

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,

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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-

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1wide union of its own choosing;2and

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;

(II) providing that a union engaged in collective bargaining with an employer shall be required to demonstrate majority support of that employer's workers, on behalf of whom it is negotiating, prior to registration of any collective bargaining agreement;

> (III) providing that for purposes of labor obligations in the agreement relating to procedural guarantees for labor law enforcement, any administrative, quasi-judicial, judicial, or labor tribunals or boards composed of members with a direct or indirect interest in matters before them shall not be considered impartial and independent;

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(IV) requiring each TPP party to 1 adopt all measures necessary to bring 2 3 its laws and regulations into compliance with the TPP, and to have 4 adopted any new procedures and insti-5 tutional changes needed to independ-6 ently and objectively implement such 7 legal reforms, before the implementing 8 bill with respect to the TPP agree-9 ment is submitted to Congress; and 10 (V) with respect to any TPP 11 party that must substantially trans-12 form its labor regime to comply with 13 the labor obligations in the TPP 14 15 Agreement— (aa) establishing from the 16 date of entry into force of the 17 TPP Agreement an independent 18 panel of experts to regularly ex-19 amine and publicly report on the 20 implementation of the trans-21 formational reforms, provide rec-22 ommendations, and identify con-23 cerns relating to the TPP party's 24 compliance with its labor obliga-25

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tions in the TPP, based on input from the TPP parties and interested stakeholders and on any other relevant information and 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

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

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1 spect for internationally recognized human

2 rights.

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