

115TH CONGRESS  
2D SESSION

# S. 2308

To provide for the suspension of the eligibility for the Generalized System of Preferences of countries that fail to meet minimum standards for the elimination of human trafficking, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2018

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

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## A BILL

To provide for the suspension of the eligibility for the Generalized System of Preferences of countries that fail to meet minimum standards for the elimination of human trafficking, 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 “Anti-Trafficking Trade  
5       Act of 2018”.

1 **SEC. 2. SUSPENSION OF ELIGIBILITY FOR COUNTRIES**  
2 **THAT FAIL TO MEET MINIMUM STANDARDS**  
3 **FOR THE ELIMINATION OF HUMAN TRAF-**  
4 **FICKING.**

5 Section 502(b) of the Trade Act of 1974 (19 U.S.C.  
6 2462(b)) is amended by adding at the end the following:

7 “(3) COUNTRIES THAT FAIL TO MEET MINIMUM  
8 STANDARDS FOR THE ELIMINATION OF HUMAN  
9 TRAFFICKING.—

10 “(A) TIER 3 COUNTRIES.—

11 “(i) SUSPENSION OF DESIGNATION.—

12 Not later than 90 days after the submis-  
13 sion to Congress of an annual report on  
14 trafficking in persons, the President shall,  
15 for each country listed as a tier 3 country  
16 in that report that is designated as a bene-  
17 ficiary developing country for purposes of  
18 this title, suspend that designation for one  
19 year.

20 “(ii) PROHIBITION ON DESIGNA-

21 TION.—During the 1-year period beginning  
22 on the date that is 90 days after the sub-  
23 mission to Congress of an annual report on  
24 trafficking in persons, the President may  
25 not designate a country listed as a tier 3

1 country in that report as a beneficiary de-  
2 veloping country for purposes of this title.

3 “(B) TIER 2 WATCH LIST COUNTRIES.—

4 Not later than 90 days after the submission to  
5 Congress of an annual report on trafficking in  
6 persons, the President shall, for each country  
7 listed as a tier 2 watch list country in that re-  
8 port, notify the government of that country that  
9 a downgrade to the classification of the country  
10 to classification as a tier 3 country in the next  
11 annual report on trafficking in persons will re-  
12 sult in the suspension of the designation of the  
13 country as a beneficiary developing country or  
14 the ineligibility of the country for designation  
15 as a beneficiary developing country, as applica-  
16 ble.

17 “(C) WAIVER.—

18 “(i) IN GENERAL.—The President  
19 may waive a requirement of subparagraph  
20 (A) with respect to a country if, not later  
21 than 90 days after the submission to Con-  
22 gress of the annual report on trafficking in  
23 persons that lists the country as a tier 3  
24 country, the President submits to the ap-  
25 propriate congressional committees a letter

1           stating that the government of the country  
2           has taken concrete actions to implement  
3           the principal recommendations with respect  
4           to that country in the report.

5           “(ii) REQUIREMENTS.—A letter sub-  
6           mitted under clause (i) with respect to a  
7           country shall—

8                   “(I) include a description of the  
9                   concrete actions that the government  
10                  of the country has taken to implement  
11                  the principal recommendations de-  
12                  scribed in that clause;

13                  “(II) be accompanied by sup-  
14                  porting documentation providing cred-  
15                  ible evidence of each such concrete ac-  
16                  tion, including copies of relevant laws  
17                  or regulations adopted or modified,  
18                  and any enforcement actions taken, by  
19                  that country, where appropriate;

20                  “(III) include a certification that  
21                  all eligible articles originating from  
22                  the country are not included on the  
23                  list of goods produced by child labor  
24                  or forced labor maintained by the De-  
25                  partment of Labor and are otherwise

1 reasonably believed to be free of  
2 forced labor;

3 “(IV) include any public com-  
4 ments received from civil society orga-  
5 nizations with respect to the laws and  
6 practices of the country regarding  
7 trafficking in persons; and

8 “(V) be published in the Federal  
9 Register.

10 “(iii) LIMITATION ON WAIVER.—The  
11 President may not exercise the waiver au-  
12 thority under clause (i) with respect to a  
13 country for more than one year.

14 “(D) DEFINITIONS.—In this paragraph:

15 “(i) ANNUAL REPORT ON TRAF-  
16 FICKING IN PERSONS.—The term ‘annual  
17 report on trafficking in persons’ means the  
18 annual report on trafficking in persons re-  
19 quired under section 110(b)(1) of the Traf-  
20 ficking Victims Protection Act of 2000 (22  
21 U.S.C. 7107(b)(1)).

22 “(ii) APPROPRIATE CONGRESSIONAL  
23 COMMITTEES.—The term ‘appropriate con-  
24 gressional committees’ means—

1 “(I) the Committee on Ways and  
2 Means and the Committee on Foreign  
3 Affairs of the House of Representa-  
4 tives; and

5 “(II) the Committee on Finance  
6 and the Committee on Foreign Rela-  
7 tions of the Senate.

8 “(iii) TIER 2 WATCH LIST COUN-  
9 TRY.—The term ‘tier 2 watch list country’  
10 means a country on the list of countries re-  
11 quired by clause (ii) or (iii) of section  
12 110(b)(2)(A) of the Trafficking Victims  
13 Protection Act of 2000 (22 U.S.C.  
14 7107(b)(2)(A)).

15 “(iv) TIER 3 COUNTRY.—The term  
16 ‘tier 3 country’ means a country on the list  
17 of countries required by section  
18 110(b)(1)(C) of the Trafficking Victims  
19 Protection Act of 2000 (22 U.S.C.  
20 7107(b)(1)(C)).”.

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