

### STEVENS AMENDMENT

Senator Stevens is expected to offer an amendment to the NAFTA implementing bill strike those provisions relating to the side agreements. The Chair will on his own motion rule the Stevens amendment out of order on the ground that the fast track prohibits amendments to implementing bills. Senator Stevens is then expected to either appeal the ruling of the Chair or raise a constitutional point of order against the ruling of the Chair. Under the fast track rules, debate on either motion is limited to one hour equally divided. At the end of that hour of debate, the question will be put to the Senate for disposition by majority vote.

#### Stevens Argument

- o Article I, Section 7, Clause 1 of the Constitution states:  
"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."
- o The NAFTA bill is a revenue bill. Therefore, the Senate must be allowed to propose amendments to that bill. To the extent the fast track precludes such amendments, it is unconstitutional.

#### Constitutional Response

- o Article I, Section 5, Clause 2 of the Constitution states:  
"Each House may determine the Rules of its Proceedings . . ."
- o The fast track procedures, while contained in a statute (the Trade Act of 1974), were explicitly enacted by the Congress "as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House . . ."
- o The section of the Constitution cited by Senator Stevens states that the Senate, not an individual Senator, may propose or concur with amendments. Thus, the right to offer amendments belongs to the Senate as a whole, not to individual Senators. Under the fast track, the Senate has chosen to give up the right to amend implementing bills under these special circumstances.
- o In fact, the Senate limits the ability of individual Senators to offer amendments to revenue bills all the time by unanimous consent. If adopted, the Stevens argument would mean that the Senate could never in any way limit the ability of Senators to offer amendments to revenue bills, even by unanimous consent, because such UC agreements would be unconstitutional.
- o Under the fast track, the Senate through the six committees with jurisdiction over the NAFTA bill, did have an opportunity to offer amendments during the mock markup process. A number of provisions in the bill were amendments offered by individual Senators in committee.

Political Response

- o Anyone who supports either the NAFTA or the fast track process in general must oppose the Stevens amendment, because it will kill both.
- o The Stevens amendment kills the fast track process because it undermines the central purpose of that process: To require an up or down vote on the implementing bill as a whole, without amendment. Once we start permitting amendments to implementing bills, fast track is gone. Killing fast track undermines not just the NAFTA, but also any chance of obtaining a Uruguay Round agreement or any other future trade agreement under fast track.
- o Because the Stevens amendment would open the NAFTA implementing bill to amendment, it effectively kills the NAFTA. The implementing bill, like any bill, is not perfect. But if Senators can change its provisions through amendment, then we will be able to change the terms of the NAFTA agreement. Unilateral changes in the agreement by the U.S. Senate will not be accepted by Mexico, and the agreement will be broken.