

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.

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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

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## 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.

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

7 (4) WAIVERS AND APPEALS.—

8 (A) WAIVERS.—Before the Presiding Offi-  
9 cer rules on a point of order under this sub-  
10 section, any Senator may move to waive the  
11 point of order as it applies to some or all of the  
12 provisions against which the point of order is  
13 raised. Such a motion to waive is amendable in  
14 accordance with the rules and precedents of the  
15 Senate.

16 (B) APPEALS.—After the Presiding Officer  
17 rules on a point of order under this subsection,  
18 any Senator may appeal the ruling of the Pre-  
19 siding Officer on the point of order as it applies  
20 to some or all of the provisions on which the  
21 Presiding Officer ruled.

22 (C) THREE-FIFTHS MAJORITY RE-  
23 QUIRED.—

24 (i) WAIVERS.—A point of order under  
25 this subsection is waived only by the af-

1 firmative vote of at least the requisite ma-  
2 jority.

3 (ii) APPEALS.—A ruling of the Presid-  
4 ing Officer on a point of order under this  
5 subsection is sustained unless at least the  
6 requisite majority votes not to sustain the  
7 ruling.

8 (iii) REQUISITE MAJORITY.—For pur-  
9 poses of clauses (i) and (ii), the requisite  
10 majority is three-fifths of the Members of  
11 the Senate, duly chosen and sworn.

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

15 (1) in subsection (b)(1)—

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

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

21 “(C) if changes in existing laws or new  
22 statutory authority is required to implement  
23 such trade agreement or agreements or such ex-  
24 tension, provisions, necessary to implement  
25 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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