

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3347

To withdraw normal trade relations treatment from the products of foreign countries that do not maintain acceptable standards of religious freedom and worker rights.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2009

Mr. McCOTTER introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To withdraw normal trade relations treatment from the products of foreign countries that do not maintain acceptable standards of religious freedom and worker rights.

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 “Freedom Trade Act”.

1 **SEC. 2. WITHDRAWAL OF NORMAL TRADE RELATIONS**  
2 **TREATMENT FROM PRODUCTS OF FOREIGN**  
3 **COUNTRIES THAT DO NOT MAINTAIN AC-**  
4 **CEPTABLE STANDARDS OF RELIGIOUS FREE-**  
5 **DOM AND WORKER RIGHTS.**

6 Title IV of the Trade Act of 1974 is amended by add-  
7 ing at the end the following:

8 **“CHAPTER 3—ADDITIONAL RESTRICTIONS**  
9 **ON TRADE RELATIONS WITH FOREIGN**  
10 **COUNTRIES**

11 **“SEC. 441. WITHDRAWAL OF NORMAL TRADE RELATIONS**  
12 **TREATMENT.**

13 “Effective on and after the end of the 6-month period  
14 beginning on the date of the enactment of this chapter,  
15 and subject to the other provisions of this chapter—

16 “(1) normal trade relations treatment shall not  
17 apply to the products of a foreign country with re-  
18 spect to which a certification described in section  
19 442 is not in effect; and

20 “(2) the column 2 rate of duty in the Har-  
21 monized Tariff Schedule of the United States shall  
22 apply to the products of such a foreign country.

23 **“SEC. 442. CERTIFICATION.**

24 “(a) INITIAL CERTIFICATION.—A certification de-  
25 scribed in section 441 is a certification that meets the fol-  
26 lowing requirements:

1           “(1) The United States Commission on Inter-  
2           national Religious Freedom and the Secretary of  
3           State certify to the Committee on Foreign Affairs of  
4           the House of Representatives and the Committee on  
5           Foreign Relations of the Senate that the foreign  
6           country is not engaging in violations of religious  
7           freedom, as defined in section 3 of the International  
8           Religious Freedom Act of 1998 (22 U.S.C. 6402).

9           “(2) The Secretary of State and the Secretary  
10          of Labor certify to the Committee on Foreign Af-  
11          fairs of the House of Representatives and the Com-  
12          mittee on Foreign Relations of the Senate that the  
13          foreign country is not restricting the freedom of  
14          workers to associate and the right of workers to or-  
15          ganize and bargain collectively.

16          “(3) The Secretary of State and the Secretary  
17          of Labor certify to the Committee on Foreign Af-  
18          fairs of the House of Representatives and the Com-  
19          mittee on Foreign Relations of the Senate that the  
20          foreign country does not prohibit or limit the func-  
21          tioning of free and independent labor unions.

22          “(b) RECERTIFICATIONS.—Not later than 12 months  
23          after the date on which an initial certification is made  
24          under subsection (a) with respect to a foreign country and  
25          every 12 months thereafter—

1           “(1) the United States Commission on Inter-  
2           national Religious Freedom, the Secretary of State,  
3           and the Secretary of Labor (as the case may be)  
4           shall transmit to the Committee on Foreign Affairs  
5           of the House of Representatives and the Committee  
6           on Foreign Relations of the Senate a recertification  
7           that the conditions described in subsection (a) are  
8           continuing to be met with respect to the foreign  
9           country; or

10           “(2) if the United States Commission on Inter-  
11           national Religious Freedom, the Secretary of State,  
12           and the Secretary of Labor (as the case may be) is  
13           unable to make such a recertification with respect to  
14           the foreign country, the United States Commission  
15           on International Religious Freedom, the Secretary of  
16           State, and the Secretary of Labor shall transmit to  
17           the Committee on Foreign Affairs of the House of  
18           Representatives and the Committee on Foreign Re-  
19           lations of the Senate a report that contains the rea-  
20           sons therefor.

21           “(c) DEFINITIONS.—For purposes of this section—

22           “(1) the right of workers to organize includes  
23           the right—

24                   “(A) to establish and join organizations of  
25           workers of their own choosing without previous

1 authorization, to write the constitutions and  
2 rules to govern those organizations, to elect or  
3 select the leadership of those organizations, and  
4 to determine the agendas and programs of  
5 those organizations;

6 “(B) to join confederations of organiza-  
7 tions of workers, and affiliate with international  
8 organizations of workers; and

9 “(C) to be protected against dissolution or  
10 suspension of such organizations, confed-  
11 erations, or affiliations by any governmental au-  
12 thority; and

13 “(2)(A) the term ‘free and independent labor  
14 union’ means a labor union that operates independ-  
15 ently of any governmental authority or ruling party,  
16 is not required to join or be affiliated with a specific  
17 political party, and is allowed to strike (subject to an  
18 exception for employees providing essential services  
19 and a temporary exception during instances of acute  
20 national emergency);

21 “(B) the term ‘acute national emergency’  
22 means a crisis in which the normal conditions for  
23 the functioning of society are absent, such as in the  
24 case of a serious conflict, insurrection, or natural  
25 disaster; and

1           “(C) the term ‘essential services’ means those  
2           services that, if interrupted, would endanger the life,  
3           personal safety, or health of the whole or part of the  
4           population.

5   **“SEC. 443. RELATIONSHIP TO OTHER LAW.**

6           “The prohibitions in section 441 apply to a foreign  
7           country in addition to any other provision of law that oth-  
8           erwise operates as a prohibition or limitation on trade re-  
9           lations with the foreign country.”.

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