

Council Highlights



NATIONAL FOREIGN TRADE COUNCIL

Council Highlights is a bi-monthly summary of news and events of the National Foreign Trade Council exclusively for its members.

April/May 2009 Issue

A Word From the President

A new Administration brings with it the inevitable speculation about what policies the President is going to pursue and how they will affect particular interests. The NFTC is as interested in that as anyone else, on behalf of our members, but this time it's unusually difficult to get a fix on policy, in significant part because so many decision makers, particularly in trade, have been so late to arrive. We had a confirmed USTR only on March 6th and a Secretary of Commerce on March 24th. Sub-cabinet positions will follow. The result is that there have not been a lot of people around to either make decisions or do any talking. In addition, the Administration's extraordinary limitations on access to political appointees mean we probably wouldn't be able to talk to them even if they were in place!

(To digress a moment: the rule that effectively prevents political appointees from participating in "widely attended events" – i.e. lunches and dinners – will turn out to be one of the Administration's biggest mistakes. Their assumption seems to be that quasi-corrupt activity, known as lobbying, occurs at these events, and it must be stopped. While that is no doubt true, there is also a surprising amount of intellectual discourse that goes on as well that leads to a richer, more informed policy debate. That is now going to go on with the Hill and not the Administration. Example: I attended a dinner the other night at a foreign embassy with that country's trade minister. Out of 21 guests, there were four from Capitol Hill – House, Senate, Democrat, Republican – and one career employee from USTR. There was a thoughtful and interesting discussion of the American mood on trade issues, what was likely to happen on the Doha Round, and what kind of trading system architecture was likely to evolve over the next few years. The dinner followed a daylong conference on the same subjects that was distinguished by the absence of political-level speakers from the Administration.

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U.S. Business Community and NGO Leaders Unite to Urge the President and Congress to Take Action on Trade & Investment Agenda

The National Foreign Trade Council (NFTC) in mid-March joined a unique combination of individuals from prominent U.S. business community and non-governmental organizations in urging the Administration and Congress to enact policies that promote global economic growth and increase international trade and investment flows. In a letter sent mid-March to President Obama and House and Senate leaders, a broad cross section of organizations, representing the business, faith-based and development communities, argued that at this time of economic crisis, trade and investment policies are critical to aiding developing countries and alleviating poverty.

In addition to the NFTC, the letter was signed by leaders of 16 organizations, including Business Roundtable, the Center for Global Development, the Emergency Committee for American Trade, the ONE Campaign, Oxfam America and the United States Council of Catholic Bishops, among others. The letter stated, "It is highly unusual for the development, faith-based, and business communities to write a joint letter to the Administration and Congress, but there are aspects of the current global financial crisis that warrant such common efforts."

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News for Our Members

A Word From the President

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Of course, we miss the opportunity to have a dialogue with these people, but the real loss here is the Administration's. They are missing out on the policy discourse that informs the policy debate on a wide range of subjects and, not incidentally, makes Washington the place it is. The system will adjust, as it did at dinner, by shifting to those who can participate, namely people from the Congress. Meanwhile, the Administration will be busy isolating itself only to eventually discover that there are good ideas that come from other places, and they're missing out on most of them.)

Anyway, at this point divining the Administration's trade policy involves looking at tea leaves, examining entrails, and grasping on to every word that emerges, however small, with the result that predictions are about as accurate as similar omens were to the ancient Romans.

Nevertheless, with that caveat, let me fearlessly make a few anyway.

The Administration's dilemma is that trade divides Democrats, and as a result they are caught between their better instincts and the politics of their party. Particularly in the House of Representatives, there is a substantial group of Democrats who can best be called anti-trade. They believe trade is responsible for the loss of jobs and manufacturing, and they can be relied on to oppose virtually all trade agreements. They are a minority, but they are aggressive and well-organized, and they have put those who support trade on the defensive

In contrast the President's advisors, many of whom served in the Clinton Administration, as well as many others in the House and Senate, understand the reality of globalization and the important role trade plays in economic growth and prefer to pursue open trade policies.

This division in the party, however, makes trade a losing issue politically. If they take pro-trade actions, they suffer attacks not only from a significant part of their party but also from organized labor, a key part of their constituency, and they imperil other elements of their agenda. If they take protectionist actions, they suffer a wave of cranky editorials in the NY Times, Washington Post, Wall Street Journal, and other national media.

The Administration's response has been to talk about restoring Americans' confidence in trade and the trading system by making sure the benefits of trade are distributed more widely and by tackling the underlying causes of the complaints. That means working on other things – health care, cleaning up the environment, education, worker training – things that help those who have been harmed by trade – and there are many of those – and things that enhance our ability to better compete in the global marketplace.

Most economists would agree that those are the right things to work on. Maintaining or restoring competitiveness depends on getting our work force and infrastructure into shape, and trade policy alone isn't going to do that. Restoring confidence in trade means showing the people that the government will help its victims.

But the debate in Democratic circles is often like the chicken-egg argument. Which do you do first – liberalize trade and restore growth or take the necessary domestic actions to restore support for trade? Clinton tilted toward the former; Obama tilts toward the latter.

Both would probably argue their policies were suitable for the times. President Obama is subject to much greater protectionist pressure within his party than Clinton was, and the times themselves have magnified those pressures worldwide

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A Word From the President

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The main policy implication of that is that this Administration is going to play a lot more defense than offense on trade.

- 1) They're going to clean up old business – Colombia, Panama, Korea – by either fixing them and submitting them or blaming their inability to fix them on the other side. Ironically, if they are “fixed” and submitted, they'll pass by much larger margins than Bush would have obtained.
- 2) They're going to emphasize enforcement. There's nothing wrong with that – if we have rights, we should defend them – but how many meritorious cases are actually lurking out there unfiled? More important, this is micro-policy, not macro-policy. If you look at dumping and subsidy cases for example, at any given time the amount of US imports affected by those cases has never been more than 2%. Enforcement works at the margin; it is not by itself a policy.
- 3) So far, they have nothing new to say on the Doha Round. Incidentally, that doesn't disappoint the business community right now. Despite the efforts of the string of Europeans who have been through town the past three weeks, no one here believes there is enough on the table to get an agreement through Congress, so when the Administration says that, no one complains. What is missing, however, is a strategy for getting more on the table. In this case, that's expecting too much this soon, so we should withhold judgment on that for a while.
- 4) Most troubling, there is no evidence of new initiatives. They have been silent on TPP, aside from postponing the negotiations. They have said nothing about trade and Latin America, or trade preferences and developing countries. They will, eventually, because they have to. When the President goes to the Summit of the Americas this spring, for example, he'll be asked about trade. Same for the APEC meeting. Events often become action-forcing, policy-making events. He's going; he's giving a speech; he has to have a policy to announce. That works, but it's not leadership and it's not real intellectual engagement in trade.

In some areas I would be optimistic. Democrats look at trade preferences as development programs not trade programs. They like development programs, and I expect revitalization and expansion of our trade preference programs. Eventually, they'll come around on TPP – its opt-in architecture will be attractive to them, and I can see them proposing something similar in Latin America. Architectures that are not based on existing geographic organizations allow us to avoid dealing with complicated relationships that are more political than economic – like Myanmar and Venezuela. In other areas, like the Doha Round, they're as baffled as the rest of us, and I wouldn't dare predict what they might come up with.

The one certainty, however, is that trade is not likely to be a central element of Administration economic policy. If it can be avoided, it will be. If it cannot, their instincts will be to do the right thing, but it is not yet clear whether they'll be able to muster the political courage to actually do it – and to do it consistently.

News for Our Members

Two Ships – Membership & The NFTC Clipper Ship

By Bob Ragan, NFTC Senior Vice President

It's that time of year when we are all going through our budgets and renewing memberships and setting aside funds for special events. This year, so far, has been more complex than most, but we shouldn't lose sight of the importance of keeping trade in the forefront.

The symbol of NFTC, which is celebrating its 95th year, is the Clipper ship. Quite fitting when you look back and recognize that war, recession, depression, protectionism and many other events that have placed the Clipper in "harm's way" have not kept her from navigating through those troubled waters. Periodically, we review our shipping orders (goals) with the NFTC Board of Directors. Just such a review was conducted on March 18th. We looked at how well we performed in 2008 against the goals we set and proposed our plans for 2009.

We pledged to continue to consistently deliver our cargo -- representing U.S. companies engaged in the public policy process to advance a rules-based, open global economy. Our organization is a leader on major trade policy, export finance, international tax, and human resources issues affecting U.S. business. For 95 years, the NFTC has provided U.S. business with advice, advocacy, and access. Through our committee and working group meetings, private briefings and other events, we represent a network of America's most competitive companies working with government to advance global commerce. More than ever, we all need to stay engaged in these activities. To "stay the course" we need your participation and financial support.

NFTC to Host 95th Annual World Trade Dinner and Award Ceremony

The National Foreign Trade Council will host its Annual World Trade Dinner and Award Ceremony on Wednesday, October 14, 2009, in Washington, D.C., at the National Geographic Society, 1145 17th Street NW. The NFTC's World Trade Dinner is widely attended by U.S. business community leaders, public officials and foreign dignitaries. Past keynote speakers include Pulitzer Prize-winning Washington Post columnist Steve Pearlstein; U.S. House of Representatives Majority Leader Steny Hoyer; former U.S. Trade Representative Susan Schwab; then-Secretary General of the United Nations, Kofi Annan; then UN-Ambassador John Negroponte; and several Heads of State. This year's speaker will be announced in the coming months.

For company support opportunities or individual reservations contact the NFTC at 202-887-0278 or nftcinformation@nftc.org.

NFTC Statement on Administration's 2009 Trade Policy Agenda

In response to the release of President Obama's 2009 trade policy agenda, National Foreign Trade Council President Bill Reinsch in March issued the following statement.

"We welcome the agenda so early in the Administration, particularly the indication that the Administration is prepared to move forward on the Panama FTA and develop a path for progress on the other two outstanding agreements with Colombia and Korea.

"We also share the Administration's support for an ambitious Doha Round agenda, its renewed focus on removing non-tariff barriers to trade, and a commitment to seek new agreements which have significant benefits for American businesses, workers and farmers. We look forward to hearing their plans for achieving the worthy goals that they have set out.

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International Trade & Export Finance

U.S. Business Community and NGO Leaders Unite to Urge the President and Congress to Take Action on Trade & Investment Agenda

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“During this difficult period for economies around the world, it is necessary to recognize that the economic welfare of Americans is inextricably linked with the well-being of men, women, and children across the globe,” the letter stated. “It is essential, therefore, that the United States reject those policies that will worsen the impact of the current economic crisis on global economic growth and development, particularly with respect to poor nations, and work instead, alongside the people of these nations to further their own sustainable development. By doing so, we ultimately secure our own economic future.”

Citing three recent reports from the International Monetary Fund, World Bank, and World Trade Organization, the organizations pointed to evidence of the impact of the global economic crisis on developing countries and the need for swift, purposeful action. The letter noted that countries in Africa are at risk of sliding further into poverty, as are other nations in the developing world. The letter also highlighted a World Bank statistic, which shows that each one percent drop in global economic growth could trap another 20 million people in poverty.

“Our organizations have come together under one umbrella to send a clear message to the President and to Congress that taking action on U.S. trade and investment policies will not only help to stimulate the U.S. economy and help us here at home, but will also help to improve the economic well-being of people around the world,” said NFTC President Bill Reinsch. “Sound international trade and investment policies are part of the solution to the crisis we are all facing.”

The letter outlined four key steps the Administration and Congress should take to promote global economic growth, encourage poverty alleviation, increase political stability, and promote openness. The organizations called on policymakers to affirm and “work vigorously” toward a successful conclusion of the Doha Round; reaffirm at the London Summit in April the G-20 commitment to rejecting protectionism; review and reform U.S. trade preference programs to ensure their efficacy; and reinforce the U.S. commitment to increase development assistance.

The letter concluded, “It is important to remember that at the heart of the global financial system are working families and local communities whose fate is bound together in a globalized economy. Our nation is undergoing severe distress in terms of jobs, businesses and investment that is taking a daily toll on people. Such problems should motivate us to seek solutions that reject destructive protectionism on the one hand and global indifference to the plight of the poor on the other.”

To read the full letter, please visit:

<http://www.nftc.org/default/Trade Policy/Trade Policy/Global Trade and Development Joint Ltr.pdf>

The National Foreign Trade Council is a leading business organization advocating an open, rules-based global trading system. Founded in 1914 by a broad-based group of American companies, the NFTC now serves hundreds of member companies through its offices in Washington and New York.

International Trade & Export Finance

NFTC Statement on Administration's 2009 Trade Policy Agenda

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“We appreciate and endorse the emphasis on policies that benefit American workers and help society to deal with the often painful adjustments which are part of the modern global economy. In this regard, like the Administration, we welcome the expansion of the Trade Adjustment Assistance program that was included in the stimulus bill, something the NFTC and other associations fought hard for.

“While we support the laudable social goals articulated in the document, we need to remember that just as trade policy cannot be the solution to all of our domestic economic problems, neither can it solve all the social problems of other nations as we perceive them. Trade agreements are reached by negotiation, which means each side must demonstrate flexibilities in order to reach agreement. We certainly do not expect an administration at this point to reveal where its flexibilities may lie, but would remind policymakers that they will inevitably have to address the priorities and concerns of potential negotiating partners.

“Overall, the United States would benefit from the greater degree of transparency and consultation that the document promises. As an organization that has been actively engaged in consulting with previous administrations for 95 years, we welcome more consultation and transparency. We hope that any new processes created will not ignore the interests and concerns of the millions of Americans whose jobs rely on the export and import of products and services.

“Finally, we welcome the Administration's emphasis on energy and environment. In particular, we support strong leadership from President Obama in international negotiations involving trade and the environment, including a successful conclusion of an agreement to liberalize trade in environmentally-friendly goods and services. We believe that the success of the Administration's important environmental and energy objectives will require multilateral negotiation and agreement rather than unilateral action.”

For a full copy of the Administration's trade policy agenda, please visit:

http://www.ustr.gov/Document_Library/Recent_News/Section_Index.html

Federal District Court in New York Hears Oral Argument in the Alien Tort Apartheid Lawsuit

Oral argument in the alien tort lawsuit against multinationals that operated in apartheid South Africa took place on February 26 before Judge Shira Scheindlin in Federal District Court for the Southern District of New York (Judge John Sprizzo, who heard the case originally in 2002, died this past December). The case is being heard afresh since the Second Circuit remanded to District Court in November, 2007.

Based on the tests enunciated by the Second Circuit, the plaintiffs have reduced the number of defendants to IBM, Ford, General Motors, Chrysler, Daimler and Barclays Bank. The defendants have made fresh motions to dismiss. Judge Scheindlin used the proceeding to raise a number of issues that interest her, indicating that she is clearly still getting her arms around the case. She emphasized that the Second Circuit has found that aiding and abetting does fall under the ATS, so the question is the criterion for establishing aiding and abetting. This led her to focus strongly on the issue of intent (*mens rea*) as the test of whether companies were “merely” conducting business or were collaborating with a regime in commission of crimes under international law. She did agree that a tort has to be a serious violation of international law (e.g., rape and murder) to fall under the ATS and that this would exclude certain kinds of bad acts, such as labor exploitation or racial discrimination. This would mean that apartheid is being lumped in with crimes such as genocide.

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International Trade & Export Finance

Federal District Court in New York Hears Oral Argument in the Alien Tort Apartheid Lawsuit

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She speculated that the criterion for intent was a company's knowledge that their products would be used to further crimes. She cited the activities of the defendant corporations, especially during the 1980's, in supplying commodities and services that were used by the South African government. The example here was the prosecution at Nuremberg of the manufacturers of the poison Zyklon B for use by Nazi Germany in concentration camps. The parallel she drew was the known collaboration between a company and the apartheid government in the design of computers to be used to deprive South Africans of their citizenship or of an auto manufacturer in the design of vehicles for use in repression.

On the foreign affairs issue, Judge Scheindlin speculated that the interventions of the U.S. and South African governments did not have to be accepted as dispositive by U.S. courts (a view already expressed by the Second Circuit) and indicated that the views of then-president Mbeki were counterbalanced by those of Bishop Tutu. She did allude to the fact that there are new governments in the U.S. and South Africa that may not have the same view as their predecessors. She also asked if there is evidence that the lawsuit has deterred investment in South Africa. In the case of Barclay's bank, the alleged nexus seems to be the plaintiffs' allegation that a Barclays executive participated in a state security advisory panel whether the executive was sitting as a Barclays representative, or whether and why that participation was significant. The plaintiffs argued that these were issues for discovery, but it was unclear whether the judge was impressed with this argument..

A key issue was why the suit had been not been brought before 2002 and whether the elapsed time mooted the claim. This led to a discussion of when apartheid ended, i.e., whether it ended at the 1994 election or earlier when the U.S. lifted sanctions after the repeal of much apartheid legislation. The judge also speculated that none of the defendant companies had appeared before the Truth and Reconciliation Commission and that the plaintiffs therefore do have recourse through the courts. She emphasized numerous times that there is no ongoing mechanism in South Africa that is in conflict with the case.

After a wide-ranging discussion of these and other issues, Judge Scheindlin reminded the litigants that at this early stage she had only to decide on the motion to dismiss and observed that much of the discussion was not pertinent to that narrow decision. Although there is no indication of the timing of Judge Scheindlin's decision, she does have a reputation for handing down decisions relatively quickly. Members wishing additional information can contact Dan O'Flaherty at doflaherty@nftc.org.

U.S.-Mexico Trucking Dispute

A trade dispute with Mexico over the U.S. refusing to honor its NAFTA commitments to permit cross-border trucking escalated with the President signing this year's omnibus spending bill which contained a provision offered by Senator Byron Dorgan (D-ND) which prohibits funding of the U.S. pilot program to assure the safety of Mexican long-haul trucks. The pilot program had been the negotiated compromise to avoid tariff retaliation after Mexico won the case under the NAFTA dispute settlement process.

Mexico swiftly retaliated and on March 18 published the official decree and product list for tariffs on \$2.4 billion worth of U.S. manufactured and agricultural exports into Mexico.

The official decree (in Spanish) may be found at:
[http://www.nftc.org/default/trade/2009/Decreto Final 18-03-2009.pdf](http://www.nftc.org/default/trade/2009/Decreto%20Final%2018-03-2009.pdf)

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U.S.-Mexico Trucking Dispute

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The list of products (in Spanish and English) may be found at:

http://www.nftc.org/default/trade/2009/List_english_final.pdf

NFTC's statement on Mexico's decision to retaliate may be found at:

<http://www.nftc.org/newsflash/newsflash.asp?Mode=View&id=236&articleid=2689&category=All>

Mexico has indicated that they will lift tariffs as soon as a pilot program leading to access to the United States for Mexican long-haul trucks and Secretary of Transportation Ray LaHood and USTR Ron Kirk are reported to be working with Congress to restore the program in a way that addresses Congressional concerns.

The dispute comes at an inopportune time as Mexico grapples with increasing drug violence that threatens its stability and on the eve of President Obama's first trip to Mexico on 16 on his way to the Summit of the Americas in Trinidad.

In December 2008, the NFTC and more than 60 other trade associations and individual companies warned in a letter to Members of Congress that halting the program would likely lead Mexico to retaliate, and could cost the United States as much as \$2 billion per year. They argued that the U.S. industries vulnerable to Mexican retaliation include agriculture, consumer electronics, and textiles.

NFTC Endorses Initiation of Trans-Pacific Partnership Negotiations

In testimony on March 4 before the interagency U.S. Trade Policy Staff Committee, National Foreign Trade Council Vice President for Regional Trade Initiatives Chuck Dittrich expressed the association's strong support for the initiation of negotiations on a U.S.-Trans-Pacific Partnership (TPP) Free Trade Agreement. As an organization representing nearly 300 member companies that help to drive U.S. economic growth and jobs creation, the NFTC believes the TPP will expand and deepen ties with key trading partners in the Asia-Pacific region – Singapore, Chile, New Zealand, Brunei Darussalam, Australia, Peru and Vietnam.

“We support this focus on the Asia-Pacific region on its commercial merits. This region is key to maintaining and increasing U.S. competitiveness in the world,” said Dittrich. “We believe the strategy of building on an existing P-4 agreement among Chile, New Zealand, Singapore and Brunei and adding willing partners as the terms of the agreement are strengthened is wise and may serve as a model for future regional agreements.”

Dittrich highlighted the potential economic benefits of the agreement for the United States, noting that the Asia-Pacific countries represent the largest export market in the world, accounting for 41 percent of the global population, or the equivalent of 2.7 billion consumers. Further, he pointed out that the United States is the number one trading partner in the region, and the largest or second largest for every major Asian economy.

“As we face a global economic crisis of historic proportion, we endorse the initiation of this major trade liberalizing initiative as a clear statement to those who would use the economic fear now circling the globe as an excuse to erect protectionist barriers that have the potential to further damage U.S. and global economic recovery,” he continued.

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International Trade & Export Finance

NFTC Endorses Initiation of Trans-Pacific Partnership Negotiations

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In addition, Dittrich noted the importance of ensuring that all trading partners at the negotiating table are committed to the highest possible standards in a number of areas, including tariff elimination, intellectual property rights protection, comprehensive liberalization of trade in services, and securing rights for U.S. investors comparable to those available in the United States, among others.

“The proof of success of the TPP process will be the ability to reach a critical mass under a high standard agreement that will also pull in larger economies in the region. This is a stated goal of not only the United States, but also of the other nations embarking on the negotiation of this new expanded TPP,” said Dittrich. “They share the vision of using the TPP as a potential building block toward a larger Free Trade Area of the Asia Pacific, and it is in America’s national interest to be an equal partner in that effort, rather than on the outside looking in.”

“At a time when global pressure is closing markets, it is incumbent on the U.S. to lead and to seek new ways to open markets. The TPP is an innovative and economically significant initiative to do just that, and we wholeheartedly support it,” he concluded.

For a full copy of the testimony, please visit

<http://www.nftc.org/default/trade/NFTC%20TPP%20FTA%20Testimony.pdf>

The Obama Administration’s position and commitment to the TPP process has not yet been articulated, and there is growing concern over the Administration’s decision to postpone the earlier scheduled first organizing round of negotiations which had been scheduled for late March in Singapore. NFTC has called on USTR Kirk to set an early date to reschedule the round and demonstrate the U.S. commitment to move forward.

*USA*Engage*

Cuba Sanctions

NFTC chaired the first meeting of a new multi-association Cuba Working Group on Monday, March 23. The group discussed the outlook in Congress and the Administration for policy change, a strategy to approach Congress and the Administration, and general principles for reforming U.S. Cuba policy. Participants also heard from one of NFTC’s member company representatives, who presented an overview of current regulations and legislation, and who outlined actions the President could undertake through executive authority versus what Congress must do with respect to normalizing U.S.-Cuba relations. The goal of the Working Group is to streamline business and agriculture community advocacy and provide opportunities for education and advocacy relating to the Cuban economy and U.S. policy towards Cuba.

Corporate Social Responsibility

In order to make the argument for commercial engagement as part of U.S. public diplomacy concrete, we will seek examples of company projects that make a difference to such issues as the rule of law, women’s rights, entrepreneurship, health and education in challenging country environments. We will modify the USA* Engage Web site to highlight these projects.

HR 1327, Iran Sanctions Enabling Act of 2009

The House Financial Services Domestic and International Monetary Policy, Trade, and Technology Subcommittee, chaired by Greg Meeks (D-NY-6), held a hearing on Thursday, March 12. Trita Parsi, President of the National Iranian American Council (NIAC) was the only witness who made the policy case against the practicality, utility and actual effect of sanctions.

In March, Richard Sawaya met with Daniel McGlinchey, Senior Professional Staff Member on the committee responsible for the bill. He stated there has been no contact with the White House on the merits or timing of the bill, but it does track a previous Senate version supported by then Senator Obama. He further stated the bill does not adopt additional sanctions per se, but rather allows American citizens to express their views with their material investments. He also cited the Sudan Accountability and Investment Act as policy warrant. He asked that if USA*Engage has specific comments as in the past, he would appreciate them after the April recess. NFTC and USA*Engage members are encouraged to provide comments to rsawaya@nftc.org USA* Engage will provide comment as warranted. Mr. McGlinchey anticipated committee mark up after the recess.

Sudan Accountability and Divestment Act Final Regulations

The General Accountability Office had reportedly found the comments from the NFTC on the interim final regulations “constructive” in resolving ambiguities in the definition of “contractor” and to ensure that the final rule is prospective, not retroactive. GSA forwarded the regulations for serial review within the Office of Management and Budget by the Office of Federal Procurement Policy and the Office of Information and Regulatory Affairs. This did not occur by the end of the Bush administration and the regulations remain at OFPP. Reportedly, OFPP has problems with the GSA product, have not figured their resolution, and are not forthcoming about their specific nature. Ms. Leslie Field is the acting director of OFPP. We are seeking a meeting with Ms. Field for clarification.

Financing OFAC Licensed Transaction Under the Trade Sanctions Reform Act (TSRA)

NFTC board member, Tim Ward (Hercules Group) described the unavailability of letter of credit financing from European banks for U.S. OFAC-licensed transactions following reported conversations between European banks and Treasury Undersecretary for Terrorism and Financial Intelligence (TFI), Stuart Levey. At the February 24-25 International Forum on Economic Sanctions, Adam Szubin, Director of the Office of Foreign Asset Controls (OFAC) who reports to the Undersecretary was asked whether OFAC-licensed transactions reflect settled U.S. policy and responded, “Yes.” Other members have encountered similar contradictions between OFAC approval and the general U.S. initiative in the global financial sector against business with Iran.

We are drafting a letter asking for executive branch clarification, after reaching out to the relevant people at State and the NSC. We also seek additional examples of blocked financing from Members.

News for our Members

NFTC Holds Winter Board Meeting

NFTC's Board of Directors held its Winter meeting on March 18, 2009 preceded by a dinner hosted by the Ambassador from Singapore to the United States. Singapore is a key trading partner in the Asia-Pacific region and, along with Chile, New Zealand, Brunei Darussalam, Australia, Peru and Vietnam is part of the on-going discussion of a U.S.-Trans-Pacific Partnership (TPP) Free Trade Agreement. Singapore's will also assume leadership of APEC in 2009.

At the Board meeting held at the Washington DC offices of Dewey & LeBoeuf our guest speaker was Baroness Catherine Ashton, European Union Trade Commissioner. She addressed the group on the EU's response to the global financial crisis and trade policy priorities in the current environment. Baroness Ashton was in Washington on a one week visit which also included meetings with Agriculture Secretary Tom Vilsack, Ways and Means Committee Chairman Charles Rangel (D-NY), Trade Subcommittee Chairman Sander Levin (D-MI), Committee Ranking member Dave Camp (R-MI) and subcommittee Ranking Member Kevin Brady (R-TX). She also met with newly-confirmed USTR Ron Kirk.



The date for the next board meeting was set for June 24 in New York City, to include a policy-oriented special event which will be open to the full membership of NFTC. And, the date for the Annual World Trade Dinner was announced for Wednesday, October 14, in Washington, DC, at the National Geographic Society.

Chairman John Mullen of DHL commended the members of the board for their sustained commitment to the organization in the midst of a global economic crisis, when the mission of the NFTC to advancing the global economy takes on more importance than ever before. Also, the Board approved the NFTC's Review 2009 Goals and Priorities Statement (the full text of which is available at www.nftc.org). The 2009 goals and priorities recognize the historic economic crisis we are currently in, and the increased value of NFTC's core mission to defend against protectionism and to support an open rules based world trading system as a key element of the global recovery.

President Bill Reinsch reported that the organization is managing during this difficult year with the goal of demonstrating our value to our members now more than ever. The web site (www.nftc.org) has been redesigned, communications with members on priority issues have been increased and an effort is being made to improve content in weekly electronic newsletter "Trade Matters."

The President briefly ran through highlights of recent activity. Among the highlights discussed were the importance of NFTC's tax work in the coming year, with a critical battle against Congress and the new Administration's attempts to end tax deferral of international business income and international enforcement issues at the forefront.

The challenge of being able to articulate the importance of international tax issues to the competitiveness of the American economy in sound bites that resonate in Congress and with the public was also raised.

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News for our Members

NFTC Holds Winter Board Meeting

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Other issues of note included the likelihood of action to ease U.S. restrictions on Cuba, the importance of engaging with the new Administration over difficulty in obtaining U.S. business visas and the importance of member company participation in NFTC's international human resources activities. And, President Reinsch introduced an NFTC special project, the newly formed "Global Innovation Forum," to counter public policy efforts to erode private intellectual property rights (IPR). He noted NFTC's unique reputation in the U.S. as a bipartisan voice on trade issues and its reputation in Geneva through its WTO Doha Round Working Group as a natural home for such a project.

International Human Resources

New York International Human Resources Conference Set for July 15-16

The NFTC will host its 15th annual international human resource management conference in New York City at the University Club. As with the March 2009 IHR conference in Houston, the central theme of the July conference will be on how multi-national corporations are responding to the current global economic situation. Central to the short-term and long-term success of our member companies are: the identification, development and retention of key talent; careful attention to expense management; being compliant with country employment, immigration and tax laws and regulations; understanding and working through barriers to entry into new markets. The conference agenda is being worked on at this time and it will be posted to the NFTC Web site in late April. The agenda will include updates on in-bound business immigration and other U.S. legislation.

For information about the agenda and registration go to www.nftc.org or contact Sandra Rodriguez at srodriguez@nftc.org.

Houston International Human Resources Conference Held March 3-4,

The NFTC held its 8th annual international human resource management conference in Houston. Despite the fact that the price of a barrel of oil has gone from \$140 in March 2008 to around \$50 in March 2009 there still is considerable cross-border activity for the energy, energy service and engineering & construction companies based in Texas. Many of the projects that these companies are involved in are capital intensive and long-term in nature so while activity has slowed somewhat it has not stopped. Issues related to sourcing, hiring, training and retaining expatriate and local talent continue.

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International Human Resources

International Human Resources Conference Houston, TX: March 3-4, 2009

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The conference Faculty included senior IHR professionals from such companies as: Anadarko Petroleum, Apache Corporation, BHP Billiton, Dell, Exterran, Honeywell, Intel, Occidental Petroleum, Parsons, URS Washington Group International and Whirlpool. They each provided valuable case studies. In addition, there were subject matter experts from Aetna, AIRINC, Cartus, Ernst & Young and International SOS.

Mike Hager, President of the Education for Employment Foundation (EFE) was the keynote speaker. He provided an overview of the work that the EFE is doing in such places as Egypt, Jordan, Morocco and Palestine to help prepare secondary and technical school, as well as college, graduates with skills that will lead to employment with local, regional and multinational employers in the Middle East.

Market entry strategy, talent acquisition and retention, immigration compliance, healthcare and expatriate security, and performance management were topics of considerable interest to the audience. We appreciate the time provided and lessons learned that were given by the Faculty.

U.S.-Middle East Free Trade Coalition News

USTR Clarifies the End of Consular Stamping of U.S. Export Documents for Middle East FTA Partners and KSA

In response to questions posed by MEFTA Coalition members over ambiguity caused by some Middle East FTA partner embassies which may still allow the use of embassy stamps on export documents and whether our FTA's eliminated the requirement for these stamps, USTR recently issued clarification indicating that "...As a result of bilateral Free Trade Agreements with the United States, Morocco, Bahrain and Oman are obligated not to require consular transactions, including related fees and charges, in connection with the importation of any U.S. good As a result of its accession to the World Trade Organization, Saudi Arabia eliminated requirements for notarization, authentication, or consularization of trade documents, including related fees, in connection with imports of goods from all WTO Members as of December 31, 2007.... Consequently, U.S. goods should not be delayed or denied entry into these countries due to a lack of consularization of trade documents. If U.S. companies encounter such problems, they should contact USTR staff."

The letter of clarification may be found at:

[http://www.nftc.org/default/trade/2009/NFTC Letter on Consular Transactions.pdf](http://www.nftc.org/default/trade/2009/NFTC%20Letter%20on%20Consular%20Transactions.pdf)

Successful Conclusion to First Saudi TIFA Consultation

The first formal meeting of the U.S.-Saudi Arabia Trade and Investment Framework Agreement (TIFA) Council since its signing in 2003 took place in Washington, DC on March 2-3 with a 25 member Saudi delegation led by Deputy Minister of Commerce and Industry Abdullah al-Hamoudi. Tangible progress was made on a wide ranging agenda which included issues related to tariffs and import requirements, government procurement, IPR enforcement, conformity assessment, SPS, labor, and environment and specific sectors including pharmaceuticals, food products, chemicals, and technology industries. It is believed that both sides gathered momentum which will allow for more frequent and regular consultation.

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U.S.-Middle East Free Trade Coalition News

Successful Conclusion to First Saudi TIFA Consultation

(Continued from page 13)

During the Saudi delegation visit, NFTC co-hosted Deputy Minister al-Hamoudi and senior members of the delegation for a breakfast discussion with members of the NFTC Saudi Arabia Working Group and organized a briefing for the U.S.-Middle East Free Trade Coalition by Dr. Awwad S. Al Awwad – Deputy Governor for Investment Affairs, Saudi Arabian General Investment Authority (SAGIA)

U.S.-Bahrain Joint FTA Commission to Meet on April 22-23 in Washington, DC

The U.S.-Bahrain Joint FTA Commission is scheduled to meet in Washington, DC on April 22-23 to discuss commercial issues related to the implementation of the FTA. Please let NFTC know if there are any specific commercial issues U.S. companies are having in Bahrain as USTR develops the meeting agenda, by contacting Chuck Dittrich at cdittrich@nftc.org.

Tax Policy

Deferral Changes Under Consideration in Washington

President Obama's budget blue print included a provision to "implement international enforcement, reform deferral and other tax reform policies." The Administration's economic team has been holding closed door meetings on the Hill, with CEO's, and with tax practitioners. In these discussions they explain that the "reform deferral" provision actually means repealing deferral. They intend to use the \$210 billion raised from the repeal of deferral for deficit reduction purposes and to pay for other programs within the Obama budget. In recent days, the Administration's economic team has mentioned to various groups that they are considering other tax changes that will not repeal deferral outright, but will have the same result in effect. The current effort is not tied to any other reforms, does not include lower corporate rates and separates the revenue from the tax reform debate. The provisions are a follow-up to President Obama's campaign pledge to stop "corporations from taking U.S. jobs offshore."

The NFTC is working with several other organizations, including the Business Roundtable, NAM and the U.S. Chamber of Commerce to build opposition on the Hill and in the public sector to the deferral repeal provision. The coordinated effort is called PACE—Protect American Competitive Edge.

Members of the NFTC legislative working group are already engaged on this issue. We would like to expand our effort to all NFTC companies who are interested in working in opposition to the deferral repeal provision. If you are interested in participating in this effort, and are not already on the deferral working group, please let me know, and we will include you in all future emails, conference calls and meetings on this issue. We need to have many companies involved in this effort if we are to be successful in stopping the repeal of deferral.

To learn about the history and background on deferral go to <http://www.nftc.org/default/Tax Policy/Deferral Background.pdf>. You may also contact Catherine Schultz at cschultz@nftc.org

Tax Policy

New NFTC Tax Committee Chairs

The NFTC is pleased to announce that Tom Roeser, Senior Director, Tax Affairs at Microsoft is the new Chair of the Tax Committee and Bill Hawkins, Vice President & General Tax Counsel of Coca-Cola is the new Vice-Chair of the Tax Committee. We would like to thank Jim McCarthy of Procter and Gamble for his many devoted years of service as Chair of the Tax Committee. Jim's guidance and steady-hand has helped to build the Tax Committee, and has poised us to take on the legislative, regulatory, non-U.S. and tax treaty issues we face in the years ahead. Many thanks Jim!

Please join us in welcoming Tom and Bill to the Tax Committee leadership team.

Combat Offshore Tax Abuse without Harming the International Growth of American Businesses

The Congress and the Administration are focusing on offshore tax avoidance through the use of low-tax jurisdictions (so-called "tax havens"). It is important for policymakers to carefully evaluate legislative proposals intended to combat offshore tax avoidance to ensure that such proposals are adequately targeted, and not confuse tax avoidance strategies by U.S. companies and individuals with legitimate operations of U.S. companies to compete globally and serve the consumer market outside U.S. borders. Without careful evaluation and proper targeting, such proposals may undermine normal international business practices and even disrupt U.S. international relations without achieving their desired goal. In this regard, it is important for policymakers to understand: the importance of American business competitiveness to the U.S. economy; the normal business reasons for the organization of U.S. businesses investing in growing markets around the world; and the current restrictions on the erosion of the U.S. corporate tax base.

International Growth is Critical to the U.S. Economy. The growth of U.S. businesses in markets abroad produces positive returns for the firm itself, the U.S. labor market, and the U.S. economy as a whole. Consumer markets and the need for new infrastructure in developing countries offer lucrative opportunities for U.S. firms to expand their customer base, which in turn produces demand for U.S.-manufactured inputs, U.S. management and other services, and U.S. know-how and other intangible property. Direct investment abroad creates high-paying, U.S.-based jobs.

U.S. Policy Should Not Seek to Police the Tax Rates of Sovereign Countries – Some of the rhetoric associated with the location of foreign subsidiaries of U.S. companies in low-tax jurisdictions suggests either these jurisdictions are "bad actors" or that U.S. tax policy wrongly encourages the shift of U.S. jobs and capital to such jurisdictions. The U.S. corporate tax rate is one of the highest among developed and developing countries, so the notion that foreign subsidiaries of U.S. companies tend to locate in lower tax jurisdictions is not only not surprising, but it is almost unavoidable. Sovereign jurisdictions have every right to establish tax rates that meet their social and fiscal policy needs. U.S. policy makers should take great care in labeling some lower-tax jurisdictions as "tax havens" when these countries have robust economies, have been loyal friends of the United States from a foreign relations perspective, are tremendous consumers of U.S. goods and services, and may have developed their economies in part to serve as hubs for commerce within a particular region. U.S. tax policy should not discourage U.S. companies from serving customers in such jurisdictions, nor should it seek to police the use of such jurisdictions as a hub for regional commerce.

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Combat Offshore Tax Abuse without Harming the International Growth of American Businesses

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Low-Tax Jurisdictions Facilitate International Growth Of U.S. Businesses. U.S. businesses with operations abroad may organize in low-tax jurisdictions for legitimate business reasons that do not involve the reduction of U.S. tax liability. U.S. businesses establish legal entities in low-tax jurisdictions to: (1) serve customers in those jurisdictions; (2) minimize *foreign* taxes on overseas operations; (3) access countries with well-developed legal environments that provide a base from which to invest in a host country with an inhospitable legal environment or high political risk; (4) protect against unstable and volatile currencies; (5) facilitate the avoidance of damage to property from hostile foreign host government actions; and (6) coordinate efficient business financing.

Current Law Prevents Erosion of U.S. Corporate Tax Base. The current U.S. system of comprehensive international tax law and regulations restricts the erosion of the U.S. corporate tax base through abusive offshore structures. The IRS has undertaken an ambitious and successful enforcement agenda to further reduce the potential for offshore tax avoidance. The IRS has identified several international tax issues among its top enforcement priorities. The Treasury Department has expanded its network of tax information exchange arrangements with many other countries, which help further curtail U.S. tax base erosion by deterring offshore tax abuse.

Proposals Should Target Abusive Transactions. U.S. international tax rules can protect the U.S. tax base without undermining the international competitiveness of U.S. businesses. To the extent that additional legislative or administrative efforts are viewed as helpful in contributing to ongoing efforts to combat offshore tax avoidance, such efforts should be focused on targeting specific abuses, rather than on curtailing all activities within certain low-tax jurisdictions. For example, the IRS should be applauded for its recent initiative to ensure that U.S. persons living abroad are adequately documented and their income is appropriately reported. If appropriate, legislation should be considered to further enhance this initiative. Without such a focus, these efforts run the risk of undermining the competitiveness of legitimate U.S. businesses without achieving the desired goal of combating offshore tax avoidance.

Questions and Answers

Q1. The recent report from the GAO, Large U.S. Corporations and Federal Contractors with Subsidiaries in Jurisdictions Listed as Tax Havens or Financial Privacy Jurisdictions, GAO-09-157, identifies your company as operating in tax haven jurisdictions. Are you concerned that this governmental report identifies your company?

A1. The GAO Report simply compiled publicly-available information on the extent to which U.S. publicly traded companies have significant subsidiary entities in various jurisdictions. The GAO Report itself concludes that no negative conclusions should be drawn from this data. The Treasury Department has called into question the GAO's presentation of this information, expressing concerns that oversimplifications in this area "can lead to misunderstandings and mistakes."

Q2. Doesn't a company's identification in the GAO report establish that the company is using tax havens to avoid paying its fair share of U.S. tax?

A2. The GAO report itself acknowledges that "subsidiaries may be established in listed jurisdictions for a variety of nontax business reasons." American companies take their U.S. tax obligations very seriously. The information in the GAO report does not support any conclusion about the U.S. tax positions of the companies identified.

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Combat Offshore Tax Abuse without Harming the International Growth of American Businesses

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Q3. Why does the company use tax havens if not to avoid paying its fair share of U.S. tax?

A3. A recent GAO report acknowledges that “subsidiaries may be established in listed jurisdictions for a variety of nontax business reasons.” American companies operate globally, and they have operations in international markets to serve their customers. Companies must minimize the costs of doing business overseas to compete with foreign based competitors. The use of legal entities outside the United States enables American companies to compete and grow, thereby supporting U.S. jobs.

Q4. Do low tax rates in foreign countries encourage the company to invest abroad?

A4. No. Companies based here in America invest in opportunities that permit them to serve customers and consumers in all parts of the world. In the vast majority of cases, it would be impossible to offer goods and services on a competitively priced basis without being actively engaged in those markets. Investing in opportunities outside the United States facilitates the growth of U.S. companies at home as well as abroad, thereby supporting U.S. jobs.

Q5. Don’t tax haven countries encourage big corporations to evade income tax by offering them the opportunity to hide profits in offshore accounts?

A5. No. It is well-recognized that normal business activities include organizing substantive business operations in low-tax jurisdictions for genuine non-tax business and economic purposes. This allows U.S. businesses to compete internationally, thereby supporting U.S. jobs. Of course, the U.S. government should address illegitimate offshore activities that violate U.S. law and international norms, and erode the U.S. tax base. Illegitimate activities include using offshore bank secrecy laws to hide income from government scrutiny. Any changes to the U.S. international tax rules should be carefully calibrated to protect the active business activities of U.S. firms that allow them to remain competitive in the global marketplace. It should be noted that it is likely that many of the “tax haven” entities listed in the GAO report are entities with little or no income. Further, to the extent many of these entities reported any taxable income, that income may very well have been subject to current U.S. taxation (rather than deferral of U.S. tax) in the U.S. consolidated tax return.

Q6. Don’t big corporations manipulate transfer pricing practices among their affiliates to shift U.S. profits to offshore havens and evade U.S. tax?

A6. Arms-length transfer pricing is the best way to reflect the true economics of business in the context of an income tax. U.S. transfer pricing rules are among the most stringent in the world, and prevent improper shifting of income between U.S. taxpayers and foreign entities under common control. Nearly all other countries have adopted the approach of the United States. The IRS and other governments have adopted very strict enforcement practices, including significant penalty and documentation regimes.

International Trade & Export Finance

NFTC Discusses Trade Monitoring, Negotiations in Geneva

NFTC Vice President Jake Colvin visited Geneva recently to discuss the 2009 work program of the World Trade Organization with ambassadors, senior negotiators and Secretariat officials. NFTC emphasized the importance its member companies attach to an ambitious outcome to the Doha negotiations and discussed the potential for a high quality agreement on environmental goods and services.

Official negotiations regarding the Doha Round remain stalled, as Geneva continues to wait for the Obama administration to complete its review of its trade positions. WTO members have been reluctant to reengage on certain issues, such as agriculture and rules, for fear of unraveling progress that had been made last year.

At the same time, important technical work and information-sharing is continuing under the radar, which has the potential to facilitate political decision-making if and when the negotiations resume in earnest. Over the last few weeks there have been a number of useful technical consultations on both sectoral negotiations and non-tariff barriers. This technical work is focused on bilateral and small group discussions of interests and sensitivities among various countries. It appears more useful to try to engage partners and discuss specific tariff lines and possible specific difficulties, rather than to continue on in a sterile debate about whether or not participation in sectoral negotiations is voluntary or mandatory.

Some officials expressed optimism that it would be possible to resume the negotiations in the fall. In order for that to happen, a senior official suggested it would be important for senior level contact to begin in July.

Apart from the negotiations, the WTO has begun a process of institutional caretaking that has made the institution more relevant to the current crisis and appears to have reenergized staff. It is clear that WTO members attach great importance to efforts to resist protectionist pressures and to the role of the WTO in monitoring developments through reports from the Director-General and subsequent review in the Trade Policy Review Body. The second WTO report on trade barriers, which was released during NFTC's visit, is a more comprehensive and data-rich document than the first iteration. WTO officials expect to the process of monitoring trade barriers beyond the current crisis and anticipate that potential trade-restricting measures such as border adjustment components of climate change policy would be included in future reviews.

There has been serious consideration given to convening a WTO Ministerial Conference in 2009. The most likely timing for such an event is the first week in December. It remains unclear whether such a meeting would be focused on the Doha Round or would include a discussion of new issues that might be on the future agenda of the WTO like the environment and labor.

NFTC visited Geneva as part of the Council's WTO Doha Round project. For more information about the visit or the project, please contact Jake Colvin at jcolvin@nftc.org.

International Trade & Export Finance

Efforts to Initiate a Miscellaneous Tariff Bill

Representatives Ellen Tauscher . (D-CA-10) and Howard Coble (R-NC-6) are seeking Member signatures on a letter to House Ways and Means Committee leadership in support of restarting the Miscellaneous Tariff Bill (MTB) process.

The Committee has indicated that they generally plan to gather those bills that were introduced last year and vetted (vetting is ongoing) into an MTB omnibus. The sooner the House completes this process, the sooner the responsibility will be on the Senate to consider MTB, where there is not complete support for it.

The “Dear Colleague” and draft letter to HWM may be found at the following link: www.nftc.org/default/Trade_Policy/Trade_Policy/Duty_Suspension_Dear_Colleague_Letter.pdf

We encourage NFTC members to contact House offices with which they have a relationship, encouraging them to sign on to the letter. NFTC members interested in doing broader outreach on the issue may contact Chuck Dittrich at cdittrich@nftc.org for a list of the over 100 Members who introduced one or more of the individual temporary duty suspension bills last term, as they are also likely supporters for starting the MTB process in this Congress.

National Foreign Trade Council Foundation

Save the Date

2009 World Trade Dinner & Award Ceremony

Wednesday, October 14, 2009

*National Geographic Society
1145 17th Street NW
Washington, DC*

*Reception 6:30 p.m. - Dinner 7:30 p.m.
Black Tie
RSVP*



Global Innovation Forum

NFTC Launches New Initiative to Help Create Understanding About International Rules Affecting Today's Innovation Economy

This year the NFTC launched a major new initiative to create a greater understanding of the innovation ecosystem – the creation, trade and employment of innovation – and the foundations upon which this system is built to enable effective solutions to global challenges and improve the lives of workers, families and communities around the world.

The Global Innovation Forum staff, including executive director John Stubbs, and the group's newly announced advisory board bring together a diverse group of experts from a range of academic, geographical and commercial communities – including labor economists, education experts, scientists, consumer groups, green technologists, venture capitalists, researchers, professors, think tanks and more.

The Forum's first event was held on April 8th at Howard University in Washington DC and focused on the importance of global rules that govern innovation and intellectual property protection to the creation of high quality, innovation-based jobs for middle-class Americans. Co-hosted by Howard University's Institute for Entrepreneurship, Leadership and Innovation (ELI Institute), the "Securing America's Future: Innovation Jobs for the Middle Class" roundtable event included a keynote address by newly-appointed U.S. Trade Representative Ron Kirk. Through a series of roundtable discussions, invited guests provided policy recommendations to sustain the rules-based international economy and increase job creation for the American middle class. Participants hailed from a rich diversity of backgrounds, as well as the three acknowledged constituencies of President Obama's Middle Class Task Force – the private sector, labor and non-profit organizations.

The Global Innovation Forum also unveiled its advisory board, the Brain Trust, featuring experts from across innovative industries and disciplines including those who teach innovation, those who innovate and those who commercialize innovation. This diverse advisory board made up of innovation experts from a range of academic, geographical and commercial communities – including labor economists, education experts, scientists, consumer and patient groups, green technologists, venture capitalists, researchers, professors, among others – will contribute greatly to ongoing Web-based dialogues and future events.

Members of the Global Innovation Forum Brain Trust include:

Mr. Steven Bennett

Chief of Staff | The Brookings Institution

Prof. Amar Bhidé

Lawrence D. Glaubinger Professor of Business |Columbia University

Ms. Johnetta Boseman-Hardy

Executive Director | Entrepreneurship, Leadership and Innovation Institute, Howard University

Dr. Peter Capelli

Director, Center for Human Resources | The Wharton School, University of Pennsylvania

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Global Innovation Forum

NFTC Launches New Initiative to Help Create Understanding About International Rules Affecting Today's Innovation Economy

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Dr. Peter Capelli

Director, Center for Human Resources | The Wharton School, University of Pennsylvania

Dr. Rajesh K. Chandy

James D. Watkins Chair in Marketing | Carlson School of Management, University of Minnesota

Dr. Cartier Esham

Director of Health and Regulatory Affairs for Emerging Companies | Biotechnology Industry Organization

Prof. Victoria A. Espinel

Visiting Assistant Professor | George Mason University School of Law
Former Assistant U.S. Trade Representative for Intellectual Property and Innovation

Mr. Steve Heibin

Vice President for Technology | Center for American Progress

Mr. Dean Kamen

President | DEKA Research & Development Corporation

Sect. Kathleen A. McGinty

Founding Partner | Peregrine Technology Partners, LLC
Former Secretary of the Pennsylvania Department of Environmental Protection

Mr. John McIlwraith

Managing Director | Blue Chip Venture Company

Judge Pauline Newman

Circuit Judge | U.S. Court of Appeals for the Federal Circuit

Dr. Rob Shapiro

Chair | NDN Globalization Initiative
Former U.S. Under Secretary of Commerce for Economic Affairs

Dr. Anthony Townsend

Research Director | Institute for the Future

Mr. Jeff Vogt

Global Economic Policy Specialist | American Federation of Labor & Congress of Industrial Organizations (AFL-CIO)

NFTC member companies are encouraged to get involved. For more information concerning the Global Innovation Forum please contact John Stubbs at jstubbs@nftc.org

Calendar of Events

Date	Event	Location
April 7, 2009	Trade Committee Meeting with Mexican Embassy	Washington, DC
April 15, 2009	Tax Lunch Forum - Speaker Tony Coughlan, International Tax Counsel, Senate Finance Committee Minority	Washington, DC
April 22-23, 2009	U.S.-Bahrain Joint FTA Commission Meeting	Washington, DC
May 13, 2009	Tax Lunch Forum - Speaker TBA	Washington, DC
June 2, 2009	International Benefits Committee*	New York City
June 10, 2009	Tax Lunch Forum - Speaker TBA	Washington, DC
June 24, 2009	Board of Directors Meeting	New York City
June 24, 2009	NFTC Special Event	New York City
July 15, 2009	Tax Lunch Forum - Speaker TBA	Washington, DC
July 15-16	Annual International Human Resources Management Conference	New York City
October 1-2, 2009	Fall Tax Meeting	Washington, DC
October 14, 2009	Annual Meeting	Washington, DC
October 14, 2009	Annual World Trade Dinner and Award Ceremony	Washington, DC
October 14, 2009	Board of Directors Meeting	Washington, DC
October 15, 2009	International Benefits Committee*	New York City
November 10, 2009	Tax Lunch Forum - Speaker TBA	Washington, DC
December 9, 2009	Tax Lunch Forum - Speaker TBA	Washington, DC

** Note: The WTO Committee Meetings, Expatriate Management, Global Compensation, International Assignment Management, and International Benefits Committees are by invitation only. For information about them please contact NFTC*

This issue of Council Highlights brought
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NATIONAL FOREIGN TRADE COUNCIL
ADVANCING GLOBAL COMMERCE FOR OVER 90 YEARS