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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

To amend the Trade Act of 1974 to establish congressional procedures for the termination of economically harmful free trade agreements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LIPINSKI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend the Trade Act of 1974 to establish congressional procedures for the termination of economically harmful free trade agreements, 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 “Truth, Transparency,  
5 Accountability, and Fairness in Trade Act”.

6 **SEC. 2. REPORTING.**

7 Section 163(c) of the Trade Act of 1974 (19 U.S.C.  
8 2213(c)) is amended to read as follows:

1           “(c) ITC REPORTS.—The United States Inter-  
2 national Trade Commission and the Secretary of Labor  
3 shall submit to the Congress, not later than February  
4 15th of each year, a joint report on the operation of the  
5 trade agreements program during the preceding calendar  
6 year. The report shall include, with respect to each free  
7 trade agreement in effect on December 31st of the pre-  
8 ceding calendar year, the following:

9           “(1)(A) The exports, during the preceding cal-  
10 endar year, from the United States to the other  
11 countries that are parties to the free trade agree-  
12 ment, and the imports, during the preceding cal-  
13 endar year, from those other countries to the United  
14 States, of goods and services covered by the agree-  
15 ment, by volume, by industry sector, by commodity,  
16 and by State, that are attributable to the free trade  
17 agreement or a section, chapter, or other portion of  
18 such trade agreement.

19           “(B) A comparison of the export and import  
20 data reported under subparagraph (A) for the pre-  
21 ceding calendar year, with such data for the lesser  
22 of—

23           “(i) the period of 4 calendar years ending  
24 on the day before the first day of such pre-  
25 ceding calendar year; or

1           “(ii) the number of calendar years, occur-  
2           ring before such preceding calendar year, in  
3           which the agreement has been in effect.

4           “(2) A comparison of the export and import  
5           data reported under subparagraphs (A) and (B)  
6           with any forecasts made by the United States Trade  
7           Representative, before the implementation of the  
8           free trade agreement, with respect to such export or  
9           import data for the calendar years with respect to  
10          which the data is reported.

11          “(3)(A) The number of applications filed, dur-  
12          ing the preceding calendar year, for adjustment as-  
13          sistance for workers and firms under title II of this  
14          Act, the number of such applications that were ap-  
15          proved, and the extent to which adjustment assist-  
16          ance has been provided under such approved applica-  
17          tions, as a result of the free trade agreement, na-  
18          tionwide, in each State, and by industry.

19          “(B) A comparison of the data reported under  
20          subparagraph (A) for the preceding calendar year,  
21          with such data for the lesser of—

22                 “(i) the period of 4 calendar years ending  
23                 on the day before the first day of such pre-  
24                 ceding calendar year; or

1           “(ii) the number of calendar years, occur-  
2           ring before such preceding calendar year, in  
3           which the agreement has been in effect.”.

4 **SEC. 3 TERMINATION OF AGREEMENTS OR PORTIONS**  
5 **THEREOF.**

6           Section 125 of the Trade Act of 1974 (19 U.S.C.  
7 2135) is amended by adding at the end the following:

8           “(g) TERMINATION OF AGREEMENTS OR PORTIONS  
9 THEREOF.—

10           “(1) IN GENERAL.—A free trade agreement, or  
11           a section, chapter, or other portion of such trade  
12           agreement in the case of a trade agreement that  
13           provides for the termination of sections, chapters, or  
14           other portions of the trade agreement in accordance  
15           with section 5 of the Truth, Transparency, Account-  
16           ability, and Fairness in Trade Act, shall cease to be  
17           effective with respect to the United States if—

18           “(A) annual reports submitted under sec-  
19           tion 163(e) with respect to the trade agreement  
20           show—

21           “(i) export disruption, which means  
22           declining exports from the United States  
23           to, and rising imports into the United  
24           States from, a country that is party to the  
25           trade agreement—

1                   “(I) in 3 consecutive calendar  
2                   years, or

3                   “(II) in 3 calendar years during  
4                   a consecutive 5-calendar year period,  
5                   overall or for a specific commodity or in-  
6                   dustry, as a result of the free trade agree-  
7                   ment, or a section, chapter, or other por-  
8                   tion of such trade agreement, as deter-  
9                   mined by the Comptroller General of the  
10                  United States;

11                  “(ii) labor disruption, which means an  
12                  increase of 5 percent or more in the num-  
13                  ber of applications for adjustment assist-  
14                  ance for workers and firms under title II  
15                  of this Act—

16                  “(I) in each of 3 consecutive cal-  
17                  endar years, or

18                  “(II) in each of 3 calendar years  
19                  during a consecutive 5-calendar year  
20                  period,

21                  as a result of the free trade agreement, or  
22                  a section, chapter, or other portion of such  
23                  trade agreement, overall or with respect to  
24                  a specific good or industry , as determined

1 by the Comptroller General of the United  
2 States; or

3 “(iii) trade balance disruption, which  
4 means an increase of 5 percent or more in  
5 the trade deficit of the United States in  
6 goods with respect to a country that is a  
7 party to the free trade agreement—

8 “(I) in each of 3 consecutive cal-  
9 endar years, or

10 “(II) in each of 3 calendar years  
11 during a consecutive 5-calendar year  
12 period,

13 as a result of the free trade agreement, or  
14 a section, chapter, or other portion of such  
15 trade agreement, as determined by the  
16 Comptroller General of the United States;  
17 and

18 “(B) a termination bill with respect to  
19 such free trade agreement or a section, chapter,  
20 or other portion of such trade agreement, as  
21 the case may be, relating to export disruption,  
22 labor disruption, or trade balance disruption de-  
23 scribed in clause (i), (ii), or (iii) of subpara-  
24 graph (A), is enacted into law.

1           “(2) TIME LINES.—The Comptroller General  
2 shall, not later than 30 days after any annual report  
3 under section 163(c) is submitted to Congress with  
4 respect to a free trade agreement, make and submit  
5 to Congress a determination of whether or not ex-  
6 port, labor, or trade balance disruption described in  
7 paragraph (1) has occurred with respect to that free  
8 trade agreement.

9           “(h) CONGRESSIONAL TERMINATION AUTHORITY  
10 AND PROCEDURES.—

11           “(1) RULES OF HOUSE OF REPRESENTATIVES  
12 AND SENATE.—This section is enacted by the Con-  
13 gress—

14           “(A) as an exercise of the rulemaking  
15 power of the House of Representatives and the  
16 Senate, respectively, and as such they are  
17 deemed a part of the rules of each House, re-  
18 spectively, but applicable only with respect to  
19 the procedure to be followed in that House in  
20 the case of termination bill described in sub-  
21 section (i), and they supersede other rules only  
22 to the extent that they are inconsistent there-  
23 with; and

24           “(B) with full recognition of the constitu-  
25 tional right of either House to change the rules

1 (so far as relating to that House) at any time,  
2 in the same manner and to the same extent as  
3 in the case of any other rule of that House.

4 “(2) INTRODUCTION AND REFERRAL.—A termi-  
5 nation bill introduced in the House or the Senate  
6 with respect to a free trade agreement for which a  
7 determination of export disruption, labor disruption,  
8 or trade balance disruption has been received under  
9 subsection (g)(1) shall be referred by the Presiding  
10 Officers of the respective Houses to the appropriate  
11 committee, or in the case of a bill containing provi-  
12 sions within the jurisdictions of two or more commit-  
13 tees, jointly to such committees for consideration of  
14 those provisions within their jurisdiction.

15 “(3) AMENDMENTS PROHIBITED.—No amend-  
16 ment to a termination bill shall be in order in either  
17 the House of Representatives or the Senate; and no  
18 motion to suspend the application of this subsection  
19 shall be in order in either House, nor shall it be in  
20 order in either House for the Presiding Officer to  
21 entertain a request to suspend the application of this  
22 subsection by unanimous consent.

23 “(4) PERIOD FOR COMMITTEE AND FLOOR CON-  
24 sideration.—

1           “(A) Except as provided in paragraph (2),  
2           if the committee or committees of either House  
3           to which a termination bill has been referred  
4           have not reported it at the close of the 45th day  
5           after its introduction, such committee or com-  
6           mittees shall be automatically discharged from  
7           further consideration of the termination bill and  
8           it shall be placed on the appropriate calendar.  
9           A vote on final passage of the termination bill  
10          shall be taken in each House on or before the  
11          close of the 15th day after the termination bill  
12          is reported by the committee or committees of  
13          that House to which it was referred, or after  
14          such committee or committees have been dis-  
15          charged from further consideration of the ter-  
16          mination bill. If prior to the passage by one  
17          House of a termination bill of that House, that  
18          House receives the same termination bill from  
19          the other House, then—

20                   “(i) the procedure in that House shall  
21                   be the same as if no termination bill had  
22                   been received from the other House; but

23                   “(ii) the vote on final passage shall be  
24                   on the termination bill of the other House.

1           “(B) For purposes of subparagraph (A), in  
2           computing a number of days in either House,  
3           there shall be excluded any day on which that  
4           House is not in session.

5           “(5) FLOOR CONSIDERATION IN THE HOUSE OF  
6           REPRESENTATIVES.—

7           “(A) A motion in the House of Represent-  
8           atives to proceed to the consideration of a ter-  
9           mination bill shall be highly privileged and not  
10          debatable. An amendment to the motion shall  
11          not be in order, nor shall it be in order to move  
12          to reconsider the vote by which the motion is  
13          agreed to or disagreed to.

14          “(B) Debate in the House of Representa-  
15          tives on a termination bill be limited to not  
16          more than 20 hours, which shall be divided  
17          equally between those favoring and those oppos-  
18          ing the termination bill. A motion to further  
19          limit debate shall not be debatable. It shall not  
20          be in order to move to recommit a termination  
21          bill or to move to reconsider the vote by which  
22          a termination bill is agreed to or disagreed to.

23          “(C) Motions to postpone, made in the  
24          House of Representatives with respect to the  
25          consideration of a termination bill, and motions

1 to proceed to the consideration of other busi-  
2 ness, shall be decided without debate.

3 “(D) All appeals from the decisions of the  
4 Chair relating to the application of the Rules of  
5 the House of Representatives to the procedure  
6 relating to a termination bill shall be decided  
7 without debate.

8 “(E) Except to the extent specifically pro-  
9 vided in the preceding provisions of this sub-  
10 section, consideration of a termination bill shall  
11 be governed by the Rules of the House of Rep-  
12 resentatives applicable to other bills and resolu-  
13 tions in similar circumstances.

14 “(6) FLOOR CONSIDERATION IN THE SEN-  
15 ATE.—

16 “(A) A motion in the Senate to proceed to  
17 the consideration of a termination bill shall be  
18 privileged and not debatable. An amendment to  
19 the motion shall not be in order to move to re-  
20 consider the vote by which the motion is agreed  
21 to or disagreed to.

22 “(B) Debate in the Senate on a termi-  
23 nation bill, and all debatable motions and ap-  
24 peals in connection therewith, shall be limited  
25 to not more than 20 hours. The time shall be

1           equally divided between, and controlled by, the  
2           majority leader and the minority leader or their  
3           designees.

4           “(C) Debate in the Senate on any debat-  
5           able motion or appeal in connection with a ter-  
6           mination bill shall be limited to not more than  
7           1 hour, to be equally divided between, and con-  
8           trolled by, the mover and the manager of the  
9           bill, except that in the event the manager of the  
10          bill is in favor of any such motion or appeal,  
11          the time in opposition thereto shall be con-  
12          trolled by the minority leader or his or her des-  
13          ignee. Such leaders, or either of them, may,  
14          from time under their control on the passage of  
15          a termination bill allot additional time to any  
16          Senator during the consideration of any debat-  
17          able motion or appeal.

18          “(D) A motion in the Senate to further  
19          limit debate is not debatable. A motion to re-  
20          commit a termination bill is not in order.

21          “(E) Consideration in the Senate of any  
22          veto message with respect to a termination bill,  
23          including consideration of all debatable motions  
24          and appeals in connection therewith, shall be  
25          limited to 10 hours, to be equally divided be-

1           tween, and controlled by, the majority leader  
2           and the minority leader or their designee.

3           “(i) DEFINITION.—For purposes of this section, the  
4 term ‘termination bill’ means only a bill of either House  
5 of Congress that is introduced under subsection (h) with  
6 respect to a free trade agreement, or a section, chapter,  
7 or other portion of such trade agreement, with respect to  
8 which a determination by the Comptroller General of ex-  
9 port disruption, labor disruption, or trade balance disrup-  
10 tion has been received under subsection (g)(1) and that  
11 contains—

12           “(1) a provision terminating, within 6 months  
13 after the date of the enactment of the bill, such free  
14 trade agreement, or section, chapter, or other por-  
15 tion of such trade agreement, with respect to specific  
16 goods or industries, to the extent that the deter-  
17 mination of the Comptroller General applies only to  
18 such goods or industries; and

19           “(2) if changes in existing laws or new statu-  
20 tory authorities are required to cancel such free  
21 trade agreement or section, chapter, or other portion  
22 of such trade agreement, and with respect to such  
23 goods or industries, provisions necessary or appro-  
24 priate to terminate such free trade agreement or sec-  
25 tion, chapter, or other portion of such trade agree-

1           ment, by repealing or amending existing laws or pro-  
2           viding new statutory authority.

3           “(j) FUTURE NEGOTIATIONS.—If a termination bill  
4 with respect to a free trade agreement, or a section, chap-  
5 ter, or other portion of such trade agreement, is enacted  
6 into law, then trade authorities procedures, or any other  
7 form of expedited consideration by either House of Con-  
8 gress, shall not apply to a free trade agreement, or section,  
9 chapter, or other portion of such trade agreement, that  
10 is renegotiated in substantially the same form as the free  
11 trade agreement, or section, chapter, or other portion of  
12 such trade agreement, that led to the determination of ex-  
13 port disruption, labor disruption, or trade balance disrup-  
14 tion under subsection (g)(1) with respect to which the ter-  
15 mination bill was enacted.”.

16 **SEC. 4. RETALIATORY ACTIONS.**

17           Section 301(a)(1) of the Trade Act of 1974 (19  
18 U.S.C. 2411(a)(1) is amended—

19                   (1) in subparagraph (A), by striking “or” after  
20           the semicolon;

21                   (2) in subparagraph (B)(ii), by adding “or”  
22           after the semicolon; and

23                   (3) by inserting after subparagraph (B) the fol-  
24           lowing:

1           “(C) a country that is a party to a free  
2           trade agreement with respect to which a termi-  
3           nation bill under section 125(g) has been en-  
4           acted into law has implemented a tariff or non-  
5           tariff barrier by reason of such termination  
6           bill;”.

7   **SEC. 5. SEVERABILITY REQUIREMENT.**

8           The United States Trade Representative shall ensure  
9           that any free trade agreement entered into on or after the  
10          date of the enactment of this Act is negotiated in a form  
11          that provides for the termination with respect to the  
12          United States of specific sections, chapters, or other por-  
13          tions of the agreement.