

United States Senate

WASHINGTON, DC 20510

April 27, 2021

The Honorable Janet Yellen
Secretary
U.S. Department of Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220

The Honorable Antony Blinken
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Janet Yellen and Secretary Antony Blinken,

Since illegitimately seizing power in a coup on February 1, Tatmadaw forces have brutally murdered more than 700 protesters and detained or jailed thousands of innocent citizens across Burma. The innocent people of Burma - from children to senior citizens, journalists to teachers, not to mention already long-persecuted ethnic minorities like the Rohingya, Kachin and Karen who have been targeted by the military in the past - are at grave risk of increased violence as the military's campaign against the population continues.

While we applaud the Administration's leadership in adding the Myanmar Economic Holdings Public Company Limited and the Myanmar Economic Corporation to the Treasury Department's list of targeted sanctions, we are writing today to urge you to explore new avenues to support the people of Burma in their ongoing struggle for democracy in the face of escalating crimes against humanity being committed by the Myanmar military. In particular, we urge you to target or freeze all foreign currency revenues and foreign exchange reserves held in state accounts outside of Burma. As a first step, sanctions should be placed on the Myanmar Oil and Gas Enterprise (MOGE), an agency within the Myanmar government's Ministry of Electricity and Energy which remains the largest source of foreign exchange for the Tatmadaw. MOGE is currently under the control of General Min Aung Hlaing, the coup leader, who has been sanctioned by the U.S. government.

Our request to cut off revenue to the MOGE echoes the clear call from over 440 civil society organizations in Burma and representatives of the movement to form a National Unity Government, who have asked for international assistance in cutting off revenue flows to the military regime. Gas revenues from joint ventures involving companies like Total, Chevron, Posco, PTT, and CNPC are currently the most significant single source of foreign exchange revenue for the Myanmar government, generating cash payments of approximately USD \$1.1 billion each year.

History shows that when the junta was previously in place in the 1990s, gas revenues from Total and Chevron/Unocal helped them to withstand international sanctions as their reserves dwindled.

This time, we believe that the Tatmadaw must be entirely prevented from accessing a steady stream of international resources.

Instead of paying MOGE, we propose that the joint ventures involving multinational oil and gas companies pay revenue into a trust or protected account which is either held until such time as Burma has a legitimate and democratically-elected government or used for humanitarian purposes. The oil and gas companies already appear to have the necessary powers to take action using force majeure and other contractual clauses, but have reportedly expressed concerns about how such action might affect the safety of their local staff. Petronas has already taken action, using the force majeure clause in its contract to temporarily suspend operation. Putting sanctions in place would enable these companies to comply with the demands of Burmese civil society and uphold responsible business and human rights practices, while helping to reduce the risks of retaliation against their local staff.

Beyond cutting off revenue to the MOGE, we encourage additional efforts by the Treasury Department to maximize and focus its investigative capacity to identify and block any flow of resources to the Tatmadaw and its network of cronies, while minimizing unintended harm to the people of Burma. We also welcome the Administration's efforts to ensure that our allies and others in the region work in tandem with the United States to undertake similar concrete measures that close down other sources of revenue. Working in tandem with our allies and partners, we can ensure that the people of Burma soon enjoy the safe and democratic future they are currently risking their lives to demand.

Sincerely,



Jeffrey A. Merkley
United States Senator



Marco Rubio
United States Senator



Richard J. Durbin
United States Senator



Susan M. Collins
United States Senator



Cory A. Booker
United States Senator



Edward J. Markey
United States Senator