Dear President Biden:

The achievements of your administration toward a clean energy transition are under threat by corporations looking to take advantage of unpopular, antidemocratic – and outdated – trade rules.

Corporations have an unfair advantage over sovereign nations under many trade and investment agreements. Investor-State Dispute Settlement (ISDS), embedded in numerous trade and investment agreements, has created a global governance regime that prioritizes corporate rights over those of governments, people, and the planet. These rules give special rights to multinational corporations that are not available to domestic businesses. If a corporation alleges that a government action, such as the banning of a toxic chemical or rejection of a mining permit, violates their special corporate rights, ISDS provides the corporation the ability to sue a government for compensation outside of the countries’ domestic legal and court systems. ISDS claims are often in the millions or billions of dollars. An unaccountable three-person tribunal decides the fate of each case. The tribunal can even decide a company should be paid for the “expected future profits” it may have earned in the absence of the government policy in question. The ISDS regime has been especially detrimental to public health, climate and environmental protections, Indigenous land rights, financial regulations, and democratic sovereignty.

Your administration has overseen the largest investment in clean jobs and climate action ever. The Inflation Reduction Act, and other components of the Bidenomics agenda, are just the sort of transformative policies the world will need to face the challenges ahead. They are also just the sort of public interest policies that corporations love to attack via ISDS.

The labor, environmental, faith, consumer, and other civil society organizations signed below appreciate that you have followed through on your promise and have not pursued new trade and investment agreements with the Investor-State Dispute Settlement (ISDS) system.

The logical next step will be to address the ongoing liability of ISDS in existing agreements. The United States is party to dozens of trade and investment agreements that continue to be exploited by corporations to seek billions in taxpayer compensation over environmental, public health, land use, transportation and other public interest policies.

Congress and the White House already worked together on a bipartisan basis to significantly reduce ISDS liability in the renegotiated U.S.-Mexico-Canada Agreement (USMCA), the successor to the North American Free Trade Agreement (NAFTA). Though it left an unacceptable loophole for U.S. fossil fuel companies in Mexico, it is a promising step toward ending ISDS.
The tide is turning against ISDS outside the U.S. as well. Civil society efforts in Colombia and across the hemisphere have been demanding their governments work to end ISDS. Ten European countries have abandoned the Energy Charter Treaty over its ISDS rights for fossil fuel companies, and the European Union as a whole is considering withdrawing. Australia, New Zealand, and other countries have signed side letters to exclude themselves from ISDS in various pacts, and a number of countries including South Africa, India, and Indonesia have worked to exit investment treaties with ISDS. Continued movement away from ISDS by the United States would be a powerful signal to other governments considering taking similar action.

We are eager to work with you to finish the job and free public interest policies from the shadow of ISDS. We urge you explore all avenues at your disposal and pursue an effective path to exiting ISDS by the U.S. and our partners in existing bilateral investment treaties and free trade agreements. Bringing our existing agreements in line with current administration policy would foreclose the possibility of future attacks against the U.S. and signal to trading partners that they will not be penalized for prioritizing the public interest.

Sincerely,

National Organizations

350.org  
A Legacy of Equality Leadership and Organizing (LELO)  
Acterra: Action for a Healthy Planet  
Action on Smoking and Health (ASH)  
ActionAid USA  
AFL-CIO  
Agricultural Justice Project  
Amazon Watch  
American Federation of Teachers  
American Indian Mothers Inc.  
Americans for Democratic Action  
Americans for Financial Reform  
Amnesty International USA  
Association of Flight Attendants-CWA  
Basel Action Network  
BlueGreen Alliance  
Campaign for America’s Future  
Campaign for Family Farms and the Environment  
Center for Biological Diversity  
Center for Economic and Policy Research  
Center for Economic Justice  
Center for Food Safety  
Center for Popular Democracy  
Center for the Advancement of the Steady State Economy  
Citizens Trade Campaign  
Climate Crisis Policy  
Committee in Solidarity with the People of El Salvador (CISPES)  
Communications Workers of America  
Conservation Congress  
Consumer Federation of America  
Corporate Accountability Lab  
Corporate Campaign, Inc.  
CPATH  
Demand Progress Education Fund  
DownRiver Alliance  
E3G - Third Generation Environmentalism  
Earth Action, Inc.  
Earth Ethics, Inc.  
Earthjustice  
Earthworks  
EcoEquity  
Economic Policy Institute  
Endangered Habitats League  
Evolved Wireless Inc  
Family Farm Defenders  
Family Farm Defenders  
Food & Water Watch  
Foundation for Integrative AIDS Research (FIAR)
Franciscan Action Network  
Friends of the Earth US  
Friendship Office of the Americas  
Global Exchange  
GMO/Toxin Free USA  
Greenpeace USA  
Guatemala Solidarity Project  
Health GAP (Global Access Project)  
Heroes Remembered, LLC  
Holy Cross International Justice Office  
Honduras Solidarity Network  
Hope Border Institute  
Housing Works  
Human Rights Observation/ Honduras Impact Fund  
Institute for Agriculture and Trade Policy  
Institute for Policy Studies - Global Economy Project  
Interfaith Center on Corporate Responsibility (ICCR)  
International Association of Machinists and Aerospace Workers  
International Brotherhood of Teamsters  
International Corporate Accountability Roundtable (ICAR)  
International Federation of Professional and Technical Engineers (IFPTE)  
InterReligious Task Force on Central America  
Jobs to Move America  
Justice Is Global  
Knowledge Ecology International (KEI)  
Latin America Working Group  
League of Conservation Voters  
League of Women Voters of the United States  
Maryknoll Office for Global Concerns  
Mighty Earth  
Move To Amend  
National Advocacy Center of the Sisters of the Good Shepherd  
National Association of Consumer Advocates  
National Family Farm Coalition  
National Farmers Union  
National Jobs for All Network  
National Organization for Women  
Natural Resource Defense Council  
NETWORK Lobby for Catholic Social Justice  
Nicaragua Center for Community Action  
Oil Change International  
Other98  
Our Revolution  
Oxfam America  
Partners In Health  
Pass the Federal Green New Deal Coalition  
Pax Christi USA  
Peace Action  
Peace, Justice, Sustainability NOW!  
Pesticide Action Network North America  
PIRG  
PrEP4All  
Prevention Access Campaign  
Pride at Work  
Progressive Democrats of America  
Public Citizen  
R-CALF USA  
Rethink Trade  
Revolt Against Plutocracy  
Rivolting Door Project  
RootsAction.org  
Rural Coalition  
Salud y Farmacos  
Service Employees International Union  
Sierra Club  
Sisters of Mercy of the Americas - Institute Justice Team  
Social Security Works  
St. Columban Mission for Justice, Peace and Ecology  
Sunflower Alliance  
Sunrise Movement  
Take On Wall Street  
The Altai Project  
The Cross Border Network for Justice and Solidarity  
The Jus Semper Global Alliance  
The People’s Justice Council  
Toxics Information Project (TIP)  
Transport Workers Union of America  
Treatment Action Group
Regional Organizations

U.A.W. Region 9
350 Eastside (Seattle)
350 Seattle
350 Tacoma
AFGE Local 3937
AFT 1356
Alabama Interfaith Power & Light
Alliance for the Wild Rockies
Austin Tan Cerca de la Frontera
Beacon Presbyterian Fellowships
CAJA3
California Trade Justice Coalition
Carrizo/Comecrudo Tribal Nation of Texas Inc.
Chicago ALBA Solidarity
Coalition Against the Rockaway Pipeline
Code Pink Houston
Community to Community
Compassionate St. LOUIS
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
CWA/WashTech Local 37083
Dallas AFL-CIO CLC
Dallas Peace & Justice Center
Debs-Jones-Douglass Institute
Democratic Action Committee
Democratic Action Committee, East Texas
Denver Justice and Peace Committee
Economic Justice Mission Group, NH
Conference United Church of Christ
Elders Climate Action
Farm Worker Ministry Northwest
Food for Maine
Friends of Merrymeeting Bay

Friends of the Bitterroot
Green Party of Florida
Hernando County Green Party
IAMAW District W24
Indian Point Safe Energy Coalition
Indivisible Austin
Indivisible Bainbridge Island
Iowa Federation of Labor, AFL-CIO
Jefferson County Move to Amend
Jobs with Justice of East Tennessee
Kickapoo Peace Circle
KORCLC
Maine AFL-CIO
Maine Fair Trade Campaign
Minnesota Alliance for Retired Americans
Mira: Feminisms and Democracies
NC APPPL (Alliance to Protect Our People and the Places We Live)
New York Climate Action Group
New York Trade Justice Coalition
NJ State Industrial Union Council
North Kitsap Indivisible
Northeast Organic Farming Association of New Hampshire (NOFA-NH)
Northeast Organic Farming Association of Rhode Island
Northeast Organic Farming Association-Interstate Council
Olympia Indivisible
Park Slope Food Coop - International Trade Education Squad
Peace Action Maine
Peacemakers of Schoharie County

United Steelworkers (USW)
Universities Allied for Essential Medicines
Uplift International
Washington Office on Latin America (WOLA)
Witness for Peace Solidarity Collective
Women's International League for Peace and Freedom, US
Portland Central America Solidarity Organization (PCASC)
Portland Interfaith Clergy Resistance
Rise Up WV
Santa Cruz Climate Action Network
Snohomish County Indivisible
SoCal 350 Climate Action
Solidarity Committee of the Capital District
South Seattle Climate Action Network
South Texas Human Rights Center
Teamsters 777
Terraza 7
Texas AFL-CIO
Texas Campaign for the Environment
Texas Fair Trade Coalition
The Vessel Project of Louisiana
Third Act North Carolina Working Group
Unitarian Universalist Fellowship of Hidalgo County Texas
USW Local 675
USW Local 675
WA People's Privacy
WA State Alliance for Retired Americans
Washington Fair Trade Coalition
WESPAC Foundation, Inc.
Wisconsin Fair Trade Coalition
WV Citizen Action