

February 18, 2016

The Honorable John Kerry
Secretary of State
United States Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Jack Lew
Secretary of the Treasury
United States Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Penny Pritzker
Secretary of Commerce
United States Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

RE: U.S. BUSINESS COMMUNITY STATEMENT ON U.S.-MYANMAR RELATIONS

Dear Secretary Kerry, Secretary Lew, and Secretary Pritzker:

The U.S. business community strongly supported efforts by the Obama Administration and the Congress to engage the government of Myanmar over the past several years to advance a range of reforms important to the rule of law, good governance and the economy. The concrete measures the United States has taken to normalize the relationship — including lifting the import ban, easing bans on investment and financial services, opening a USAID office, extending OPIC and Ex-Im Bank support, and other measures — have brought real and tangible benefits to the people of Myanmar. For their part, U.S. companies are making positive contributions to Myanmar society through their high standards of corporate social responsibility and governance, including transparency, training and human resource development, and labor standards. The improved relationship with the United States has been instrumental to the progress Myanmar has made in reforming key institutions, improving transparency, and developing a rules-based environment for investment.

Myanmar's November 2015 elections marked an historic moment in the country's transformation. By accounts of neutral observers, the elections were largely free and fair, with few reported irregularities. The new Parliament, led by the National League for Democracy (NLD), has now assumed 86% of the parliamentary seats not reserved for the military by the Constitution (*i.e.*, 25% of seats), and a new president will take office in April. The transition so far has been remarkably smooth. Certainly, important work remains to be done but the process to date offers reason for optimism.

Free and fair elections widely have been seen as an important benchmark for determining the future course of the U.S.-Myanmar relationship. That benchmark has been met, and it is now incumbent upon the United States to continue to advance the normalization process. There needs to be a clear pathway and an efficient process to remove individuals and entities from the Specially Designated Nationals list or to license U.S. companies to engage in business with them. Where designation remains appropriate, other sanctions programs should be calibrated so that they target only individuals and entities of concern and do not tarnish the entire country.

While many sanctions have been eased, most have not been eliminated entirely, creating uncertainty for investors. The remaining U.S. sanctions are a significant reason why U.S. investment in Myanmar remains modest and Myanmar entrepreneurs cannot truly take advantage of their putative access to the American market. By contrast, virtually all other countries that had previously maintained sanctions against Myanmar have removed them entirely, placing U.S. companies who wish to invest in Myanmar or otherwise support engagement at a unique disadvantage.

The time has come to examine the utility of the remaining sanctions and to map out a vision for the future of the relationship — a future in which that relationship can truly be normalized, and in which the U.S. private sector contributes to Myanmar's economic growth and development while supporting its continued efforts to reform and modernize its institutions. The upcoming expiration of sanctions authority under the International Emergency Economic Powers Act (IEEPA) provides just such an opportunity.

We respectfully urge the Administration not to renew the IEEPA sanctions when they expire in May 2016. Following this course of action would reflect the remarkable progress Myanmar has made, and signal the beginning of a new relationship with Myanmar. Thank you for considering our views.

Sincerely,

AmCham Myanmar Chapter
National Foreign Trade Council
US-ASEAN Business Council
United States Chamber of Commerce
United States Council for International Business

cc: Members of the United States Senate
Members of the United States House of Representatives