

115TH CONGRESS
1ST SESSION

H. R. 3721

To amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 with respect to the protection of human rights and labor standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2017

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 with respect to the protection of human rights and labor standards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Labor, Human, and
5 Civil Rights Trade Policy Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The United States has played a leading role
2 in developing global human rights standards since
3 the inception of the country.

4 (2) The first 10 amendments to the Constitu-
5 tion are among the guiding principles that helped
6 develop the Universal Declaration of Human Rights.

7 (3) First Lady Eleanor Roosevelt led the
8 United States delegation and the United Nations in
9 drafting the Universal Declaration of Human
10 Rights.

11 (4) December 10, 2016, marked the 68th anni-
12 versary of the adoption of the Universal Declaration
13 of Human Rights.

14 (5) The General Assembly of the United Na-
15 tions adopted the International Covenant on Eco-
16 nomic, Social and Cultural Rights and the Inter-
17 national Covenant on Civil and Political Rights in
18 1966.

19 (6) The United Kingdom implemented the Slave
20 Trade Act of 1807, setting a global precedent to-
21 wards the eventual abolishment of slavery in the
22 Americas that the United States eventually followed.

23 (7) The world celebrated the 210th anniversary
24 of the abolition of the transatlantic slave trade on
25 May 1, 2017.

1 (8) On January 1, 2017, the United States rec-
2 ognized the 154th anniversary of the Emancipation
3 Proclamation.

4 (9) The United States has continuously enacted
5 legislation and ratified amendments to the Constitu-
6 tion to improve the protections of the rights of all
7 persons in the United States, including—

8 (A) the 13th Amendment to the Constitu-
9 tion, ratified in 1865;

10 (B) the Civil Rights Act of 1866 (14 Stat.
11 27);

12 (C) the 14th Amendment to the Constitu-
13 tion, ratified in 1868;

14 (D) the 19th Amendment to the Constitu-
15 tion, ratified in 1920;

16 (E) the Social Security Act of 1935 (42
17 U.S.C. 301 et seq.);

18 (F) the Fair Labor Standards Act of 1938
19 (29 U.S.C. 201 et seq.);

20 (G) the Housing Act of 1949 (63 Stat.
21 413);

22 (H) the Equal Pay Act of 1963 (Public
23 Law 88–38; 77 Stat. 56);

24 (I) the Civil Rights Act of 1964 (Public
25 Law 88–352; 78 Stat. 241);

1 (J) the Voting Rights Act of 1965 (Public
2 Law 89–110; 79 Stat. 437);

3 (K) the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 6301 et seq.);

5 (L) the Age Discrimination in Employment
6 Act of 1967 (29 U.S.C. 621 et seq.);

7 (M) the McKinney-Vento Homeless Assist-
8 ance Act of 1987 (42 U.S.C. 11301 et seq.);

9 (N) the Civil Rights Restoration Act of
10 1988 (Public Law 100–259; 102 Stat. 28);

11 (O) the Americans with Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.);

13 (P) the Civil Rights Act of 1991 (Public
14 Law 102–166; 105 Stat. 1071);

15 (Q) the Fannie Lou Hamer, Rosa Parks,
16 Coretta Scott King, César E. Chávez, Barbara
17 C. Jordan, William C. Velásquez, and Dr. Hec-
18 tor P. Garcia Voting Rights Act Reauthoriza-
19 tion and Amendments Act of 2006 (Public Law
20 109–246; 120 Stat. 577); and

21 (R) the Matthew Shepard and James
22 Byrd, Jr. Hate Crimes Prevention Act of 2009
23 (Public Law 111–84; 123 Stat. 2835).

1 (10) Labor, human, and civil rights standards
2 and protections require constant review and atten-
3 tion.

4 (11) The Millennium Development Goals of the
5 United Nations set forth a 15-year plan to combat
6 poverty, hunger, disease, illiteracy, environmental
7 degradation, and discrimination.

8 (12) The 43rd General Assembly of the Organi-
9 zation of American States adopted the Inter-Amer-
10 ican Convention against Racism, Racial Discrimina-
11 tion and Related Forms of Intolerance on June 5,
12 2013.

13 (13) The Global Slavery Index estimates that as
14 many as 45,800,000 people around the world were
15 in some form of modern slavery in 2016.

16 (14) The United States supported the adoption
17 of the Universal Declaration of Human Rights in
18 the United Nations General Assembly and has rati-
19 fied significant international human rights treaties,
20 including the International Convention on the Elimini-
21 nation of Racism and Discrimination (November 20,
22 1994), the International Convention on the Preven-
23 tion and Punishment of the Crime of Genocide (Feb-
24 ruary 23, 1989), the International Convention
25 against Torture and other Cruel, Inhuman or De-

1 grading Treatment or Punishment (November 20,
2 1994), and the International Covenant on Civil and
3 Political Rights (September 8, 1992).

4 (15) The United States has ratified two of the
5 eight fundamental conventions outlined by the Inter-
6 national Labor Organization, including the Conven-
7 tion (ILO 105) concerning the abolition of forced
8 labor (September 25, 1992) and the Convention
9 (ILO 182) concerning the prohibition and immediate
10 action for the elimination of the worst forms of child
11 labor (December 2, 2000).

12 (16) The United States has also ratified the
13 Optional Protocol to the Convention on the Rights
14 of the Child on the Sale of Children, Child Prostitu-
15 tion and Child Pornography (January 23, 2003) and
16 the Optional Protocol to the Convention on the
17 Rights of the Child on the Involvement of Children
18 in Armed Conflicts (January 23, 2003).

19 (17) The United States signed the Convention
20 on the Rights of Persons with Disabilities on July
21 30, 2009.

22 (18) The United States is expected to be a re-
23 gional and global leader in the international civil and
24 human rights movement, including by fighting dis-
25 crimination, xenophobia, human, labor, and civil

1 rights abuses as a part of both domestic and foreign
2 policy.

3 (19) Throughout United States history, Con-
4 gress has addressed, debated, and advanced the pro-
5 tection of human rights through legislation relating
6 to taxes and international trade.

7 (20) On May 10, 2007, President George W.
8 Bush negotiated an agreement with the leadership of
9 the 110th Congress, which intended to strengthen
10 labor, environmental, intellectual property, access to
11 medicines, health, investment, government procure-
12 ment, and port security standards in United States
13 trade agreements.

14 (21) This bipartisan deal, referred to as the
15 “May 10th Agreement”, made significant progress
16 in recognizing that human, labor, and civil rights
17 must be an integral component of United States
18 trade policy.

19 (22) United States trade policy cannot be static
20 in a changing global economy, and it is critical that
21 United States trade policy proactively advance do-
22 mestic and global efforts to improve human, civil,
23 and labor rights and conditions.

24 (23) The trade negotiating objectives of the
25 United States should also address current, emerging,

1 and future attempts to undermine or fail to enhance
2 the living, labor, civil, and human rights standards
3 of the United States or its trading partners.

4 **SEC. 3. STRENGTHENING TRADE, LABOR, AND HUMAN**
5 **RIGHTS.**

6 The Bipartisan Congressional Trade Priorities and
7 Accountability Act of 2015 (19 U.S.C. 4201 et seq.) is
8 amended as follows:

9 (1) In section 103(b)(3)—

10 (A) in subparagraph (B)(ii), by striking
11 “strictly”; and

12 (B) by adding at the end the following:

13 “(C) For purposes of subparagraph (B)(ii),
14 a provision may be necessary or appropriate,
15 with respect to a trade agreement, if the provi-
16 sion addresses issues relating to a party to the
17 agreement, such as human rights.

18 “(D) Notwithstanding subparagraph (A),
19 the provisions of section 151 of the Trade Act
20 of 1974 shall only apply to an implementing bill
21 submitted for an agreement that—

22 “(i) achieves the principle negotiating
23 objectives with respect to labor described
24 in section 102(b)(10);

1 “(ii) explicitly provides that, with re-
2 spect to any country that is a party to the
3 agreement—

4 “(I) any union in such country
5 shall not be required to affiliate with
6 any confederation and shall be free to
7 form and affiliate with any vertical or
8 horizontal workers organization, in-
9 cluding any confederation, sector-
10 wide, or industry-wide union of its
11 own choosing;

12 “(II) workers in such country
13 shall have the right to freely form and
14 join an autonomous and independent
15 union of their choosing;

16 “(III) any union in such country
17 engaged in collective bargaining with
18 an employer shall be required to dem-
19 onstrate majority support of that em-
20 ployer’s workers, on behalf of whom it
21 is negotiating, prior to registration of
22 any collective bargaining agreement;

23 “(IV) for purposes of the labor
24 obligations in the agreement relating
25 to procedural guarantees for labor law

1 enforcement, any administrative,
2 quasi-judicial, judicial, or labor tribu-
3 nals or boards composed of members
4 with direct or indirect interest in mat-
5 ters before them shall not be consid-
6 ered impartial and independent;

7 “(V) for purposes of evaluating
8 any measures taken by a country to
9 substantially reform its laws or insti-
10 tutions to comply with the core labor
11 standards of the trade agreement, an
12 independent panel of experts must
13 regularly examine and publicly report
14 on the implementation of such re-
15 forms, provide recommendations, and
16 identify concerns relating to the com-
17 pliance of such country with its labor
18 obligations under the agreement,
19 based on input from the parties to the
20 trade agreement, interested stake-
21 holders, and any other relevant infor-
22 mation and reporting; and

23 “(VI) if such independent panel
24 determines that such country is not in
25 compliance with its obligations, the

1 determination shall be treated as an
2 initial report of an arbitration panel
3 under the trade agreement, and the
4 matter shall be addressed in accord-
5 ance with the normal procedures laid
6 out for such cases, including through
7 an agreement to eliminate the noncon-
8 formity in the first instance or, as a
9 last resort, to suspend benefits under
10 the trade agreement; and

11 “(iii) implements a trade agreement
12 between parties that consistently dem-
13 onstrate respect for internationally recog-
14 nized human rights, as indicated through
15 assessments such as the annual Country
16 Reports on Human Rights Practices or the
17 Trafficking in Persons Report, over a pe-
18 riod of at least ten years.”.

19 (2) In section 111—

20 (A) by amending paragraph (7)(E) to read
21 as follows:

22 “(E) the elimination of discrimination, in-
23 cluding discrimination on the basis of race,
24 color, sex, sexual orientation, gender identity,
25 religion, political opinion, national extraction,

1 social origin, age, disability, HIV/AIDS status,
2 engagement in organizing activities, or union
3 membership, with respect to employment and
4 occupation.”;

5 (B) by redesignating paragraphs (18)
6 through (23) as paragraphs (19) through (24),
7 respectively; and

8 (C) by inserting after paragraph (17) the
9 following:

10 “(18) INTERNATIONALLY RECOGNIZED HUMAN
11 RIGHTS.—The term ‘internationally recognized
12 human rights’ means the rights stated in the fol-
13 lowing:

14 “(A) The Universal Declaration of Human
15 Rights.

16 “(B) The International Covenant on Eco-
17 nomic, Social and Cultural Rights.

18 “(C) The Convention on the Elimination of
19 All Forms of Discrimination Against Women
20 and its Optional Protocol.

21 “(D) The Convention on the Rights of the
22 Child.

23 “(E) The Convention on the Rights of Per-
24 sons with Disabilities and its Optional Protocol.

1 “(F) The Convention for the Protection of
2 All Persons from Enforced Disappearance.

3 “(G) The First Optional Protocol to the
4 Covenant on Civil and Political Rights.

5 “(H) The Optional Protocol to the Conven-
6 tion Against Torture and other Cruel, Inhuman
7 or Degrading Treatment or Punishment.”.

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