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Investment/USA

A Monthly Report on Federal and State Legislative and Regulatory Developments
Affecting Foreign Investments in the United States

A Monthly Report on Federal and State Legislative and Regulatory Developments
Affecting Foreign Investments in the United States

June 1984

Vol.6, No. 6

THE U.S. WORKING GROUP ON UNITARY TAXATION reaches a loose compromise encouraging U.S. states to refrain from taxing worldwide profits under the system, and California's governor announces subsequently that he favors giving multinational corporations in his state the option of choosing between worldwide unitary taxation and the water's edge variation 2

THE U.S. TAX BILL NOW IN CONGRESS appears to be in its final stages. Repeat of U.S. tax withholding on dividends and interest going outside the United States, and substitution of a new enforcement mechanism in the Foreign Investment in Real Property Tax Act, are the issues of primary interest for foreign investors 3

CARIBBEAN COUNTRIES WOULD FACE NEW PRESSURES to exchange tax data with the U.S. Government under a proposal now under consideration in Congress. The proposal would make the trade benefits of the recently enacted Caribbean Basin Initiative available only to countries that entered into tax information exchange agreements with the United States 5

SLIGHTLY MORE THAN ONE PERCENT OF U.S. AGRICULTURAL LAND is owned by foreign interests, the U.S. Department of Agriculture says in the latest annual report under the U.S. Agricultural Foreign Investment Disclosure Act. The total is up slightly over \$1st year, with Canada, the United Kingdom, and Hong Kong being leading investors 7

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May 1984

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A CHANGE TO WITHHOLDING as the enforcement mechanism for the U.S. Foreign Investment in Real Property Tax Act (FIRPTA) now appears much more likely, with the introduction of a bill providing for this by a Florida congressman who so far has been one of the main opponents 2

THE REAGAN ADMINISTRATION'S WORKING GROUP on unitary taxation is expected to complete its report soon. The working group's staff is divided on several issues, but there is apparent agreement that U.S. states should not consider the non-U.S. income of foreign multinationals when calculating the state income of the multinationals' U.S. subsidiaries 3

THE TREATMENT OF U.S. BANKS IN OTHER COUNTRIES is the subject of a U.S. Government study that was initiated by Senator Jake Garn (R-Utah). Garn, who is chairman of the Senate Banking Committee, is pushing for legislation that would treat foreign banks seeking to enter the U.S. market in the same way as their home countries treat U.S. banks 7

SEVERAL DEVELOPMENTS IN U.S. STATES have implications for foreign businesses. In Florida, pressure continues for an end to the unitary tax enacted last year, but modifications seem more likely than outright repeal. Also in Florida, new registration requirements are proposed in an attempt to control the flow of profits from crime into legitimate investment outlets, but (unlike earlier proposals for this purpose) only a very small proportion of foreign-owned companies would be affected. In Oregon, business and civic leaders are seeking a change in the state's unitary tax system, arguing that it discourages foreign investment, particularly from Japan 9, 10

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Tax Planning International Review

A Monthly Journal of International Tax Planning Developments and Opportunities

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VISIONS OF WORLD ORDER Between State Power and Human Justice

Julius Stone

"VISIONS OF WORLD ORDER is an excellent summation of a great jurist's overall view of the place of law and justice in the relations among sovereign states. There is here the best general statement of the response of international law to the larger challenges of this age that I have encountered. It will certainly be viewed among international lawyers as one of the most important scholarly works in the field to appear in recent years." —Richard Falk, Princeton University

In his two most recent books, *Conflict through Consensus* and *Israel and Palestine*, Julius Stone examined specific problems in international law and demonstrated once again his breadth of knowledge and depth of insight. In VISIONS OF WORLD ORDER,

Stone, one of the world's best known authorities on international law and jurisprudence, steps back from individual cases to reexamine the underlying questions in the field. The result is a magisterial work on international law and the ways in which it contributes to world order.

Stone considers the restrictions that the operations of modern state entities place on sociological inquiry and human communication, the limits on inquiries about global justice set by the prerogatives of states, and the repercussions of these and other limitations on the effectiveness of international law. He evaluates the attempts of leading contemporary thinkers to formulate global principles for international law which might transcend these limits, and he concludes with an assessment of the bearing of the problems of international law and justice on contemporary political and economic developments. Stone reminds us that law, be it civil or international, deals with human beings. It

is not simply a body of legal rules, principles, or policies, nor can it be a decision-making process or transcendent model for world order. As long as those who promote international law keep in sight the human beings affected by such law and the rights of such individuals to minimum subsistence and security, the pursuit and implementation of international law can contribute to the order and stability longed for by nations.

Julius Stone is Distinguished Professor at the University of California Hastings College of the Law and a professor at the University of New South Wales. He is the author of thirty-two books, among which are *Human Law and Human Justice*, *Of Law and Nations*, *Legal Controls of International Conflict*, *Conflict through Consensus*, and *Israel and Palestine* (the last two also published by Johns Hopkins).

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