



## USCIB Washington Update

### Highlighting Key Activities, April – May 2015

During the months of April and May 2015, USCIB staff and members participated in a roundtable discussion with Customs and Border Protection Commissioner Gil Kerlikowske; received a briefing from Sarah Fox, Special Representative for International Labor Affairs at the State Department; discussed competition issues with Carles Esteva Mosso, Deputy Director, General Mergers, DG Competition, European Commission; built business support that helped get Trade Promotion Authority passed in the Senate; presented business views at a BNA conference on TPP; joined an industry supported letter to President Obama concerning China's cyber-related trade barriers; participated in OECD consultations regarding mandatory disclosure and CFC rules; and much more. Below are summaries of these and other highlights from the activities of USCIB in Washington, DC over the last two months. If you have any questions or comments, or want more information on a specific topic, please contact any of the staff members listed at the end of this brief.

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## Trade and Investment – *Opening Global Markets for Trade and Investment*

- ***USCIB Joins in Push to Pass Successful Senate TPA Bill:*** On May 22, 2015, after months of efforts by USCIB, its members, the TBA Coalition and pro-trade advocates, the Senate version of the Trade Promotion Authority bill passed by a vote of 62-37. During the complicated Senate process, USCIB joined several letters opposing various amendments on currency, investment, financial services regulation, and others that could have killed the TPA bill. We also urged members to amplify their efforts to counter the anti-trade messages pouring into Congressional offices. Through social media we have actively pushed for TPA ([USCIB](#), [Rob Mulligan](#), [Eva Hampl](#), [Kristin Isabelli](#) and [Jonathan Huneke](#)). Early on our CEO Peter Robinson wrote an [op-ed](#) with former Congressman James Bacchus in the Hill presenting a strong case for trade and TPA. And we quickly issued a [statement](#) expressing our support for the Senate's vote for TPA.
- ***Mulligan Speaks at Bloomberg BNA Conference on TPP:*** On April 16, 2015, Rob Mulligan, Senior Vice President for Policy and Government Affairs, [spoke on a panel](#) concerning American business' perspective on the Trans-Pacific Partnership (TPP) during an all-day [conference](#) organized by Bloomberg BNA, USCIB and the NFTC. Rob highlighted the importance of TPP addressing restrictions on cross-border data flows and eliminating localization requirements, as well as streamlining customs procedures and strengthening global value chains. His fellow panelists included Linda Dempsey of NAM, who spoke on the importance of ISDS provisions and James Bacchus, who spoke of the importance of multilateral agreements.
- ***Mulligan Represents USCIB at Trade Meetings of OECD, BIAC and ICC:*** During the week of April 20-24, Rob Mulligan attended the meetings of the OECD Trade Committee, the BIAC Trade Committee and the ICC Trade and Investment Commission in Paris. Speaking on behalf of BIAC at the OECD Trade meeting, Rob offered business views on the global trade slowdown. The OECD is working on papers dealing with cross-border data flows, localization barriers to trade, the post-Bali work program and the trade and investment nexus. The BIAC Trade Committee developed papers raising key issues related to the Colombian accession to the OECD and discussed the next generation of issues that OECD should consider in its research. The ICC Commission meeting heard from Susan Stone of the OECD on their data flows and localization papers and discussed a draft paper prepared by Gary Hufbauer and Jeff Schott for ICC on how to revitalize WTO.
- ***Hampl Promotes Investor Protections at ICC YAF Symposium:*** On April 6, 2015, Eva Hampl, Director for Investment, Trade and Financial Services, spoke on a panel on “The Impact of Investor-State Dispute Settlement (ISDS) in the Transatlantic Trade and Investment Partnership (TTIP)” at an [International Investment Symposium](#) hosted by the International Chamber of Commerce Young Arbitrators Forum (YAF), Georgetown International Arbitration Society and the Institute of International Economic Law. Eva emphasized the importance of investment, particularly with Europe, and investment protections including ISDS as an integral part of economic growth and development.
- ***Donnelly Discusses Investment and Energy Issues in TTIP at SAIS/George Mason Conference:*** On April 22, 2015, Vice President for Investment and Financial Services Shaun Donnelly spoke on a panel considering transatlantic energy issues during a day-long seminar in Washington, DC organized by George Mason University and Johns

Hopkins University's School of Advanced International Studies. Shaun talked about the relevance of energy issues in TTIP, noting that energy has not typically been a free-standing chapter in U.S. or EU trade agreements. Fabrice Vareille, Minister Counselor, EU Delegation to the U.S., presented the EU Commission views.

- ***USCIB and Members Participate in Joint World Bank/OECD Meeting on the PFI:*** On April 20, 2015, Kimberley Claman, Citigroup, and Nicole Bivens Collinson, Sandler, Travis & Rosenberg P.A., were panelists at a joint meeting of the OECD and the World Bank on [investment climate reform](#), which included a discussion of the OECD's update of the Policy Framework for Investment (PFI), a policy checklist for developing countries looking to attract more foreign direct investment (FDI). Eva Hampl and Shaun Donnelly also participated in the [session](#).
- ***Donnelly Briefs Hill Staff on TTIP ISDS Issues:*** On April 28, 2015 Shaun Donnelly was one of four investment experts (three Americans, one European) invited for a private briefing/Q&A session with congressional staffers under the auspices of the Congressional TTIP Caucus. It was a good opportunity to give busy staffers in members' personal offices some background and some realities, as well as to debunk some of the unfounded attacks on the key ISDS issue.
- ***Talking TTIP and ISDS in Spain:*** Shaun Donnelly was back on the road for the State Department the final week of May 2015 as an American expert speaker on TTIP and investment issues in Spain. As on his five previous TTIP speaking trips in Europe, the local American embassies programmed Shaun into a series of large formal speeches and conference presentations, small informal sessions with business and student groups plus press interviews. In Madrid and Barcelona Shaun was able to lay out U.S. business community views and priorities on the broad TTIP agenda. Of course, investment and ISDS figured prominently in most events.
- ***USCIB Hosts USTR for Meeting of TPP Coalition Investment and Financial Services Task Force:*** On April 7, 2015, USCIB hosted a meeting of the Investment and Financial Services Task Force of the U.S. Business Coalition for TPP which USCIB co-chairs. Members of the coalition met with Christine Bliss, Assistant U.S. Trade Representative for Services and Investment; and Daniel Bahar, Deputy Assistant U.S. Trade Representative for Investment to discuss the progress and remaining challenges in those chapters in TPP negotiations.
- ***Kennedy Represents USCIB at TTIP Stakeholder Briefing in New York:*** On April 23, 2015, Norine Kennedy, Vice President for Strategic International Engagement, Energy and the Environment, gave a presentation at a stakeholder forum titled "Environment, the UN Post-2015 Development Agenda and SDGs: Synergies for TTIP, Trade and Business" in New York. She noted that the U.S.-EU trade agreement plays an integral role in the global economic infrastructure built in 2015. She explained that USCIB and its member companies strongly support a successful TTIP conclusion, as that trade agreement will facilitate business' contributions to sustainable development.

## ICT Policy – *Promoting Sound Policies for New Technologies*

- ***USCIB Joins Letter to Chinese Authorities on Cyber-Related Trade Barriers:*** On April 13, 2015, USCIB joined 30 U.S. and foreign business associations in expressing continued strong concerns to the Chinese Communist Party (CCP) Central Leading Group for Cyberspace Affairs regarding Beijing’s new cyber-related protectionist policies. This followed up a late January letter by 18 U.S. multi-sectoral trade associations, including USCIB, to this group, which requested “urgent discussion and dialogue” regarding China’s “secure and controllable” ICT industrial policy. In early March, President Obama raised these concerns with his Chinese counterpart, Xi Jinping. The April 13 letter urged immediate suspension of China’s China Banking and Regulatory Commission (CBRC) guidelines and other related policies that discriminate against foreign providers of Internet and information and communications technology (ICT) products, solutions and services. On April 16, the Chinese government did in fact temporarily suspend these regulations.
- ***USCIB Supports Multistakeholder Consideration of Cybersecurity in the Digital Ecosystem:*** On May 8, 2015 USCIB responded to the National Telecommunications and Information Administration’s (NTIA) request for comments to identify substantive cybersecurity issues that affect the digital ecosystem and digital economic growth where broad consensus, coordinated action, and the development of best practices could substantially improve security for organizations and consumers. USCIB applauded the initiative, noting that the outcome will affect companies across the entire U.S. economy because the digital economy essentially *is* the economy. Specifically, USCIB suggested that a Commerce-led multistakeholder process could help to identify gaps in sector participation in efforts to mitigate threats to consumers posed by malware and botnets, among other recommendations.
- ***USCIB Members Continue Efforts to Shape the IANA Stewardship Transition:*** On May 15, 2015 USCIB provided comments concerning the second draft proposal of ICANN’s Cross-Community Working Group (CWG-Stewardship). The CWG-Stewardship group was formed in 2014 to develop a consolidated proposal to transition elements of the Internet Assigned Numbers Authority (IANA) functions relating to domain names from the stewardship currently provided by the National Telecommunications and Information Administration (NITA) to a the global multistakeholder community. USCIB generally supported the CWG-Stewardship’s proposed creation of Post-IANA Transition (PTI) subsidiary, which responded to earlier comments by USCIB and other stakeholders about the need for a clear separation between ICANN policymaking and the execution of the IANA functions. USCIB urged that the entire community be given another chance to review the CWG-Stewardship proposal after key elements have been properly informed by the inter-related proposal of the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG), which was issued on May 4.
- ***IGF Multistakeholder Advisory Committee (MAG) Endorses USCIB IGF Workshop Proposals:*** The Internet Government Forum (IGF) Open Consultations and Multistakeholder Advisory Group (MAG) meeting, May 20-22, 2015 in Geneva, culminated with endorsements of two IGF workshop proposals submitted by USCIB – among the 267 proposals considered. Barbara Wanner, Vice President, ICT Policy, represented USCIB at these meetings. She urged MAG members to support the workshops – “Mobile and IoT Expand Inclusion for Persons with Disabilities” and

“Internet Governance 2015: Promoting Trade, Inclusion, and Trust” – emphasizing that they both go to the heart of key themes of this year’s IGF, which include cybersecurity and trust, the Internet economy, inclusiveness and diversity, and openness. This year’s IGF will be held in Joao Pessoa, Brazil, November 10-13.

- ***USCIB Members Advocate Global Business Interests at WSIS Forum:*** ICT Policy Committee Vice Chair Joseph Alhadeff, Oracle, Barbara Wanner, and a delegation of USCIB Members helped to formally launch the 10-year review of the World Summit on the Information Society (WSIS) at meetings in Geneva, Switzerland on May 25-29, 2015. Alhadeff, who also chairs ICC-BASIS, delivered remarks at the High-Level segment on May 26, emphasizing the importance of the multistakeholder model of Internet governance and extolling the success of the past decade of WSIS in helping to bridge the digital divide and realize many of the millennium development goals. The WSIS 10-year review will culminate in a High-Level Meeting in December 2015 at UN headquarters in New York. USCIB will be collaborating with ICC-BASIS on UN mission outreach initiatives.

#### **Tax – Advancing Tax Policies that Promote U.S. Competitiveness**

- ***USCIB Participates in OECD Public Consultations on Mandatory Disclosure and CFC Rules Issues:*** The OECD held public consultations on transfer pricing topics on mandatory disclosure and CFC rules on May 11-12, 2015. Carol Doran Klein, USCIB International Tax Counsel and Vice President of Tax Policy, participated in the meetings. The business community emphasized that the OECD should not require duplicative reporting and should coordinate any reporting required by the mandatory disclosure rules with the master file, local file and country-by-country reporting. USCIB also made the point that if a country has adopted a mandatory disclosure regime that is the only reporting under that regime that should be required. The OECD seemed sympathetic to this point. The public consultation on CFCs enforced the deep split among countries. There does not appear to be an agreement on whether CFC rules should be protecting the parent jurisdiction's base and also should address foreign-to-foreign base erosion. In the absence of agreement on this fundamental principle, it seems unlikely that there will be agreement on a minimum standard or best practices.
- ***Upcoming Tax Committee Meeting:*** The USCIB Tax Committee will meet on June 9, 2015 to discuss the work of the Committee including especially the developments on BEPS and in the UN. The agenda (including details on the time and location) is [here](#).
- ***Upcoming OECD/USCIB Tax Conference:*** USCIB, in cooperation with OECD and BIAC, will host its 10th annual conference on the OECD’s new international taxation initiatives on June 10-11, 2015 in Washington, D.C. This conference provides a unique opportunity for the U.S. business community to interact with key representatives from the OECD Centre for Tax Policy and Administration and senior tax officials from the U.S. and other key countries involved in the OECD/G-20 BEPS project. Further information on the conference is available [here](#).

## **Customs and Trade Facilitation – Reducing Barriers and Costs from Customs and Border Control Practices**

- **USCIB Meets with USTR and USAID for Update on WTO Trade Facilitation Agreement:** On April 8, 2015, Assistant USTR for WTO and Multilateral Affairs Mark Linscott and Director of Trade and Regulatory Reform at USAID Virginia Brown briefed USCIB members and others on the WTO Trade Facilitation Agreement and the Trade Facilitation Alliance. Work has now shifted to the WTO member capitals where implementation and category commitments are the focus. Thus far four countries have indicated their intention to ratify and implement the agreement. Members were also updated on the Trade Facilitation Alliance by USAID and Andrew Wilson, Deputy Director for Strategic Planning and Programs, Center for International Private Enterprise (CIPE). CIPE, the World Economic Forum and the International Chamber of Commerce have played lead roles in the development of the public-private partnership, and have held meetings with donor countries throughout the spring. The goal is to officially launch the Alliance soon; more information regarding company and association participation will follow when it becomes available.
- **Jerry Cook Represents USCIB on Trade Facilitation Panel at ICE/CBP Workshop:** On May 21, 2015, Jerry Cook, Vice President Government and Trade Relations at Hanesbrands and USCIB Customs and Trade Facilitation Committee Chair, participated on a panel discussing key priorities of the WTO Trade Facilitation Agreement. The panel took place during a three-day conference organized by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). USCIB identified main priorities for the business community regarding implementation of the agreement, including ensuring coordination, communication and transparency between the private sector and customs administrations, as well as the need for customs administrations to work with the private sector to benefit from technical assistance and capacity building.
- **USCIB Members Meet with CBP Commissioner Kerlikowske in Costa Rica:** On May 28, 2015 USCIB members met with CBP Commissioner Kerlikowske in Costa Rica at a roundtable to discuss Authorized Economic Operator programs (AEO), and CBP's international engagement, particularly at the World Customs Organization. Members had a very productive conversation with the Commissioner regarding a number of key USCIB issue areas.
- **Customs Reauthorization Legislation Passes in the U.S. Senate:** On May 14, 2015, the U.S. Senate passed Customs Reauthorization legislation, of which USCIB has long been an advocate; we are pleased with the progress the bill has made towards becoming law. The U.S. House of Representatives will vote on its version of the Customs Reauthorization bill in the near future, but the Senate and House versions differ from one another, and will need to be discussed in a Congressional conference.

## **China - Supporting Policies and Relationships that Enhance U.S.-China Business**

- **2015 U.S.-China Joint Commission on Commerce and Trade (JCCT) Submission:** USCIB submitted member priorities to USTR and the Department of Commerce for the 2015 JCCT, a key forum for addressing bilateral trade and investment issues and promoting commercial opportunities between the United States and China. Priority policy and sector specific areas addressed in the [submission](#) include: audiovisual; the anti-

monopoly law (AML); certification; licensing and testing barriers; express delivery services (EDS); government procurement; intellectual property rights; regulatory environment; standards; state-owned enterprises; and technology policy. Eva Hampl, USCIB's Director, Investment, Trade and Financial Services, represented USCIB members at a discussion of trade and investment issues to be addressed through the 2015 JCCT on May 5, 2015 in Washington, DC with Deputy Assistant Secretary of Commerce for China Patrick Santillo and Acting Assistant United States Trade Representative for China Affairs Timothy Wineland.

### **Corporate Responsibility – *Developing Standards and Principles, Increasing Awareness of Positive Business Practices***

- ***USCIB Corporate Responsibility Committee Hears from Experts on Sustainability Reporting:*** USCIB members of the Corporate Responsibility committee met on Wednesday, April 15, 2015 to discuss topics including: committee members' CSR policies and reporting habits, newest reporting initiatives, regulatory frameworks & tools, the UN Sustainable Development Goals (SDG) & Financing for Development processes, operational grievance mechanisms, access to remedy initiatives, the OECD Responsible Business Conduct Proactive Agenda, and the U.S. National Action Plan on Responsible Business Conduct. Members heard from a roundtable of experts regarding corporate sustainability reporting as well as from Rachel Davis at Shift, a key implementation partner of the UN Guiding Principles on Business and Human Rights; Damiano de Felice from the London School of Economics; John Morrison, author of "The Social License to Operate"; and Matthias Thorns and President Daniel Funes de Rioja from the International Organization of Employers.
- ***Sarah Fox, State, Briefs USCIB Labor & Employment Committee:*** USCIB members of the Labor & Employment Policy committee met on Friday, April 17, 2015 to discuss issues including: forced labor, human trafficking, access to remedy, human rights reporting, the U.S. national contact point for the OECD Guidelines for Multinational Enterprises, the UN Guidelines Principles on Business and Human Rights, and the upcoming International Labor Conference (ILC) in June 2015. Members heard briefings from Sarah Fox, the Special Representative for International Labor Affairs at the U.S. State Department; Declan Croucher from Verité, the non-profit developing a model compliance code for federal contractors for the State Department; Mike Posner, Co-Director for the NYU Stern Center for Business and Human Rights; Rachel Davis from Shift, a key implementation partner of the UN Guiding Principles on Business and Human Rights; as well as USCIB members themselves.
- ***Briefing with U.S. Government on Financing for Development (FfD) Process:*** USCIB members joined a call on Tuesday, May 19, 2015 with the U.S. Government, and specifically John Hurley from the Treasury Department who is the principal negotiator for the FfD, to hear an update on the process and U.S. priorities in the negotiations leading up to the Third International Conference on Financing for Development (FfD3), which will be held in Addis Ababa, Ethiopia from July 13-16, 2015. Ariel Meyerstein is Co-Chair of the Development Subcommittee on the State Department Advisory Committee on International Economic Policy. USCIB is engaging in the FfD3 Conference also as a part of the Business Steering Committee, the coordinating body for private sector involvement in the FfD3 process, which is chaired by the International Chamber of Commerce. The Business Steering Committee is organizing the International Business

Forum in Addis on July 14, including soliciting participation from the global private sector for high-level speakers and representatives. USCIB has provided comments on the draft FfD3 Outcome Document to the Business Steering Committee and to the U.S. government and will continue to do so for future drafts. Upcoming negotiating sessions on the outcome document will be May 26-29, June 1-5 and June 15-19 in New York.

- ***International Labor Conference Consultation:*** USCIB is responsible for organizing the U.S. Employers' delegations to the International Labor Conference every year. Members of this year's delegation recently attended a consultation with the U.S. Department of Labor on May 14, 2015 to discuss the upcoming ILC, which will take place in June in Geneva. The 2015 ILC will feature several important [agenda](#) items. One item proposed by global employers, led by the International Organization of Employers (IOE), is the Committee on the Transition from the Informal to the Formal Economy, which will conclude its two-year work on a draft Recommendation to governments on facilitating transitions to more formal economies (see ILO office report and draft Recommendation [here](#)). In addition, there will also be discussions, including on small and medium-sized enterprises and a recurring discussion and review of the ILO's work on social protection, which will focus on labor inspection.

#### **Intellectual Property – *Strengthening International Protections for U.S. IP***

- ***USCIB Works with USTR, State Department on Colombian OECD Accession Concerns:*** During the week of April 1, 2015, USCIB members and staff met with State Department and USTR officials to discuss Colombia's accession to the OECD in the context of the country's new development plan, which presents problems for several industries, including pharmaceuticals and distilled spirits. This issue was also a topic of discussion at the OECD and BIAAC Trade Committee meetings, where USCIB and BIAAC staff presented a white paper outlining business' concerns with the plan.

#### **Health – *Business Engagement for Balanced International Health and Nutrition Regulations***

- ***USCIB Calls for Business Engagement on World Health at HHS:*** On May 8, 2015, USCIB attended a [stakeholder listening session](#) at the U.S. Department of Health and Human Services to urge the government to fight against business discrimination in the WHO's framework. Helen Medina [spoke at the session](#), and called on American negotiators headed to the World Health Assembly to consider the following: 1) the WHO framework should not explicitly ban industry sectors; 2) it should apply the same rules of transparency to address conflict of interest for all non-state actors; 3) it should not discriminate against or reclassify organizations that cooperate with business. Click [here](#) for Helen's full remarks.
- ***Medina Leads Business Delegation at Meeting on Capitol Hill:*** On April 29, 2015, Helen Medina, Vice President for Product Policy and Innovation, led a member meeting with Andy Olson, Senior Advisor for International Economics and Trade on the Senate Foreign Relations Committee; as well as Adam Yezerski, a staffer for the Senate Committee on Appropriations and Andrew Callahan on behalf of Representative Tom Rooney (R-FL), who serves on Appropriations. The purpose of the visit was to



encourage Hill staff to contact U.S. negotiators as they prepare for the final round of negotiations on the Framework for Engagement with Non-State Actors and urge them to reflect U.S. business views and refrain from accepting World Health Assembly outcomes that disadvantage those interests.

### **Competition – *Creating Global Legal Practices for an Open and Competitive Business Environment***

- **Competition Committee Meets with DG Competition, European Commission:** The USCIB Competition Committee hosted a meeting on April 14, 2015 during which members discussed developments in the International Competition Network (ICN), the upcoming OECD competition meetings and BIAC engagement, and updates on the Foreign Trade Antitrust Improvements Act (FTAIA). Members heard from keynote speaker DG Competition's Carles Esteve Mosso, Deputy Director, General Mergers at the European Commission over lunch, regarding his forecast of merger activity this year as well as dialogues with other competition authorities. Additionally, several USCIB and ICC members also gave presentations on regional issues, specifically updating on Brazilian competition law, Canadian class action, and due process in India and China.

### **Membership**

**Membership Meetings:** The Washington, DC Membership department and policy staff met with representatives from member companies Amazon, Bechtel, CenturyLink, Delphi, Gap, Keysight Technologies, Pfizer, Dell, and PepsiCo to better understand their policy priorities for the next year and beyond, and to see how USCIB can better serve their policy needs.

**New Members:** USCIB has recently welcomed American World Trade Chamber of Commerce and Starbucks Coffee Company as new members.

### **Upcoming Events:**

[104<sup>th</sup> Session of the International Labor Conference](#) – June 1-3, 2015, Geneva

**USCIB Customs and Trade Facilitation Committee** – June 4, 2015, Washington, DC

[2015 USCIB/BIAC/OECD International Tax Conference](#) – June 10-11, 2015, Washington DC

**BIAC Competition Meetings at the OECD** - June 16-18, 2015, Paris

**ICC Competition Commission Meeting**- June 16, 2015, Paris

**USCIB Trade and Investment Committee** – June 17, 2015, Washington, DC

**USCIB ICT Policy Committee** – June 18, 2015, Washington, DC

**USCIB Product Policy Committee** – June 19, 2015, Washington, DC

**ICANN 53**– June 21-25, 2015, Buenos Aires, Argentina

**OECD Committee on Digital Economy Policy and its Working Parties**– June 22-26, 2015, Paris, France

**USCIB Climate Change Working Group** – June 22, 2015, Washington, DC

**U.N. Economic and Social Council (ECOSOC) Meetings** – July 6-22, 2015, New York

**Third International Conference on Financing for Development (FfD3)** - July 13-16, 2015, Addis Ababa, Ethiopia

**APEC SOM 3 (including Electronic Commerce Steering Group)** – August 24-September 6, 2015, Cebu, Philippines

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