

December 17<sup>th</sup>, 2014

Vice Premier Wang Yang  
State Council of the People's Republic of China  
Beijing, China

Dear Vice Premier Wang Yang:

The American business community applauds the strong commitment expressed by President Xi Jinping and President Barack Obama to accelerate the negotiation of a high-standard bilateral investment treaty (BIT) between China and the United States. These negotiations present a rare and significant opportunity to push forward the critical economic relationship between the world's two largest economies, particularly with the rapid evolution of two-way FDI.

We are enthusiastic about recent efforts demonstrating both countries' desire, at the highest levels of government, to achieve accelerated progress in the negotiations. Of course, a U.S.-China BIT will only be as good as the substantive rules and market-opening commitments it achieves. The next real test of resolve will come in early 2015, when each country puts forward its proposed negative list signaling the limited and narrow areas where it believes investment restrictions continue to be warranted in its market.

While the BIT would address many issues – ownership, ensuring a level playing field, investment protections, effective remedies for disputes, and transparency in regulation to name a few --the most urgent outcome sought by both countries is economic growth, which can only be achieved by expanded and sustained investment openness. China's approach to the negative list will demonstrate its level of commitment and signal whether the negotiations are likely to be concluded during the next two years -- as indicated by Vice Minister Zhu Guangyao during his recent visit to Washington, or whether they are likely to require a significantly longer period of time. If the core text reflects a high standard, and the proposed negative list from China is limited and exceptions are narrow in scope, we are confident that we can work with a broad-based industry coalition and our representatives in the U.S. Senate to secure the two-thirds majority required for ratification.

A successful outcome of these negotiations will create significant opportunities for pushing forward China's continued economic development—consistent with the Third Plenum Decision—and ensuring the Chinese market remains competitive for

investment. Increased U.S. investment resulting from an effective BIT will support China's reform goals, lead to higher value products and lower prices for consumers, expand China's tax base, and further introduce valuable managerial, technical, and other expertise into the country. Similarly, an effective U.S.-China BIT will boost the confidence of Chinese entities considering the risks and benefits of investing in the U.S.—the world's largest and most competitive market -- and support the continued growth of China's outbound FDI, creating jobs and economic benefits in the United States.

The U.S.-China Bilateral Investment Treaty negotiations present an historic opportunity for our two nations, and we urge both governments to act decisively to seize the opportunity now. American business stands ready to work with both governments to achieve a high standard, ambitious, and mutually-beneficial agreement.

Sincerely,

**American Apparel & Footwear  
Association (AAFA)**

**American Chamber of  
Commerce in China**

**American Chamber of  
Commerce in Shanghai**

**American Chamber of  
Commerce in South China**

**Coalition of Service Industries  
(CSI)**

**Financial Services Forum (FSF)**

**Information Technology  
Industry Council (ITI)**

**National Foreign Trade Council  
(NFTC)**

**Securities Industry and  
Financial Markets Association  
(SIFMA)**

**Telecommunications Industry  
Association (TIA)**

**United States Council for  
International Business (USCIB)**

**United States Information  
Technology Office (USITO)**

**USA Poultry & Egg Export  
Council (USAPEEC)**

**U.S. Chamber of Commerce**

致：国务院  
汪洋副总理

**尊敬的汪副总理：**

美国工商界欢迎习近平主席和奥巴马总统对加快中美两国之间高规格双边投资协定谈判（BIT）所做出的有力承诺。该谈判为推进全世界两个最大经济体间至关重要的经济关系提供了一个难能可贵的重大机遇，尤其是当两国间双向直接投资（FDI）正快速发展的时刻。

我们对两国最近所做的努力感到欢欣鼓舞，这些努力表明了双方政府高层都希望谈判取得加速进展。当然，中美双边投资协定的真正益处在于其所达成的实质性规则和开放市场承诺。而下一个真正考验将于2015年初两国提出各自拟定的负面清单时到来，因为该清单标志着投资限制将应用于哪些有限、具体的市场领域。

尽管双边投资协定能解决许多问题，例如所有权、确保公平竞争的环境、投资保护、有效的纠纷补救措施，和监管透明，然而两国寻求的最终结果都是经济发展，而这只能通过保持并扩大投资开放性来取得。中国对负面清单的处理方式，将展示其承诺水平，并预示着谈判能否在未来两年间完成，正如中国财政部副部长朱光耀于近期访问华盛顿时所说的，否则完成谈判的期限将大大延长。如果核心文本反映的是一种高规格，且中国拟定的负面清单内容有限、例外范围较窄，我们就有信心能与各行业联盟以及我们在美国参议院中的代表合作，以确保清单所要求的三分之二多数获得批准。

这些谈判的一个成功结果，将为推进中国持续的经济发展创造各种重大机遇，这与三中全会的决定是一致的，并确保中国市场仍具有投资竞争力。一个能产生预期效果的双边投资协定将增加美国的投资，从而支持中国的改革目标，为消费者带来更高价值的产品和更低的价格，扩大中国的计税基数并且进一步把有价值的管理、技术和其它专业知识引入中国。同样地，一个能产生预期效果的中美双边投资协定，将会使中国企业在考虑投资美国这个世界最大、最具竞争力市场的风险和益处时，增强信心，并促进中国的海外直接投资的持续增长，为美国带来就业机会和经济效益。

中美双边投资协定谈判为我们两国带来一个具有历史意义的机遇，我们敦促双方政府采取果断行动，抓住这一机遇。美国工商界已做好准备与两国政府密切配合，达成一份高规格、有抱负且互利的协议。

此致

商祺！

American Apparel & Footwear  
Association  
美国衣履协会、美国服装和鞋类协会

National Foreign Trade Council  
(NFTC)  
全国对外贸易理事会

American Chamber of Commerce  
in China  
中国美国商会

Securities Industry and Financial  
Markets Association (SIFMA)  
证券业及金融市场协会

American Chamber of Commerce  
in Shanghai  
上海美国商会

Telecommunications Industry  
Association (TIA)  
电子通讯产业协会

American Chamber of Commerce  
in South China  
美国在南中国商会

United States Council for  
International Business (USCIB)  
美国国际工商理事会

Coalition of Service Industries (CSI)  
美国服务业联盟

United States Information  
Technology Office (USITO)  
美国信息新产业机构

Financial Services Forum (FSF)  
金融服务论坛贸易协会

USA Poultry & Egg Export Council  
美国家禽蛋品出口协会

Information Technology Industry  
Council (ITI)  
信息技术工业协会

U.S. Chamber of Commerce  
美国全国商会