

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

For effective date of this section, see section 15 of Pub. L. 108–19, set out as a note under section 3901 of this title.

Executive Documents**DELEGATION OF FUNCTIONS**

For assignment of functions of President under subsec. (b) of this section, see section 2 of Ex. Ord. No. 13312, July 29, 2003, 68 F.R. 45151, set out as a note under section 3901 of this title.

§ 3904. Regulatory and other authority**(a) In general**

The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this chapter.

(b) Recordkeeping

Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 3903(a) of this title applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) Oversight

The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

(Pub. L. 108–19, § 5, Apr. 25, 2003, 117 Stat. 634.)

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§ 3905. Importing and exporting authorities**(a) In the United States**

For purposes of this chapter—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or pos-

session of the United States with its own customs administration, analogous officials; and
(2) the exporting authority shall be the Bureau of the Census.

(b) Of other countries

The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The President shall update the list as necessary.

(Pub. L. 108–19, § 6, Apr. 25, 2003, 117 Stat. 634.)

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§ 3906. Statement of policy

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this chapter.

(Pub. L. 108–19, § 7, Apr. 25, 2003, 117 Stat. 634.)

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§ 3907. Enforcement**(a) In general**

In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed \$10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this chapter; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this chapter shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) Import violations

Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this chapter.

(c) Authority to enforce

The United States Bureau of Customs and Border Protection and the United States Bureau of

Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

(Pub. L. 108–19, § 8, Apr. 25, 2003, 117 Stat. 634.)

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§ 3908. Technical assistance

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

(Pub. L. 108–19, § 9, Apr. 25, 2003, 117 Stat. 635.)

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§ 3909. Sense of Congress

(a) Ongoing process

It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) Statistics and reporting

It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

- (1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;
- (2) make these statistics available for analysis by interested parties and by Participants; and
- (3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

(Pub. L. 108–19, § 10, Apr. 25, 2003, 117 Stat. 635.)

Editorial Notes

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(1), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

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§ 3910. Kimberley Process Implementation Coordinating Committee

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this chapter. The Committee shall be composed of the following individuals or their designees:

- (1) The Secretary of the Treasury and the Secretary of State, who shall be co-chairpersons.
- (2) The Secretary of Commerce.
- (3) The United States Trade Representative.
- (4) The Secretary of Homeland Security.
- (5) A representative of any other agency the President deems appropriate.

(Pub. L. 108–19, § 11, Apr. 25, 2003, 117 Stat. 635.)

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§ 3911. Reports

(a) Annual reports

Not later than 1 year after April 25, 2003, and every 12 months thereafter for such period as this chapter is in effect, the President shall transmit to the Congress a report—

- (1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;
- (2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;
- (3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme,