

105TH CONGRESS
1ST SESSION

S. 85

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 21, 1997

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 “NAFTA Accession
5 Act”.

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

8 Subject to section 3, the President is authorized to
9 enter into an agreement which provides for the accession
10 of Chile to the North American Free Trade Agreement

1 and the provisions of section 151(c) of the Trade Act of
 2 1974 (19 U.S.C. 2191(c)) shall apply with respect to a
 3 bill to implement such agreement if such agreement is en-
 4 tered into on or before December 31, 1998.

5 **SEC. 3. INTRODUCTION AND FAST-TRACK CONSIDERATION**
 6 **OF IMPLEMENTING BILL.**

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

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

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

17 (2) may not contain any provision that estab-
 18 lishes (or requires or authorizes the establishment
 19 of) a labor or environmental protection standard or
 20 amends (or requires or authorizes an amendment of)
 21 any labor or environmental protection standard set
 22 forth in law or regulation.

23 (c) POINT OF ORDER IN SENATE.—

24 (1) APPLICABILITY TO ALL LEGISLATIVE
 25 FORMS OF IMPLEMENTING BILL.—For the purposes

1 of this subsection, the term “implementing bill”
2 means the following:

3 (A) THE BILL.—A bill described in sub-
4 section (a), without regard to whether that bill
5 originated in the Senate or the House of Rep-
6 resentatives.

7 (B) AMENDMENT.—An amendment to a
8 bill referred to in subparagraph (A).

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

11 (D) AMENDMENT BETWEEN HOUSES.—An
12 amendment between the houses of Congress in
13 relation to a bill referred to in subparagraph
14 (A).

15 (E) MOTION.—A motion in relation to an
16 item referred to in subparagraph (A), (B), (C),
17 or (D).

18 (2) MAKING OF POINT OF ORDER.—

19 (A) AGAINST SINGLE ITEM.—When the
20 Senate is considering an implementing bill, a
21 Senator may make a point of order against any
22 part of the implementing bill that contains ma-
23 terial in violation of a restriction under sub-
24 section (b).

1 (B) AGAINST SEVERAL ITEMS.—Notwith-
 2 standing any other provision of law or rule of
 3 the Senate, when the Senate is considering an
 4 implementing bill, it shall be in order for a Sen-
 5 ator to raise a single point of order that several
 6 provisions of the implementing bill violate sub-
 7 section (b). The Presiding Officer may sustain
 8 the point of order as to some or all of the provi-
 9 sions against which the Senator raised the point
 10 of order.

11 (3) EFFECT OF SUSTAINMENT OF POINT OF
 12 ORDER.—

13 (A) AGAINST SINGLE ITEM.—If a point of
 14 order made against a part of an implementing
 15 bill under paragraph (2)(A) is sustained by the
 16 Presiding Officer, the part of the implementing
 17 bill against which the point of order is sus-
 18 tained shall be deemed stricken.

19 (B) AGAINST SEVERAL ITEMS.—In the
 20 case of a point of order made under paragraph
 21 (2)(B) against several provisions of an imple-
 22 menting bill, only those provisions against
 23 which the Presiding Officer sustains the point
 24 of order shall be deemed stricken.

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

(4) WAIVERS AND APPEALS.—

(A) WAIVERS.—Before the Presiding Officer rules on a point of order under this subsection, any Senator may move to waive the point of order as it applies to some or all of the provisions against which the point of order is raised. Such a motion to waive is amendable in accordance with the rules and precedents of the 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 af-

firmative 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.

(c) 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)—

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

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

“(C) if changes in existing laws or new statutory authority is required to implement such trade agreement or agreements or such extension, provisions, necessary to implement such trade agreement or agreements or such ex-

1 tension, either repealing or amending existing
2 laws or providing new statutory authority.”;
3 and
4 (2) in subsection (c)(1), by inserting “or under
5 section 3 of the NAFTA Accession Act,” after “the
6 Uruguay Round Agreements Act,”.

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