This fact sheet is a broad summary of the sanctions currently in place. Please note that the Burmese Sanctions Regulations, 31 C.F.R. Part 537, have not yet been revised to incorporate all of the authorities and authorizations described here. For a list of authorities and authorizations, please refer to OFAC’s Burma Web site: www.treasury.gov/resource-center/sanctions/programs/pages/burma.aspx.
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SANCTIONS AGAINST BURMA

I. INTRODUCTION

The Burma sanctions program implemented by the Office of Foreign Assets Control ("OFAC") began in May 1997 when the President, in Executive Order ("E.O.") 13047, determined that the Government of Burma (then ruled by a military junta) had committed large-scale repression of the democratic opposition in Burma and declared a national emergency with respect to the actions and policies of that government. Several subsequent Executive orders have been issued to modify the scope of and take additional steps with respect to the national emergency declared in E.O. 13047. In May 2012, the President and the Secretary of State announced that the United States would begin easing certain financial and investment sanctions on Burma in response to the historic reforms taking place there. Since July 2012, the U.S. Government has taken various actions in response to the reforms in Burma.

II. OVERVIEW OF AUTHORITIES


On July 28, 2003, the President signed into law the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61, 50 U.S.C. 1701 note) ("BFDA") in order to sanction Burma’s then-ruling military junta. To implement the BFDA, including its ban on the importation into the United States of products of Burma, and to take additional steps with respect to the national emergency declared in E.O. 13047, the President issued E.O. 13310 on the same day, July 28, 2003. E.O. 13310 blocked all property and interests in property of the persons listed in its Annex and of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet the criteria set forth in E.O. 13310. E.O. 13310 also prohibited the exportation or reexportation, directly or indirectly, to Burma of financial services from the United States or by a U.S. person, wherever located.

On October 18, 2007, the President issued E.O. 13448, expanding the scope of and taking additional steps with respect to the national emergency declared in E.O. 13047 and blocking all property and interests in property of the persons listed in its Annex and of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to meet the criteria set forth in E.O. 13448.

On April 30, 2008, the President issued E.O. 13464, taking additional steps with respect to the national emergency declared in E.O. 13047 and blocking all property and interests in property of the persons listed in its Annex and of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to meet the criteria set forth in E.O. 13464.

On July 29, 2008, the President signed into law the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008 (Public Law 110-286) ("JADE Act") which, among other things, imposed sanctions on certain categories of persons enumerated in the JADE Act, and amended the BFDA importation ban to prohibit the importation into the United States of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma.

On July 11, 2012, the President issued E.O. 13619, modifying the scope of the national emergency declared in E.O. 13047 and blocking all property and interests in property of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, to meet the criteria set forth in E.O. 13619.

On August 6, 2013, in light of the expiration of the BFDA and the importation ban contained therein, as amended by the JADE Act, the President issued E.O. 13651, revoking the provisions of E.O. 13310 implementing the broad BFDA importation ban on products of Burma. However, E.O. 13651 continued the prohibition on the importation into the United States of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing...
With certain exceptions, U.S. persons (both individuals and entities) are prohibited from transferring, paying, exporting, withdrawing, or otherwise dealing in the property and interests in property of an individual or entity on OFAC’s list of Specially Designated Nationals and Blocked Persons (“SDN List”), including those listed in the Annex to E.O. 13310, E.O. 13448, and E.O. 13464, or determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, to meet the criteria described in E.O. 13310, E.O. 13448, E.O. 13464, or E.O. 13619. The names of persons listed in the Annexes or designated pursuant to these Executive orders, whose property and interests in property are therefore blocked, are published in the Federal Register and incorporated into the SDN List with the identifier “[BURMA].” The SDN List is accessible through the following page on OFAC’s Web site: http://www.treasury.gov/SDN.

An individual or entity on the SDN List may seek to be delisted, including based on evidence that the circumstances resulting in the designation no longer apply, by submitting a written request to OFAC. OFAC investigates and assesses such requests on a case-by-case basis, taking into consideration the facts and circumstances specific to each individual or entity, as reflected in the evidence presented and other information available to OFAC. The procedures governing delisting from the SDN List are outlined in 31 C.F.R. § 501.807.

The property and interests in property of any entity that is owned, directly or indirectly, 50% or more by a person on the SDN List are also blocked, regardless of whether the entity itself is listed in an Annex to an Executive order or otherwise placed on the SDN list. For additional guidance on entities owned by persons whose property and interests in property are blocked, please see: http://www.treasury.gov/resource-center/sanctions/Documents/licensing_guidance.pdf.

The importation into the United States of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma is prohibited by E.O. 13651, although the broad importation ban on products of Burma originally imposed by E.O. 13310 has been revoked.

**GENERAL AUTHORIZATIONS**

**GENERAL LICENSES**

OFAC may authorize certain types of activities and transactions that would otherwise be prohibited by issuing a general license. Such general licenses may be published in the regulations, on OFAC’s Web site, or both.

**EXPORTATION OR REEXPORTATION OF FINANCIAL SERVICES:** On July 11, 2012, OFAC issued Burma General License No. 16 (“GL 16”) authorizing the exportation or reexportation of financial services to Burma, directly or indirectly, from the United States or by a U.S. person, wherever located, subject to certain limitations. GL 16 does not authorize, in connection with the provision of security services, the exportation or reexportation of financial services, directly or indirectly, to the Burmese Ministry of Defense, including the Office of Procurement; any state or non-state armed group including the military; or any entity in which any of the foregoing own a 50% or greater interest. GL 16 also does not authorize the exportation or reexportation of financial services, directly or indirectly, to any person whose property and interests in property are blocked under the Burma sanctions program, except that transfers of funds pursuant to GL 16 are authorized even though they may involve transfers to or from an account of a blocked financial institution, subject to certain limitations.

As a result of GL 16, the special measures against Burma imposed under Section 311 of the USA PATRIOT Act (Public Law 107-56) (“PATRIOT Act”) no longer apply to the operation of correspondent accounts for Burmese banking institutions that are not blocked, or to transactions that are conducted through such accounts, provided the transactions are authorized under the Burma sanctions program. See 31 C.F.R. § 1010.651(b)(3). GL 16 does not
affect any obligation of U.S. financial institutions processing such transactions to conduct enhanced due diligence under Section 312 of the PATRIOT Act.

NEW INVESTMENT: Also on July 11, 2012, OFAC issued Burma General License No. 17 (“GL 17”) authorizing new investment in Burma by U.S. persons, subject to certain limitations and requirements. GL 17 does not authorize new investment pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Burmese Ministry of Defense, including the Office of Procurement; any state or non-state armed group (which includes the military); or any entity in which any of the foregoing own a 50% or greater interest. GL 17 also does not authorize transactions with, directly or indirectly, any person whose property and interests in property are blocked under the Burma sanctions program.

Any U.S. person (both individuals and entities) engaging in new investment in Burma pursuant to GL 17 must report to the State Department in compliance with the requirements set forth in the State Department’s “Reporting Requirements on Responsible Investment in Burma,” available at: www.HumanRights.gov/BurmaResponsibleInvestment.

TRANSACTIONS INVOLVING CERTAIN BLOCKED BANKS: On February 22, 2013, OFAC issued Burma General License No. 19 (“GL 19”) authorizing most transactions, including opening and maintaining accounts and conducting a range of other financial services, with four of Burma’s major blocked financial institutions: Asia Green Development Bank, Ayeyarwady Bank, Myanma Economic Bank, and Myanma Investment and Commercial Bank. Any U.S. person (both individuals and entities) may engage in transactions with any non-blocked Burmese banks, subject to the requirements of any applicable general or specific licenses.

As a result of GL 19, the special measures against Burma imposed under Section 311 of the PATRIOT Act no longer apply to the operation of correspondent accounts for Asia Green Development Bank, Ayeyarwady Bank, Myanma Economic Bank, and Myanma Investment and Commercial Bank, or to transactions that are conducted through such accounts, provided the transactions are authorized under the Burma sanctions program. This does not affect any obligation of U.S. financial institutions processing such transactions to conduct enhanced due diligence under Section 312 of the PATRIOT Act.

SPECIFIC LICENSES

OFAC considers on a case-by-case basis applications for specific licenses to authorize transactions that are neither exempt nor covered by a general license. Requests for a specific license must be submitted to OFAC’s Licensing Division. Such license requests may be submitted using any of these three methods:

- Online: http://www.treasury.gov/resource-center/sanctions/Pages/licensing.aspx
- Fax: (202) 622-1657
- U.S. mail: Assistant Director for Licensing, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220

V. PENALTIES

Civil monetary penalties of up to the greater of $250,000 or twice the amount of the underlying transaction may be imposed administratively against any person who violates, attempts to violate, conspires to violate, or causes a violation of these Executive orders or the Burmese Sanctions Regulations. Upon conviction, criminal penalties of up to $1,000,000, imprisonment for up to 20 years, or both, may be imposed on any person who willfully commits or attempts to commit, or willfully conspires to commit, or aids or abets in the commission of a violation of these Executive orders or the Burmese Sanctions Regulations.
This document is explanatory only and does not have the force of law. Please see particularly Executive Orders 13047, 13310, 13448, 13464 and 13619, the Burmese Sanctions Regulations (31 C.F.R. Part 537), and other applicable laws and regulations for legally binding provisions governing the sanctions. This document does not supplement or modify these Executive orders, laws, or regulations.

The Treasury Department’s Office of Foreign Assets Control also administers sanctions programs involving the Balkans, Belarus, Cote d’Ivoire, Cuba, Democratic Republic of the Congo, Rough Diamond Trading (Kimberley Process), Iran, Iraq, Lebanon, Liberia, Libya, North Korea, Somalia, Sudan, Syria, Yemen, and Zimbabwe, as well as highly enriched uranium, persons who commit, threaten to commit, or support terrorism, international narcotics traffickers, Foreign Terrorist Organizations, Terrorism List Governments, transnational criminal organizations, and proliferators of weapons of mass destruction and their supporters. For additional information about these programs or about sanctions involving Burma, please contact:

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