

## § 537.202

permanently, by the President if he determines and certifies to Congress that the application of this sanction would be contrary to the national interests of the United States. Licenses are thus not available for purposes of authorizing transactions prohibited under this section in the absence of such a waiver determination and certification to Congress.

### § 537.202 Prohibited approval or other facilitation by a U.S. person of a foreign person's investment.

Except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this part, any approval or other facilitation by a United States person, wherever located, of a transaction by a foreign person where the transaction would constitute prohibited new investment in Burma under this part if engaged in by a United States person or within the United States is prohibited.

### § 537.203 Evasions; attempts; conspiracies.

Except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this part, any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this part is prohibited.

### § 537.204 Exempt transactions.

Nothing in this part shall be construed to prohibit the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology, except:

- (a) Where the entry into such a contract on or after the effective date is for the general supervision and guarantee of another person's performance of a contract for the economic development of resources located in Burma; or
- (b) Where such contract provides for payment, in whole or in part, in:
  - (1) Shares of ownership, including an equity interest, in the economic development of resources located in Burma; or
  - (2) Participation in royalties, earnings, or profits in the economic development of resources located in Burma.

## 31 CFR Ch. V (7-1-01 Edition)

NOTE TO § 537.204: The term *economic development of resources located in Burma* is defined in § 537.301 to exclude not-for-profit educational, health or other humanitarian programs or activities.

## Subpart C—General Definitions

### § 537.301 Economic development of resources located in Burma.

The term *economic development of resources located in Burma* shall not be construed to include not-for-profit educational, health, or other humanitarian programs or activities.

### § 537.302 Effective date.

The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part which is 12:01 a.m. EDT, May 21, 1997.

### § 537.303 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, or other organization.

### § 537.304 Foreign person.

The term *foreign person* means any citizen or national of a foreign state or any entity not organized under the laws of the United States.

### § 537.305 General license.

The term *general license* means any license or authorization the terms of which are set forth in this part.

### § 537.306 Government of Burma.

The term *Government of Burma* includes:

- (a) The state and the Government of Burma, as well as any political subdivision, agency, or instrumentality thereof;
- (b) Any entity owned or controlled directly or indirectly by the foregoing.

### § 537.307 License.

Except as otherwise specified, the term *license* means any license or authorization contained in this part, or issued pursuant to the authority of this part under procedures set forth in this part or in subpart C of part 501 of this chapter.