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# Bipartisan Congressional Trade Priorities and Accountability Act of 2015

## Labor and Environment

### Reflecting Bipartisan Consensus in Recent Trade Agreements

Prepared by the staffs of the Ways and Means Committee and Senate Finance Committee

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#### Labor

- **Ensures trading partners adopt and maintain core internationally-recognized labor standards.**

New negotiating objective to ensure trading partners adopt and maintain in their own laws five core internationally-recognized labor standards, as stated in the 1998 *ILO Declaration on the Fundamental Principles and Rights at Work*:

- (1) freedom of association;
- (2) the effective recognition of the right to collective bargaining;
- (3) the elimination of all forms of forced or compulsory labor;
- (4) the effective abolition of child labor and a prohibition on the worst forms of child labor; and
- (5) the elimination of discrimination in respect of employment and occupation.

- **Requires effective enforcement.** Updated objective requiring that trading partners not fail to effectively enforce labor laws through a sustained or recurring course of action or inaction in a manner affecting trade or investment.
- **Prohibits waiver or derogation from labor laws.** New negotiating objective to prohibit trading partners from waiving or derogating from these laws in a manner inconsistent with the core internationally-recognized labor standards and affecting trade or investment with the United States.
- **Ensures enforcement of law.** New negotiating objective providing that decisions on distribution of enforcement resources are not a reason for not complying with labor obligations, that a trading partner retains the right to reasonable exercise of discretion and to make bona fide decisions on resource allocation between labor enforcement activities among core labor standards, provided not inconsistent with its obligations.
- **Ensures same dispute settlement and remedies.** New negotiating objective to ensure that enforceable labor obligations are subject to the same dispute settlement and remedies as other enforceable obligations under a trade agreement.
- **Preserves exclusive U.S. enforcement.** Consistent with past practice, new negotiating objective ensures trading partners will not be empowered to undertake enforcement activity in the United States.

## Environment

- **Ensures trading partners adopt and maintain provisions reflecting common multilateral environmental agreements (MEAs).** New negotiating objective to ensure trading partners adopt and maintain in their own laws obligations under any of the following MEAs to which they and the United States are both full parties, and other agreements they may agree upon:
  - (1) Convention on International Trade in Endangered Species;
  - (2) Montreal Protocol on Ozone Depleting Substances;
  - (3) Convention on Marine Pollution;
  - (4) Inter-American Tropical Tuna Convention;
  - (5) Ramsar Convention on the Wetlands;
  - (6) International Convention for the Regulation of Whaling; and
  - (7) Convention on Conservation of Antarctic Marine Living Resources

including current and future mutually-agreed protocols, amendments, annexes or adjustments to such an agreement.

- **Requires effective enforcement.** Updated objective requiring that trading partners not fail to effectively enforce environmental laws through a sustained or recurring course of action or inaction in a manner affecting trade or investment.
- **Prohibits waiver or derogation from environmental laws.** New negotiating objective to prohibit trading partners from waiving or derogating from these laws in a manner that weakens or reduces the protections afforded and affects trade or investment with the United States, except as provided in its law and provided not inconsistent with its obligations under common MEAs or other provisions of the trade agreement specifically agreed upon.
- **Ensures same dispute settlement and remedies.** New negotiating objective to ensure that enforceable environmental obligations are subject to the same dispute settlement and remedies as other enforceable obligations under a trade agreement.
- **Preserves exclusive U.S. enforcement.** Consistent with past practice, new negotiating objective ensures trading partners will not be empowered to undertake enforcement activity in the United States.