

AMENDMENT TO H.R. 1890
OFFERED BY REP. JOHN LEWIS (GA)

The amendment would provide instructions on labor and human rights and add a procedure where, if appropriate, human rights legislation may be added to an implementing bill.

AMENDMENT TO H.R. 1890

OFFERED BY MR. LEWIS OF GEORGIA

Page 42, line 14, strike “strictly”.

Page 42, insert the following after line 17:

1 (C) For purposes of subparagraph (B),
2 provisions that are necessary or appropriate
3 may include, with respect to an agreement that
4 is entered into with the Trans-Pacific Partner-
5 ship (in this paragraph referred to as the
6 “TPP”) countries, legislation addressing issues
7 that directly relate to TPP countries, such as
8 human rights.

9 (D) The provisions of section 151 of the
10 Trade Act of 1974 (in this Act referred to as
11 “trade authorities procedures”) do not apply to
12 an implementing bill submitted with respect to
13 a trade agreement with the TPP countries that
14 does not—

15 (i) ensure that each country that is a
16 party to the TPP—

17 (I) adopts, maintains, and does
18 not waive or otherwise derogate from,

1 measures implementing core labor
2 standards (as defined in section 11),

3 (II) does not fail to effectively
4 enforce its labor laws, through a sus-
5 tained or recurring course of action or
6 inaction,

7 in a manner affecting trade or investment
8 between the parties;

9 (ii) strengthen the capacity of such
10 TPP parties to promote respect for core
11 labor standards;

12 (iii) ensure that the labor obligations
13 are subject to the same dispute settlement
14 and remedies as other obligations under
15 the TPP; and

16 (iv) ensure the implementation of the
17 labor obligations in the TPP by—

18 (I) providing that—

19 (aa) a union shall not be re-
20 quired to affiliate with any con-
21 federation and shall be free to
22 form and affiliate with any
23 vertical or horizontal workers or-
24 ganization, including any confed-
25 eration, sector-wide, or industry-

1 wide union of its own choosing;
2 and

3 (bb) workers in a TPP party
4 shall have the right to freely
5 form and join an autonomous
6 and independent union of their
7 choosing;

8 (II) providing that a union en-
9 gaged in collective bargaining with an
10 employer shall be required to dem-
11 onstrate majority support of that em-
12 ployer's workers, on behalf of whom it
13 is negotiating, prior to registration of
14 any collective bargaining agreement;

15 (III) providing that for purposes
16 of labor obligations in the agreement
17 relating to procedural guarantees for
18 labor law enforcement, any adminis-
19 trative, quasi-judicial, judicial, or
20 labor tribunals or boards composed of
21 members with a direct or indirect in-
22 terest in matters before them shall
23 not be considered impartial and inde-
24 pendent;

1 (IV) requiring each TPP party to
2 adopt all measures necessary to bring
3 its laws and regulations into compli-
4 ance with the TPP, and to have
5 adopted any new procedures and insti-
6 tutional changes needed to independ-
7 ently and objectively implement such
8 legal reforms, before the implementing
9 bill with respect to the TPP agree-
10 ment is submitted to Congress; and

11 (V) with respect to any TPP
12 party that must substantially trans-
13 form its labor regime to comply with
14 the labor obligations in the TPP
15 Agreement—

16 (aa) establishing from the
17 date of entry into force of the
18 TPP Agreement an independent
19 panel of experts to regularly ex-
20 amine and publicly report on the
21 implementation of the trans-
22 formational reforms, provide rec-
23 ommendations, and identify con-
24 cerns relating to the TPP party's
25 compliance with its labor obliga-

1 tions in the TPP, based on input
2 from the TPP parties and inter-
3 ested stakeholders and on any
4 other relevant information and
5 reporting; and

6 (bb) providing that if the
7 independent panel determines
8 that the TPP party is not in
9 compliance with its obligations,
10 the determination shall be treat-
11 ed as an initial report of an arbi-
12 tral panel under the TPP Agree-
13 ment, and the matter shall be ad-
14 dressed in accordance with the
15 normal procedures laid out for
16 such cases, including through an
17 agreement to eliminate the non-
18 conformity in the first instance
19 or, as a last resort, to suspend
20 benefits under the TPP Agree-
21 ment.

22 (E) The trade authorities procedures shall
23 not apply to an implementing bill submitted
24 with respect to a trade agreement that includes
25 parties that do not consistently demonstrate re-

1 spect for internationally recognized human
2 rights.

