

114TH CONGRESS  
1ST SESSION

# H. R. 1917

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

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2015

Mr. LIPINSKI (for himself, Mr. NOLAN, Mr. DEFAZIO, Mr. MCGOVERN, Ms. DELAURO, Mr. TONKO, Mr. HIGGINS, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## 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”.

1 **SEC. 2. REPORTING.**

2 Section 163(c) of the Trade Act of 1974 (19 U.S.C.  
3 2213(c)) is amended to read as follows:

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

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

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

1           “(i) the period of 4 calendar years ending  
2           on the day before the first day of such pre-  
3           ceding calendar year; or

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

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

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

22          “(B) A comparison of the data reported under  
23          subparagraph (A) for the preceding calendar year,  
24          with such data for the lesser of—

1           “(i) the period of 4 calendar years ending  
2           on the day before the first day of such pre-  
3           ceding calendar year; or

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

7 **SEC. 3. TERMINATION OF AGREEMENTS OR PORTIONS**  
8           **THEREOF.**

9           Section 125 of the Trade Act of 1974 (19 U.S.C.  
10 2135) is amended by adding at the end the following:

11           “(g) **TERMINATION OF AGREEMENTS OR PORTIONS**  
12 **THEREOF.—**

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

21           “(A) annual reports submitted under sec-  
22           tion 163(e) with respect to the trade agreement  
23           show—

24           “(i) export disruption, which means  
25           declining exports from the United States

1 to, and rising imports into the United  
2 States from, a country that is party to the  
3 trade agreement—

4 “(I) in 3 consecutive calendar  
5 years, or

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

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

19 “(I) in each of 3 consecutive cal-  
20 endar years, or

21 “(II) in each of 3 calendar years  
22 during a consecutive 5-calendar year  
23 period,

24 as a result of the free trade agreement, or  
25 a section, chapter, or other portion of such

1 trade agreement, overall or with respect to  
2 a specific good or industry, as determined  
3 by the Comptroller General of the United  
4 States; or

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

10 “(I) in each of 3 consecutive cal-  
11 endar years, or

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

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

20 “(B) a termination bill with respect to  
21 such free trade agreement or a section, chapter,  
22 or other portion of such trade agreement, as  
23 the case may be, relating to export disruption,  
24 labor disruption, or trade balance disruption de-

1           scribed in clause (i), (ii), or (iii) of subpara-  
2           graph (A), is enacted into law.

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

11          “(h) CONGRESSIONAL TERMINATION AUTHORITY  
12          AND PROCEDURES.—

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

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

1           “(B) with full recognition of the constitu-  
2           tional right of either House to change the rules  
3           (so far as relating to that House) at any time,  
4           in the same manner and to the same extent as  
5           in the case of any other rule of that House.

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

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



1           “(4) PERIOD FOR COMMITTEE AND FLOOR CON-  
2           SIDERATION.—

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

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

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

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

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

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

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

1           “(C) Motions to postpone, made in the  
2 House of Representatives with respect to the  
3 consideration of a termination bill, and motions  
4 to proceed to the consideration of other busi-  
5 ness, shall be decided without debate.

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

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

17           “(6) FLOOR CONSIDERATION IN THE SEN-  
18 ATE.—

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

1           “(B) Debate in the Senate on a termi-  
2 nation bill, and all debatable motions and ap-  
3 peals in connection therewith, shall be limited  
4 to not more than 20 hours. The time shall be  
5 equally divided between, and controlled by, the  
6 majority leader and the minority leader or their  
7 designees.

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

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

1           “(E) Consideration in the Senate of any  
2           veto message with respect to a termination bill,  
3           including consideration of all debatable motions  
4           and appeals in connection therewith, shall be  
5           limited to 10 hours, to be equally divided be-  
6           tween, and controlled by, the majority leader  
7           and the minority leader or their designee.

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

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

24                 “(2) if changes in existing laws or new statu-  
25                 tory authorities are required to cancel such free

1 trade agreement or section, chapter, or other portion  
2 of such trade agreement, and with respect to such  
3 goods or industries, provisions necessary or appro-  
4 priate to terminate such free trade agreement or sec-  
5 tion, chapter, or other portion of such trade agree-  
6 ment, by repealing or amending existing laws or pro-  
7 viding new statutory authority.

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

21 **SEC. 4. RETALIATORY ACTIONS.**

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

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

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

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

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

11 **SEC. 5. SEVERABILITY REQUIREMENT.**

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

○