

106TH CONGRESS  
1ST SESSION

# S. 111

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 19, 1999

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       (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 2000.

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.

1 (B) APPEALS.—After the Presiding Officer  
2 rules on a point of order under this subsection,  
3 any Senator may appeal the ruling of the Pre-  
4 siding Officer on the point of order as it applies  
5 to some or all of the provisions on which the  
6 Presiding Officer ruled.

7 (C) THREE-FIFTHS MAJORITY RE-  
8 QUIRED.—

9 (i) WAIVERS.—A point of order under  
10 this subsection is waived only by the af-  
11 firmative vote of at least the requisite ma-  
12 jority.

13 (ii) APPEALS.—A ruling of the Presid-  
14 ing Officer on a point of order under this  
15 subsection is sustained unless at least the  
16 requisite majority votes not to sustain the  
17 ruling.

18 (iii) REQUISITE MAJORITY.—For pur-  
19 poses of clauses (i) and (ii), the requisite  
20 majority is three-fifths of the Members of  
21 the Senate, duly chosen and sworn.

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

25 (1) in subsection (b)(1)—

1 (A) by inserting “section 3 of the NAFTA  
2 Accession Act,” after “the Omnibus Trade and  
3 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 NAFTA Accession Act,” after “the  
16 Uruguay Round Agreements Act,”.

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