

The Honorable Antony Blinken
Secretary
Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Gina Raimondo
Secretary
Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

The Honorable Janet Yellen
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Mr. Jake Sullivan
Assistant to the President for National
Security Affairs
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

The Honorable Tom Vilsack
Secretary
United States Department of Agriculture
1400 Independence Avenue S.W.
Washington, DC 20250

January 13, 2025

Dear Secretaries Blinken, Yellen, Vilsack, Raimondo, and Mr. Sullivan,

We write to express our deep concern regarding actions by the U.S. Trade Representative (USTR) concerning investor protections in key trade agreements, including the United States-Colombia Trade Promotion Agreement, the United States-Mexico-Canada Agreement (USMCA), and the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR). These rushed actions are taking place without appropriate consultation with Congress and — if undertaken — would undermine the U.S. national interest.

Such moves undermine the Biden administration's Americas Partnership objective of encouraging the nearshoring of supply chains to nations in the Western Hemisphere. More significantly, USTR's plans to abandon investment safeguards are an affront to rule of law norms. These safeguards in U.S. international economic agreements help ensure that American companies can operate in foreign markets with protection against unlawful expropriation, discrimination, and other forms of abusive treatment.

U.S. companies invest internationally for strategic purposes, including securing essential natural resources and accessing potentially lucrative foreign markets. The U.S. mining industry, in particular, faces significant challenges, such as substantial upfront capital investments—sometimes exceeding \$1 billion—and extended time frames before realizing any return on investment, as minerals may take years to produce or process. Furthermore, investment decisions are shaped by the rarity of ore deposits with sufficient concentrations of valuable minerals. Companies in highly regulated sectors like financial services and telecommunications are often required by foreign countries to have a local presence to operate, and many manufactured goods

cannot be traded economically over long distances. By generating earnings from these foreign investments, U.S. companies not only strengthen their overall operations but also help support jobs in the United States. These earnings help underwrite vital U.S.-based research and development, as well as capital investments, ensuring that American firms remain competitive on a global scale. Without these investments, American companies would lose access to critical resources and face diminished competitiveness.

However, these investments are increasingly vulnerable to unfair treatment, biased taxation, and expropriation. Investor safeguards are essential to protect businesses from such risks and ensure a neutral, effective, dispute resolution process. The U.S. should not casually, without Congressional approval or adequate stakeholder consultations with affected investors, contemplate the renegotiation of agreements that Congress has ratified.

In a global economy where U.S. companies continue to make record-level investment here at home, it is imperative that U.S. companies also have the ability to access foreign markets through U.S. investments abroad, especially in the face of China's outbound investment strategy that has Chinese companies making investments—particularly in the Americas. Maintaining these protections is a strategic necessity. Safeguarding U.S. investors is not only a matter of fairness but also crucial for economic leadership, resilient supply chains, and holding trading partners accountable.

We urge the Biden administration to halt its current action and preserve these critical protections that are instrumental for U.S. leadership and competitiveness.

Sincerely,

American Council of Life Insurers (ACLI)
Coalition of Services Industries (CSI)
Corn Refiners Association
International Dairy Foods Association
National Association of Manufacturers
National Mining Association
U.S. Chamber of Commerce
U.S. Council for International Business

cc: The Honorable Katherine Tai, U.S. Trade Representative, Office of the U.S. Trade Representative
The Honorable Michael D. Crapo, Chairman, Committee on Finance, United States Senate
The Honorable Ronald L. Wyden, Ranking Member, Committee on Finance, United States Senate
The Honorable Jason T. Smith, Chairman, Committee on Ways and Means, United States House of Representatives

The Honorable Richard E. Neal, Ranking Member, Committee on Ways and Means, United States House of Representatives

The Honorable Jim Risch, Chairman, Committee on Foreign Relations, United States Senate

The Honorable Jeanne Shaheen, Ranking Member, Committee on Foreign Relations, United States Senate

The Honorable Brian Mast, Chairman, Committee on Foreign Affairs, United States House of Representatives

The Honorable Gregory Meeks, Ranking Member, Committee on Foreign Affairs, United States House of Representatives