

to define our great State of Montana. When you talk with Nikki, you see the spirit and energy in her and also the determination and the will. She is a wonderful person. I am so honored she has graced our State with this win.

Mr. President, is there any remaining time in morning business?

The PRESIDING OFFICER. There is 15 seconds remaining.

Mr. BAUCUS. I will let that time expire.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 3569, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3569) to implement the United States-Oman Free Trade Agreement.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, in 1833, a merchant named Edmund Roberts piloted the U.S. warship Peacock to the port of Muscat, the capital of today's Oman. Roberts bore a letter from President Andrew Jackson to the Sultan Said. Three days later, Roberts and the Sultan signed a Treaty of Amity and Commerce. This was the first treaty between America and Oman, 1833. That treaty with Oman was part of a bigger picture, of course. That bigger picture included Siam, today's Thailand, and Cochin China, today's Vietnam. Edmund Roberts also traveled to those countries to initiate broader commercial ties.

Today we are considering implementing legislation for another treaty with Oman, a free-trade agreement. Today I ask again, what is the bigger picture? From where I stand, the bigger picture is a grim one. It is a picture colored by resentment, frustration, and broken promises.

This agreement, as others in the past, will be overshadowed by the unfair process by which the agreement was considered. The substance of the Oman agreement, like others, is largely good. The Omanis have made real progress in liberalizing their economy, ensuring their markets are open and fair, and improving their labor laws to meet internationally recognized norms. Yet the memories of this agree-

ment that will linger will not be tariffs, labor laws, or intellectual property rights protection. Regrettably, what will linger will be a feeling that these trade agreements were pushed through Congress without appropriate consultation. I don't say that lightly, and I don't say that for partisan purpose because I, frankly, don't regard myself as a partisan; rather, someone who is trying to get the job done, working the Senate's business for the good of all Americans.

The Senate considers trade agreements under what is called the fast-track process. Congress agreed to this fast-track process in exchange for the assurance that the Finance and Ways and Means Committees would have an opportunity to influence these trade bills in what is called a mock markup. In these mock markups, the Finance Committee and the Ways and Means Committee can offer amendments to the bills. Under a fast-track process, that is the last time anyone in Congress gets a chance to change the bills.

During the mock markup of the Oman agreement—we call them mock markups because they are not traditional markups in which members of the committee can offer amendments which are then passed. Rather, the amendments that are offered and passed are really not part of legislation. Again, they are indications of what should be in the trade agreement, indications to the administration that when it sends up a trade agreement, it would be wise to include these amendments which members believe should be included.

During the mock markup of the Oman agreement, the Finance Committee voted 18 to 0 to approve an amendment offered by Senator CONRAD. The committee later approved the amended language unanimously.

But rather than consider these unanimous actions by the committee, this administration simply stripped the amendment from the implementing legislation that is before us today. There was no consultation. There was no mock conference to fairly consider all views.

This kind of process cannot continue. The sad truth is that at the end of the day, it won't. If the administration continues to disrespect the constitutional authority Congress exercises over international trade, there won't be any fast-track process at all. Once trade promotion authority expires mid-next year, it simply won't be renewed. That is not the result I want, but that is where we are headed. I have been warning for years that the process failures threaten to undermine support for the fast-track procedures that allow us to negotiate free-trade agreements, and that is exactly where we are today. Good trade agreements will not receive the support they might because of a widespread failure in the Congress and the administration to listen to the concerns of Congress. And the chance of renewing trade promotion authority

when it expires mid-next year is a long shot at best.

As I said during the markup in the Finance Committee yesterday, this disrespect for congressional power and prerogatives—after all, it is the Congress under the Constitution which sets trade policy—is not confined just to trade agreements. It runs to other matters as well, an accumulation of matters. It runs to other pressing issues of national concern.

The administration dismisses congressional inquiries as unnecessary or harmful—legitimate inquiries—and the administration issues Presidential signing statements indicating the administration's intent to ignore whatever provisions of the law it chooses. I believe the Senate has not been sufficiently aggressive in asserting its authority as a coequal branch of Government. I commend Senator SPECTER for holding a hearing in the Judiciary Committee on Presidential signing statements. As an institutional matter, and for the good of the country, the Congress must act as a check on the power of the executive branch. Our Founding Fathers set the Constitution up that way. We were set up for one to check the other, not for one to run roughshod over the other, which is beginning to happen.

After much consideration and deliberation, I have decided to support this Oman Free Trade Agreement. It was not an easy decision, but I will do so because I believe that Oman and the Omani people should not be punished by the unfair process that tarnishes an otherwise good agreement.

Let me assure you that I will not forget these shortcomings and process failures after this vote. Let me assure you as well that the effects of these shortcomings and failures will continue to be felt when we consider further trade agreements and when we consider trade promotion authority next year.

The administration must understand that its action on this agreement will have effects far beyond and long after this agreement. I would like to work with the administration to repair the damage done. It will be a difficult job, but for the sake of the Senate and the Nation's economic well-being, we must begin that work.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume on the Oman Free Trade Agreement.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. Mr. President, will the Senator yield for a unanimous consent request?