

105TH CONGRESS
2D SESSION

H. R. 3540

To assess the impact of the North American Free Trade Agreement on domestic job loss and the environment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1998

Ms. RIVERS introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To assess the impact of the North American Free Trade Agreement on domestic job loss and the environment, 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. REPORTS ASSESSING THE IMPACT OF NAFTA**
4 **ON JOBS AND THE ENVIRONMENT.**

5 (a) REPORT ON DOMESTIC MANUFACTURING AND
6 JOBS.—The Secretary of Commerce, after consultation
7 with the appropriate government agencies, shall determine
8 the levels of exports of United States manufactured goods
9 to the NAFTA parties and imports into the United States
10 of manufactured goods from NAFTA parties, and the

1 number of jobs that have resulted from increased exports
2 of manufactured goods to NAFTA parties and the loss
3 of jobs that have resulted from increased imports into the
4 United States of manufactured goods from NAFTA par-
5 ties since January 1, 1994. The Secretary of Commerce
6 shall submit to the Congress a report on the determina-
7 tions made under this paragraph not later than 6 months
8 after the date of the enactment of this Act.

9 (b) REPORT RELATING TO HEALTH AND ENVIRON-
10 MENTAL IMPACTS OF NAFTA.—The Administrator of the
11 Environmental Protection Agency, in consultation with
12 the Secretariat for the NAFTA Commission on Environ-
13 mental Cooperation, shall conduct investigations of wheth-
14 er pollution and health hazards in the United States have
15 worsened since January 1, 1994, to the extent they may
16 be attributable to the implementation of NAFTA, and spe-
17 cifically in and around the United States-Mexico border
18 and the United States-Canada border, and shall report to
19 the Congress on the results of those investigations not
20 later than 6 months after the date of the enactment of
21 this Act.

22 **SEC. 2. PRESIDENTIAL CERTIFICATIONS.**

23 (a) CERTIFICATIONS REGARDING ENVIRONMENTAL
24 AGREEMENT.—

1 (1) ANNUAL CERTIFICATIONS.—The President
2 shall, on the basis of the reports prepared under
3 paragraph (2), submit to the Congress, not later
4 than May 31 of each year, a report that certifies
5 whether or not each NAFTA country is meeting
6 commitments made in the North American Agree-
7 ment on Environmental Cooperation—

8 (A) to ensure that the regulations of that
9 country establish and enforce levels of environ-
10 mental protection that meet the requirements of
11 its constitution and other laws setting forth the
12 country's policy on environmental protection;
13 and

14 (B) to effectively enforce the laws referred
15 to in paragraph (1).

16 (2) BASIS OF CERTIFICATION.—The Adminis-
17 trator of the Environmental Protection Agency shall
18 prepare for the President an annual report on the
19 enforcement by each NAFTA country of its laws
20 governing environmental protection, and its progress
21 in protecting the environment in accordance with its
22 development. In doing so, the Administrator shall
23 consider the country's—

24 (A) air quality standards;

25 (B) water effluent standards; and

1 (C) hazardous waste disposal standards.

2 Each report under this paragraph shall be transmit-
3 ted to the President not later than 30 days before
4 the date on which the President is required to sub-
5 mit his report under paragraph (1).

6 (b) CERTIFICATIONS REGARDING LABOR AGREE-
7 MENT.—

8 (1) ANNUAL CERTIFICATIONS.—The President
9 shall, on the basis of the reports prepared under
10 paragraph (2), submit to the Congress, not later
11 than May 31 of each year, a report that certifies
12 whether or not each NAFTA country is meeting
13 commitments made in the North American Agree-
14 ment on Labor Cooperation to comply with the ob-
15 jectives of that Agreement to promote and improve
16 laws protecting worker rights and to promote com-
17 pliance with these laws by using appropriate meth-
18 ods such as—

19 (A) monitoring and on-site inspection by
20 persons trained to do so;

21 (B) encouragement of voluntary compli-
22 ance by employers;

23 (C) mandatory reporting by employers to
24 appropriate governmental authorities; and

25 (D) enforcement actions.

1 (2) BASIS OF CERTIFICATION.—The Secretary
2 of Labor shall prepare for the President an annual
3 report on the enforcement by each NAFTA country
4 of its laws protecting worker rights. In doing so, the
5 Secretary shall consider the country’s enforcement of
6 such laws in accordance with the following labor
7 principles (as stated in the Preamble of the North
8 American Agreement on Labor Cooperation):

9 (A) Freedom of association.

10 (B) The right to bargain collectively.

11 (C) The right to strike.

12 (D) Prohibition on forced labor.

13 (E) Restrictions on labor by children and
14 young people.

15 (F) Minimum employment standards.

16 (G) Elimination of employment discrimina-
17 tion.

18 (H) Equal pay for men and women.

19 (I) Prevention of occupational accidents
20 and diseases.

21 (J) Compensation in cases of work acci-
22 dents and occupational diseases.

23 Each report under this paragraph shall be transmit-
24 ted to the President not later than 30 days before

1 the date on which the President is required to sub-
2 mit his report under paragraph (1).

3 **SEC. 3. DEFINITIONS.**

4 As used in this Act:

5 (1) INTERNATIONAL FINANCIAL INSTITU-
6 TION.—The term “international financial institu-
7 tion” has the meaning given that term in section
8 1701(e)(2) of the International Financial Institu-
9 tions Act (22 U.S.C. 262r(e)(2)).

10 (2) NAFTA.—The term “NAFTA” means the
11 North American Free Trade Agreement entered into
12 by the United States, Canada, and Mexico on De-
13 cember 17, 1992.

14 (3) NAFTA COUNTRY.—The term “NAFTA
15 country” has the meaning given that term in section
16 2(4) of the North American Free Trade Agreement
17 Implementation Act (19 U.S.C. 3301(4)).

18 (4) NAFTA PARTY.—The term “NAFTA
19 party” means the United States, Canada, or Mexico.

20 (5) NORTH AMERICAN AGREEMENT ON ENVI-
21 RONMENTAL COOPERATION.—The term “North
22 American Agreement on Environmental Coopera-
23 tion” has the meaning given that term in section
24 532(b)(2) of the North American Free Trade Agree-
25 ment Implementation Act (19 U.S.C. 3472(b)(2)).

1 (6) NORTH AMERICAN AGREEMENT ON LABOR
2 COOPERATION.—The term “North American Agree-
3 ment on Labor Cooperation” has the meaning given
4 that term in section 531(b)(2) of the North Amer-
5 ican Free Trade Agreement Implementation Act (19
6 U.S.C. 3471(b)(2)).

7 (7) UNITED STATES ASSISTANCE.—The term
8 “United States assistance” means any program of
9 assistance or credits provided by the United States
10 to other countries under any provision of law.

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