

§ 10225. Sunset**(a) In general**

The authority to impose sanctions and the sanctions imposed under this subchapter shall terminate on the date that is 8 years after December 23, 2022.

(b) Certification for early sunset of sanctions

Sanctions imposed under this subchapter may be removed before the date specified in subsection (a), if the President submits to the appropriate congressional committees a certification that—

(1) the Burmese military has released all political prisoners taken into custody on or after February 1, 2021, or is providing legal recourse to those that remain in custody;

(2) the elected government of Burma has been reinstated or new free and fair elections have been held;

(3) all legal charges against those winning election in November 2020 are dropped; and

(4) the 2008 constitution of Burma has been amended or replaced to place the Burmese military under civilian oversight and ensure that the Burmese military no longer automatically receives 25 percent of seats in Burma's state, regional, and national Hluttaws.

(c) Notification for early sunset of sanctions on individuals**(1) In general**

The President may terminate the application of sanctions under this subchapter with respect to specific individuals if the President submits to the appropriate congressional committees—

(A) a notice of and justification for the termination; and

(B) a notice that the individual is not engaging in the activity or is no longer occupying the position that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity.

(2) Form

The notice required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(Pub. L. 117–263, div. E, title LV, §5574, Dec. 23, 2022, 136 Stat. 3368.)

SUBCHAPTER III—AUTHORIZATIONS OF APPROPRIATIONS FOR ASSISTANCE FOR BURMA

§ 10241. General authorization of appropriations

During each of the fiscal years 2023 through 2027, following consultation with the appropriate congressional committees and subject to the limitations described in section 10242 of this title, funds authorized to be made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available, notwithstanding any other provision of law, for—

(1) programs to strengthen federalism in and among ethnic states in Burma, including for non-lethal assistance for Ethnic Armed Organizations in Burma;

(2) the administrative operations and programs of entities in Burma, including the po-

litical entities and affiliates of Ethnic Armed Organizations and pro-democracy movement organizations, that support efforts to establish an inclusive and representative democracy in Burma;

(3) technical support and non-lethal assistance for Burma's Ethnic Armed Organizations, People's Defense Forces, and pro-democracy movement organizations to strengthen communications and command and control, and coordination of international relief and other operations between and among such entities;

(4) programs and activities relating to former members of the Burmese military that have condemned the February 1, 2022, coup d'état and voiced support for the restoration of civilian rule;

(5) programs to assist civil society organizations to investigate and document atrocities in Burma for the purposes of truth, justice, and accountability;

(6) programs to assist civil society organizations in Burma that support individuals that who are unlawfully detained in Burma for exercising their fundamental freedoms; and

(7) programs to assist civil society organizations and ethnic groups with reconciliation activities related to Burma.

(Pub. L. 117–263, div. E, title LV, §5575, Dec. 23, 2022, 136 Stat. 3369.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in text, is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 10242. Limitations

Except as provided for by this subchapter, none of the funds authorized to be appropriated for assistance for Burma by this subchapter may be made available to—

(1) the State Administrative Council or any organization or entity controlled by, or an affiliate of, the Burmese military, or to any individual or organization that has committed a gross violation of human rights or advocates violence against ethnic or religious groups or individuals in Burma, as determined by the Secretary of State for programs administered by the Department of State and the United States Agency for International Development, or President of the National Endowment for Democracy (NED) for programs administered by NED; and

(2) the Burmese military.

(Pub. L. 117–263, div. E, title LV, §5576, Dec. 23, 2022, 136 Stat. 3369.)

§ 10243. Appropriate congressional committees defined

In this subchapter, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(Pub. L. 117–263, div. E, title LV, §5577, Dec. 23, 2022, 136 Stat. 3370.)

SUBCHAPTER IV—EFFORTS AGAINST
HUMAN RIGHTS ABUSES

§ 10251. Authorization to provide technical assistance for efforts against human rights abuses

(a) In general

The Secretary of State is authorized to provide assistance to support appropriate civilian or international entities that—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide in Burma;

(2) collect, document, and protect evidence of crimes in Burma and preserving the chain of custody for such evidence;

(3) conduct criminal investigations of such crimes; and

(4) support investigations related to Burma conducted by other countries, and by entities mandated by the United Nations, such as the Independent Investigative Mechanism for Myanmar.

(b) Authorization for transitional justice mechanisms

The Secretary of State, taking into account any relevant findings in the report submitted under section 5941,¹ is authorized to provide support for the establishment and operation of transitional justice mechanisms, including a hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Burma.

(Pub. L. 117–263, div. E, title LV, §5578, Dec. 23, 2022, 136 Stat. 3370.)

Editorial Notes

REFERENCES IN TEXT

Section 5941, referred to in subsec. (b), is unidentifiable in the original. Although Pub. L. 117–263 does contain a section 5941, that section is outside the BURMA Act of 2022, which comprises this chapter, and relates to the submission of a report by the Secretary of Agriculture on wholesale produce markets. Prior versions of the Act included a section requiring a report containing a study of the feasibility and desirability of a transitional justice mechanism for Burma, but that section did not appear in the version of the Act enacted by Pub. L. 117–263.

SUBCHAPTER V—SANCTIONS EXCEPTION
RELATING TO IMPORTATION OF GOODS

§ 10261. Sanctions exception relating to importation of goods

(a) In general

The authorities and requirements to impose sanctions under this chapter shall not include the authority or requirement to impose sanctions on the importation of goods.

(b) Good defined

In this section, the term “good” means any article, natural or man-made substance, material,

supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(Pub. L. 117–263, div. E, title LV, §5579, Dec. 23, 2022, 136 Stat. 3370.)

**CHAPTER 110—INFORMATION SECURITY
AND CYBER DIPLOMACY**

Sec.

10301. United States international cyberspace policy.
10302. International cyberspace and digital policy strategy.
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10308. Cyber protection support for personnel of the Department of State in positions highly vulnerable to cyber attack.

§ 10301. United States international cyberspace policy

(a) In general

It is the policy of the United States—

(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by the multi-stakeholder model, which—

(A) promotes democracy, the rule of law, and human rights, including freedom of expression;

(B) supports the ability to innovate, communicate, and promote economic prosperity; and

(C) is designed to protect privacy and guard against deception, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressure; and

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of digital tools.

(b) Implementation

In implementing the policy described in subsection (a), the President, in consultation with outside actors, as appropriate, including private sector companies, nongovernmental organizations, security researchers, and other relevant stakeholders, in the conduct of bilateral and multilateral relations, shall strive—

¹ See References in Text note below.