

**AMENDMENT TO H.R. 1314**

**OFFERED BY MR. LIPINSKI OF ILLINOIS**

Add the after line 18 on page 115

1 **SEC. 112. ITC REPORTS.**

2 The United States International Trade Commission  
3 and the Secretary of Labor shall submit to the Congress,  
4 not later than February 15th of each year, a joint report  
5 on the operation of the trade agreements program during  
6 the preceding calendar year. The report shall include, with  
7 respect to each free trade agreement in effect on Decem-  
8 ber 31st of the preceding 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-

1 ceding calendar year, with such data for the lesser  
2 of—

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

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

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

16 (3)(A) The number of applications filed, during  
17 the preceding calendar year, for adjustment assist-  
18 ance for workers and firms under title II of the  
19 Trade Act of 1974, the number of such applications  
20 that were approved, and the extent to which adjust-  
21 ment assistance has been provided under such ap-  
22 proved applications, as a result of the free trade  
23 agreement, nationwide, in each State, and by indus-  
24 try.

1 (B) A comparison of the data reported under  
2 subparagraph (A) for the preceding calendar year,  
3 with such data for the lesser of—

4 (i) the period of 4 calendar years ending  
5 on the day before the first day of such pre-  
6 ceding calendar year; or

7 (ii) the number of calendar years, occur-  
8 ring before such preceding calendar year, in  
9 which the agreement has been in effect.

10 **SEC. 113. TERMINATION OF AGREEMENTS OR PORTIONS**

11 **THEREOF.**

12 (a) **TERMINATION OF AGREEMENTS OR PORTIONS**

13 **THEREOF.—**

14 (1) **IN GENERAL.—**A free trade agreement, or  
15 a section, chapter, or other portion of such trade  
16 agreement in the case of a trade agreement that  
17 provides for the termination of sections, chapters, or  
18 other portions of the trade agreement in accordance  
19 with section 15, shall cease to be effective with re-  
20 spect to the United States if—

21 (A) annual reports submitted under section  
22 12 with respect to the trade agreement show—

23 (i) export disruption, which means de-  
24 clining exports from the United States to,  
25 and rising imports into the United States

1 from, a country that is party to the trade  
2 agreement—

3 (I) in consecutive calendar years;

4 or

5 (II) in 3 calendar years during a  
6 consecutive 5-calendar year period,  
7 overall or for a specific commodity or  
8 industry, as a result of the free trade  
9 agreement, or a section, chapter, or  
10 other portion of such trade agree-  
11 ment, as determined by the Comp-  
12 troller General of the United States;

13 (ii) labor disruption, which means an  
14 increase of 5 percent or more in the num-  
15 ber of applications for adjustment assist-  
16 ance for workers and firms under title II  
17 of the Trade Act of 1974—

18 (I) in each of 3 consecutive cal-  
19 endar years; or

20 (II) in each of 3 calendar years  
21 during a consecutive 5-calendar year  
22 period, as a result of the free trade  
23 agreement, or a section, chapter, or  
24 other portion of such trade agree-  
25 ment, overall or with respect to a spe-

1                   cific good or industry , as determined  
2                   by the Comptroller General of the  
3                   United States; or

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

9                               (I) in each of 3 consecutive cal-  
10                              endar years; or

11                             (II) in each of 3 calendar years  
12                             during a consecutive 5-calendar year  
13                             period, as a result of the free trade  
14                             agreement, or a section, chapter, or  
15                             other portion of such trade agree-  
16                             ment, as determined by the Comp-  
17                             troller General of the United States;  
18                             and

19                            (B) a termination bill with respect to such  
20                            free trade agreement or a section, chapter, or  
21                            other portion of such trade agreement, as the  
22                            case may be, relating to export disruption, labor  
23                            disruption, or trade balance disruption de-  
24                            scribed in clause (i), (ii), or (iii) of subpara-  
25                            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 12 is submitted to Congress with re-  
4 spect 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           (b) CONGRESSIONAL TERMINATION AUTHORITY AND  
10 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 power  
15 of the House of Representatives and the Sen-  
16 ate, respectively, and as such they are deemed  
17 a part of the rules of each House, respectively,  
18 but applicable only with respect to the proce-  
19 dure to be followed in that House in the case  
20 of termination bill described in subsection (c),  
21 and they supersede other rules only to the ex-  
22 tent that they are inconsistent therewith; and

23                   (B) with full recognition of the constitu-  
24 tional right of either House to change the rules  
25 (so far as relating to that House) at any time,

1 in the same manner and to the same extent as  
2 in the case of any other rule of that House.

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

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

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

24 (A) Except as provided in paragraph (2),  
25 if the committee or committees of either House

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

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

21 (ii) the vote on final passage shall be  
22 on the termination bill of the other House.

23 (B) For purposes of subparagraph (A), in  
24 computing a number of days in either House,



1           there shall be excluded any day on which that  
2           House is not in session.

3           (5) FLOOR CONSIDERATION IN THE HOUSE OF  
4           REPRESENTATIVES.—

5                   (A) A motion in the House of Representa-  
6           tives to proceed to the consideration of a termi-  
7           nation bill shall be highly privileged and not de-  
8           batable. An amendment to the motion shall not  
9           be in order, nor shall it be in order to move to  
10          reconsider the vote by which the motion is  
11          agreed to or disagreed to.

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

21                   (C) Motions to postpone, made in the  
22          House of Representatives with respect to the  
23          consideration of a termination bill, and motions  
24          to proceed to the consideration of other busi-  
25          ness, shall be decided without debate.

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

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

12 (6) FLOOR CONSIDERATION IN THE SENATE.—

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

19 (B) Debate in the Senate on a termination  
20 bill, and all debatable motions and appeals in  
21 connection therewith, shall be limited to not  
22 more than 20 hours. The time shall be equally  
23 divided between, and controlled by, the majority  
24 leader and the minority leader or their des-  
25 ignees.

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

15           (D) A motion in the Senate to further  
16 limit debate is not debatable. A motion to re-  
17 commit a termination bill is not in order.

18           (E) Consideration in the Senate of any  
19 veto message with respect to a termination bill,  
20 including consideration of all debatable motions  
21 and appeals in connection therewith, shall be  
22 limited to 10 hours, to be equally divided be-  
23 tween, and controlled by, the majority leader  
24 and the minority leader or their designee.

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

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

17 (2) if changes in existing laws or new statutory  
18 authorities are required to terminate such free trade  
19 agreement or section, chapter, or other portion of  
20 such trade agreement, and with respect to such  
21 goods or industries, provisions necessary or appro-  
22 priate to terminate such free trade agreement or sec-  
23 tion, chapter, or other portion of such trade agree-  
24 ment, by repealing or amending existing laws or pro-  
25 viding new statutory authority.

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

14 **SEC. 114. RETALIATORY ACTIONS.**

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

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

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

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

23           “(C) a country that is a party to a free  
24 trade agreement with respect to which a termi-  
25 nation bill under section 13(a) of the Bipartisan

1 Congressional Trade Priorities and Account-  
2 ability Act of 2015 has been enacted into law  
3 has implemented a tariff or nontariff barrier by  
4 reason of such termination bill;”.

5 **SEC. 115. SEVERABILITY REQUIREMENT.**

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

