

107TH CONGRESS
1ST SESSION

S. 138

To authorize negotiation for the accession of Chile to the North American
Free Trade Agreement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. GRAMM introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

To authorize negotiation for the accession of Chile to the
North American Free Trade Agreement, 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 “Chile-NAFTA Acces-
5 sion Act”.

6 **SEC. 2. ACCESSION OF CHILE TO THE NORTH AMERICAN**
7 **FREE TRADE AGREEMENT.**

8 (a) IN GENERAL.—Subject to section 3, the Presi-
9 dent is authorized to enter into an agreement described
10 in subsection (b) and the provisions of section 151(c) of

1 the Trade Act of 1974 (19 U.S.C. 2191(c)) shall apply
 2 with respect to a bill to implement such agreement if such
 3 agreement is entered into on or before December 31,
 4 2002.

5 (b) AGREEMENT DESCRIBED.—An agreement de-
 6 scribed in this subsection means an agreement that—

7 (1) provides for the accession of Chile to the
 8 North American Free Trade Agreement; or

9 (2) is a bilateral agreement between the United
 10 States and Chile that provides for the reduction and
 11 ultimate elimination of tariffs and other nontariff
 12 barriers to trade and the eventual establishment of
 13 a free trade area between the United States and
 14 Chile.

15 **SEC. 3. INTRODUCTION AND FAST-TRACK CONSIDERATION**
 16 **OF IMPLEMENTING BILL.**

17 (a) INTRODUCTION IN HOUSE AND SENATE.—When
 18 the President submits to Congress a bill to implement a
 19 trade agreement described in section 2, the bill shall be
 20 introduced (by request) in the House and the Senate as
 21 described in section 151(c) of the Trade Act of 1974 (19
 22 U.S.C. 2191(c)).

23 (b) RESTRICTIONS ON CONTENT.—A bill to imple-
 24 ment a trade agreement described in section 2—

1 (1) shall contain only provisions that are nec-
2 essary to implement the trade agreement; and

3 (2) may not contain any provision that estab-
4 lishes (or requires or authorizes the establishment
5 of) a labor or environmental protection standard or
6 amends (or requires or authorizes an amendment of)
7 any labor or environmental protection standard set
8 forth in law or regulation.

9 (c) POINT OF ORDER IN SENATE.—

10 (1) APPLICABILITY TO ALL LEGISLATIVE
11 FORMS OF IMPLEMENTING BILL.—For the purposes
12 of this subsection, the term “implementing bill”
13 means the following:

14 (A) THE BILL.—A bill described in sub-
15 section (a), without regard to whether that bill
16 originated in the Senate or the House of Rep-
17 resentatives.

18 (B) AMENDMENT.—An amendment to a
19 bill referred to in subparagraph (A).

20 (C) CONFERENCE REPORT.—A conference
21 report on a bill referred to in subparagraph (A).

22 (D) AMENDMENT BETWEEN HOUSES.—An
23 amendment between the houses of Congress in
24 relation to a bill referred to in subparagraph
25 (A).

1 (E) MOTION.—A motion in relation to an
 2 item referred to in subparagraph (A), (B), (C),
 3 or (D).

4 (2) MAKING OF POINT OF ORDER.—

5 (A) AGAINST SINGLE ITEM.—When the
 6 Senate is considering an implementing bill, a
 7 Senator may make a point of order against any
 8 part of the implementing bill that contains ma-
 9 terial in violation of a restriction under sub-
 10 section (b).

11 (B) AGAINST SEVERAL ITEMS.—Notwith-
 12 standing any other provision of law or rule of
 13 the Senate, when the Senate is considering an
 14 implementing bill, it shall be in order for a Sen-
 15 ator to raise a single point of order that several
 16 provisions of the implementing bill violate sub-
 17 section (b). The Presiding Officer may sustain
 18 the point of order as to some or all of the provi-
 19 sions against which the Senator raised the point
 20 of order.

21 (3) EFFECT OF SUSTAINMENT OF POINT OF
 22 ORDER.—

23 (A) AGAINST SINGLE ITEM.—If a point of
 24 order made against a part of an implementing
 25 bill under paragraph (2)(A) is sustained by the

1 Presiding Officer, the part of the implementing
2 bill against which the point of order is sus-
3 tained shall be deemed stricken.

4 (B) AGAINST SEVERAL ITEMS.—In the
5 case of a point of order made under paragraph
6 (2)(B) against several provisions of an imple-
7 menting bill, only those provisions against
8 which the Presiding Officer sustains the point
9 of order shall be deemed stricken.

10 (C) STRICKEN MATTER NOT IN ORDER AS
11 AMENDMENT.—Matter stricken from an imple-
12 menting bill under this paragraph may not be
13 offered as an amendment to the implementing
14 bill (in any of its forms described in paragraph
15 (1)) from the floor.

16 (4) WAIVERS AND APPEALS.—

17 (A) WAIVERS.—Before the Presiding Offi-
18 cer rules on a point of order under this sub-
19 section, any Senator may move to waive the
20 point of order as it applies to some or all of the
21 provisions against which the point of order is
22 raised. Such a motion to waive is amendable in
23 accordance with the rules and precedents of the
24 Senate.

(B) APPEALS.—After the Presiding Officer rules on a point of order under this subsection, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(C) THREE-FIFTHS MAJORITY REQUIRED.—

(i) WAIVERS.—A point of order under this subsection is waived only by the affirmative vote of at least the requisite majority.

(ii) APPEALS.—A ruling of the Presiding Officer on a point of order under this subsection is sustained unless at least the requisite majority votes not to sustain the ruling.

(iii) REQUISITE MAJORITY.—For purposes of clauses (i) and (ii), the requisite majority is three-fifths of the Members of the Senate, duly chosen and sworn.

(d) APPLICABILITY OF FAST TRACK PROCEDURES.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(1) in subsection (b)(1)—

1 (A) by inserting “section 3 of the Chile-
2 NAFTA Accession Act,” after “the Omnibus
3 Trade and Competitiveness Act of 1988,”; and

4 (B) by amending subparagraph (C) to read
5 as follows:

6 “(C) if changes in existing laws or new
7 statutory authority is required to implement
8 such trade agreement or agreements or such ex-
9 tension, provisions, necessary to implement
10 such trade agreement or agreements or such ex-
11 tension, either repealing or amending existing
12 laws or providing new statutory authority.”,
13 and

14 (2) in subsection (c)(1), by inserting “or under
15 section 3 of the Chile-NAFTA Accession Act,” after
16 “the Uruguay Round Agreements Act,”.

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