

115TH CONGRESS
2D SESSION

S. 2307

To require countries to comply with certain labor standards to be eligible for the Generalized System of Preferences, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2018

Mr. MENENDEZ (for himself and Mr. BROWN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To require countries to comply with certain labor standards to be eligible for the Generalized System of Preferences, 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 Rights for De-
5 velopment Act of 2018”.

6 **SEC. 2. LABOR STANDARDS FOR BENEFICIARY DEVEL-**
7 **OPING COUNTRIES.**

8 (a) IN GENERAL.—Section 502(b)(2)(G) of the
9 Trade Act of 1974 (19 U.S.C. 2462(b)(2)(G)) is amended
10 to read as follows:

1 “(G)(i)(I) Such country has not estab-
2 lished, in law and in practice, the following
3 rights as defined by the International Labour
4 Organization:

5 “(aa) Freedom of association.

6 “(bb) The effective recognition of the
7 right to collective bargaining.

8 “(cc) The elimination of all forms of
9 compulsory or forced labor.

10 “(dd) The effective abolition of child
11 labor and the prohibition on the worst
12 forms of child labor.

13 “(ee) The elimination of discrimina-
14 tion in respect of employment and occupa-
15 tion.

16 “(ff) Acceptable conditions of work
17 with respect to minimum wages, hours of
18 work, and occupational safety and health.

19 “(II) Such country does not provide rea-
20 sonable access to the appropriate United States
21 officials to investigate and monitor compliance
22 with the rights specified in subclause (I), in-
23 cluding by ensuring full, independent access to
24 work sites, workers, and managers for the com-
25 pletion of monitoring visits.

1 “(ii) During the 5-year period beginning
2 on the date of the enactment of the Labor
3 Rights for Development Act of 2018, clause (i)
4 shall not apply to any country that—

5 “(I) is making continual progress to-
6 ward establishing laws that are fully con-
7 sistent with the rights specified in sub-
8 clause (I) of that clause; and

9 “(II) does not have in effect laws that
10 prohibit the exercise of any of those
11 rights.”.

12 (b) PUBLICATION OF INFORMATION ON LABOR
13 STANDARDS.—The President shall publish, on a publicly
14 available Internet website—

15 (1) annually until the end of the 5-year period
16 described in clause (ii) of section 502(b)(2)(G) of
17 the Trade Act of 1974, as amended by subsection
18 (a), a description of the continual progress made by
19 each country toward meeting the requirements of
20 that section; and

21 (2) at the end of that 5-year period, a certifi-
22 cation with respect to whether or not each country
23 has met such requirements.

24 (c) CONFORMING AMENDMENTS.—Section 502(c) of
25 the Trade Act of 1974 (19 U.S.C. 2462(c)) is amended—

1 (1) in paragraph (5), by striking the semicolon
2 and inserting “; and”;

3 (2) in paragraph (6)(B), by striking “; and”
4 and inserting a period; and

5 (3) by striking paragraph (7).

6 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR LABOR**

7 **CAPACITY BUILDING.**

8 There are authorized to be appropriated to the De-
9 partment of Labor, for each of the fiscal years 2018
10 through 2020, \$20,000,000 for the Bureau of Inter-
11 national Labor Affairs, to be available to assist countries
12 in meeting the labor obligations described in section
13 502(b)(G)(i)(I) of the Trade Act of 1974, as amended by
14 section 2.

15 **SEC. 4. REGULATIONS.**

16 The United States Trade Representative, in consulta-
17 tion with the Secretary of Labor, shall prescribe such reg-
18 ulations as may be necessary—

19 (1) to provide for the receipt of public petitions
20 from any person at any time with respect to the
21 compliance of countries with the labor obligations
22 described in section 502(b)(G)(i)(I) of the Trade Act
23 of 1974, as amended by section 2;

1 (2) to provide for a thorough and expeditious
2 review of such petitions by the Bureau of Inter-
3 national Labor Affairs of the Department of Labor;

4 (3) to provide a written rationale in the Federal
5 Register supporting any decisions made with respect
6 to such petitions; and

7 (4) to provide for the timely withdrawal, sus-
8 pension, or limitation of duty-free treatment, at a
9 national or industry level, as appropriate, under title
10 V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.)
11 for violations of the labor obligations described in
12 section 502(b)(G)(i)(I) of the Trade Act of 1974, as
13 amended by section 2, by a beneficiary developing
14 country under that title.

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