

President Biden Targets Burmese Government and Military in First Sanctions Action

February 12, 2021

On February 11, 2021, the Biden Administration took several steps to respond to the military coup in Burma and “to reaffirm the United States’ support for the democratic aspirations of the people of Burma.”

First, and as had been widely anticipated, President Biden signed an executive order (the “Order”) authorizing new sanctions against Burma. In particular, the Order authorizes the U.S. Treasury Secretary, in consultation with the U.S. Secretary of State, to impose blocking sanctions on those that operate in the defense sector “or any other sector of the Burmese economy.” Sanctions also are authorized against, among others, (a) those who have taken actions to undermine Burmese democratic institutions, (b) leaders of the Burmese military or military government and their immediate family members and (c) the post-coup government of Burma.

In addition, as is common with many executive orders imposing sanctions, the Order authorizes sanctions against those who “have materially assisted, sponsored, or provided financial, material, or technological support for” persons or entities that are subject to U.S. sanctions. Thus, persons and entities outside of Burma may need to confirm that their engagement in Burma does not involve a sanctioned party or bear the risk of U.S. sanctions applying to them.

Simultaneous with the issuance of the executive order, the U.S. Treasury Department designated 10 military officers and three entities for “their association with the military apparatus responsible for the coup.” The sanctioned individuals included six members of the National Defense and Security Council and four members of the State Administration Council.

Second, the U.S. Commerce Department’s Bureau of Industry and Security (“BIS”) implemented restrictions on exports of sensitive items to Burma’s Defense Ministry, the Ministry of Home Affairs, armed forces and security services. Effective immediately, BIS is restricting items requiring a U.S. export license to these parties. BIS also revoked or suspended certain other license exceptions previously authorized for Burma and is

considering further restrictions, with a particular focus on identifying military end users and restricting their access to sensitive U.S. technology.

In taking these steps, the Biden Administration, perhaps to draw contrast with its predecessor, noted that it was coordinating steps with “partners throughout the region and the world.” In addition, in a statement at the White House, President Biden indicated that the United States would stand ready to “impose additional measures” if necessary and that it would “continue to work with our international partners to urge other nations to join us in these efforts.”

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We will continue monitoring the ongoing developments in Burma. Please do not hesitate to contact us with any questions.

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