



North Carolina General Assembly  
House Of Representatives

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North Carolina

President Joseph R. Biden;  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500  
cc: Katherine Tai, United States Trade Representative

Monday, August 5, 2024

Dear President Biden:

**In order to exercise the duties of the offices to which we have been elected and to preserve, protect, and defend the Constitution of this state and of the United States, the undersigned state legislators urge you to remove Investor-State Dispute Settlement (ISDS) rules from all trade and investment agreements to which the U.S. is party.**

ISDS is a secretive arbitration system that allows foreign corporations to challenge state laws, local land use ordinances, and even court decisions that impact their vaguely defined investor rights.

The outcomes of these cases, which can result in billions of U.S. tax dollars paid to foreign corporations in compensation, are determined in unaccountable tribunals presided over by unelected corporate lawyers whose rulings are not subject to appeal. Even cases that get dismissed can result in countries paying millions in tribunal costs.

All of this threatens the policy space we need to maintain high-level public health standards, create clean energy jobs, protect the digital privacy and data-security of those we represent, and much more.

The National Conference of State Legislatures (NCSL), which represents the legislatures of all 50 states and the District of Columbia, states that it will not support trade deals or bilateral investment agreements “with investment chapters that provide greater substantive or procedural rights to foreign companies than U.S. companies enjoy under the U.S. Constitution.”

We appreciate that both the previous administration and your own have agreed with this NCSL position to not include ISDS in new trade agreements. But the U.S. still has 50+ trade and investment agreements that contain ISDS, and corporations continue to use this outdated mechanism to challenge public interest policies.

Therefore, today we join more than 200 U.S. civil society organizations and dozens of members of Congress in urging you to finish the job by using all means at your disposal to eliminate the threat of ISDS from existing U.S. trade and investment agreements as well.

Sincerely,

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