

## New Sanctions From OFAC and BIS Targeting Burma

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After February 1—when the Burmese military overthrew the country’s elected government, detained civilian leaders, and imposed an internet shutdown—the United States declared that the events that occurred in Burma constituted a coup d’état. In response, the Biden Administration announced the intent to impose sanctions on the responsible military leaders. Following that announcement, on February 10, the president signed an “Executive Order Blocking Property with Respect to the Situation in Burma” and the Treasury Department’s Office of Foreign Assets Control (OFAC) imposed new sanctions on ten military individuals (two of whom were previously designated under a different program) and three entities. See [Executive Order](#) (the E.O.) and [press release](#).

The E.O. provides authority to impose asset freezing and travel bans on any foreign person or entity determined to be operating in the defense sector of the Burmese economy, or any person responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, actions or policies: (i) that undermine democratic institutions; (ii) that threaten the peace, security, or stability; (iii) that are against the exercise of freedom of expression or assembly, or limit access to print, online, or broadcast media; or (iv) that consist of the arbitrary detention or torture of any person or serious human rights abuses in Myanmar. The E.O. also authorizes the designation of family members of, and those providing material assistance to, designated persons.

Simultaneously, the Department of Commerce’s Bureau of Industry and Security (BIS) took action to limit the export of sensitive items to Burma’s Ministry of Defense, the Ministry of Home Affairs, armed forces, and security services. BIS will apply a presumption of denial for items requiring a license to export or reexport to these government agencies, and will suspend certain license exceptions that were previously available. BIS stated that it is also assessing additional actions, including a possible update to the Entity List, adding Burma to the list of countries subject to the Export Administration Regulations’ (EAR) military end use and end user (MEU) and military intelligence end use and end user (MIEU) restrictions, and downgrading Burma’s Country Group status.

In the days since the coup, protestors continue to gather in Burma. Ms. Suu Kyi remains in detention and reports indicate she will be tried via video conference for, among other things, possession of walkie-talkies. The junta has also indicated that protestors could receive up to 20 years in prison for “inciting hatred toward the military.” It is still unclear whether these events will evolve to grant the imposition of broader sanctions against Burma in the future. During a State Department [press briefing](#) on February 10, 2021, Spokesman Price indicated that the United States stands with the protestors and is coordinating closely with like-minded allies, including Singapore and Japan.

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