

115TH CONGRESS
2D SESSION

S. _____

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

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

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”.

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

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

6 “(G)(i)(I) Such country has not estab-
7 lished, in law and in practice, the following
8 rights as defined by the International Labour
9 Organization:

10 “(aa) Freedom of association.

11 “(bb) The effective recognition of the
12 right to collective bargaining.

13 “(cc) The elimination of all forms of
14 compulsory or forced labor.

15 “(dd) The effective abolition of child
16 labor and the prohibition on the worst
17 forms of child labor.

18 “(ee) The elimination of discrimina-
19 tion in respect of employment and occupa-
20 tion.

21 “(ff) Acceptable conditions of work
22 with respect to minimum wages, hours of
23 work, and occupational safety and health.

24 “(II) Such country does not provide rea-
25 sonable access to the appropriate United States
26 officials to investigate and monitor compliance

1 with the rights specified in subclause (I), in-
2 cluding by ensuring full, independent access to
3 work sites, workers, and managers for the com-
4 pletion of monitoring visits.

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

9 “(I) making continual progress to-
10 ward establishing laws are fully consistent
11 with the rights specified in subclause (I) of
12 that clause; and

13 “(II) does not have in effect laws that
14 prohibit the exercise of any of those
15 rights.”.

16 (b) PUBLICATION OF INFORMATION ON LABOR
17 STANDARDS.—The President shall publish, on a publicly
18 available Internet website—

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

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

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

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

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

10 (3) by striking paragraph (7).

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

12 **CAPACITY BUILDING.**

13 There are authorized to be appropriated to the De-
14 partment of Labor, for each of the fiscal years 2018
15 through 2020, \$20,000,000 for the Bureau of Inter-
16 national Labor Affairs, to be available to assist countries
17 in meeting the labor obligations described in section
18 502(b)(G)(i)(I) of the Trade Act of 1974, as amended by
19 section 2.

20 **SEC. 4. REGULATIONS.**

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

24 (1) to provide for the receipt of public petitions
25 from any person at any time with respect to the

1 compliance of countries with the labor obligations
2 described in section 502(b)(G)(i)(I) of the Trade Act
3 of 1974, as amended by section 2;

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

7 (3) to provide a written rationale in the Federal
8 Register supporting any decisions made with respect
9 to such petitions; and

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