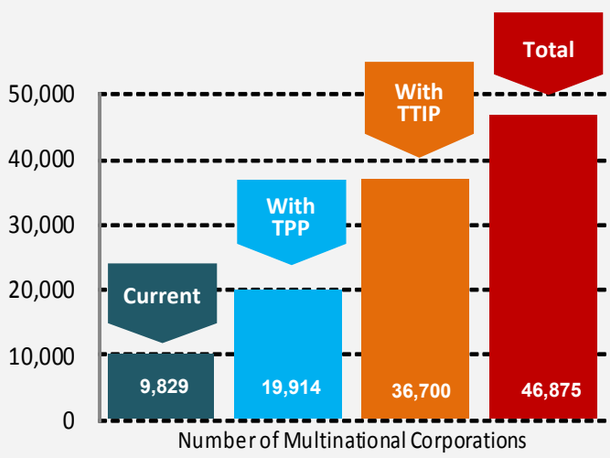
Expanding Corporate Power in West Virginia

Hundreds of Multinational Corporations Based in West Virginia Would Be Newly Empowered to Attack U.S. Federal, State Laws in ISDS Tribunals Under TPP

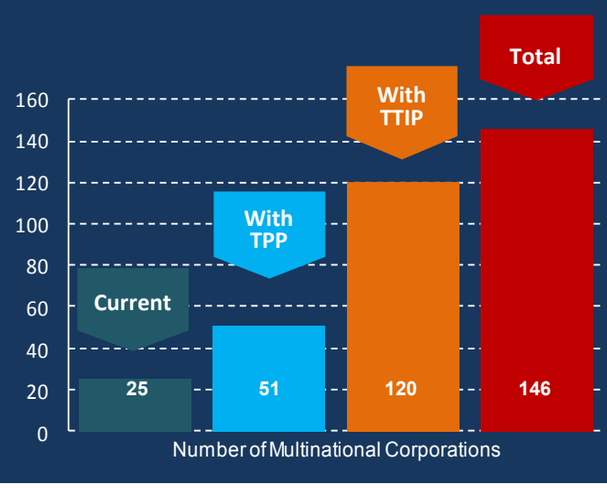
At the heart of the Trans-Pacific Partnership (TPP) are new rights for thousands of multinational corporations to sue the U.S. government before a panel of three corporate lawyers. These lawyers can award the corporations unlimited sums, including for lost future expected profits, to be paid by America's taxpayers. The corporations need only convince the lawyers that a U.S. federal or West Virginia state law, court ruling or regulatory decision violates the extraordinary new rights the TPP would grant them. The decisions are not subject to appeal. This shocking process, called "investor-state dispute settlement" (ISDS), empowers multinational corporations to attack the laws we rely on for a clean environment, financial stability, affordable medicines, safe food and decent jobs.

The United States has largely avoided ISDS attacks because past treaties were with nations that did not have many investors here. But the TPP and a similar deal with European nations, called the Transatlantic Trade and Investment Partnership (TTIP), would change that. Under existing U.S. treaties, other countries have paid nearly $3 billion to corporations for toxics bans, water and timber policies, land-use rules regulatory permits, and more. Another $70 billion in claims are now pending against climate and energy laws, medicine pricing policies, pollution cleanup orders and other public interest policies.

Multinational Corporations Nationwide that Would be Newly Empowered to Attack U.S. Laws Using ISDS



In West Virginia, Many Additional Multinational Corporations Would Get ISDS Powers, Posing New Threats to State Laws



Source: Uniworld's foreign firms database: uniworldonline.com

Nationwide, the TPP would roughly double U.S. exposure to ISDS attacks and a TTIP would quadruple the exposure, spelling an unprecedented increase in U.S. ISDS liability. Under all existing ISDS-enforced pacts, the total number of firms that can currently launch ISDS cases against the U.S. government is about 4,100 foreign corporations that own about 9,829 U.S. subsidiaries. The TPP would newly empower more than 3,682 additional corporations in TPP countries that own more than 10,085 subsidiaries here, to launch cases against the U.S. government. The TTIP would newly empower more than 12,100 European Union parent corporations that own more than 26,961 U.S. subsidiaries, to go to the panels of corporate lawyers and demand U.S. taxpayer compensation.

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