

110TH CONGRESS
1ST SESSION

H. R. 3890

To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. KING of New York, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, and Mr. PITTS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and 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

A BILL

To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Block Burmese JADE
3 (Junta’s Anti-Democratic Efforts) Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Burmese regime has continued and
7 worsened its obstruction of democratic processes and
8 mass violation of human rights identified in the Bur-
9 mese Freedom and Democracy Act of 2003 (Public
10 Law 108–61; 50 U.S.C. 1701 note). In August and
11 September 2007, Burmese people from all walks of
12 life conducted their largest peaceful public protests
13 since 1988. The peaceful public protests responded
14 to a drastic increase in fuel prices, as well as the
15 Burmese regime’s ongoing denial of the democratic
16 and human rights of the Burmese people. On Sep-
17 tember 24, 2007, Buddhist monks actively partici-
18 pated and increasingly led these peaceful demonstra-
19 tions, culminating in an estimated 100,000 people
20 marching through Rangoon, Burma. The protesters
21 peacefully demanded the release of 1991 Nobel
22 Peace Prize Winner Daw Aung San Suu Kyi, the
23 leader of the National League for Democracy
24 (NLD), marching past security barricades to her
25 house in a show of support for Burmese democracy.
26 The Burmese regime continues to refuse to recog-

1 nize the results of the 1990 election, won by the
2 NLD, which gave Aung San Suu Kyi the right to be
3 named Prime Minister.

4 (2) The Burmese regime, which calls itself the
5 State Peace and Development Council (SPDC), re-
6 sponded to these peaceful protests with a violent
7 crackdown leading to the reported killing of some
8 200 people, including a Japanese photojournalist,
9 and hundreds of injuries. Human rights groups fur-
10 ther estimate that over 2,000 individuals have been
11 detained, arrested, imprisoned, beaten, tortured, or
12 otherwise intimidated as part of this crackdown. The
13 Burmese regime continues to detain, torture, and
14 otherwise intimidate those individuals whom it be-
15 lieves participated in or led the protests and it has
16 closed down or otherwise limited access to several
17 monasteries and temples that played key roles in the
18 protests.

19 (3) The Burmese regime and its supporters fi-
20 nance their ongoing violations of human rights, un-
21 democratic policies, and military activities through
22 financial transactions, travel, and trade involving the
23 United States, including the sale of gemstones. De-
24 spite the sanctions imposed in the Burmese Freedom
25 and Democracy Act of 2003, the Burmese regime

1 seeks out ways to evade these restrictions. Millions
2 of dollars in gemstones that are exported from
3 Burma ultimately enter the United States but the
4 Burmese regime attempts to conceal the origin of
5 the gemstones in an effort to evade the sanctions in
6 the Burmese Freedom and Democracy Act of 2003.
7 For example, over 90 percent of the world’s ruby
8 supply originates in Burma but only three percent of
9 the rubies entering the United States are claimed to
10 be of Burmese origin. The value of Burmese
11 gemstones is more than 99 percent a function of
12 their original quality and geological origin, and not
13 a result of the labor involved in cutting and
14 polishing the gemstones.

15 **SEC. 3. AMENDMENTS TO THE BURMESE FREEDOM AND**
16 **DEMOCRACY ACT OF 2003.**

17 (a) ANNUAL RENEWAL RESOLUTIONS NO LONGER
18 REQUIRED.—

19 (1) IN GENERAL.—Subsection (b) of section 9
20 of the Burmese Freedom and Democracy Act of
21 2003 is amended to read as follows:

22 “(b) CONTINUATION OF IMPORT SANCTIONS.—The
23 import restrictions under section 3(a)(1) shall continue
24 until such time as such restrictions are terminated—

1 “(1) pursuant to the enactment into law of a
2 joint resolution of the two Houses of Congress, the
3 sole matter after the resolving clause of which is as
4 follows: ‘That Congress terminates the import re-
5 strictions under section 3(a)(1) of the Burmese
6 Freedom and Democracy Act of 2003.’; or

7 “(2) by the President in accordance with sub-
8 section (a).”.

9 (2) REPEAL.—Section 9 of such Act is amend-
10 ed by striking subsection (c).

11 (b) IMPORT RESTRICTIONS ON GEMSTONES.—Para-
12 graph (1) of section 3(a) of the Burmese Freedom and
13 Democracy Act of 2003 is amended by striking the period
14 at the end and inserting the following: “, including the
15 importation of any gemstone or rough unfinished geologi-
16 cal material mined or extracted from Burma, whether im-
17 ported as a loose item or as any part or component of
18 a finished piece of jewelry. Such restriction on such impor-
19 tation shall not be deemed to be an amendment to the
20 general rules of origin applied by the United States.”.

21 (c) VISA BAN.—Paragraph (1) of section 6(a) of the
22 Burmese Freedom and Democracy Act of 2003 is amend-
23 ed to read as follows:

24 “(1) VISA BAN.—

1 “(A) IN GENERAL.—The Secretary of
2 State shall deny the issuance of a visa and the
3 Secretary of Homeland Security shall deny ad-
4 mission to the United States to—

5 “(i) former and present leadership of
6 the SPDC or the Union Solidarity Devel-
7 opment Association;

8 “(ii) any member of the Burmese
9 military involved in the violent repression
10 of the public protests in Burma in August,
11 September, and October 2007;

12 “(iii) any Burmese official who has
13 engaged in, ordered, or facilitated acts of
14 gross violations of internationally recog-
15 nized human rights (as defined in section
16 502B(d)(1) of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2304(d)(1)), either as
18 an individual or as a member of a group
19 or government; and

20 “(iv) any member of the immediate
21 family of any individual described in
22 clauses (i), (ii), or (iii).

23 “(B) WAIVER.—The ban described in sub-
24 paragraph (A) may be waived only if the Presi-
25 dent determines and certifies in writing to Con-

1 gress that such is in the national interests of
2 the United States.”.

3 (d) FREEZING ASSETS OF THE BURMESE REGIME IN
4 THE UNITED STATES.—Section 4 of the Burmese Free-
5 dom and Democracy Act of 2003 is amended—

6 (1) by redesignating subsections (b) and (c) as
7 subsection (c) and (d); and

8 (2) by inserting after subsection (a) the fol-
9 lowing new subsection:

10 “(b) BLOCKING OF ASSETS AND OTHER PROHIBITED
11 ACTIVITIES.—

12 “(1) IN GENERAL.—The President shall block
13 all property and interests in property, including all
14 commercial, industrial, or public utility undertakings
15 or entities, that, on or after the date of the enact-
16 ment of the Block Burmese JADE (Junta’s Anti-
17 Democratic Efforts) Act of 2007—

18 “(A) are owned, in whole or in part, by an
19 individual on the list specified in section
20 6(a)(1)(A); and

21 “(B) are in the United States, or in the
22 possession or control of the Government of the
23 United States or of any United States financial
24 institution, including any branch or office of

1 such financial institution that is located outside
2 the United States.

3 “(2) PROHIBITED ACTIVITIES.—Activities pro-
4 hibited by reason of the blocking of property and in-
5 terests in property under paragraph (1) shall in-
6 clude—

7 “(A) payments or transfers of any prop-
8 erty, or any transactions involving the transfer
9 of anything of economic value by any United
10 States person, including any United States fi-
11 nancial institution and any branch or office of
12 such financial institution that is located outside
13 the United States, to an individual on the list
14 specified in section 6(a)(1)(A);

15 “(B) direct or indirect payments of any
16 tax, cancellation penalty, or any other amount
17 to the Burmese Government;

18 “(C) the export or reexport to any entity
19 owned, controlled, or operated by such an indi-
20 vidual directly or indirectly, of any goods, tech-
21 nology, or services by a United States person;
22 or

23 “(D) the performance by any United
24 States person of any contract, including a con-
25 tract providing a loan or other financing, in

1 support of an industrial, commercial, or public
2 utility operated, controlled, or owned by such
3 an individual.

4 “(3) EXTENSION OF AUTHORITY.—The Presi-
5 dent may block all property and interests in property
6 of the following persons, to the same extent as prop-
7 erty and interests in property of a foreign person de-
8 termined to have committed acts of terrorism for
9 purposes of Executive Order No. 13224 of Sep-
10 tember 21, 2001, (50 U.S.C. 1701 note) may be
11 blocked:

12 “(A) Persons and financial institutions
13 who assist or provide financial, material, or
14 technological support for, or financial or other
15 services to or in support of, an individual on the
16 list specified in section 6(a)(1)(A) or entities
17 owned or effectively controlled by such an indi-
18 vidual.

19 “(B) Persons otherwise associated with
20 such an individual.

21 “(4) RULE OF CONSTRUCTION.—Nothing in
22 this subsection shall be construed to prohibit any
23 contract or other financial transaction with any non-
24 governmental humanitarian organization in Burma.

1 “(5) EXCEPTIONS.—The prohibitions and re-
2 strictions described in paragraphs (1), (2), and (3)
3 shall not apply to medicine, medical equipment or
4 supplies, food, or any other form of humanitarian
5 assistance provided to Burma as relief in response to
6 a humanitarian crisis.

7 “(6) PENALTIES.—Any person who violates any
8 prohibition or restriction described in paragraph (1),
9 (2), or (3) shall be subject to the penalties under
10 section 6 of the International Emergency Economic
11 Powers Act (50 U.S.C. 1705) to the same extent as
12 for a violation under that Act.

13 “(7) UNITED STATES PERSON DEFINED.—In
14 this subsection, the term ‘United States person’
15 means—

16 “(A) any United States citizen or alien
17 lawfully admitted for permanent residence to
18 the United States;

19 “(B) any entity organized under the laws
20 of the United States, and any foreign branch or
21 subsidiary of such an entity; and

22 “(C) any person in the United States.”.

1 **SEC. 4. DENIAL OF TAX BENEFITS RELATING TO THE BUR-**
2 **MESE REGIME.**

3 (a) **IN GENERAL.**—No deduction or credit against tax
4 shall be allowed under the Internal Revenue Code of 1986
5 with respect to amounts paid or incurred with respect to
6 the Burmese Government, the SPDC, or a joint produc-
7 tion agreement relating to the Yadana gas field or pipe-
8 line.

9 (b) **EFFECTIVE DATE.**—This section shall apply to
10 amounts paid or incurred after the date of the enactment
11 of this Act.

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