



## USCIB Washington Update

Highlighting Key Activities, December 2013 – January 2014

During the months of December 2013 and January 2014, USCIB staff represented U.S. business interests at the WTO Ministerial in Bali, met with Mark Linscott and Dawn Shackelford of USTR to discuss the completed trade facilitation agreement, finalized a trade and investment agenda for 2014, supported a revision of the 2002 OECD Security Guidelines, submitted comments on the operation and effectiveness of U.S. telecommunications trade agreements, gave a keynote address at a meeting of the Tax Executives Institute, presented member views in separate meetings at State on human rights and responsible agriculture investments, and much more. Below are summaries of these and other highlights from the activities of USCIB in Washington, DC and globally 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 Markets for Trade and Investment**

- ***Mark Linscott, USTR, Briefs USCIB on Bali Results:*** On December 12, 2013, the USCIB Trade and Investment Committee met with Mark Linscott, AUSTR for WTO and Multilateral Affairs, who reviewed the final days of negotiations in Bali leading up to a successful conclusion, and the role the U.S. government played in getting a strong trade facilitation agreement. The Committee also discussed latest developments on Trade Promotion Authority (TPA), the Transatlantic Trade and Investment Partnership (TTIP), Trans-Pacific Partnership (TPP), Trade in Services Agreement (TiSA) and the China Bilateral Investment Treaty.
- ***USCIB Finalizes Trade and Investment Priorities for 2014:*** After final member input was received at the December committee meeting, USCIB finalized the USCIB Trade and Investment Agenda for 2014, which is available [here](#). The agenda includes working on implementation of the WTO Trade Facilitation agreement, advancing ongoing negotiations (TPP, TTIP, TiSA, ITA), and addressing key member issues such as forced localization, restrictions on data flows, and state-owned enterprises. Additionally, USCIB will strive to leverage its international affiliations and networks to promote global trade cooperation, as well as provide thought leadership for global policymaking.

- ***Rob Mulligan Represents USCIB and Members at WTO Ministerial in Bali:*** Senior Vice President, Policy and Government Affairs, Rob Mulligan was on the ground in Indonesia December 2-6, 2013 as ministers from all 159 WTO member countries met and hashed out the final details of the resulting Bali agreement at the eleventh hour. Rob helped coordinate meetings for a team of U.S. business representatives in Bali with business groups from other countries including the Confederation of Indian Industries (CII), Brazil's National Confederation of Industry (CNI), and Business Europe. He also assisted the International Chamber of Commerce organizing a breakfast with key Ministers and Ambassadors that included Ambassador Michael Punke and joined meetings with government officials from various countries to present U.S. business views. USCIB also [congratulated](#) the WTO and USTR on finally reaching an agreement, sentiments [echoed](#) by USCIB and ICC Chairman Harold McGraw III.
- ***Shaun Donnelly Leads BIAC Consultations with the OECD in Paris:*** Shaun Donnelly, Vice President, Investment and Financial Services, represented USCIB at the BIAC Investment Committee meeting in Paris December 4, 2013 then led the BIAC delegation in the investment policy discussions with the OECD Investment Committee government delegations later that day and in a dinner discussion with OECD Committee leadership. Shaun pushed hard for OECD's Investment Committee to step up its policy analysis and advocacy on the importance of open investment policies and strong dispute settlement procedures to create the investment climate to encourage FDI flows creating growth, jobs and trade. He also pushed the OECD Investment Committee to increase the depth and tempo of its policy work on State-Owned Enterprises (SOEs.)
- ***USCIB Hosts the BCTT Competition Working Group:*** On December 13, 2013, USCIB hosted the meeting of the competition Working Group of the Business Coalition for Transatlantic Trade (BCTT), the business community umbrella group supporting the U.S.-EU TTIP negotiations. USCIB is one of three co-chair associations of this key WG which covers not only traditional competition and anti-trust issues but also the sensitive State-Owned Enterprise (SOE) issue. The Dec. 13 meeting featured informal exchanges with senior U.S. Government negotiators handling these issues in the TTIP talks.
- ***Seeking Strong SOE Provisions in the TPP End Game:*** Shaun Donnelly is representing USCIB in a small, informal ongoing advisory group working closely with USTR as they try to arrive at a strong chapter covering State-Owned Enterprises (SOEs) in the final package as the 12-member TransPacific Partnership (TPP) moves toward conclusion. We continue to advocate with the U.S. Government and more broadly for strong transparency commitments and real disciplines on state support for government-favored SOEs. Some key TPP partners continue to resist but USCIB and the business community in general continue to strongly support USTR's efforts to secure strong SOE provisions in the final package.
- ***Peter Robinson, USCIB President, Highlights Importance of TPA in Chicago Speech:*** USCIB President and CEO Peter Robinson gave a [speech](#) to the International Trade Association of Greater Chicago on the U.S.'s trade agenda, with particular emphasis on the importance of TPA, as one element of USCIB's multifaceted public engagement plan on Trade Promotion Authority. As a steering committee member of the Trade Benefits America Coalition, USCIB staff have contributed to meetings with House and Senate offices and voiced staunch support for passing TPA legislation. We have

also participated in coalition meetings with USTR to discuss business engagement in support of TPA. The introduction of TPA at the beginning of the year was a welcome beginning. Diana Jack, Policy and Program Assistant in DC, attended the Senate Committee on Finance hearing on TPA.

- ***USCIB Partners on Anti-Bribery Roundtable:*** On December 3, 2013, USCIB partnered with the U.S. Chamber of Commerce Institute for Legal Reform in putting on a roundtable discussion on anti-bribery regulation. Shaun Donnelly and Diana Jack joined representatives from international business groups and the OECD in considering the OECD Working Group on Bribery's role. The Working Group's Chairman for 2014, Drago Kos, listened to USCIB concerns about the Foreign Corrupt Practices Act (FCPA) and global business' interest in aligning American anti-bribery legislation with international laws and regulations.

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

- ***USCIB Members Contribute Views on Internet Governance at UN CSTD Meeting:*** On December 4, 2013, ICT Policy Committee Vice Chair Joseph Alhadeff, Vice President for Global Public Policy and Chief Privacy Strategist, Oracle, spoke about the multistakeholder ecosystem and the importance of the multistakeholder model in Internet governance at the Intersessional meeting of the UN Commission on Science and Technology for Development (CSTD). The U.S. State Department hosted this meeting, December 2-4, 2013, which included more than 50 prominent experts on ICT and technology from 40 countries. USCIB members from AT&T, Cisco, Microsoft, The Walt Disney Company, Time Warner, VeriSign, and Verizon, among others, also gave important inputs to discussions centered on two priority themes: (1) science, technology and innovation for the post-2015 development agenda; and (2) ICTs for inclusive social and economic development.
- ***USCIB Members Drive OECD Revision of Security Guidelines at Committee for ICCP Meeting:*** ICT Policy Committee Vice Chair Joseph Alhadeff, Oracle, who also chairs BIA's Information, Computer and Communications Policy (ICCP) Committee; Barbara Wanner, USCIB Vice President, ICT Policy; and members of USCIB's ICT Policy Committee provided important contributions at OECD meetings December 9-13, 2013 in Paris. In particular, they supported the OECD's decision to undertake a revision of the 2002 Security Guidelines. Under the BIA banner, members also (1) offered comments aimed at improving a survey study on the economics of "Copyright in the Age of the Internet," (2) urged the OECD to address the important health-related breakthroughs that have been realized through the use of Big Data and other emerging ICTs; (3) urged the OECD to work more closely with the APEC Data Privacy Subgroup as an aspect of implementing the OECD Privacy Guidelines; and (4) made important factual corrections to a paper on the IPv6 transition as well as identified areas requiring additional work in a follow-up study on the "Economics of the IPv6 Transition."
- ***USCIB Collaborates with ITIC on Cyber-Related Debrief with Senior U.S. Government Officials:*** On December 16, 2013, USCIB and ITIC co-hosted a special de-brief featuring Michael Daniel, Special Assistant to the President and Cybersecurity Coordinator, and Christopher Painter, State Department Coordinator on Cyber Issues. The USG representatives discussed their November 2013 trip to the EU, the purpose of

which was to explore approaches to cybersecurity as well as to inform and educate European policymakers on the draft NIST Cybersecurity Framework.

- ***USCIB Announces Joint Program with BIAC and OECD: “Growth, Jobs, & Prosperity in the Digital Age”***: In late December 2013, USCIB announced that the USCIB Foundation, BIAC and the OECD will jointly sponsor a new, unprecedented program on March 10, 2014 aimed at bringing together business and government leaders for an important dialogue on policy and regulatory challenges affecting the ICT sector and U.S. companies that rely on ICT for business operations. The program will feature top experts from the OECD’s Directorate for Science, Technology and Industry and senior U.S. and foreign government officials. Confirmed keynote speakers included H.E. Diego Molano Vega, Colombian Minister for Information Technologies and Communications, and The Honorable Julie Brill, Commissioner, Federal Trade Commission. The program will be held at the Microsoft Policy & Innovation Center in Washington, DC.
- ***USCIB Submits Section 1377 Comments***: USCIB submitted comments on the operation and effectiveness of U.S. telecommunications trade agreements pursuant to Section 1377 of the Omnibus Trade and Competitiveness Act of 1998. Specifically, they examined Canada, China, Colombia, El Salvador, Germany, Ghana, Guinea, India, Indonesia, Jamaica, Mexico, Pakistan, South Africa, Thailand, Tonga, Uruguay, and Vietnam. A theme running throughout the comments was the importance of establishing a strong independent regulator with effective enforcement powers.
- ***USCIB Members Help Set 2014 Agenda for ICC Digital Economy Commission***: ICT Policy Committee Vice Chair Joseph Alhadeff, Oracle, who also chairs the ICC Digital Economy Commission (DEC), Barbara Wanner, USCIB Vice President, ICT Policy and members of USCIB’s ICT Policy Committee participated in the ICC Digital Economy Commission meeting, January 14-15, 2014 in Paris. USCIB members from AT&T, Fenwick & West LLP, Intel Corporation, 21<sup>st</sup> Century Fox, Oracle, The Walt Disney Company, and Verizon influenced key DEC decisions concerning: (1) development of high-level comments on the EU Single Market for Telecommunications proposal; (2) ICC-BASIS Talking Points for use at the Global Multistakeholder Meeting on the Future of the Internet, Sao Paulo, Brazil, April 2014; (3) further advocacy on the EU draft General Data Protection Regulation focused on its treatment of legitimate interests; (4) business input to the CSTD Working Group on Enhanced Cooperation; and (5) overall priorities for the DEC in light of developments in the Internet governance landscape.
- ***USCIB Provides Input to State Department on ITU Council Working Group on Internet-Related Public Policy Issues***: On January 13, 2014, USCIB provided comments to the State Department that responded to questions posed by the UN International Telecommunications Union (ITU) concerning: (1) the ITU’s role in facilitating governmental activity regarding public policy issues; and (2) international venues appropriate for governments to seek assistance on public policy issues. The central theme in USCIB’s comments was the importance of retaining the multistakeholder model for Internet governance and the ITU’s role as a facilitator of governmental participation in the multistakeholder process.

- ***USCIB Provides New Insights into International Mechanisms and Business Initiatives that Implement the WSIS Enhanced Cooperation Mandate:*** On January 31, 2014, USCIB submitted to the CSTD Working Group on Enhanced Cooperation (WGEC) a comprehensive compilation of examples demonstrating an array of international mechanisms and business initiatives that have the effect of implementing the WSIS concept of enhanced cooperation. Countries such as India, Saudi Arabia, and Iran are arguing for the creation of a new Internet governance (IG) body under UN auspices that would not enable direct business participation in the policy-making process. These examples will serve as critical data in a mapping exercise that will be undertaken by the WGEC to determine whether there are sufficient mechanisms/initiatives in place to implement enhanced cooperation, thus obviating the need for a new UN-centric IG body.

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

- ***USCIB Provides U.S. Business Input on Canadian Treaty Shopping Rules:*** USCIB responded to a solicitation by the Canadian Finance Ministry concerning the development of anti-treaty shopping rules. Broadly, the USCIB comments expressed a preference for a U.S.-style LOB provision, although recognizing that a U.S.-style LOB may inappropriately deny treaty benefits in some cases. Therefore, each of the provisions should be carefully considered and modified as appropriate before being adopted more broadly.
- ***Carol Doran Klein Presents Keynote Address at Houston TEI Meeting:*** USCIB Vice President and International Tax Counsel Carol Doran Klein's keynote address to the Tax Executives Institute covered the principle BEPS issues including especially a discussion of risk and when recharacterization is appropriate. The address emphasized that the need for clear guidelines on when transactions will be respected versus when recharacterization will occur and the need for recharacterization to remain the exceptional case.

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

- ***Dawn Shackelford, USTR, Discusses WTO Trade Facilitation Agreement:*** On January 16, 2014, USCIB and U.S. Chamber of Commerce members met with Dawn Shackelford, Deputy Assistant USTR for WTO and Multilateral Affairs, to discuss the WTO Trade Facilitation Agreement. Dawn detailed the last few critical hours in Bali during the WTO Ministerial in December 2013, as well as next steps for implementation and timing. Dawn also discussed how the business community could be most helpful moving forward as countries look to ratify the agreement in 2015 and implement it soon after.
- ***USCIB Attends Senate Hearing for Incoming CBP Commissioner Gil Kerlikowske:*** On January 15, 2014 Director, Customs and Trade Facilitation Kristin Isabelli attended the Senate Committee on Finance confirmation hearing for Incoming Customs and Border Protection (CBP) Commissioner Gil Kerlikowske. Director Kerlikowske highlighted his key focus areas, should he be confirmed by the Senate. These include continued support for the full implementation of the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS), and promoting the president's National Export Initiative to further streamline exports. USCIB submitted a statement for

the record which explained USCIB's work with the ICC and the World Customs Organization (WCO), its work with ATA carnets, and USCIB customs priorities for 2014.

- ***Brenda Smith, CBP, Briefs USCIB Customs Committee on ACE Implementation:*** On January 14, 2014, the USCIB Customs and Trade Facilitation Committee heard from Brenda Smith, Executive Officer, ACE Business Office, Office of International Trade at CBP during the Committee's first meeting of the year. She described the ongoing implementation and transfer process for ACE, which is set to be fully functional by 2016. She also encouraged members to make the transition to ACE as soon as possible, and asked for member cooperation and input in making the system as useful and wide-reaching as possible. In addition to hearing from Brenda, members discussed Customs Reauthorization, the WTO Trade Facilitation Agreement, and goals and priorities for 2014 during the meeting.

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

- ***Mark Kasman, EPA, Reports on China Trip at USCIB China Environment Task Force Meeting:*** On December 17, 2013 the China Environment Task Force was joined by Mark Kasman, Senior Advisor, Asia-Pacific Program at the Environmental Protection Agency (EPA), who briefed USCIB members on a recent trip to China. During the trip, newly appointed EPA Administrator Gina McCarthy chaired the U.S.-China Joint Committee on Environmental Cooperation (JCEC) between the EPA and China's Ministry of Environmental Protection (MEP). While in China the EPA team also met with China's National Development & Reform Commission (NDRC), other government entities, industry partners, and non-governmental organizations. Kasman also discussed the environmental improvements that China has made such as ambitious targets for improving air quality, and U.S-China collaboration on future challenges and projects. For more information and details from the meeting, please see the summary [here](#).

### ***APEC- Enhancing U.S. Business Cooperation with the Asia-Pacific Region***

- ***USCIB Participates in U.S.-APEC Business Coalition 2014 Briefing:*** On January 15, 2014, the Coalition held its first meeting of the new year which included hearing from Bob Wang, U.S. Senior Official for APEC at the State Department, Ed Brzytwa, Director for APEC Affairs at USTR and Ryan McFarlane, Principal APEC Coordinator at State, who each detailed the 2014 APEC priorities for their respective government agencies in regard to China's proposed goals for the year. Justine Badimon, Director of Regional Initiatives, represented USCIB and was recognized for her contributions to the Coalition. China's APEC host year theme will be "Shaping the Future through Asia-Pacific Partnership," and their proposed priorities are "advancing regional economic integration," "promoting innovative development, economic reforms and growth," and "strengthening regional comprehensive connectivity and infrastructure development." USG representatives and Coalition members were positive overall about the Chinese proposals, and expressed their interest in expanding the focus into areas such as environment, anti-corruption, women's economic empowerment and education.

## **Corporate Responsibility – Promoting, Developing and Broadcasting Social and Environmental Contributions by Business**

- **Adam Greene Participates in State Department Workshop on Business and Human Rights:** On Wednesday, January 15, 2014, the State Department hosted a workshop on government procurement and human rights. Adam Greene, Vice President of Labor Affairs & Corporate Responsibility, and Clifford Henry, Associate Director, Corporate Sustainable Development at Procter & Gamble and Chair of the USCIB Corporate Responsibility Committee, represented USCIB. The workshop, organized by the Bureau of Democracy, Human Rights and Labor, and attended by representatives from business, government, civil society and labor, was designed to consider ways U.S. procurement practices could promote business respect for human rights. During the workshop, Adam Greene stressed that procurement and supply chain approaches have many limitations, including that they do not address root causes of problems, they do not cover the vast majority of economic activity or workers and that they cannot impose criminal or civil penalties for illegal activities.

## **Food and Agriculture – Facilitating U.S. Business Partnership in Sustainable Food Policy**

- **USCIB Represents U.S. Business at CFS-RAI Consultation with State:** Helen Medina, USCIB Senior Director, Product Policy and Innovation represented member interests January 14, 2014 at the Committee on World Food Security Regional Consultation for Responsible Agricultural Investments (CFS-RAI). Elizabeth Beall, a Consultant on the Bioenergy and Food Security Project at the Food and Agriculture Organization of the UN (FAO) and member of the Committee on World Food Security (CFS); and Jonathan Shrier, Acting Special Representative for Global Food Security at the State Department consulted with private sector representatives on the Zero Draft for negotiations on the RAI Principles, which are intended to promote and guide private sector investment in agriculture. Helen stressed to the CFS representatives that the principles should act to encourage investment and refrain from prescription, as they are voluntary, as well as asking for clarification of the governing and oversight body for the principles.

## **Membership**

- **Membership Meetings:** The DC Membership department and Policy staff met with representatives from member companies BP America, MeadWestvaco, and Visa 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 the following new members: Facebook, Herbert Smith Freehills LLP, and Mishcon de Reya.



## Upcoming Events

- **OECD Stakeholder Consultation: on Updating Corporate Responsibility Guidelines for SOEs**  
February 14, 2014, Paris, France
- **WSIS+10 Review Consultation**  
February 17-18, 2-14, Geneva, Switzerland
- **IGF Open Multistakeholder Advisory Group (MAG) Meeting**  
February 19-21, 2014, Geneva, Switzerland
- **USCIB Competition Committee Meeting**  
February 20, 2014, 10am-2pm, Baker Botts LLP, Washington, DC
- **CSTD Working Group on Enhanced Cooperation (WGEC)**  
February 24-28, 2014, Geneva, Switzerland
- **USCIB Trade and Investment Committee Meeting**  
February 25, 2014, 9:30-11:30am, USCIB Washington, DC Offices
- **CSTD Working Group on Enhanced Cooperation**  
March 5-7, 2014, Geneva, Switzerland
- **USCIB/BIAC/OECD Program, “Growth, Jobs, & Prosperity in the Digital Age: OECD Shapes the Policy Environment”**  
March 10, 2014, Washington, DC
- **OECD Investment Committee Meeting**  
**Possible BIAC Investment Committee Meeting in Parallel – TBA**  
March 17-21, 2014, Paris, France
- **ICANN 49**  
March 23-27, 2014, Singapore
- **World Telecommunications Development Conference (WTDC)**  
March 31-April 11, 2014, Sharm el Sheikh, Egypt (TBC)

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