

AMENDMENT TO SENATE AMENDMENT TO H.R.

1314

OFFERED BY MR. LEWIS OF GEORGIA

Page 45, line 6, strike “strictly”.

Page 45, insert the following after line 9:

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—

1 (I) adopts, maintains, and does
2 not waive or otherwise derogate from,
3 measures implementing core labor
4 standards (as defined in section 11),

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

9 in a manner affecting trade or investment
10 between the parties;

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

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

18 (iv) ensure the implementation of the
19 labor obligations in the TPP by—

20 (I) providing that—

21 (aa) a union shall not be re-
22 quired to affiliate with any con-
23 federation and shall be free to
24 form and affiliate with any
25 vertical or horizontal workers or-

1 organization, including any confed-
2 eration, sector-wide, or industry-
3 wide union of its own choosing;
4 and

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

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

17 (III) providing that for purposes
18 of labor obligations in the agreement
19 relating to procedural guarantees for
20 labor law enforcement, any adminis-
21 trative, quasi-judicial, judicial, or
22 labor tribunals or boards composed of
23 members with a direct or indirect in-
24 terest in matters before them shall

1 not be considered impartial and inde-
2 pendent;

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

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

18 (aa) establishing from the
19 date of entry into force of the
20 TPP Agreement an independent
21 panel of experts to regularly ex-
22 amine and publicly report on the
23 implementation of the trans-
24 formational reforms, provide rec-
25 ommendations, and identify con-

1 cerns relating to the TPP party's
2 compliance with its labor obliga-
3 tions in the TPP, based on input
4 from the TPP parties and inter-
5 ested stakeholders and on any
6 other relevant information and
7 reporting; and

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

24 (E) The trade authorities procedures shall
25 not apply to an implementing bill submitted

1 with respect to a trade agreement that includes
2 parties that do not consistently demonstrate re-
3 spect for internationally recognized human
4 rights.

