SEC. 9. SUPPORT FOR NONGOVERNMENTAL ORGANIZA-**
22 **TIONS ADDRESSING THE HUMANITARIAN**
23 **NEEDS OF THE BURMESE PEOPLE.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the international community should increase

1 support for nongovernmental organizations attempting to
2 meet the urgent humanitarian needs of the Burmese peo-
3 ple.

4 (b) LICENSES FOR HUMANITARIAN OR RELIGIOUS
5 ACTIVITIES IN BURMA.—Section 5 of the Burmese Free-
6 dom and Democracy Act of 2003 (50 U.S.C. 1701 note)
7 is amended—

8 (1) by inserting “(a) OPPOSITION TO ASSIST-
9 ANCE TO BURMA.—” before “The Secretary”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS
13 ACTIVITIES IN BURMA.—Notwithstanding any other pro-
14 vision of law, the Secretary of the Treasury is authorized
15 to issue multi-year licenses for humanitarian or religious
16 activities in Burma.”.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law, there are authorized to be appro-
20 priated \$11,000,000 to the Secretary of State for
21 fiscal year 2008 to support operations by nongovern-
22 mental organizations, subject to paragraph (2), de-
23 signed to address the humanitarian needs of the
24 Burmese people inside Burma and in refugee camps
25 in neighboring countries.

1 (2) LIMITATION.—

2 (A) IN GENERAL.—Except as provided
3 under subparagraph (B), amounts appropriated
4 pursuant to paragraph (1) may not be provided
5 to—

- 6 (i) SPDC-controlled entities;
- 7 (ii) entities run by members of the
8 SPDC or their families; or
- 9 (iii) entities providing cash or re-
10 sources to the SPDC, including organiza-
11 tions affiliated with the United Nations.

12 (B) WAIVER.—The President may waive
13 the funding restriction described in subpara-
14 graph (A) if—

- 15 (i) the President determines and cer-
16 tifies to the appropriate congressional com-
17 mittees that such waiver is in the national
18 interests of the United States;
- 19 (ii) a description of the national inter-
20 ests need for the waiver is submitted to the
21 appropriate congressional committees; and
- 22 (iii) the description submitted under
23 clause (ii) is posted on a publicly accessible
24 Internet Web site of the Department of
25 State.

1 **SEC. 10. REPORT ON MILITARY AND INTELLIGENCE AID TO**
2 **BURMA.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act and annually thereafter,
5 the Secretary of State shall submit to the Committee on
6 Foreign Affairs of the House of Representatives and the
7 Committee on Foreign Relations of the Senate a report
8 containing a list of countries, companies, and other enti-
9 ties that provide military or intelligence aid to the SPDC
10 and describing such military or intelligence aid provided
11 by each such country, company, and other entity.

12 (b) MILITARY OR INTELLIGENCE AID DEFINED.—
13 For the purpose of this section, the term “military or in-
14 telligence aid” means, with respect to the SPDC—

15 (1) the provision of weapons, weapons parts,
16 military vehicles, or military aircraft;

17 (2) the provision of military or intelligence
18 training, including advice and assistance on subject
19 matter expert exchanges;

20 (3) the provision of weapons of mass destruc-
21 tion and related materials, capabilities, and tech-
22 nology, including nuclear, chemical, or dual-use ca-
23 pabilities;

24 (4) conducting joint military exercises;

25 (5) the provision of naval support, including
26 ship development and naval construction;

1 (6) the provision of technical support, including
2 computer and software development and installa-
3 tions, networks, and infrastructure development and
4 construction; or

5 (7) the construction or expansion of airfields,
6 including radar and anti-aircraft systems.

7 (c) FORM.—The report required under subsection (a)
8 shall be submitted in unclassified form but may include
9 a classified annex and the unclassified form shall be placed
10 on the Department of State’s website.

11 **SEC. 11. SENSE OF CONGRESS ON INTERNATIONAL ARMS**

12 **SALES TO BURMA.**

13 It is the sense of Congress that the United States
14 should lead efforts in the United Nations Security Council
15 to impose a mandatory international arms embargo on
16 Burma, curtailing all sales of weapons, ammunition, mili-
17 tary vehicles, and military aircraft to Burma until the
18 SPDC releases all political prisoners, restores constitu-
19 tional rule, takes steps toward inclusion of ethnic minori-
20 ties in political reconciliation efforts, and holds free and
21 fair elections to establish a new government.

22 **SEC. 12. REDUCTION OF SPDC REVENUE FROM TIMBER.**

23 (a) REPORT.—Not later than one year after the date
24 of the enactment of this Act and annually thereafter, the
25 Secretary of State, in consultation with the Secretary of

1 Commerce, and other Federal officials, as appropriate,
2 shall submit to the appropriate congressional committees
3 a report on Burma's timber trade containing information
4 on the following:

5 (1) Products entering the United States made
6 in whole or in part of wood grown and harvested in
7 Burma, including measurements of annual value and
8 volume and considering both legal and illegal timber
9 trade.

10 (2) Statistics about Burma's timber trade, in-
11 cluding raw wood and wood products, in aggregate
12 and broken down by country and timber species, in-
13 cluding measurements of value and volume and con-
14 sidering both legal and illegal timber trade.

15 (3) A description of the chains of custody of
16 products described in paragraph (1), including direct
17 trade streams from Burma to the United States and
18 via manufacturing or transshipment in third coun-
19 tries.

20 (4) Illegalities, abuses, or corruption in the
21 Burmese timber sector.

22 (5) A description of all common consumer and
23 commercial applications unique to Burmese hard-
24 woods, including the furniture and marine manufac-
25 turing industries.

1 (b) RECOMMENDATIONS.—The report required under
2 subsection (a) shall include recommendations on the fol-
3 lowing:

4 (1) Alternatives to Burmese hardwoods for the
5 commercial applications described in paragraph (5)
6 of subsection (a), including alternative species of
7 timber that could provide the same applications.

8 (2) Strategies for encouraging sustainable man-
9 agement of timber in locations with potential cli-
10 mate, soil, and other conditions to compete with
11 Burmese hardwoods for the consumer and commer-
12 cial applications described in paragraph (5) of sub-
13 section (a).

14 (3) The appropriate United States and inter-
15 national customs documents and declarations that
16 would need to be kept and compiled in order to es-
17 tablish the chain of custody concerning products de-
18 scribed in paragraphs (1) and (3) of subsection (a).

19 (4) Strategies for strengthening the capacity of
20 Burmese civil society, including Burmese society in
21 exile, to monitor and report on the SPDC's trade in
22 timber and other extractive industries so that Bur-
23 mese natural resources can be used to benefit the
24 majority of Burma's population.

1 **SEC. 13. REPORT ON FINANCIAL ASSETS HELD BY MEM-**
2 **BERS OF THE SPDC.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act and annually thereafter,
5 the Secretary of the Treasury, in consultation with the
6 Secretary of State, shall submit to the Committee on For-
7 eign Affairs of the House of Representatives, the Com-
8 mittee on Ways and Means of the House of the Represent-
9 atives, the Committee on Foreign Relations of the Senate,
10 and the Committee on Finance of the Senate a report con-
11 taining a list of all countries and foreign banking institu-
12 tions that hold assets on behalf of senior Burmese offi-
13 cials.

14 (b) DEFINITIONS.—For the purpose of this section:

15 (1) SENIOR BURMESE OFFICIALS.—The term
16 “senior Burmese officials” shall mean individuals
17 covered under section 5(d)(1) of this Act.

18 (2) OTHER TERMS.—Other terms shall be de-
19 fined under the authority of and consistent with sec-
20 tion 5(c)(2) of this Act.

21 (c) FORM.—The report required under subsection (a)
22 shall be submitted in unclassified form but may include
23 a classified annex. The report shall also be posted on the
24 Department of Treasury’s website not later than 30 days
25 of the submission to Congress of the report. To the extent
26 possible, the report shall include the names of the senior

1 Burmese officials and the approximate value of their hold-
2 ings in the respective foreign banking institutions and any
3 other pertinent information.

4 **SEC. 14. UNOCAL PLAINTIFFS.**

5 (a) SENSE OF CONGRESS.—It is the Sense of Con-
6 gress that the United States should work with the Royal
7 Thai Government to ensure the safety in Thailand of the
8 15 plaintiffs in the Doe v. Unocal case, and should con-
9 sider granting refugee status or humanitarian parole to
10 these plaintiffs to enter the United States consistent with
11 existing United States law.

12 (b) REPORT.—Not later than 90 days after the date
13 of the enactment of this Act, the President shall submit
14 to the appropriate Congressional committees a report on
15 the status of the Doe vs. Unocal plaintiffs and whether
16 the plaintiffs have been granted refugee status or humani-
17 tarian parole.

18 **SEC. 15. SENSE OF CONGRESS WITH RESPECT TO INVEST-**

19 **MENTS IN BURMA'S OIL AND GAS INDUSTRY.**

20 (a) FINDINGS AND DECLARATIONS.—Congress finds
21 the following:

22 (1) Currently United States, French, and Thai
23 investors are engaged in the production and delivery
24 of natural gas in the pipeline from the Yadana and
25 Sein fields (Yadana pipeline) in the Andaman Sea,

1 an enterprise which falls under the jurisdiction of
2 the Burmese Government, and United States invest-
3 ment by Chevron represents approximately a 28 per-
4 cent nonoperated, working interest in that pipeline.

5 (2) The Congressional Research Service esti-
6 mates that the Yadana pipeline provides at least
7 \$500,000,000 in annual revenue for the Burmese
8 Government.

9 (3) The natural gas that transits the Yadana
10 pipeline is delivered primarily to Thailand, rep-
11 resenting about 20 percent of Thailand's total gas
12 supply.

13 (4) The executive branch has in the past ex-
14 empted investment in the Yadana pipeline from the
15 sanctions regime against the Burmese Government.

16 (5) Congress believes that United States com-
17 panies ought to be held to a high standard of con-
18 duct overseas and should avoid as much as possible
19 acting in a manner that supports repressive regimes
20 such as the Burmese Government.

21 (6) Congress recognizes the important symbolic
22 value that divestment of United States holdings in
23 Burma would have on the international sanctions ef-
24 fort, demonstrating that the United States will con-
25 tinue to lead by example.

1 (b) STATEMENT OF POLICY.—

2 (1) Congress urges Yadana investors to con-
3 sider voluntary divestment over time if the Burmese
4 Government fails to take meaningful steps to release
5 political prisoners, restore civilian constitutional rule
6 and promote national reconciliation.

7 (2) Congress will remain concerned with the
8 matter of continued investment in the Yadana pipe-
9 line in the years ahead.

10 (3) Congress urges the executive branch to
11 work with all firms invested in Burma's oil and gas
12 sector to use their influence to promote the peaceful
13 transition to civilian democratic rule in Burma.

14 (c) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that so long as Yadana investors remain invested
16 in Burma, such investors should—

17 (1) communicate to the Burmese Government,
18 military and business officials, at the highest levels,
19 concern about the lack of genuine consultation be-
20 tween the Burmese Government and its people, the
21 failure of the Burmese Government to use its nat-
22 ural resources to benefit the Burmese people, and
23 the military's use of forced labor;

24 (2) publicly disclose and deal with in a trans-
25 parent manner, consistent with legal obligations, its

1 role in any ongoing investment in Burma, including
2 its financial involvement in any joint production
3 agreement or other joint ventures and the amount of
4 their direct or indirect support of the Burmese Gov-
5 ernment; and

6 (3) work with project partners to ensure that
7 forced labor is not used to construct, maintain, sup-
8 port, or defend the project facilities, including pipe-
9 lines, offices, or other facilities.

Amend the title so as to read: “A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance from United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.”.

○