

117TH CONGRESS
1ST SESSION

S. _____

To amend the Trade Act of 1974 to modify the eligibility requirements for the Generalized System of Preferences to strengthen worker protections and to ensure that beneficiary developing countries afford equal rights and protection under the law, regardless of gender, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CASEY (for himself, Ms. CORTEZ MASTO, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Trade Act of 1974 to modify the eligibility requirements for the Generalized System of Preferences to strengthen worker protections and to ensure that beneficiary developing countries afford equal rights and protection under the law, regardless of gender, 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 “Women’s Economic
5 Empowerment in Trade Act of 2021”.

1 **SEC. 2. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
2 **FOR GENERALIZED SYSTEM OF PREF-**
3 **ERENCES.**

4 (a) IN GENERAL.—Section 502 of the Trade Act of
5 1974 (19 U.S.C. 2462) is amended—

6 (1) in subsection (b)(2)—

7 (A) in subparagraph (G), by striking “has
8 not taken or is not taking steps to” and insert-
9 ing “does not substantially”;

10 (B) by inserting after subparagraph (H)
11 the following:

12 “(I) Such country does not substantially
13 afford equal rights and protection under the
14 law, regardless of gender, in the country (in-
15 cluding in any designated zone in that country).

16 “(J) Such country engages in gross viola-
17 tions of internationally recognized human rights
18 in that country (including any designated zone
19 in that country).”; and

20 (C) in the flush text, by striking “and (H)
21 (to the extent described in section 507(6)(D))”
22 and inserting “(H) (to the extent described in
23 section 507(6)(D)), and (I)”; and

24 (2) in subsection (c)—

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

1 (B) by striking paragraph (7) and insert-
2 ing the following:

3 “(7) the extent to which such country affords to
4 workers in that country (including any designated
5 zone in that country) internationally recognized
6 worker rights; and

7 “(8) the extent to which such country affords
8 equal rights and protection under the law, regardless
9 of gender, in that country (including any designated
10 zone in that country).”.

11 (b) COLLECTION AND DISSEMINATION OF INFORMA-
12 TION ON ELIGIBILITY CRITERIA.—Section 502 of the
13 Trade Act of 1974 (19 U.S.C. 2462) is amended by add-
14 ing at the end the following:

15 “(g) COLLECTION AND DISSEMINATION OF INFORMA-
16 TION ON ELIGIBILITY CRITERIA.—The President shall—

17 “(1) collect, from the United States embassy in
18 each country designated as a beneficiary developing
19 country for purposes of this title, information on the
20 extent to which the country meets the eligibility cri-
21 teria described in subparagraphs (G), (H), and (I)
22 of subsection (b)(2); and

23 “(2) publish on a publicly accessible internet
24 website of the Office of the United States Trade
25 Representative—

1 “(A) the information collected under para-
2 graph (1); and

3 “(B) information on the process for filing
4 a petition for the review of the eligibility of a
5 country for designation as a beneficiary devel-
6 oping country.

7 “(h) PUBLICATION OF DETERMINATIONS RELATING
8 TO PETITIONS FOR REVIEW.—The United States Trade
9 Representative shall publish in the Federal Register a no-
10 tice of, and the rationale for, any determination of the
11 Trade Representative with respect to a petition for review
12 of the eligibility of a country for designation as a bene-
13 ficiary developing country, including a determination—

14 “(1) to accept or deny such a petition;

15 “(2) to continue to review the eligibility of the
16 country; or

17 “(3) to withdraw, suspend, or limit the applica-
18 tion of duty-free treatment under this title with re-
19 spect to the country.”.

20 “(c) DEFINITIONS.—Section 507 of the Trade Act of
21 1974 (19 U.S.C. 2467) is amended—

22 (1) in paragraph (4)—

23 (A) in subparagraph (D), by striking “;
24 and” and inserting a semicolon;

1 (B) in subparagraph (E), by striking the
2 period at the end and inserting “; and”; and

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

4 “(F) the elimination of all forms of dis-
5 crimination with respect to occupation and em-
6 ployment; and

7 “(G) the elimination of all forms of vio-
8 lence and harassment in the world of work, in-
9 cluding gender-based violence and harass-
10 ment.”; and

11 (2) by adding at the end the following:

12 “(7) EQUAL RIGHTS AND PROTECTION UNDER
13 THE LAW.—The term ‘equal rights and protection
14 under the law’ refers to measures that provide the
15 same rights, privileges, and protections to all citi-
16 zens, including legal protections to ensure equal ac-
17 cess and protections on the basis of gender regard-
18 less of marital status, including with respect to—

19 “(A) all internationally recognized worker
20 rights;

21 “(B) mobility, including obtaining identi-
22 fication that allows for mobility;

23 “(C) employment conditions, including op-
24 portunities, remuneration including benefits and
25 equal treatment and pay in respect of work of

1 equal value and protections from dismissal and
2 other adverse employment actions on the
3 grounds of pregnancy;

4 “(D) access to financial services, including
5 bank accounts, loans, mortgages, and credit;

6 “(E) assets, including property and inher-
7 itance rights;

8 “(F) access to education;

9 “(G) access to public institutions, including
10 courts;

11 “(H) protections from violence and harass-
12 ment, including gender-based violence and har-
13 assment;

14 “(I) marriage, divorce, and child custody;
15 and

16 “(J) participation in all levels of govern-
17 ment and nongovernmental organizations and
18 associations concerned with the public and po-
19 litical life of the country.”.

20 **SEC. 3. SUPPLEMENTAL REVIEW AND REPORTING.**

21 (a) POLICY OF THE UNITED STATES.—It is the pol-
22 icy of the United States to support gender equality and
23 worker rights by promoting legal reforms that address
24 legal, structural, and social barriers that constrain the full

1 and free economic participation of all workers in the global
2 economy.

3 (b) REVIEW OF COMPLIANCE.—

4 (1) IN GENERAL.—Title V of the Trade Act of
5 1974 (19 U.S.C. 2461 et seq.) is amended by insert-
6 ing after section 504 the following:

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

11 “(a) IN GENERAL.—Not less frequently than annu-
12 ally, the United States Trade Representative and the Dep-
13 uty Undersecretary of Labor for International Affairs, in
14 consultation with the policy advisory committee on labor
15 established under section 135(c)(1), shall jointly—

16 “(1) review the laws of each beneficiary devel-
17 oping country related to the compliance of the coun-
18 try with internationally recognized worker rights and
19 the affording of equal rights and protection under
20 the law, regardless of gender, in each of the cat-
21 egories described in subsection (b);

22 “(2) assess the legal rights and protections af-
23 farded in such countries and the extent to which the
24 country continues to meet the eligibility criteria de-

1 scribed in subparagraphs (G), (H), and (I) of section
2 502(b)(2); and

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

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

8 “(1) Internationally recognized worker rights.

9 “(2) Mobility.

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

13 “(4) Entrepreneurship.

14 “(5) Assets, including property and inheritance
15 rights.

16 “(6) Equal access to education.

17 “(7) Access to institutions.

18 “(8) Protections from violence and harassment,
19 including gender-based violence and harassment.

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

21 “(c) FAILURE TO COMPLY.—If, in the report re-
22 quired by subsection (a) for 5 consecutive years, the Trade
23 Representative and the Deputy Undersecretary, in con-
24 sultation with the policy advisory committee on labor es-
25 tablished under section 135(c)(1), determine that the laws

1 of and legal rights and protections afforded in a bene-
2 ficiary developing country fail to meet the eligibility cri-
3 teria described in subparagraphs (G), (H), and (I) of sec-
4 tion 502(b)(2), the benefits provided to that country under
5 this title shall be reduced by such amount and in such
6 manner as the Trade Representative considers appro-
7 priate.

8 “(d) METRICS.—The Trade Representative and the
9 Deputy Undersecretary shall establish metrics for the con-
10 duct of reviews and assessments under subsection (a).

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

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents for the Trade Act of 1974 is amended by in-
22 serting after the item relating to section 504 the fol-
23 lowing:

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