

materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of the Burmese military.

(9) United States person

The term “United States person” means—

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

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

(Pub. L. 117–263, div. E, title LV, §5570, Dec. 23, 2022, 136 Stat. 3362.)

§ 10222. Imposition of sanctions with respect to human rights abuses and perpetration of a coup in Burma

(a) Mandatory sanctions

Not later than 180 days after December 23, 2022, the President shall impose the sanctions described in subsection (d) with respect to any foreign person that the President determines—

(1) is a senior official of—

(A) the Burmese military or security forces of Burma;

(B) the State Administration Council, the military-appointed cabinet at the level of Deputy Minister or higher, or a military-appointed minister of a Burmese state or region; or

(C) an entity that primarily operates in the defense sector of the Burmese economy; or

(2) is a Burmese state-owned commercial enterprise (other than an entity described in subsections (c)(1) and (c)(2)) that—

(A) is operating in the industrial or extractive sectors; and

(B) significantly financially benefits the Burmese military.

(b) Additional measure relating to facilitation of transactions

The Secretary of the Treasury may, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by a foreign financial institution that the President determines has, on or after December 23, 2022, knowingly conducted or facilitated a significant transaction or transactions on behalf of a foreign person subject to sanctions under this section imposed pursuant to subsection (a).

(c) Additional sanctions

The President may impose the sanctions described in subsection (d) with respect to—

(1) the Myanma Oil and Gas Enterprise;

(2) any Burmese state-owned enterprise that—

(A) is not operating in the industrial or extractive sectors; and

(B) significantly financially benefits the Burmese military;

(3) a spouse or adult child of any person described in subsection (a)(1);

(4) any foreign person that, leading up to, during, and since the February 1, 2021, coup d’etat in Burma, is responsible for or has directly and knowingly engaged in—

(A) actions or policies that significantly undermine democratic processes or institutions in Burma;

(B) actions or policies that significantly threaten the peace, security, or stability of Burma;

(C) actions or policies by a Burmese person that—

(i) significantly prohibit, limit, or penalize the exercise of freedom of expression or assembly by people in Burma; or

(ii) limit access to print, online, or broadcast media in Burma; or

(D) the orchestration of arbitrary detention or torture in Burma or other serious human rights abuses in Burma; or

(5) any Burmese entity that provides material to the Burmese military.

(d) Sanctions described

The sanctions described in this subsection are the following:

(1) Property blocking

The President may exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) Foreign exchange

The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(3) Visas, admission, or parole

(A) In general

An alien who is described in subsection (a) or (c) is—

(i) inadmissible to the United States;

(ii) ineligible for a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) Current visas revoked

(i) In general

The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in subparagraph (A) regardless of when the visa or other entry documentation is issued.

(ii) Effect of revocation

A revocation under clause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(e) Assessment and report on sanctions with respect to Burmese State-owned enterprise operating in the energy sector**(1) In general**

Not later than 180 days after December 23, 2022, the President shall conduct an assessment with respect to the Burmese state-owned enterprise described in subsection (c)(1), including relevant factors pertaining to the possible application of sanctions on such enterprise.

(2) Report required

Upon making the determination required by paragraph (1), the President shall submit to the appropriate congressional committees a report on the assessment.

(3) Form of report

The report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(f) Exceptions**(1) Exception for intelligence, law enforcement, and national security activities**

Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) Exception to comply with international obligations

Sanctions under subsection (d)(3) shall not apply with respect to the admission of an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) Exception relating to the provision of humanitarian assistance

Sanctions under this section may not be imposed with respect to transactions or the facilitation of transactions for—

(A) the sale of agricultural commodities, food, medicine, or medical devices to Burma;

(B) the provision of humanitarian assistance to the people of Burma;

(C) financial transactions relating to humanitarian assistance or for humanitarian purposes in Burma; or

(D) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes in Burma.

(4) Exception relating to wind-down of projects

Sanctions under this section shall not be imposed with respect to transactions or the fa-

cilitation of transactions related to the disposition of investments pursuant to—

(A) agreements entered into between United States persons and the Government of Burma prior to May 21, 1997;

(B) the exercise of rights pursuant to such agreements; or

(C) transactions related to the subsequent operation of the assets encompassed by such disposed investments.

(g) Waiver

The President may, on a case-by-case basis waive the application of sanctions or restrictions imposed with respect to a foreign person under this section if the President certifies to the appropriate congressional committees at the time such waiver is to take effect that the waiver is in the national interest of the United States.

(h) Implementation; penalties**(1) Implementation**

The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) Penalties

The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulations promulgated under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act [50 U.S.C. 1705(a)].

(i) Report

Not later than 90 days after December 23, 2022, and annually thereafter for 8 years, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a classified report that—

(1) describes the primary sources of income to which the Burmese military has access and that the United States has been unable to reach using sanctions authorities; and

(2) assesses the impact of the sanctions imposed pursuant to the authorities under this section on the Burmese people and the Burmese military.

(Pub. L. 117-263, div. E, title LV, §5571, Dec. 23, 2022, 136 Stat. 3363.)

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (d)(1), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Immigration and Nationality Act, referred to in subsec. (d)(3)(A)(iii), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete

classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

§ 10223. Sanctions and policy coordination for Burma

(a) In general

The head of the Office of Sanctions Coordination in the Department of State should develop a comprehensive strategy for the implementation of the full range of United States diplomatic capabilities to implement Burma-related sanctions in order to promote human rights and the restoration of civilian government in Burma.

(b) Matters to be included

The strategy described in subsection (a) should include plans and steps to—

(1) coordinate the sanctions policies of the United States with relevant bureaus and offices in the Department of State and other relevant United States Government agencies;

(2) conduct relevant research and vetting of entities and individuals that may be subject to sanctions and coordinate with other United States Government agencies and international financial intelligence units to assist in efforts to enforce anti-money laundering and anti-corruption laws and regulations;

(3) promote a comprehensive international effort to impose and enforce multilateral sanctions with respect to Burma;

(4) support interagency United States Government efforts, including efforts of the United States Chief of Mission to Burma, the United States Ambassador to ASEAN, and the United States Permanent Representative to the United Nations, relating to—

(A) identifying opportunities to exert pressure on the governments of the People's Republic of China and the Russian Federation to support multilateral action against the Burmese military; and

(B) working with like-minded partners to impose a coordinated arms embargo on the Burmese military and targeted sanctions on the economic interests of the Burmese military, including through the introduction and adoption of a United Nations Security Council resolution; and

(5) provide timely input for reporting on the impacts of the implementation of sanctions on the Burmese military and the people of Burma.

(Pub. L. 117-263, div. E, title LV, §5572, Dec. 23, 2022, 136 Stat. 3366.)

§ 10224. Support for greater United Nations action with respect to Burma

(a) Sense of Congress

It is the sense of Congress that—

(1) the United Nations Security Council has not taken adequate steps to condemn the February 1, 2021, coup in Burma, pressure the Burmese military to cease its violence against civilians, or secure the release of those unjustly detained;

(2) countries, such as the People's Republic of China and the Russian Federation, that are

directly or indirectly shielding the Burmese military from international scrutiny and action, should be obliged to endure the reputational damage of doing so by taking public votes on resolutions related to Burma that apply greater pressure on the Burmese military to restore Burma to its democratic path; and

(3) the United Nations Secretariat and the United Nations Security Council should take concrete steps to address the coup and ongoing crisis in Burma consistent with United Nations General Assembly resolution 75/287, "The situation in Myanmar," which was adopted on June 18, 2021.

(b) Support for greater action

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to spur greater action by the United Nations and the United Nations Security Council with respect to Burma by—

(1) pushing the United Nations Security Council to consider a resolution condemning the February 1, 2021, coup and calling on the Burmese military to cease its violence against the people of Burma and release without preconditions the journalists, pro-democracy activists, and political officials that it has unjustly detained;

(2) pushing the United Nations Security Council to consider a resolution that immediately imposes a global arms embargo against Burma to ensure that the Burmese military is not able to obtain weapons and munitions from other nations to further harm, murder, and oppress the people of Burma;

(3) pushing the United Nations and other United Nations authorities to cut off assistance to the Government of Burma while providing humanitarian assistance directly to the people of Burma through United Nations bodies and civil society organizations, particularly such organizations working with ethnic minorities that have been adversely affected by the coup and the Burmese military's violent crackdown; and

(4) spurring the United Nations Security Council to consider multilateral sanctions against the Burmese military for its atrocities against Rohingya and individuals of other ethnic and religious minorities, its coup, and the atrocities it has and continues to commit in the coup's aftermath.

(c) Sense of Congress

It is the sense of Congress that the United States Permanent Representative to the United Nations should use the voice, vote, and influence of the United States to—

(1) object to the appointment of representatives to the United Nations and United Nations bodies such as the Human Rights Council that are sanctioned by the Burmese military; and

(2) work to ensure the Burmese military is not recognized as the legitimate government of Burma in any United Nations body.

(Pub. L. 117-263, div. E, title LV, §5573, Dec. 23, 2022, 136 Stat. 3367.)