

116TH CONGRESS  
1ST SESSION

# H. R. 2996

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2019

Mr. LEWIS (for himself, Mr. PASCARELL, Mr. HIGGINS of New York, Mr. MCGOVERN, Mr. HASTINGS, Ms. NORTON, Mr. RUSH, Ms. OMAR, Mr. COHEN, Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Ms. SCHAKOWSKY, and Mr. SUOZZI) 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

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## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

13 (4) December 10, 2018, marked the 70th anni-  
14 versary of the adoption of the Universal Declaration  
15 of Human Rights.

16 (5) The General Assembly of the United Na-  
17 tions adopted the International Covenant on Eco-  
18 nomic, Social and Cultural Rights and the Inter-  
19 national Covenant on Civil and Political Rights in  
20 1966.

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

1           (7) The world celebrated the 212th anniversary  
2 of the abolition of the transatlantic slave trade on  
3 May 1, 2019.

4           (8) On January 1, 2019, the United States rec-  
5 ognized the 156th anniversary of the Emancipation  
6 Proclamation.

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

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

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

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

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

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

21                   (F) the Fair Labor Standards Act of 1938  
22 (29 U.S.C. 201 et seq.);

23                   (G) the Housing Act of 1949 (63 Stat.  
24 413);

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

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

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

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

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

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

13 (N) the Civil Rights Restoration Act of  
14 1988 (Public Law 100–259; 102 Stat. 28);

15 (O) the Americans with Disabilities Act of  
16 1990 (42 U.S.C. 12101 et seq.);

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

19 (Q) the Fannie Lou Hamer, Rosa Parks,  
20 Coretta Scott King, César E. Chávez, Barbara  
21 C. Jordan, William C. Velásquez, and Dr. Hec-  
22 tor P. Garcia Voting Rights Act Reauthoriza-  
23 tion and Amendments Act of 2006 (Public Law  
24 109–246; 120 Stat. 577); and

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

4 (10) Labor, human, and civil rights standards  
5 and protections require constant review and atten-  
6 tion.

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

11 (12) The 43rd General Assembly of the Organi-  
12 zation of American States adopted the Inter-Amer-  
13 ican Convention against Racism, Racial Discrimina-  
14 tion and Related Forms of Intolerance on June 5,  
15 2013.

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

19 (14) The United States supported the adoption  
20 of the Universal Declaration of Human Rights in  
21 the United Nations General Assembly and has rati-  
22 fied significant international human rights treaties,  
23 including the International Convention on the Elimini-  
24 nation of Racism and Discrimination (November 20,  
25 1994), the International Convention on the Preven-

1       tion and Punishment of the Crime of Genocide (Feb-  
2       ruary 23, 1989), the International Convention  
3       against Torture and other Cruel, Inhuman or De-  
4       grading Treatment or Punishment (November 20,  
5       1994), and the International Covenant on Civil and  
6       Political Rights (September 8, 1992).

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

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

22              (17) The United States signed the Convention  
23      on the Rights of Persons with Disabilities on July  
24      30, 2009.

1           (18) The United States is expected to be a re-  
2           gional and global leader in the international civil and  
3           human rights movement, including by fighting dis-  
4           crimination, xenophobia, human, labor, and civil  
5           rights abuses as a part of both domestic and foreign  
6           policy.

7           (19) Throughout United States history, Con-  
8           gress has addressed, debated, and advanced the pro-  
9           tection of human rights through legislation relating  
10          to taxes and international trade.

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

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

23          (22) United States trade policy cannot be static  
24          in a changing global economy, and it is critical that  
25          United States trade policy proactively advance do-

1 mestic and global efforts to improve human, civil,  
2 and labor rights and conditions.

3 (23) The trade negotiating objectives of the  
4 United States should also address current, emerging,  
5 and future attempts to undermine or fail to enhance  
6 the living, labor, civil, and human rights standards  
7 of the United States or its trading partners.

8 **SEC. 3. STRENGTHENING TRADE, LABOR, AND HUMAN**  
9 **RIGHTS.**

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

13 (1) In section 103(b)(3)—

14 (A) in subparagraph (B)(ii), by striking  
15 “strictly”; and

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

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

22 “(D) Notwithstanding subparagraph (A),  
23 the provisions of section 151 of the Trade Act  
24 of 1974 shall only apply to an implementing bill  
25 submitted for an agreement that—



1 “(i) achieves the principle negotiating  
2 objectives with respect to labor described  
3 in section 102(b)(10);

4 “(ii) explicitly provides that, with re-  
5 spect to any country that is a party to the  
6 agreement—

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

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

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

1           “(IV) for purposes of the labor  
2 obligations in the agreement relating  
3 to procedural guarantees for labor law  
4 enforcement, any administrative,  
5 quasi-judicial, judicial, or labor tribu-  
6 nals or boards composed of members  
7 with direct or indirect interest in mat-  
8 ters before them shall not be consid-  
9 ered impartial and independent;

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

1                   “(VI) if such independent panel  
2                   determines that such country is not in  
3                   compliance with its obligations, the  
4                   determination shall be treated as an  
5                   initial report of an arbitration panel  
6                   under the trade agreement, and the  
7                   matter shall be addressed in accord-  
8                   ance with the normal procedures laid  
9                   out for such cases, including through  
10                  an agreement to eliminate the noncon-  
11                  formity in the first instance or, as a  
12                  last resort, to suspend benefits under  
13                  the trade agreement; and

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

22                  (2) In section 111—

23                         (A) by amending paragraph (7)(E) to read  
24                         as follows:

1           “(E) the elimination of discrimination, in-  
2           cluding discrimination on the basis of race,  
3           color, sex, sexual orientation, gender identity,  
4           religion, political opinion, national extraction,  
5           social origin, age, disability, HIV/AIDS status,  
6           engagement in organizing activities, or union  
7           membership, with respect to employment and  
8           occupation.”;

9           (B) by redesignating paragraphs (18)  
10          through (23) as paragraphs (19) through (24),  
11          respectively; and

12          (C) by inserting after paragraph (17) the  
13          following:

14          “(18) INTERNATIONALLY RECOGNIZED HUMAN  
15          RIGHTS.—The term ‘internationally recognized  
16          human rights’ means the rights stated in the fol-  
17          lowing:

18                  “(A) The Universal Declaration of Human  
19                  Rights.

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

22                  “(C) The Convention on the Elimination of  
23                  All Forms of Discrimination Against Women  
24                  and its Optional Protocol.

1           “(D) The Convention on the Rights of the  
2 Child.

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

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

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

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

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