



H.Res. 1341 – Providing for the concurrence by the House in the Senate amendment to H.R. 3890 - Burma Democracy Promotion Act of 2007 with amendments

FLOOR SITUATION

H.Res. 1341 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Howard Berman (D-CA) on July 15, 2008.

H.R. 3890 was passed by the House under suspension of the rules on December 11, 2007 by voice vote. This resolution adopts Senate changes made to H.R. 3890 by unanimous consent on December 19, 2007.

H.Res. 1341 is expected to be considered on the floor of the House on July 15, 2008.

SUMMARY

H.R. 3890 states that it is the policy of the United States to condemn the repression carried out by the State Peace and Development Council (SPDC), support a peaceful transition to constitutional democracy in Burma, and hold accountable those individuals responsible for the repression of peaceful political activity in Burma.

This bill directs the President to submit to Congress a list of SPDC officials who play or have played a substantial role in political repression in Burma or in the commission of human rights abuses, and other Burmese SPDC supporters. These persons are prohibited entry into the U.S. and are subject to certain financial sanctions. These prohibitions are terminated upon a Presidential certification to Congress that the SPDC has released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy, and has entered into a dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government. Humanitarian access to populations affected by armed conflict in Burma is another condition for the lifting of these sanctions.

H.R. 3890 amends the Burmese Freedom and Democracy Act of 2003 (P.L. 108–61) to prohibit the importation of Burmese gems into the U.S. The bill requires GAO to report to Congress on the effectiveness of the implementation of this provision, and any recommendations for improving the administration of this legislation.

***Note:** The Senate removed language also banning certain Burmese timber products from import into the U.S.*

The bill requires the President to appoint a Special Representative and Policy Coordinator for Burma. The President is also authorized to assist nonviolent democracy activists in their efforts to promote freedom and human rights in Burma. H.R. 3890 authorizes appropriations of \$5 million for fiscal year 2008 for this activity.

The Secretary of Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma and authorizes appropriation of \$11 million for fiscal year 2008 for this purpose. The bill also requires the Secretary of State to report to Congress within 180 days with a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and a description of the aid provided. H.R. 3890 expresses the sense of Congress that the U.S. should lead U.N. efforts to impose an international arms embargo on Burma.



H.R. 3890 requires the Secretary of State to report to Congress on the Burmese timber trade, including illegalities and abuses in the industry. The bill also requires the President to report to Congress on the status of the *Doe vs. Unocal* plaintiffs.

***Note:** This section was added by the Senate. The 1996 Doe vs. Unocal case concerns accusations by Burmese citizens against the Unocal Corporation for human-rights violations in Burma, including slave labor, rape, torture and murder on the behalf of Burmese soldiers in the Tenasserim region of the country. It is argued that the company's involvement in the Yadana pipeline project led to forced relocation of civilians and the aforementioned abuses. Unocal is a defunct Californian oil company which merged with Chevron Corporation in 2005.*

The bill states that Congress urges investors in the Yadana oil pipeline in Burma to consider voluntary divestment if the Burmese government does not take steps to release political prisoners, restore civilian rule, and promote national reconciliation.

BACKGROUND

On August 15, 2007 Burma's ruling military junta, the State Peace and Development Council (SPDC), cancelled fuel subsidies resulting in the quintupling of the price of fuel which had an immediate impact on the living conditions of the Burmese people and Burma's already devastated economy. In reaction to this government action, student and democracy leaders took to the streets to protest the actions of the military junta. The tens of thousands of peaceful protestors demanded the release of Daw Aung San Suu Kyi, the democratically elected Prime Minister of Burma, who has been under house arrest since her election.

These peaceful protests, often led by Buddhist monks, were met with brutal action from the Burmese military. The Burmese military opened fire on unarmed protestors and have arrested and imprisoned countless others. The Burmese regime mobilized armed soldiers to stop the protests and has stationed them in strategic locations throughout the country, including in religious centers, making it impossible for peaceful protesters to gather.

Most recently, a severe cyclone hit Burma in early May 2008. The storm devastated a huge portion of the country, wiping out entire villages and leaving an estimated 130,000 Burmese dead or missing, according to the State Department. The Burmese government was slow to permit outside assistance from the international community. On May 5, 2008, First Lady Laura Bush stated, "The response to the cyclone is just the most recent example of the junta's failure to meet its people's basic needs. The regime has dismantled systems of agriculture, education and health care." The U.S. government subsequently froze the assets of Burmese state-owned companies held in American banks.

Burma is ruled by a military junta that has committed numerous human rights violations against the Burmese people. According to the State Department, Burma is designated as a Country of Particular Concern (CPC) under the International Religious Freedom Act due to the limits placed on religious freedom and a Tier 3 Country in the Trafficking of Persons Report because of its use of forced labor.

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 3890 would cost \$5 million in 2008 and \$36 million over the 2008-2012 period, assuming the appropriation of the necessary amounts." [Full CBO Cost Estimate](#)

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