H. R. 554

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

A BILL

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Freedom Trade Act”.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2011

Mr. McCotter introduced the following bill; which was referred to the Committee on Ways and Means
SEC. 2. WITHDRAWAL OF NORMAL TRADE RELATIONS
TREATMENT FROM PRODUCTS OF FOREIGN
COUNTRIES THAT DO NOT MAINTAIN AC-
CEPTABLE STANDARDS OF RELIGIOUS FREE-
DOM AND WORKER RIGHTS.

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

"CHAPTER 3—ADDITIONAL RESTRICTIONS
ON TRADE RELATIONS WITH FOREIGN
COUNTRIES

"SEC. 441. WITHDRAWAL OF NORMAL TRADE RELATIONS
TREATMENT.

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

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

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

"SEC. 442. CERTIFICATION.

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

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

“(2) The Secretary of State and the Secretary of Labor certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the foreign country is not restricting the freedom of workers to associate and the right of workers to organize and bargain collectively.

“(3) The Secretary of State and the Secretary of Labor certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the foreign country does not prohibit or limit the functioning of free and independent labor unions.

“(b) RECERTIFICATIONS.—Not later than 12 months after the date on which an initial certification is made under subsection (a) with respect to a foreign country and every 12 months thereafter—
“(1) the United States Commission on International Religious Freedom, the Secretary of State, and the Secretary of Labor (as the case may be) shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a recertification that the conditions described in subsection (a) are continuing to be met with respect to the foreign country; or

“(2) if the United States Commission on International Religious Freedom, the Secretary of State, and the Secretary of Labor (as the case may be) is unable to make such a recertification with respect to the foreign country, the United States Commission on International Religious Freedom, the Secretary of State, and the Secretary of Labor shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the reasons therefor.

“(c) Definitions.—For purposes of this section—

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

“(A) to establish and join organizations of workers of their own choosing without previous
authorization, to write the constitutions and 
rules to govern those organizations, to elect or 
select the leadership of those organizations, and 
to determine the agendas and programs of 
those organizations;

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

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

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

“(B) the term ‘acute national emergency’ 
means a crisis in which the normal conditions for 
the functioning of society are absent, such as in the 
case of a serious conflict, insurrection, or natural 
disaster; and
“(C) the term ‘essential services’ means those services that, if interrupted, would endanger the life, personal safety, or health of the whole or part of the population.

SEC. 443. RELATIONSHIP TO OTHER LAW.

“The prohibitions in section 441 apply to a foreign country in addition to any other provision of law that otherwise operates as a prohibition or limitation on trade relations with the foreign country.”.