

Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007 (Introduced in House)

HR 3890 IH

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.

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 'Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007'.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Burmese regime has continued and worsened its obstruction of democratic processes and mass violation of human rights identified in the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note). In August and September 2007, Burmese people from all walks of life conducted their largest peaceful public protests since 1988. The peaceful public protests responded to a drastic increase in fuel prices, as well as the Burmese regime's ongoing denial of the democratic and human rights of the Burmese people. On September 24, 2007, Buddhist monks actively participated and increasingly led these peaceful demonstrations, culminating in an estimated 100,000 people marching through Rangoon, Burma. The protesters peacefully demanded the release of 1991 Nobel Peace Prize Winner Daw Aung San Suu Kyi, the leader of the National League for Democracy (NLD), marching past security barricades to her house in a show of support for Burmese democracy. The Burmese regime continues to refuse to recognize the results of the 1990 election, won by the NLD, which gave Aung San Suu Kyi the right to be named Prime Minister.

(2) The Burmese regime, which calls itself the State Peace and Development Council (SPDC), responded to these peaceful protests with a violent crackdown leading to the reported killing of some 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the protests.

(3) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities through financial transactions, travel, and trade involving the United States, including the sale of gemstones. Despite the sanctions imposed in the Burmese Freedom and Democracy Act of 2003, the Burmese regime seeks out ways to evade these restrictions. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade the sanctions in the Burmese Freedom and Democracy Act of 2003. For example, over 90 percent of the world's ruby supply originates in Burma but only three percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is more than 99 percent a function of their original quality and geological origin, and not a result of the labor involved in cutting and polishing the gemstones.

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

(a) Annual Renewal Resolutions No Longer Required-

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

`(b) Continuation of Import Sanctions- The import restrictions under section

3(a)(1) shall continue until such time as such restrictions are terminated--

`(1) pursuant to the enactment into law of a joint resolution of the two Houses of Congress, the sole matter after the resolving clause of which is as follows: `That Congress terminates the import restrictions under section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.'; or

`(2) by the President in accordance with subsection (a).'

(2) REPEAL- Section 9 of such Act is amended by striking subsection (c).

(b) Import Restrictions on Gemstones- Paragraph (1) of section 3(a) of the Burmese Freedom and Democracy Act of 2003 is amended by striking the period at the end and inserting the following: `, including the importation of any gemstone or rough unfinished geological material mined or extracted from Burma, whether imported as a loose item or as any part or component of a finished piece of jewelry. Such restriction on such importation shall not be deemed to be an amendment to the general rules of origin applied by the United States.'

(c) Visa Ban- Paragraph (1) of section 6(a) of the Burmese Freedom and Democracy Act of 2003 is amended to read as follows:

`(1) VISA BAN-

`(A) IN GENERAL- The Secretary of State shall deny the issuance of a visa and the Secretary of Homeland Security shall deny admission to the United States to--

`(i) former and present leadership of the SPDC or the Union Solidarity Development Association;

`(ii) any member of the Burmese military involved in the violent repression of the public protests in Burma in August, September, and October 2007;

`(iii) any Burmese official who has engaged in, ordered, or facilitated acts of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1))), either as an individual or as a member of a group or government; and

`(iv) any member of the immediate family of any individual described in clauses (i), (ii), or (iii).

`(B) WAIVER- The ban described in subparagraph (A) may be waived only if the President determines and certifies in writing to Congress that such is in the national interests of the United States.'

(d) Freezing Assets of the Burmese Regime in the United States- Section 4 of the Burmese Freedom and Democracy Act of 2003 is amended--

- (1) by redesignating subsections (b) and (c) as subsection (c) and (d); and
- (2) by inserting after subsection (a) the following new subsection:

“(b) Blocking of Assets and Other Prohibited Activities-

“(1) IN GENERAL- The President shall block all property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that, on or after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007--

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

“(B) are in the United States, or in the possession or control of the Government of the United States or of any United States financial institution, including any branch or office of such financial institution that is located outside the United States.

“(2) PROHIBITED ACTIVITIES- Activities prohibited by reason of the blocking of property and interests in property under paragraph (1) shall include--

“(A) payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the United States, to an individual on the list specified in section 6(a)(1)(A);

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

“(C) the export or reexport to any entity owned, controlled, or operated by such an individual directly or indirectly, of any goods, technology, or services by a United States person; or

“(D) the performance by any United States person of any contract, including a contract providing a loan or other financing, in support of an industrial, commercial, or public utility operated, controlled, or owned by such an individual.

“(3) EXTENSION OF AUTHORITY- The President may block all property and interests in property of the following persons, to the same extent as property and interests in property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order No. 13224 of September 21, 2001, (50 U.S.C. 1701 note) may be blocked:

“(A) Persons and financial institutions who assist or provide financial, material, or technological support for, or financial or other services to or in support of, an individual on the list specified in section 6(a)(1)(A) or entities owned or effectively controlled by such an individual.

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

“(4) RULE OF CONSTRUCTION- Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

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

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

`(7) UNITED STATES PERSON DEFINED- In this subsection, the term 'United States person' means--

`(A) any United States citizen or alien lawfully admitted for permanent residence to the United States;

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

`(C) any person in the United States.'.

SEC. 4. DENIAL OF TAX BENEFITS RELATING TO THE BURMESE REGIME.

(a) In General- No deduction or credit against tax shall be allowed under the Internal Revenue Code of 1986 with respect to amounts paid or incurred with respect to the Burmese Government, the SPDC, or a joint production agreement relating to the Yadana gas field or pipeline.

(b) Effective Date- This section shall apply to amounts paid or incurred after the date of the enactment of this Act.