

110TH CONGRESS
1ST SESSION

H. R. 3890

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2007

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To amend the Burmese Freedom and Democracy Act of 2003 to 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's party the
3 right to form a government.

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) PROHIBITION ON IMPORTATION OF JADEITE AND
18 RUBIES FROM BURMA AND ARTICLES OF JEWELRY CON-
19 TAINING JADEITE OR RUBIES FROM BURMA.—The Bur-
20 mese Freedom and Democracy Act of 2003 (Public Law
21 108–61; 50 U.S.C. 1701 note) is amended by inserting
22 after section 3 the following new section:

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 congres-
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 Block Bur-
14 mese JADE (Junta’s Anti-Democratic Efforts) Act
15 of 2007, the President shall prohibit the importation
16 into the United States of any Burmese covered arti-
17 cle.

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 Block Burmese
23 JADE (Junta’s Anti-Democratic Efforts) Act of
24 2007, the President shall require as a condition for

1 the importation into the United States of any non-
2 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) to the relevant United
22 States authorities upon request.

23 “(2) EXCEPTION.—

24 “(A) IN GENERAL.—The President may
25 waive the requirements of paragraph (1) with

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

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

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

23 “(ii) With respect to exportation from
24 the country of finished jadeite or polished
25 rubies, a system of verifiable controls on

1 the jadeite or rubies from mine to the
2 place of final finishing of the jadeite or ru-
3 bies demonstrating that the jadeite or ru-
4 bies were not mined or extracted from
5 Burma, and accompanied by officially-vali-
6 dated documentation certifying the country
7 from which the jadeite or rubies were
8 mined or extracted.

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

21 “(iv) With respect to re-exportation
22 from the country of jadeite or rubies in
23 rough form, finished jadeite or polished ru-
24 bies, or articles of jewelry containing
25 jadeite or rubies, a system of verifiable

1 controls on the jadeite or rubies or articles
2 of jewelry containing jadeite or rubies en-
3 suring that no jadeite or rubies mined or
4 extracted from Burma have entered the le-
5 gitimate trade in jadeite or rubies.

6 “(v) Verifiable recordkeeping by all
7 entities and individuals engaged in mining,
8 importation, and exportation of non-Bur-
9 mese covered articles in the country, and
10 subject to inspection and verification by
11 authorized authorities of the government of
12 the country in accordance with applicable
13 law.

14 “(vi) Implementation by the govern-
15 ment of the country of proportionate and
16 dissuasive penalties against any persons
17 who violate laws and regulations designed
18 to prevent trade in Burmese covered arti-
19 cles.

20 “(vii) Full cooperation by the country
21 with the United Nations or other official
22 international organizations that seek to
23 prevent trade in Burmese covered articles.

24 “(d) INAPPLICABILITY.—

1 “(1) IN GENERAL.—The requirements of sub-
2 section (b)(1) and subsection (c)(1) shall not apply
3 with respect to the importation of Burmese covered
4 articles and non-Burmese covered articles, respec-
5 tively, that were previously exported from the United
6 States and reimported into the United States by the
7 same person, without having been advanced in value
8 or improved in condition by any process or other
9 means while outside the United States, if the person
10 declares that the reimportation of the Burmese cov-
11 ered articles or non-Burmese covered articles, as the
12 case may be, satisfies the requirements of this para-
13 graph.

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

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

1 the United States to the same extent as any other violation
2 of the customs laws of the United States.

3 “(f) SENSE OF CONGRESS.—

4 “(1) IN GENERAL.—It is the sense of Congress
5 that the President should take the necessary steps to
6 seek to negotiate an international arrangement—
7 similar to the Kimberley Process Certification
8 Scheme for conflict diamonds—to prevent the trade
9 in Burmese covered articles. Such an international
10 arrangement should create an effective global system
11 of controls and should contain the measures de-
12 scribed in subsection (c)(2)(B) (or their functional
13 equivalent).

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

20 “(g) REPORT.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of the Block Bur-
23 mese JADE (Junta’s Anti-Democratic Efforts) Act
24 of 2007, the President shall transmit to the appro-
25 priate congressional committees a report describing

1 what actions the United States has taken during the
2 60-day period beginning on the date of the enact-
3 ment of such Act to seek—

4 “(A) the issuance of a draft waiver deci-
5 sion by the Council for Trade in Goods of the
6 World Trade Organization, as specified in sub-
7 section (b)(3)(A);

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

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

13 “(2) UPDATE.—Not later than 180 days after
14 the transmission of the report required under para-
15 graph (1), and every 6 months thereafter, the Presi-
16 dent shall transmit to the appropriate congressional
17 committees an update of the report describing the
18 continued efforts of the United States to seek the
19 items specified in subparagraphs (A), (B), and (C)
20 of paragraph (1).

21 “(h) GAO REPORT.—Not later than 14 months after
22 the date of the enactment of the Block Burmese JADE
23 (Junta’s Anti-Democratic Efforts) Act of 2007, the Comp-
24 troller General of the United States shall submit to the
25 appropriate congressional committees a report on the ef-

1 fectiveness of the implementation of this section. The
2 Comptroller General shall include in the report any rec-
3 ommendations or any modifications to this Act that may
4 be necessary.”.

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

8 “(1) VISA BAN.—

9 “(A) IN GENERAL.—The Secretary of
10 State shall deny the issuance of a visa and the
11 Secretary of Homeland Security shall deny ad-
12 mission to the United States to a sanctioned
13 person (as such term is defined in section
14 4(b)(8).

15 “(B) WAIVER.—The ban described in sub-
16 paragraph (A) may be waived only if the Presi-
17 dent determines and certifies in writing to Con-
18 gress that such is in the national interests of
19 the United States.”.

20 (c) FREEZING ASSETS OF THE BURMESE REGIME IN
21 THE UNITED STATES.—Section 4 of the Burmese Free-
22 dom and Democracy Act of 2003 is amended—

23 (1) by redesignating subsections (b) and (c) as
24 subsection (c) and (d); and

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

3 “(b) BLOCKING OF ASSETS AND OTHER PROHIBITED
4 ACTIVITIES.—

5 “(1) IN GENERAL.—The President shall block
6 all property and interests in property, including all
7 commercial, industrial, or public utility undertakings
8 or entities, that, on or after the date of the enact-
9 ment of the Block Burmese JADE (Junta’s Anti-
10 Democratic Efforts) Act of 2007—

11 “(A) are owned, in whole or in part, by
12 any sanctioned person; and

13 “(B) are in the United States, or in the
14 possession or control of the Government of the
15 United States or of any financial institution or
16 financial agency organized under the laws of a
17 State, territory, or possession of the United
18 States, including any branch or office of such
19 financial institution or financial agency that is
20 located outside the United States.

21 “(2) PROHIBITED ACTIVITIES.—Any person
22 who, on or after the date of the enactment of the
23 Block Burmese JADE (Junta’s Anti-Democratic Ef-
24 forts) Act of 2007, engages in any of the following

1 activities shall be subject to penalties described in
2 paragraph (6):

3 “(A) Payments or transfers of any prop-
4 erty, or any transactions involving the transfer
5 of anything of economic value by any United
6 States person, including any financial institu-
7 tion or financial agency organized under the
8 laws of a State, territory, or possession of the
9 United States and any branch or office of such
10 financial institution or financial agency that is
11 located outside the United States, to any sanc-
12 tioned person.

13 “(B) Direct or indirect payments of any
14 tax, cancellation penalty, or any other amount
15 to the Burmese Government, including amounts
16 paid or incurred with respect to any joint pro-
17 duction agreement relating to the Yadana or
18 Shwe gas fields or pipelines. Any such payment
19 made by or on behalf of a United States person
20 after the date of the enactment of the Block
21 Burmese JADE (Junta’s Anti-Democratic Ef-
22 forts) Act of 2007 shall be deemed a willful vio-
23 lation of this Act for purposes of penalties de-
24 scribed in paragraph (6) and any other related
25 provision of law.

1 “(C) The export or reexport to any entity
2 owned, controlled, or operated by a sanctioned
3 person directly or indirectly, of any goods, tech-
4 nology, or services by a United States person.

5 “(D) The performance by any United
6 States person of any contract, including a con-
7 tract providing a loan or other financing, in
8 support of an industrial, commercial, or public
9 utility operated, controlled, or owned by a sanc-
10 tioned person.

11 “(3) EXTENSION OF AUTHORITY.—

12 “(A) BLOCKING OF PROPERTY.—The
13 President may block all property and interests
14 in property of the following entities and per-
15 sons, to the same extent as property and inter-
16 ests in property of a foreign person determined
17 to have committed acts of terrorism for pur-
18 poses of Executive Order No. 13224 of Sep-
19 tember 21, 2001, (50 U.S.C. 1701 note) may
20 be blocked:

21 “(i) The Burmese Government, the
22 Burmese military, or a sanctioned person,
23 including entities owned or effectively con-
24 trolled by the Burmese Government, the
25 Burmese military, or a sanctioned person.

1 “(ii) Persons otherwise associated
2 with the Burmese Government, the Bur-
3 mese military, or a sanctioned person.

4 “(B) CONDITIONS ON CERTAIN AC-
5 COUNTS.—The President may prohibit or im-
6 pose conditions on the opening or maintaining
7 in the United States of a correspondent account
8 or payable-through account by any financial in-
9 stitution or financial agency that is organized
10 under the laws of a State, territory, or posses-
11 sion of the United States, if the President de-
12 termines that such an account might be used—

13 “(i) by a person or entity that holds
14 property or an interest in property belong-
15 ing to the Burmese Government, the Bur-
16 mese military, or a sanctioned person; or

17 “(ii) to conduct a transaction on be-
18 half of or for the benefit of the Burmese
19 Government, the Burmese military, or a
20 sanctioned person.

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) LISTING OF SANCTIONED PERSONS.—The
14 Secretary of State and Secretary of the Treasury
15 shall update and publish in the Federal Register new
16 lists of sanctioned persons as additional information
17 becomes available. The Secretary of State and the
18 Secretary of the Treasury shall devote sufficient re-
19 sources to the identification of information con-
20 cerning sanctioned persons to carry out the purposes
21 described in this Act.

22 “(8) DEFINITIONS.—In this subsection:

23 “(A) CORRESPONDENT ACCOUNT; PAY-
24 ABLE-THROUGH ACCOUNT.—The terms ‘cor-
25 respondent account’ and ‘payable-through ac-

1 count' have the meanings given such terms in
2 section 5318A(e)(1) of title 31, United States
3 Code.

4 “(B) FINANCIAL AGENCY.—The term ‘fi-
5 nancial agency’ has the meaning given such
6 term in section 5312 of title 31, United States
7 Code.

8 “(C) FINANCIAL INSTITUTION.—The term
9 ‘financial institution’ has the meaning given
10 such term in section 5312 of title 31, United
11 States Code.

12 “(D) UNITED STATES PERSON.—The term
13 ‘United States person’ means—

14 “(i) any United States citizen or alien
15 lawfully admitted for permanent residence
16 to the United States;

17 “(ii) any person in the United States;

18 “(iii) any entity organized under the
19 laws of the United States, any State or
20 territory thereof, or the District of Colum-
21 bia, and any foreign branch or subsidiary
22 of such an entity; or

23 “(iv) any entity organized under the
24 laws of the United States, any State or
25 territory thereof, or the District of Colum-

1 bia, in which an individual or entity de-
2 scribed in clauses (i), (ii), or (iii) owns, di-
3 rectly or indirectly, more than 50 percent
4 of the outstanding capital stock or other
5 beneficial interest in such entity.

6 “(E) SANCTIONED PERSON.—The term
7 ‘sanctioned person’ means—

8 “(i) any individual who is a member
9 of the former or present leadership of the
10 SPDC or the union Solidarity Development
11 Association;

12 “(ii) any member of the Burmese
13 military involved in the violent repression
14 of the public protests in Burma in August,
15 September, and October 2007 (regardless
16 of when such repression occurred);

17 “(iii) any Burmese official who has
18 engaged in, ordered, or facilitated acts of
19 gross violations of internationally recog-
20 nized human rights (as defined in section
21 502B(d)(1) of the Foreign Assistance Act
22 of 1961 (22 U.S.C. 2304(d)(1)), either as
23 an individual or as a member of a group
24 or government; or

1 “(iv) any member of the immediate
2 family of any individual described in
3 clauses (i), (ii), or (iii).”.

4 **SEC. 4. SUPPORT FOR DEMOCRACY PROMOTION AND HU-**
5 **MANITARIAN ASSISTANCE IN BURMA.**

6 (a) **IN GENERAL.**—The President is authorized to
7 use all available resources to assist Burma democracy ac-
8 tivists and humanitarian aid workers in their efforts to
9 promote freedom, democracy, and human rights in
10 Burma.

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

15 (1) To provide aid to democracy and human
16 rights activists and organizations inside and outside
17 of Burma working to bring a transition to democ-
18 racy inside Burma, including to individuals and
19 groups that—

20 (A) promote democracy and human rights;

21 (B) represent the ethnic minorities of
22 Burma;

23 (C) broadcast radio and television pro-
24 grams into Burma that promote democracy and

1 report on human rights conditions inside
2 Burma; or

3 (D) compile evidence of human rights vio-
4 lations by the SPDC and its civilian militia, the
5 Union Solidarity and Development Association
6 (USDA), and of the SPDC and its entities' ef-
7 forts to repress peaceful activities.

8 (2) To provide aid to humanitarian workers
9 who—

10 (A) provide food, medical, educational, or
11 other assistance to refugees and internally dis-
12 placed persons;

13 (B) assist women and girls after incidents
14 of rape and other forms of sexual violence; or

15 (C) assist in the rehabilitation of child sol-
16 diers.

17 (e) PREVENTING FUNDS FROM ENRICHING THE
18 SPDC.—None of the funding made available under this
19 section may be provided to SPDC-controlled entities, enti-
20 ties working with or providing cash or resources to the
21 SPDC, including organizations affiliated with the United
22 Nations, or entities requiring the approval of the SPDC
23 to operate within the borders of Burma.

1 **SEC. 5. 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, the Secretary of State
5 shall submit to the Committee on Foreign Affairs of the
6 House of Representatives and the Committee on Foreign
7 Relations of the Senate a report containing a list of coun-
8 tries, companies, and other entities that provide military
9 or intelligence aid to the SPDC and describing such mili-
10 tary or intelligence aid provided by each such country,
11 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.

10 **SEC. 6. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT**
11 **TO BURMA.**

12 (a) IN GENERAL.—Paragraph (2) of section 901(j)
13 of the Internal Revenue Code of 1986 is amended by add-
14 ing at the end the following new subparagraph:

15 “(C) SPECIAL RULE FOR BURMA.—In ad-
16 dition to any period during which this sub-
17 section would otherwise apply to Burma, this
18 subsection shall apply to Burma during the pe-
19 riod—

20 “(i) beginning on January 1, 2008,
21 and

22 “(ii) ending on the date the Secretary
23 of State certifies to the Secretary of the
24 Treasury that Burma meets the require-
25 ments of section 3(a)(3) of the Burmese

1 Freedom and Democracy Act of 2003 (as
2 in effect on the date of the enactment of
3 this subparagraph).”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall take effect on January 1, 2008.

6 **SEC. 7. WAIVER OF COMPETITIVE NEED LIMITATION**
7 **UNDER GENERALIZED SYSTEM OF PREF-**
8 **ERENCES FOR CERTAIN ARTICLES OF INDIA**
9 **AND THAILAND.**

10 (a) WAIVER.—Not later than 60 days after the date
11 of the enactment of this Act, the President shall waive
12 the application of subsection (c)(2) of section 503 of the
13 Trade Act of 1974 (19 U.S.C. 2463) pursuant to sub-
14 section (d) of such section (relating to waiver of competi-
15 tive need limitation) with respect to articles of Thailand
16 and India classifiable under subheading 7113.19.50 of the
17 Harmonized Tariff Schedule of the United States.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the President should—

20 (1) review any waiver of the application of sub-
21 section (c)(2) of section 503 of the Trade Act of
22 1974 pursuant to subsection (d) of such section with
23 respect to any eligible article of any beneficiary de-
24 veloping country that is revoked pursuant to sub-
25 section (d)4)(B)(ii) of such section; and

1 (2) reinstate such waiver unless the United
2 States International Trade Commission affirmatively
3 determines that—

4 (A) revocation of such waiver will not re-
5 duce the current level of exports of such article
6 from the beneficiary developing country to the
7 United States; and

8 (B) revocation of the waiver will not ben-
9 efit one or more countries that are not des-
10 ignated as beneficiary developing countries for
11 purposes of title V of the Trade Act of 1974.

12 **SEC. 8. OFFSETS.**

13 (a) **TIME FOR PAYMENT OF CORPORATE ESTIMATED**
14 **TAXES.**—The percentage under subparagraph (B) of sec-
15 tion 401(1) of the Tax Increase Prevention and Reconcili-
16 ation Act of 2005 in effect on the date of the enactment
17 of this Act is increased by 0.25 percentage points.

18 (b) **CUSTOMS USER FEES.**—Section
19 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget
20 Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is

