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EXPANSION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF THE EXPANSION OF THE SCOPE OF THE NATIONAL EMERGENCY DECLARED WITH RESPECT TO BURMA DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997, PURSUANT TO 50 U.S.C. 1622(d)



OCTOBER 22, 2007.—Message and accompanying papers referred to the Committee on Foreign Affairs and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

69–011 WASHINGTON : 2007

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "Order") that expands the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, and takes additional steps with respect to that national emergency.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large-scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61) and supplemented that Act with additional restrictions. I have now determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested most recently in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warrant an expansion of the existing sanctions.

The order incorporates existing designation criteria set forth in Executive Order 13310, authorizing the Secretary of the Treasury, after consultation with the Secretary of State, to designate any person determined to be a senior official of the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing. The order blocks the property and interests in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, or to have participated in, human rights abuses related to political repression in Burma; to be engaged, or to have engaged, in activities facilitating public corruption by senior officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)–(v) of the order; to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order

13310 or section 1(b)(i)–(v) of the order; or to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to the order or Executive Order 13310.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 18, 2007.*

EXECUTIVE ORDER

BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS RELATED TO BURMA

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61, as amended, 50 U.S.C. 1701 note), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the Government of Burma's continued repression of the democratic opposition in Burma,

I, GEORGE W. BUSH, President of the United States of America, hereby expand the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, and relied upon for additional steps taken in Executive Order 13310 of July 28, 2003, finding that the Government of Burma's continued repression of the democratic opposition in Burma, manifested most recently in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby order:

Section 1. Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106–387), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex attached and made a part of this order; and

(b) any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

> (i) to be a senior official of the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing;

(ii) to be responsible for, or to have participated in, human rights abuses related to political repression in Burma;

(iii) to be engaged, or to have engaged, in activities facilitating public corruption by senior officials of the Government of Burma;

(iv) to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)–(v) of this order;

(v) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive' Order 13310 or section 1(b)(i)–(v) of this order; or

(vi) to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to this order or Executive Order 13310.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term "Government of Burma" means the Government of Burma (sometimes referred to as Myanmar), its agencies, instrumentalities and controlled entities, and the Central Bank of Burma.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of, persons whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13047, and relied upon for additional steps taken in Executive Order 13310, and expanded in this order, and hereby prohibit such donations as provided by section 1 of this order.

Sec. 5. For those persons whose property and interests in property are blocked pursuant to section 1 of this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to

this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13047, and relied upon for additional steps taken in Executive Order 13310, and expanded in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 6. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 7. The Secretary of the Treasury, after consultation with the Secretary of State, is authorized to determine, subsequent to the effective date of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 CFR chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. This order is hot intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 10. This order is effective at 12:01 a.m. eastern daylight time on October 19, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 18, 2007.*

ANNEX

Individuals

1. Tay ZA; Managing Director, Htoo Trading Company Limited; Chairman, Air Bagan Holdings Pte. Limited (d.b.a. Air Bagan); Managing Director, Pavo Trading Pte. Ltd.; DOB Jul 18, 1967; nationality, Burma
2. Pye Phyo Tay ZA; DOB Jan 29, 1987; nationality, Burma
3. Thidar ZAW; DOB Feb 24, 1962; nationality, Burma
4. Htay MYINT; Chairman, Yuzana Company Limited; DOB Feb 6, 1955; nationality, Burma
5. Khin SHWE; President, Zay Gabar Company; DOB Jan 21, 1952; nationality, Burma

Entities

1. Htoo Trading Company Limited; Yangon, Burma
2. Pavo Trading Pte. Ltd.; Singapore
3. Air Bagan Holdings Pte Ltd. (d.b.a. Air Bagan); Singapore
4. Air Bagan Limited (d.b.a. Air Bagan); Burma
5. Htoo Wood Products Pte. Limited; Singapore; Yangon, Burma
6. Yuzana Company Limited (a.k.a. Yuzana Construction); Yangon, Burma
7. Zay Gabar Company (a.k.a. Zaykabar Company); Burma

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