

116TH CONGRESS
2D SESSION

H. R. 8884

To amend the Trade Act of 1974 to modify and extend the Generalized System of Preferences, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2020

Mr. BLUMENAUER (for himself, Ms. SEWELL of Alabama, and Ms. MOORE) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Trade Act of 1974 to modify and extend 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. MODIFICATION AND EXTENSION OF GENERAL-**
4 **IZED SYSTEM OF PREFERENCES.**

5 (a) DESIGNATION OF BENEFICIARY DEVELOPING
6 COUNTRIES.—Section 502 of the Trade Act of 1974 (19
7 U.S.C. 2462) is amended—

8 (1) in subsection (b)(2)—

1 (A) by inserting after subparagraph (H)
2 the following:

3 “(I) Such country engages in gross viola-
4 tions of internationally recognized human rights
5 in that country (including any designated zone
6 in that country).

7 “(J) Such country has failed to effectively
8 enforce its environmental laws, regulations, or
9 other measures, or to fulfill its international en-
10 vironmental obligations, including as such obli-
11 gations relate to public health.”; and

12 (B) in the text following subparagraph (J)
13 (as so inserted), by striking “and (H) (to the
14 extent described in section 507(6)(D))” and in-
15 serting “(H) (to the extent described in section
16 507(6)(D)), (I), and (J)”;

17 (2) in subsection (c)—

18 (A) in paragraph (6)(B), by striking “;
19 and” and inserting a semicolon;

20 (B) in paragraph (7), by striking the pe-
21 riod at the end and inserting a semicolon; and

22 (C) by adding at the end the following:

23 “(8) the extent to which such country effec-
24 tively enforces its environmental laws, regulations,
25 and other measures, and fulfills its international en-

1 vironmental obligations, including as such obliga-
2 tions relate to public health; and

3 “(9) the extent to which such country has es-
4 tablished, or is making continual progress toward es-
5 tablishing—

6 “(A) the rule of law, political pluralism,
7 and the right to due process, a fair trial, and
8 equal protection under the law;

9 “(B) economic policies to reduce poverty,
10 increase the availability of health care and edu-
11 cational opportunities, expand physical infra-
12 structure, promote the development of private
13 enterprise, and encourage the formation of cap-
14 ital markets through micro-credit or other pro-
15 grams; and

16 “(C) a system to combat corruption and
17 bribery, such as signing and implementing the
18 Convention on Combating Bribery of Foreign
19 Public Officials in International Business
20 Transactions.”; and

21 (3) by adding at the end the following:

22 “(g) ASSESSMENT AND REPORT ON COMPLIANCE
23 WITH ELIGIBILITY REQUIREMENTS.—

24 “(1) IN GENERAL.—The President shall—

25 “(A) on an annual basis—

1 “(i) conduct assessments on compli-
2 ance of an appropriate number of countries
3 designated as beneficiary developing coun-
4 tries for purposes of this title in meeting
5 or continuing to meet their eligibility re-
6 quirements under this title; and

7 “(ii) make determinations whether to
8 self-initiate full country practice reviews of
9 those countries’ continued eligibility under
10 this title; and

11 “(B) submit to Congress a report con-
12 sisting of the results of such assessments and
13 determinations.

14 “(2) FREQUENCY.—The President shall con-
15 duct an assessment described in clause (i) of para-
16 graph (1)(A) and make a determination described in
17 clause (ii) of such paragraph with respect to each
18 country designated as a beneficiary developing coun-
19 try for purposes of this title not less frequently than
20 once every 3 years.”.

21 (b) SUPPLEMENTAL REVIEW AND REPORTING.—

22 (1) POLICY OF THE UNITED STATES.—It is the
23 policy of the United States to support gender equal-
24 ity and worker rights by promoting legal reforms
25 that address legal, structural, and social barriers

1 that constrain the full and free economic participa-
2 tion of all workers in the global economy.

3 (2) REVIEW OF LAWS.—

4 (A) IN GENERAL.—Title V of the Trade
5 Act of 1974 (19 U.S.C. 2461 et seq.) is amend-
6 ed by inserting after section 504 the following:

7 **“SEC. 504A. REVIEW OF LAWS RELATING TO INTERNATION-**
8 **ALLY RECOGNIZED WORKER RIGHTS AND**
9 **EQUAL RIGHTS AND PROTECTION UNDER**
10 **THE LAW.**

11 “(a) IN GENERAL.—Not later than May 1, 2021, and
12 annually thereafter, the United States Trade Representa-
13 tive and the Deputy Undersecretary of Labor for Inter-
14 national Affairs, in consultation with the policy advisory
15 committee on labor established under section 135(c)(1),
16 shall jointly—

17 “(1) review the laws of each beneficiary devel-
18 oping country relating to internationally recognized
19 worker rights and the affording of equal rights and
20 protection under the law, regardless of gender, in
21 each of the categories described in subsection (b);

22 “(2) assess the legal rights and protections af-
23 forded in such countries; and

1 “(3) submit to Congress a report on the laws
2 of and legal rights and protections afforded in such
3 countries.

4 “(b) CATEGORIES DESCRIBED.—The categories de-
5 scribed in this subsection are the following:

6 “(1) Internationally recognized worker rights.

7 “(2) Mobility.

8 “(3) Employment conditions, benefits and pay,
9 including equal pay for equal work and removal of
10 employment restrictions.

11 “(4) Entrepreneurship.

12 “(5) Assets, including property and inheritance
13 rights.

14 “(6) Equal access to education.

15 “(7) Access to institutions.

16 “(8) Protections from violence and harassment,
17 including gender-based violence and harassment.

18 “(9) Marriage, divorce, and child custody.

19 “(c) METHODOLOGY AND SOURCES.—The report re-
20 quired by subsection (a)(3) shall include—

21 “(1) an explanation of the methodology and
22 sources used for the conduct of reviews under sub-
23 section (a)(1) and the conduct of assessments under
24 subsection (a)(2); and

1 “(2) where relevant, citations to data, informa-
 2 tion, studies, and assessments that were used to pre-
 3 pare the report and were gathered, compiled, or de-
 4 veloped by the United States Government, foreign
 5 governments, multilateral institutions, nongovern-
 6 mental organizations, or educational institutions.

7 “(d) MEASUREMENT OF WOMEN’S ECONOMIC EM-
 8 POWERMENT.—To support the measurement of women’s
 9 economic empowerment, the Trade Representative shall
 10 encourage and support the reporting by beneficiary devel-
 11 oping countries of sex-disaggregated economic and busi-
 12 ness data, including the gathering of information con-
 13 sistent with the United Nations Sustainable Development
 14 Goals, particularly the goals relating to gender equality
 15 and decent work.”.

16 (B) CLERICAL AMENDMENT.—The table of
 17 contents for the Trade Act of 1974 is amended
 18 by inserting after the item relating to section
 19 504 the following:

“Sec. 504A. Review of laws relating to internationally recognized worker rights
 and equal rights and protection under the law.”.

20 (c) EXTENSION OF GENERALIZED SYSTEM OF PREF-
 21 ERENCES.—Section 505 of the Trade Act of 1974 (19
 22 U.S.C. 2465) is amended by striking “December 31,
 23 2020” and inserting “June 30, 2021”.

1 **SEC. 2. UNITED STATES INTERNATIONAL TRADE COMMIS-**
2 **SION STUDY.**

3 Not later than May 1, 2021, the United States Inter-
4 national Trade Commission shall submit to Congress a re-
5 port that contains a study on rules of origin and the utili-
6 zation rates under the Generalized System of Preferences
7 program under title V of the Trade Act of 1974 (19
8 U.S.C. 2461 et seq.), including an assessment of—

9 (1) the utilization rates of least-developed bene-
10 ficiary developing countries under the program; and

11 (2) the effectiveness of the program's rules of
12 origin in promoting trade benefits to least-developed
13 beneficiary developing countries under the program
14 and preventing the transshipment of products from
15 countries that are not beneficiary developing coun-
16 tries under the program.

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